**On the Incoherence Objection to Rule-Consequentialism**

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The incoherence objection is a major objection to rule-consequentialism. The objection says that the theory allows actions that do not maximize wellbeing, even though the theory is also tacitly committed to maximization.

 For a long time many philosophers felt the incoherence objection was a decisive objection to rule-consequentialism, and some still do. However, that position has recently become less secure, because Brad Hooker has offered a clever new way for rule-consequentialists to avoid the incoherence objection. Hooker’s response defeats the most common forms of the incoherence objection.

In this paper, I build on this recent history and undertake three tasks. First, I lay out a version of the incoherence objection which cannot be defeated using Hooker’s response. Second, I evaluate several possible responses to the reformulated incoherence problem. I argue that most fail and leave rule-consequentialism still subject to the incoherence objection, and, while another solution succeeds in a way, it does so only by introducing other problems into rule-consequentialism. Third and finally, I take stock of these results and argue that even though the best form of the incoherence objection still poses a major challenge to rule-consequentialism, it does not do so for the reasons usually assumed. The incoherence objection does not constitute a fatal objection to rule-consequentialism but instead highlights several theoretical drawbacks in the theory. This means that even though we must recognize that the incoherence problem is serious, we should also reject the common characterization that the problem is immediately devastating for rule-consequentialism. Instead, rule-consequentialism can only be properly assessed through a holistic comparison of rule-consequentialism and its rivals.

**Part 1: The Incoherence Objection**

A typical definition of rule-consequentialism is the following: we should act in accord with the rules which, if accepted and followed, would maximize the good. One might also formulate rule-consequentialism in terms of general rather than universal acceptance and compliance, or one might formulate the theory in terms of internalization and not just acceptance and compliance.[[1]](#footnote-1) It is possible that these subtleties of formulation would necessitate alterations to the argument of this paper, but because space is limited, I will simply focus on universal acceptance and compliance, which I will often abbreviate by speaking of the rules which, if followed, would maximize the good. Note as well that rule-consequentialists usually claim that the rules fulfilling their criteria are common-sense rules such as “don’t lie,” “don’t steal,” and so on.

So defined, rule-consequentialism is often thought to fall victim to the incoherence objection.[[2]](#footnote-2) The objection has been formulated in different ways by different authors.[[3]](#footnote-3) Smart put it succinctly, if somewhat vaguely, by saying that “…the rule-utilitarian presumably advocates his principle because he cares about human happiness: why then should he advocate abiding by a rule when he knows that it will not in the present case be most beneficial to abide by it?”[[4]](#footnote-4) A more rigorous statement of the objection can be borrowed from Eric Wiland.[[5]](#footnote-5) Many rule-consequentialists specify some particular conception of “the good”, believe that it is the only thing which is intrinsically good, and hold that the rules of their theory are the right ones *because* utility is the only thing that is intrinsically good. The theory also holds that acts are right just in case they are mandated by the rule-consequentialist rules. So far so good, but the problem begins when we recognize that there will undoubtedly be cases where actions are mandated by the rules and yet do not themselves directly maximize the good, at least if—as rule-consequentialists desire—rule-consequentialism is not going to collapse into act-consequentialism. For instance, to borrow an example from Robert Card, perhaps the rules of rule-consequentialism will mandate that judges should not convict the innocent, even though on some rare occasions the good can be maximized by having a judge convict an innocent person and thereby avert a riot.[[6]](#footnote-6) Since the good is the only thing which is intrinsically good, and since that fact was the explanation for why the rules of rule-consequentialism are the correct ones, it seems, as Wiland says, “rather arbitrary” and almost “incoherent” for rule-consequentialism to refuse to evaluate the rightness of the actions solely with reference to how much good they individually produce.[[7]](#footnote-7)

(It’s worth noting that the name “incoherence objection,” though traditional, is not always apt, depending on how the objection is formulated. For instance, objectors often mean that the theory is inconsistent on its own or when combined with other plausible presuppositions. Sometimes they seem to mean other things as well.)

 There is an ongoing debate about the force of this objection, though I agree with Brad Hooker’s assessment that “[m]ost philosophers seem convinced that defending rule-consequentialism is a lost cause once one accepts an overarching commitment to maximize the good.”[[8]](#footnote-8) Even if that is the case, though, this objection only applies to forms of rule-consequentialism that are defended via some overarching commitment to maximizing the good, and not to forms defended in other ways.[[9]](#footnote-9) I will discuss some of those alternative defenses of rule-consequentialism below,[[10]](#footnote-10) but let us start here with the work of Brad Hooker. Hooker admits that previous defenders of rule-consequentialism often defended their theories via an overarching commitment to maximizing the good, but he rejects that commitment and argues for rule-consequentialism using something like wide reflective equilibrium.[[11]](#footnote-11) After saying that multiple moral theories fit equally well with various abstract and theoretical constraints, he says that:

…the best argument for rule-consequentialism is *not* that it derives from an overarching commitment to maximize the good. The best argument for rule-consequentialism is that it does a better job than its rivals of matching and tying together our moral convictions, as well as offering us help with our moral disagreements and uncertainties.[[12]](#footnote-12)

And, after asking whether rule-consequentialism contains a commitment to maximizing the good, he answers:

The theory can be broken down into (i) a principle about which rules are optimal, and (ii) a principle about which acts are permissible. The theory selects *rules* by whether their internalization could reasonably be expected to maximize the good. The theory does not, however, evaluate *acts* this way. Rather, it evaluates acts by reference to the rules thus selected. This is all there is to say about how the theory stands with respect to maximizing the good. In other words, once we understand the theory’s view about how rules are to be selected and its view about how acts are to be judged, there just is no further question whether the theory itself has an overarching commitment to maximizing the good.[[13]](#footnote-13)

Hooker is right. A rule-consequentialist system need not have any explicit commitment to maximizing the good with each act either inside the theory or in its justification.

**The Incoherence Objection Applied to Moral Reasons**

Even if Hooker’s response defeats one standard form of the incoherence objection, critics of rule-consequentialism could continue their attacks on the theory in various ways. For instance, Dale Miller writes that:

Even if Hooker's strategy is successful as a way of addressing the incoherence objection…we still must ask whether it provides adequate support for his theory. There are two obvious worries we might have about Hooker's inherently conservative methodology, namely, whether he is premature in declaring a tie in terms of how much support different moral theories derive from their fit with background theories and whether he overstates how many of our pretheoretical moral convictions we can retain sufficient confidence in upon reflection to allow them to play an important role in theory selection.[[14]](#footnote-14)

As interesting as these responses are, I will not pursue them here. Rather, I wish to call attention to another form of the incoherence objection, one that presents much more serious problems for rule-consequentialism, including all those versions, such as Hooker’s, that are not defended by appeal to an overarching commitment to maximizing the good. My presentation of the objection is not entirely new; one can find clear antecedents in the work of prominent authors such as Smart, Williams, Darwall, and Miller. This form of the objection has received less attention, though, and so my aim is to describe it as precisely as possible and also add one necessary emendation.[[15]](#footnote-15)

The authors just mentioned present the incoherence objection as an objection related to practical reason. Thus Bernard Williams:

Whatever the general utility of having a certain rule, if one has actually reached the point of seeing that the utility of breaking it on a certain occasion is greater than that of following it, then surely it would be pure *irrationality* not to break it?[[16]](#footnote-16)

Or Stephen Darwall:

