

# **Inescapable Wrongdoing and the Coherence of Morality: An Examination of Moral Dilemmas**

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## ABSTRACT

In this thesis, I propose an argument against the possibility of moral dilemmas, which I construe as situations in which moral wrongdoing is inescapable. The first chapter addresses some terminological matters and attempts to sort out the main issues of contention between proponents and opponents of moral dilemmas. The second chapter lays out my argument, which I dub the “Argument from Action-Guidingness,” against proponents of moral dilemmas. Negative moral judgments of the sort “X is wrong” typically carry with them the implication that X ought not to be done. If judgments of wrongness always have this action-guiding force, then moral dilemmas, which say that all courses of action available to the agent are morally wrong, threaten morality with incoherence. To avoid this problem, proponents of dilemmas will be forced to abandon the action-guiding implications of negative moral judgments when dilemmas arise. But this move is not without its own difficulties, which I elucidate. The final chapter identifies flaws in two prominent arguments in favor of dilemmas: the argument from moral distress and the argument from incommensurable values. The latter half of the chapter examines Sayre-McCord’s “fairness argument” against dilemmas, and contrasts it with the argument from action-guidingness.

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## Introduction

Moral dilemmas have received a good deal of attention from philosophers over the last forty years, with much of the discussion focusing on whether dilemmas exist or not. Yet, despite the amount of ink spilled on dilemmas, there remains a lack of consensus on the precise definition of a dilemma. One reason for this lack of a hard and clear definition is that our notions of which situations count as dilemmas have been heavily influenced by examples from real life and fiction, and the diversity of these examples has led to a diversity of definitions. Situations cited as dilemmas vary in seriousness from situations such as Sophie's choice, in which a mother must choose which of her children will die, to situations in which a person, having made two conflicting promises to meet two different friends for lunch, cannot avoid breaking one of these promises. Yet, one feature that all dilemmas seem to share is that the agent caught in a dilemma cannot avoid doing something that is morally wrong. The agent may possess the best intentions, and may even be a moral saint, but if she is unlucky enough to find herself in a dilemma, then she will have no choice but to commit an act that is morally wrong.

The possibility of wrongdoing being inescapable strikes many people, myself included, as unfair and troubling. Part of the intellectual attraction and promise of normative ethics is that, with enough reflection and argument, we can arrive at set of ethical maxims that help us to know right from wrong. The moral theory we derive from these maxims will be invaluable in offering guidance as to how we should act. So, if we conceive of morality as a system of action-guiding norms, the project of discovering these norms and marking the distinction between right and wrong acts is of the utmost importance. The possibility of moral dilemmas, though, poses a strong challenge to this way of thinking about morality. A common assumption about morality is

that it will offer sound advice that rational agents will be capable of following. But if dilemmas are possible, then, at least in some cases, morality will offer incoherent advice that agents will be incapable of following. Since one of the main functions of morality is to offer rational agents advice on how to act, dilemmas threaten to make morality secondary, if not irrelevant, to agents' decision-making procedures. This concern is still present even if dilemmas occur infrequently, for the mere possibility of morality issuing incoherent advice is enough for us to call into question the relevance of morality.

Proponents of dilemmas often acknowledge that the possibility of moral dilemmas is unfair to agents, but still maintain that they have put forth an accurate depiction of morality as it actually is. A common argument advanced by proponents of dilemmas is that because equally important moral values will inevitably conflict, dilemmas will arise, and that this is simply a fact about the nature of morality. In this thesis, I attempt a reply to arguments of this sort. Chapter 1 is spent sifting through some terminological issues, making distinctions, and arguing for a conception of dilemmas that includes inescapable wrongdoing as a central feature. In Chapter 2, I lay out the Argument from Action-Guidingness against one type of proponent of dilemmas. If we accept certain facts about the concept of moral wrongness—namely, that to call an act X wrong is to imply that X ought not to be done—then dilemmas leave us with a moral theory capable of issuing incoherent advice. The cost of an incoherent morality, I think, is far greater than whatever benefits can be gained through allowing dilemmas.

After putting forth this argument, I consider some ways that a proponent of dilemmas might attempt to sidestep it. A proponent of dilemmas may deny that judgments of moral wrongness always have an action-guiding force, and that dilemmas are instances where this obtains. I offer some replies to this line of thought, and close off the chapter with a brief

discussion of “mixed” dilemmas, i.e., conflicts between the demands of morality and the demands of rationality.

In Chapter 3, I evaluate two common arguments given for the existence of dilemmas, and look at some reasons for why they are insufficient. The last half of the chapter focuses on Sayre-McCord’s “fairness argument” against dilemmas. I attempt to show that his argument suffers from deficiencies that my own argument from action-guidingness is able to avoid.

## Chapter 1

In this chapter I will explore some popular conceptions of dilemmas and argue that we should limit our use of the term “moral dilemma” to describe a narrower range of situations than the term has typically been used to describe. A central feature of dilemmas, I think, is inescapable wrongdoing, which is the notion that an agent caught in a dilemma cannot emerge without committing a wrong act. Of course, dilemmas can occur in many forms, and we may not be able to arrive at a universal definition of dilemmas. But what I propose is that all types of dilemmas, no matter what their other properties, should include inescapable wrongdoing as an essential feature. Situations that omit inescapable wrongdoing should not be called dilemmas, but simply moral conflicts. Because inescapable wrongdoing is so important to my conception of dilemmas, the latter part of this chapter will be spent examining the concept “wrongness,” or more specifically, what it means for an agent to perform a wrong act. Although much of this first chapter will be spent settling terminological issues, this is necessary for understanding the argument I give against the existence of dilemmas in the following chapter.

### **Some Conceptions of Dilemmas**

Examples from both literature and real life have permeated the moral dilemmas debate, so it will be helpful to give a vivid, if somewhat unoriginal, example of a candidate for a dilemma at the outset:

*Bomb.* Suppose you are a law enforcement official, and that you have just been given information about the presence of a small bomb in your city. The bomb will go off in three hours, killing thirty people. The only way to find the location of the bomb is by interrogating a terrorist being held in custody. Although he has the information about the location of the bomb, no amount of physical pain will make him talk. The terrorist,

however, has a seven-year-old daughter, who is also being held in custody. He is deeply attached to his daughter, and could easily be made to talk if you were to torture her in front of him. This is the only course of action you can take to prevent the bomb from going off and killing the thirty.

It is not clear what course of action the agent ought to take. The requirement to save the thirty people looks just as important as the requirement to not torture the child. And no matter what option the agent chooses, it seems she will inevitably commit a wrong act. This is a good starting point, but it will be helpful to evaluate and build on some famous definitions of dilemmas.

One famous conception of moral dilemmas, advanced by Bernard Williams, is that dilemmas are a conflict of moral obligations in which the agent can fulfill only one obligation.<sup>1</sup> That the agent experiences guilt for having chosen requirement A and neglecting requirement B (and would presumably have felt the same guilt in choosing B and neglecting A) suggests that the unmet requirement is still exerting a force upon the agent. To illustrate this point, Williams draws a contrast between conflicts of beliefs and conflicts of desires. Take these two beliefs: “Mary’s son plays baseball” and “Mary has no children.” While one who knew sufficiently little about Mary could hold either of these beliefs in isolation, it would be irrational to hold both beliefs at the same time. The beliefs conflict, and once the true belief is determined, the other belief is cast aside. Next, take these two desires: “I want to go bowling Tuesday afternoon” and “I want to go skiing Tuesday afternoon.” These desires conflict, but in a different way than beliefs. In choosing to go bowling, I have not eliminated my desire to go skiing. The fulfillment of one desire does not mean that the other desire is cast aside. Moral conflicts, Williams argues, more closely resemble conflicts of desires, since the obligation to fulfill my promise to meet my

friend Diane for lunch on Monday does not erase my obligation to meet my friend Andrew for lunch at the same time. Failing to meet one of these obligations will fill me with regret, and this regret, according to Williams, signifies that the unfulfilled obligation is still present. I therefore have a duty to ameliorate the negative consequences of failing to meet this obligation. So a dilemma is loosely defined as a moral conflict in which an agent can fulfill only one of two obligations, with the failure to meet the unfulfilled obligation warranting regret on the agent's part.<sup>2</sup>

Walter Sinnott-Armstrong has put forth a different definition of moral dilemmas. He stipulates that for a situation to count as a dilemma, it must meet the following conditions: (1) an agent is morally obligated to adopt each of two alternatives; (2) neither moral obligation is overridden by the other; (3) the agent cannot fulfill both moral obligations taken together; and (4) the agent could fulfill each single moral obligation taken separately.<sup>3</sup> The first condition simply specifies that an agent must be confronted with a conflict between obligations. This conflict can be a result of an agent's different societal roles, as when a president of a country must weigh her political roles with her family roles. The conflict can also result when one has the same obligation to multiple people, as when Sophie must choose which one of her children will die.

