Consequentialism and Its Demands: The Role of Institutions

András Miklós[1] · Attila Tanyi[2,3]

Abstract

Consequentialism is often criticized as being overly demanding, and this overdemandingness is seen as sufficient to reject it as a moral theory. This paper takes the plausibility and coherence of this objection—the Demandingness Objection—as a given. Our question, therefore, is how to respond to the Objection. We put forward a response relying on the framework of institutional consequentialism we introduced in previous work. On this view, institutions take over the consequentialist burden, whereas individuals, special occasions aside, are required to set up and maintain institutions. We first describe the Objection, then clarify the theory of institutional consequentialism and show how it responds to the Objection. In the remainder of the paper, we defend the view against potential challenges.

Keywords Consequentialism · Institutions · Demandingness · Publicity · Criterion of rightness · Decision procedure · Two-level consequentialism · Institutional consequentialism

1 Introduction

Elsewhere we have argued for a form of consequentialism we have dubbed 'institutional consequentialism', and we have shown how it is well suited to deal with persistent global problems. Due to space limitations, we have set aside an important objection to our consequentialist position: the demandingness objection. The present paper addresses this objection. In the next section, we introduce and explain the objection as well as our approach to it. We then, in Section 3, expand on our description of institutional consequentialism in our previous work. This prepares the ground to respond to the demandingness objection in Section 4, which is followed

✉ Attila Tanyi
   attila.tanyi@uit.no

1   Simon Business School, University of Rochester, Rochester, USA

2   Department of Philosophy, UiT The Arctic University of Norway, Tromsø, Norway

3   CIAS, Corvinus University, Budapest, Hungary

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by our defence of our response in Sections 5 and 6. We then elaborate on the global dimension of our response in Section 7 before ending the paper with a summary and some concluding remarks.

2 The Demandingness Objection to Consequentialism

Act-consequentialism is often criticized as being too demanding, and this *over*demandingness is seen as sufficient to reject it as a moral theory. But what is it in act-consequentialism that makes it *so* demanding that we have *pro tanto* reason not to follow its dictates?

To answer this question, we need first to understand the target of the complaint. Act-consequentialism holds that whether an act is morally right depends only on the valuable consequences of that act. More precisely, in its classical form, promotion of the good is understood as maximization. Thus, its single principle (such as beneficence or utility) gives us the act-consequentialist criterion of rightness: 'act in such a way as to produce the best possible consequences'. The Demandingness Objection (henceforth: Objection) originally targeted only utilitarians who advocated consequentialism with a welfarist theory of value. However, the Objection can be employed against any form of act-consequentialism (henceforth: consequentialism) that involves maximization (and perhaps against other versions as well).

What exactly does the Objection say?[1] It is built upon two pillars: one, that consequentialism is excessively demanding and, two, that an adequate morality should not be excessively demanding. Consequentialism requires the agent to promote the good until the point where further efforts would burden the agent as much as they would benefit others. However, the current state of the world is far from ideal: it involves, for example, significant levels of poverty that prevailing levels of charitable donations are insufficient to eradicate.[2] Given that acting to alleviate poverty is likely to have, in sum, better consequences than pursuing individual goals and projects, it seems unavoidable that, if one accepts consequentialism, one must devote most of one's resources to humanitarian projects. At the same time, most would agree that this cannot be accepted, that people should not be required to sacrifice so much to comply with the demands of morality. This is the second pillar of the Objection. Its function is to ground a constraint on admissible moral theories requiring them to avoid excessive demands. If they do not, the conclusion follows that these theories cannot be ones to follow as our moral guide.

We can put the Objection as making an argument in the following general form:

1) Consequentialism makes certain demands on us.

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[1] The Objection is perhaps most clearly stated by those who oppose it. For an early statement, see Sidgwick (1907), p. 87; for a recent statement, see Cullity (2004), Chapter 1. For further references see Hooker (2009), p. 162 footnote 4, as well as the works to be cited later in this section.

[2] Unfortunately, it is easy to cite statistics for this claim. Any report by the WHO, the World Bank, UNICEF, UNDP and so on paints the same dire picture, certainly of the global situation, but also, in most cases, of domestic circumstances.

2) These demands are excessive.

Therefore,

3) Consequentialism is excessively demanding.
4) If a moral theory is excessively demanding, then it should be rejected.

Therefore,

5) Consequentialism should be rejected.

This general form acquires a specific reading depending on how the term 'excessive' is interpreted: what in one's view is objectionable about excessive consequentialist demands. In particular, the way we have introduced the Objection is compatible with three different versions of premise 2) and a fourth can be added as an oft-mentioned alternative. On the moral reading, consequentialism is claimed to be *wrongfully* demanding since it requires agents to make sacrifices that they are not, in fact, morally required to make. On the rational reading, consequentialism is held to be *unreasonably* demanding since it requires agents to make sacrifices that they do not have decisive reason to make. Third, on the motivational reading, consequentialism is taken to be *motivationally* overexerting because it pictures agents as moral saints who can bring themselves to do whatever morality asks of them. A fourth, epistemic reading of the Objection, holds that consequentialism is *epistemically* challenging because it requires agents to be (nearly) all-knowing regarding the consequences of their actions or because it makes agents in some other way severely epistemically disadvantaged (e.g. it requires outstanding computational abilities and/ or understanding of complex principles).

Although it is our contention that a switch in focus on to institutions helps with all four forms of the Objection, in this paper we are not concerned with the rational version of the Objection.[3] The three other readings we will handle in a bundle, although our focus will be on the moral reading. Yet, it is clear that reducing the excessive moral and epistemic demands on individuals would have positive motivational effects as well, and a theory that is motivationally and epistemically less demanding might also be morally more acceptable (depending on whether a moral code like consequentialism should be capable of being applied in conduct). That these different readings of the Objection are in this way intertwined is also indicated by the fact that premise 2) is typically taken to be driven, at least in part, by intuitions that appear to encompass all three versions.

