**Brandt’s version of RU: An “ideal code theory”**

**Definitions**

1. Statement of RU: “An act is right if and only if it would not be prohibited by *the moral code ideal* for the society” (594, r; italics mine)

-- moral code: a set of moral rules

-- so we can also say: an act is right if and only if it would not be prohibited by a moral rule that is part of an ideal moral code for a society

2. What is an “ideal moral code” for a society?

“a moral code is ‘ideal’ if its *currency* in a particular society would produce at least as much good per person (the total divided by the number of persons) as the currency of any other moral code” (594, r; italics mine)

a. This is *not* just the code that exists in any society at a given time (592, l-r).

* In Brandt’s version of RU, “the moral rules recognized in a given society are not necessarily morally binding. They are binding only insofar as they maximize welfare, as contrasted with other possible moral rules” (601, r)

b. this is a “maximizing” theory: the ideal moral code for a society is one that would produce the most good (or, at least as much good as any other moral code)

c. Note that he isn’t specifying exactly what kind of consequences should be produced, what “good” in the quote above means—could be happiness, pleasure, desire satisfaction, or something else.

3. What does the “currency” of a moral code refer to? (i.e., what does it mean for a set of moral rules to be “current” in a society?”

-- This is Brandt’s view of the idea of “acceptance utility” of rules, discussed above

-- Two criteria for a moral code being “current” in a society (595, l):

(i) a high proportion of adults *subscribe* to it (e.g., 90%)

(ii). a high proportion of adults recognize this code as being highly subscribed to

4. What does it mean for someone to “subscribe” to a moral code? (595, l-r)

* One is motivated to avoid actions prohibited by the code, because they are prohibited (not just b/c they would lead to pain for oneself)
* If one performs actions prohibited by the code, one feels guilty unless one has an excuse (where feeling “guilty” does not include worrying about painful consequences for oneself)
* If others perform actions prohibited by the code, one admires those persons less (unless they have an excuse)
* One thinks the rules in the code are justified, and not only because they are widely subscribed to by others in the society

**Putting this all together**

1. An act is morally right if and only if:

-- it would not be prohibited by a rule that is part of a moral code that

-- would produce at least as much good per person as a in a given society as any other moral code,

-- if a high proportion of adults subscribed to it and recognized it as being highly subscribed to, where

-- “subscribing” to the moral code means doing actions that adhere to it because they are morally right, feeling guilty if one doesn’t, admiring others less if they don’t, and believing that this code is justified

2. Note that this does not say that you should act according to rules that a high proportion of people in the society *do* subscribe to

-- rather, you should act according to rules in a moral code that would produce good consequences *if* a high proportion of people subscribed to it

-- so it’s still the right thing to do to act according to a rule that would be part of such a code, even if many other people in your society don’t

**Further elaborating the view**

1. Why does it matter if a high proportion of adults recognize the code as being highly subscribed to?

a. imagine a type of action that would tend to produce a more happiness than unhappiness, but only if done in secret

-- e.g., cheating on a significant other

-- e.g., taking money from a charity and using it for something else that actually helps people more, but not what the donors thought it was for

-- e.g., killing someone who is causing many others great harm, but making it appear like a death from natural causes

b. now, would it produce good consequences to have rules allowing these things, when most people know that the rules are highly subscribed to?

-- perhaps it would lead to more distrust, and thus less happiness? (at least the first two examples, above)

2. When deciding which moral code would be ideal, consider not only the costs/benefits of most people subscribing to the rules, but also

* the costs/benefits of moral education, training in the rules
* enforcement and punishment of the rules (598, r to 599, l)

-- the nature and degree of punishment will depend on what will produce good consequences if generally practiced in that society

3. So, an ideal moral code must not be too complex (598, l)

-- if it’s too difficult to learn or apply, then it won’t produce good consequences if subscribed to—too difficult to educate people, and won’t be applied correctly

4. Does this version of RU collapse into AU?

a. Timmons, “Contemporary Utilitarianism,” p. 140-141

-- RU collapses into AU if it promotes rules like:

“Whenever one has made a promise, one will keep it unless there is some alternative action open to the agent that, in the situation, would produce a greater amount of utility” (Timmons 141)

-- Such rules basically just say: do whatever will promote more utility

b. Brandt: this version of RU doesn’t have such rules

-- doesn’t have a rule that says: “a person ought always to do whatever will maximize utility” (600-601)

-- because it would not maximize utility to have a moral code that included this rule—why? (See, e.g., Timmons 141)

**Benefits and drawbacks of RU, including this version**

Benefits: can address some criticisms leveled at utilitarianism

1. won’t allow for violations of rights and justice for some, just for the sake of greater utility

2. problems with impartiality: utilitarianism would seem to require that we never put our own projects, or the happiness of our family and friends, ahead when doing something *else* would produce greater utility (e.g., Timmons 134-135)

-- b/c I have to think of everyone’s interests as equally valuable

-- according to RU, it could be utility maximizing to have a rule that allows people to dedicate time to their own projects, to put the welfare of their family and friends ahead of that of strangers

3. can RU address any other criticisms of utilitarianism generally?

Drawbacks

1. Does RU emphasize rules too much?

a. If you do an act that violates a rule in an “ideal moral code” for your society, you’re morally wrong, even if doing so would produce more utility in that situation

b. But the basis for morality is utility, producing good consequences; what justifies the idea that we have to follow rules that would promote utility if highly subscribed to, when we could promote utility directly?

2. Is Brandt’s version of RU too idealistic?

a. It says you should do what a rule in an ideal code would require, even if many others are actually violating that rule

-- e.g., say it would maximize utility to have a rule in a society that requires that everyone above a certain income level donate 10% of their income (or the equivalent in time) to help those in need

-- but say few people are actually doing this; must you do so?

b. How Brandt might respond to this sort of objection:

(i). what we have to do is follow moral rules that would be part of an ideal moral code for a society, *given the nature of that society as it is, given the institutions and practices that that it already has*

-- “in deciding how much good the currency of a specific moral system would do, we consider the institutional setting as it is, as part of the situation. We are asking which moral code would produce the most good in the long run in this setting” (598, l).

(ii). So you would have to consider: what rule about donating time or money would maximize utility, given the actual situation of the society and the donation practices already in place?

3. Timmons, “Contemporary Utilitarianism,” p. 141):

a. RU would say that someone who is following the institutions or practices of their current society is acting morally wrongly if these are not those that would produce the most utility in the society

-- but should this always be the case? E.g., what if rules governing marriage are not the ideal ones; would someone following those rules be acting morally wrongly?

a. Brandt’s response to this sort of objection:

(i). There is a difference between what moral code would be ideal for a society, and what institutions or practices would be ideal; he’s talking only about the former (595-597)

(ii). same response as for #2b, above:

-- in a society in which most people participate in particular institutions and practices, even if those would not be the ideal ones, it may still produce more utility to have a rule saying its permissible to participate in those common institutions and practices