The second condition says that neither of the agent's moral obligations outweighs the other in any morally relevant way. In many situations in which moral obligations conflict, the agent will be able to weigh the strength of the obligations and decide which obligation overrides the other. To say that one obligation overrides the other, according to Sinnott-Armstrong, means that there are decisive moral reasons for the agent to favor one obligation over the other. For

most situations, it will be obvious to the agent which obligation is overriding. But there will be other situations in which it will not be obvious to the agent which obligation is overriding, either because it is objectively true that neither obligation is overriding, or because the agent's limited epistemic vantage point does not permit her knowledge of which obligation is overriding. In cases where neither obligation is overriding, we can say that both obligations are non-overridden.<sup>4</sup>

The third and fourth conditions are self explanatory. For an agent to be in a dilemma it must be the case that she cannot fulfill both obligations taken together, but that she could have fulfilled each obligation taken separately. If she could not have fulfilled one or both obligations separately, then her situation would not be considered a dilemma. Central to the idea of a dilemma is that given other circumstances—namely, circumstances in which only one moral obligation was present—the agent would have been able to meet her moral obligation. The fact that the agent in a dilemma is unable to fulfill both obligations when she could have easily fulfilled each of them separately is what accounts for the guilt-like feelings that the agent feels and the tragic nature of dilemmas.

Sinnott-Armstrong provides a plausible definition of dilemmas. But as with any definition, it is worth taking examples that are plausible candidates for dilemmas, and seeing whether the definition classifies these candidates as dilemmas. We would intuitively characterize the situation described in *Bomb* as an apparent dilemma, and Sinnott-Armstrong would likely agree. The obligation to not visit intense suffering upon the child does seem matched by the obligation one has to save the lives of the thirty.<sup>5</sup> But suppose we alter the example, and say that instead of thirty people dying from the explosion, 300 will die, or 3,000.

When more lives are at risk, then the requirement prohibiting one from harming the child loses its force. The difference between the original *Bomb* and the altered *Bomb* is that the moral requirements in the former are matched, whereas in the latter one moral requirement overrides the other. Despite this difference, most philosophers still have the inclination to classify the altered *Bomb* as an apparent dilemma. Thomas Nagel, for example, takes situations like the altered *Bomb* to be paradigmatic examples of moral dilemmas.<sup>6</sup> But according to Sinnott-Armstrong's second condition, in order for a situation to count as a dilemma the moral requirements must both be non-overridden, i.e., matched, in order for there to be a dilemma. Under this conception, the altered *Bomb* example would not qualify as a dilemma. I think this is a defect with Sinnott-Armstrong's conception. To be sure, the term "dilemma" does at times connote a situation in which the agent is either puzzled about what course of action to take or all options are equal. While I agree that "dilemma" is sometimes used in this way, it is worth noting that examples typically cited as dilemmas encompass not just situations in which moral requirements are matched, but also situations in which one requirement is overriding. Nagel's example of a dilemma is an agent choosing between torturing a terrorist to disarm a bomb, or letting 10,000 people die from the explosion. He argues, quite plausibly, that the requirement to not torture is overridden by the requirement to save the 10,000.<sup>7</sup> But the lack of matching requirements doesn't mean that there aren't philosophically interesting features of the situation. As Nagel points out, there are issues regarding whether an agent trapped in this situation can escape with her honor, or whether she will be guilty of a wrong act no matter what course of action she takes. This is the issue that appears to have been underlying the moral dilemmas

debate. By insisting that dilemmas must be situations in which moral requirements are matched, Sinnott-Armstrong misses an entire class of examples that have been at the heart of the debate.

Not everyone has the intuition that moral dilemmas can consist of conflicts between unmatched requirements. The term “dilemma” can be used to describe a situation in which the agent is puzzled as to how to proceed, and it seems that agents can only be truly puzzled when the moral requirements are matched. But while “dilemma” frequently carries this connotation, philosophers have also employed the term in other ways. It does not seem especially helpful to stipulate that dilemmas must consist of a conflict between matched requirements, especially when much of the debate has focused on issues of residues, moral innocence and honor.

### **Overridden Moral Requirements**

At this point, it is necessary to take a brief aside to discuss the term “overridden.”<sup>8</sup> When we say that a moral requirement is overridden, this means that other considerations (which, depending on the sense of “overridden,” can be either moral or non-moral considerations) have trumped this requirement. On one view, the moral requirement to not harm the child in the *Bomb* example would be overridden when the number of people this action would save becomes sufficiently large. The point at which the requirement to not harm the child or not torture loses force is the “threshold.” There are, however, three different senses in which a moral requirement can be overridden. First, the moral requirement no longer has force when the threshold is crossed, in the sense that what the agent was previously prohibited from doing (e.g., torturing the innocent child) now becomes morally permissible. On this interpretation of “overridden,” it is still moral considerations that guide the agent’s act, indicating what there is most reason to do.

On the second interpretation of “overridden,” when the threshold is crossed, the act that was previously prohibited remains morally wrong, but there is nonetheless decisive reason to do it. That is, even though morality tells us not to perform the act, the act is still what we have most reason to do. In such a case, the agent is committing a morally wrong act. If she instead chooses to remain morally pure, at the expense of letting 10,000 people die, she is acting contrary to the balance of reasons. It is tempting to suppose here that the agent, in torturing the one to prevent the 10,000 from dying, is acting with the moral intent of saving the lives of the 10,000. A moral absolutist who endorsed the prohibition of certain acts, however, would still maintain that torture can never be morally justified, no matter how many lives it would save. On this absolutist account, moral reasons diverge from reasons of practical rationality. Some may find this divergence between morality and practical rationality comforting, for morality remains pure. If morality permitted us to torture an innocent person, as it would under the first interpretation of “overridden,” then this could be seen as a blemish on morality. Others, however, may be quite uncomfortable at the thought of moral requirements diverging from what there is most reason to do. That moral conclusions could be trumped by non-moral ones seems to diminish the importance of morality, and calls into question its value as a source of action-guiding directives. It is also troubling to consider that an agent who acted rationally could be guilty of a wrong act.

On the third interpretation of “overridden,” the act that was prohibited under the threshold remains morally wrong, but not performing this act and letting the several thousand people die is also morally wrong. Morality thus issues conflicting commands, and no matter which option the agent chooses, she will commit a wrong act.

