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AGAINST COLLECTIVE CONSEQUENTIALISM

by

JAMES DiGIOVANNI

Under the direction of Andrew Jason Cohen

ABSTRACT

In this paper I argue that Liam Murphy's collective consequentialism—emphasizing fairness instead of maximization of value—is not an adequate response to the demandingness objections levied at consequentialism. Especially since Peter Singer's "Famine, Affluence, and Morality," many have objected that consequentialism is far too demanding, particularly concerning our obligations of assistance to those in extreme poverty. Murphy thinks that the problem is not that consequentialism is *necessarily* too demanding; it is that, in our nonideal world of partial compliance, consequentialism is too demanding *on those who comply with its dictates*. I hope to show that Murphy's theory is unsatisfying. I will not defend any particular version of consequentialism over alternative consequentialist theories, nor will I defend consequentialism over alternative non-consequentialist moral theories. My aim is far narrower: To show that those who accept a broadly consequentialist account of morality have little reason to accept Murphy's collective consequentialism.

INDEX WORDS: Consequentialism, Utilitarianism, Fairness, Liam Murphy, Peter Singer

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JAMES DiGIOVANNI

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CHAPTER 1- MURPHY, CONSEQUENTIALISM, AND DEMANDINGNESS

1.1 Consequentialism and its Demands

In his discussion of world poverty, Peter Singer begins with a now well-known thought experiment:

> On my way to giving a lecture, I pass a shallow ornamental pond and notice that a small child has fallen in and is in danger of drowning. I look around to see where the parents, or babysitter, are, but to my surprise, I see that there is no one else around. It seems that it is up to me to make sure that the child doesn't drown. Would anyone deny that I ought to wade in and pull the child out? This will mean getting my clothes muddy, ruining my shoes and either cancelling my lecture or delaying it until I can find something dry to change into; but compared with the avoidable death of a child none of these things are significant.[1]

Almost all consequentialists, and many non-consequentialists, accept Singer's conclusion here as uncontroversial. The principle it rests upon is clear: "If it is in our power to prevent something very bad happening, without thereby sacrificing anything of comparable moral significance, we ought to do it."[2]

But this example, while it seems uncontroversial, is famously deceptive. What appears to be a simple principle would actually be incredibly demanding, and would significantly alter our lives. A relatively[3] affluent individual could give up portions of her income spent on a nice car, dining out, and so on, in order to save the lives of children through charitable donations. If a person is willing to ruin their nice clothing to save a drowning child, she should be just as willing not to buy these items in the first place, and instead donate the money to a charitable organization to save a starving or sick child's life.

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[1] Peter Singer, *Practical Ethics: Third Edition* (New York: Cambridge University Press, 2011), 199.
[2] Singer (2011), 199.
[3] Relative, of course, to those in extreme poverty. This leaves almost all people in developed, western, liberal democracies as relatively affluent.

1.2 The Demandingness Objections

Before discussing the attempted solutions to the problem of demandingness, I must first show why demandingness is typically thought to be such a problem for consequentialism, even by those who consider themselves consequentialists.[4] The demandingness objections I will focus on are aimed at maximizing act-consequentialism, or what Murphy calls the "optimizing principle of beneficence."[5] According to this version of consequentialism, morality "requires us to keep benefiting others until the point where further efforts would burden us as much as they would help the others."[6]

Murphy contends that although this requirement "has the virtue of simplicity, the demands it makes strike just about everyone as absurd—as we say, a principle that makes such demands 'just couldn't be right'."[7] Shelly Kagan suggests that the problem is that "to live in accordance with such demands would drastically alter my life. In a sense, neither my time, nor my goods, nor my plans would be my own....The claim is deeply counterintuitive."[8] Kagan, Murphy, and almost all consequentialists (and many non-consequentialists) would agree that just because a claim is counterintuitive does not mean that it is wrong. Instead, such a deeply counterintuitive claim merely warrants further analysis.

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[4] Demandingness objections to consequentialism have become quite prevalent in the literature over the last forty years, and I will discuss only a few contemporary formulations. Demandingness objections, though, can be traced as far back as William Godwin, John Stuart Mill, and Henry Sidgwick. See Brad Hooker's *Ideal Code, Real World* (New York: Oxford University Press, 2003), 149 fn. All references to Hooker will be to this work.

[5] I will refer to "maximizing act-consequentialism" as simply "act-consequentialism."

[6] Liam Murphy, *Moral Demands in Nonideal Theory* (New York: Oxford University Press, 2000), 6. All references to Murphy will be to this work.

[7] Murphy, 6.

[8] Shelly Kagan, *The Limits of Morality* (New York: Oxford University Press, 1989), 2.

Objections raised to consequentialism in this vein are often conflated and lumped under a single "demandingness objection" umbrella. These objections, though, should be divided into three distinct types: demandingness objections, integrity/alienation objections, and confinement objections. While these objections sound very different, in what follows I will offer more precise accounts of the three objections, hoping to make clear why they are often conflated.[9] The demandingness objection, when properly differentiated from the other similar objections, is the most straightforward of the three. As Singer puts it, in referring specifically to famine relief in Bengal,

> It might be thought that this argument has an absurd consequence. Since the situation appears to be that very few people are likely to give substantial amounts, it follows that I and everyone else in similar circumstances ought to give as much as possible, that is, at least up to the point at which by giving more one would begin to cause serious suffering for oneself and one's dependents - perhaps even beyond this point to the point of marginal utility, at which by giving more one would cause oneself and one's dependents as much suffering as one would prevent in Bengal.[10]

Those who view this consequence as absurd are making the standard demandingness objection. These objectors respond with an argument in basically this form:

> If the optimizing principle of beneficence is correct, morality requires agents to reduce themselves to the point of marginal utility.
> Morality does not require that agents reduce themselves to the point of marginal utility.
> Therefore, the optimizing principle of beneficence is not correct.

One philosopher's *modus ponens*, as the saying goes, is another philosopher's *modus tollens*.

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[9] Murphy also specifies demandingness objections in this way, as does Paul Hurley in "Fairness and Beneficence," *Ethics* 113.4 (2003), 845.

[10] Peter Singer, "Famine Affluence and Morality," *Philosophy and Public Affairs* 1.1 (1972), 229-243. "Marginal utility" is the term used by Singer, so I will use it here for consistency, leaving aside whether Singer uses the term properly. Following Singer, then, we can use "the point of marginal utility" to mean "the point at which giving more would cause oneself and one's dependents as much suffering as one would prevent."