Let us then take the moral reading of the Objection. From this way of putting the Objection, it is clear how one can respond to it: one of the three premises—1), 2), or 4)—must be rejected. This is hardly an option with premise 4) though,

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[3] For further discussion of this reading, see Portmore (2011), Dorsey (2016) and Miklós & Tanyi (2017). The moral reading is the traditional account of the Objection; the motivational reading is perhaps most apparent in Wolf (1982). For the epistemic reading, see Smith (1988) and Hartford (2019).

since if a moral theory is *wrongfully* demanding, then that moral theory is false, hence conclusion 5) follows. This leaves us with premises 1) and 2). Premise 2) is rejected by those who hold that the true morality can never be *too* demanding: that is, that demandingness cannot be used as a side constraint to determine the content of morality. There is, we think, some truth to this response, but this would not be the route we take in this article.[4] This leaves premise 1) as the only possible target. Rejecting this premise is the perhaps most popular way of responding to the Objection, but we will give it a twist. Instead of either restructuring consequentialism or denying the empirical circumstances that give rise to these demands, we change the focus of consequentialism from individuals to institutions.[5] That is, in this paper, we will show how institutional consequentialism can help with reducing moral demands on individuals.

3 Clarifying Institutional Consequentialism

The core idea of our approach is to direct attention to the ability of institutions to reduce moral demands on individuals; this is why we call our view institutional consequentialism.[6] In our earlier work, we have argued that, in addition to institutions' 'usual' instrumental role of applying moral (and non-moral) directives, an institutional division of labour—wherein the consequentialist principle regulates the design of institutional frameworks, while individuals have the duty to set up and maintain these institutions—is supported by further reasons which are compatible with the consequentialist goal and are not based on the independent moral status of non-consequentialist values. In particular, the basic institutional framework performs background adjustments that are not for individuals to make and determines the content of consequentialist morality when individual duties are insufficiently specific without institutional coordination.

In this paper, we assume institutional consequentialism is accepted and query the connection between demands and institutions. But to get there, we should first clarify the form and structure of our view.[7] We think it is best understood as a version of act-consequentialism in which, following the idea of division of labour as set out above,

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[4] This is often called the *extremist strategy*, see Mulgan (2001) and Goodin (2009). This debate ultimately is about what could ground demandingness side constraints. One option is to rely on intuitions, which then leads to a more general debate about the use of intuitions. Cf. Bykvist (2010) and Mulgan (2007). Another approach is to use moral or conceptual arguments. See Smith (1989) for a good discussion.

[5] For a discussion of the second, *empirical strategy*, see Mulgan (2001) and Bykvist (2010). The first approach, the *restructuring strategy*, has given rise to a variety of alternative approaches, some of which regard themselves as consequentialists, others do not. For critical discussion, see Mulgan (2001), (2007); Bykvist (2010). There is also a third, more radical move here: scalar-consequentialism holds that consequentialism makes no demands on us, although it does give us reasons to act. See Norcross (2020).

[6] For other consequentialist views that focus on institutions, see Goodin (1995), Hardin (1986, 1988) and Bailey (1997). Our view differs from these in various ways, but we do use some of their ideas in what follows. For mention of the idea in a non-consequentialist framework, see Nussbaum (2007), pp. 309-10.

[7] The brief summary that follows in this paragraph is based on section 5 of Miklós & Tanyi (2017).

the consequentialist principle regulates the design of institutional frameworks as well as the rights and duties and corresponding principles and procedures individual agents should possess, fulfil and follow.[8] To achieve this, institutional consequentialism emphasizes the distinction between criterion of rightness and decision procedure: while the conduct of individual agents is ultimately evaluated by a (maximizing) act-consequentialist criterion based on the consequentialist principle, agents should normally apply general rules that are in line with common-sense morality and role-related responsibilities (Sidgwick, 1907: 405-6; Smart, 1956: 346; Hare, 1981; Parfit, 1984: 24-9; Railton, 1984: 140-6; Brink, 1989: 256-62; Pettit, 1997: 156-61). Thus, the criterion of rightness is the same both for individuals and for institutions; however, the former are not normally required to apply the consequentialist principle in their everyday conduct.[9] This principle in most cases will not directly guide individual conduct as a decision rule that individuals are required to follow (cf. Eggleston, 2014: 136-7). What instead individuals will follow in their conduct will be possibly a myriad of rules, regulations, elements of common-sense morality and so on two of which stand out in the particular institutional framework we are concerned with: the requirement to establish and maintain consequentialist institutions.

Institutional consequentialism applies this structure with a focus on political, legal, economic and social institutional frameworks that regulate interactions among agents.[10] This is important since these institutions define role-related responsibilities and, owing to the institutional frameworks' complexity, both institutional roles and the actions of their occupants are interdependent (Pogge, 1989: 8-9).[11] Tasks of one role cannot be successfully undertaken without the

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[8] Goodin (1995: 61-2), Bailey (1997: 24-7), Hardin (1988: 14-7, 100-110) and Mulgan (2007: 126-8) appear to agree, although their use of the term 'rule-consequentialism' is ambiguous. For our part, we endorse the standard understanding—cf. Sinnot-Armstrong (2015), sect. 4; Hooker (2016), sect. 4—on which what makes a theory act-consequentialist is its account of the moral qualities of an act, even if about decision procedures it is generally rule-consequentialist. Some might consider this as partial rule-consequentialism leading to debates about what exactly qualifies as rule-consequentialism. Still, we think the orthodox position is that what determines a theory as act-consequentialist is its account of moral criterion: what makes an act right or wrong in our case.

[9] Of course, not being required does not rule out being permitted. Besides, directly promoting the good, that is, applying the consequentialist principle in everyday decisions, might *on occasion* be even required. The relevance of this possibility we will briefly discuss in Sections 6 and 7.

