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INSTITUTIONAL FUNCTION CONSEQUENTIALISM**

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Introduction

This paper tries to deal with three problems that disconnect typical theories of moral or normative philosophy from important facts about individual and social life. The first fact is that although most of our common responsibilities, motivations, governing rules and personal ideas flow from different roles that we play in the fabric of normative institutions such as law, religion, common morality, the educational system, media or family, most moral philosophy is still an isolated, self-sufficient and self-determined philosophical endeavour that is beyond such institutional order. Theories of normative ethics usually focus directly on acts, motives, intentions, rules or virtues,

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but not on institutions, even though they are the most important factors that determine our behaviour.

The second fact, which is usually overlooked, is strictly connected with the first. Ethical theories are typically developed without considering that the same roles played by morality are also fulfilled, at least partially, by other normative institutions. The usual way of conducting moral philosophy skips any systematic discussions about this fact. Interconnections between normative institutions are taken into consideration usually only if there is a practical problem where their rules, values and aims clash. In such cases, interconnections between institutions are discussed mostly in terms of civil disobedience, freedom of conscience, politics and dirty hands or the neutrality of the state. However, this issue should be targeted much more systematically than that.

The third fact is about the plurality of normative functions that can be found in moral psychology and the history of ethics. The history of western moral philosophy and contemporary moral debates show that there are distinct moral and meta-ethical foundational beliefs that have stood firm throughout the centuries. The history of western moral philosophy begins with the ethics of personal eudaimonia and an ideal of perfecting human nature. Other important moral philosophies were developed in the modern era by T. Hobbes, I. Kant and the classical utilitarians J. Bentham and J.S. Mill. All these concepts are still alive in contemporary normative philosophy (Gauthier, 1986; Hooker, 2000; Hurka, 1996; Kagan, 1989; Kamm, 2007; Korsgaard, 1996; MacIntyre, 1981; Rawls, 1971; Scanlon, 1998). The plurality of moral life can also be found in empirical moral psychology (Graham et al., 2011; Haidt, 2007; Haidt, Graham, 2009). It is well described in the recent book by Jonathan Haidt, *The Righteous Mind* (Haidt, 2012). According to the moral foundation theory, which he embraces, people have different kinds of plural, innate moral foundations that are expressed through moral intuitions, emotions and reasoning. They can be associated with such opposite emotions and values as care/harm, fairness/cheating, liberty/oppression, loyalty/betrayal, authority/subversion, and sanctity/degradation. All of them are irreducible to one another and can form many unique “moral matrixes”. However, as I will explain later, despite the evidence for irreducible plurality in the sphere of morality and ethics, most normative theories are still mono-functional, i.e. they fully recognize or accept only one genuine normative

function and consider that it overrides other normative functions, or they try to reduce all normative functions to the one that is chosen.

In this paper, I will not discuss these three problems directly as separate issues. Instead, I will present an outline of a theory of normative ethics that gives, in my opinion, the hope of doing justice to the above features of normative spheres. I call it Institutional Function Consequentialism:

Institutional Function Consequentialism (IFC): We should always act according to some rules, virtues, motives and intentions that constitute optimal harmony of normative institutions, whose internalization by the overwhelming majority of everyone in each new generation has maximum expected value in terms of the best realization of the equilibrium of the most important practical functions of normative domains.

The above *principium* may be seen as similar to the well-known rule of consequentialism by Robert E. Goodin (1995) or Brad Hooker (2000). However, there are many important differences that I will discuss in the course of this paper. Firstly, the focal point of the theory is not an optimific moral code like in Hooker's theory, but rather the harmony of all normative institutions. Secondly, the values that have to be maximized are not well-being or happiness like in typical utilitarianism, but the realization of essential practical, normative functions. Thirdly, because the theory is not focused only on one normative institution like common morality, one single institution does not have to fulfil all important normative functions. Instead, we need to find a harmony of many institutions, which as a social normative order can optimize the realization of different normative functions.

