After Solipsism

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We are social beings. We live among people who decide for themselves and among people whose decisions affect each other. These are the facts that make morality what it is. These are the facts that make morality unlike what our current moral theories say it is.

1. TO CHOOSE AN ACTION IS NOT TO CHOOSE AN OUTCOME

Because people decide for themselves, and because outcomes often are a function of what other people decide, we often cannot choose outcomes in the way that we choose actions. If we could choose outcomes in the way that we choose actions, it would be so plausible to imagine that consequentialist morality reduces to a question of choosing the outcome that maximizes utility. That is how consequentialist morality came to be construed in the twentieth century.

Consider how much less plausible that reduction becomes when we note that affecting people's payoffs is only one way of affecting people. What if the more lasting, more real, and more important consequence of moving my pawn to K4 rather than K3 is not that my pawn sits at K4, but that other players play differently? What you do affects people. What you do affects their payoffs, of course, but we misunderstand the human condition if we suppose our ways of affecting people are all ways of affecting their payoffs. In particular, we affect how people behave, and sometimes our effect on the behavior of others will indeed be consequential.

Scottish Enlightenment theorists studied the nature and causes of the wealth of nations, or more generally, what makes the world a better place. They cared enough about humanity to study what has a history of actually working. They observed that in prosperous societies, traders build partnerships around principles of reciprocity. They observed that, in our world, actions have more than one consequence, more than the intended consequence, and further, the consequence you don't see coming will matter. Today's act-utilitarianism, by comparison, can seem remarkably inattentive to what has any robust history of good consequences. One prominent strand of today's utilitarianism is useless not because it is obsessed with consequences, but because it largely ignores them.

Yet, my quarrel is not utilitarianism per se. My aim is not even to offer an alternative to difference ways of theorizing about the subject matter of contemporary utilitarianism. My aim instead is to reflect on a possible change of topic. I simply ask: what would it be like to theorize

about the nature and causes of good outcomes? How would theorizing about outcomes be unlike theorizing about acts? This essay is a call for theorizing about the morality of a strategic world. The call has implications for deontology as well as for utilitarianism. Within the utilitarian tradition, however, this is also a call for rediscovering the Scottish Enlightenment's version of utilitarianism as theorizing about which of our ways of living together have robustly, observably good outcomes.

2. SACRIFICE

In Peter Singer's words, "If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it."[1] This principle requires something. But what? Singer specifies that, on his favored interpretation, the principle requires "reducing ourselves to the level of marginal disutility," which means, "the level at which, by giving more, I would cause as much suffering to myself or my dependents as I would relieve by my gift. This would mean, of course, that one would reduce oneself to very near the material circumstances of a Bengali refugee."[2]

Most readers consider it common sense that morality does not oblige people to sacrifice so much. Morality is demanding, but not maniacal. *This is not my concern.*

Instead, what I find odd is that a consequentialist principle, ostensibly specifying what we should aim to accomplish, would come to be interpreted as specifying what we should aim to sacrifice. We should maximize benefit to others, which in practice means maximize cost to ourselves. How could anyone see this as straightforward?

Here is one factor. What Singer says is, after, all, what many of us were taught to believe. We were taught that we are sinners by nature. Ethics was a project of proving to God that we have done all we can to have clean hands. The point of ethics was to sacrifice enough to be forgivable.[3] Raised Catholic, I learned to do penance, so I'd be lovable, so God would know I was serious. I was raised to see as literally unquestionable a mandate to help those who are suffering. Interestingly, heretics who have the nerve to ask for an argument for the imperative to maximize personal cost find in Singer two thoughts. First, suffering is bad, and those who disagree need read no further. Second, we should act to minimize suffering whenever we can.[4] Singer offers the second thought as just a "point" that is almost as uncontroversial as the idea that suffering is bad. It is an intuition, not an

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[1] Singer <u>1972</u>: 230.
[2] Singer <u>1972</u>: 241.
[3] See Tosi and Warmke (forthcoming).
[4] Singer <u>1972</u>: 231.

argument, and Singer never says otherwise, but Singer does defy readers to deny that it resonates. My honest reply is that for readers raised as I was, Singer is right. No question.

My focus in this essay, however, is a second factor tempting us to equate what we want to accomplish with what we want to sacrifice. We tend to brutally oversimplify consequentialist morality. In a parametric world, there can be a simple translation of inputs into output. What you accomplish can be a simple linear function of what you sacrifice.

Singer sees available actions (give vs. don't give) and asks which has more utility. If giving has more utility than not giving, then give. *Keep* giving until stopping would have more utility.

Give regardless of whether you have already given. What you have given in the past means precisely nothing when it comes to justifying what you do next.

3. STRATEGY

What else matters, besides how much you are in a position to give? What matters *more*? My answer requires briefly touching base with game theory.