A morality-reasons externalist such as Mill can propose that ‘wrong’ be reserved for a rule-utilitarian case…precisely because he is not concerned to defend the proposition that agents cannot have reason to do what is wrong. When, however, we come to a theory of ultimate justification—to a theory of practical reasons—it should seem more difficult to hold both that the good is the only source of justification and that an action can be most justified—best supported by reasons—although some other action will better promote the good.[[17]](#footnote-17)

And Smart:

I conclude that in every case if there is a rule R the keeping of which is in general optimific, but such that in a special sort of circumstances the optimific behaviour is to break R, then in these circumstances we should break R. …I can understand ‘it is optimific’ as *a reason for action*, but why should ‘it is a member of a class of actions which are usually optimific’ or ‘it is a member of a class of actions which as a class are more optimific than any alternative general class’ *be a good reason*?[[18]](#footnote-18)

In their criticisms, these authors stress the potential incongruence between the actions required by the rules of rule-consequentialism and the actions we have all-things-considered reason to perform. I think this is on the right track, but we must tread carefully before taking that exact formulation on board. It cannot quite be correct to suggest that rule-consequentialism might be incoherent simply because we might not have all-things-considered reason to follow the theory’s rules, since that tension has not traditionally been taken to show that a moral theory is *incoherent*. Consider some historical forms of act-consequentialism. Some act-consequentialists adopted a Humean theory of reasons, admitting that we therefore do not always have all-things-considered reason to follow the rules of their theory, and though some have argued that this presents a philosophical problem for the theory, it has never been alleged that this makes act-consequentialism *incoherent*. Similar things might be said for the theories of Parfit and Scanlon.[[19]](#footnote-19) Both authors are struck by the potential conflicts between personal and moral reasons, but while they admit that it may be difficult to prove that the moral reasons are always decisive, this does not make their theories incoherent.[[20]](#footnote-20)

 So instead, we should focus on a version of the incoherence problem which concerns *moral* reasons alone.[[21]](#footnote-21) We must ask whether, if rule-consequentialism were true, we would even have decisive *moral* reason to follow the rules of the theory.[[22]](#footnote-22)

 This issue can be presented merely as a question: how can rule-consequentialists provide a theory of moral reasons which will give us decisive moral reason to follow the rules of the theory? Simply stated that way, though, the question may not seem to have much force, because at least some people will feel that if we accept that a moral theory is true, we may reasonably presume that we have decisive moral theory to follow it, absent competing considerations. In the case of rule-consequentialism, though, there do seem to be competing considerations that make the incoherence problem particularly pressing. The fundamental claim of rule-consequentialism is that we should act in accord with the rules which, if accepted and followed, would maximize the good. This claim references an idealized situation where the good is maximized, and this seems to suggest (for lack of a better word) that there is some good or goods which are fundamental, and that more of them is better. Additionally, to many people it seems natural to link moral reasons and goodness, conceiving of goodness in what Parfit called its “reason-implying sense”.[[23]](#footnote-23) These assumptions create an especially pressing incoherence problem for rule-consequentialism. Imagine a situation in which M (the maximizing act) produces more good than R (the act required by rule-consequentialism). We have already seen that the goods of rule-consequentialism seem to be promotional, goods for which more is better. And if goodness is linked to moral reasons, then there will seemingly be most moral reason to do M rather than R. This makes rule-consequentialism look incoherent, since even if we restrict ourselves to moral reasons (and set aside any personal or self-interested reasons which might conflict with the moral reasons), we have most moral reason to do something other than obey the rules of rule-consequentialism.[[24]](#footnote-24)

 Now this reasoning is far from definitive, for several reasons. First, despite the claim that rule-consequentialism’s structure “suggests” an axiology, embracing the rule-consequentialist principle certainly does not *entail* that the good referenced in the rule-consequentialist rule is the only thing of fundamental value, and so there is certainly logicalroom for rule-consequentialists to deny it. Second, rule-consequentialists could admit that “the good” mentioned in their theory’s fundamental rule is the one and only good, but argue that the reasons generated by this good are not the only moral reasons, and that there are other moral factors which give us decisive reason to follow the rules of rule-consequentialism. Finally, rule-consequentialists could even deny that the fundamental good should be thought of in a “reason-implying sense” at all. Perhaps all moral reasons have some other source.

 I take these and other rule-consequentialist responses seriously, and I will explore them as the paper proceeds. My point here is that for the reasons given in the preceding paragraphs, some such response is needed. The structure of rule-consequentialism gives us special reason to worry that no coherent theory of moral reason can be constructed to fit with rule-consequentialism, and so we should investigate the various theories of moral reasons that could be offered to accompany rule-consequentialist moral theory and ask whether any of them could yield the conclusion that we have decisive moral reason to follow the rules of rule-consequentialism.[[25]](#footnote-25) That is the incoherence problem.

**Hooker’s Theory, Again**

Before proceeding, though, a few clarifying notes. Since Hooker’s theory defeated one form of the incoherence objection, we can clarify the reformulated version by asking why, exactly, it is supposed to create trouble for his theory and others that are not defended by appeal to an overarching commitment to maximizing the good. In fact, some might argue that Hooker’s moral theory makes no claim about axiology and moral reasons, and so it is unaffected by a version of the incoherence objection that appeals to problems surrounding moral reasons. For instance, after discussing a version of the objection similar to the one I present here, Miller says that, in his view, Hooker “…apparently avoids committing himself to inconsistent claims about our reasons for action.”[[26]](#footnote-26)

I disagree with this for the reasons given in the previous section. Because of the structure of the theory itself, rule-consequentialism does contain *prima facie* commitments to an axiology and a theory of moral reasons, and these are what generate the incoherence problem as described here. For while Hooker may be right that rule-consequentialism need not contain a moral commitment to *maximizing* the good, it does contain a *prima facie* commitment to a theory of *what* is good, since its fundamental rule references an idealized situation where certain goods are maximized, and the fact that these goods are maximized in that ideal situation suggests that the goods are promotional. Those two ideas, together with the *prima facie* link between reasons and goodness, are what generate the incoherence problem as formulated here.

 Even if that is conceded, though, rule-consequentialists might contend that they have an easy response at hand, and more specifically that they can refute the objection using a variant of Hooker’s response to the original version of the objection. Recall that Hooker’s idea was to defend rule-consequentialism by contending that it is the theory we arrive at after something like a reflective equilibrium process. Similarly, someone might propose that we should determine which moral reasons (or decisive moral reasons) we have by using something like a reflective equilibrium process. Call this the *RE (reflective equilibrium) strategy*. The hope is that the RE strategy will lead us to a theory of moral reasons which does not have the objectionable result described earlier but instead tells us that we have decisive moral reason to follow the rules of rule-consequentialism.

 Why might rule-consequentialists think the RE strategy would have that result? In the reflective equilibrium process we search for a theory that, among other things, comports with our considered judgments. Our considered judgments are that we have decisive moral reason not to steal (in ordinary circumstances—a qualification I will omit hereafter), not to lie, not to kill, etc. These are also, by hypothesis, the things we are directed to not do by the rules of rule-consequentialism. Thus it might seem that any theory of moral reasons which aligns with the former considered judgments will be a theory which provides decisive moral reason to follow these particular rules of rule-consequentialism. Moreover, the argument can be generalized. It seems highly plausible that whenever we have a considered judgment to do or not do X, we almost always have an accompanying considered judgment that we have decisive moral reason to do or not do X. If the right theories of morality and moral reasons must comport well with these considered judgments, and on the assumption that rule-consequentialism is the best theory of morality, it follows that our theory of moral reasons will be one in which we always have decisive reason to do what the rule-consequentialism theory of morality tells us to do.