The paper is divided into four main sections. In the first section, I present some assumptions of the proposed theory. In the second, I consider institutions as the primary focal points of practical philosophy. In the third, I describe normative functions as the ultimate aims of my account, and in the last, I present some important features of the optimal harmony of institutions. While my aim is to set out my account clearly rather than to defend it, I will explain how it is different from typical consequentialist moral theory and argue that it is preferable to this, more common, approach.

Assumptions

The normative theory that I propose in this paper rests on two main assumptions that I will not have space to justify deeply enough. However, this has already been done by others. The most important justification concerns the validity of consequentialism as the appropriate way of understanding practical rationality. Despite extensive discussion of this matter, I assume in this paper that there is only one correct theory of practical rationality that is not narrowed to any normative domain. Any differences between normative domains can be explained by the aims, functions and values that they pursue, but not by different types of rationality. Such a stance is not new and I am not alone here. It can be seen as the fundamental belief in decision theory and game theory, and is accepted probably by most moral consequentialists. As Douglas Portmore put it, “Why would the moral sphere be the only sphere of rational conduct in which the maximizing conception of rationality didn’t hold?” (Portmore, 2007, p. 49) Such an idea of practical rationality is the compiling idea of consequentialism. It states that “the reasons there are for and against performing a given act are wholly determined by the reasons there are for and against preferring its outcome to those of its available alternatives, such that, if S has most reason to perform a_i , then, of all the outcomes that S could bring about, S has most reason to desire that o_i (i.e., a_i ’s outcome) obtains” (2009, p. 333). The main problem with this account, however, is that it does not explain why there are different rules, patterns, and other features of many practical domains such as prudence, morality or politics, if there is the same concept of rationality. IFC is the formal framework that can help to explain this problem.

The second assumption is against Rawls’ claim that “The principles of justice for institutions must not be confused with the principles which apply to individuals and their actions in particular circumstances. These two kinds of principles apply to different subjects and must be discussed separately.” (Rawls, 1971, pp. 54–55) Although I will argue that different institutions should be governed by different rules, responsibilities and virtues that in fact constitute the nature of any institution, there is only one underlying principle that justifies and grounds them all. A similar thought is defended by Liam Murphy in the paper “Institutions and the Demands of Justice” (Murphy, 1998). I will rely on this defence throughout this paper. I agree that “we should not think of legal, political, and other social institutions as together

constituting a separate normative realm, requiring separate normative first principles, but rather primarily as the means that people employ the better to achieve their collective political/moral goals” (Murphy, 1998, p. 253).

IFC is a global holistic approach that is significantly different from the typical ethical accounts in which criteria for moral evaluation are seen as wholly independent on any other normative practices. In the account proposed here, the ethical assessment of an act depends on other normative institutions. However, it is usually claimed that ethics cannot be dependent on law or religion if it has to endure overriding and normative forces. If other institutions are unfair, unjust or discriminatory, they can and should be boycotted for these moral reasons. IFC does not contradict this belief, though. An ethical standard is not dependent on the shape of contemporary, existing institutions that constitute our societies, but on the *optimal* harmony of institutions – institutions whose homeostatic structure would maximize all important normative functions. For this reason, academic ethics should conduct an analysis of existing institutions in light of whether they are consistent with a harmony of optimal ones. It is thus a special institution whose main aim is to critically analyse other normative institutions in light of optimal harmony. It tries to justify and set standards for reforming common morality, individual moral conscience, law, politics and religion. The history of western morality can be interpreted as a long and tedious process of optimizing the important normative functions in a changing social order.

Why institutions?

Any normative theory is built with the help of some “focal points” (a term introduced by Shelly Kagan (2000)). Focal points are important properties of facts, which constitute the central features for making normative judgements. Examples of focal points are consequences of any single act, rules, motives, norms, character traits, decision-making procedures and institutions. A theory of moral philosophy can use any combination of these focal points directly or indirectly. For example, we can judge acts by rules, which are justified by institutions, virtues by acts which are justified by consequences, rules by acts which are justified by virtues.

