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## Literatur zu zu Brad Hookers Regelkonsequentialismus

### Bibliography on Brad Hooker's Rule-Consequentialism

Alphabetische Ordnung / alphabetical order:

<http://www.ethikseite.de/bib/brc.pdf>

Chronologische Ordnung / reverse chronological order:

<http://www.ethikseite.de/bib/crc.pdf>

- 2018 [1] Tobia, Kevin (2018): Rule-Consequentialism's Assumptions, *Utilitas* 30, S. 458–71.<sup>1</sup>
- 2017 [2] Yeo, Shang Long (2017): Measuring the Consequences of Rules: A Reply to Smith, *Utilitas* 29, S. 125–31. – Zu [18].
- 2016 [3] Paulo, Norbert (2016): *The Confluence of Philosophy and Law in Applied Ethics*, London, S. 217–35 (“Brad Hooker's Rule Consequentialism”).
- 2016 [4] Rajczi, Alex (2016): On the Incoherence Objection to Rule-Utilitarianism, *Ethical Theory and Moral Practice* 19, S. 857–76.<sup>2</sup>
- 2016 [5] Toppinen, Teemu (2016): Rule Consequentialism (and Kantian Contractualism) at Top Rates,

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<sup>1</sup> “Rule-Consequentialism faces ‘the problem of partial acceptance’: How should the ideal code be selected given the possibility that its rules may not be universally accepted? A new contender, ‘Calculated Rates’ Rule-Consequentialism claims to solve this problem. However, I argue that Calculated Rates merely relocates the partial acceptance question. Nevertheless, there is a significant lesson from this failure of Calculated Rates. Rule-Consequentialism's problem of partial acceptance is more helpfully understood as an instance of the broader problem of selecting the ideal code given various assumptions – assumptions about who will accept and comply with the rules, but also about how the rules will be taught and enforced, and how similar the future will be. Previous rich discussions about partial acceptance provide a taxonomy and groundwork for formulating the best version of Rule-Consequentialism.”

<sup>2</sup> “For a long time many philosophers felt the incoherence objection was a decisive objection to rule-consequentialism, but 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 traditional forms of the incoherence objection, but this paper argues that another version of the problem remains. Several possible solutions fail. One other does not, but it introduces other problems into the theory. I conclude that the new incoherence objection still poses a major challenge to rule-consequentialism, though not for the reasons usually assumed. It does not constitute a fatal objection to rule-consequentialism but instead highlights a theoretical drawback in the theory which must be taken into account during a more holistic evaluation of rule-consequentialism and its rivals.”

*Philosophical Quarterly* 66, S. 122–35.<sup>3</sup>

- 2015 [6] Cureton, Adam (2015): Making Room for Rules, *Philosophical Studies* 172, S. 737–59.<sup>4</sup>
- 2014 [7] Hooker, Brad (2014): Acts or Rules? The Fine-tuning of Utilitarianism, in *God, the Good, and Utilitarianism. Perspectives on Peter Singer*, hrsg. von John Perry, Cambridge, S. 125–38.
- 2014 [8] Hooker, Brad (2014): Must Kantian Contractualism and Rule-consequentialism Converge?, *Oxford Studies in Normative Ethics* 4, S. 34–52.
- 2014 [9] Levy, Sanford S. (2014): The Failure of Hooker’s Argument for Rule Consequentialism, *Journal of Moral Philosophy* 11, S. 598–614.<sup>5</sup>
- 2014 [10] Miller, Dale E. (2014): Rule Utilitarianism, in *The Cambridge Companion to Utilitarianism*, hrsg. von Ben Eggleston und Dale E. Miller, Cambridge, S. 146–65.
- 2013 [11] Kahn, Leonard (2013): Rule Consequentialism and Disasters, *Philosophical Studies* 162, S. 219–

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<sup>3</sup> “According to one form of rule consequentialism, RC, everyone ought to follow the rules whose universal acceptance would make things go best. According to one form of Kantian contractualism, KC, everyone ought to follow the rules whose universal acceptance everyone could rationally will. RC and KC are almost universally rejected on the basis of their appealing to universal acceptance rate. I argue that given the inclusion, into our value theory, of what Philip Pettit calls ‘robustly demanding goods’, RC and KC probably survive the most important objections of the relevant kind: the New Ideal World Objection and the Objection from Reprobates and Amoralists. If RC and KC can survive these objections, this is good news for those sympathetic to rule consequentialism and Kantian contractualism, as the alternative formulations of these views, which appeal to lower or variable acceptance rates, are widely agreed to face severe problems of their own.”