[10] The category of relevant institutions will include institutional frameworks (such as economies and governments) setting parameters within which organizations such as business firms and universities, as well as individual and other agents, operate. Some examples of such frameworks are economic systems, constitutional and legal systems, welfare and educational systems, and systems of professions. For a helpful general treatment of institutions from a teleological perspective, see Miller (2010). Though the functions of these institutions are closely related to the workings of institutions comprising what Rawls (1999: 47-8, 55) calls *the basic structure of society*, we avoid the use of Rawlsian terminology in order to avoid associating institutional consequentialism with a Rawlsian theory of a just basic institutional structure.

[11] We regard institutions as systems of rules which define institutional roles with rights and duties attached to them (Miller, 2010; Rawls, 1971). See also North (1990: 3), who defines institutions as 'humanly devised constraints that shape human interaction'. They 'structure incentives in human exchange, whether political, social, or economic'. The differentiation of roles institutions embody is one key characteristic that distinguishes institutions from simpler social forms, such as norms, conventions and institutions outside the basic structure (Miller, 2010: 22-25).

performance of tasks tied to other roles in the system (Miller, 2010: 24). Furthermore, the outcomes of actions by one institutional player often cannot be considered in isolation from the actions of others. Within the context of these institutional frameworks, the piecemeal ethical evaluation of specific actions, and even specific institutions, risks being inadequate, as it loses sight of their systemic nature (Pogge, 1989: 9). To avoid an unduly narrow focus, a consequentialist evaluation of roles and actions in institutional frameworks should consider alternative institutional frameworks in order to account for interdependencies between roles and institutions that different frameworks generate.

The distinction between criterion of rightness and decision procedure emphasized by institutional consequentialism is subject to a challenge, however, and answering this challenge also helps further clarify our proposal. While the distinction allows us to create a platform ('moral criterion') from which to evaluate people's thinking about moral matters ('decision procedure'), it also invokes the problem where exactly this platform, this 'utilitarian consciousness', is to be situated in people's lives. This is an old problem (cf. Williams, 1973; Williams, 1988) that we would not settle here. Still, we would like to offer at least an initial take on the matter from our more specific institutional point of view. This also helps us to further clarify our position regarding the form and structure of institutional consequentialism.

The problem, to state it slightly differently, is that the rules people use in making decisions largely overlap with the publicly affirmed morality of their society. However, on institutional consequentialism, these rules do not constitute the true morality: that is still given by the act-consequentialist criterion of rightness. The question, then, is how to combine these two moralities. One option is to inform people about both moralities and make it clear to them that the rules they use for decision-making are merely 'summary' rules whose function is instrumental to the true consequentialist aim. The problem with this solution is that, in this case, rules used in decision-making will be subject to change by anyone at any time. This not only calls into question whether they can be considered rules at all, but also reproduces collective action problems: long-term commitments, trust and expectations might break down if too many exceptions are granted, or rules are continuously changed.

Most consequentialists who want to maintain the distinction between criterion and decision procedure, therefore, opt for a different alternative. Their idea is that people should value decision-making rules *for their own sake*, i.e. they should look at them as constituting the true morality. They are not supposed to be aware of their merely instrumental nature. While this could guarantee that the rules are rarely broken, two further problems arise. First, we do not want inflexible rules; after all, one virtue of the consequentialist approach is that it is sensitive to changing empirical circumstances. This outcome could be avoided if we do give some people the right to change the rules. However, this does not affect the second problem: that on this view the true morality must not be publicly affirmed but must be kept secret. All that is added now is that the secret morality will be safeguarded by a small elite of rulers who make sure that the correct rules are used via constant revisions and the requisite education and socialization of people. That is, we are forced to endorse what Sidgwick (1907: 489-90)—approvingly—called 'Government House Utilitarianism'.

However, most people find such a solution unpalatable (although others disagree: Lazari-Radek & Singer, 2010).

We do not accept this assessment of the consequentialist's options. Concerning the first solution, we should not forget that our focus is on institutions. Most institutions have public rules of review and recognition: higher-order rules that tell subjects how to identify, review and change rules (cf. Hart, 1961 on rules of recognition in the legal system). They also have rules concerning how they should be supported and what to do with citizens when they fail to support them. Of course, these rules too can be revised but their revision and change are normally made very difficult and subject to various conditions (think of constitutional amendment procedures). While this solution is not watertight, a sufficiently comprehensive institutional design can make sure that rules are not constantly changed, and sufficient trust is created in the system without violating the 'publicity' requirement.

Concerning the second solution, there is a way to reject the idea that people cannot pursue non-consequentialist decision rules for their own sake while also being aware of their instrumental nature. The idea is that some kind of compartmentalization is possible: people can go on believing what they believe about morality on the intuitive, first-order level while on occasion assessing these beliefs on the higher-order, critical level from an act-utilitarian point of view. That is, we think that something like a Harean two-level institutional consequentialism is defensible: there is, contrary to Williams (1988) or Mackie (1985: 110-1), a way of combining our intuitive thinking ('decision procedure') with a critical level of reflection and assessment ('moral criterion').

Of course, this is not such a simple matter as it sounds. True, some form of compartmentalization is observable in everyday life. Judges do this all the time when they bracket their personal views in making decisions and Rawls' (1993) notion of public justification relies on a similar idea when it requires citizens not to introduce non-public justification in public debates. Still, judges *bracket* their views and do not typically assess them critically based on the views they take up in their public judgments and Rawls' citizens do not typically engage in public justification in order to assess their own views (but to convince others). However, especially in the latter case, but also to an extent in the former, such a (psychological) mechanism cannot be ruled out: there must be spill-over between judges' public judgments and the views they privately hold, and citizens do at least sometimes assess their own views when they offer public justification to others. So, we think the phenomenon already exists, hence it is a psychologically viable possibility that we can rely upon in our response.