The distinction between parametric and strategic games is as follows. Parametric games (like solitaire) involve one decision-maker, one player. Strategic games (like poker) involve several decision-makers. The distinction matters here insofar as, in a *parametric* world, outcomes are straightforward consequences of the acts we choose. You decide on an outcome—whether to have a pawn at K4—and that is the end of it. But wait! Did moving your pawn to K4 give your partner reason to move her knight to K4? In a parametric game, there are no partners, so the question never arises. In a strategic world, by contrast, you may *imagine* you can simply decide to have a pawn at K4, but it only looks that way until the next player moves.

The Prisoner's Dilemma (Fig. 1) models a key insight into the human condition. Here is the example from which the name derives: You and your partner Jane face criminal charges, and up to ten years in jail. You need to decide whether to betray Jane by testifying against her. The prosecutor makes you an offer: If Jane keeps silent, you get a ten-year sentence reduction if you testify, or a nine-year reduction if you also keep silent. Alternatively, if Jane testifies against you, you get a one-year reduction for testifying, or zero reduction if you keep silent. Jane has received the same offer.

The essence of a Prisoner's Dilemma is that, collectively, all players are better off cooperating, while individually, each player is better off defecting. In the paradigmatic case, for each of you, keeping silent optimizes your *collective* sentence reduction, while testifying optimizes your *individual* sentence reduction. Testifying is a dominant strategy: each of you *individually* is better

off betraying the other (one year better off in this example) no matter what the other does.

Jane

	Betray (AKA *defect*)	Keep Silent (AKA *cooperate*)
Betray	1, 1	10, 0
You		
Keep Silent	0, 10	9, 9

Fig. 1. Prisoner's Dilemma[5]

Game theory predicts that individually rational players will defect in such cases, and thus fail to realize their potential as cooperative social animals. In reality, we avoid this by devising ways to hold partners accountable for their choices. So, we contrive to play repeated games. In a repeated Prisoner's Dilemma, you still choose to cooperate or defect, but repeated play enables strategic play. You can play "tit-for-tat" (moving as Jane moved in the prior round, responding to cooperation with cooperation and to defection with defection), in that way reciprocate, and thereby make it pay for Jane to cooperate. Defecting pays more than cooperating in a one-shot game, yet *reciprocated* cooperation pays more than reciprocated *defecting* in the long run.[6]

This bit of game theory can help us to distinguish real from spurious ideals. Arguably, there is an ideal strategy in a Prisoner's Dilemma: reciprocity. Why? Because (1) it matters whether your partner cooperates, yet (2) you do not choose whether your partner cooperates. However, (3) you can make it pay for your partner to cooperate. This logic makes reciprocity an ideal strategy in a repeated Prisoner's Dilemma.[7] By contrast, no such logic favors unconditional giving. Unconditional giving is a spurious ideal because instead of making it pay to cooperate, unconditional giving makes it pay to free-ride. In strategic settings, working on Jane's *payoff* by giving unconditionally has limited (often negative) value. What pays is working on Jane's *strategy*, by reciprocating. If you aim to do some good, you work to induce cooperation, not free-riding.[8]

In a discussion of weakness of will, David Estlund says being unable to will my own cooperation has no bearing on whether I ought to cooperate: "*can't do* is requirement-blocking but

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[5] The payoffs are ordered pairs (Yours left, Jane's right). Numbers are years of sentence reduction.
[6] See Axelrod 1984.
[7] There are, of course, harder problems than the Prisoner's Dilemma. In a tragic commons, we face an influx of new *players*, making it much harder to teach partners to cooperate (Schmidtz 2008: chs. 11 and 12).
[8] There are, of course, nonstrategic relationships—early child rearing, say—where allowing a free ride is the point.

won't do is not."[9] This is fine in the solipsistic case. But then Estlund extends his point to strategic contexts. In a Carens Market, everyone is taxed in such a way that everyone ends up with equal disposable income after taxes, and yet, despite this, everyone works hard to maximize gross income. It sounds unlikely, to put it mildly, but as Estlund rightly notes, the supposition "that we shouldn't institute the Carens Market because people won't comply with it, doesn't refute the theory" that people should comply.[10]

So, if the fact that the Carens Market will not work is off-target as a refutation, could anything be *on* target? Here is one place where distinguishing between solipsistic theory and theory for political animals has bite. The strategic issue for me (let's say) as a political animal is not my faux-inability to command my own will but rather this perfectly real fact: commanding my partners' will is nowhere to be found in my menu of strategic options. Commanding my partners' wills is a paradigm of the kind of "can't" on my part that does rebut a presumption of "ought."

