Rule-Consequentialism and Irrelevant Others

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In this article, I argue that Brad Hooker's rule-consequentialism implausibly implies that what earthlings are morally required to sacrifice for the sake of helping their less fortunate brethren depends on whether or not other people exist on some distant planet even when these others would be too far away for earthlings to affect.

As many of us know, millions of people on this planet are suffering for lack of basic healthcare, potable water and adequate nutrition. And, as many of us also know, we (the well-to-do) could alleviate and/or prevent some of this suffering by making certain sacrifices, e.g. by donating some of our incomes to organizations such as Oxfam and UNICEF.[1] Suppose, then, that we are wondering to what extent each of us is morally obligated to make such sacrifices. Could the answer to this question depend on the existence of beings on some distant planet, call it Zargon, over which we have not had, and will never have, any influence? Suppose that there is nothing that we can do to affect the lives of these zargonians in any way. We can neither harm nor benefit them; we cannot even have the slightest effect on their thoughts or experiences, as their planet is billions of light years away from ours and, consequently, far beyond the reach of our causal powers. We know about them only through the supernatural abilities of an oracle, who we know always tells the truth and who tells us everything about them.[2] But although we know about them, they do not know about us, for we have no way to communicate with them, let alone to affect their welfare. Given that we can have no effect on their lives and that they can have no effect on our lives beyond whatever little effect our knowledge of their doings has on us, how could their existence possibly affect how much one of us is required to sacrifice for the sake of alleviating some of the suffering here on Earth? It seems absurd to suppose that it could.

[1] See, for instance, Peter Singer, 'Famine Affluence and Morality', *Philosophy and Public Affairs* 1 (1972) and Peter Unger, *Living High and Letting Die* (Oxford, 1996).

[2] As we'll see shortly, Hooker formulates rule-consequentialism in terms of expected value such that 'we need only find and follow the code [of rules] that could reasonably be expected to have better consequences than any other code we can identify' – see Brad Hooker, *Ideal Code, Real World* (Oxford, 2000), p. 74. The point of the oracle, then, is to ensure that we can reasonably expect the consequences that will ensue given the internalization of various codes by the zargonians.

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Yet this is precisely what rule-consequentialism, as recently developed and defended by Brad Hooker, implies.[3]

On Hooker's formulation of rule-consequentialism, an

> act is wrong if and only if it is forbidden by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation has maximum expected value in terms of well-being (with some priority for the worst off).[4]

Since, on Hooker's view, well-being and the fairness of its distribution are the only two values, this formulation is equivalent to saying that we are morally required to act in accordance with the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation has maximum total expected value.[5] This is the *ideal code*. The total expected value (or 'TEV' for short) of a code is a function of two things: (1) the expected value it would have were it internalized by the overwhelming majority of everyone everywhere in each new generation (call this the 'post-internalization value' or 'PIV' for short) and (2) the expected costs of getting that code internalized by the overwhelming majority of everyone everywhere in each new generation (call these the 'internalization costs' or 'IC' for short). And one counts as having internalized a code of rules if and only if one 'has a disposition to comply with them, dispositions to feel guilt when one breaks them and to resent others' breaking them, and a belief that the rules and these dispositions are justified'.[6]

To see how, on rule-consequentialism, the extent to which we are morally required to make self-sacrifices for the sake of aiding our fellow earthlings in great need can depend on whether zargonians exist, compare the following two possible worlds: W_1 and W_2. In W_1, only earthlings exist. In W_2, both earthlings and zargonians exist. In each of these possible worlds, let us assume that rule-consequentialism will favor one of the following two codes – that is, assume that the situation is such that total expected values of all the other alternative codes are

[3] See Hooker, *Ideal Code.*

[4] See Hooker, *Ideal Code*, p. 32. Hooker never says whether 'everyone' refers only to human beings or to all moral agents irrespective of their species or planet of origin. If it matters, we can assume that zargonians are human beings that colonized the planet Zargon long ago. In any case, I suspect that it would be implausible to formulate rule-consequentialism such that it relativizes the ideal code to each species of moral agents. What if two distinct species of moral agents inhabit the same planet and live together as part of the same moral community? Why should these two species have distinct moral codes when they are equally members of the same moral community? The mere fact that they are incapable of interbreeding, and hence distinct species, seems morally irrelevant.