If we provide only four focal points, we can imagine sixteen possible combinations of them, shaping sixteen structures of ethics. The simplest

and most well-known structures are act consequentialism, deontology and virtue ethics. Act-consequentialism evaluates an act directly in terms of good consequences; other focal points, such as rules, are assessed only indirectly via expected acts that they can bring. In contrast, rule-consequentialism and deontology make rules the primary focal point and evaluate others indirectly in terms of the rules. Virtue ethics makes character traits the primary focal point. Acts or rules are valued indirectly via the virtues they express or presuppose. We can imagine much more complicated structures of focal points to describe some moral theories. The account proposed here assesses acts directly through relevant institutions, or, to be more accurate, through other focal points such as rules, virtues or intentions that constitute such institutions.

I use the term “institution” in a very broad sense. It refers to formalized and unformalized permanent elements of social order, regulated and sanctioned activities, recognized ways of solving problems of co-operation and co-existence, and some formal organizations carrying out certain roles. Institutions usually enforce standards and responsibilities and provide a system of practices that involves people, objects and ideas. They are comprised not only of rules, but also of standards for their application that depend on human mentality, motivation, habits and environment. Therefore, they are also constituted by appropriate virtues, motivations and intentions to comply with relevant rules, defend them, respect them, reward people for complying with them, punish those who are opposed to them, and to elicit shame and remorse for backsliding. Some institutions have formal structures, but others do not. In the broad sense of this term, institutions are law, common morality, religion, etiquette, academic ethics, the educational system, family, the practice of psychological or spiritual guidance, and even individual moral conscience.¹

By “normative institutions”, I mean the institutions that fulfil important normative functions. They coordinate social activities, provide universal reasons, optimize utility, set goals for individual efforts, give people’s

¹ By “individual moral conscience”, I mean a system of moral rules, judgements, dispositions and attitudes that shape the moral identity of a person. The autonomy of such a conscience is a widely recognized value in many institutions. It should not be discriminated against without very good reasons. For example, individual moral conscience is protected at the level of national and international law in the name of “conscience clause”, “conscientious objection” and “freedom of thought, belief or religion”.

lives meaning and allow people to improve their lives or strive for salvation. In modern societies, the most important normative institutions are law, religion, common morality, individual moral conscience and academic ethics. The most vital factors that determine our behaviour are composed of a network of normative institutions to which we belong voluntarily, under compulsion or coercion. They are sets of rules, practices and attitudes that redirect and strengthen our motivation. In a well-functioning society, they organize our life to support preferable motives that are too weak to effectively guide our actions without such assistance.

There are also other reasons for the importance of institutions for moral theories. Many of them are well described in the literature (see especially Goodin, 1995, 1998; Williams, 2006). As Garrath Williams points out, institutions define roles and rules, alongside forms of sanction and encouragement, so as to realise limited forms of practical, normative agreement. Institutions also allocate and adjudicate distinct responsibilities that create separate spheres of initiative, ensuring responsibilities are fulfilled and enabling structured disagreement and change. They also shape individual identities that depend on several different forms of recognition and responsibilities (Williams, 2006, p. 207).

The methodological separation in theories of different institutions leads to the artificial atomization of interconnected normative issues. Normative institutions should not be seen as independent entities but rather as a homeostasis or harmony of institutions. All normative institutions are interconnected and depend on each other. It is hard to find even one that is not affected by all the others. For example, common morality influences legislation, the interpretation of law and the judicial system, just as legislation, the interpretation of law and the judicial system affect common morality, individual moral conscience and even academic ethics.

An equilibrium of institutions is the most important factor of normative life in developed societies and should be treated as such in any theory of normative ethics. If we want to change the behaviour of each new generation, there is little point in moralizing without seeking to amend the relevant institutions. As Williams puts it, “To prevent corrupt institutions, *and the corrupt individual moralities that result*, our solutions must be themselves institutional, first and foremost” (Williams, 2006, p. 218). Normative philosophy should look for a broad, unified normative theory for all important institutions. The theory should presuppose that the main focal point of

normative philosophy should be the institutions that shape the harmony that governs our social and individual life. This could bring justice to the complex nature of contemporary societies.