The third interpretation of overridingness is normally the one endorsed by proponents of dilemmas. So, given the above conceptions of dilemmas and their apparent flaws, what can we build into our definition of moral dilemmas? An important part of the third interpretation of “overriding” is that an agent has done something wrong. In his conception of moral dilemmas, Sinnott-Armstrong makes no mention of inescapable wrongdoing; indeed, he explicitly rejects inescapable wrongdoing as a feature of dilemmas.<sup>9</sup> I think this is a mistake, for inescapable wrongdoing appears to be the source of the philosophical fascination with moral dilemmas. The examples typically cited as dilemmas are varied, so it makes little sense to say that dilemmas are only conflicts between non-overridden moral requirements. When thresholds have been crossed in the various torture examples, most rational people will agree that the agent should torture the one to save the city. Yet we still want to intuitively classify this situation as an apparent dilemma. These situations are philosophically interesting because they pose questions about the agent’s moral record, and whether the agent can emerge from situations with her moral record unscathed. The presence of matched moral requirements is not necessary in order for a situation to be classified as a dilemma. It is true that in some situations we intuitively classify as dilemmas—like Sophie’s choice—the moral requirements are matched. This symmetry of moral requirements may also deserve some attention, but what is of primary philosophical interest is whether Sophie’s moral record is marred by her decision.

It is important to note that the fascination with dilemmas is not merely abstract. We are not only interested in the fate of the moral characters of agents in hypothetical situations. Situations that resemble moral dilemmas are all too real. Many of the standard examples of dilemmas—Sophie’s choice between saving only one of her two children, Captain Vere’s

decision to put Billy Budd to death or disrespect the rule of law, Agamemnon's decision to sacrifice his daughter for the perceived good of his state—all of these examples are compelling at least partly because they have the potential to occur in real life. And it is not hard to think of actual cases of apparent dilemmas: Truman's decision to drop the atomic bomb rather than let hundreds of thousands of soldiers die comes to mind.

One of the goals of normative ethics is to provide rational agents with maxims that distinguish right acts from wrong ones. For those of us who study normative ethics with the hope of finding principles by which to lead our own lives, moral dilemmas pose a particularly serious problem. As rational agents with control over our actions, we tend to think that we always have a choice between acting in a way that is morally permissible and acting wrongly. The existence of moral dilemmas would throw a wrench into this way of thinking. So the source of the philosophical interest in dilemmas, I submit, stems primarily from the possibility of wrongdoing being inescapable. Any conception of moral dilemmas should therefore include inescapable wrongdoing as a central feature.

### **Dilemmas and Quandaries**

At this point it will be helpful to introduce Simon Blackburn's distinction between dilemmas and situations he calls "quandaries." A quandary occurs when an agent is faced with a choice between two alternatives, and there is no data available to the agent that would help steer her decision one way or the other. This lack of data may be due to there being no practical way for the agent to obtain the data, or it may be because there simply is no such data. Blackburn names situations of the former type subjective quandaries and situations of the latter type objective quandaries. A stable agent's quandary is defined as a situation in which no reasonable

amount of evidence gathering would aid the agent in coming to a decision. Blackburn states that quandaries are dependent upon the agent's subjective tastes. If I have an affinity for blue cars, then I could be in a quandary over whether to buy a blue Toyota Prius or a blue Ford Fusion Hybrid (assuming that all other things are equal between the cars). But if I have a choice between a blue Prius and a yellow Hybrid, then my intense dislike of yellow cars easily determines the choice, and there is no quandary. So quandaries are largely dependent upon an agent's subjective tastes, but not all the time. Suppose I have a choice of donating to either of two famine-relief organizations, and each organization relieves the same amount of suffering, delivers aid in an expedient manner, is free of corruption, has low overhead, etc. There is no evidence I could gather that would favor one choice or the other, so I am in a quandary. This quandary, though, is not dependent on any subjective preference, but rather on what morality requires, and this is clearly an objective consideration. So some quandaries are not solely dependent on subjective tastes.

An obvious question to ask is what relationship quandaries have with moral dilemmas. There are non-moral quandaries, like Blackburn's example of not knowing which can of beans to purchase at the supermarket<sup>10</sup>, but there are also quandaries with moral dimensions. Sophie's choice appears to be such a quandary. Blackburn ultimately thinks that moral dilemmas are quandaries in which moral considerations come into play. But the above example I gave is an instance of a quandary with moral considerations, yet it does not appear to be a dilemma. The conception of moral dilemmas I want to advance is more expansive than "quandaries plus moral considerations." There can be situations in which the agent has no doubt about which alternative to choose, but still performs a terrible act. Such a situation would qualify as a dilemma, but not a

quandary. So it appears that dilemmas and quandaries are logically distinct concepts.<sup>11</sup> I am tempted to use the term quandary to describe those situations which are simply moral conflicts, and not dilemmas. But I think this would lead to a good deal of confusion, since some quandaries are exemplars of moral dilemmas. I therefore refer to conflicts of moral requirements that do not rise to the level of dilemmas as simply moral conflicts.

### **Inescapable Wrongdoing**

I argued above that inescapable wrongdoing should be considered an essential feature of dilemmas. But what is meant by the term “inescapable wrongdoing”? The meaning of “inescapable” is obvious enough, the meaning of “wrongdoing” less so. Just what does it mean for a person to have done something wrong? We must provide an answer to this question before we can properly understand the notion of inescapable wrongdoing.

I'll start with a relatively uncontroversial statement: committing a wrong act is not something that should be taken lightly. Of course, if one thinks that wrong acts have no bearing on how a person should be morally assessed, or that they only have negligible effects on moral assessment, then the possibility of situations in which wrongdoing is inescapable is not troubling. “Sure, Jack did something wrong when he broke his promise to Jill in order to keep his promise to Julie, but there was nothing he could do about it, and it's now best that he just move on,” one might say. This is a rather sparse conception of “wrong.” A person who adhered to this minimalist conception would likely be puzzled by the debate over the existence of dilemmas, asking why opponents of dilemmas so strongly resist an innocuous feature like inescapable wrongdoing, and likewise asking why proponents of dilemmas so strongly assert that situations with this feature exist.<sup>12</sup> Under the minimalist conception of “wrong,” the arguments over the

existence of dilemmas, in particular the arguments of the proponents of dilemmas, become trivial. But we are, I think, safe in rejecting the minimalist conception of “wrong,” as it fails to capture the meaning of “wrong” as it is used in moral discourse. In fact, the minimalist conception hardly bears any resemblance at all to the traditional meaning of “wrong.” This is not to say that a concept should be defined solely by how we use it in our discourse. But a definition of a term that diverges so widely from the meaning of the term as it is used in language should immediately be suspect. We should instead look to a richer conception of “wrong” that more closely captures the meaning of the word as we use it in moral discourse.

The elucidation of the concept “wrong” will prompt several metaethical questions, like whether wrongness is a property, whether value judgments are truth apt, etc. While these questions are important, I do not intend for the analysis to go this deep. I am primarily concerned with asking what it means for an agent to do something wrong, and not with inquiring into the nature of wrongness. These questions are related, but I think that a sufficient answer can be given to the former without getting too heavily involved in the latter.

Looking at an example of an obviously wrong act, like the murder of an innocent person, will help us to draw out the features of wrong acts. It is typically thought that wrong acts are acts that merit guilt, punishment and condemnation.<sup>13</sup> I do not think this is an exhaustive list of features, but it serves as a good foundation on which to build. We may want to include additional features, such as the intention of the agent or the loss of honor, but the central features appear to be those already listed. While each concept is more or less self explanatory, for clarity’s sake, I will provide a brief definition of each feature. Condemning an act consists of judging the act wrong and denouncing it in particularly strong terms. This can be undertaken by

either an individual or a group, and when carried out by a group condemnation often makes the wrongdoer a pariah. Punishment is similar to condemnation, except that it involves some concrete punitive measure taken against the offender. Guilt, of course, is what one would hope the wrongdoer would feel after committing a wrong act. The phenomenology of guilt is complex, but we can suppose that it at least includes a deep sense of regret for the actions one has committed, along with a desire to somehow atone for the wrong actions.