To be clear, Estlund is absolutely right about parametric cases: if I am intensely averse to moving my pawn to K4, my aversion has nothing to do with whether K4 is the ideal move. But a fundamental contrast: although *my* reluctance to move to K4 has *nothing* to do with whether moving to K4 is ideal, my inability to choose my partner's response has *everything* to do with whether moving to K4 is ideal. That I do not choose for everyone is *the* political fact of life. It cannot be assimilated to the faux-inability involved in my reluctance to move my pawn.

I may imagine how ideal moving my pawn to K4 would be, but to chess players such so-called "imagination" is the classic failure of imagination. Real imagination does not fail to take into account how other players will respond. In a strategic world, solipsistic methods of identifying ideals are grossly unimaginative. It takes imagination to be a realist. A player who anticipates what can go wrong is the one whose imagination chess players admire.

Crucial point: Imagining what *would* be ideal in a parametric world is no substitute for being able to imagine what *is* ideal in a strategic world.

4. WHICH NUMBERS COUNT?

Some of our moral reasons stem from the fact that ours is a strategic world: people *respond* to us as if we were agents. They anticipate how we respond to circumstances; they treat our anticipated response as part of *their* circumstances, and react accordingly. Wanting to make a difference in our

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[9] Estlund <u>2011</u>: 217.
[10] Estlund <u>2011</u>: 217.

world, true humanitarians do their homework. Seeing millions on the edge of famine, result-oriented humanitarians acknowledge that this is not a story about them. The point is not for them to be the hero. Result-oriented humanitarians ask the fundamental question, the question at the heart of how some societies have made famine a thing of the past: namely, what enables farmers to develop and successfully act on an ambition to feed customers by the millions?

The intuitive case for utilitarianism in the form of Singer (1972), which I (along with Woodward and Allman 2007)[11] call parametric utilitarianism, involves a hidden empirical premise: Other things equal, the *act* with the highest parametrically-represented utility leads straight to the *outcome* with the highest actual utility. This premise is not a priori; in strategic situations it is not even true. Consequentialist morality in a strategic setting is not a matter of a solitary agent picking the action with the biggest number. Genuinely result-oriented consequentialist morality in a strategic world is about standing ready to walk away from the biggest number, because what counts is not numbers attaching to acts, but numbers attaching to outcomes. Outcomes are consequences not of particular acts but of patterns of cooperation.[12] (*Outcomes* are particular cells in the matrix, but the only *act* available to you is a choice of row.) Where Jane decides for herself how to respond, and where her ideal response is cooperative, a result-oriented consequentialism holds you responsible for doing what you can to encourage her cooperative response, not for per se choosing it.

In a social world, the problem is not that we lack the will to pull the lever that would end world famine. The problem is, we live in a world of levers, and whether to pull those levers is mostly someone else's call. We hope for. We aim. We work toward. But we do not choose

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[11] I once wrote:

> Utilitarians sometimes model morality as the sole player in a parametric game. Utilitarian morality, so represented, maximizes utility by treating human agents as if they were otherwise inert pawns to be moved at will by the game's one true player, and thus as entities that could straightforwardly be *directed* to act in a utility-maximizing way. This approach makes sense as yielding prescriptions for ethical play in parametric worlds. In our world, however, human agents are players, each with their own ends, each making their own decisions, each somewhat responsive to how others are playing. Whatever an institution's purpose, it will not serve its purpose simply by directing human agents to serve its purpose (Schmidtz 1995: 167).

> Woodward and Allman (2007: 185) independently draw the same distinction:

> Strategic consequentialists recognize that when they make moral decisions they are typically embedded in an ongoing exchange with other actors who respond in complex ways that are not easy to predict. These responses in turn present the original decision-maker with additional decisions. Strategic consequentialists thus tend to be sensitive to incentives that their choices create, to informational limitations and asymmetries they face, to opportunities for misrepresentation, and also to considerations having to do with motives and intentions, or anything relevant to predicting how others will behave.

[12] Interestingly, in the case of an omission, we don't necessarily equate the outcome with what the omission caused.

outcomes. If you care about consequences, you make sure you understand the difference between choosing an act (a row) and choosing an outcome (a cell). You can work toward an outcome, but only if you play strategically and find a way to encourage Jane to mind the larger consequences of her corresponding choice of column.

5. DEMANDING TOO LITTLE

David Estlund supposes, "prime justice might be utopian, in the sense that the standards are so high that there is strong reason to believe they will never be met."[13] But what if utopian justice is not a high standard? What if the utopian standard is so egregiously low that we could meet it without solving a problem, without making anyone better off, and without doing anything that needs doing? Aiming high is, at a minimum, aiming to solve a problem. So, I want to stress that my worry about unconditional giving is not the sense in which unconditional giving demands too much, but the sense in which it demands *nothing*. Singer's Principle does not aim high in the way that a strategic principle can aim high. Singer's Principle is not even a way of responding to a strategic problem. It is a way of imagining what it would be like not to have a strategic problem. Singer's 1972 principle doesn't demand that we solve the problem of learning how to move players toward mutual cooperation; it demands only that we contribute. That isn't good enough.