Why normative functions?

There is one more important reason why the account proposed here is focused on institutions. This reason is directly connected with the functional form of this account, and is a form of what I have called functional consequentialism. Functional consequentialism claims that we should act according to some important focal points P_1, \dots, P_n with contents C_1, \dots, C_n that are selected on the basis of considerations about which kind of P with C will bring the best realization of the best mix of normative functions F_1, \dots, F_n . Therefore, if the values that should be optimized in the consequentialist framework fulfil many important normative functions, the best way of maximizing them is by establishing a harmony of normative institutions that can realize these functions together. There is no one institution like morality or law that can do this better than coordinated and complementary institutions that form a homeostatic structure.

People have many different expectations about morality, ethics and politics for many different reasons. There are many normative functions that have been well recognized throughout the history of normative philosophy. They exemplify some wide meta-normative beliefs that have explicitly or implicitly shaped the history of ethics and contemporary normative debates. Below I outline some practical normative functions that are based on an analysis of the history of ethics. I use them only as examples. This outline is surely not exhaustive and could be described in a slightly different way.

The first type of normative function has an agent-centred nature. These functions were especially popular in ancient and medieval moral philosophy and have been developed by contemporary virtue ethics and theistic moral philosophy. We can call them individual normative functions and at least four of them can be distinguished. The first – directly connected with eudaimonia – presupposes that the function of normative institutions such as morality is to develop tools (a system of rules, institutions, virtues and shared beliefs) that allow us to maintain and increase inner personal integrity, harmony and happiness – to live a happier or more flourishing personal life.

Another agent-centred normative function is perfectionism. It assumes that the function of ethics is to develop tools that allow us to achieve personal and human perfection. A perfectionist believes that a moral life is a life that leads to perfection in accordance with some personal ideal. Throughout the course of history, perfectionism has been understood in very different ways. In Stoicism, the goal of perfectionism is to become a sage, in Christianity, to become a child of God or disciple of Jesus, a disciple of Buddha in Buddhism, a disciple of Muhammad in Islam, or to become superhuman according to Friedrich Nietzsche. The goal of perfectionism in Kantianism is to achieve autonomy or dignity, in humanism, to achieve the state of being “fully human”, and to become an “authentic person” in existentialism. The third individual normative function aims to develop tools that allow an individual to sense, discover or comprehend the meaning of their life. This is sometimes assumed by the proponents of virtue ethics. The fourth normative function is individual salvation, sometimes understood as healing or deliverance. It is often proposed by religious philosophers and moral theologians, but can also be found in secular thinkers such as Leo Tolstoy and Ludwig Wittgenstein (Hosseini, 2013). It assumes that the function of normative institutions is to develop tools that allow us to achieve the moral standard necessary for salvation, i.e. to maintain moral purity, sinlessness, impeccable attitudes, thoughts, intentions, beliefs and actions.

The second type of normative function is based on agent-neutral or interpersonal considerations. These normative functions are widely recognized in the modern era due to such philosophers as Thomas Hobbes, Immanuel Kant and John S. Mill. They can be called social normative functions. The first social normative function is adopted by Thomas Hobbes and many modern contractarianists (Gauthier, 1986; Hampton, 1986; Kavka, 1986; Narveson, 1988). It can be expressed as a claim that the function of normative institutions such as morality and law is to develop tools that help to reduce conflicts between individuals’ interests and to coordinate social behaviour. The next social normative function is a fundamental belief that guides every kind of utilitarian ethics. In this approach, the function of normative institutions is to develop tools that help to increase the quantity of well-being in the world. The last social normative function is connected with Kantian ethics and its contractualist revision (Rawls, 1971; Scanlon, 1998). Kantian contractualism presupposes that the function of practical

philosophy is to develop tools that every rational person would agree to or which nobody could reasonably reject.