Note the importance of specifying that wrong acts *warrant* guilt, punishment and condemnation. A psychopath who commits a brutal murder may be incapable of feeling guilt, or even of comprehending the distinction between morally right and wrong actions. In this case, we want to say that the psychopath's action warrants guilt, even if no guilt was actually experienced. We can also think of cases in which an innocent person is wrongly accused of a crime, condemned, and punished. Despite the presence of condemnation and punishment, however, the innocent person has not done something wrong because she has done nothing which would warrant this sort of treatment. So although the actual presence of condemnation, punishment and guilt will often indicate a wrong act, what is essentially bound up with wrong acts is that they warrant these things.

Some have suggested that an act that transgresses a moral value is wrong. Murdering an innocent person clearly transgresses several moral values, so this might serve as a basis for classifying an act as wrong. But transgressing moral values is a fairly common occurrence. Each time we break a small promise, say, to take a child out for ice cream, or each time we tell a white lie, we are transgressing a moral value. But that does not mean that we are doing something wrong. In fact, we often transgress moral values in order to fulfill other moral values

(e.g., a mother breaking a promise to give her child junk food because she is concerned with the health of her child). So although all wrong acts involve the transgression of a moral value(s), not all transgressions of moral values are wrong acts.<sup>14</sup>

The way we use “wrong” in our moral discourse may provide some hints as to what the concept entails. When a mother says to her son that it was wrong for him to steal the candy, she is obviously condemning the act, perhaps implying that some sort of punishment is in order, and almost certainly stating the child should feel guilt. But in addition to these things, in saying “That was wrong,” the mother also appears to be telling her son that he ought not to have stolen the candy, and that he ought not do so again.<sup>15</sup> In many instances, the judgment that an act is wrong implies that an agent ought to have acted differently. This underlying action-guiding sense of negative moral judgments seems to be central to our concept of moral wrongness. Think of how strange it would be if I told you that cheating on your wife was wrong, but that it was acceptable for you to do so. I may condemn your infidelity, heap guilt upon you, and perhaps punish you by renouncing our friendship, but if I don’t think that you ought not to have committed this act, then my protests only amount to a lot of arm-waving and hollow moralizing. Most moral judgments, in order to be sincere, must possess some sort of action-guiding sense. So wrong acts warrant condemnation, punishment and guilt, but perhaps more essential to the concept of wrongness is its normative implications. There appears to be yet another facet to moral wrongdoing, though, and that is the impact a wrong act has on an agent’s moral standing, or moral record. The next section will explore the ways in which morally wrong acts can affect an agent’s moral record.

## **Marring a Moral Record**

A moral record should not be conceived as an abstract metaphysical entity. In a thin sense, a moral record is a sort of “moral report card” extending over the agent’s life. By performing morally commendable or supererogatory acts an agent would burnish her moral record, while morally wrong acts would stain or mar her moral record. In a more robust sense, a moral record can be described as an agent’s state of righteousness. As agents, we place great value in being righteous. By righteous, I do not mean having a smug confidence in the correctness of one’s position, but rather performing right acts with good intentions. We have many reasons for valuing our moral acts and attitudes: in acting rightly, we believe that we have acted in accord with the requirements of morality (perhaps, in the case of supererogatory acts, exceeding these requirements), and we take satisfaction in knowing this. We value the good that right acts bring to other agents, as when we donate money to famine-relief organizations, or campaign for policies that will aid the most vulnerable, or engage in community service. Our moral actions also have a significant expressive component to them; they reflect the type of people we are or intend to be.<sup>16</sup> For agents who are concerned with being good people (and I think I can safely say that most agents do have this concern), right acts and intentions express the desire to be a good person. And having a morally commendable set of opinions that are rationally arrived at (or at least struggling to come up with such a set) also brings us a great deal of satisfaction.

Just as striving for and maintaining a state of righteousness is something we value, failing to reach this standard often causes emotional pain and distress. The marring of a moral record will typically cause the agent to feel guilt, remorse and regret. We are troubled by failing to

fulfill moral requirements and by causing or failing to alleviate suffering in other people. An error or inconsistency in our moral views causes great consternation. Perhaps most of all, we are troubled by what our wrong actions say about our characters and dispositions—we do not want to be bad persons.

This is undoubtedly an incomplete account of what a moral record consists of, but I think it's enough for my purposes. From what I've said, it is obvious that the moral record is important and that tarnishing it is a serious matter.

### **The Role of Intuitions**

Now that some of the key terms and concepts of the moral dilemmas debate have been clarified, I would like to briefly discuss the role that intuitions serve in the debate. Both opponents and proponents of dilemmas have strong intuitions that they claim support their respective positions. The strength of each side's intuitions is partly responsible for the intractable disagreement between opponents and proponents of dilemmas. Before proceeding to the next chapter, it is worth parsing these intuitions to get a sense of the underlying structure of the debate.

Many opponents of dilemmas feel that inescapable wrongdoing is somehow incoherent, and that there is always a morally acceptable path for an agent to take. Proponents of dilemmas have the opposite intuition, arguing that the best explanation of the agent's residual feelings of guilt and regret is that the agent has committed a wrong act. While these two intuitions are frequently cited by opponents and proponents of dilemmas, there are actually three intuitions at work here: (1) that inescapable wrongdoing is incoherent; (2) that all the available options in a dilemma would leave appropriate feelings of moral distress and guilt; and (3) that the best, and

most natural, explanation for feelings of appropriate moral distress is wrongdoing.<sup>17</sup> We can note that (1) is compatible with (2) and that (1) is also compatible with (3). It is only the three intuitions taken together that are incompatible. An opponent of dilemmas is left with the option of denying (2) or (3), while a proponent of dilemmas must reject (1). I think that the best way to argue against the possibility of dilemmas is to deny (3). The following chapters will discuss different ways in which this can be done.

One goal of this chapter has been to sift some important issues in the moral dilemmas debate to get an idea of just what is at stake between proponents and opponents of dilemmas. An important point of contention—perhaps the center of the dispute—is whether performing a wrong act is sometimes inescapable. When Nagel states that the world can “present us with situations in which there is no honorable or moral course for a man to take,” and that tragedy abounds in an “evil” world<sup>18</sup>, he seems to be referring to situations in which wrongdoing is inescapable. Opponents of dilemmas like Hill and Blackburn speak of the unfairness and harshness of a morality that imposes conflicting moral requirements on agents—another apparent reference to inescapable wrongdoing. While there are certain other features of dilemmas that deserve philosophical attention, the main issue driving the debate appears to be the possibility of inescapable wrongdoing. In the next chapter, I will lay out an argument against the possibility of moral dilemmas conceived of as including inescapable wrongdoing.

## Chapter 2

In the last chapter, I claimed that the moral dilemmas debate is best seen as a debate over the possibility of inescapable wrongdoing. I will now evaluate Blackburn's argument against the possibility of dilemmas. While his argument is persuasive, I will propose a new argument, which I call the "argument from action-guidingness," that proceeds from a different set of starting points. The argument from action-guidingness, by relying on some relatively uncontroversial assumptions about the concept of moral wrongness, shows that we have good reason for thinking that there are no moral dilemmas.

### **"Matched" or "Verdictive" Moral Requirements?**

Recall in the last chapter the distinction made between moral dilemmas and quandaries. According to Blackburn, a dilemma is a quandary in which moral considerations come into play. But he notes that people often think dilemmas are something more than this, and this something more is usually taken to be the inevitable violation of a moral requirement. Blackburn identifies two senses of "requirement": the matched sense and the verdictive sense. On the first sense, it is possible for multiple requirements to be incumbent on an agent. It may be that one requirement overrides the others, or the requirements may be matched, but whatever the agent does, she will violate or fail to fulfill at least one requirement. On the second sense, requirements are not conceived as matched equals, but as simply what the agent ought to do. When deciding on a course of action, an agent might ask "What am I required to do?" Here, the agent is asking what she has all-things-considered most reason to do. For Blackburn, the question of whether dilemmas exist boils down to how we conceive of moral requirements. If we choose to adopt the

first “matched requirements” sense, then dilemmas exist. But under the verdictive sense, there are no dilemmas, only quandaries.