We need higher standards for what we call a high standard. If I move to K4 and my partner's response is devastating, it is not impressive for me to say, "I have high standards, but the world isn't ready for them. My partner could have done what would have made K4 a winning move, but human nature is too flawed for that." Imagine me saying that to chess players! They would infer that, as a player, I have given up on having high standards.

Further, to articulate ideals relevant to a strategic world—to say what is worthy of aspiration in a strategic world—we ought to have "smart" ideals, which in contemporary engineering jargon refers to ideals that learn from experience. To take an ideal seriously is to treat its content as provisional. Maturing thinking about the ideal's content can reveal earlier thinking about the ideal to have been juvenile. Serious theorizing about ideals does not treat ideals as untouchable. We learn as we go. Real ideals evolve.

Putting the social and therefore strategic nature of the human condition front and center, we provisionally could start by acknowledging that a society's basic structure (formal and informal

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[13] David Estlund, "Prime Justice," *Political Utopias*, in Vallier and Weber (2017) at 47.

norms that structure what people learn to expect from each other) just is an invitation to play in a certain way. A basic structure is an incentive structure. We then ask what high standards for incentive structures would be like.

High standards are for judging an incentive structure in terms of how people respond to it. The ideal structure is the one that gets the ideal response, but ideal theorists sometimes talk as if the ideal structure were the one that makes the ideal demand in abstraction from how people respond to it. That cannot be right. Moral theorizing is not a game you win by having the most flamboyantly demanding theory. The activity of moral theorizing is more demanding, and indeed ought to be more imaginative, than that.

6. FAMINE-PROOF COMMUNITY

If human welfare depends on variables other than how you choose to act, those other variables could be overwhelmingly more important. There is no consequentialist reason to assume that the natural subject matter of true consequentialism is your case-by-case decision-making. That would depend on circumstances. Consider this empirical possibility: your case-by-case decision-making might be uninteresting—inconsequential—from that sort of consequentialist perspective.[14]

Consequentialism could start by investigating which variables have a history of mattering. Why are fewer people starving today than in 1972? Which ways of organizing communities have a history of making famine a thing of the past? History is a complex, poorly controlled experiment, but its lessons are clear enough when it comes to detecting which communities secure reliable access to food, even in the face of periodic shocks that otherwise have lethal consequences.

That sort of consequentialist takes an interest (as Singer to his credit currently does) in the history of improving global trends. In the arena of world hunger, we are trending in a good direction. But happy trends come at the end of stories about what induces, expands, and sustains patterns of cooperation in a social world. Singer rightly acknowledges (in conversation in 2013) that the percentage of people starving, even the absolute number of people starving, has fallen since 1972.[15]

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[14] To David Hume, a curious feature of justice is that it involves eschewing case-based reasoning in favor of being guided by principles. Thus, yielding the right of way might have zero utility at best in a given case while remaining useful or agreeable as a general practice, by virtue of enabling us to know what to expect from each other.

[15] Data gathered by the United Nations (see <http://www.fao.org/hunger/en/>):

Number and percentage of world's undernourished:

1990–1992	1015	million (19%)
2000–2002	930	million (15%)
2006–2008	918	million (14%)
2009–2011	841	million (12%)
2012–2014	805	million (11%)

The UN estimates the number of undernourished in 2015 at 795 million.[16]

Something in the world is, first, ramping up food production and, second, making producers more consistently effective at getting food to consumers who need it. Something is expanding the scope of society as mutually advantageous cooperative venture: advances in finance (micro-banks), in communication (cell phones, the Internet), in transportation (global container shipping), etc..

I sometimes say, moral institutions are the ones you want your children to grow up with. As an empirical observation, *the kind of research we do when we care is empirical research*. (If you are helping a son or daughter choose a car or college, or deciding whether to forgo chemotherapy, you want information!) Amartya Sen earned his Nobel Prize partly for his work on 20th century famines, showing that not one was caused by lack of food. Natural disasters can push a population over the edge, but are not what force a population to live on the edge in the first place. Famine is caused by eroding rights, not eroding soil. When local farmers lose the right to choose what to grow or where to sell it, they lose everything, and that is when people starve.