In fact, to support this further, as Olson (2014: 192) has pointed out in defending his own 'moral conservationism', 'it does not seem impossible simultaneously to have an occurrent belief that *p* and a disposition to believe not-*p* in certain contexts'. In general, we submit, it is not impossible to have an occurrent belief on the intuitive, first-order level while having the disposition to endorse or not to endorse this belief on the critical level. A further question is, then, how costly this is, over time, mentally or otherwise for the agent. Would the agent's life become unstable from the resulting mental tensions? We do not think so. On the one hand, compartmentalization would not be a pervasive aspect of the agent's life, but an occasional occurrence,

namely in those situations when the agent critically reflects on the decision-making rules they follow. If all goes well and the institutional system is well designed, this will not have to be particularly disrupting. On the other hand, as Olson explains, the beliefs, in our case, for example, about something being required, permitted or prohibited by a first-order, intuitive rule, often come to people naturally and habitually: they are, to paraphrase Olson, 'taken in' by what the rules say, and the corresponding emotions—spontaneous like, dislike, anger, admiration, empathy and so on—can in fact silence or suppress their underlying critical stance on the rules from 'invading' their thinking.

While admittedly more can and should be said about this, given our aim in this paper, we cannot say more here.[12] What we have said so far, we think, nevertheless suffices to make at least a provisional case for our version of institutional consequentialism. It is time to turn to our main question: how does institutional consequentialism help with the Objection?

4 Institutions and Demands

Institutional consequentialism with a focus on the basic structure can help us with the Objection in (at least) three ways. First, a division of labour involving institutions avoids imposing wrongful demands on individuals. Second, institutions economize on the time and attention spent by individuals on the pursuit of consequentialist goals. Third, institutions remove some of the motivational burdens in making and executing decisions. The first claim speaks directly to the moral reading of the demandingness problematic, the second and the third do so indirectly, via tackling, at least in part, the epistemic and motivational demands of consequentialism. The result, we submit, is that institutions thus allow individuals to lead personal lives. Let us consider each of these claims in turn.

Our first claim is that an institutional division of labour avoids imposing wrongful demands on individuals by keeping moral burdens manageable. This claim can be supported by at least three considerations. First, consequentialism is notoriously insensitive to the number of those who contribute to a joint task, and this significantly increases the moral burden on individuals. However, well-designed institutions can successfully counteract this by distributing the burden over all individuals, e.g. in the form of taxation, and by making sure that everyone contributes.

This leads straight to the second consideration. Institutions are the best instruments for coordination in strategic settings (Goodin, 1995: 67). Individuals cannot ensure that their fellow citizens contribute to the fulfilment of consequentialist aims: this is simply not in their power. However, institutions can both set the target to

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[12] Olson himself writes about moral error theory and his priorities lie elsewhere. In particular, unlike him, we also have to reckon with the question what happens if on the critical level we decide to give up our intuitive convictions. At this point, the story intersects with Hare's own discussion concerning the moral emotions appropriate in such cases and whether this is conceptually open to two-level accounts. Cf. Price (2019), sect. 7.

be achieved and make sure that people contribute to its achievement. They allocate responsibilities and help individuals avoid frustrating one another's attempts at promoting the good, as they would when trying to do the same good deed in an uncoordinated manner (Hardin, 1988; Regan, 1980; Harsanyi, 1977; Miklós & Tanyi, 2017). By preventing much waste caused by futile or counterproductive attempts at promoting the good, institutions thus reduce burdens on individuals.

Finally, third, the institutions themselves would be such that they are designed to prevent overburdening those who contribute to their maintenance. Thus, Bailey (1997: 53-4) argues the rationale for designing consequentialist—in his case: utilitarian—institutions is to avoid moral exploitation: situations in which not only aggregate well-being is not optimal but also the utilitarian agent is made worse off.[13] In our imperfect world, Bailey (Ib.: 147-8) then points out, this translates into the task of making sure that utilitarian agents do not impoverish themselves. In Bailey's view, this requires institutions that make sure that utilitarian agents do not have to rush off every time when someone is in need but can instead stand by their posts (be that oneself, one's family or one's projects). In his view, such institutional framework would at least in part consist in a network of substantive and procedural rights (establishing self-ownership and world ownership) as well as reasonable distributive institutions (in particular: a social minimum).

Our second claim is that institutions limit informational and cognitive demands on agents while generating optimal outcomes. Individuals can take a narrow perspective when they interact with (and often compete against) others in institutional settings such as markets and courts, and benefit from an efficient division of labour.[14] Furthermore, institutions can relieve individuals of some informational and cognitive burdens in their charitable contributions as well. Consider the fact that a large part of the consequentialist demands on us are iterative in nature. The particular demand in question is not itself significant; in fact, we can assume that it is rather trivial. Assume, for instance, that due to collective organization, we do not have to give out, at once, a huge sum of money to help the needy, but only a small sum. However, if we have to do this constantly, i.e. if consequentialist demands become too numerous (even if trivial), their intrusion to our life will be constant and objectionably demanding: they will demand our constant attention, not allowing us to get on with our lives (cf. Cullity, 2004). Institutions can again help with this. They can not only make sure that the amount of our contribution is manageable, but also that we do not have to contribute constantly, i.e. decide how much and to which

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[13] Bailey's (1997): 60) main argument for this non-exploitation principle appears to be that without the principle, utilitarianism would be self-defeating. Avoiding exploitation, he argues, is an evolutionarily stable strategy; hence, without the principle, utilitarians will die out, and the world will be worse off in utility terms.

[14] We make this point in more detail in Miklós & Tanyi (2017). For example, markets, when well designed, coordinate decentralized information through the price system to generate efficient outcomes (Hayek, 1976: 20). Markets and legal procedures also facilitate an efficient division of labour in which individual agents can specialize and utilize their comparative advantages even though their interactions may be adversarial (Applbaum, 1999). See Rawls (1993: 266-269) for a discussion of background institutions in a non-consequentialist context. Semple (2022) applies this insight in a consequentialist framework using social welfare functions.

organization to give to help the needy and then write a check several times a day (Goodin, 2009: 9-10). They can do so by, e.g., deducting our contribution from our monthly salary and then distributing it to the relevant agencies on the basis of their reliability and efficiency.