The optimizing principle brings us to such absurd consequences that the optimizing principle itself must be wrong. A tenable moral theory, critics say, does not require that agents reduce themselves to the point of marginal utility, i.e., a tenable moral theory does not make such excessive demands. There are various ways in which these critics have argued that morality does not make such excessive demands, both from a consequentialist and non-consequentialist perspective. For our purposes here, we need not explore these arguments. Instead, we need be aware that they exist.[11]

The integrity/alienation objections are proposed most forcefully by Bernard Williams (who uses the term "integrity") and Peter Railton (who uses the term "alienation"). The integrity and alienation objections are not exactly the same, but because they point to the same general problem I will group them together here. Railton states the problem as follows: "Living up to the demands of morality may bring with it alienation—from one's personal commitments, from one's feelings or sentiments, from other people, or even from morality itself."[12] Railton defines alienation "roughly as a kind of estrangement, distancing, or separateness (not necessarily consciously attended to) resulting in some sort of loss (not necessarily consciously noticed)."[13] Consequentialism, Railton argues, is "all-consuming" and forces out our commitments to other ends.[14] A person who loves to play soccer, and gets much satisfaction from playing soccer, would likely have to give up this activity in favor of whatever would have the best

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[11] See, for example, Samuel Scheffler's *Human Morality* (New York: Oxford University Press, 1992), ch. 1-2.
[12] Peter Railton, "Alienation, Consequentialism, and the Demands of Morality," *Philosophy & Public Affairs* 13.2 (1984), 134.
[13] Railton, 134.
[14] Railton, 145.

consequences, considered impartially.[15]

Williams makes a similar argument, focusing especially on an agent's personal projects and commitments.[16] He contends that due to the demandingness of maximization, consequentialist moral theories force individuals to abandon most of their most basic individual commitments. Individuals define themselves through these personal commitments—to friends, family, non-utility maximizing social causes, intellectual, cultural, or creative pursuits—what Williams calls "identity-conferring commitments." An identity-conferring commitment is, for Williams, "the condition of my existence, in the sense that unless I am propelled forward by the conatus of desire, project and interest, it is unclear why I should go on at all."[17] A moral theory that fails to give pride of place to identity-conferring commitments—and utilitarianism of the optimizing sort is used as a paradigmatic example—is deeply flawed.

A nice formulation of the confinement objection is raised by Michael Slote.[18] This objection refers to the limiting of one's options by a moral theory such as utilitarianism. For the optimizing principle of beneficence, the right action is the action that brings consequences as good as any alternative option. It seems that the optimizing principle of beneficence allows for

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[15] An exception could be made if, for example, playing a game of soccer would keep the individual in peak physical condition and allow her to perform her job better, earn more money, donate more money, and therefore be in accordance with the optimizing principle of beneficence. Even if this is sometimes the case, it seems plausible to say that many of our "identity-conferring commitments" would be problematic for the optimizing principle of beneficence.

[16] Bernard Williams, "A Critique of Utilitarianism," in J.J.C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), Section 5.

[17] Bernard Williams, "Persons, Character, and Morality" in *Moral Luck: Philosophical Papers* (Cambridge: Cambridge University Press, 1981), 12.

[18] Slote, *Common Sense Morality and* Consequentialism (London: Routledge and Kegan Paul, 1985), ch. 2. See also Dan Brock's "Defending Moral Options," *Philosophy and Phenomenological Research* 51.4 (1991), pp. 909-913.

only one possible action.[19] In the obvious case, the optimizing principle of beneficence demands that an agent use her money in the most efficient way possible, leaving the agent with one choice of what to do with her financial resources.

The demands of the optimizing principle of beneficence go even further than dictating what an individual does with her income. This further problem is the emphasis of the confinement objection. It appears that according to the optimizing principle, one would have to not only donate substantial portions of one's income, which is drastic enough, but also alter nearly every major life decision. "A successful college student in the United States who is choosing between law school and ... pursuing graduate work in philosophy ... should certainly choose law school, and once graduated should work for the highest paying law firm she can."[20] The only permissible option available, if morality demands that we optimize beneficence, will for the vast majority be the highest paying career possible, the goal being to earn more money and make greater charitable contributions. One can easily imagine what the adoption of this principle would do to the choices of those interested in low paying but personally fulfilling careers.[21] This certainly has significant overlap with the alienation problem, but we can see how the limiting of options causes its own problems as well.

Options are equally limited in our non-professional lives. The individual who

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[19] Much has been written on this issue that cannot be discussed here. Actual ties likely do not exist, but, from an agent's perspective, there will be many situations in which she lacks epistemic access to what the optimizing action is, and is thus (many utilitarians would say) left with a choice between several actions. This point may weaken the confinement objection in some situations, but it seems unlikely that it can defeat the confinement objection completely.

[20] Murphy, 27.

[21] Along with Murphy, Singer, and most consequentialists, I here take for granted that the utility comparison can be made between the loss incurred by a person who would have been a happy philosopher choosing to be a miserable lawyer, and the gains of those receiving the charitable contributions of the miserable lawyer.

participates in a weekend soccer league would increase overall utility by quitting the league and instead working more hours, or volunteering. If the individual volunteered at a local soup kitchen, that too would likely be problematic, for the individual surely has better, more efficient options of increasing the well-being of others. This eliminating of options would continue until the agent is finally and consistently only engaging in the optimizing action at any given time. When our options are so severely limited, our lives are just as severely confined. This limits what Slote calls an individual's "moral autonomy," or the "moral permissibility of choosing among a variety of possible actions."[22]

1.3 Murphy's Collective Consequentialism

Liam Murphy offers an insightful response to these serious problems. It is important to first note that, as suggested by the title of Murphy's book—*Moral Demands in Nonideal Theory*—his concern is with nonideal theory.[23] That is, Murphy's concern is with the moral demands made in a world of partial compliance. The main question Murphy addresses is the question of "what a given person is required to do in circumstances where at least some others are not doing what they are required to do."[24] Murphy's theory, as we will see, is built upon the uncontroversial idea that many moral agents fail to comply with consequentialism, leaving compliance quite low. It is likely more accurate to say that moral agents, as a whole, are far closer to full *non*compliance than to full compliance. Because Murphy's focus is nonideal

[22] Slote, Ch. 2.
[23] For more on the difference between ideal and nonideal theory, see John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), 8-9, 245-246.
[24] Murphy, 5.

theory, that, too, will be my focus.

