The Deontic Cycling Problem

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In his recent article "Deontic Cycling and the Structure of Commonsense Morality," Tim Willenken argues that commonsense ethics allows for rational agents having both ranked reasons (A 〉 B, B 〉 C, and A 〉 C) and cyclical reasons (A 〈 B, B 〈 C, and A 〉 C). His goal is to show that not all plausible views are variations of consequentialism, as consequentialism requires ranked reasons. Here I argue apparent instances of deontic cycling in commonsense morality are the byproducts of an incomplete characterizations of the cases in question.

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In "Deontic Cycling and the Structure of Commonsense Morality," Tim Willenken contends that "A range of extremely plausible moral principles turn out to generate "deontic cycling": sets of actions wherein I have stronger reason to do B than A, C than B, and A than C."[1] (545) He continues "... just about anything recognizable as commonsense morality generates deontic cycling." Rather than characterize apparent deontic cycling as a mistake in commonsense morality, Willenken contends that deontic cycling represents genuine insight into moral truth. For Willenken, deontic cycling is raised as a counterexample to consequentialist theories; but the scope of the objection is much further. The existence of genuine deontic cycles would constitute a counterexample to even James Rachel's modest metaethical view that the right thing to do in any given situation is the thing one has the best reasons for.[2]

A deontic cycle would be genuine if and only if it accurately reflects moral truth, or captures an actual law of ethics. Ethics is the branch of philosophy concerned with discovering what the right thing to do is in any given situation. The concept of deontic cycling poses a challenge to this enterprise, as the existence of genuine deontic cycling would mean that this enterprise fails. The problem of deontic cycling is that in a genuine case of deontic cycling, an action x may be both morally acceptable and unacceptable at the same time in the same way; but this

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1) See Tim Willenken, "Deontic Cycling and the Structure of Commonsense Morality", *Ethics* Vol. 122, No. 3, April 2012: 545-561.
2) Although leading normative ethical theories may differ on what they believe constitutes a reason, most prominent theories, such as Kantianism and Utilitarianism, are consistent with Rachels' metaethics.

is analytically impossible. This paper is divided into two sections. In the first, I argue the notion of deontic cycling is incompatible with our commonsense moral beliefs. In the second, I show that Willenken's primary example of apparent deontic cycling fails to be a genuine case.

I.

The central goal of Willenken's paper is an attack on the view he (oddly) calls "compatibilism", the theory that consequentialism can be rendered consistent with commonsense morality; that commonsense moral beliefs are best understood in consequentialist terms. For example, a consequentialist might hold that the wrongness of lying is best understood in terms of undesirable consequences.[3] Consequentialist views require agents to rank possible actions by the strength of one's reasons to do them; Willenken argues that instances of deontic cycling show that moral reasons cannot be ranked.

Consequentialism holds that for any three morally inequivalent options A, B, and C, if B is morally preferable to A, and C is morally preferable to B, then C is morally preferable to A. (C > B > A) However, in an instance of genuine deontic cycling, B might be morally preferable to A, C morally preferable to B, and A morally preferable to C. (C > B, B >A, A > C) A genuine instance of deontic cycling would represent a counterexample to consequentialism. However, Willenken's target seems to be compatibilism, not consequentialism, and thus he isn't interested in whether commonsense morality generates as a whole genuine deontic cycles, rather if a deontic cycle is generated by one or more false, but

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3) For example, for a utilitarian, lying in a specific case would be wrong if it resulted in less overall utility, or happiness, than an alternative to lying.

commonsense moral beliefs, he believes it constitutes a counterexample to compatibilism.