<sup>4</sup> “Kantian moral theories must explain how their most basic moral values of dignity and autonomy should be interpreted and applied to human conditions. One place Kantians should look for inspiration is, surprisingly, the utilitarian tradition and its emphasis on generally accepted, informally enforced, publicly known moral rules of the sort that help us give assurances, coordinate our behavior, and overcome weak wills. Kantians have tended to ignore utilitarian discussions of such rules mostly because they regard basic moral principles as a priori requirements that cannot be tailored to human foibles and limitations. I argue that Kantian moral theories should incorporate public moral rules as mid-level moral requirements for embodied and socially embedded human agents. I explain how certain specific moral judgments about how we ought to act are justified by public moral rules, which are themselves justified by more fundamental moral requirements.”

<sup>5</sup> “Brad Hooker argues for rule consequentialism using narrow reflective equilibrium resources along with a handful of wider resources. One of his important claims in defense of rule consequentialism is that it begins from a familiar and attractive idea about morality. I argue that his defense of rule consequentialism fails and more particularly, that rather than beginning from a familiar and attractive idea, it begins from an idea that is quite unattractive. I show this by applying the method rule consequentialists use to derive moral advice for the real world to non-moral cases where its unattractiveness is clear. I then argue that the basic idea behind rule consequentialism is attractive if considered as an account of moral reform, in so far as the account of moral reform can be divorced from one’s account of right and wrong, something that occurs in theories like that of Stephen Toulmin.”

- 2013 [12] Levy, Sanford S. (2013): A Contractualist Defense of Rule Consequentialism, *Journal of Philosophical Research* 38, S. 189–201.
- 2013 [13] Tobia, Kevin (2013): Rule Consequentialism and the Problem of Partial Acceptance, *Ethical Theory and Moral Practice* 16, S. 643–52.<sup>7</sup>
- 2012 [14] Kahn, Leonard (2012): Rule Consequentialism and Scope, *Ethical Theory and Moral Practice* 15, S. 631–41.<sup>8</sup>
- 2011 [15] Cowen, Tyler (2011): Rule Consequentialism Makes Sense After All, *Social Philosophy and Policy* 28, S. 212–31.
- 2011 [16] Hooker, Brad (2011): Promises and Rule-Consequentialism, in *Promises and Agreements. Philosophical Essays*, hrsg. von Hanoch Sheinman, Oxford, S. 237–54.<sup>9</sup>

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<sup>6</sup> “Rule consequentialism (RC) is the view that it is right for A to do F in C if and only if A’s doing F in C is in accordance with the set of rules which, if accepted by all, would have consequences which are better than any alternative set of rules (i.e., the ideal code). I defend RC from two related objections. The first objection claims that RC requires obedience to the ideal code even if doing so has disastrous results. Though some rule consequentialists embrace a disaster-clause which permits agents to disregard some of the rules in the ideal code as a necessary means of avoiding disasters, they have not adequately explained how this clause works. I offer such an explanation and show how it fits naturally with the rest of RC. The second disaster objection asserts that even if RC can legitimately invoke a disaster-clause, it lacks principled grounds from distinguishing disasters from non-disasters. In response, I explore Hooker’s suggestion that “disaster” is vague. I contend that every plausible ethical theory must invoke something similar to a disaster clause. So if “disaster” is vague, then every plausible ethical theory faces a difficulty with it. As a result, this vagueness is not a reason to prefer other theories to RC. However, I argue, contra Hooker, that the sense of “disaster” relevant to RC is not vague, and RC does indeed have principled grounds to distinguish disasters from non-disasters.”

<sup>7</sup> “Most plausible moral theories must address problems of partial acceptance or partial compliance. The aim of this paper is to examine some proposed ways of dealing with partial acceptance problems as well as to introduce a new Rule Utilitarian suggestion. Here I survey three forms of Rule Utilitarianism, each of which represents a distinct approach to solving partial acceptance issues. I examine Fixed Rate, Variable Rate, and Optimum Rate Rule Utilitarianism, and argue that a new approach, Maximizing Expectation Rate Rule Utilitarianism, better solves partial acceptance problems.”

<sup>8</sup> “Rule consequentialism (RC) holds that the rightness and wrongness of actions is determined by an ideal moral code, i.e., the set of rules whose internalization would have the best consequences. But just how many moral codes are there supposed to be? Absolute RC holds that there is a single morally ideal code for everyone, while Relative RC holds that there are different codes for different groups or individuals. I argue that Relative RC better meets the test of reflective equilibrium than Absolute RC. In particular, I contend that Relative RC is superior because it accommodates our convictions about costless benefits. Some have charged that Relative RC threatens our convictions about the generality of moral codes and that it leads inevitably to what Brad Hooker calls “runaway relativism.” I argue that Relative RC has principled reasons for stopping this imagined slide down the slippery slope.”