[5] Brad Hooker, 'Rule Consequentialism', *The Blackwell Guide to Ethical Theory*, ed. Hugh LaFollette (Oxford, 2000), p. 187.

[6] Hooker, 'Rule Consequentialism', p. 189.

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considerably lower than that of the following two codes. The first is Code M: a *moderately* demanding code, requiring that the sum of the altruistic self-sacrifices that one makes over the course of one's lifetime for the sake of those in great need exceeds some significant but fairly modest threshold, *M*. The second is Code E: an *extremely* demanding code, requiring that the sum of the altruistic self-sacrifices that one makes over the course of one's lifetime for those in great need exceeds a threshold, *E*, which is ten times greater than threshold *M*. Assume that the situation on Zargon is much as it is on Earth. There are many well-to-do people as well as many people languishing in great need. The only important differences are that Zargon is ten times more populous than Earth and that the internalization costs of getting zargonians to internalize either Code M or Code E is one-tenth of what it is to get earthlings to internalize these same codes. The latter difference is due, we'll assume, to the fact that zargonians are far more technologically advanced than earthlings. The zargonians have developed microchips that come with preprogrammed codes, which can be implanted in their brains so as to interface with their neurons in a seamless fashion.[7] See the following table for a breakdown of the internalization costs and benefits for each possible world.

Clearly, in W_1, the ideal code is Code M, whereas, in W_2, the ideal code is Code E. And, on rule-consequentialism, what we well-to-do earthlings are morally obligated to do for the sake of our less fortunate brethren depends on what the ideal code is. Thus, in W_2, earthlings are required to sacrifice ten times more than what they would be required to sacrifice in W_1, yet the only difference between the two worlds is the fact that in W_2, but not in W_1, the zargonians exist. But why would what earthlings are morally required to do depend on whether zargonians exist when, even if they did exist, we could do nothing to affect their lives? Why should how much earthlings are required to sacrifice for the sake of

[7] In a footnote regarding the formulation of rule-consequentialism that's quoted above, Hooker says, 'Assume that new generations are not changed genetically' (*Ideal Code*, p. 32). He also later suggests that rule-consequentialism should be revised as follows: 'Moral wrongness is determined by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation (*not including generations after any new development that significantly reduces the costs of internalizing more complex and demanding codes*) has maximum expected value in terms of well-being with some priority for the worst off [emphasis added]' – see Brad Hooker, 'Reply to Arneson and McIntyre', *Philosophical Issues* 15 (2005), pp. 268–9. Given the latter qualification, it is important to assume that the technological development that has enabled zargonians to dramatically reduce their costs with respect to getting more complex and demanding codes internalized is not a *new* development, but rather a development that occurred long ago. Also, to ensure that no other code besides Code M or Code E will be in contention for being the ideal code, let's assume that, for some unknown reason, all microchips preprogrammed with codes other than either Code M or Code E have failed to interface properly with the human/zargonian brain.

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W_1	Post-internalization value (PIV)	Internalization costs (IC)	Total expected value (TEV)
Code M	+2,000	−500	+1,500
Code E	+19,000	−18,000	+1,000

W_2	PIV (Earth)	IC (Earth)	PIV (Zargon)[8]	IC (Zargon)[9]	TEV (Earth+Zargon)
Code M	+2,000	−500	+20,000	−500	+21,000
Code E	+19,000	−18,000	+190,000	−18,000	+173,000

aiding their fellow earthlings depend on the costs and benefits of having some code internalized by zargonians, when there is nothing earthlings can do to affect the welfares of zargonians and nothing zargonians can do to affect the welfares of earthlings? There is something very odd about a theory, such as rule-consequentialism, that makes what one is morally obligated to do depend not only on what one is capable of doing, but also on what distant others are capable of dong, especially when these distant others are outside one's sphere of influence.