 I find this line of reasoning very interesting, and later I will examine it in finer detail. I will even argue that some version of it may be one of the best responses available to the reformulated incoherence objection. For now, though, let me say why the RE strategy does not help the rule-consequentialist in the straightforward way I have just portrayed, and thus why it cannot help rule-consequentialists escape the reformulated incoherence objection in the easy and elegant way that it helped them escape the original version of that objection.

 The rule-consequentialists propose that after using the RE strategy we arrive at the justified claims that we have decisive moral reason not to steal, to lie, and so on. However, some would object that what has been proposed is not so much a *theory* of moral reasons as a mere series of *claims* about moral reasons—namely, the claims that we have decisive moral reasons not to kill, not to steal, and so on for all of our intuitive moral precepts. There is no master principle or principles about when we do and do not have moral reasons, and to some this will be a strike against this non-theory, or even a decisive objection to it.

 Hooker considers a similar objection to particularist moral theories during his justification of rule-consequentialism, and he is unsympathetic to the complaint.[[27]](#footnote-27) He is willing to count even the most particularist moral theory as a genuine “theory”, and he and others might say the same about highly particularist theories of moral reasons.

Contra Hooker, I think the fact that a moral theory or a theory of moral reasons lacks any unifying structure is a strike against it, and I will argue that point more thoroughly below. But rather than pursue this here, let me simply concede the point for the time being and allow that a collection of claims about what we have decisive moral reason to do is as legitimate a theory as any other.

Even so, there is another objection to the rule-consequentialists’ idea that the RE strategy will help them easily and straightforwardly avoid the reformulated incoherence objection. Even if we grant that it is legitimate to use the RE strategy when developing a theory of moral reasons, we must remember that, as Hooker himself acknowledges, the inputs into a proper reflective equilibrium procedure include not only considered judgments, but also abstract and/or theoretical claims in which we have great confidence which are also relevant to a selection of a theory.[[28]](#footnote-28) And in this case there are claims of that sort that must be factored in. In particular, the rule-consequentialists are using the RE strategy to develop a theory of moral reasons which will be paired with their rule-consequentialist moral theory. And as I’ve argued above, this theory contains *prima facie* commitments about axiology and moral reasons. Rule-consequentialism assesses moral rules with reference to an idealized situation where the good is maximized, and this suggests that the good is morally valuable and indeed of fundamental value. It also seems natural to link moral value and reasons, with the upshot that we have a series of abstract claims which state or entail various claims about moral reasons. These must be factored into the reflective equilibrium process. In such a process our inputs would perhaps also include the considered judgments that we have decisive reason not to lie, cheat, steal, etc., but since we now know they would also include the idea that we have at least some reason to maximize the good, it is far from obvious that a proper reflective equilibrium procedure which took these as inputs would yield the result the rule-consequentialist wants, a series of claims that we have decisive reason to not steal, lie, and so on.

These same points can be put in another way. The original incoherence objection was grounded in the claim that rule-consequentialists are motivated by, and committed to, an overarching commitment to maximize the good. Hooker escaped the objection by providing a defense and formulation of rule-consequentialism which very obviously contained no such commitment. However, this same move cannot be made against the reformulated objection. It is grounded in the claim that rule-consequentialists are (at least seemingly) committed to a certain axiology and consequent claims about moral reasons. Rule-consequentialists cannot avoid these commitments when they develop their theory of moral reasons via reflective equilibrium, because the commitments are (at least seemingly) part of their theory itself, not a dispensable justification of it.

Now of course this debate isn’t over. The rule-consequentialists could reply to my arguments above by trying to show that even after a more complicated reflective equilibrium process involving not just specific considered judgments but also the abstract theoretical commitments latent in their moral theory, the best theory of moral reasons will be one in which we always have decisive reason to follow the rules of rule-consequentialism. That point is not relevant here, though. My goal at this stage was only to establish that Hooker’s RE strategy does not refute a version of the objection focused on moral reasons in the easy, straightforward, and decisive way that it refuted the form of the objection that Hooker considered. Instead we need to investigate further rule-consequentialist responses to the reformulated objection, and that is what I do in the next part of the paper.

**Part II: Responses to the Incoherence Problem**

With the problem laid out and contrasts and clarifications in place, we can now explore rule-consequentialist responses to the reformulated incoherence problem in more detail than has previously been done.

**Axiological Theories Involving Promotional Goods**

One option is for rule-consequentialists to construct a theory of moral reasons that links moral reasons and a theory of the good. The goal would be to identify thing(s) of fundamental value and then explain how those things give rise to decisive moral reasons to follow the rules of rule-consequentialism.

 We have already seen that certain goods are ill-suited to this purpose. Take wellbeing, the fundamental good in rule-consequentialist theories which are also rule-utilitarian. Wellbeing seems to be a *promotional good*, a good of which more is better. And if promotional goods are to be linked with moral reasons, the most plausible connection is that we will have moral reasons to perform actions that increase wellbeing, and the strengths of those moral reasons will be proportional to the quantity of wellbeing the actions produce. It will follow that we have more moral reason to perform the maximizing act than the act required by rule-consequentialism, should the two conflict, leaving our theory incoherent in the sense defined earlier.

 Persistent rule-consequentialists might try to get around this problem by questioning the particular way I have spelled out the connection between wellbeing and reasons. For instance, they might claim that wellbeing is a good that—for some reason—does not give rise to reasons to promote wellbeing, but rather to reasons to follow the rules of rule-consequentialism, even though those rules sometimes require us to perform acts which do not maximize wellbeing. However, to my knowledge, no rule-consequentialist has argued for this view, nor do I see any way to argue for it.[[29]](#footnote-29) I will therefore leave it aside since it is, at the moment, merely an unoccupied position in logical space.

 Having noted the problems that arise when we try to solve the incoherence problem using an axiology grounded in wellbeing, let us note that the same problems will arise for other axiological solutions as well. Specifically, problems will arise for any rule-consequentialist theory whose goods are *promotional*—that is, goods for which it is true that our reasons to pursue them are proportional to the amount of the good created. If all goods in rule-consequentialist theories are promotional, then there are bound to be cases where one can maximize the good by performing the maximizing act even though the rules recommend another, and that resurrects the incoherence problem.[[30]](#footnote-30)

Moreover, there is reason to think that most plausible rule-consequentialist goods will be promotional. Rule-consequentialism assesses rules based on the effect that the rules’ acceptance would have on the *net total* of the good. The focus on greater quantities of good embodies the idea that more of the good is better. And if more of the good is better, then it is plausible that individuals have more reason to pursue courses of action which produce more of the good—i.e., that rule-consequentialist goods will be promotional goods. For instance, take one good often added to rule-consequentialism by rule-consequentialists, distributional equity.[[31]](#footnote-31) This is a promotional good; there is more reason to pursue courses of action that produce greater equity.

**Axiological Theories Involving Non-Promotional Goods: An Initial Problem**

If the incoherence problem arises so long as rule-consequentialists countenance only promotional goods, then another possibility might suggest itself. Perhaps rule-consequentialists should continue to construct a theory of moral reason that links moral reasons and a theory of the good, but they should introduce non-promotional goods into the rule-consequentialist axiology. Properly constructed, such a theory might imply that one always has decisive moral reason to follow the rules of rule-consequentialism.