Willenken's approach runs into two substantial problems. The first problem, I think, is a relatively minor problem - he has defined compatibilism too broadly. Compatibilists of the kind he discusses might explain deontic cycles in terms of situationally preferable consequences. For example, a compatibilist might contend that in an AB-situation (where one has to choose between A and B), B has relatively preferable consequences to A; in a BC-situation, C has relatively preferable consequences to B; and in an AC-situation, C has relatively preferable consequences to A. Although A, B, and C form a deontic cycle, in each situation the compatibilist claims to maximize the relevant consequences relative to the situation. Such compatibilists are even able to circumvent the real problem of deontic cycling, ABC-situations. An ABC-situation is a situation in which options A, B, and C are all simultaneously available. For Willenken, it seems as though each option - A, B, and C - would be both morally acceptable and morally unacceptable in the same way. However, this kind of compatibilist doesn't rank A, B, and C independent of a situation, as such in an ABC-situation whatever maximizes the preferable consequences turns on the situation itself, not any moral character of A, B, or C independently. Even if C is preferable to A in an AC situation, in an ABC situation A may be preferable to C.

The more substantial problem with Willenken's approach, however, is that although he argues that commonsense moral rules may generate deontic cycles, he doesn't argue that commonsense ethics abides deontic cycling. Our commonsense moral beliefs include beliefs about the nature of morality. For example, one commonsense moral belief is that there are no morally blind alleys; this is to say that one can never inadvertently put

themselves in a position where they would be morally blameworthy for any choice they make.[4] A second, related, commonsense moral belief is the belief that ethics is complete; that there are moral rules governing any possible situation. A third commonsense moral belief is that although there may be both morally good and bad reasons for some actions, no action can be both morally acceptable and morally unacceptable at the same time in the same way.[5]

The existence of genuine, non-illusory deontic cycling would violate all three of these foundational commonsense moral beliefs. In a deontic cycle ABC-situation, every option is both morally acceptable and unacceptable, and although A, B, and C are morally inequivalent, it is a situation where ethics is not prescriptive. Willenken is silent on the issue of such foundational beliefs; but it seems as though he has three options - (i) reject that the foundational, metaethical beliefs described above are part of commonsense ethics, (ii) give up on the principle of non-contradiction, or (iii) embrace the view that some of our commonsense moral beliefs may be wrong. In cases of apparent contradiction between beliefs, one might engage in a reflective equilibrium to see which stay and which go. It strikes me that the foundational, metaethical nature of the beliefs described above give them the leg up over the commonsense moral rules he discusses.

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4) Michael Otsuka's *Principle of Avoidable Blame*, seems to capture this commonsense moral belief. See Michael Otsuka, 1998, "Incompatibilism and the Avoidability of Blame", *Ethics*, Vol. 108, No. 4: 685-701.

5) Some actions, however, might be morally good and morally bad in different ways at the same time. For example, when your friend asks you whether you enjoyed your time together, you might lie to your friend to spare his feelings. This lie can be *prima facie* morally praiseworthy in that your intentions are to make your friend happy, yet it is also *prima facie* morally blameworthy in that your action is a violation of the trust between friends.

   In an effort to demonstrate how deontic cycling is a result of our commonsense moral beliefs, Willenken constructs what he calls a "toy view" containing only two rules: (1) when faced with a choice between saving two boys, save the older boy, and (2) when faced with a choice between saving a boy and a girl, save the healthier of child. (549) When forced to choose between saving (u) saving a healthy young boy or (v) saving an unhealthy older boy, (1) requires him to save the older boy. When forced to choose between (v) saving a very unhealthy older boy, or (w) saving a moderately healthy girl, (2) forces him to save the girl. When forced to choose between (u) saving a very healthy younger boy, or (w) saving a moderately healthy girl, (2) requires he save the younger boy. Willenken asks us to choose between (u), (v), or (w). Here the toy view generates a deontic cycle, and thus there is no satisfactory answer. A deontic cycle is genuine only if the moral beliefs that generate it are true, but Willenken is under no illusions that the rules of the toy view are true.