Interestingly, Blackburn does not take a hard stance on which sense of “requirement” we should use. While recommending against moral dilemmas, he still allows for their possibility.

For Blackburn, there is no decisive argument for using one sense of requirement over the other.

He states:

English is wise to remain indeterminate over insisting on an outright logic, or allowing a matching logic, for requirements. If we allow the latter we have one set of descriptions, but if we insist on the former we can substitute others equally good. Understood properly, no ethical or intellectual consequences follow from preferring one move to the other.<sup>19</sup>

I think that this last statement is wrong, and that there are in fact significant ethical and intellectual ramifications for admitting dilemmas. These will be outlined below.

The closest Blackburn comes to endorsing the verdictive sense of requirements is sketching an argument that compares morality to a governing figure. On this argument, a morality that commanded agents to fulfill conflicting requirements would, like an unjust dictator, seem “irrationally harsh, a taskmaster that can be feared but not really respected.”<sup>20</sup> But

Blackburn does not consider this a decisive argument for rejecting matched requirements. He states his reason for this:

The harshness or injustice has already gone into the situation when it is recognized as a stable moral quandary. That is, things are already as bad as could be for Agamemnon and Sophie. It is going to be hellish whatever they do, but not because an unjust lawmaker has irrationally issued requirements that match and conflict. It is the world that has landed them in a hellish situation.<sup>21</sup>

We can agree to an extent that it is an unjust world that is responsible for the hellish situations experienced by agents. Most of us form strong emotional connections with our family and close friends, and we also come to appreciate the value of persons. When we are forced to choose between loved ones, or between loved ones and society, we do not need to be aware of a system of moral requirements in order for our situation to be emotionally painful and hellish. And being informed that, in addition to sacrificing a family member, I have also broken a moral requirement, may make no difference to me. But this does not mean that breaking a moral requirement is unimportant. If we accept that failing to fulfill a moral requirement involves incurring a blemish on an agent's moral record, then this appears to be of some significance. Even if the agent, in her time of despair and mourning, doesn't take this as relevant, we shouldn't rely solely on the agent's psychological state in assessing the importance of breaking moral requirements. And it also not obvious that all agents will remain unperturbed by the knowledge that they've violated a moral requirement. As an analogy, a devout Catholic may not only be troubled by the decision she was forced to make, but also by God's condemnation of her action. Likewise, a person who values a healthy moral record may, perhaps after recovering from the initial shock of her situation, be deeply disturbed by the moral stain she has incurred. So the "morality as a harsh taskmaster" argument appears to have more force than Blackburn thinks.

Although Blackburn does not come down decisively on which sense of "requirement" we should use, he does state that there is "nothing especially helpful" about conceiving of requirements as matched, and that it may be better to think of requirements in the verdictive sense. And because there is nothing helpful about conceiving of matched requirements, there is nothing helpful about conceiving of moral dilemmas. So Blackburn does not flatly deny the

existence of dilemmas, but rather recommends that we not adopt the framework that yields them. While this position does allow for the possibility of dilemmas, it deflates the arguments for them. If all the reasons given for the existence of dilemmas can be handled by Blackburn's conceptual scheme, then there appears to be no point in arguing for dilemmas. Of course, proponents of dilemmas may come up with new arguments that circumvent Blackburn's objections. But until this happens, Blackburn's allowing for the possibility of dilemmas does not seem so much a defect in his account as a challenge to the proponent of dilemmas to provide a reason for positing dilemmas.

Blackburn has provided a plausible and attractive framework for dealing with dilemmas. Still, it would be nice if we had a stronger argument against dilemmas, one that rested on more than just a recommendation for adopting the verdictive sense of moral requirements. Admitting the possibility of inescapable wrongdoing, no matter how "unhelpful" the conceptual scheme that allows for it, is bound to leave some discomfort for the opponent of dilemmas. The latter half of this chapter will provide what I take to be a stronger argument against dilemmas.

### **Moral Innocence**

Now seems an appropriate time to address the issue of moral innocence. I noted earlier that an agent, in committing a wrong act, stains her moral record. If, in some cases, it is impossible for an agent to avoid acting wrongly, then the agent's moral record will be marred no matter what she does. Many opponents of dilemmas find this implausible and unfair. Underlying this sentiment is an intuition we have about the potential for moral innocence or purity, or at least the struggle toward moral innocence. Christopher Gowans thinks that this intuition underlies much of the opposition to dilemmas, and he argues that it should be

jettisoned.<sup>22</sup> The concern with moral innocence, Gowans states, amounts to a fetishization of moral purity. I will argue that opponents of dilemmas are not placing undue emphasis on the possibility of achieving moral innocence, but that they are instead primarily concerned with the control agents exert over their moral standing.

Gowans defines the ideal of moral innocence as “living one’s life in such a way as to fully, comprehensively, and harmoniously understand and respond to the requirements of morality, and thereby to entirely exclude all forms of wrongdoing.”<sup>23</sup> While this ideal may be very difficult to fulfill, it is comforting for us as agents to know that such an ideal is attainable if we set ourselves to the task of achieving it. Part of the reason why this is comforting is that this seems to be one area of life where we have complete control. Because the nature of our actions determines the status of our moral records, and because we control our actions, there do not seem to be any external forces that can prevent us from reaching moral purity. Control over our moral records, unlike other things in our lives, seems complete. While we do have some say in where we live, our professions and our relationships, these things are often at least partially, and sometimes wholly, determined by forces outside our control. It is therefore reassuring to think that we have full control over our moral lives, that our moral records are ours for the making, and that the ideal of moral innocence—while only attainable through a considerable amount of effort—is nonetheless attainable. Of course, whether anyone ever achieves this level of moral purity is debatable. It may be that certain internal tendencies prevent us from ever achieving moral purity, but we tend to think that these internal vices can be controlled. That such a level of moral innocence is in principle attainable, even if no person actually achieves it, is still comforting.

Gowans sums up the argument for moral innocence as “the belief that, though much harm may befall us, we can remain pure of heart in confronting it, if only we choose.”<sup>24</sup>

Of course, if dilemmas were possible, then the belief in the ideal of moral innocence would be illusory, for the fate of our moral records would, at least in some instances, be outside our control. Because Gowans argues separately that inescapable wrongdoing is possible, he thinks that the belief in the possibility of moral innocence should be cast aside, and that we should accept the sometimes tragic nature of our situation. A question to ask, though, is whether Gowans has accurately captured the intuition opponents of dilemmas have about moral innocence. It is probably true that many opponents of dilemmas would endorse some variation of this intuition, but it appears that Gowans is not offering a charitable interpretation of it. The notion that moral innocence entails the exclusion of all forms of wrongdoing, while perhaps true, is not what motivates opponents of dilemmas. Instead, opponents of dilemmas can appeal to an intuition that focuses solely on the agent’s autonomy in forming her moral record, without mentioning moral innocence.

It is true that opponents of dilemmas will often produce examples of people who, prior to being placed in the alleged dilemma, were moral saints. That virtuous people can have their moral records marred, through no fault of their own, is thought to provide us with a good prima facie reason for denying the existence of dilemmas. In such examples, opponents of dilemmas are concerned that a person who was once innocent, or was on her way to moral innocence, now has her moral record tarnished. Taken alone, these examples would seem to support Gowans’ claim that opponents of dilemmas are relying on the moral innocence intuition. But opponents of dilemmas also cite cases involving people who aren’t moral saints. That people whose moral

records are already tarnished, perhaps through their own fault, can have their records tarnished even further is still a problem for opponents of dilemmas. In such cases, there does not seem to be a concern with moral innocence so much as a concern with the agent essentially losing control over her moral record. Gowans might reply that an agent with an already-marred moral record further removes herself from the level of moral innocence, and that the opponent of dilemmas is therefore relying on the moral innocence intuition. But it still seems that the central worry of the opponent of dilemmas is over an agent's control of her moral record.