The objection is not that rule-consequentialism is extremely demanding in certain possible worlds (although it is), but that rule-consequentialism makes what well-to-do earthlings are morally obligated to do for the sake of their less fortunate brethren depend on whether there are other people on some distant planet over which earthlings have no causal influence. Indeed, I could have just as well presented the objection in terms of a world in which the ideal code would be not at all demanding. Too see this, imagine W_3: a world in which the only two populated planets are Earth and Egon. On planet Egon, there is no one languishing in great need.[10] All the egonians are as well off as the most well-to-do on our planet. Unlike earthlings, though, egonians have a very strong innate disposition to refrain from helping those in great need, as they are disposed both to value self-reliance above all else and to take a very dim view of charity. Consequently, the costs of getting egonians to internalize even a moderately demanding code, such as Code M, are quite high. Assume, then, that in W_3

[8] These values are ten times what they are on Earth, for Zargon is ten times more populous than Earth.

[9] These values are the same as those for Earth, for although there are ten times as many people on Zargon, the costs of having these codes internalized by the zargonians is one-tenth of what it is to have them internalized by earthlings.

[10] I thank Pete Marchetto for suggesting to me that Hooker's rule-consequentialism implies that what earthlings are morally obligated to sacrifice for the sake of their less fortunate fellows could depend on the existence of some distant populated planet even if no one on that planet is languishing in great need.

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rule-consequentialism favors not Code M, but Code N – a code that is *not at all* demanding. What's more, Code N includes a rule *prohibiting* altruistic self-sacrifice. Of course, getting earthlings to internalize Code N is going to be costly, as earthlings are not naturally disposed to resent those who make altruistic self-sacrifices, as is prohibited by Code N. But the costs of getting egonians to internalize Code M are much higher than these costs. Also, because there is no one in great need on Egon, these codes – Code M and Code N – have the same expected value, post internalization, with respect to the egonians: zero. See the following table for a breakdown of the internalization costs and benefits for each world, and let's assume that the situation is such that Code M and Code N are the only contenders for being the ideal code in W_3.

W_1	Post-internalization value (PIV)	Internalization costs (IC)[11]	Total expected value (TEV)
Code M	+2,000	−500	+1,500
Code N	+0	−500	−500

W_3	PIV (Earth)	IC (Earth)	PIV (Egon)	IC (Egon)	TEV (Earth+Egon)
Code M	+2,000	−500	+0	−10,000	−8,500
Code N	+0	−500	+0	−0	−500

As previously noted, Code M is the ideal code in W_1. In W_3, however, the ideal code is Code N. Thus, in W_3, earthlings are, according to rule-consequentialism, *prohibited* from making any altruistic self-sacrifices for the sake of their less fortunate brethren, and yet the only difference between W_3 and the world in which earthlings are *required* to make moderate self-sacrifices (i.e. W_1) is that in W_3, but not in W_1, the egonians exist. But why should the egonians' existence and their internalization costs affect whether earthlings are morally permitted to help their less fortunate brethren when it simply makes no difference to anyone's welfare which code the egonians end up internalizing?[12] Given the lack of our ability to influence the egonians, their existence seems irrelevant in determining what well-to-do earthlings are morally required to do (or morally prohibited from doing) for the sake of their less fortunate brethren.

[11] Assume that earthlings are innately disposed to make altruistic self-sacrifices for others to a degree that lies exactly between the degrees of self-sacrifice required by Code N and Code M. Thus the costs of getting each code internalized by earthlings are exactly the same.

[12] It makes no difference which code egonians internalize, for there is no one in need of aid on Egon. So the effect of having either code internalized on Egon is the same: no one is aided, for no one is in need of aid.