<sup>9</sup> “The duty to keep promises has many aspects associated with deontological moral theories. The duty to keep promises is non-welfarist, in that the obligation to keep a promise need not be conditional on there being a net benefit from keeping the promise—indeed need not be conditional on there being at least someone who would benefit from its being kept. The duty to keep promises is more closely connected to autonomy than directly to welfare: agents have moral powers to give themselves certain obligations to

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- 2010 [18] Smith, Holly M. (2010): Measuring the Consequences of Rules, *Utilitas* 22, S. 413–433.<sup>11</sup> – Dazu: [2].
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- 2009 [21] Portmore, Douglas W. (2009): Rule-Consequentialism and Irrelevant Others, *Utilitas* 21, S. 368–76.<sup>12</sup>
- 2009 [22] Wall, Edmund (2009): Hooker’s Consequentialism and the Depth of Moral Experience, *Dialogue* 48, S. 337–51.<sup>13</sup>

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others. And these moral powers, which enable promisors to create agent-relative obligations to promisees, correlate with rights the promisees acquire in the process, such as rights to waive the duty or insist on its performance. As a result of promises, promisees acquire (not only rights but also) a special status: the promisees are the ones wronged when promises to them that they have not waived are not kept. One more aspect of the duty to keep promises that is associated with deontological moral theories is that what actions the duty requires is at least partly backward-looking: what actions the duty requires depends on facts about the past, namely facts about what promises were made and then waived or not. This paper surveys these aspects of the duty to keep promises and then explores whether rule-consequentialism can be reconciled with them.”

<sup>10</sup> “Sidgwick’s defence of esoteric morality has been heavily criticized, for example in Bernard Williams’s condemnation of it as ‘Government House utilitarianism.’ It is also at odds with the idea of morality defended by Kant, Rawls, Bernard Gert, Brad Hooker, and T. M. Scanlon. Yet it does seem to be an implication of consequentialism that it is sometimes right to do in secret what it would not be right to do openly, or to advocate publicly. We defend Sidgwick on this issue, and show that accepting the possibility of esoteric morality makes it possible to explain why we should accept consequentialism, even while we may feel disapproval towards some of its implications.”

<sup>11</sup> “Recently two distinct forms of rule-utilitarianism have been introduced that differ on how to measure the consequences of rules. Brad Hooker advocates fixed-rate rule-utilitarianism (which measures the expected value of the rule’s consequences at a 90 percent acceptance rate), while Michael Ridge advocates variable-rate rule-utilitarianism (which measures the average expected value of the rule’s consequences for all different levels of social acceptance). I argue that both of these are inferior to a new proposal, optimum-rate rule-utilitarianism. According to optimum-rate rule-utilitarianism, an ideal code is the code whose *optimum* acceptance level is no lower than that of any alternative code. I then argue that all three forms of rule-utilitarianism fall prey to two fatal problems that leave us without any viable form of rule-utilitarianism.”

<sup>12</sup> “In this article, I argue that Brad Hooker’s rule-consequentialism implausibly implies that what earthlings are morally required to sacrifice for the sake of helping their less fortunate brethren depends on whether or not other people exist on some distant planet even when these others would be too far away for earthlings to affect.”

<sup>13</sup> “In *Ideal Code, Real World*, Brad Hooker seeks to offer a version of ideal rule consequentialism that is immune from standard criticisms. I will attempt to challenge Hooker’s ideal rule-consequentialist theory by arguing that there are philosophical problems at the ultimate foundation of his maximizing consequentialist

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- 2008 [24] Hooker, Brad/Fletcher, Guy (2008): Variable versus Fixed-Rate Rule-Utilitarianism, *Philosophical Quarterly* 58, S. 344–52.<sup>14</sup> – Zu [33].
- 2008 [25] Pellegrino, Gianfranco (2008): Some Old Objections to Rule-Consequentialism Reconsidered: The Case of Reproductive Freedom, *Notizie di Politeia* 24, S. 98–107.
- 2008 [26] Woodard, Christopher (2008): A New Argument Against Rule Consequentialism, *Ethical Theory and Moral Practice* 11, S. 247–61.<sup>15</sup>
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and pluralist approach toward well-being and other basic goods. I find that no amount of revision is likely to insulate his approach from standard criticisms. I suggest that any maximizing rule-consequentialist approach toward well-being, taken in a rich and pluralist sense, is likely to fall prey to standard criticisms. In later work, Hooker drops ideal rule consequentialism in favor of an incremental rule-consequentialist approach. That piecemeal approach is also challenged in this paper.”