Murphy argues that although the optimizing principle of beneficence appears absurd because of its demandingness, the alleged problem is actually "no problem at all."[25] Murphy, instead of solving the problem of over-demandingness, seeks to "undermine its force."[26] "We need to remind ourselves," Murphy says, "that no moral theory, utilitarian or otherwise, is *necessarily* extremely confining and that, on the other hand, all familiar theories are *potentially* extremely confining."[27] Consequentialism itself is not demanding until we consider the nonideal case of partial compliance or near noncompliance.

To show that consequentialism is not necessarily over-demanding, or at least that it is not necessarily any more demanding than other moral theories, Murphy contrasts it with deontology. "There are possible circumstances," he writes, "in which the mostly negative prescriptions of standard deontological accounts will be extremely confining."[28] To show this, Murphy uses several examples. The first features an American parent with a chronically ill child and no health insurance. The special obligation to care for the child leaves the parent in much the same position as the optimizing principle of beneficence would, only the duty is to a specific person. The parent must seek employment that garners the highest wages to spend on the medical bills. Thus, Murphy claims that alternative moral theories with positive duties can be just as demanding as consequentialism.

Negative deontological requirements can be incredibly demanding as well. "If I am told

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[25] Murphy, 74.
[26] Murphy, 8.
[27] Murphy, 31. It is safe to assume that Murphy says the same about a moral theory being potentially vs. necessarily alienating and demanding as well.
[28] These two example are taken from Murphy, 28.

to cooperate with a murderous regime...ordinary deontological requirements may leave me with one or two permissible options—presumably flight or acceptance of my own demise."[29] In using this second example, Murphy concludes that it is "wrong to think that extreme confinement was a feature of just positive requirements, such as special obligations [in the case of the sick child] or beneficence [in the case of consequentialist and deontological duties of assistance]."[30] Whether or not we accept his comparison between deontological and consequentialist demands, the collective principle of beneficence is still highly problematic for reasons I will show in the following sections. This is especially clear when we remember that the focus of this paper is the internal debates of consequentialism, and not a defense of consequentialism over deontology.

The real issue with the demands of the optimizing principle is not that they are too demanding, Murphy contends, but that they are *too demanding on those who comply*. So the problem is not demandingness *per se*, but unfairness. Take, as a prominent example, duties of assistance to those in extreme poverty. If each individual who can afford to offer assistance did so, the demands on each of us would not be very great at all. There would be no worry of alienation, confinement, or demandingness. But Murphy's focus, remember, is nonideal theory. Sure, if we had full compliance demandingness would not be a problem. But, in our nonideal world, we have nowhere near full compliance. So the demands are not met by all, but rather only by those in the very small minority who choose to comply with the moral demands. Following Derek Parfait, Murphy labels these compliers, interested in "free-lance good-doing" in

[29] Murphy, 28.
[30] Murphy, 28.

a world of near low compliance, "pure do-gooders."[31] The burden placed on do-gooders is unfair. It is problematic that those who attempt to follow the dictates of morality—those who attempt to do the most good—are left confined, alienated, and nearly as poor as those they are attempting to help.

"If I am complying with the optimizing principle but others are not," Murphy continues, "I not only have to do my own fair share. I have to take on as much of the shares of the noncomplying others as is optimal as well."[32] Because the concern of Murphy and the other consequentialists discussed here is the nonideal world of partial compliance, the demandingness objection cannot be avoided by stating that consequentialism is too demanding *in theory*. Whether or not consequentialism is more or less demanding *in theory* than any form of deontology or other moral theory is, for my purposes and Murphy's, insignificant.

Before we continue, more needs to be said about what Murphy means by the term "fair share." For Murphy, fairness and equality are very closely linked. He divides fairness into two types, formal fairness and substantive fairness, and uses the concept of formal fairness in discussion a fair distribution of compliance effects. Formal fairness "requires that a distribution be equal unless there are good grounds for departing from equality."[33] Formal fairness is incomplete, but it does "tell us something, namely, that equal distributions matter, and that departures from equality require a reason we can acknowledge as having weight."[34] In his full discussion of fairness (especially in contrasting formal and substantive fairness), Murphy makes

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[31] Murphy, 13, 22. See also Derek Parfit, *Reasons and Persons* (New York: Oxford University Press, 1984), 30.
[32] Murphy, 7.
[33] Murphy, 107.
[34] Murphy, 108.

it clear that the departure from a fair (and thus equal) distribution of compliance effects requires a reason so weighty that this departure is most often unjustified.[35] So, most important to our discussion here, Murphy believes that in the distribution of compliance effects, "formal fairness and fairness as equality coincide."[36] I will not argue against Murphy's specific account of fairness; rather, I will assume his account of fairness is correct and see where it leads us.

Murphy's response to this problem is a form of rule-consequentialism he calls "collective consequentialism."[37] "[T]he idea" of what Murphy calls the compliance condition, he writes, "is that the demands on a complying person should not exceed what they would be under full compliance."[38] Here is Murphy's full articulation of the compliance condition:

> An agent-neutral moral principle should not increase its demands on agents as expected compliance with the principle by other agents decreases. Demands on an agent under partial compliance should not exceed what they would be (all other aspects of her situation remaining the same) under full compliance from now on.[39]

This collective consequentialist account proceeds in what can be seen as three distinct stages.[40] First, the agent conceives of a world of perfect compliance in which everyone acts in accordance with the demands of the optimizing principle of beneficence. In the second stage, the agent calculates (perhaps only roughly) what her level of well-being would be in the world of perfect compliance. In the third and final stage, the agent considers what actions would, in the actual world of imperfect compliance, make people best off without making the agent herself worse off

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[35] See the full discussion of formal and substantive fairness in Murphy, 107-112.
[36] Murphy, 112.
[37] Murphy more often calls it "the collective principle of beneficence." For the sake of consistency, I will just refer to his theory as "collective consequentialism," as he also does at times. He also uses "the optimizing principle of beneficence" to refer to maximizing act-consequentialism.
[38] Murphy, 7.
[39] Murphy, 77.
[40] Murphy does not explicitly offer these stages, but the stages make his conception clearer.

than she would have been under perfect compliance. These actions, then, are what morality demands of her according to collective consequentialism. She is required to do her fair share, but not any more than her fair share.