Opponents of dilemmas are not so much bothered by people with incurable vices, for whom the prospect of moral innocence is a practical impossibility. Such people still presumably have the option of changing their ways and acting morally, and so the choice to avoid wrongdoing is still theirs. Indeed, we could grant the practical impossibility of anyone ever attaining the state of moral innocence, and still maintain a solid opposition to dilemmas. This is because it is the control intuition, and not the moral innocence intuition, that underlies the opposition to dilemmas. Proponents of dilemmas are not so much troubled by the possibility of moral innocence as they are troubled by the possibility of an agent having no choice in how her moral record is written. Suppose that, on a scale of zero to one-hundred, zero being the lowest and one-hundred being the highest, an agent has a moral purity ranking of seventy-five. She is a decent person who does good acts but who also makes the occasional mistake. If she tried hard, she could raise her ranking to 90, but 90 is the cap, for her and for all other agents. 100, we can suppose, is a state of moral innocence that is simply beyond the reach of mere humans. Our agent will encounter moral situations that require her to make a decision, and with each situation there are two possible outcomes: her ranking goes up (if she acts rightly) or her ranking goes

down (if she acts wrongly).<sup>25</sup> We have no problem with admitting that the moral ranking of an agent can suffer significant drops, so long as these drops were avoidable. If an agent consistently chose wrong over right, then there is nothing troubling about the ensuing drop in her moral standing. But what is troubling is the possibility that an agent can be faced with a situation in which her moral ranking drops no matter what she does. Such situations seem unfair, since there is nothing the agent could have done to avoid the drop in moral standing. This intuition underlies opposition to dilemmas even when we suppose that the attainment of moral innocence is impossible. Opponents of dilemmas, it seems, can rely solely upon the control intuition that rational agents always have control over their moral records.<sup>26</sup> This amounts to saying that agents always have a morally permissible act open to them.<sup>27</sup> We can therefore avoid the charge that, in placing such strong emphasis on the importance of an agent's moral record, we are fetishizing moral purity.

It can be comfortably granted that human beings are equally capable of right and wrong acts, but situations in which only wrong acts are available are profoundly disturbing. This is not to say that our being disturbed by a possible situation means that such situations do not exist, but only that we should try to support this intuition with arguments. I attempt such an argument in the next two sections.

### **The Argument from Action-Guidingness**

In the last chapter I began to sketch an argument that emphasized the action-guiding aspect of negative moral judgments like "X is wrong." In looking at how these sorts of judgments operate in moral discourse, we may discover the seed of an argument against dilemmas.

Upon examining the use of negative moral judgments, we find that they not only attribute an evaluative status to actions, e.g., classifying an act as wrong, but that they also typically have a normative aspect. That is, the issuance of a negative moral judgment is often intended to provoke a response among agents, or to have an action-guiding force. Typically, the judgment “*X* is wrong” carries with it the connotation that *X* should not have been done. For example, if a mother says to her teenage son “It was wrong for you to take the car without my permission,” she is not merely describing her son’s action as wrong, but is also saying that he should *not* have taken the car without permission. Many negative moral judgments imply an *ought-not*, or prohibition on an act. This prohibition can be on a specific act (“It was wrong for you to steal the pie from Mrs. Jones’ windowsill”) or a general class of acts (“It is wrong to lie”). A negative moral judgment can be issued in the second person, as when a mother directly tells her son that his action was wrong, or issued in the third person, as when a bystander observes a theft and concludes, perhaps without uttering a word, that it was wrong for the thief to steal.<sup>28</sup>

If a person issued a negative moral judgment without intending the action-guiding implication, then such a judgment would seem hollow and insincere. If, for example, I told you that it was wrong to kill, but I didn’t mean that you ought not to have killed, or that you ought not kill again, then I am only moralizing, not issuing a moral judgment. Of course, in implying that an agent should have acted differently by performing a morally permissible action, there is the assumption that a morally permissible action was in fact available to the agent. For ordinary examples like the ones I’ve been describing, the agent does have a morally permissible option. But in cases of alleged dilemmas, the issue is whether a morally permissible route is open to the agent. So one might object that I’m begging the question against the proponent of dilemmas. If

the judgment that something was wrong implies that there was a right course of action for the agent to take, then I may be accused of tailoring a specific use of “wrong” that precludes dilemmas. But I think there is a plausible case to be made that this is in fact how we use the concept “wrong,” and it is not begging the question to point out how a concept is used. Looking at the origin of the concept “wrong” will help illuminate just how intrinsic action-guidingness is to it. I will therefore examine Allan Gibbard’s account of the origin of norms.

There is good reason for why we have the concept “wrongness” as I have described it. In order for us to have arrived at the civil society of the present, a great deal of cooperation between human beings and our proto-human ancestors was required. Because the evolutionary benefits of cooperation have been well-documented<sup>29</sup>, it is not surprising that we have the capacity for cooperation (although the complexity of our cooperation, as evidenced by, among other things, sophisticated systems of representative government, is quite impressive). What is more puzzling is how we evolved such sophisticated moral concepts as “wrong,” “right,” and “blameworthy.” Our coming to accept certain norms, according to Gibbard, is likely the result of evolutionary processes that favored increased cooperation among our ancestors. The exchange of information among our forebears was essential for cooperation, and one of the main ways information came to be shared was through language. In order to coordinate activities that would be mutually beneficial, the parties involved had to have propensities for cooperation, and our emotional propensities are likely the result of these initial cooperative propensities. Thus Gibbard states:

Human beings “have a capacity to be guided by words, in their actions and emotions. This capacity is central to our psychic makeup, and it must have much to do with the selection pressures that led to the evolution of linguistic ability in human beings. Being guided by language could enhance

a proto-human's biological fitness, both by enabling him to develop complex plans for action, and by leading him to coordinate his emotions and actions with those of his fellows.<sup>30</sup>

In order for language to facilitate coordination, though, language must have had some motivating power. It would not have been possible for our ancestors to make plans, exhort each other to perform various actions, etc., if language did not have an impact on how they acted.<sup>31</sup> And the state of accepting the action-guiding force of a linguistic directive, Gibbard thinks, is similar to the state of accepting a norm.

If we accept this story about how norms came to be, then the reason why we have action-guiding norms is not at all mysterious. Mutually advantageous cooperation simply would not have been possible if language did not have action-guiding force. This action-guiding force, then, is an intrinsic part of our norms. Once we have an explanation for how norms came to exist, we can infer that it would also be evolutionarily advantageous to have a means for dealing with individuals who violate norms. This means can take the form of punishment, carried out by either an individual or a group, against the offender. But it also makes sense that, as the individuals became more advanced, they would develop a concept for describing the violation of norms. Using this concept to describe acts that violate norms would stigmatize certain acts, eventually to the point where employing the concept would itself serve as a mild punishment or deterrent for norm violation. This concept, I think, may be the concept “wrong,” or at least the precursor to “wrong.”

There are additional hypotheses for why the concept “wrong” evolved. According to Richard Joyce<sup>32</sup>, the concept “wrong” may have served as a “deliberation-stopper” for our ancestors. In making some decisions, our ancestors, like us, gathered and processed a substantial

amount of information, considering the potential costs and benefits of their alternatives before choosing one. For difficult decisions, this process was probably time-consuming and arduous. So while it was important for our forebears to benefit themselves without incurring the wrath of others, determining what acts achieved this delicate balance could involve a good deal of evolutionarily un-advantageous dithering. It would therefore make little sense for deliberations to occur when one of the options would undoubtedly yield punishment of some sort. We can see, then, how the concept “wrong” might have evolved. If there were a choice between an act that would be beneficial, but would also undoubtedly be punished, and an act that would be less beneficial, but go unpunished, deliberations might take awhile. But if there was a concept that encouraged the avoidance of punishable acts, then this concept would serve as an advantageous conversation-stopper to further pointless deliberation. This seems a plausible account of how the concept “wrong” eventually sprung up.

