Preliminaries: Some Clarifications

2.1   Deontic Constraints and Deontic Restrictions

In chapter 1, I characterised a deontic restriction as a prohibition against performing an action of a certain type in circumstances in which performing it would minimise the overall number of actions of the very same type. More precisely, I said that 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

(i) φ-ing is wrong,
(ii) φ-ing would reduce the overall number of actions of the φ-type, and
(iii) φ-ing is wrong in virtue of the type of action φ-ing is.[8]

Deontic restrictions are similar to, but different from, *deontic constraints*. By a deontic constraint, I mean a prohibition against performing an action of a certain type in circumstances in which performing it would have better consequences than not performing it. More precisely, there is a deontic constraint against some type of action, φ, if, and only if, there is at least one situation for which it holds that

(i) φ-ing is wrong,
(ii) φ-ing would have better consequences than non-φ-ing, and
(iii) φ-ing is wrong in virtue of the type of action φ-ing is.

I assume that common-sense morality acknowledges both deontic restrictions and deontic constraints. Plausibly, there are, according to common-sense

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8   The reader might wonder what the point of condition (iii) is. To answer this question compare a scenario such as the following: By breaking one promise myself, I can make five other people keep their promises. It will also good that if, in that situation, I break one promise of mine, this will trigger a nuclear war. It seems that, in such a situation, it would be wrong for me to break my promise. Yet, this is not going to show that there is a deontic restriction against promise-breaking given that the prohibition of promise-breaking in this situation, has nothing to do with the fact that promise-breaking would reduce the overall number of promises being broken or with the nature of promise-breaking *per se*, but with different factors altogether (i.e., the horror and atrocities coming with a nuclear war). Therefore, it will be pertinent to add condition (iii) to the definition of deontic restrictions.

morality, both deontic restrictions and deontic constraints against lying, breaking promises, betraying friends, torturing, killing, and other types of action.

Neither deontic constraints nor deontic restrictions need to be absolute. It might be that it is impermissible to unless the net-value gained by φ-ing, as opposed to non-φ-ing, reaches a certain threshold, T. In that case, there would be a *threshold constraint* against φ-ing. Similarly, it might be the case that it is impermissible to φ unless φ-ing, as opposed to non-φ-ing, would reduce the overall number of actions of the φ-kind, for some natural number, N, by N instances or more. In that case, there would be a *threshold restriction* against φ-ing.

I believe that absolute – as opposed to threshold – constraints and restrictions are implausible. Most people's intuitions will tilt in case the numbers become very large (in the case of deontic restrictions) or the consequences become very bad (in the case of deontic constraints). Therefore, unless noted otherwise, when I speak of deontic restrictions or deontic constraints I will have in mind threshold restrictions or threshold constraints, respectively.

It is also worth emphasising that many authors do not distinguish between deontic restrictions and deontic constraints. Accordingly, if I use their labels – agent-relative restrictions, agent-centred restrictions, agent-centred constraints, side constraints, and others more – I mean to refer to both deontic constraints and deontic restrictions. Only if the nouns »constraint« and »restriction«, respectively, are preceded by the qualifier »deontic«, will I refer to the specific phenomena that I characterised above.

Despite the fact that, according to common-sense morality, deontic constraints and deontic restrictions often come as a package and despite the fact that many authors do not distinguish between them, deontic constraints and deontic restrictions are logically independent of each other. That is, there is no inconsistency in upholding a deontic constraint, but no deontic restriction against φ-ing, or *vice versa*. However, on the very plausible assumptions that the types of action for which there is a deontic restriction are impersonally bad and that the instantiation of more actions of the relevant types is worse than fewer instantiations, it will follow that if there is a deontic restriction against φ-ing, there will be a deontic constraint against φ-ing. For if it is impermissible to φ in circumstances in which φ-ing would have reduced the overall number of actions of the φ-type and if actions of the φ-type are bad, it will follow that φ-ing would have had less bad – that is, I assume, better – consequences than non-φ-ing. Thus, under the terms mentioned, it will be impermissible to φ in circumstances in which φ-ing would have better consequences than non-φ-ing, so that there will be a deontic constraint against φ-ing.

The inverse, however, does not hold good. It is not the case that a deontic constraint against φ-ing implies a deontic restriction against φ-ing if