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At this point, we should consider whether Hooker's rule-consequentialism can be revised so as to avoid these counterintuitive implications. To determine whether a fix is available, we must first locate the source of the trouble. That source is the fact that, on Hooker's rule-consequentialism, we must look at the expected value of getting various codes internalized by the overwhelming majority of *everyone everywhere* in each new generation. This includes those that exist on distant planets over which we have no causal influence. The only way, then, to avoid such counterintuitive implications is to adopt a version of rule-consequentialism that relativizes codes in some way so as to exclude these irrelevant others. Perhaps the solution is as simple as relativizing the codes to planetary populations. But this won't help, because all we would need to do then is to suppose that the zargonians (or the egonians) are on the same planet as the earthlings, but that, due to some natural barrier, the latter are unable to affect the former. It may seem, then, that a better proposal is to relativize the codes to groups of people which are able to affect only each other. The problem here is that there wouldn't necessarily be a way to divide people neatly into groups that would and groups that would not be able to affect only each other, for the able-to-affect relation is intransitive. Individual A may be able to affect Individual B and Individual B may be able to affect Individual C, but it wouldn't follow that Individual A would be able to affect Individual C. So we shouldn't expect there to be any tidy demarcation of groups, where the individuals within each group would be able to affect all and only those within that group. So if relativizing is to work, the rule-consequentialist must relativize codes to individuals, where what code a given individual should follow depends on the comparative costs and benefits of getting everyone *whom she can affect* to internalize it. But this revision comes at a steep price, for, according to Hooker, one of the chief attractions and motivations for adopting rule-consequentialism is the idea that morality stems from our thinking: 'What if *everyone* felt free to do that?' In other words, Hooker thinks that the basis for adopting rule-consequentialism in the first place is the thought that morality is a collective enterprise undertaken for the sake of collective benefit.[13] For this reason, Hooker explicitly rejects the idea of relativizing codes.[14] He says:

[13] Hooker, *Ideal Code*, pp. 1 and 4–5.

[14] Interestingly, it seems that, despite his declarations to the contrary, Hooker is already committed to relativizing moral codes to different groups, for he is committed to formulating the ideal code in terms of expected value and the expected value of a code can vary from one group to another. Consider that the earthlings and the zargonians are in very different epistemic positions in that the earthlings have knowledge about the zargonians but the zargonians have no knowledge about the earthlings. This means that, in W_2, the expected value of various codes will vary depending on whether one is an

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The idea of relativizing codes to groups is on the road to relativizing them to sub-groups, and at the end of that road is relativizing them to individuals. To go down that road is to turn our backs on one of the traditional attractions of rule-consequentialism – viz., its basis in the idea that morality should be thought of as a *collective, shared* code.[15]

It appears, then, that the only way to revise rule-consequentialism so as to avoid the sorts of counterintuitive implications that I've been discussing is to modify it so that it relativizes codes to individuals, and this comes at the price of turning our backs on the very foundational idea underlying rule-consequentialism.

It is also unclear whether relativizing codes to individuals would even succeed in avoiding counterintuitive implications. Even if we change the example so that each earthling is able to affect the welfare of each egonian and not just the welfares of other earthlings, it still seems counterintuitive to suppose that, in W_3, earthlings are prohibited from making altruistic self-sacrifices for the sake of their less fortunate brethren just because Code N as opposed to Code M has maximum total expected value. Why should what earthlings are required to sacrifice for the sake of their fellow earthlings depend on whether egonians exist, when even if they did and even if we could potentially help them if they needed it, they would, in fact, have no need of our help given that they are all well-to-do?

Besides, Hooker must deny that codes are to be relativized, because he needs to appeal to the expected value of getting various codes internalized by the overwhelming majority of *everyone* everywhere in each new generation in order to avoid an important objection leveled by Tim Mulgan.[16] Mulgan's objection, in a nutshell, is that if we only count the costs of inculcating rules in the rich but not the poor, then rule-consequentialism's rule about aiding the poor will vary dramatically depending on how many poor people there are and will be overly demanding if there are enough poor people. About this objection Hooker says:

earthling or a zargonian. From the earthling's epistemic position, the expected values for Codes M and E are +21,000 and +173,000, respectively. From the zargonian's epistemic position, by contrast, the expected values for Codes M and E are +19,500 and +172,000, respectively. Given that the zargonians are ignorant of the existence of the earthlings, the expected costs and benefits of having these codes internalized by the earthlings don't get factored into their calculations of the total expected value. Of course, as I have presented the numbers here, the ideal code would not vary between the two groups in W_2, but we could easily cook up a case where the differences in the expected values did result in the ideal code varying between the two groups in W_2. Note, though, that this relativization to groups in different epistemic positions doesn't save Hooker's rule-consequentialism from my objection.

[15] Brad Hooker, 'Rule-Consequentialism and Obligations toward the Needy', *Pacific Philosophical Quarterly* 79 (1998), pp. 28–9.

[16] Tim Mulgan, 'Rule Consequentialism and Famine', *Analysis* 54 (1994).

