

## **Introduction**

- This paper defends the framework of "moderate deontology"-- sometimes called "threshold deontology" -- from certain objections associated with arbitrariness and lack of systematicity. I draw on the work in my book *Moral Reasoning in a Pluralistic World* (McGill-Queen's University Press 2015).

### **1. Moderate deontology and its critics**

- Moderate deontology is an approach that combines deontological thresholds with consequentialist considerations.
- Samantha Brennan: these are "moral theories according to which there are constraints that forbid us from performing certain actions.
- Eyal Zamir and Barak Medina resist using full-blown consequentialism in bring economics into law by appealing instead to moderate deontology.
- A common objection to moderate deontology concerns the arbitrariness of the threshold
- Avihay Dorfman in response to Zamir and Medina: the appeal to moderate deontology relies too much on intuitions; without a "systematizing" theory in the background, the judgments of moderate deontology are arbitrary and cannot be justified.
- Addressing this problem of the threshold, or so the thinking goes, means moving toward a "systematized" theory that is no longer a version of moderate deontology.

### **2. Threshold deontology and pluralist deontology**

- I propose: threshold deontology can be aptly understood as a form of a more general category of theory we might call "pluralist deontology."
- Pluralist deontological views are often developed and defended within what Geoffrey Sayre-McCord has called "conviction ethics."
- Arbitrariness is frequently cited as an objection to pluralist deontology, either because it is unsystematic, involving an "unconnected heap of duties" or because there is no principled way to judge all-things-considered obligations in cases of conflict.
- Famously, in pluralist deontological theories, principles can generate conflicting obligations. For example, we may find ourselves in a situation where we have to lie to keep a promise. Whether or not we treat these as genuine "dilemmas," we face the problem of determining priority:

### **3. Responses to the objections**

- I argue that from the point of view of conviction ethics, pluralist deontology has no greater problem with arbitrariness than monistic, single-principle theories do.
- "Systematicity": we should prefer theories with fewer and simpler principles.
- In the context of coherence reasoning, a preference for unified theories is usually justified by appeal to the idea that the beliefs in more unified sets support and explain one another better than those in less unified, more pluralistic ones.
- But as I have argued, this appeal to unified explanations works as a justification only if we have independent reason to think that the more systematized a theory is, the more likely it is to be correct or on the right track.

- To see this more concretely, notice that an explanation isn't worth much unless it's a good explanation; to know "why" something is so, you need not just a more general explanatory principle that explains it, but also a reason to think the explanation is a good one.
- Knowing when that explanation is a good one can be complex.
- For example, if I were to propose to explain why this cat is black by saying that all cats are black, then I obviously have neither increased justification nor improved understanding, because the "explanation" appealed to is false.
- If I were to propose to explain why the economy was failing in 2009 by appealing to the general principle that the economy generally fails when the AFC wins the Superbowl (and the Steelers won that year), then I also have neither increased justification nor improved understanding -- even though the correlation in question is real.
- This means that we have no reason to prefer the explanations in systematized moral theories unless we have independent reason to think they are good explanations.
- When it comes to the difficult problem of figuring out which obligation is overriding and when, I've proposed that we should appeal not to systematicity but rather to "case consistency."
- Case consistency: finding a principled way to weigh values against one another that is consistent from one case to another.
- So a multiplicity and the use of judgment is not a reason to think a theory is arbitrary.
- Judgments about overridingness are appropriately made using our "judgement": in the context of conviction ethics, appealing to judgments and bringing them into coherence, as we do here through case consistency, is how all moral beliefs are justified.
- It follows that based judgments about the threshold on intuitions or considered convictions is also not arbitrary.

### **Conclusion**

- I've argued here that in the framework of conviction ethics, neither epistemological matters nor the need to make judgements about complex trade-offs and thresholds renders a pluralistic theory more arbitrary than a monistic one, and thus concerns about arbitrariness should not count against approaches like threshold deontology.
- Are there alternative justification strategies? It is sometimes claimed that monistic theories can be justified through other means: that, instead of being based on moral judgments and considered convictions, they can be justified through reason alone.
- In fact, consequentialist theories rest on a range of convictions -- about which consequences matter and also about universalizing and impartiality should be understood.
- For these reasons I do not believe consequentialism has any more "rational" or "neutral" foundation than pluralism. But a full discussion of this topic will have to wait for another occasion.