   Earlier I listed three foundational, metaethical commonsense moral beliefs; the second of which was that ethics must be complete. This is to say that a satisfactory normative ethical theory must tell you how to behave in any possible situation. The possibility of a genuine UVW-situation demonstrates that the toy view is incomplete - it fails to instruct the rules follower how to behave in that situation - and thus it is inconsistent with our commonsense moral beliefs. Of course we shouldn't be at all surprised that the toy view is inconsistent with our foundational, commonsense moral beliefs - after all, it seems to violate a fourth foundational, commonsense moral belief - that ethics isn't arbitrary. The two view arbitrarily identifies two values as morally relevant - age and health - but fails to offer an explanation as to why the

values are valuable. As such, the toy view user lacks the tools they need to solve UVW-situations. Although Willenken contends that some of our (presumably non-arbitrary) commonsense moral beliefs generate deontic cycles, the toy view successfully illustrates that any genuine deontic cycle would demonstrate the incompleteness of ethics. After all, these commonsense moral beliefs would only tell us what things are valuable, but they fail to explain why they are valuable.

Independent of the incompleteness problem, Willenken's openness to the possibility of genuine deontic cycling meets with another problem - it requires an overly burdensome ontology. To paraphrase Occam's razor, when two theories offer the same explanatory value, the ontologically simpler of the two is to be preferred. Willenken's theory seems to be that at least some of our commonsense moral beliefs are independent, irreducible moral laws applicable to our lives that may lead to deontic cycles and the incompleteness of normative ethics. There are two issues with this view: First, if the view offered more explanatory value than the alternatives, it is so ontologically burdensome as to be unwieldy. We'd be embracing the existence of independent, ontologically distinct moral laws merely to explain apparent instances of deontic cycling.

Second, it's not at all clear that his theory does explain more than the average compatibilist theory. For many consequentialists and non-consequentialists, our commonsense normative ethical beliefs are *rules of thumb*, and not intended to be strictly applicable to each situation. Indeed, this seems to be how we actually intend many, if not most, commonsense moral rules to be used. Rather than our commonsense ethical beliefs being their own entities; consequentialists and non-consequentialists alike can hold that these rules of thumb are derived from a far smaller number of moral laws. Such a view better

reflects how we use our commonsense moral laws, and has the virtue of not abandoning the completeness of ethics (and assuming the falsity of other foundational commonsense moral beliefs in the process).

Willenken seems to embrace the existence of deontic cycling solely because he believes no possible axiology will make consequentialism consistent with a view that includes genuine instances of deontic cycling, and because of this compatibilism is false. The price for this conclusion, though, appears to be a hobbling of ethics that flies in the face of commonsense moral beliefs more foundational than those he uses to support the existence of deontic cycling.

As Willenken has demonstrated with the toy-view, sets of beliefs can generate deontic cycling. The question that ethicists have to worry about is whether or not we have good reason to think that any sets of beliefs, commonsense or otherwise, that would generate deontic cycling actually capture true moral laws, rather than mere rules of thumb. However, even if one is committed to the position that the commonsense moral rules Willenken contends generate deontic cycles are genuine moral rules, rather than rules of thumb, these rules are still inconsistent with *prima facie* more foundational commonsense rules, such as the rule about the completeness of ethics. As such, either way one would be committed to the falsity of some of our commonsense moral beliefs. The question, then, is which set of rules - our foundational commonsense moral beliefs, or the subset of principles that generate deontic cycles - are we more committed to. The answer, I think, is clear.

II.

Willenken's primary example of deontic cycling comes from a series of trolley cases, where trolley cases are notorious for generating *prima*

facie inconsistent sets of moral intuitions.[6] The apparently inconsistent moral intuitions generated by these cases, he contends, are actually the result of deontic cycling. Willenken generates his apparent deontic cycle with the following three cases:

Case 1:

There are two empty runaway trolleys, and you have the ability to stop one of these trolleys, but not the other. (Perhaps the switches you need to pull to stop both trains are too far apart to sprint to both in time.) The first trolley is barreling down a track that has five innocent people tied to it, the second is barreling down a track with two innocent people tied to it. You have two choices:

(x) Let five people die.

(y) Let two people die.

According to Willenken, commonsense morality dictates that (y) is preferable to (x), and that you ought to choose (y).