There are ways of structuring, refereeing, and playing the game that lead to war, famine, and corruption on a genocidal scale, while other ways lead to peace and prosperity. What Sen learned was that the rules of famine-proof countries don't stop farmers from producing food and shipping it to places where they can get a good price for it. Famine-proof rules acknowledge that farmers have for generations been gathering and updating information regarding how to produce, store, transport, and sell particular crops in particular places. No one is more interested or more capable than farmers are when it comes to getting things done. Famine-proof rules don't take decisions out of their hands. Famine-proof rules don't route decisions through offices of distant Brahmins: people who may never have met a farmer, and for whom the thought of caring about a farmer (or anyone born into that low a caste) would be foreign. Yet famine-proof rules are not anarchic. While famine-proof rules don't presume to pick people's destinations, they *do* manage traffic.[17]

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[16] <http://www.fao.org/news/story/en/item/288229/icode/>.

[17] The principle of utility has been applied to several subject matters: which acts to choose, which rules to respect, etc. An underappreciated fact: the principle of utility competently applied to one subject matter never "collapses" into the

7. SOLIPSISM

We do not need to know whether moral institutions work necessarily, work perfectly, or are legally guaranteed to work. We do not need to know what *would* work under imaginary conditions if only we had no need to confront the strategic reality of life among agents who decide for themselves. We do need to know this: what has a history of enabling people to work their way out of pits of famine?

Epistemology analogously spent centuries trying to get out from inside your head, searching for tools to refute solipsism on solipsism's own terms and prove you are not dreaming. There was an evidence-based alternative: study belief formation from outside. Ask which ways of acquiring and processing information are conducive to forming accurate beliefs. Like Hume, Adam Smith inquired into the nature and causes of the wealth of nations, studying what makes some societies prosperous and, in effect, famine-proof. Smith set aside the egocentric question of "how much does morality ask of me?" and went straight to the question of what has historically been conducive to prosperity in the world as it contingently is. (Singer has been studying this too, to his credit.)

Viewed through the lens of morality as a social phenomenon, our task is not only, indeed not mainly, to decide what to expect from ourselves. Our task is to discover what our world (our laws, our neighbors, and so on) expects from us, and *critically* evaluate those expectations—asking which of the evolving patterns of cooperation and coordination in which we are embedded are *observably* making our world a better place. A good person, a good political animal, is among other things a good citizen. Good citizens take their society's basic structure seriously. On one hand, this is the opposite of being uncritical; on the other hand, it is also the opposite of trying to settle what morality demands by deriving a priori limits from the analysis of the terms.

Philippa Foot once said, "When anthropologists or sociologists look at contemporary moral philosophy they must be struck by a fact about it which is indeed remarkable: that morality is not treated as an essentially social phenomenon."[18] We are theorizing about the part of morality that is an essentially social phenomenon when we investigate what the citizens around us actually expect

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principle as applied to some other. So long as the principle is applied to rules, not acts, and so long as we keep in mind that the point is to study which rules work better than others, the theory is rule-utilitarianism. Do the best rules allow exceptions? That is an empirical matter. Such matters typically cannot be settled by thought experiments.

However, this one can. Imagine deciding case by case, at each intersection, which assignment of respective colors to "go" and "stop" lights are optimal for *this* intersection. The principle of utility itself would say we are asking the wrong question. The principle itself is sensitive to the fact that what motorists need to know is that the motorists around them are complying with simple, general, mutual expectations *not based on case by case reasoning*. See Schmidtz 1995: ch. 7.

[18] Foot 1978: 189.

from each other and which of those expectations actually are helping people to get out of, and stay out of, pits of misery. On my view, those historically vindicated mutual expectations make up the social category of genuine moral obligation.

8. BEYOND SHALLOW POND

One of philosophy's most famous intuition pumps is Singer's SHALLOW POND: "If I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of a child would presumably be a very bad thing."[19] This is the intuitive motivation for Singer's principle. Most people find it compelling. Some scholars try to hedge the intuition with further intuitions regarding separate personhood, personal projects, or agent-centered prerogatives. But for argument's sake, what can an unrelentingly pure consequentialism say about SHALLOW POND?

It should say this: SHALLOW POND is a parametric situation. There is one player. The game is not repeated. Cooperation is not at issue. Reciprocated cooperation pays better than reciprocated withholding in the long run, but there is no long run in SHALLOW POND. There is no one who needs to be taught to reciprocate. Precisely because strategy is moot, what you need to do in SHALLOW POND is obvious. Wade in. Save that baby. Then get on with your life. You most likely will never be in that situation again, and hardly any of us have been in such a situation even once.[20]

But note: SHALLOW POND is not world famine. There is no "end of story" when it comes to famine. The story of hunger will never be a story that ends with you wading in, saving the day, then getting on with your life. In a real life, if I literally pull a baby out of a pond, I get up the next morning to a life of my own.

So, I agree that being moral is about stepping up when emergencies like SHALLOW POND fall into our laps. At the same time, another part of the human condition is a moral responsibility beyond SHALLOW POND: namely, the challenge of embracing a cause. There is nothing arbitrary about the fact that we cannot function except within a framework of goals and constraints. At our best, we are undistracted. At our best, we focus on one goal at a time, and pursue it within constraints.