The third type of normative function is based on what Steven Darwall called “the second-personal standpoint” (Darwall, 2006). In this perspective, moral action should be rooted in the existence of the second person who stands before us. This can be seen as a source of second-personal reasons or proper emotional responses driven by altruism. A second interpretation is that the function of ethics is to develop tools that help us to be altruistic toward those who stand before us. This view is related to the belief that the main element of moral life consists of acting for the good of those who are our neighbours and who need assistance and help. A moral person is somebody who primarily cares for the real people around them, such as children, the disabled, the poor, or others who need support. This approach is usually adopted by some feminist ethics and ethics of care (Noddings, 1984). It can be also interpreted in terms of love for our neighbours in a narrower or wider sense. In this interpretation, it is essential to many religions such as Buddhism, Christianity, Hinduism, Islam or Judaism (Greenberg, 2008, pp. 379–384).

Most ethical theories are mono-functional. This means that their supporters consciously or unconsciously recognize or accept only one genuine normative function and consider that it overrides other normative functions, or they try to reduce all normative functions to the one that is chosen. Disciples of Aristotle, Hobbes, Kant and Bentham usually reduce the domain of ethics by focusing mainly on a single question, such as “How can we live a life of eudaimon?” (Aristotle), “What system of rules is in a society’s best interest?” (Hobbes), “What would be the content of synthetic a priori public rules?” (Kant), or “How can we make the world a better place?” (Bentham). Kantians usually believe that morality should be all about reasonable agreement, utilitarians that it should be all about bringing about more happiness, and contemporary virtue moral philosophers that it should be all about making the individual person happier or perfecting their human nature. All other ethical concerns are considered as subordinate to the main purpose. However, the best normative theory should be rich in functions. All single-function theories, or ones that are just not broad enough, will always be criticized by those who accept other answers to the question “What should morality and ethics be for?” A functional approach can give

us the opportunity to unify different normative accounts without reducing some of their important aspects.

If we work within a broad consequentialist framework, theoretically we can achieve some optimific realization of all or most of the above functions in one theory – we just need a sound analysis of such normative functions, an interpretation of their realization in practice, corresponding focal points, and tools of decision theory for optimizing the realization of multiple aims. However, for a harmony of institutions, we can also try to find these normative functions indirectly. One way of doing this would be by exercising practical ethics. This is the most common and still practiced method of optimizing normative institutions.

The optimization of normative institutions could also be achieved through the critical voice of moral and political philosophers who try to evaluate normative institutions like morality, law or religion in terms of their fulfilment of important normative functions. Such practical judgements should involve, for example, identifying violations of personal autonomy, relevant suffering, failure to respect the needs for perfection, a lack of a meaning of life, or unreasonable standards that incite conflicts. In fact, academic practical philosophy has played this role from the beginning of its existence. Moral philosophers, who are especially focused on utilitarian functions, often criticize law, religion or common morality for a lack of appropriate standards for reducing suffering (Singer, 1977) or for boycotting reasonable efforts to fight against global poverty (2009). Philosophers who believe in a Hobbesian or Kantian social contract often criticize a violation of requirements of public reasons, personal autonomy or fairness. They also oppose the legal prohibition of voluntary euthanasia (Dworkin, Nagel, Nozick, Rawls, Thomson, 1997), the penalization of adult prostitution, and the discrimination of minorities on the grounds of sex, belief, skin colour or sexual orientation (Hellman, 2008). Virtue moral philosophers, who are focused on the perfection or happiness of the moral agent, criticize academic philosophy for abandoning the ancient way of thinking about the best standards of private life, personal happiness and self-development (Anscombe, 1958). However, all these important critical works are dispersed throughout various ethical fields.