Case 2:

There is a single empty runaway trolley about to kill two people tied to a track. There is one way to stop the trolley before it kills both of these people: You can reposition one of these two people earlier on the track. If you do so, that person will die, but the other will live. You have

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6) Notable examples of trolley cases can be found in Philippa Foot, "The Problem of Abortion and the Doctrine of the Double Effect," *Oxford Review*, Number 5, 1967: 5-15; Judith Jarvis Thomson, "Killing, Letting Die, and the Trolley Problem," *The Monist*, 1976: 204-217; Judith Jarvis Thomson, "The Trolley Problem," *Yale Law Journal*, 1985: 1395-1415; Peter Unger, *Living High and Letting Die*, Oxford: Oxford University Press, 1996; Francis Myrna Kamm, "Harming Some to Save Others," *Philosophical Studies* 1989: 227-260; and William Simkulet, "Trolley Cases and Autonomy Violation," Karios, Vol. 7, 35-48, 2013.

two choices:

  (y) Let two people die.

  (z) Kill one person.

  Again, Willenken contends commonsense ethics contends (z) is preferable to (y), and that you ought to choose (z).

Case 3:

  There is a single empty trolley traveling down a track with five people tied to it. The trolley is about to go under a bridge, then soon after it will hit the five people. There is only one way to stop the trolley before it kills all five people - you can push a relatively large person off of the bridge, and this person will fall to her death and derail the trolley. You have two choices:

  (x) Let five people die.

  (z) Kill one person.

  Willenken contends that commonsense ethics dictates (x) is preferable to (z). He contends that commonsense ethics has generated a deontic cycle: (y) > (x), (z) > (y), and (x) > (z). For this to be a genuine deontic cycle, were there a case where you could choose from (x), (y), and (z), our commonsense moral beliefs would fail to be prescriptive. Consider the following case:

Case 4:

  There is a single trolley barreling down tracks with five people tied to them. A mad villain, obsessed with proving the existence of deontic cycles, has tied you to a chair in the trolley control room. The villain explains that if you press button (x), all five people on the tracks will die, that if you press button (y), a switch will be turned, and the trolley will

run over the first two people, but avoid the last three people. Finally, if you press button (z), a different switch will be turned, which will divert the trolley from its course - however in doing so, it will rip the first of the five people in half, killing her before the trolley has a chance to. You, thus, are confronted with the following choice:

(x) Let five people die.

(y) Let two people die.

(z) Kill one person.

It strikes me that in this situation our commonsense moral beliefs dictate that we ought to choose (z). But if there is a clear, commonsense moral choice in between (x), (y), and (z), then our commonsense moral beliefs are not generating a deontic cycle. How do we explain this?

Willenken's deontic cycle is created by equivocation between the various options listed in the cases, between (x^1) and (x^3); (y^1) and (y^2); and (z^2) and (z^3). The difference between these options is most apparent in the case of the last set. In case 2, (z^2) involves the killing of a person who would have died either way. James Rachels famously argues that, all else being equal, killing and letting die are morally equivalent, so in case 2 when you choose (z^2) you neither harm nor benefit that person in any substantial way (at worst, you shave a few moments off of his life to save another person).[7] In case 3, (z^3) involves the killing of an innocent person who would not have died unless you pushed him onto the tracks.[8]

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7) See James Rachels, "Active and Passive Euthanasia," *The New England Journal of Medicine*, Vol. 292, 1975: 78-80; "Killing and Starving to Death," *Philosophy*, Vol. 54, No. 208, 1979: 159-171.

8) Oddly, case 3 in and of itself is a fairly effective argument against "compatibilism" and consequentialism, as it is an instance where in a choice between one life and five lives, our commonsense moral beliefs appear to show that one life is more valuable.

Even if you hold there is a morally relevant difference between killing and letting die, the killing of the person in case 2 is substantially morally different than the killing of the person in case 3, if for no other reason than the fact that you have no control over whether that person dies in case 2, but have total control over whether the person dies in case 3. Willenken's deontic cycle is an illusion by equivocation - he treats (z^2) and (z^3) as morally equivalent when they are not. Even if each of the other options were morally equivalent between cases, all he has shown is that $(z^3) > (y) > (x) > (z^2)$. But (x^1) and (x^3) are different, where (x^1) is the option to save two people and let five other people die, while (x^3) is the option to let five people die rather than kill an innocent person. In any charitable reading (x^1) and (x^3), (y^1) and (y^2), and (z^2) and (z^3) are not morally equivalent to their counterpart, thus these three cases do not demonstrate even an apparent deontic cycle.[9]