Crucially, the world itself is not constraining enough to give us a tractable framework for humanly rational choice. We impose constraints from inside so as to have problems we can handle. So, we give ourselves budgets: a month to find a house, a thousand dollars for our Las Vegas

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[19] Singer 1972: 231.
[20] But see Stroud's (2013) call for an alternative to this seemingly "concessive strategy."

weekend, another thousand for charitable giving. Limiting a given pursuit leaves room in our lives for other things, acknowledging that we have more than one goal and that we would not be better people if instead we were monomaniacal.

There is a reality here undreamt of by contemporary utilitarian moral theory. Namely, humanly rational choice is choice for essentially compartmentalized choosers. We stipulate constraints that help us fabricate the compartmentalized structure of separate pursuits that add up to a recognizably human life. Such constraints limit our pursuits even while helping us to be more or less undistracted within them. Humanly moral choice is not oblivious to this central fact about what it takes to respond rationally to the human condition.

It would be grossly counter-productive to think each day needs to focus on the same thing as the day before. The optimal number of projects for human beings is not necessarily one; neither is it typically one. If I felt compelled to work on the same project every day, I would be a model of neither rationality nor morality so much as of obsessive-compulsive disorder. Even worse—more oblivious to the descriptive fact of our separate personhood—would be imagining that everyone has reason to join me in focusing on the single target that happens to grip me on a given day.

The truth in liberalism is *intra-* as well as inter-personal. There is no reason to believe we all should have the same destination, and likewise no reason to believe Singer should wake up every morning with the same destination he had the day before.

Further, social worlds are thick with arbitrary limits. Why does my community set limits at 30 miles/hour or 18 years of age? Details seem arbitrary, yet we live better lives when we know what to expect from each other. We discover, inherit, and often *fabricate* a framework of limited expectations (of each other and of ourselves) so we can *afford* to be social beings. Between nothing and too much is a point where we are responsible for choosing our own way (or ways—Singer is allowed more than one, as are we all) of making sure our world is better off with us than without us.

9. STARTING OVER

Where is the theoretical framework that makes a natural place for such limits? What would a habitable consequentialism look like? My answer in 1995: We could see the part of morality that is essentially social—the part that does not start with me—as largely a duty to respect roles assigned to

us by institutional arrangements that work. I will not try to reconstruct the details.[21]

But I did say this: some theorists find it mysterious that morality would incorporate any constraints beyond a requirement to maximize the good.[22] Notice, however: that is only a mystery from the inside. From the outside, there is no hint of mystery regarding why moral institutions constrain individual action. If the good is to be realized, then institutions—legal, political, economic, and cultural institutions—must put persons in such a position that their pursuit of the good in a predictably partial manner is conducive to the good's production in general.

For example, if you ask why we need a law against murder, as opposed to a law requiring agents to minimize the number of murders, there is a simple answer. Legal institutions have their own unique way of minimizing the number of murders. How does our legal system play its special role in minimizing the number of murders? *By making murder illegal.*

Consequential institutions constrain the goal-directed actions of individuals as a means to an end—namely the end of making it safe for people to trust each other.[23] Consequential institutions exist in a strategic world. Hospitals, for example, serve their purpose in part by being safe. Hospitals save lives not by standing ready to sacrifice one patient to save five but by enabling people to see hospitals as places where patients can count on being treated as having rights.

Singer concludes his essay by saying, "What is the point of relating philosophy to public (and personal) affairs if we do not take our conclusions seriously? In this instance, taking our conclusion seriously means acting upon it."[24] In 1972, taking Singer's conclusion seriously meant focusing on your input: on the variable you control.[25] Suppose we are serious about the requirement that "If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it." Suppose we take this principle *very*

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[21] The following summarizes Chapter 7 of *Rational Choice and Moral Agency*. It now seems like archeology to me, but it locates the roots of my current thinking about the purpose of moral theory.

[22] See Kagan <u>1989</u>: 121–7. See also Scheffler <u>1982</u>: 129.

[23] A referee cautions me: readers will deem it analytic: consequentialist institutions aim at maximizing the good, not at making it safe for people to trust each other. Trusting the referee, I will risk belaboring the point: whether consequentialist plumbers aim to maximize the good cannot be stipulated, because whether adopting that aim has utility is an empirical question. A plumber may do more good by sticking to fixing the pipes. A surgeon may do more good by focusing on saving patients. Roles and institutions can have utility precisely by leaving the maximizing to someone else.

[24] Singer <u>1972</u>: 243. See generally Badhwar <u>2006</u>.