Note that in thinking about how the concept “wrong” originated, the action-guidingness is central to the concept. It is difficult to see how this concept would have existed at all had it not influenced actions. Of course, as humans evolved, the concept “wrong” also evolved from the basic “merits punishment” concept used by our ancestors to the more sophisticated concept we use today. But one might question whether “wrong” still carries action-guiding force, or if the action-guidingness somehow “washed out” once the concept grew more complex. One might even wonder whether there are multiple concepts of “wrong,” with not all of them possessing action-guidingness.

It’s obvious that as we evolved and gradually developed the moral concepts we have today, these concepts grew more sophisticated. But there does not seem to be any reason to

suppose that “wrong” lost its normative force along the way. As noted above, the concept is frequently used in an action-guiding way, and although there are uses of the *term* “wrong” that arise in non-moral situations (“Those pants just look wrong on you”), using the same term to describe different things or situations does not mean that there are separate concepts. When employed in fashion contexts, it looks as if “wrong” is being used as a synonym for “bad” or “awkward.”

What is more worrisome is that as the concept “wrong” evolved, there were various “spin-off” concepts that, while similar to the original concept, differed in key respects. A proponent of dilemmas could then say that they are simply using a different concept or different sense of “wrong” than the one I use.<sup>33</sup> To be sure, “wrong” can be used in several different ways. In saying that an action was wrong, we might in some contexts mean only that the agent should feel guilt or that the agent should be punished. But I think that the sense of “wrong” I have explicated is the one actually being used in the moral dilemmas debate. I will more fully address this objection below, but I first want to see the implications that my favored sense of “wrong” has for the moral dilemmas debate.

### **Application to the Moral Dilemmas Debate**

Given this analysis of how we use the term “wrong,” we can ask how a proponent of dilemmas might speak to an agent faced with a dilemma. If, after Sophie made her decision, I were to say to her, “What you did was wrong,” I am implying that she should have acted differently. Sophie has two options: (1) cooperate with the Nazi and give up a child; or (2) refuse to cooperate and don’t give up a child. If we say that choosing (1) is wrong, then we

imply that she should have chosen (2). But if we also say that choosing (2) is wrong, then we imply that she should have chosen (1).

We can put the traditional argument for dilemmas in logical form:

1. Sophie must choose either to save a child or not to save a child.
2. If Sophie chooses to save a child, she will have done something wrong by betraying the other child she did not save.
3. If Sophie does not save a child, then she will have done something wrong by failing to save either of her children when she had the opportunity to do so.
4. Therefore, no matter what Sophie does, she will do something wrong: she is in a moral dilemma.

The argument against dilemmas starts with a premise about the nature of the concept “wrong,” and proceeds to draw out a contradiction.

5. It belongs to the concept of “wrongness” that if an agent does something wrong, she should have done otherwise.
6. If Sophie chooses to save a child then, according to the view that she is in a dilemma, she will have done something wrong (by premise 2), and so should have done otherwise (by premise 5).
7. If Sophie chooses not to save a child then, according to the view that she is in a dilemma, she should have done otherwise.
8. Therefore, whatever Sophie does, it will be the case that she should have done otherwise.
9. It is incoherent for a moral system to tell an agent who chooses X that she should have chosen not to do X, while at the same time implying that had the agent chosen not to do x, she should instead have chosen to do X.
10. Therefore, a moral system that allows for the possibility of dilemmas is incoherent.<sup>34</sup>

This argument reveals an often overlooked consequence of dilemmas. Frequently, opponents of dilemmas focus on the fact that dilemmas produce a situation in which every option is wrong, and proceed to argue against this on the supposition that this situation is in some way unfair to the agent. This may well be the case, but the possibility of dilemmas has deeper implications for morality itself. One of the main tasks of morality is to provide agents with advice and reasons for acting. Of course, as Blackburn has noted, there may be situations in which no amount of moral deliberation will help one come to a decision. In some cases, then, morality may be

unable to offer good advice, and the agent will have no choice but to plump. The failure of morality to always offer advice, though, may in fact be a desirable feature of morality. Thomas Hill argues that a moral system that offered an answer for every moral problem would provide us with rather troubling knowledge about how we would act in certain crisis situations. For example, if morality advised that I should sacrifice my child before my spouse, then this knowledge would inevitably lead to a deterioration in the relationship with my child. The existence of gaps in morality, where I would not have decisive reason for sacrificing one member of my family over the other, will then help preserve intimate relationships. So although we might wish for advice in all instances of moral conflict, the possibility of gaps in a moral theory is in fact desirable.<sup>35</sup>

Moral dilemmas, though, are not instances in which morality simply remains silent. In cases of alleged dilemmas, morality actually offers incoherent normative guidance. In advising that agents should have done A, but that if they did do A they should not have done A, morality is issuing contradictory orders that cannot possibly be fulfilled. The possibility of dilemmas seriously undermines the conception of an action-guiding morality. If morality lacks this action-guiding component, then two basic assumptions about the nature of morality are called into question—its role as a useful advisor in rational deliberation, and its ability to accurately classify right and wrong acts. In short, the possibility of dilemmas threatens to transform morality from a system of action-guiding norms into something almost unrecognizable. The question, then, is whether the arguments in support of dilemmas outweigh the deeply-held intuition about the action-guidingness of morality. Even the most plausible arguments for dilemmas, I think, rest on questionable assumptions or can be given solid replies (I address what I think are the two most

powerful arguments for dilemmas in Chapter 3). We should therefore reject the possibility of dilemmas and hold onto the intuition that morality is action-guiding.

One might reply that moral dilemmas are relatively rare occurrences, arising only in “crisis” situations where moral values irreconcilably conflict. Morality, by and large, will issue coherent normative advice. If it gives incoherent normative guidance every now and again, this is unfortunate, but not a damning indictment of morality. This reply, though, encounters a problem: it makes the nature of morality dependent on contingent events in the world. Dilemmas arise as the result of contingent actions and circumstances. If the Nazis had never assumed power, or if Sophie and her family were able to flee to safety, then Sophie would never have been placed in her infamous dilemma. It is easy to imagine nightmare scenarios in which dilemma-like situations would become the norm rather than the exception. For example, if a nuclear war significantly depleted usable natural resources, then apparent moral dilemmas might become a daily part of the survivors’ lives. In this case, morality would offer incoherent advice on a much more frequent basis, perhaps to the point where it would no longer figure in agents’ rational deliberation. It is, to say the least, strange that the nature of morality would be so heavily dependent on contingent events. If we deny the possibility of dilemmas, though, this concern does not arise.

A situation in which every option is wrong, though certainly unintuitive and undesirable, is perhaps acceptable. But moral dilemmas have deeper consequences than this. They yield a conception of morality that gives incoherent normative guidance, thus seriously undermining deeply-held intuitions about the nature of morality. Lacking any strong arguments for the

possibility of dilemmas, there is no reason to part with these intuitions about the action-guiding nature of morality.

Proponents of dilemmas could take issue with the action-guiding sense of “wrong” stipulated in premise 5. They might say that they are using a different sense of wrong, that while at times having an action-guiding sense, loses its action-guiding sense in dilemma-like cases.