Willenken recognizes that by distinguishing between the options in unlike cases, what he calls "fine-grained individuation", one can "can make deontic cycling disappear." (558) However, he says that this strategy is "is worryingly ad hoc, since our ordinary descriptions of actions... implicitly refer to the alternatives." This contention by Willenken is puzzling - descriptions are usually, by their nature, incomplete - they capture part of what is being described, but are not definite descriptors. Perhaps Willenken thinks that our ordinary action descriptions capture all of the morally relevant features of the action, but this would be absurd. For example, consider two actions of killing that are *prima facie* morally inequivalent:

Hostage Case 1:

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9) Stephen C. Making makes a similar argument in "Action Individuation and Deontic," *Ethics*, Vol. 123, No. 1, 129-136, 2012.

John, a police officer, is called to the scene where a violent escaped criminal is holding a hostage. John believes that the hostage's life is in danger, and that the criminal might escape to threaten other people, and that the best way to free the hostage is to shoot and kill the criminal. John shoots the criminal, intending to kill the criminal as a means to free the hostage. He succeeds, the criminal is killed by his shot, and the hostage is freed.

Hostage Case 2:

Joan, a police officer, is called to the scene where a violent escaped criminal is holding a hostage. Joan believes that the hostage's life is in danger, and that the criminal might escape to threaten other people, and that the best way to free the hostage is to shoot and kill the criminal. Joan also likes killing people. Joan shoots the criminal, taking this opportunity to satisfy her bloodlust in a way that will look like responsible police work. She succeeds, the criminal is killed by her shot, and the hostage is freed.

In these cases John and Joan both act to kill the criminal, but John is morally praiseworthy for his action, while Joan is not. Of course we are not often privy to the inherently private mental states of others, so when we witness a police officer shooting a hostage in a case like this, we can only judge them with incomplete information. The difference between John and Joan is the moral intention with which they act. However, both actions can be described as "killings," as such our ordinary action descriptions fail to capture all of the relevant moral features of their actions.

As such it strikes me that a proper analysis of Willenken's cases requires a full account of the intentions with which the agents act. For example, in case (1), the choice isn't between (x^1) - let five people die

- and (y^1) - let two people die -, it's a choice between (w^1) let all seven people die, (x^{1a}) act to save the two people first, then try to save the five people, (y^{1a}) act to save the five people first, then try to save the two people, (x^{1b}) act to save the two people first so as to appear virtuous, and pretend to try to reach the last five, but purposely fail so you get to enjoy watching five people die, so forth and so on. Willenken treats the options in case 1 as if the intentions of the agent in question are morally irrelevant, and the outcome is certain; but neither is the case.

Were one faced with the decision in case 1, it strikes me that the right choice is (y^{1a}) - you try your best to save both sets of people, starting with the larger set. It may be impossible to save both sets, but to not try to save both sets is, I think, uncontroversially morally abhorrent. Suppose that you were to watch someone race towards the first track, and throw the level as hard as they could so as to save the five people imperiled by the first trolley, then sit back leisurely as the second trolley runs over two people. I imagine we'd judge such a person morally despicable - if there is even the slightest chance you could save the second set of people, commonsense morality dictates that you try.

Conclusion:

The apparent instance of deontic cycling between cases 1-3 is generated by equivocation between unlike expected outcomes. Case 3 represents a genuine moral dilemma - we are committed to the proposition that killing and letting die, all else being equal, are morally equivalent, but that when forced with the choice between killing an innocent man and letting five innocent people die, our commonsense moral intuition seems to commit us to choosing the latter.

This case draws our attention to a genuine inconsistency in our commonsense moral beliefs, but Willenken denies this, instead contending

that our commonsense moral beliefs are consistent, but incomplete -
cobbled together from disparate irreducible moral principle that each
capture a different moral truth. This move renders ethics incomplete and
bloats our ontological commitments with no discernible benefit. This is
not a move worth making.

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