Murphy's proposal allows us to avoid many problems faced by consequentialists. The worry of "do-gooders" being forced to pick up the slack is eliminated. A robust sense of fairness is put at the forefront.[41] If every relatively affluent person gave their fair share to aid those in extreme poverty, they would simply not face the problems of extreme demandingness, confinement, and alienation. Murphy's conception of fairness concerns specifically the fairness of the distribution of responsibility. "If there are benefits to each from compliance by all," Murphy writes, "those benefits should be fairly distributed; and likewise for burdens."[42] With collective consequentialism, demands are fairly distributed, as individuals are only required to accept their fair share of the burden. Unlike act-consequentialism, collective consequentialism does not make excessive demands on those who comply. Instead, collective consequentialism demands the same of all individuals, regardless of whether they comply or not.[43]

The problem with the optimizing principle of beneficence, then, is that it cannot circumnavigate the problem of unfair demands. "For under partial compliance with the optimizing principle of beneficence, each agent is required to fulfill what would be his own fairly allocated responsibility under full compliance plus (speaking roughly) some of the responsibility

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[41] Murphy believes that, even after placing such a high emphasis on fairness, his theory is still a consequentialist theory. This is questionable, but cannot be questioned fully here.
[42] Murphy, 90.
[43] I think we can charitably assume that Murphy would say the demands are not exactly the same. A billionaire's moral duty is significantly higher than a retail worker. The duties are the same relative to the individual's capacity to meet these duties.

that properly belongs to noncomplying agents."[44] Each agent, according to the collective principle, faces the same requirements in both substance and form, as Murphy puts it. Because each agent faces the same requirements, "no standard issue of fairness can arise."[45]

A minor, but important, consideration is that the collective principle, like the optimizing principle, is "agent-neutral." This term, along with "agent-relative," was first introduced by Derek Parfit. "Since *C* [where C is a moral theory] gives to all agents common moral aims, I shall call *C* agent-neutral. Many moral theories do not take this form. These theories are agent-relative, giving to different agents, different aims."[46] A simple example will help elucidate this concept further. Suppose that my reason for loaning money to a friend is because doing so would make the friend happy. My reason would be agent-relative if I want to make her happy because she is my friend. My reason would be agent-neutral if I want to make her happy because I ought to make other people happy, regardless of their relation to me. So, on the agent-neutral account, I would have no more reason to loan money to my friend than to a stranger if it would make them equally happy. Both the optimizing and collective principles of beneficence follow this agent-neutral approach. Now that I have fully outlined the demandingness objections and Murphy's attempted response to them, I will evaluate this attempted response.

[44] Murphy, 90.
[45] Murphy, 90.
[46] Parfit, 27.

CHAPTER 2- AGAINST THE COMPLIANCE CONDITION

2.1 Objections to Murphy

Murphy's compliance condition is a necessary facet of collective consequentialism, but it is problematic in many situations. To remind the reader, Murphy defines the compliance condition as "the idea is that the demands on a complying person should not exceed what they would be under full compliance."[47]

A slight alteration to Singer's drowning child thought experiment will assist us here. Imagine that you and a stranger are walking past a shallow pond in which two small children are drowning. You and the stranger can easily save one child each without sacrificing anything of comparable moral value—perhaps you will each ruin your new pairs of shoes, but surely that price is worth paying for the life of a child. Instead of each saving one child, though, you wade into the pond as the stranger walks away. You can easily save both of the children. What does morality require of you in this situation? According to the optimizing principle of beneficence, you are morally required to save both of the children. According to the collective principle of beneficence, though, it seems that morality requires you to save one child, as only one child is your "fair share."

This simple example is highly problematic for collective consequentialism. Surely your saving both of the children—even if only saving one is doing your fair share—is the best consequence in this situation. So if we are considering among several consequentialist moral theories, collective consequentialism seems to fail in getting us to the best outcome considered in

[47] Murphy, 7.

terms of consequences. The same can be said, then, when this thought experiment is applied to world poverty. If you know that others will not give their fair share, but you know that you can pick up the slack by giving more than your fair share without sacrificing anything of morally comparable value, then in order to bring about the best consequences you are required to give more than your fair share.

In addition, significant problems are raised by Murphy's notion of fairness. Murphy considers one such problem, but quickly dismisses it. If we take collective consequentialism to be correct, issues of fairness can still be raised. A complying agent in a world of noncompliers is less well-off than she would be if she decided not to comply. For example, if a complying agent donates her fair share to charity, but nobody else donates their fair share, the complying agent is made less well-off relative to noncomplying agents. She is also less well-off than she would have been had she not complied. Surely, though, she is better off than she would have been had she complied with the optimizing principle of beneficence. By just giving her fair share, she avoided the over-demanding, alienating, and confining results of the optimizing principle of beneficence. Thus, the collective principle lessens the level of unfairness by lessening the burdens accepted by compliers and noncompliers, but does not eliminate unfairness altogether.

2.2 Murphy's Possible Response

In defense of his collective principle of beneficence, Murphy can offer a response that avoids at least some of the deeply counterintuitive implications in pond scenarios. The collective principle of beneficence *might* require that I save the second drowning child, even if I have done

my fair share and others have not. It might after all be the case that rescuing the second child does not in fact make me less well-off than I would be had everyone acted in accordance with the collective principle. If saving the second child leaves you no less well-off than you would have been under full compliance, Murphy can say that you ought to save the second child. This might be the case in some situations, and Murphy would be correct in pointing out that the collective principle of beneficence can require the saving of the second drowning child in these situations. However, the (non-collective) consequentialist has no reason to say that I *might* be required to save the second drowning child. Rather, the (non-collective) consequentialist only has good reason to make the stronger claim that I *am* required to save the second drowning child, based on comparing the consequences of saving the second child and the consequences of not saving the second child.

To further elucidate my response to Murphy's possible reply, let us slightly alter the drowning child example yet again. You and a stranger are walking past the two drowning children, just as before. Again, the stranger runs off, and you are left with the choice to save one, both, or neither child. You immediately wade in, saving the first drowning child. Your expensive shoes are ruined, but they are nowhere near as morally valuable as a child's life. So far, so good: you have brought about the most beneficial consequences with your action, and are just as well-off as you would be under conditions of full compliance. At this point, you are perfectly capable of saving the second drowning child. But saving the second child will require that you pull her out of the water with your left hand—as the first child is being held in your right hand—ruining the expensive watch on your left wrist. The proper action, especially from a

consequentialist perspective, is to save the second drowning child as well. Just as the first child's life has far more moral worth than your shoes, the second child's life has far more moral worth than your watch. Those who find Singer's original pond scenario compelling should, I think, also find my modifications compelling.