<sup>14</sup> “Fixed-rate versions of rule-consequentialism and rule-utilitarianism evaluate rules in terms of the expected net value of one particular level of social acceptance, but one far enough below 100% social acceptance to make salient the complexities created by partial compliance. Variable-rate versions of rule-consequentialism and rule-utilitarianism instead evaluate rules in terms of their expected net value at all different levels of social acceptance. Brad Hooker has advocated a fixed-rate version. Michael Ridge has argued that the variable-rate version is better. The debate continues here. Of particular interest is the difference between the implications of Hooker’s and Ridge’s rules about doing good for others.”

<sup>15</sup> “We best understand Rule Consequentialism as a theory of pattern-based reasons, since it claims that we have reasons to perform some action because of the goodness of the pattern consisting of widespread performance of the same type of action in the same type of circumstances. Plausible forms of Rule Consequentialism are also pluralist, in the sense that, alongside pattern-based reasons, they recognise ordinary act-based reasons, based on the goodness of individual actions. However, Rule Consequentialist theories are distinguished from other pluralist theories of pattern-based reasons by implausible claims about the relative importance of act-based and pattern-based reasons in different cases. Rule Consequentialists should give up these claims. They should either embrace some other pluralist pattern-based view, or reject pattern-based reasons altogether. Note, though, that these arguments apply only to compliance-based, rather than acceptance-based, versions of Rule Consequentialism. This suggests that these two kinds of theory are more different from each other than we might previously have realised.”

<sup>16</sup> “Principle monists believe that our moral duties, such as fidelity and non-maleficence, can be justified in terms of one basic moral principle. Principle pluralists disagree, some suggesting that only an excessive taste for simplicity or a desire to mimic natural science could lead one to endorse monism. In *Ideal Code, Real World* (Oxford, 2000), Brad Hooker defends a monist theory, employing the method of reflective equilibrium to unify the moral duties under a version of rule consequentialism. Hooker’s arguments have drawn powerful criticisms from pluralists such as Alan Thomas, Phillip Montague and Philip Stratton-Lake. Against these critics, I argue that Hooker’s monism enjoys certain practical advantages associated with the simplicity of a single basic principle. These advantages are often overlooked because they appear primarily in cases of second-order deliberation, in which one must decide whether our basic moral duties support a certain derivative duty. I argue that these advantages of monism over pluralism are analogous to the advantages that generalists claim over moral particularism. Because pluralists are generalists, I conclude that they are in an awkward dialectical position to dismiss Hooker’s monism for the reasons they usually offer.”

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<sup>17</sup> "Rule-consequentialism is frequently regarded as problematic since it faces the following powerful dilemma: either rule-consequentialism collapses into act-consequentialism or rule-consequentialism is inconsistent. Recent defenders of this theory such as Brad Hooker provide a careful response to this objection. By explicating the nature and theoretical commitments of rule-consequentialism, I contend that these maneuvers are not successful by offering a new way of viewing the dilemma which retains its force even in light of these recent discussions. The central idea is that even the most well-developed contemporary form of the view is ensnared in the following dilemma: as an agent-neutral consequentialist theory, rule-consequentialism is either inconsistent or it is desperately unmotivated as a form of consequentialism since it is committed to a non-consequentialist form of ultimate moral value."

<sup>18</sup> "Rule-consequentialism has been accused of either collapsing into act-consequentialism or being internally inconsistent. I have tried to develop a form of rule-consequentialism without these flaws. In this June's issue of *Utilitas*, Robert Card argued that I have failed. Here I assess his arguments."

<sup>19</sup> "The basic idea of rule-utilitarianism is that right action should be defined in terms of what would be required by rules which would maximize either actual or expected utility if those rules gained general acceptance, or perhaps general compliance. Rule-utilitarians face a dilemma. They must characterize 'general acceptance' either as 100% acceptance, or as something less. On the first horn of the dilemma, rule-utilitarianism is vulnerable to the charge of utopianism; on the second, it is open to the charge of arbitrariness and lack of philosophical depth. I press this objection, and develop and defend an alternative version of rule-utilitarianism which can evade the dilemma. I call this new version 'variable-rate rule-utilitarianism'."

<sup>20</sup> "Two ideas have dominated ethical thought since the time of Bentham and Kant. One is utilitarianism, the other is an idea of moral agency as self-governance. Utilitarianism says that morality must somehow subserve welfare, self-governance says that it must be graspable directly by individual moral insight. But these ideas seem to war with one another. Can we eliminate the apparent conflict by a careful review of what is plausible in the two ideas? In seeking an answer to this question I examine (1) the implications of welfarism, (2) the nature of moral obligation (3) the nature of our moral knowledge."

[35] und [37].

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