Our third claim is that institutions remove some of the motivational demands of consequentialism from individuals. For one thing, they provide assurance to individual agents that others are going to shoulder their share of the moral burden in the face of pervasive moral disagreement and self-interested motives.[15] Besides changing payoffs associated with existing preferences, institutions can also shape preferences when individual agents cannot do so. Institutions can help 'launder' irrational preferences based on false beliefs (Goodin, 1995: 133). They can also purge antisocial preferences in current and future human beings. For example, institutional pressure, the 'naming and shaming' of wrongdoers and institutionalized dialogue can change our personal motivations better to promote the good.

5 Is Institutional Consequentialism Viable? Two Counterarguments

So far, we have described the (Demandingness) Objection to consequentialism (Section 1) and introduced institutional consequentialism as a response (Sections 2, 3 and 4). Before considering challenges about the demandingness of institutional consequentialism, we want to start with two fundamental objections to our general approach that we adapt from the literature on Rawls' theory of justice. First, Murphy (1998) has argued that demandingness considerations will not give us what he calls *dualism*—the Rawlsian idea that different principles apply to institutions and to individuals. And, the thought is, we need dualism in order to substantiate the present response to the Objection. Second, consequentialism, unlike, for instance, the Rawlsian system, appears to be a monist theory in the following sense: the same criterion of rightness applies to individuals as to institutions. Hence, the dualist idea that is taken to underlie the present response to the Objection may not be justifiable in the case of consequentialism.

Since we take the second problem to be more basic and our response to it will also help with the first problem, let us proceed in reverse order. Rawls and others following him indeed use consequentialism as the prime example of a comprehensive, monist theory: the consequentialist principle should apply both to institutional and to individual conduct. How can we deny this? But we think the relevant question to ask is: once we properly understand what it means for the consequentialist principle to apply to an agent, why should not we deny it? The essential distinction to use here is once again between criterion of rightness and decision procedure.[16] On the view

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[15] Note that this claim is often put as a claim of fairness, see Murphy (2000). However, it is important to keep in mind that the supposed unfairness of consequentialism and its demandingness are two separate issues.

[16] Murphy's formulations of dualism are ambiguous about this point. Insofar as 'practical principle' in the first characterization (Murphy, 1998: 254) refers to a criterion of rightness, as we shall presently point out, we do not deny monism; hence, we do not consider ourselves to be dualist in this sense. However, we do deny what Murphy claims monism requires on his second characterization (271), i.e. that

defended here, the consequentialist principle need not apply to individuals in the sense that it need not directly guide their action: it is not a required decision rule for them. The maximization of the good often cannot and should not be what individuals aim at. The consequentialist principle provides decision-makers with a criterion for the moral assessment of alternative courses of action and the social planner for the design of institutions, but it does not provide a sufficiently action-guiding rule individuals are to follow. Institutional consequentialism charges the institutions of the basic structure with coordinating, allocating and enforcing individual responsibilities, and institutional rules frequently pre-empt the application of consequentialist reasoning to determine individual action.[17]

We suspect that something else lies behind the idea that consequentialism simply cannot be a dualist theory. We can see this by introducing a distinction discussed at length by Scheffler (2005). There are two versions of the idea of division of labour in Rawls' work. There is first a division of *moral* labour that urges us to have separate moral principles for institutions and individuals on the ground that they promote different moral values.[18] Since the relevant moral values in the case of individuals also have to do with partial concerns—such as relationships or self-interest—this is indeed a division of labour that, it seems, institutional consequentialism, being a thoroughly impersonal theory, cannot make use of; on this reading consequentialism must be a monist theory.

Recall, however, that we introduced the idea of a *moral* division of labour as one-half of a distinction.[19] As it happens, the other half—which Scheffler calls an *institutional* division of labour—is more suitable for consequentialist purposes. It relies on the idea that there are different rules for the design of the basic institutional structure of society and for individual conduct. On institutional consequentialism, the consequentialist moral criterion regulates the way in which institutions hang together in institutional systems and guide individual conduct through role-related responsibilities. It seems that institutional division of labour is all that we need to answer Murphy's challenge if interpreted as above.

We can also answer now Murphy's first critical point: that demandingness considerations will not give us what he calls dualism, yet we need dualism in order to substantiate the present response to Objection. We accept the second half of

Footnote 16 (continued)

people must aim at whatever this moral criterion is. We have been arguing that people's responsibility is indeed mediated by institutions. It seems that Murphy is working here with an underlying assumption the denial of which is crucial for our proposal: that there is no distinction between criterion of rightness and decision procedure. This position has its historical pedigree (e.g. Williams, 1973), but we would not debate it here.

[17] To repeat, a duty to directly to promote the good is not entirely missing from our version of institutional consequentialism. We do permit its 'use', just not normally require it, *and* we claim that this would too rarely happen to make institutional consequentialism excessively demanding and a properly monist theory.

[18] The term 'ethical division of labour' comes from Nagel (1979), which is then further pursued in Nagel (1991). We will further qualify the kind of division of labour we have in mind below.

[19] A possible alternative line of response would be to argue that consequentialism is not necessarily impersonal in nature (cf. Hooker, 2011). But we let this go since there is a better answer (or at least a less committal one).

Murphy's claim, so the question is: what supports the first half? At its core, his point is simple: it is perverse to require people to establish and maintain consequentialist institutions, but not require them to pursue the consequentialist aim personally. Our response to this is twofold. First, we do *not* need to claim that the Objection is what justifies dualism for the consequentialist. As we argue elsewhere (Miklós & Tanyi, 2017) and as we have noted earlier, there *are* good reasons to single out institutions as morally special that make a perfectly good case for why individuals should not and—as far as the reasons above are concerned—could not pursue consequentialist aims individually. In short, our first claim is that we should endorse dualism for these (and perhaps other) reasons, and this will still give us a response to the Objection as a (perhaps unintended) side effect of the division of labour that dualism secures for us.