Even though Murphy's collective principle of beneficence may sometimes require us to save the second drowning child, this appears to be a clear case in which it does not. Remember, the compliance condition states that "the demands on a complying person should not exceed what they would be under full compliance."[48] Under full compliance, your shoes would be ruined, but your expensive watch would not be, as the stranger would have rescued the second drowning child. The stranger, had he complied, would have only ruined his pair of shoes as well, leaving you both with comparable material losses under full compliance. Under partial compliance, in which the stranger runs off leaving you to save both children, both your shoes and watch are ruined, but nothing of the stranger's is ruined. It is clear that morality's demands according to collective consequentialism in this case are to save only the one child. If one is already a consequentialist, and thus is only concerned with the consequences of a given action, there appears to be no reason to accept Murphy's collective consequentialism in this instance. And if there is no reason to accept Murphy's collective consequentialism in this instance, there appears to be no reason to accept it for duties of assistance to the extreme poor, or morality *writ large*.

[48] Murphy, 7.

2.3 Cohen's Response

L. Jonathan Cohen offers a similar (though less developed) version of the fair shares argument in his 1981 article "Who is starving whom?"[49] Cohen's argument differs from Murphy's in two significant ways. First, Cohen argues for a fair distribution of *duties* rather than a fair distribution of *demands*. Second, Cohen's appeals to fairness rely on the consequences of adopting a code of ethics that emphasizes fairness. In other words, Cohen offers a consequentialist account of fairness itself. This second difference allows Cohen to respond to the objections above in a way that is not available to Murphy, as Murphy does not justify fairness in terms of its consequences alone. In this section, I will show that modifying Murphy's account of fairness to be more in line with Cohen's would raise more problems, not less. Because of this, Cohen's formulation does not save collective consequentialism as it, too, fails to provide good enough reasons to consider fairness an important part of consequentialism.

Concerning the first major difference, it seems clear enough that whether we focus on the fair distribution of demands or the fair distribution of duties, the criticisms I mention above apply. Concerning the second, it is unclear whether or not Murphy's theory ceases to be a consequentialist theory because of the way in which he defends his account of fairness. The same cannot be said for Cohen's version, which is defended on the grounds that adopting a public code of fairness brings about greater net-benefit.

Based on this second major difference between Cohen and Murphy, Cohen offers a response to the fair-shares-in-drowning-babies objection. Cohen's response appeals to the

[49] Cohen, "Who is Starving Whom?," *Theoria* 47.2 (1981).

consequences of a public ethical code of fairness. Referring to an optimizing principle of beneficence,[50] Cohen writes that "such a principle in the community's acknowledged moral code could encourage many to believe that the world would be no worse off if they contributed nothing at all."[51] An optimizing principle of beneficence, then, encourages compliers to pick up the slack for non-compliers, and thus encourages non-compliers to keep on slacking. It is not that fairness will *always* lead to better consequences, as that is clearly not the case. Cohen's claim is that we can adopt (as a group) a rule requiring that each individual do her fair share, and adopting such a rule would bring about better consequences than not adopting such a rule.[52]

Cohen's argument does not avoid the criticisms of Murphy's argument. Cohen's argument also faces some serious additional criticism that Murphy can avoid. Defending rules of fairness on consequentialist grounds opens Cohen to the familiar collapse objection levied at rule-consequentialist theories.[53] The collapse objection states that act- and rule-consequentialism, in David Lyons' formulation, are "extensionally equivalent."[54] In J.J.C. Smart's summary of Lyons' argument,

> Suppose that an exception to rule *R* produces the best possible consequences. Then this is evidence that rule *R* should be modified so as to allow this exception. Thus we get a new rule of the form 'do *R* except in circumstances of the sort *C*'. That is, whatever would lead the act-utilitarian to break a rule would lead the…rule-utilitarian to modify the rule. Thus an adequate rule-utilitarianism

[50] Cohen, of course, does not use that term, but the term applies to the strong principle of beneficence to which he is referring.
[51] Cohen, 79.
[52] Cohen does not claim that fairness will *maximize* utility, or any other value.
[53] See, in particular, David Lyons, *The Forms and Limits of Utilitarianism* (Oxford University Press, London, 1965), and Smart & Williams (10-12).
[54] Lyons, chapter 3.

would be extensionally equivalent to act-utilitarianism.[55]

If this objection is correct, it certainly undermines Cohen's defense of fairness. "Do your fair share," when justified by consequentialist reasons, is just another rule of rule-consequentialism. Certainly there are situations in which breaking the fairness rule is beneficial—either by doing more or less than your fair share—and in these situations appeals to fairness ought to be thrown out. I do not intend what I have just said to be definitive, and there are certainly responses to this objection that I cannot address here.[56] It is just important to note that this is the most significant way that Cohen's account differs from Murphy, leaving Cohen open to all of my criticisms of Murphy, plus one, and this one additional criticism is quite important.

In situations such as global poverty, Cohen asks: "Who is morally responsible for these deaths? Those who didn't give anything at all *or* those who, knowing that the others were giving nothing, gave no more than their tithe?"[57] Cohen seems to want to treat this "or" as representing an exclusive disjunction: either those who gave their tithe are morally responsible, or those who gave nothing are responsible, but there is no shared responsibility. It seems far more plausible to treat this as an inclusive disjunction, giving us a third option: *both* those who gave their tithe and those who gave nothing are morally responsible for the deaths of those in extreme poverty. Cohen rejects assigning *any* share of the moral responsibility to those who already gave their fair share. "If we were to assign any share of moral responsibility to those who gave their tithe we should implicitly be proposing a code of ethics that would undermine the motivation to make any

[55] In Smart & Williams, 10-11
[56] For a rule utilitarian defense against the collapse objection, see Hooker, 93-99.
[57] Cohen, 73 (emphasis added).

kind of contribution."[58] If doing more than one's fair share is actually harmful in this way, what we commonly view as supererogatory would actually be morally impermissible. Put simply, doing more than your fair share causes harmful downstream effects; it is morally impermissible (for the consequentialist) to cause harmful downstream effects; therefore it is morally impermissible to do more than your fair share.[59] This would strike most moral philosophers—Murphy and I included—as quite wrong.

This leaves us with a major empirical question: Would giving more than one's fair share in fact discourage others from giving any at all? It seems plausible to think that a non-complying individual will actually be *encouraged to do more* than her fair share when she sees that those around her are doing a great deal more than their fair share, provided that those around her have not completely remedied the situation, and that her contribution will make a difference. In fact, there is recent empirical evidence that supports this claim.[60] Singer's most recent book on the topic—and the accompanying website—encourages people to donate more than their fair share, then make their charitable contributions public as a way to encourage others to do the same.