There are several ways to implement this strategy, and I will consider some later on, but first let us note that certain implementations of this strategy would render rule-consequentialism coherent only at the price of making it non-consequentialist in at least one significant way. Consider, for example, a position described by Derek Parfit in *On What Matters.* Parfit describes a “Kantian Contractualism” which says that “[e]veryone ought to follow the principles that everyone could rationally will to be universal laws.”[[32]](#footnote-32) Parfit then argues that the principles everyone could rationally will are what he calls the “optimific principles”, which are the principles of rule-consequentialism—the principles which would make the world impartially best if everyone acted on them.[[33]](#footnote-33) The resulting view is called Kantian Rule Consequentialism. Parfit himself is undecided about the axiology that accompanies this picture, but one could imagine that it might be one which fundamentally values (Kantian) respect for rational nature. That axiology can be plausibly interpreted to give us decisive reason to act in accordance with rules whose universal acceptance everyone could rationally will. Thus we arrive at a coherent rule-consequentialist theory where we have decisive moral reason to follow the rules of rule-consequentialism.

The problem, though, is that theory may be coherent, but it no longer seems truly consequentialist. The reason for this is *not* that Kantian Rule Consequentialism fundamentally values persons. As I will discuss more later on, I don’t see any reason to define consequentialism so that it rules out an axiology that fundamentally values persons, or any other particular axiology. Instead the problem can best be explained by recalling Scanlon’s distinction between philosophical and normative utilitarianism. In “Contractualism and Utilitarianism,” he wrote:

The term ‘utilitarianism’ is generally used to refer to a family of specific normative doctrines—doctrines which might be held on the basis of a number of different philosophical theses about the nature of morality. In this sense of the term one might, for example, be a utilitarian on intuitionist or on contractualist grounds. But what I will call ‘philosophical utilitarianism’ is a particular philosophical thesis about the subject matter of morality, namely the thesis that the only fundamental moral facts are facts about individual well-being.[[34]](#footnote-34)

A similar distinction is made by Kagan and others.[[35]](#footnote-35) Kagan defines a “foundational theory” as one that “…explains why a given normative factor ever makes any difference at all to the moral status of our actions.”[[36]](#footnote-36) Such theories “…attempt to explain what it is *by virtue of which* the relevant [moral] factors are indeed relevant…. They offer the basis or *grounding* of the normative factors.”[[37]](#footnote-37)

Borrowing Scanlon’s terms, we can say that Parfit’s Kantian Rule Consequentialism is a normative consequentialism but not a philosophical consequentialism, since in that theory, the ultimate *explanation* for the rightness of the moral rules appeals to the notion of what can be rationally willed as a universal law. Thus Parfit himself says that according to Kantian Rule Consequentialism, “[e]veryone ought to follow the optimific principles, *because* these are the only principles that everyone could rationally will to be universal laws.”[[38]](#footnote-38) And that does seem to render the theory non-consequentialist in a very important sense, since I think the best definition of rule-consequentialism—or at least of that kind of rule-consequentialism which has traditionally been contrasted with, say, Kantianism—would require consequentialists to be both foundational and normative consequentialists.[[39]](#footnote-39)

Since “consequentialism” is a term of art in philosophy, I can imagine reasonable people who think that Parfit’s Kantian Rule Consequentialism is just as much a “real” form of consequentialism as any other, and who therefore think that this Kantian Rule Consequentialism provides a coherent form of rule-consequentialism. Rather than devolve into a terminological battle, the best way forward is to simply concede the point. The issues of this paper would still have bite, because an interesting and unsettled question would still remain: can we construct a coherent version of the traditional rule-consequentialism which is both normative and philosophical?

**Axiological Theories Involving Non-Promotional Goods: The Value of Persons**

Let us continue to ask whether rule-consequentialists can construct a theory of moral reason which links moral reasons and a theory of the good and also yields the result that we have decisive moral reason to follow the rules of rule-consequentialism. We’ve seen that several candidates for the good don’t yield a coherent form of rule-consequentialism. But there is one more traditional candidate for the fundamental good which is worth considering: the value of persons. Consequentialism in both its historic and modern forms is often founded at bottom on the equal value of persons, and not (as detractors claim[[40]](#footnote-40)) on the value of wellbeing. For instance, the thought that persons are valuable, and equally valuable, led some act-consequentialists to the conclusion that we must act to maximize the sum of everyone’s wellbeing. The best discussion of this point is given by Kymlicka; he documents that the equal and fundamental value of persons is part of the consequentialist philosophies put forward by Bentham, Mill, Harsanyi, Griffin, Singer, and Hare, noting that Hare in particular seems to think that one cannot really imagine a non-consequentialist way of showing equal consideration for all people.[[41]](#footnote-41) This is powerful evidence because it is surely one constraint on a definition of “consequentialism” that figures such as Bentham and Mill should turn out to be consequentialists. Thus a consequentialist axiology can fundamentally value people.

Would affirming the value of persons help rule-consequentialists construct a coherent theory? An axiology that values persons works best for act-consequentialists, who can connect the axiology to their (act-consequentialist) moral rule by claiming that persons are valuable, and that their value gives us reason to maximize the good of wellbeing. A rule-consequentialist who affirms this axiology, though, faces a dilemma. Either the value of persons gives us reason to promote their wellbeing or it doesn’t. If the former, then the good is promotional and we are back in the incoherence problem. If the latter, then we must know which reasons are generated by the value of persons. One can imagine various plausible connections. Since persons are valuable, and since their wellbeing matters (at least to them), then perhaps we have reason not to harm them, or to help them. Or, since persons are valuable, and since they can make autonomous decisions, we have reason to respect their decisions. We can imagine other plausible connections between the value of persons and reasons for action as well.[[42]](#footnote-42) However, it is hard to see why, if persons are valuable, one would therefore have reason to act on rules which, if accepted and followed, would maximize wellbeing (or any other form of “the good”). The problem is that there is simply no intuitive connection between the two ideas—the ideas that persons are valuable and that the right rules are those which, if accepted and followed, would maximize the good—and, moreover, that there seems to be no way to connect the two through argumentation either.

To see why, consider the following attempt by rule-consequentialists to motivate the connection. Suppose we agree that, intuitively, persons are valuable, and that this seems to give us reasons not to hurt them, lie to them, etc.—a standard list of common-sense moral rules. Moreover, rule-consequentialists argue that these common-sense rules are, in large part, the rules which, if accepted and followed, would maximize the good. Rule-consequentialists might then argue that as a result, it is not at all implausible that we have reason to follow the rule-consequentialist moral code.

This argument is too quick, though, and folds upon examination.[[43]](#footnote-43) Perhaps persons are valuable and the right way to honor this value is by not hurting people, by helping them, and so on. Perhaps such rules are even the rules which, if accepted and followed, would maximize the good. From these facts it does follow that we have reason to follow the rules which, if accepted and followed, would maximize the good; but for all that has been said, this connection is coincidental and not substantive—that is, nothing in this reasoning shows us that the *right way* to value persons is by obeying the rules which, if accepted and followed, would maximize the good. A comparison with act-consequentialism might help make this point clear. Perhaps we can know that persons are valuable and the right way to honor this value is by not murdering them, helping them, and so on. Perhaps a clever act-consequentialist could also argue that obeying these common-sense moral rules maximizes the good. But it does not follow that the value of persons gives more than a coincidental reason to maximize the good, nor can one claim to have to have found evidence, through this reasoning, that the right way to value persons is by maximizing the good.