[25] The essay is as clear as any philosophical essay ever written, seeming to leave no room to doubt that these direct quotations accurately reflect the essay's thesis. But then Singer adds that even if we replace his favored interpretation with something more moderate, "it should be clear that we would have to give away enough to ensure that the consumer society, dependent as it is on people spending on trivia rather than giving to famine relief, would slow down and perhaps disappear entirely. There are several reasons why this would be desirable in itself" (Singer <u>1972</u>: 241). He does not say consumer society disappearing entirely would be good for Bangladesh. Rather, it is desirable in itself.

seriously: sending goods to where they do more good and sending *bads* to where they do less harm. We ship our food to wherever it extends their life expectancy more than it would ours, and we ship them our toxic waste, too, whenever it cuts their life expectancy less than it would cut ours. Could that be wrong? On what grounds?

There is a crucial theoretical question here. Namely, what is the other part of morality—the part that can trump the imperative to "prevent something bad from happening whenever we can do so without sacrificing anything of comparable moral importance?" What is the nature and scope of that other part of morality?[26]

It is a historical fact that our only successful experiments in building functional societies involve treating rights as robust enough that people can count on their rights precluding case-by-case utilitarian calculation. Surgeons lack the right to sacrifice the optimal number of patients, for example, because that would collapse the ceiling of our global potential by turning surgeons into people whom we would not trust. Institutions that work enable us to count on our hopes and dreams being respected rather than collectively promoted; it turns out that the respecting, not the promoting, is what empirically enables us to trust each other enough to live together, and work in the cooperative way that is actually, not merely theoretically, mutually advantageous.

A morality that serves purpose *x* as it works through institutions is one that induces the game's genuine players—human agents—to act in ways that serve purpose *x*. In particular, if moral institutions serve the common good, they do so by inducing human agents to act in ways that serve the common good. The only institutions that have ever done this are institutions that put people in a position to pursue their respective goods in peaceful and constructive ways.

I argued in 1995 that institutions serve the common good by encouraging and enabling agents to choose destinations of their own that are apt to make the world a better place. To have utility, an institution must neither ignore individual rationality nor try to stamp it out; rather, it must function so that people's strategic responses to the institution (and people's subsequent responses to

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[26] Perhaps the most common response a reader will find to critiques of utilitarianism is that a utilitarian theorist can easily handle any possible criticism simply by changing the theory (adding extra maximands as needed, say). The puzzled critic is left wondering how insisting that a theory *can* change counts as responding to the charge that it *needs* to.
   To say the least, I have no problem with reinventing consequentialist theory so as to make it self-consciously and principally a response to the strategic reality of the human condition. But saying consequentialism could be thus reinvented is no substitute for actually reinventing it. For progress in the direction of such reinvention, see Regan 1980, anything by Russell Hardin, such as Hardin 1991, and, as per note 14, Woodward and Allman 2007 or Schmidtz 1995.

each other's responses) have the effect of promoting the common good.[27]

10. TAKING STOCK

1. There is a literature on whether Singer's Principle demands too much, and whether utilitarianism as a decision procedure leaves room for personal projects. If I had nothing to say beyond joining that fray, I would not bother. I do not say Singer made a small, obvious mistake. If Singer made a mistake, it is so huge that we need to step back to see it. We need to step back to see how different it would be to take a break from asking what to do and instead ask what works. The difference would be somewhat like Alvin Goldman asking what works when it comes to belief formation, in the process re-inventing epistemology. What makes it okay, even exemplary, to focus on famine one day, on factory farms the next, on how laboratory animals are treated a day later, and on tending to an ailing mother the day after that? What makes it right to find our own way—to find *several* workable ways—of making it good that we lived here, feeling no need to regiment all our days under the banner of a single project? Where is the theory that draws the line in such a way that not every life (including Singer's!) falls on the same side of the line?

What makes it exemplary to not take marching orders from anyone's theory, *not even our own*?

2. Whatever we make of accusations that utilitarianism demands too much, I am struck that there is no literature on what Singer's Principle fails to demand. It fails to demand a response to the human condition. It fails to ask what has a record of fostering human flourishing. It is an empirical matter which patterns of rules and expectations are functional enough to command the respect implicit in deeming them moral.[28] But whatever social morality turns out to be, it does not go to heroic lengths to fool me into thinking that morality starts with me.[29]

3. A consequentialist might care enough about famine to theorize about something other than acts. A consequentialist can ask: why are some societies, but not others, famine-proof? The legacy of the social science launched by Hume and Smith boils down to the idea that what has massively good consequences, ends famine, and consequently is morally binding, are patterns of cooperation and mutual expectation that actually—observably, not hypothetically—are in place, facilitating cooperative ventures for mutual advantage. Respecting such conventions and expectations makes us

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[27] I thank a referee for cautioning me that readers will think this depends on how we define the common good. Not so. What I say here will be true on any definition of the common good I have seen, so long as we stick to the same definition throughout. But for further discussion, Schmidtz <u>1995</u> teases out various nuances of a proper definition.