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I concede that, if we are to count the costs of inculcating rules in the rich but not the poor, Mulgan's objection about dramatic fluctuation goes through. If the only costs in play are the costs to the rich of giving plus the costs of getting rules internalized by the rich, then rule-consequentialism's rule about aid will vary quite widely depending on whether there are one billion or fifty billion starving. And, on these assumptions, rule-consequentialism might be extremely demanding if there were fifty billion starving.[17]

So Hooker needs to eschew the relativization of codes to groups – groups such as those that are rich and those that are poor – in order to escape other counterintuitive implications.

If avoiding the implications that I've attributed to rule-consequentialism in W_2 and W_3 proves impossible, we might wonder whether Hooker could either deny that such implications are indeed counterintuitive or deny that such implications, although genuinely counterintuitive, constitute a serious problem for his view. I don't think that he can do either. In response to an objection by Richard Arneson, Hooker acknowledges that, on the formulation of rule-consequentialism given in his *Ideal Code, Real World*, what it is right to do here and now depends on whether thousands of years from now there will be technological breakthroughs that enormously reduce the costs thereafter of getting demanding rules internalized in each new generation.[18] And Hooker acknowledges that this is an implausible result and that it calls for revising his view so as to avoid the objection.[19] My objection is in the same spirit as Arneson's, but my objection cannot be so easily avoided through revision. The spirit of both objections is that rule-consequentialism makes what it is right to do here and now depend on certain contingencies that do not seem to determine what one ought to do. Just as what I should do here and now doesn't seem to depend on what sort of technological breakthroughs there will be far off into future, what I should do here and now doesn't seem to depend on what people exist far off in outer space – assuming, of course, that they are so far off as to be beyond our sphere of influence. As is evident from his response to Arneson, Hooker acknowledges that

[17] Hooker, 'Rule-Consequentialism and Obligations toward the Needy', p. 26.

[18] Richard Arneson, 'Sophisticated Rule Consequentialism: Some Simple Objections', *Philosophical Issues* 15 (2005).

[19] Hooker escapes the objection by revising his view accordingly: 'Moral wrongness is determined by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation (not including generations after any new development that significantly reduces the costs of internalizing more complex and demanding codes) has maximum expected value in terms of well-being with some priority for the worst off' – see Hooker, 'Reply to Arneson and McIntyre', pp. 268–9. Note that my objection applies both to the original and to this revised formulation of rule-consequentialism.

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having what's right to do here and now depend on such contingencies is indeed counterintuitive.

What's more, Hooker cannot just bite the bullet and say that we should accept his view despite such counterintuitive implications, for he maintains that we should prefer his view over alternatives such as Rossian pluralism precisely because rule-consequentialism does just as good a job of *cohering with our considered moral convictions* and a better job of economically systematizing them.[20] Moreover, Hooker treats coherence with our considered moral convictions as a necessary condition for a moral theory's plausibility. As he puts it: 'Moral theories *must* cohere with (i.e., economically systematize or, if no system is available, at least endorse) the moral convictions we have after careful reflection [emphasis added].'[21]

At this point, then, Hooker's only way out is to insist that we should not, after careful reflection, endorse the intuition that what an agent is morally required to do here and now depends in no way on the existence of people over which she has no causal influence. But this would be a tough sell. Speaking only for myself, reflection leads invariably to my endorsing the intuition that, if what an agent does can have no effect on these distant inhabitants of Egon or Zargon, then what she should do cannot depend on their existence. They are irrelevant others. So at the very least I think that Hooker owes us some argument for why we should abandon this intuition.[22]

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[20] See Brad Hooker, 'Ross-Style Pluralism versus Rule-Consequentialism', *Mind* 105 (1996) and Hooker, *Ideal Code*, pp. 104–7.

[21] Hooker, *Ideal Code*, p. 4.

[22] For helpful comments and discussions, I thank Richard Arneson, Brad Hooker, Tim Mulgan, David Shoemaker, Jussi Suikkanen, and the students in my spring 2008 seminar on consequentialism, especially Michael Augustin, Kimberly Campbell, Peter Marchetto, G. Shyam Nair, Nick Smith, and Pamela J. Stubbart.

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