A rule such as "do your fair share" appears far too broad. There are some situations in which doing your fair share will lead to the best outcomes, but certainly there are others in which doing your fair share will lead to worse outcomes than optimizing. Concerning charitable contributions to fight global poverty, it is likely that encouraging a public ethic of doing more than one's fair share will bring about greater consequences than encouraging a public ethic of

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[58] Cohen, 73.
[59] To be more precise, harmful downstream effects that are not outweighed by any beneficial effects.
[60] See Singer, *The Life You Can Save* (New York: Random House, 2009), Chapter 5, especially fn. 1-3.

doing merely one's fair share (though I do admit that this is speculative, as is Cohen's argument). The question of what publicly accepted level of contributions will lead to the greatest net benefit is a complex one, but we have strong empirical reasons to believe that the answer is some figure greater than your fair share.[61] Murphy is willing to admit this, and defends the collective principle of beneficence in spite of this fact. Cohen's argument, though, runs into major problems because of this.

[61] For two plausible public standards of giving that are greater than one's fair share, See Singer Chapter 10 and Hooker Chapter 8.

CHAPTER 3- PRACTICAL PROBLEMS FOR COLLECTIVE CONSEQUENTIALISM

3.1 The Wrong Facts Objection

Tim Mulgan, in *The Demands of Consequentialism*, argues that collective consequentialism faces what Mulgan calls the "wrong facts objection."[62] This objection, put most simply, states that the facts used by the collective consequentialism to answer the empirical question "What should we do here and now?" are morally irrelevant facts.

Mulgan walks the reader through several hypothetical scenarios in an attempt to show that some facts needed by collective consequentialism are morally irrelevant. An affluent individual—let's call her Mary—is attempting to decide what morality demands of her in relation to the world's poor. Mary does not know which of these three situations she is in:

1) There are only 1 million people starving in an affluent world.
2) There are 50 million people starving or facing famine.
3) Famine has broken out across Asia. There are 2,500 million people starving.[63]

The number of starving people is vastly different in each situation. This has a significant impact on what Mary ought to do, assuming that the number of affluent people capable of assisting remains constant in the three situations. Mary's fair share, calculated rather crudely in only financial terms, equals the amount of money it takes to solve the problem divided by the number of people in a position to assist. The cost of eradicating famine in situation three is 2,500 times more than in situation one, so Mary ought to contribute, according to collective consequentialism, 2,500 times more in situation three than in situation one.

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[62] Mulgan, *The Demands of Consequentialism* (New York: Oxford University Press, 2001), Ch. 4. Mulgan discusses both Brad Hooker's rule consequentialism and Murphy's collective consequentialism. I will focus only on Mulgan's discussion of Murphy.

[63] Mulgan, 91.

The same can be said if the number of starving people remained constant, but the number of affluent people in a position to offer assistance varied. Take these three situations:

1) The developed world is very small, containing only 1 million people.
2) The developed world includes 50 million people.
3) Owing to rapid economic progress in China, the developed world contains 2,500 million people.[64]

Like the previous examples with varying numbers of starving individuals, the varying numbers of people in the developed world (and thereby affluent people in a position to assist) drastically change what morality demands of us according to Murphy. Situation three requires that Mary give 2,500 times less than the amount she would be required to give in situation one.

Mulgan finds these results objectionable. The number of people in the developed world, and the number of people who are extremely poor, are simply morally irrelevant numbers. The important point, Mulgan thinks, is that collective consequentialism "requires extensive knowledge of facts that have no effect on the consequences of our actions."[65] If we assume that Mary knows her own financial situation, knows what organization will bring about good consequences, and knows (roughly) how much money it will take to bring about these good consequences, it seems that she knows all of the morally relevant facts, and can now act accordingly. Because these additional facts have to effect on the consequences of our actions, and consequentialists are only concerned with the consequences of their actions, these additional facts appear to be morally irrelevant for the consequentialist.

Mulgan's argument, though, seems to take for granted—*contra* Murphy—that facts

[64] Mulgan, 92.
[65] Mulgan, 92.

relating to the fairness of each situation are morally relevant. But Mulgan believes this because he thinks that fairness itself is morally irrelevant, so facts relating to fairness are also morally irrelevant. What, exactly, makes these facts "wrong" or "morally irrelevant" facts? Murphy would of course say that these facts are not the wrong facts; rather, they are precisely the facts that one should be concerned with in our nonideal situation of partial compliance and extreme poverty, and these facts are required as a result of collective consequentialism. In other words, these facts are only wrong or morally irrelevant if we accept that collective consequentialism is wrong and act consequentialism is right. In defense of the wrong facts objection, Mulgan offers two claims. First, Mary "should not need to acquire such detailed empirical knowledge before she decides how much to give to charity."[66] Second, moral acceptability of a donation "should not depend on such empirical details."[67] As Mulgan correctly notes, these claims are distinct but mutually supportive.

The wrong facts objection is precisely right, but could use much additional support, support I will attempt to provide. I think there are three ways we can view the wrong facts objection, and I will discuss each of them in turn. First, these facts are *in principle* morally irrelevant and, whether or not collective consequentialism requires that they be precise or just extensive, their gathering should not be required at all. That is, even if it was incredibly easily to attain these extensive and precise facts, they would still be in principle irrelevant. Second, collective consequentialism requires that agents gather facts with far too much precision to be plausible. Third, even if the fact-gathering does not have to be so precise, the additional facts are

[66] Mulgan, 94.
[67] Mulgan, 94.

extensive and difficult to attain, making the fact-gathering enterprise implausibly difficult.

The first interpretation of the wrong facts objection—that the facts are in principle morally irrelevant—may in fact be correct. Indeed, I do think that this objection is correct, but I think it is correct because I think collective consequentialism is wrong for reasons independent of the wrong facts objection. It is this version of the wrong facts objection that Mulgan most heavily relies on, but because this objection also relies on the wrongness of collective consequentialism itself, the debate should be pushed back a step. Instead of saying that the facts are morally irrelevant and therefore collective consequentialism is wrong, we would have to say that collective consequentialism is wrong and therefore the facts are morally irrelevant. I believe I have provided enough reason above to affirm the antecedent of the latter conditional.

The second construal of the wrong facts objection—that these additional facts require implausible precision—can, I think, be easily defeated. This precision objection has also been commonly leveled against other forms of consequentialism, most notably act utilitarianism. Act utilitarians need not, and should not, require that agents in practice obtain all relevant facts before acting. This would be counterproductive and would fail to meet the requirement to maximize utility. Surely if an agent remains frozen, unable to act until she has collected every relevant fact and calculated precisely the morally best option, she is failing to be a good utilitarian. She should instead act on the basis of the best available information, weighing the costs of pursuing new information against the benefits of acting without this new information. This can be supported on strictly utilitarian grounds. The same can be said for collective consequentialism. One can have a rough idea of what morality requires of them, and use this

rough idea as a guide to one's action instead of seeking out and calculating the precise demands of morality.