[28] If we said whether *persons* command respect is a matter of how functional they are, that would be illegitimate. Suffice it to say, I do not assume institutions are persons. Schmidtz <u>1995</u> goes into detail.

[29] For admirable reassessments of morality's cosmopolitan demands, see Miller <u>2010</u> and Moellendorf <u>2002</u>.

fit for society.³⁰ So, even if social morality as depicted in Singer (1972) were in some theoretical way too demanding, toning down its demands would miss my point. I cannot tell how demanding social morality is by asking what I need to do in order to have a clean conscience. I learn how demanding my social morality is by evaluating the traffic management scheme in which I live. *If* that scheme is observably making its world famine-proof, then it commands my respect.

Observably, basic structures that have a history of working largely trust people to be the separate agents they are, trusting them to mind the businesses that add up to a famine-proof society. As a general observation, functional structures tread lightly when it comes to dictating destinations.

Yet, morality is not one-dimensional. The personal strand of morality, only alluded to here, demands more than the social strand, starting with its demand that we choose a destination and throw our lives at it (each of us deciding for ourselves what that means). The personal strand does *not* come strictly from outside. It is social only insofar as it demands that, as a responsible moral agent, I take seriously my social nature. It concerns what I need to do to be treating myself with respect while operating within the observably demanding yet not suffocating confines of functional social morality. I have spent my career on that topic: locating the demands of morality's personal strand in relation to the demands of morality's essentially social strand. I will say no more about it here.

4. I close with a further speculation, in this case about deontology, the other main protagonist in our pantheon of introductory theories. Deontologists regard 'What can be universalized?' as a foundational question. My thought is that, in a strategic world, the solipsistic interpretation of this test—imagining a choice between everyone cooperating and everyone declining to cooperate—is not universalizable. We cannot universalize being blind to the vast strategic difference between reciprocity and unconditional cooperation. A strategic deontology acknowledges that moral deliberation's point is to identify maxims fit for members of a *kingdom of players*. You choose how to live among ends in themselves. But ends in themselves are agents. They decide for themselves.

In a strategic world, imagining yourself unilaterally making *the* choice between everyone cooperating and everyone defecting is nothing like imagining yourself choosing for everyone in situations *relevantly like yours*. The *essence* of your situation is that you are not choosing for

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³⁰ Singer nowadays asks people to give not to a point of marginal disutility but to give, say, 1% of their income, and build on that if, as Singer plausibly predicts, giving that much turns out to enrich the giver's life. From a utilitarian perspective, 1% may have nothing to do with the truth about how much we ought to give, but if Singer's job is to maximize how much he can get us to give, 1% might be the most influential thing he could say. Without meaning to criticize, I observe only that moral theory as usually understood is an attempt to articulate truths about morality rather than to influence behavior. So, if the truth is that we should give 1%, where does that leave Singer's principle?

everyone. So, in a Prisoner's Dilemma, we could will that everyone reciprocate. Could we also will that everyone cooperate unconditionally? The difference between the two strategies is momentous, so it had better not be invisible to a universalization test we hope to use to make serious decisions. Yet unconditional giving will misleadingly appear as universalizable as reciprocity if we interpret universalizability by imagining a single chooser representing a construct "all people together," as if the very essence of moral choice involved ignoring our separate agency.

My proposal here is to treat strategic deontology as an alternative to "act-deontology" and to envision choosing among strategies, not among actions. Do not see yourself as choosing among action-maxims "I should cooperate" versus "I should free-ride." Instead, characterize alternative strategy-maxims as "I should encourage partners to cooperate" versus "I should encourage partners to free-ride." Now you see: what is universalizable is acting so as to teach your partners to grasp their place in a kingdom of ends and thereby mature in the direction of moral worth. Teach them to cooperate.[31]

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[31] I doubt that this move solves all the puzzles that could be raised for the deontological approach. It does, however, seem to go some way toward getting us past certain "indeterminacy of description" problems in articulating the proper form of maxims as the subject matter of the universalizability test. Consider also the extent to which Kant himself was alive to a need for strategic deontology, insofar as we evaluate the universalizability of promise-breaking by asking whether we can will a world in which people stop taking each other's promises seriously.

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Abstract

Scottish Enlightenment theorists focused on the nature and causes of the wealth of nations, or more generally, on what makes the world a better place. Today's act-utilitarianism, by comparison, sometimes seems remarkably inattentive to what has any robust history of good consequences. One prominent strand of today's utilitarianism is useless not because it is obsessed with consequences, but because it largely ignores them. Yet, the target in this chapter is not utilitarianism per se. This chapter asks: What would it be like to theorize about the nature and causes of good outcomes? How would theorizing about outcomes be unlike theorizing about acts?