Given the difficulty of constructing a theory of moral reason by tying moral reasons to a theory of the good, and to a theory which values persons in particular, perhaps rule-consequentialists should offer a wholly different kind of theory of moral reasons.

**Rejecting Connections Between Axiology and Moral Reasons**

Another possibility for rule-consequentialists is to offer a theory of moral reasons which does not tie moral reasons to (conventional) axiology.[[44]](#footnote-44) Comparisons make this possibility vivid. Consider a divine command theorist. Such a person might have an axiology that values wellbeing and yet not believe that wellbeing is the one and only source of moral reasons. In fact, they may believe that wellbeing is not a source of moral reasons at all. Instead the divine command theorist may think that the fact that God has commanded an act is (or, on some theories of reasons, “gives rise to”) the reason for following the command. Likewise, perhaps a rule-consequentialist should cite some facts or other as the reasons for obeying the rule-consequentialist code. The question then becomes: what facts should they cite?

 One possibility is to cite facts that might be cited by certain other, familiar moral theories. Perhaps they could claim that the fact that an act respects rational nature is a reason for doing it, and that following the rules of rule-consequentialism shows respect for rational nature. Or perhaps they could claim that the fact that an act is justifiable to others on grounds they could not reasonably reject is a reason for doing it, and that following the rules of rule-consequentialism is justifiable to others in that way. (There are other possibilities too, of course, but I will focus on these as examples.) We saw earlier, though, that these suggestions are problematic: they would seem to yield the result that moral rules are fundamentally assessed with reference to the Kantian requirement to respect rational nature or the contractualist requirement to act in ways that are not reasonably rejectable. And either way, our theory is no longer consequentialist in one important, foundational sense.

 A better suggestion might be extracted from some remarks in Brad Hooker’s *Ideal Code, Real World*. When discussing the incoherence problem, Hooker does not focus on practical or moral reasons (as I have done) but instead addresses the slightly different concern that rule-consequentialist agents have incoherent psychologies. Let me lay out his remarks on moral psychology and then try to turn them into an argument about moral reasons.

 Hooker asks the rhetorical question: if rule-consequentialists are psychologically committed to maximizing the good, why would they obey rule-consequentialist rules rather than maximizing wellbeing? In his article “Right, Wrong, and Rule-Consequentialism,” and in his later book, Hooker responds that rule-consequentialists “could have a moral psychology as follows.

Their fundamental moral motivation is to do what is impartially defensible.

They believe acting on impartially justified rules is impartially defensible.

They also believe that rule-consequentialism is on balance the best account of impartially justified rules.”[[45]](#footnote-45)

Hooker moves on to explain some of the key notions in these remarks. He worries that by appealing to impartial defensibility, he will turn his theory into contractualism.[[46]](#footnote-46) He tries to head off that problem by pointing out that impartial defensibility is a wider notion than Scanlon’s notion of agreement between reasonable parties, because a theory might be impartially defensible for some other reason. He never defines impartial defensibility any further, though, so I will assume that his second statement from above is definitional, and thus that Hooker thinks that actions are impartially defensible when they are impartially justifiable. But what is that? When Hooker defines “impartially justified”, he quotes Thomas Hill:

All the impartiality thesis says is that, if and when one raises questions regarding fundamental moral standards, the court of appeal that one addresses is a court in which no particular individual, group, or country has special standing. Before that court, declaring ‘I like it’, ‘It serves my country’, and the like, is not decisive; principles must be defensible to anyone looking at the matter apart from his or her special attachments, *from a larger, human perspective.*[[47]](#footnote-47) (italics added)

Hooker gives several examples of impartially justified rules and what I will call the impartial foundational principlebehind them. Rawls’s theory of justice has particular principles of justice as well as the foundational principle “the right rules of justice are those that would be chosen in the original position”. Scanlon’s moral theory has particular principles of morality as well as the foundational principle “the right moral rules are those that no one could reasonably reject”. Rule-consequentialism has particular moral rules as well as the foundational principle that “the right rules are those which, if followed, produce the most good”. In each case the foundational principle satisfies Hill’s criterion because it does not give special standing to any one person. The foundational principle is itself impartial and thus the moral rules it leads to are impartially justified.

 Even with these definitions in place, it is difficult to determine exactly how Hooker could modify his remarks about moral psychology and turn them into a position about moral reasons. Such a position might look roughly as follows:

1. Agents have decisive moral reason to act in ways that are impartially defensible.
2. Actions are impartially defensible when they are impartially justifiable.
3. Actions are impartially justifiable when they accord with rule-consequentialism.

And from these it would follow that:

1. Agents have decisive moral reason to act in accordance with rule-consequentialism.

Let’s examine this position more thoroughly. The crux of it seems to be the view that we have decisive moral reason to act in ways that are impartially defensible, which I have understood to mean impartially justifiable. But we cannot stop there. As Hooker points out in the text paraphrased above, many different actions are impartially justifiable, since they align with rules which are derivable from an impartial foundational principle, and thus it would be implausible to claim that we have decisive reason to perform *any* or *all* impartially defensible actions. Instead the position would have to be fleshed out by identifying the *right* conception of impartially defensible action, which is what happens in the third proposition above, where rule-consequentialism is identified as the right impartially justified theory. Now, though, we see that the position boils down to an assertion that we have decisive moral reason to follow the rules of rule-consequentialism, with no other intermediate connection between the two. Does this idea of a brute connection between rule-consequentialism and moral reasons hold up under pressure?

**Direct Connection**

We have arrived at a theory of moral reasons according to which the fact that an action accords with the rules of rule-consequentialism is itself a decisive moral reason to act in accord with those rules—a theory which is, trivially, coherent in the sense defined earlier.[[48]](#footnote-48) And in several respects, positing such a theory of moral reasons is an acceptable solution to incoherence questions and puzzles for the rule-consequentialist. The position is logically consistent, coherent, and cannot be rebutted using responses akin to those given earlier.

 It has been alleged, though, that eschewing (conventional) axiology in this way comes with other, substantial theoretical costs. For instance, when discussing the role of rules in utilitarian thinking, J.C.C. Smart wrote:

I can understand 'it is optimific' as a reason for action, but why should 'it is a member of a class of actions which are usually optimific' or 'it is a member of a class of actions which as a class are more optimific than any alternative general class' be a good reason? You might as well say that a person ought to be picked to play for Australia just because all his brothers have been, or that the Australian team should be composed entirely of the Harvey family because this would be better than composing it entirely of some other family.[[49]](#footnote-49)

I think there are several ideas combined in this one passage, and I’ll discuss some later. For the moment, one thing Smart calls to our attention is that one naturally wants some *justification* for thinking that we have reason to follow the rule-consequentialist rules. He warns us that the justification cannot be following the rules maximizes the good, since following the rules of rule-consequentialism does not always do that.

Rule-consequentialists have a response to this challenge. They believe they have arguments that the right foundational moral principle is the rule-consequentialist principle—e.g., Hooker’s reflective equilibrium argument—and in the context of the incoherence debate, those are not in question, so I will grant them here. Moreover, most people find it intuitive that we have moral reason to follow (what we discover to be) the right moral rules,[[50]](#footnote-50) or that we can be shown that we are deeply committed to that idea.[[51]](#footnote-51) If the way to be moral is by following the moral rules picked out by the rule-consequentialist foundational principle, then this seems like an argument for thinking that we have decisive moral reason to follow the rule-consequentialist code.