The third way we can view the wrong facts objection—that these facts are implausibly extensive—is more difficult to undermine, partially because it is the weakest version of the three possible wrong facts objections. Because we cannot simply hold the first "morally irrelevant in principle" objection without assuming collective consequentialism is itself wrong, the third objection cannot provide a strong enough independent reason to reject collective consequentialism. It can, however, show additional problems faced by collective consequentialism, problem not faced by other forms of consequentialism.

Many have criticized Singer's argument by pointing to the epistemic obstacles agents face when donating to international aid organizations.[68] Leif Wenar makes what I believe is the strongest such argument, so I will focus on the argument he provides.[69] The more facts a moral theory requires an agent to know before she can act, the more Wenar's criticisms cause serious practical problems for that moral theory. Collective consequentialism requires that an agent know more facts than act consequentialism. This itself is a serious strike against collective consequentialism, and an additional reason for consequentialists to deny this specific form of consequentialism. However, I do not intend this objection to be capable, on its own, of providing enough reason to deny collective consequentialism.

As Wenar points out, there are significant epistemic differences between pond scenarios

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[68] For one such argument that I will not discuss here, see David Schmidtz, "Islands in a Sea of Obligation," *Law and Philosophy* 19.6 (2000).

[69] Leif Wenar, "Poverty is No Pond" in *Giving Well: The Ethics of Philanthropy* (New York: Oxford University Press, 2011), 104-132.

and contributions to international development. Singer's presentation of a child drowning in a pond lacks the complexities of international aid. In the pond scenario, we are in a situation where we can take direct action, and we can reasonably assume that our action of attempting to save the child will have the desired outcome.

There are several important and relevant dissimilarities between the pond scenario and global poverty. One important difference—from which the other differences flow—is noted by William Easterly, a world-renowned international development economist, in a video discussion with Singer.[70] Much of the power of the pond example is that *you* can act to directly save the child without any intermediary. This is clearly not the case for the great majority of us in the case of international aid. To make the pond scenario more analogous to contributing to international aid, Easterly proposes the following: You are walking by a pond and you see a child drowning. You cannot save the child, but you *can* pay somebody else $100 to do so. If we accept the conclusion in the original pond scenario, there is no good reason to deny the conclusion that you ought to pay somebody $100 to save the child. This means, however, that you ought to pay somebody who you can be reasonably sure will actually save the child, and you ought to make sure that the child was in fact saved. If you paid somebody $100 who you could have reasonably known would fail to save the child, or would use the $100 to buy weapons to kill other children, or prop up dictators, or run off with the money, you acted wrongly. The same principle can be applied to international aid, and Singer agrees both in his discussion with

[70] Bloggingheads.tv/videos/2384, at time 5:55, last accessed on April 20, 2012.

Easterly and in his own writing.[71]

So, for Singer and those who advocate the optimizing principle of beneficence, we need to know the answer to two important questions: Can my contributions help those in extreme poverty? And, if so, What organizations (or causes, or projects) will help? Similar questions raised in the original pond scenario are answered quite easily: Of course you can do something to save the drowning child, and the "something" that you can do is simply lift the child out of the water. Wenar is right in arguing that these questions are far more difficult in the international aid case, and he provides quite a bit of empirical information to support these claims. I will not recite these empirical claims made by Wenar and others here, as it is not a matter of much controversy that international aid, non-governmental organizations, international economic development, etc. are complex matters, much more complex than the pond scenario.[72]

It is important to note that Wenar does not provide a reason to think that Singer's moral premises are false. Rather, Wenar just aims to show that the situation is more complex than Singer seems to indicate. Wenar, then, poses the donor's question: "How will each dollar I give to aid, or each hour I can devote campaigning for aid, affect the long-term well-being of people in other countries?"[73] This is a difficult question to answer, but one that I think can be answered with a reasonable degree of certainty by Singer. There are some aid efforts that are clearly harmful—for example, shipping food from the United States to extremely poor countries, thereby destroying local business (or preventing these local businesses from arising in the first

[71] For Singer's focus on not just our obligation to contribute to international aid, but how to be sure your contributions are in fact helping those who need it most, see Singer (2009), Ch 7.
[72] The economic literature on international aid is quite extensive. For an accessible and critical account of international aid efforts, see Easterly's *White Man's Burden* (New York: Oxford University Press, 2007).
[73] Wenar, 106.

place). But those like Easterly—cited approvingly by Wenar—argue that there are approaches to international aid that do work, we know with reasonable certainty which approaches work, and we should guide of efforts within these approaches.[74]

Just because it is difficult to know which aid efforts will help, or which will help more than harm, does not undermine Singer's moral premise: "If it is in our power to prevent something very bad happening, without thereby sacrificing anything of comparable moral significance, we ought to do it."[75] The issue is empirical and practical, accepting Singer's moral premise and attempting to do the most good with our actions. It is incredibly implausible to think that there is *nothing* that we can do (through financial contributions, fighting for political reforms, volunteering, etc.) to assist those in extreme poverty. Both Wenar and Easterly are more skeptical of much international aid than Singer, but all three acknowledge that more attention needs to be given to the effects of this aid and how aid can be improved.

Wenar's epistemic concerns, then, are significant obstacles for Singer, but obstacles that can be avoided through additional research (such as that conducted by Easterly) and careful giving in accordance with this research. However, the more knowledge is required of us, the more problematic Wenar's epistemic concerns become. Murphy's collective consequentialism, as we have seen, requires that an agent be aware of additional complex facts before she can know

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[74] Despite his book's rhetorical title—*The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*—Easterly criticizes the traditional forms of aid commonly undertaken by the West (namely the approach of the "planners" such as Jeffrey Sachs who advocate large-scale, one-size-fits-all strategies to eradicate poverty/disease/illiteracy, etc.) in order to advocate for alternative methods (namely the approach of the "searchers" who mold particular small, piecemeal strategies in accordance with ever-changing facts on the ground, local factors, etc.).

