Chapter 6
Rule Consequentialism and Non-identity

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Abstract This paper explores the relationship between rule consequentialism and the non-identity problem. It argues that rule consequentialism accommodates person-affecting intuitions without abandoning Parfit’s no difference view. The paper also offers a new model of rule consequentialism—reinterpreting its various features as a series of departures from an act consequentialist ideal each motivated by human finitude and fallibility.

Keywords Future generations · Rule consequentialism · Reproduction · Non-identity · Person-affecting · Parfit · Hooker.

6.1 Introduction

This paper explores a rule consequentialist solution to the non-identity problem. In doing so, I will develop some themes from my recent book *Future People*—and respond to emerging criticisms of that book and of rule consequentialism in general.

My principle aim in *Future People* is to construct a new consequentialist account of the morality of our decisions regarding future people—from individual reproductive choices to global public policy priorities. *Future People* offers the first systematic rule consequentialist account of reproductive ethics, and of the significance of reproductive freedom, and also a new foundation for a liberal theory of intergenerational and international justice.

The present paper has a more limited scope than *Future People*, and also a different emphasis. Its scope is limited in two ways—I focus exclusively on moral theory, and, within moral theory, exclusively on rule consequentialism. One of my subsidiary aims in *Future People* was to motivate a return to the utilitarian tradition in political philosophy, and I regard the discussions of political philosophy and public policy as one of the main features of my book. However, as commentators have focused on the moral side of my project, and as my explorations of political
philosophy all rest on a foundation of moral theory, I concentrate here on explaining and defending that foundation.

In *Future People*, I have taken as my primary example the familiar objection that consequentialism is implausible because it makes unreasonable demands. Indeed, one of my aims in writing *Future People* was to bring together the two distinct literatures on obligations to future people and on the demands of morality. In the present paper, however, I focus on the non-identity problem instead. This is partly to fit the theme of the present collection. But I also have a more principled rationale. Largely due to pressure from commentators, I have come to regard my emphasis on the demandingness objection in *Future People* as, at best, misleading. While I still think there are important links between these two problems facing consequentialism, there are also important differences. The most serious problems facing any consequentialist account of future people lie at the intersection between non-identity and demandingness.

In addition to these changes of subject matter, the present paper also seeks to advance beyond *Future People*, by presenting replies to two key objections. The shift from demandingness to non-identity is one such reply. The second is my defence of a contingent morality in Sections 6.6 and 6.7. In several places, my argument in *Future People*, like any exercise in consequentialist ethics, rests on controversial empirical claims. This makes my theory appear vulnerable. Whether we regard this contingency as an objection depends on our views regarding the relationship between moral theory and empirical fact. I shall argue that the most plausible account of that relationship vindicates my approach.

6.2 Two Decisive Intuitions

Contemporary moral theory often begins with moral intuitions—judgements about particular cases or general ideals. The non-identity problem itself is significant because it generates a clash between our moral intuitions and the deliverances of some familiar modes of ethical thinking. The same is true of other puzzles in this area, such as the repugnant conclusion, the mere addition paradox, and the infinite utility puzzle. Intergenerational ethics is especially intuition-based.

I find it helpful to distinguish two kinds of intuitions: *decisive intuitions* (that any acceptable moral theory must accommodate) and *distinguishing intuitions* (that mark distinctive features of different theories). My aim in *Future People* is to develop a theory that accommodates all decisive intuitions, and also makes sense of a range of intuitions that are distinctive of a moderately radical utilitarian outlook.

If we all always agreed in our considered moral judgements, then all our intuitions would be decisive. However, such agreement is not to be found. Sometimes intuitions serve, not to confirm or refute theories, but to distinguish them. There is no definite line between decisive and distinguishing intuitions. No intuition is uncontroversially decisive, if only because there is always a niche in the philosophical marketplace for the first person who rejects it. Partisans of particular moral