About the optimal harmony of institutions

It is not a simple matter to describe a set of particular norms and dispositions that constitute the optimal harmony of institutions. We cannot deduce practical judgements only from the definition of a morally right act. This is a side-effect of consequentialism – in order to establish the optimal harmony of normative institutions, there is a need for an enormous amount of knowledge from social sciences and for sound interpretations of key concepts like normative functions and an explanation of the relationship between them. A description of the optimal harmony of institutions can be filled with content only by jumping into highly specific issues using a wide interdisciplinary approach. Therefore, the aim of selecting the optimal structure and content of institutions and the relationship between them is too complex and too detailed to be properly achieved by a moral or political philosopher alone. This practical obstacle is usually strong enough reason to discourage developing such interdisciplinary theories. However, despite this problem, below I will try to describe some essential parts of an optimal harmony of institutions, focusing mainly on similarities and differences between my account and Brad Hookers' well-known rule consequentialism. This outline is only a philosophical approximation of results that should be discovered on much more empirical ground.

The optimal harmony of institutions should not be judged by actual consequences, but rather by expected ones. Evaluation of our acts cannot be dependent on facts that nobody can reasonably predict. Optimal institutions must be tailored to rational human cognition. If one of the objectives of an optimal harmony of institutions is to promote the principles that no one could reasonably reject (Kantian function) and the rules that coordinate social life (Hobbesian function), we need to establish institutions that are composed of norms that can be publically justified and publically accepted by an overwhelming majority in each new generation. Therefore, they need to be properly balanced between contingent facts about our contemporary culture and knowledge about unchangeable features of human nature that will be expressed in all new generations.

We cannot expect that 100 per cent of the population would fully accept and comply with any set of institutionalized standards. For that reason, we should take into account only an overwhelming majority of people from each generation. We can arbitrarily define this majority along with Hooker

as 90 per cent of the population (Hooker, 2000, pp. 80–85), or accept some more flexible standards (Hooker, Fletcher, 2008; Ridge, 2006). We should not assume that institutions are created for ideal human beings. We all have our motivational and rational limitations that have to be taken into consideration. We need to predict that the norms of many institutions can be misunderstood, misinterpreted, and violated for reasons of weakness of will or other intellectual defects. We should take into account empirical facts about the enormous baggage of genes, which motivate us to act selfishly and give greater weight to the interest of our families and loved ones than to the interest of strangers.

The optimal harmony of institutions should avoid situations in which one institution commends some acts while another criticizes them. Although different norms of different institutions may overlap, it would be probably better if they complement each other. An example of such a harmony of different functions, rules and virtues is the structure of the contemporary legal system in many developed countries. It usually assumes the existence of several different roles like a judge, a prosecution and a defence that have different goals, virtues, obligations and responsibilities which cannot justifiably be separated. We can claim that it is ethically right for the defence lawyer to protect his client even if he is guilty of a serious crime only if we know that there is a prosecution lawyer who will try to do the opposite and a judge who will listen to both sides. Analogically, normative institutions like morality, law, religion or individual moral conscience should not be comprehended as independent islands, but as a system of connected vessels that form a mutually complementary structure. The optimal harmony of institutions can accommodate many functions only if particular ones are the main goal for different institutions with various priority and scope.

The optimal harmony of institutions is more than an ideal moral code. Different functions should be balanced not only within the institution of morality, but across all other institutions. This is another discrepancy with typical rule consequentialism. For example, if non-moral domains realize social functions well, common morality can be more focused on personal development or well-being; if they realize individual functions better, morality can be more social-based. If many crucial aspects of social life are well regulated by a law which is widely accepted and promotes well-being, other institutions can be more focused on personal functions such as perfecting, dignifying and increasing individual well-being and promoting a virtuous

life. On the other hand, if we live in a society in which most people hold some strong beliefs about human dignity, the meaning of life and personal virtues and ideals, other institutions should be more focused on the social functions of coordination and “what we owe to each other”, expressed in public moral rules.

The institutions that form the optimal harmony can be composed of their own responsibilities, sanctions and rewards. We can see this in contemporary social order. There are different sanctions for disobeying the law (mandates, criminal sanctions), common morality (anger, shame, ostracism), our conscience (remorse, guilt) and religion (sin, religious penance, hell). The institutions may also use different decision-making procedures to determine “legally right”, “morally right”, “religiously right” or “privately right” actions. Law and common morality could use a deontological model of decision-making while other institutions like religion or individual moral conscience could use a more virtue- or intention-based model of decision-making. Deciding on what is legally right could be different to deciding what is morally right or right according to our own individual moral conscience.