[75] Singer (2009), 199.

what her obligations are.[76]

Murphy's collective consequentialism brings us much closer to the "paralysis of analysis" that Wenar warns us of.[77] I think it is plausible to imagine that, if one were to follow Murphy's collective principle of beneficence, she would never actually have to contribute anything to international aid. Time spent researching various organizations to see which ones were worth donating to would be considered part of one's sacrifice to be weighed against the potential benefits of the contribution. So, if the result of my research shows that my fair share is the equivalent of a $100 contribution or five hours of my time,[78] I would have to subtract the time spent researching from what I owe. If, to find this rough estimate of my fair share, I spent five hours researching, I do not have to donate anything more; I have already donated my time. It is up to others to use the results of my research and donate the $100 effectively. One could reach an even "rougher" amount more quickly—say, in two hours—leaving the other three hours (or $60) to be donated. We should, however, be cautious not to let the rough estimate become so rough that it is unhelpful, failing to guide our actions precisely enough.

3.2 Time of Assessment

An additional problem for collective consequentialism's ability to guide our actions is the time at which we are supposed to assess our moral demands going forward. Murphy adopts as

[76] Note that the epistemic concerns affect only the practical implications of Singer's argument—I have an obligation to maximize the good I can produce, so how should I do that?—while the epistemic concerns affect the level of the obligation itself for Murphy. That is, the moral obligation itself is determined by these difficult epistemic questions under collective consequentialism.
[77] Wenar, 129.
[78] Time is money and, in this hypothetical, an hour is $20.

his time of assessment "the rest of an agent's life from some point forward."[79] Remember, Murphy's full articulation of the compliance condition is as follows:

> An agent-neutral moral principle should not increase its demands on agents as *expected* compliance with the principle by other agents decreases. Demands on an agent under partial compliance should not exceed what they would be (all other aspects of her situation remaining the same) under full compliance *from now on*.[80]

There are several problems with collective consequentialism being completely forward looking. For one thing, if I was born into a world that had long consisted of full compliers, my obligations to those in extreme poverty would be nearly nonexistent, as there would not be anybody in extreme poverty. Europe would not have used Africa as an imperialist toy; the global structure would not be exploitative; civil wars would not be ravaging many of the poorest nations; corrupt dictators would not violate the rights of their citizens; governmental aid would not be used as a political tool, but instead as a means of combatting global poverty; or, even if these tragedies had still occurred, affluent individuals would have recognized the moral tragedy of world poverty and rectified the situation long ago.

It seems clear that, if the time of assessment is forward looking from some point, I am picking up the slack for the noncomplying others who came before me, or from before that time of assessment. This should be just as objectionable as picking up the slack for current and future noncomplying agents. It may be even more objectionable to pick up the slack for past noncomplying agents than it is for me to pick up the slack for current noncomplying agents. For current noncomplying agents, one could plausibly defend picking up the slack on collective

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[79] Murphy, 45.
[80] Murphy, 77 (emphasis added).

grounds different from Murphy's: humanity is in this together, so when one person fails to comply it is my obligation to pick up the slack. The problem of past noncompliance seems even more objectionable if I am to pick up the slack for past noncomplying agents, specifically those who caused these problems in the first place. Those who came before me and caused these problems (as well as those currently in power who cause world poverty to continue) complied with neither the optimizing nor collective principle of beneficence. By following the collective principle of beneficence in the way Murphy describes it, I am to be very concerned about current noncomplying agents, but wholly unconcerned about past noncomplying agents.

I see no reason to exclude past noncomplying agents from the calculation of our fair share, especially past noncomplying agents who are still alive and thus still in a position to make up for their past noncomplying selves. For any agent who has done less than her fair share up to this point in her life, consideration of past noncomplying agents would have to include consideration of her own noncompliance. Just as I see no reason to think that a living person who greatly harmed the global poor her whole life (perhaps by helping to construct exploitative international trade agreements) should not do more than her fair share to make up for past harms, I see no reason to think that I should not be required to do more than my fair share to make up for past omissions. The time assessment of "from some point forward" seems quite arbitrary. The same can be said for agents who have done more than their fair share in the past. If I was convinced by Singer's argument, and acted accordingly by following the optimizing principle of beneficence from ages 20 to 50, then read Murphy's book at age 50, why should I do my fair share from age 50 onward, failing to consider all that I did for the previous 30 years?

Murphy does mention this, but seems to think it is not much of a problem, as to him "it seems unlikely that [problems of time assessment] would greatly distort the discussion of over-demandingness"[81] and, thus, the discussion of demands under full and partial compliance. If we shifted the time of assessment back far enough to include past, dead, noncompliers, Murphy thinks that we would also have to shift demands onto these past, dead, noncompliers. This would mean that less good would be done, as these dead noncompliers cannot rectify their noncompliance and living agents would not be required to rectify the dead noncompliers' noncompliance.

There are more than these two options, though. One can hold that demanding that the dead pick up the slack is ridiculous while also saying that past noncompliance is an important consideration. One could say, for example, that the colonialism of Western European countries has caused many of the problems faced by extremely poor nations in Africa. Because of this, perhaps we can say that an affluent British person owes more to the extremely poor in Africa than an affluent Japanese person. The affluent Japanese person (let us assume) has not benefitted from the past noncompliance of the British Empire, but the affluent British person has. Though this idea cannot be fully explored here, it does not seem implausible to say that burdens of past noncompliance can be distributed among those who have benefited most from the past noncompliance, rather than simply distribute these burdens in "fair" shares among all affluent people.

[81] Murphy, 45.

3.3 Conclusion

As Mulgan correctly points out, "The war with Individual [act] Consequentialism is one that the Collectivists cannot win."[82] If my arguments here have been sound, it should be clear that collective consequentialism is an untenable consequentialist alternative to act consequentialism. Murphy's account of fairness conflicts with basic tenets of consequentialism, leaving collective consequentialism deeply flawed. Going forward, there may be two ways to modify Murphy's theory. One option is to develop a more robust account of fairness that goes beyond fairness as equality, thus giving up Murphy's notion of fairness. The other is to hold onto Murphy's account of fairness, but de-consequentialize the rest of the theory. It is unclear whether either of these options would work if attempted, but even attempting them is a task too large to begin here. Murphy's attempt around the demandingness objection, then, fails. Consequentialists should seek other answers to the demandingness objection, many of which have been proposed.[83] It may be the case that another consequentialist option—act, rule, satisficing, scalar, hybrid theories, and the list goes on—is a satisfactory account of morality, either avoiding or defeating the demandingness objections. All I hope to have done here is help to eliminate one option from the long list of consequentialist theories. Those convinced by a broadly consequentialist account of morality have little reason to accept collective consequentialism, and should look elsewhere.

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[82] Mulgan, 123.

[83] David Sobel and Shelly Kagan offer promising arguments against demandingness objections in Sobel, "The Impotence of the Demandingness Objection" *Philosopher's Imprint* 7.8 (2007), 1-17; and Kagan's *The Limits of Morality*.

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