

Introduction

The topic of this dissertation is deontic restrictions. There is a deontic restriction against some type of action, φ , if, and only if, there is at least one situation in which it holds that φ -ing is wrong, φ -ing would reduce the overall number of actions of the φ -type, and φ -ing is wrong in virtue of the type of action φ -ing is. Most likely, common-sense morality registers a number of deontic restrictions. It seems impermissible to break a promise you have made in order to prevent others from breaking promises they have made. It seems impermissible to betray a friend of yours even if, by doing so, you could prevent several others from betraying their respective friends. More gravely, it appears impermissible to kill one innocent person against her will even if one could, by killing her, save several other innocents from being killed against their will.

Deontic restrictions are contested. Despite their intuitive appeal, they can easily appear puzzling, too. It is not easy to specify what exactly is problematic about them (the task will occupy us in chapter 3). Yet, as an initial analysis, one might say that either it is morally desirable that certain types of actions not be performed, or it is not – and that deontic restrictions do not blend well with either option. They do not blend well with the latter option since a deontic restriction against φ -ing implies that φ -ing is morally objectionable. It is unclear, however, in which sense an action could be morally objectionable if it is not morally undesirable (which is what the second option claims). Neither do deontic restrictions blend well with the first option. If it is desirable that actions of the φ -type not be performed, then it would seem natural to think that in scenarios in which there is only a choice between more or fewer occurrences of actions of that type, then it should be preferable that there are fewer actions of it. However, a deontic restriction against φ -ing explicitly prohibits minimising the number of actions of the φ -type. Therefore, embracing the first option – that it is desirable that actions of the φ -type not be performed – does not seem to be an option for an advocate of deontic restrictions, either.¹

Deontic restrictions and their justificatory status are interesting for a number of reasons. First, whether deontic restrictions can be justified will be of at

1 This analysis goes back to Scheffler (1985) and Lippert-Rasmussen (2009). I am aware of the fact that the analysis is tentative and that there are rather obvious possibilities to resist it. However, it is here only presented as an *initial* analysis and I beg the reader's patience for a more comprehensive approach until chapter 3.

least some practical import. However, this aspect should not be overemphasised. The number of real-life scenarios in which deontic restrictions apply will be rare. And even if they do apply, their being or not being morally justified will not be the only factor that determines what should be done in the relevant scenarios. Second, an analysis of deontic restrictions will be of interest given that many prominent deontologists have struggled with them, some of them admitting that the justification that can be proffered for them is not entirely beyond doubt. Third, deontic restrictions are of systematic or dialectical interest, since they constitute a litmus test for deontological theories. It is well-documented that consequentialists² have shown considerable ingenuity with respect to making their theories amenable to common-sense morality, in particular, but not exclusively, by adapting their respective theories of value. Deontic restrictions, however, will be immune to this kind of »consequentialising«.³ No amount of axiological fine-tuning will make a consequentialist representation of deontic restrictions possible, given that they quantify over *identical* types of action. Accordingly, deontic restrictions are idiosyncratic to deontological theories (more on this in section 2.2).⁴ If they can be justified within a deontological theory, this should provide that theory with a unique selling point, so to speak. If they cannot be justified within a deontological framework, however, this might be taken to call into question the explanatory prospects of deontological theories more generally.⁵ Given this systematic role of deontic restrictions, I will, in what follows, only consider *deontological* approaches to the justification of deontic restrictions.

This dissertation has four parts. In the first part, to which this introduction belongs, I introduce some terminology and make some clarifications that will be important for the discussion to follow. The second part deals with the question of what it is exactly in terms of which deontic restrictions are – or seem to be – problematic. After having clarified the challenge that deontic restrictions pose, I will, in part III, examine what I consider the most promising deontological approaches to overcoming it. My conclusion will be that none

2 Note that, throughout this thesis and unless it is noted otherwise, I use the terms »consequentialist« and »consequentialism« in order to refer to defenders of *act*-consequentialism and to the theory they defend, respectively. What I will have to say in what follows will thus not apply to indirect versions of consequentialism, such as rule- or motive-consequentialism.

3 At least if we understand consequentialist theories as neutral-value-maximising theories; for more on this, compare section 2.6.

4 Another way to make the same point would be to say that deontic restrictions are among the (potentially few) factors that cannot be provided with a teleological foundation. The terminology is Kagan's (1998); also compare section 2.5 and footnote 22.

5 If they can't explain that one idiosyncratic deontological factor, where is their explanatory advantage over consequentialist theories?