A harmony of institutions that would optimize all the normative functions most likely would require certain compromises to be made. It would not be possible to combine all functions to their fullest extent. For example, the maximization of happiness, perfection or salvation of an individual may clash with utilitarian functions, the requirement of minimizing conflict, or the standards that nobody could reasonably reject. However, some functions of normative philosophy can be prioritized as more important than others. We can do this in two different ways: internally based on consequentialist reasons, or externally, on the basis of some other considerations. Consequentialist reasoning would imply that if we have different conflicting functions, we should choose the optimific set of them. For example, the utilitarian role of ethics alone can create very demanding rules and virtues (Mulgan, 2005) and can contradict other, more individual-based reasons and functions. If it is true that people are inevitably self-interested and will not submit to social pressure in order to maximize universal happiness by helping those in need in developing countries, we can accept that in practice we should give priority to other normative functions rather than making the world a better place. Therefore, the utilitarian function can give way to other more individual-based functions due to pure consequentialist reasoning. However, we can also prioritize normative functions due to other

non-consequentialist considerations. An example of such an approach is the rebirth of contemporary virtue moral philosophy that happened in the second half of the 20th century. It was brought back to life mainly due to claims that individual normative functions had been neglected in ethics from the time of the Enlightenment, but they were at least as important as any other social roles (Anscombe, 1958). A similar claim could be made for or against other normative functions.

Plural institutions can complement and overlap each other, but sometimes they can also contradict. The clash between their rules and virtues need not be overcome at all costs, though. IFC can accept some degree of moral dilemmas and can provide a rational explanation of why they need to occur. We should not search for a perfectly coherent set of institutions that can cover all difficult practical cases, but rather for the harmony of institutions that can optimize the fulfilment of all normative practical functions. If this optimization requires some inconsistencies or even contradictions between certain institutions, rules or motivations, it can be accepted, if it maximizes the fulfilment of practical normative functions. Therefore, the optimal harmony may contain rules which in rare cases cause moral and political dilemmas that can be resolved only by courts, tribunals or committees. Some marginal degree of moral or political dilemmas that flow from contradicting rules may be the best way to optimize the fulfilment of all important normative functions.

IFC would likely confirm the core of the current moral and legal norms. We should not lie, steal, cheat, hurt, humiliate or discriminate regardless of the direct positive results in terms of maximizing general happiness or other individual goals. Justification for the above deontic constraints has a consequentialist nature. These constraints are the best way to maximize normative functions in a harmony of institutions. Conforming to *pro tanto* deontic constraints is implied not only by the utilitarian normative function – which is widely recognized by many rule utilitarian moral philosophers (Brandt, 1963; Hare, 1981; Hooker, 2000) – but also by the function of social coordination and publicity requirement that is expressed by Hobbesian and Kantian normative philosophy.

The account proposed here respects the intuitive belief that in normal situations, we should obey the rules of each institution to which we belong. If we lived in a perfect society composed of the optimal harmony of institutions, it would be our categorical duty to comply with their norms. In the

real world, in which we have to deal with suboptimal institutions that sometimes contain unethical rules, we should comply with them only if there are no reasonable doubts about their ethical validity. Therefore, we have a *pro tanto* obligation to obey the law, common morality, etiquette, our religion or our deep moral individual beliefs that shape our moral identity, but such duties lose their authority if there are strong enough reasonable doubts for their ethical legitimacy. However, there is no simple answer to the question of when we should break the norms of certain institutions if they are unethical or just contradict with other norms. Strong enough reasons for disobedience would be different for each institution and are currently discussed as a problem of civil disobedience, religious freedom, prisoners of conscience, and religious fundamentalism. IFC encourages us, thus, that all such normative research should be based on seeking the optimal harmony of normative institutions.