Our second response is more tentative and uses an argument from Goodin (1995: 30-7). We take him to argue that the Objection, contrary to what Murphy claims, does in fact *require* consequentialists to endorse institutional consequentialism. His argument appears to rely on a particular reading of the Objection: that the claim that the consequentialist demand is a wrongful one is a plea for excuses—the excuse being that it is not the individual's job to fulfil the demand, yet it is something that should be done. Goodin thinks that individuals do have this excuse available to them due to the absence of effective coordination on their level. This then exculpates individuals but, in turn, inculpates communities since the job has to be done and communities, in particular, their institutions, have the relevant formal coordination structures. This is a good argument, but a lot depends on whether Goodin is right about his reading of the Objection: can consequentialists demonstrate that the 'job has to be done' by someone? If they cannot, Goodin's argument collapses; if they can, we have a second answer to Murphy's challenge.

6 Is Institutional Consequentialism Too Demanding?

The emerging picture, we think, offers reason for hope. Yet, there are possible criticisms. The most obvious and general one is that we just do not provide enough ammunition to properly tackle the Objection. It can be pointed out that we have not paid adequate attention to the difference between maintaining (running) and setting up (or even just reforming) an institution. Bailey (1997: 149) identifies two sources of the difference between their respective demands. One, institutional reform typically requires political reform which in turn needs political activism to make sure that the reforms take place. Two, even after the reforms are enacted (e.g. as law), expenditures are needed to get new institutions up and running. As Bailey points out, beside leading to increased demands, both sources are also beset with collective action problems: the costs of setting up institutions typically rest on the shoulders of few, but the benefits of institutions once set up are spread throughout society. Moreover, in the transitional period of the 'reform age', the specific decision rule of promoting the good directly will come more to the fore since reforming individuals will be acutely aware of the shortcomings of their institutions from a consequentialist

point of view. In short, given all this, even if maintaining an institution is not objectionably demanding, setting up institutions might well be.

To make headway, we must proceed by simplifying things somewhat. In our response, we therefore consider two schematic scenarios only. In one case, there is an already existing, sufficiently well designed and supported institutional framework in a country. The existing circumstances are not ideal but are near enough to the ideal. In such settings, which we believe characterize most of today's developed societies, the above criticism does not have sufficient force in our opinion. There will be enough initiative and motivation to reform institutions in such a way that burdens are distributed over a high number of individual agents without those agents being required to act as committed consequentialist agents.[20] We should also not forget that institutional systems have nested structures in which one institution can reform another and, in these societies, already reformed, well-functioning institutions will be available to help individuals out in their reform endeavours. Add to this that institutional reform need not be an all-out radical affair, a monolithic, systemic change, but instead it is more likely to be a longer, often incremental, process that goes down on diverse avenues of sub-reforms (Belic, 2023). This in turn reduces the need for massive collective action and the demands it gives rise to.

The other case is admittedly more difficult. Here, we have to imagine a more radically non-ideal situation. That is, there are no or not enough well-designed institutions that could help us reform other institutions; people, moreover, are short-sighted, selfish and, perhaps, corrupt. Rogue states that are aggressive towards other states and oppress their own citizens, and failed states incapable of carrying out basic government functions, provide illustrations of this scenario. In this case, it does seem correct to say that institutional reform is not feasible. Of course, these societies can also change but this happens in radical ways that consist in eradicating and then redesigning the entire institutional system. The effort would be led by, among others, committed consequentialists whose life is driven by their convictions (for example). However, for this very reason, it is unlikely that there is a universal consequentialist obligation to fight for institutional reform in these circumstances: owing to the low probability such efforts' success, their expected utility (or whatever the relevant consequence is) would be too low.[21]

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[20] As Belic (2023) argues, people have a meta-interest in avoiding conflicts between moral demands and self-interest and that advancing this meta-interest is important for affirming their self-respect. Crucially, she further argues that adopting the promotion of just institutions can help people advance this meta-interest in different ways. In short, her point is that promoting just institutions is in fact in people's self-interest. This not only provides the requisite motivation but also severely reduces *moral* demands on people. Although our interest is not in just institutions in her (Rawlsian) sense, we think her reasoning can be applied also to our case.

[21] This reasoning could be objected to as leading to a picture of demands that is *under*demanding. One could point out that it cannot be right to say that in such, perhaps radically non-ideal circumstances one is not required to contribute to institution-building. However, in this regard, we bite the bullet: we think it is clear that the futility of the enterprise removes this duty from the overall picture (cf. Valentini 2021). Furthermore, the practical relevance of this criticism is limited since, as we argue below and in Miklós & Tanyi (2017), much of the force of this worry arises from existing *global* circumstances and the current global institutional framework can be reformed to better respond to global challenges.

The limited force of the challenge becomes even clearer once we focus on the correct understanding of the Objection. Namely, we hold that the Objection applies to a theory only if that theory is *systematically* (over)demanding; what needs to be shown is that it can be expected to *commonly* generate duties to promote the good that are excessively demanding. Accordingly, the above challenge to institutional consequentialism needs to establish that specific actions to tackle unsolved problems through working for consequentialist institutions are both (1) cost-effective (to avoid the second scenario) and (2) too demanding (to avoid the first scenario). We submit that these two conditions do not jointly hold for the relevant unsolved problems in ways that would generate systematically overdemanding consequentialist requirements. This is because either (1) the relevant institutional efforts are not cost-effective; hence, there is no consequentialist duty to pursue them, or (2) when cost-effective measures to tackle unsolved problems exist, these will not systematically impose excessively demanding burdens on agents who undertake them. The criticism then fails since to show that institutional consequentialism allows for individual duties going beyond compliance with existing institutional rules on occasion does not suffice to show that it is also excessively demanding in the proper sense as outlined above.