However, this response will not do when we consider another interpretation of Smart’s challenge. The passage above continues as follows:

I can understand 'it is optimific' as a reason for action, but why should 'it is a member of a class of actions which are usually optimific' or 'it is a member of a class of actions which as a class are more optimific than any alternative general class' be a good reason? You might as well say that a person ought to be picked to play for Australia just because all his brothers have been, or that the Australian team should be composed entirely of the Harvey family because this would be better than composing it entirely of some other family. *…Admittedly we can have a pro-attitude to anything, even to rules, but such artificially begotten pro-attitudes smack of superstition*.[[52]](#footnote-52)

This accusation of “superstition” is worth pursuing. Superstition involves belief for no good reason, and a similar issue is raised by Barbara Herman. She discusses one traditional understanding of deontology, according to which considerations of value are subordinated to principles of right or duty.[[53]](#footnote-53) In that context she says that:

The price of accepting the deontological view of Kant (or the deontological view of anything) has been very high. Without a theory of value, the rationale for moral constraint is a mystery. It is hardly sufficient to reject “why” questions by asserting that such questions reveal a misunderstanding of moral constraint: the constraint that does not need to answer any “why” questions. Moral skepticism seems to be a reasonable response to morality presented in that way.

Applied to our present debate, Smart and Herman’s concern seems to be that if rule-consequentialists simply posit that we have fundamental reason to follow the rule-consequentialist moral code, then we cannot answer, as Herman puts it, important “why” questions.

 But which ones? Here we must move beyond Smart and Herman’s remarks. Every theory has why-questions that it cannot answer—explanation cannot go on forever—so we need to know precisely which why-questions can’t be answered by rule-consequentialists and why their inability to answer them is particularly problematic.

One might worry that rule-consequentialists who eschew conventional axiology are then relying too heavily on appeals to considered judgment. For instance, the “argument” that we have reasons to be moral (given earlier) was simply an appeal to people’s considered judgment that we have such reasons. Similarly, the proof that rule-consequentialism is the correct moral theory relies on the idea that rule-consequentialism is the theory that best explains and reconciles our considered judgments.

Personally, I would not object to reliance on considered judgment altogether, since I doubt that moral theory can proceed in any other way. (Others might disagree.) But I do think that the Smart/Herman objection can be profitably seen as a complaint that axiology-free rule-consequentialism grounds out in considered judgment too soon, and will therefore lack the resources to respond to a certain form of moral skepticism, as Herman might say, or what I would prefer to call moral puzzlement.

Consider the problem of why we have any reason, even moral reason, to follow the moral rules. For instance, I have some reason not to take someone else’s things—but why? Why do I have any reason to obey that rule, even though it may be bad for me to follow it? When entertaining this question, part of our puzzlement dissolves when we are shown (told, reminded) that, for instance, all people are valuable, and equally valuable, and that taking someone’s things sets back their welfare just as it advances ours. Naturally this does not end the philosophical debate. A more hardened skeptic might ask why we should think that all people are valuable, and as I noted earlier, all theories will at some point ground out and be unable to give any further explanation. But the appeal to axiology (in this case, an axiology that values persons) does lessen one’s puzzlement in a way that is unavailable to those who eschew axiology altogether. In contrast, a defender of the form of rule-consequentialism we are now considering cannot appeal to even such a simple fact as the moral value and equality of all people, and she could only tell us that it is simply a brute fact that one has (moral) reason to follow the moral rules.

Moreover, as Smart’s remarks suggest, this may be a particularly acute problem for rule-consequentialists. Their theory asks us to follow rules which, *if* accepted and followed, *would* maximize the good. Given that the rules may not be generally accepted and followed, people are particularly likely to be (appropriately) puzzled about why they have reason to follow those rules. Rule-consequentialism without axiology has no answer other than that such reasons exist.

And indeed, perhaps this objection can be pressed even farther. Earlier I noted that the structure of rule-consequentialism seems to “suggest” that the good is the fundamental value, since its master rule references an idealized situation where people accept and follow certain rules and where the good is maximized. On behalf of rule-consequentialists, I gave replies which showed that rule-consequentialism is not *logically committed* to an axiology that fundamentally values the good. But still, if rule-consequentialists do not offer an alternative axiology, but simply say there is moral reason to follow the rules of rule-consequentialism, then their theory is likely to seem especially puzzling. For even if we had an answer to Smart’s question about why we should obey the rules when others aren’t (and when we are therefore not acting in a way that contributes to maximization of the good), there is a separate question of why the right rules are those which, when accepted and followed, maximize one particular account of the good. For instance, if the particular theory in question is rule-utilitarian and aims at maximizing wellbeing, we can ask, why not equity? Why not anything else at all? Rule-consequentialists without axiology will have no answer to this obvious question.

**Part III: The Significance of the Incoherence Objection**

The previous section showed that the incoherence problem does damage to the rule-consequentialists’ case. Several possible solutions fail, forcing rule-consequentialists to endorse a brute connection between the rules of rule-consequentialism and moral reasons, with the upshot that rule-consequentialists are unable to answer certain basic questions about why we have the moral reasons we do, questions that other theories may be able to address by appealing to their axiologies. These questions are particularly pressing in a theory which posits that we have moral reasons to follow rules which would maximize the good *if* everyone followed them, even though they do not. They are also particularly pressing in a theory which posits that we should follow rules related to a certain conception of the good, even though we might embrace alternative conceptions of the good instead.

Though these are real and serious problems for rule-consequentialism, we should not overstate things. The incoherence objection is certainly not decisive on its own—not the devastating objection that one imagines when one hears that rule-consequentialism might be “incoherent”. In fact, as we’ve seen, rule-consequentialists have a response to the incoherence problem which renders their theory coherent and consistent in the most straightforward sense of those terms. What the incoherence problem really does is to force rule-consequentialists into a viewpoint on moral reasons that has several theoretical costs.

Some might feel that these costs are so high that they are tantamount to a disproof of rule-consequentialism. But to me that seems hasty. Sometimes philosophers who favor a certain ethical theory write as if they can produce devastating objections to all rival theories. And indeed some philosophers may not merely write that way but actually believe it. But most of us recognize that all the major ethical theories have both theoretical merits and drawbacks, and that we must choose a theory based on our judgment of which one fares best overall. If the argument for a theory has a gap, we have to ask whether we think it’s a minor gap that can probably be filled, even if it hasn’t been so far, or whether we think it’s a major problem and thus a serious strike against the theory. Likewise, if a theory lacks development in one respect, we must decide whether this is a minor issue, perhaps easily correctable, or whether the problem is likely to prove intractable. We make these and other judgments about each theory we are considering and then adopt the theory that seems the best on the whole, even if it still suffers from various problems.

