

HOW ABSOLUTE ARE MORAL ABSOLUTES?

THE QUESTION: SHOULD DEONTOLOGICAL OBLIGATIONS BE ABSOLUTIST IN THEIR FORCE OR SHOULD THEY BE MORE MODERATE IN THE SENSE THAT THEY ARE SUBJECT TO THRESHOLDS?

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- I. Background: the two deontic (as opposed to aretaic) theories of right action
 - A. Consequentialism: the rightness of an action is exclusively a function of the goodness of the states of affairs that it produces and prevents
 - B. Deontology: the rightness of an action is determined by its instantiating morality's norms of permission or obligation
 - C. How these theories diverge on the rightness of a prima facie evil action like torture when such torture prevents even more torture in the future
 - D. The importance of these theories on issues of great public moment such as state-sanctioned torture and state-sanctioned assassinations (or "targeted killings")
 - E. Why a sensible deontological moral theory should background its deontology with some kind of consequentialism and why this mode of combining the two theories doesn't resolve the conflict between them about the rightness of actions like torture in situations where such action minimizes torture
- II. The problem of moral catastrophes (such as the threatened destruction of an entire city unless one tortures an innocent person), and two too easy answers:
 - A. The act consequentialist answer: the consequentialist balance is clear in such cases so of course one must do whatever is required to avert such moral catastrophes
 - B. The absolutist deontological answer: the instantiation of a moral norm is clear in such cases so of course one must *not* violate such norm even to avert such moral catastrophes
 - C. The need for a middle way that (1) avoids requiring one to allow moral catastrophes while yet (2) not committing one to a general consequentialism. Enter, "threshold" (or moderate) deontology: over a certain threshold of awful consequences, the force of deontological obligations yields to the goodness of preventing such consequences.
- III. Arguing about the attachment of thresholds to otherwise absolute moral prohibitions: the argument from theism (that morality's injunctions are absolute commands by god). Four questions:
 - A. The miracle of theism: does a person-like god (i.e., a god that can issue commands to human beings) exist?
 - B. If so, does god create moral prohibitions by command? Or, as Aquinas has it, does god as often command what she does because morality already prohibits wrongful actions antecedent to god's commands?
 - C. Are moral prohibitions of the simple text-like form that they could be created by the commands of a law-giver?
 - D. If there is a god and if morality could be and is created by that god's commands, did god attach thresholds to her commanded prohibitions or did she intend them to be absolute (i.e., is god an absolutist or a threshold deontologist)?

- IV. The argument from intuition: Are the decisions reached by threshold deontology intuitive?
 - A. Getting rid of extraneous intuitions that might seem to make threshold deontology more intuitive than it is
 - 1. Exceptions to moral prohibitions that allow one to distinguish rather than override moral norms; such weak permissions (exceptions) may thrust one to a background consequentialism but this is not threshold deontology
 - 2. Scope limitations (act/omission, doing/allowing, intending/foreseeing, etc.) which like exceptions narrow the content of deontological obligations, again thrusting one to a background consequentialism which is again not to be confused with threshold deontology
 - B. On the merits: is it better that humanity perish from the earth than that an injustice be done (Kant's absolutism)?
 - 1. Torture to locate buried children about to suffocate?
 - 2. Assassination of terrorists and their families to prevent a city's destruction?
 - C. The disingenuousness of discounting one's own intuition (which is that one should do what is necessary to prevent such horrors) as not being the morally right thing to do even though it is still what one ought to do, all things considered.
 - D. The worries about relying on unsupported ("naked") intuition: Bernard Williams and acting on instinct, being beyond morality and even beyond reason.
- V. The argument from aretaic morality: the unattractive narcissism of allowing the world to be destroyed so that one can preserve the purity of one's own moral agency.
 - A. Moore's 1984 argument from aretaic to deontic ethics: the virtue of feeling an emotion (such as guilt) is some evidence for the truth of the judgment to which that emotion leads (that one is guilty and deserves to suffer).
 - B. The extension of that argument from emotions to character traits such as undue narcissism.
 - C. The inference: if making absolutist judgments makes one a morally unattractive person, that gives some reason to believe that absolutism is false.
 - D. Sartre (in *The Flies*) has it right about the Orestes legend over Aeschylus: the virtuous person takes the guilt on his/her shoulders in order to save mankind; such a person does not keep his/her own moral agency pure at the cost to everyone else.
- VI. The argument from the relative stringency of all obligations: Can the intuitions supporting threshold deontology be shown to be rational, i.e., not arbitrary but principled?
 - A. The challenge(s)
 - 1. Where to draw the line for thresholds? The Sorites paradox about heaps revisited
 - 2. The challenge of a deeper charge of arbitrariness.
 - B. A response to the deeper challenge based on the scalar nature of even "absolute" moral obligations; such scalarity is shown by:
 - 1. The need for only prima facie obligations with differential weights to account for rational resolution of conflict of obligations.
 - 2. Not all violations of deontological prohibitions merit the same punishment because some wrongs are worse than others and this is because some obligations are more stringent than others.

- C. Netting the degree of wrongness of an action, netting out the degree of prima facie wrong against the goodness of partially justifying circumstances
 - D. Why netting wrongs requires a sliding scale threshold deontology
- VII. Can/should law recognize thresholds in those legal norms that mirror deontological moral norms?
- A. The variability problem: the law's typical bivalence of remedy is not appropriate when such remedies are attached to matters of smooth variation, as here?
 - B. The particularity problem: law's necessary generality is inconsistent with the infinite variability of justifying circumstances?
 - C. Logically slippery slopes: the lack of rationally defensible lines?
 - D. Psychologically slippery slopes: the danger of actors not recognizing what rationally defensible lines as may exist?
 - E. The grotesqueness and degradation of the rule of law by explicitly legitimizing serious moral wrongs even in moral catastrophes?