If this is not considered enough, we would like to add a further general point to support our case. We think that the challenge relies in part on an illegitimate separation of two kinds of demands and focuses only on one of them. To judge whether institutional consequentialism is excessively demanding, it seems more sensible to consider the two sets of demands—those of maintaining and setting up or reforming institutions—*together*, rather than separately as a limited time-slice view on which the demands of setting up institutions make institutional consequentialism subject to the Objection. This separation loses sight of the possibility that, once the proper institutional setup is in place, the demands on individuals may be significantly reduced and over time this may balance out previous demands.[22] If so, the overall calculation of demands might not be as daunting as it first appears to be, perhaps even in the case of second scenario, but certainly in the first.[23]

Moreover, while we do not share Goodin's (2009), 11) general view that a true morality cannot be too demanding (since we take demandingness as a side constraint on acceptable moral theories, which is a view Goodin does not share), we do find his weaker view appealing. It is that not all moral demands are created equal and while it is not crucial that people do not 'offend' less important moral demands, it is crucial that they try to live up to the more important ones. Unsurprisingly, given

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[22] This is even more so if we reckon not only with active but also with passive effects (Sobel, 2007) since out in the far future a well-built and completed consequentialist institutional system will confer significant passive benefits on its members. At the same time, invoking the far future has its own significant perils for a consequentialist (Mogensen, 2021).

[23] Arguably, whether this *helps* with the Objection depends on two largely empirical matters: whether human history turns out to be sufficiently progressive, and whether progressing to (much) better institutions happens, if not within a lifetime, still within a sufficiently short period so that we avoid excessively burdening existing generations (in order that much later generations do not encounter excessive demands).

how the world is and what we have said so far, the demand to set up and maintain institutions would exactly be such a crucial demand on our view.[24]

In short, we do not think the Objection applies in any obvious way to institutional consequentialism if the situations in which it is supposed to apply are distinguished and analyzed carefully and given certain more general considerations as to how the Objection is best understood.

7 The Global Application of Institutional Consequentialism

There is still the question whether institutional consequentialism works also on the global level as a response to the Objection. Arguably, the Objection is most persuasive when we appeal to existing global problems (e.g. poverty, peace and climate change). Does the institutional approach have the resources to respond to the Objection in the face of global issues? If relevant institutions are missing or inadequate but the tasks are formidable, an institutional division of labour cannot contain the demands individuals face. Or so it might seem.

We do not accept that this objection defeats institutional consequentialism. Global problems are unlikely to render consequentialist requirements overly demanding. One reason for this is that the current global institutional framework can successfully mitigate consequentialist requirements.[25] Elsewhere we argue that this institutional framework including the nation-state system and supranational institutions already performs some important consequentialist tasks (Miklós & Tanyi, 2017: 285-288).[26] This institutionally regulated division of labour reduces the burdens on individuals by spreading thin the burdens of compliance across a larger number of parties, by facilitating specialization in the performance of functionally defined tasks, by clearly allocating responsibilities and coordinating the manner in which agents implement them, and by providing assurance that responsibilities will be mutually honoured. For example, the state system reduces burdens by distributing responsibilities among governments for their citizens' welfare (Goodin, 1988: 685). Supranational institutions with functionally defined mandates in areas such

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[24] In fact, this is a demand that we reckon all moral theories—certainly the standard impartial ones—would have in the present situation of the world (first scenario above). So, in a sense, we are indeed 'partners in crime': insofar as institutional consequentialism is considered too demanding because of its emphasis on setting up and maintaining institutions, so might all other moral theories be.

[25] A second possible reason is related to a point we made earlier in the context of failed states. When the pursuit of gradual reforms through legitimate procedures is not feasible—since there are no workable institutions in place or current institutions are perceived as grossly unjust or illegitimate—individuals likely have no consequentialist duty to fight for institutional reform since global collective action problems make individual attempts at system change futile and wasteful.

[26] For example, the global trade and intellectual property rights regime governed by the WTO has contributed to promoting global health by incentivizing pharmaceutical innovation, and it has reduced global poverty by promoting free trade and competition in global markets (Miklós & Tanyi, 2017: 285-288; Pogge, 2010: 136-137; Deaton, 2013:322-323). More broadly, the global economic order is regulated by an institutional framework (the Bretton Woods system, featuring the World Bank and the International Monetary Fund, in addition to the WTO) that was created following World War II with the aim of promoting global prosperity and preventing future world wars.

as global trade, development, public health, food safety, product standards, labour standards and environmental regulation make the consequentialist task more tractable through a division of labour and through mitigating global collective action problems (Miklós & Tanyi, 2017: 285-288).

Furthermore, there are feasible ways to reform this framework in a piecemeal manner preferable to radical changes on consequentialist grounds, and they may further reduce consequentialist demands on individuals. For example, introducing inclusive procedural rules to increase the legitimacy of supranational institutions can make the latter more effective and at the same time reduce the motivational demands on individuals in the performance of their duty to support reform initiatives.[27]

But for some this may be too quick. The idea of a global institutional division of labour with limited consequentialist requirements for individuals invites a challenge. Applying Murphy's second objection to the global case, it asks: Is it not perverse to require individuals to support institutions promoting the good without requiring them to promote the good directly? Beyond lobbying their governments to promote institutional change, they could surely do a lot more good by devoting their resources to charities that help the global poor directly. And this kind of consequentialist duty may be overdemanding: it may require us to devote all of our disposable income and time to alleviating suffering caused by global poverty, climate change, etc.—without sacrificing our institutional responsibilities.

Again, we disagree. It may be futile or worse, counterproductive, for individuals to directly pursue consequentialist aims. Agents then will not generally be overburdened by requirements to directly tackle unsolved problems when the relevant institutions are lacking or suboptimal, since many of these efforts would fail to be cost-effective, in which case there is no consequentialist requirement to pursue them in the first place. We have already made a related point about institutional change in the previous section, but in the global case there are further considerations to mention. Empirical evidence from the development economics literature supports the position that global consequentialist requirements are limited. Research has shown that the key factor driving countries' development is the quality of their institutions rather than foreign aid spent on welfare projects (Temkin, 2022; Deaton, 2013; Risse, 2012: 68-69, 80). The dominant role of institutions in development limits any consequentialist duties individuals might have to directly tackle global problems.