If we want to decide whether to adopt rule-consequentialism, we have to undertake this kind of holistic evaluation, factoring in the theoretical drawbacks highlighted by the incoherence problem. I have not tried to decide for readers whether rule-consequentialism would come out on top after that process; surely that judgment will rightly differ from one philosopher to the next. However, a final, major upshot of our examination is that we have revealed why this process is necessary. The incoherence objection is not a decisive disproof but rather a problem which highlights theoretical issues in rule-consequentialist theory, and having clarified the real nature of the incoherence problem—both what it is and is not—we can recognize that we need to undertake that holistic evaluation of rule-consequentialism and its rivals, and we are better positioned to do so.[[54]](#footnote-54)

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1. On this, see Hooker, *Ideal Code, Real World*, pp. 75-84. [↑](#footnote-ref-1)
2. It should be noted that this is not the only formulation of rule-consequentialism, and others may not be subject to the incoherence problem, at least in the usual forms. On this see Diamond, “Consequentialism and Modern Moral Philosophy and in ‘Modern Moral Philosophy’.” [↑](#footnote-ref-2)
3. Indeed, I share with Miller and others the view that almost no one has made the objection as precise as they should have, and that it is often difficult to determine exactly how the objection is supposed to work. Cf. Miller, “Mill, Rule Utilitarianism, and the Incoherence Objection.” For statements of the objection, see, e.g., Sprigge, “A Utilitarian Reply to Dr. McCloskey,” pp. 286-287; Lyons, “Utility as a Possible Ground of Rights”; Darwall, *Philosophical Ethics*, pp. 137-8; Mabbott, “Interpretations of Mill’s ‘Utilitarianism”; as well as the additional references in the text below. Lyons’s *Forms and Limits of Utilitarianism*, ch. 4, is often cited as the *locus classicus*, but I confess to finding Lyons’s presentation obscure. [↑](#footnote-ref-3)
4. Smart, “An Outline of a System of Utilitarian Ethics,” p. 10. [↑](#footnote-ref-4)
5. The following paraphrases Wiland, “The Incoherence Objection in Moral Theory,” p. 280ff. [↑](#footnote-ref-5)
6. Card, “Inconsistency and the Theoretical Commitments of Hooker’s Rule-Consequentialism,” p. 244. Smart offers this more specific example: “I have promised to a friend, dying on a desert island from which I am subsequently rescued, that I will see that his fortune…is given to a jockey club. However when I am rescued I decide that it would be better to give the money to a hospital, which can do more good with it.” Smart, “Extreme and Restricted Utilitarianism,” p. 350. [↑](#footnote-ref-6)
7. Wiland, “The Incoherence Objection in Moral Theory,” p. 280. [↑](#footnote-ref-7)
8. Hooker, *Ideal Code, Real World*, p. 101. [↑](#footnote-ref-8)
9. Wiland acknowledges this. See “The Incoherence Objection in Moral Theory,” p. 280, note 1. [↑](#footnote-ref-9)
10. Specifically, below I consider Parfit’s attempt to defend a Kantian Rule Consequentialism, and I argue that while it may not be incoherent, it is not consequentialist in a traditional and important sense. Similar problems might arise for other rule consequentialist theories defended in a nontraditional way. On this subject it is interesting to consider the work of Harsanyi (e.g., “Morality and the Theory of Rational Behavior” and “Rule Utilitarianism and Decision Theory”) and also remarks on utilitarianism by Gibbard (e.g., “Rule Utilitarianism: Merely an Illusory Alternative?” and *Reconciling our Aims*, esp. lecture 3). See also Howard-Snyder, “Rule-Consequentialism is a Rubber Duck.” [↑](#footnote-ref-10)
11. Although for a critique of Hooker’s method and an argument that he relies on narrow equilibrium, see Miller, “Hooker’s Use and Abuse of Reflective Equilibrium.” Cf. Law, “Rule-Consequentialism’s Dilemma.” [↑](#footnote-ref-11)
12. Hooker, *Ideal Code, Real World*, p. 101. [↑](#footnote-ref-12)
13. Hooker, *Ideal Code, Real World*, p. 102. [↑](#footnote-ref-13)
14. Miller, “Mill, Rule Utilitarianism, and the Incoherence Objection,” pp. 108. Miller refers readers to his expanded critique of Hooker in “Hooker’s Use and Abuse of Reflective Equilibrium.” [↑](#footnote-ref-14)
15. See Williams, *Morality*, p. 94; Smart, “Extreme and Restricted Utilitarianism,” p. 353; and Darwall, “Reason, Norm, and Value,” p. 23/24. As noted below, Dale E. Miller also focuses on versions of the incoherence objection focused on practical reason, though my argument differs slightly from his. See “John Stuart Mill and the Art of Life.” For an incoherence objection that raises issues about the rule-consequentialist theory of value, though different ones from those mentioned here, see Robert Card, “Inconsistency and the Theoretical Commitments of Hooker’s Rule-Consequentialism.” [↑](#footnote-ref-15)
16. Williams, *Morality*, p. 94, italics mine. [↑](#footnote-ref-16)
17. Darwall, “Reason, Norm, and Value,” p. 23/24. [↑](#footnote-ref-17)
18. Smart, “Extreme and Restricted Utilitarianism,” p. 353. It is worth noting that Smart often seems to formulate the incoherence objection more traditionally, without reference to practical or moral reason. [↑](#footnote-ref-18)
19. See *On What Matters* and *What We Owe to Each Other.* [↑](#footnote-ref-19)
20. To be clear: I am not contending that a rule-consequentialist theory might not encounter serious problems because of its accompanying theory of all-things-considered practical reason. For instance, in “Mill, Rule Utilitarianism, and the Incoherence Objection,” Miller argues that Mill seems to commit himself to the incompatible ideas that, first, we *only* have reasons to promote the good, and second, that “if it would be appropriate for an agent to have a certain disposition to experience a particular emotion or feeling then she has reason to do what that emotion or feeling would tend to cause a person with that disposition to do.” (p. 105.) That would obviously be a problem if true, because it would reflect an outright inconsistency in the theory. My point here is instead that another kind of problem that could plague a moral theory and its accompanying theory of practical reason—the mere failure to explain why there is always all-things-considered reason to do as the theory instructs—does not, by itself, constitute a good ground for saying that the theory is “incoherent”. [↑](#footnote-ref-20)
21. The author wishes to thank (omitted for review) for pressing me on this point. [↑](#footnote-ref-21)
22. This presentation of the argument is closest to one given by Dale E. Miller in “Mill, Rule Utilitarianism, and the Incoherence Objection,” esp. pp. 106/7. Miller notes that utilitarians might seem to have a welfarist axiology according to which only utility has intrinsic value, and that they might also embrace a teleological understanding of practical reason according to which we only have reason to promote the good. He says that according to incoherence objectors, incoherence arises because the rule-utilitarian moral standard is not extensionally equivalent to the act-utilitarian one, and also because the objectors make the ‘moral rationalist’ assumption that moral obligations “are or entail sound practical reasons for action”. (“Mill, Rule Utilitarianism, and the Incoherence Objection,” p. 97.) The tension here, I take it, is supposed to be between the claim that reasons only arise from the relationship between actions and their consequences and the further claim that there are some reasons which do not arise from that relationship.