In rare cases, there should be an institutionalized right to break normal rules. Once in a while we have to deal with circumstances in which ordinary, everyday norms do not work well. In such situations, we should not consider the direct consequences, but should be guided by the recommendations of special institutions that directly deal with crises and disasters. The content of such recommendations should be determined based on the grounds of consequentialism and a detailed understanding of such problems as civil disobedience, the ethics, psychology or sociology of crisis, and the ethics of war and conflict. A direct violation or bypassing of the rules of normal institutions should only take place in situations of sudden and immediate threat that can be called disasters. As other consequentialists stress it, the rule of avoiding disasters can be a part of law, morality, and a properly formed conscience (Brandt, 1992b, p. 88; 1992a, pp. 150–151, 156–157).

IFC, in contrast to typical utilitarianism, should not be too demanding. The evaluation of an act is not based solely on the aim of maximizing well-being from a neutral point of view, but also by other functions such as taking care of the happiness of a moral subject, giving a meaning to her life and helping her to achieve an important personal ideal. Moreover, IFC should not be an expression of selfishness because some of the important normative functions aim to make the world a better place by minimizing conflicts or caring for people who are in need. IFC would also advocate that help for others should be institutionalized. It would reduce the psychological costs of sharing our resources and increase the effectiveness of aid itself.

Classical utilitarianism implies that in consequentialist calculus we should not take into account the way the goods are distributed, but should always choose the option that will bring the highest sum total. This leads to the well-known argument that utilitarianism is unjust. To avoid this charge, Brad Hooker and Derek Parfit propose that consequentialism should not only take into consideration the sum total of welfare, but also its distribution (Hooker, 2000, pp. 55–65; Parfit, 1997). They advocate that we should accept the principle of priority. This states that it is always better if benefits are received by people who are the worst off. The optimal moral code is one that maximizes the good by promoting the well-being of the worst off (Hooker, 2000, pp. 56–57). However, as Aristotle rightly pointed out, there is no single idea of justice that can extend to different areas of life. Different institutions and their functions require other rules for what we should provide for each other. IFC can reject the belief that there is one universal principle of justice like equality or priority. The idea of moral justice should be understood more locally – its criteria depend on the particular institution and its normative functions. For example, there should be different rules for fairness if we take into account treatment of children by their parents, getting school grades or distribute resources in health care. Priority to the worst off seems to be more just if we are dealing with aid institutions than institutions that should distribute public money in order to achieve the highest standards in academia or sports.

Conclusions

In this paper, I have presented a new account of normative ethics that I have called Institutional Function Consequentialism. This account has several interesting features. Firstly, it is a form of indirect consequentialism that focuses on the harmony of institutions rather than on rules, motives or acts. The main focal point of the theory is not rules or virtues, but normative institutions – not only morality and ethics, but also other normative institutions that shape social order. IFC proposes one normative foundation, composed of different institutions, for all social order. The values to be optimized in the framework of this kind of consequentialism are not happiness, well-being or preferences, but the fulfilment of normative functions.

IFC can also be seen as method of consequentializing different rival theories.² It tries to unify important aspects of rival normative theories interpreted as different normative functions that should be optimized in the consequentialist framework. It is a form of hybrid consequentialism – it mixes traditional ethical approaches such as Aristotelianism, stoicism, utilitarianism, contractarianism and contractualism. It also assumes a specific, circular relationship between practical ethics and the content of general rules that may constitute the optimal harmony of institutions. It rejects the simplistic belief that moral thinking is based solely on deductive implications from general ethical principles or meta-ethical beliefs.

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² In contemporary ethics, there are a few attempts that try to consequentialize theories that are traditionally viewed as non-consequentialism. See especially (Cummiskey, 1996; Lousie, 2004; Parfit, 2011; Portmore, 2007; Ridge, 2009).

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Summary

In this paper, I present a new account of normative ethics that I call Institutional Function Consequentialism. It is a form of indirect consequentialism that focuses on the optimal harmony of institutions rather than on rules, motives or acts. It proposes one normative foundation for all social order that is composed of different institutions. This account can also be seen as method of consequentializing different rival theories such as Aristotelianism, stoicism, utilitarianism, contractarianism and contractualism.