Consider some examples. When individual philanthropy through donations to NGOs replaces political action aimed at institutional reform, the proliferation of NGOs may break down coordination and exacerbate global collective action problems. Some critics of NGOs such as the Gates Foundation argue that their entry into the health care sector in third-world countries has led to an internal brain drain of health personnel away from the public sector, resulting in suboptimal health outcomes (Daniels, 2008: 330). More generally: foreign aid aimed at directly helping the global poor may make things worse through a mechanism similar to the so-called resource curse: it may generate rent-seeking by the elites and crowd out productive investments that are more desirable in the long run (Deaton, 2013: 298). Individual

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[27] We say more about this in Miklós & Tanyi (2017: 288-291), where we compare gradual reform proposals with radical breaks with the *status quo* on consequentialist grounds

philanthropy may also result in harmful long-term consequences by undermining public trust in political institutions and by weakening people's interest in political participation. If so, it forecloses the possibility of economic development benefiting the poor by precluding reforms necessary to fix underdeveloped countries' systems of public institutions and the international institutional structure (Deaton, 2013).[28] The only way outsiders can help the poor is often indirect: in line with institutional consequentialism, our duty is to assist in building good institutions. The demands consequentialism imposes on individuals in an international context are limited by what individuals can be expected to achieve.

This is not to deny that individuals may have direct responsibilities to alleviate global problems under institutional consequentialism. Consequentialism can sometimes require individual agents to contribute to charities to save lives and reduce suffering when these charities have been demonstrated to be highly effective, generating a lot of good at little cost to donors. Although international aid is unlikely to do much to stimulate global development, some interventions aimed at improving global health outcomes such as campaigns to eliminate smallpox, river blindness and polio are regarded as success stories that even sceptics about aid effectiveness acknowledge (Deaton, 2013: 104-105; Easterly, 2009). Individual contributions to charities such as the Against Malaria Foundation may be justified under consequentialism if there is sufficient evidence to demonstrate their cost-effectiveness (MacAskill, 2019: 55). Nonetheless, the existence of such instances of individual duties to promote the good is insufficient to establish the Objection. Recall, the Objection would need to show that institutional consequentialism is *systematically* (over)demanding, commonly generating extremely demanding duties to promote the good. This is unlikely: scaling up and generalizing limited health programs to a degree that would make individual contributions systematically overdemanding would generate undesirable consequences discussed above, such as rent-seeking, the crowding out of productive investments, as well as undermining trust in political institutions and reducing political participation. On balance, the best available empirical evidence from social science does not support the conclusion that individual contributions to charitable causes are going to be both cost-effective and overdemanding in the relevant sense.

Let us finish our discussion with a problem that arises in the context of societies. It could be pointed out that institutional consequentialism merely transfers the demandingness problematic to the institutional level: it is now institutions that will be required to do too much. However, there are no psychological, motivational, epistemic, or other demands-related problems with institutions, not at least similar to those individuals face (cf. Goodin, 1995: 68). The Objection derives its force in large part from the fact that a committed consequentialist individual would not be able to lead a personal life, that their individuality would be wiped away by the impersonal

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[28] It is for these reasons that critics of the Effective Altruism (EA) movement argue that the movement's focus on individual acts of charity is itself misguided. The focus of a proper consequentialist theory should be on systemic reforms rather than individual decisions about how to spend our spare money (Acemoglu, 2015). See further Temkin (2022) who builds heavily on Deaton's work.

requirements of consequentialism. But it does not make much sense to claim that societies and their institutions would face similar fate just because they have to contribute much.[29] It can of course happen that under the pressure of demands an institution turns out to be inadequate to the task. But the way we (would) react to such situation is not moral disapproval, but, assuming we agree with the moral task (which, by assumption, we do here), determination to design better (more efficient, larger, etc.) institutions.

The only way, it seems, high contributions required of societies could have seriously negative effects if their members' lives would be affected in a devastating way via the destruction of certain *shared social practices* that constitutively contribute to their identity. But, first, given the alleviating effect of the division of labour in place, the particular society in question would really have to contribute extraordinarily much in order for such individual effects to threaten. Second, the destructive influence of high societal contributions would have to affect the relevant projects and commitments of people. The fact that as a result of high societal contributions individual members would have to give up certain luxuries of life in order to help suffering others elsewhere could hardly be persuasive. Finally, third, we do not find the idea of social practices being *constitutive* of one's individual personality plausible. This is after all a distinctively communitarian thought that is subject to the criticism that people can reflect upon and decide about their aims, projects and commitments in life (Kymlicka, 2002). Given the good moral reasons in support of the consequentialist cause, it might therefore well be the case that, instead of experiencing the results of high societal contributions as destructive of their personal life, people would see them as more in line with their new, reformed personality (that, though, does not have to be so reformed as to also conform to consequentialism when applied to their actions directly).

8 Summary and Concluding Remarks

There may be several good reasons to reject consequentialism. We have argued in this paper that demandingness is not one of them. The right approach to this problem is institutional. Once we realize that a division of labour between individuals and institutions is the best option for consequentialism, we will also see that putative features of consequentialism that are often thought to impose excessive demands on individual agents will in fact arise on the level of institutional systems. Consequentialist demands on our time, attention and motivations need not undermine our ability to lead a life rich in personal projects and commitments. Our individuality needs not be wiped away by impersonal calculating requirements on our decisions and actions. Our preferred version of institutional consequentialism takes a form in which institutions are designed to promote consequentialist aims while individuals use non-consequentialist decision procedures. No doubt, there are some questions

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[29] Cf. Tännsjö (2007) who suggests that we could change focus from individuals to *collective* agents and attribute consequentialist duties to them. See Berkey (2019) for criticism.

left open; yet we submit, we have provided enough material to make one hopeful for the future of institutional consequentialism.

Declarations

Conflict of Interest The authors declare no competing interests.

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