Miller’s argument makes many of the same points that the reformulated version discussed here does, though it is worth noting one important difference. In Miller’s argument, the objectors presume that there is at least some moral reason to follow correct moral rules, and they use that assumption to generate a contradiction in the rule-consequentialist position: we only have reasons to maximize the good, and we sometimes have reasons to not maximize the good. In the reformulation considered in this paper, the problem is that defenders of moral theories and their accompanying theories of moral reason should be able to explain why there is decisive moral reason to do as the theory recommends, and we have reason to think that rule-consequentialists have not only failed to explanation, but that they could not, even in principle. [↑](#footnote-ref-22)
23. Parfit: “…[when we call something] *good,* in…the *reason-implying* sense, we mean roughly that there are certain kinds of fact about this thing’s nature, or properties, that would in certain situations give us or others strong reasons to respond to this thing in some positive way, such as wanting, choosing, using, producing, or preserving this thing.” (Parfit, *On What Matters*, vol. 1, p. 38.) [↑](#footnote-ref-23)
24. And so, obviously, the objection presupposes that in any correct moral theory, there should be decisive moral reason to do as the theory instructs. This could be doubted. For a solution to the incoherence problem that rejects moral rationalism, see Miller, “Mill, Rule Utilitarianism, and the Incoherence Objection.” [↑](#footnote-ref-24)
25. Here I presume that rule-consequentialists would not simply embrace the view that there is not decisive moral reason to follow the theory’s rules. That is a possible position, but it is not one rule-consequentialists have advocated, so I leave it aside in this paper. [↑](#footnote-ref-25)
26. Miller, “Mill, Rule Utilitarianism, and the Incoherence Objection,” pp. 108. As pointed out in a previous note, Miller’s version of the incoherence problem is different than the one considered in this paper, so the quoted text is not an explicitly assessment of the relationship between Hooker’s theory and the problem I discuss here. [↑](#footnote-ref-26)
27. See Hooker, *Ideal Code, Real World*, section 1.3. [↑](#footnote-ref-27)
28. Though Hooker explicitly agrees with this, he thinks this turns out to be irrelevant when picking a moral theory. See Hooker, *Ideal Code, Real World*, pp. 15-16. [↑](#footnote-ref-28)
29. Although compare Jacobsen, “Utilitarianism Without Consequentialism: The Case of John Stuart Mill.” [↑](#footnote-ref-29)
30. I thank an anonymous referee for pointing out that something like this same point was made by Miller. After arguing that a rule-utilitarian theory will face the incoherence problem, Miller says that “A nonutilitarian rule-consequentialist theory would still be vulnerable to the incoherence objection if its rules sometimes forebade particular actions that maximized the good and it shared the other pertinent elements of [the rule-utilitarian] view, *mutatis mutandis*.” (“Mill, Rule Utilitarianism, and the Incoherence Objection, p. 107.) [↑](#footnote-ref-30)
31. Cf. Hooker, *Ideal Code, Real World*, ch. 2. [↑](#footnote-ref-31)
32. Parfit, *On What Matters*, p. 408. [↑](#footnote-ref-32)
33. The definition of “optimific principles” first occurs in Parfit, *On What Matters*, p. 375 [↑](#footnote-ref-33)
34. “Contractualism and Utilitarianism,” p. 224. [↑](#footnote-ref-34)
35. For Kagan, see *Normative Ethics*, ch. 6. See also Drier, “In Defense of Consequentializing,” and Schroeder, “Teleology, Agent-Relative Value, and ‘Good’.” [↑](#footnote-ref-35)
36. *Normative Ethics*, p. 189. [↑](#footnote-ref-36)
37. *Normative Ethics*, p. 190, italics in original. [↑](#footnote-ref-37)
38. Parfit, *On What Matters*, p. 411, my emphasis. [↑](#footnote-ref-38)
39. Cf. a similar but distinct point in Hooker, *Ideal Code, Real World*, p. 110. Compare as well a recent debate between Hooker and Howard-Snyder over the definition of “rule-consequentialism’” in “Is Rule-Consequentialism a Rubber Duck?” and “Rule Consequentialism is a Rubber Duck,” respectively. Despite their differences, neither disagrees with my definition here, although their debate is not focused on the issue raised at this point in the paper. [↑](#footnote-ref-39)
40. Thus we get the complaint that utilitarianism values wellbeing and treats individuals as mere receptacles in which wellbeing inheres. Likewise, we get the oft-repeated complaint from Rawls that utilitarianism ignores the separateness of persons. [↑](#footnote-ref-40)
41. This point is made by Kymlicka, *Contemporary Political Philosophy*, chapter 2, esp. p. 32ff. See also his “Rawls on Teleology and Deontology,” as well as interesting remarks in Card, “Consequentialist Teleology and the Valuation of States of Affairs,” esp. p. 257ff.

Some might respond by pointing out that, arguably, some of these utilitarians, such as Singer and Mill, adopt a Humean or instrumentalist account of practical reason. Thus when these utilitarians claim to “value people,” that claim is not about axiology or reasons but about moral rules—specifically, it is a claim to the effect that everyone must count equally in our moral rule. As a consequence, their remarks cannot be used to help define the limits on a rule-utilitarian axiology. In reply, though, we can note that not all of the previous utilitarian figures are Humeans of this sort. Moreover, this objection undercuts itself. If one concedes that utilitarians can adopt a Humean conception of practical reason, then that shows that utilitarians can in fact have a broad range of axiologies without rendering their theories non-utilitarian. In fact the Humean conception is quite conceptually distant from the obviously utilitarian idea that everyone’s wellbeing gives us reasons, and if something as conceptually distant as the former counts as a utilitarian axiology, then so should an axiology that values all people equally. [↑](#footnote-ref-41)
42. One would be the connection discussed in the previous section: perhaps the value of persons gives us reason to adopt a contractualist framework. I leave that aside here because of the problems we saw earlier. [↑](#footnote-ref-42)
43. I wish to thank (omitted) for calling this problem to my attention in an earlier presentation of this paper. [↑](#footnote-ref-43)
44. I would like to thank (omitted) for the subsequent way of formulating this position. [↑](#footnote-ref-44)
45. Hooker, *Ideal Code, Real World*, p. 101. Cf. an earlier statement of the same position in “Right, Wrong, and Rule-Consequentialism,” p. 246. [↑](#footnote-ref-45)
46. Hooker, *Ideal Code, Real World*, p. 102ff. [↑](#footnote-ref-46)
47. Hooker, *Ideal Code, Real World*, p. 25. The quote is from Hill, “The Importance of Autonomy,” p. 132. The italics are Hooker’s. [↑](#footnote-ref-47)
48. It is worth noting that this response differs from another rule-consequentialist position pointed out by an anonymous referee, but which I cannot pursue here. The position is that the rules of rule consequentialism give rise, not only to first-order moral reasons, but also to second-order moral reasons. For instance, the rule “don’t lie” need not just give rise to a first order reason to do something other than lie; it could also give rise to (or *only* to) a second order reason that renders nugatory our (apparent) first order reasons to lie. [↑](#footnote-ref-48)
49. Smart, “Extreme and Restricted Utilitarianism,” p. 353. [↑](#footnote-ref-49)
50. There may be limits on the revisions we can make to our common-sense picture before we begin to doubt whether we have reasons to behave morally. For instance, Hurley has argued that if our common-sense picture is “revised” so radically that it turns into act-utilitarianism, then we face the difficult question of why we have reason to behave in act-utilitarian ways, and we cannot just rely on the pre-theoretical intuition that we have reason to be moral. (See Hurley, *Beyond Consequentialism*, p. 47ff.) But whether Hurley is right or not, his objection (as he admits) surely does not apply to moral outlooks that diverge less radically from common-sense morality, such as rule-consequentialism, since in that case our intuition that we have reason to be moral can survive those revisions. [↑](#footnote-ref-50)
51. See, e.g., Nagel, *What Does It All Mean?,* pp. 59-75. [↑](#footnote-ref-51)
52. Smart, “Extreme and Restricted Utilitarianism,” p. 353, my italics. [↑](#footnote-ref-52)
53. Herman, “Leaving Deontology Behind,” p. 210. [↑](#footnote-ref-53)
54. The author would like to thank [omitted] as well as several anonymous reviewers for their many helpful suggestions and contributions. [↑](#footnote-ref-54)