Hill notes this sense of “wrong”:

Perhaps what [is meant] is just that given his situation, the agent cannot avoid doing something contrary to a set of rules that morality and reason prescribe to all *in an initial position of innocence* as rules that *at that initial point* they should resolve to follow, and can follow, without exception. (His italics)<sup>36</sup>

Under this sense of “wrong,” when we say that inescapable wrongdoing is possible, we might mean that the agent cannot avoid doing something that she would have resolved never to do in an initial point of innocence. It may be that in ordinary situations, saying that an agent’s act was wrong does carry an action-guiding force. But in crises, or dilemma-like situations, the description of an act as wrong does not carry any action-guiding force. A potential problem with this position is that the proponent of dilemmas has to find a non-arbitrary way of demarcating between these two senses of wrong. If the proponent of dilemmas flatly asserts that “wrong” does not have an action-guiding sense in apparent dilemmas, but that it does in all other situations, then there has to be a rationale for this, otherwise she is begging the question. But suppose we grant that there is a way of marking this distinction, and that negative moral judgments lose their action-guiding force when dilemmas arise. This is likely the position that Nagel will defend, and his reason for doing so is that he thinks it is only by allowing dilemmas that we are best able to represent the actual structure of morality. If a proponent of dilemmas

chooses to adopt this position, then the argument from action-guidingness will not work, as it presupposes that the concept wrong always has action-guiding force. But the upshot of the argument from action-guidingness is that it forces proponents of dilemmas to adopt the position that negative moral judgments aren't always action-guiding. To fully admit the action-guiding force of the concept wrong while still allowing dilemmas would make morality incoherent, so arguing for this position would not be fruitful.

How, then, should we treat those proponents of dilemmas who deny the universal action-guidingness of negative moral judgments? There is still a problem with their position, which is that it might not accurately depict the concept of moral wrongness. I have argued that action-guidingness is intrinsically bound up with the concept wrongness, and it may not be possible to separate the two without doing violence to the concept wrongness. In moral dilemmas, all options are wrong, yet in cases where thresholds have been crossed and one option is overriding, the agent should choose the overriding option. Dilemmas, then, in classifying all options as wrong, are using the concept wrongness in the complete opposite way from which we normally use it. That is, they hold that the concept wrongness, in ordinary situations, entails that an action *A* ought not to be done. But in dilemmas, they use the concept to describe acts that are *required*. It is puzzling, to say the least, that the same concept could be employed in two radically different ways. It may be that there are multiple concepts of wrongness at play here, and that I am using a different, action-guiding concept than proponents of dilemmas, who are using a non-action-guiding concept. But if this is the case, then it is not clear that I have a gripe with this proponent of dilemmas. We would simply be talking about different things, and there would appear to be no substantive debate.

The argument from action-guidingness, then, does not completely refute the possibility of dilemmas. Instead, it draws out potential difficulties that the proponent of dilemmas must face. The proponent of dilemmas was led to allow dilemmas out of a desire to accurately depict the true nature of morality. But in permitting dilemmas, they may fail to accurately represent the concept of moral wrongness. If we can produce an alternative framework that accurately depicts both the structure of morality *and* the concept of wrongness, then this could potentially rule out the need to posit dilemmas. In Chapter 3, I will attempt to show that the most powerful reasons for permitting dilemmas suffer from serious difficulties, and that we have little reason to think that a moral theory that allows dilemmas best represents the true nature of morality. But first, I want to briefly look at whether the argument from action-guidingness rules out “mixed dilemmas,” i.e., conflicts between demands of morality and demands of rationality.

### **Application to “Mixed Dilemmas”**

As I have outlined it, there are three possible positions one can take regarding what it means for a moral requirement to be overridden. On the first sense of “overridden,” a moral requirement can be trumped by another moral requirement, so that morality permits an action that it would, in other circumstances, prohibit. On a second sense of “overriding,” a moral requirement can be outweighed by a rational requirement, so that what an agent has all-things-considered most reason to do is not what an agent morally ought to do. And on the third sense of “overriding,” when a threshold is crossed, the requirement prohibiting an act is overridden, but it is still wrong to perform this act. Not performing the act, however, is also wrong. This last sense of “overriding” yields a moral dilemma, while the first sense, in allowing for a morally permissible course of action, precludes dilemmas. The second sense falls somewhere in

between. It does not permit moral dilemmas, but it does permit a tension between an agent's rational and moral duties that the first sense seems to rule out. Some who are uncomfortable with the possibility of moral dilemmas may be equally uncomfortable with how easily the first sense of "overridden" deals with moral conflicts. They might think that such a view does not afford enough importance to overridden moral requirements and the distress we feel in violating them. In thinking this, they may adopt the second sense of "overridden," and avoid the perceived difficulties of the other senses. Such a position would deny the possibility of moral dilemmas, so it is worth asking if this position is better than the one I have advanced.

My argument against the possibility of moral dilemmas rests on the action-guidingness of the concept "wrong." If we accept that normative force is a crucial feature of negative moral judgments, then positing inescapable wrongdoing leads to an unacceptable contradiction. It is not obvious, though, that this same approach will work against conflicts between rational and moral reasons. In such situations, what an agent has all-things-considered most reason to do conflicts with what the agent ought to morally do. Moral wrongdoing is not inescapable in this situation; the agent can fulfill the moral requirement, and thereby avoid incurring any stain on her moral record. But in fulfilling the moral requirement, the agent is acting against what she has all-things-considered most reason to do. In other words, she is acting against her rationality. While this may not be as troubling as the possibility of inescapable wrongdoing, there is nonetheless something disturbing about an agent having to choose between marring her "rational record" and marring her moral record. Because rationality is so strongly tied to the notion of agency, going against what we have all-things-considered most reason to do involves ignoring an

essential part of ourselves, of what makes us agents. This seems problematic enough for an opponent of dilemmas to deny this sense of “overriding” and instead adopt the first sense.

### **Chapter 3**

The last chapter was spent outlining and defending what looks to be a plausible argument against moral dilemmas. If one accepts that an intrinsic part of the concept “wrong” is the normative force embodied in negative moral judgments, then positing dilemmas leads to an incoherent moral system. Still, one might acknowledge the appeal of the argument from action-guidingness while maintaining that some of the traditional arguments for dilemmas have a stronger intuitive pull. I will address two such arguments for dilemmas: the argument from moral distress and the argument from value pluralism. I think that there are serious problems with both of these arguments, and that the normative force argument against dilemmas is more plausible than either of them. The bulk of this chapter, though, will be spent evaluating Sayre-McCord’s recent “fairness argument,” which, like the normative force argument, is an attempt at denying the possibility of dilemmas. While the fairness argument is interesting, I ultimately think it suffers from difficulties that the normative force argument is able to avoid.

#### **The Argument from Moral Distress**

It is undisputed that agents faced with dilemma-like situations will typically experience powerful feelings of regret, horror and distress. Indeed, if an agent emerged from an apparent-dilemma completely unperturbed, we would think of her as having a defective moral character. Proponents of dilemmas often take the phenomenon of moral distress to be indicative of wrongdoing. The best explanation for why an agent in an apparent dilemma experiences moral distress, proponents of dilemmas assert, is that she has actually done something wrong. Had the agent not done anything wrong, she would not experience any moral distress, or her level of

moral distress would be so small as to be negligible. Opponents of dilemmas, in asserting that there is always a morally permissible course of action, seem unable to make sense of moral distress. If a morally permissible option is always available, then why do agents in apparent dilemmas still feel distress and horror for the choice they've made? And how can it be, as some opponents of dilemmas claim, *appropriate* for agents to feel this way if in fact they have done nothing wrong?

Christopher Gowans has proposed an argument for dilemmas along these lines, although his position is somewhat more sophisticated than that of the standard proponent of dilemmas. He concedes that the possibility of inescapable wrongdoing is unfair to agents. But while acknowledging the power of this intuition, he also wants to hold onto the intuition that the best explanation for moral distress is that the agent has actually done something wrong. Gowans' solution to resolving the conflict between these two intuitions is to distinguish between two senses of "wrong." This involves marking a distinction between *conflicts of conclusions of moral deliberation* and *conflicts of moral values*. Agents can act wrongly by failing to act in accord with a conclusion of moral deliberation, or by failing to fulfill or transgressing a moral value. Proponents of dilemmas have argued for the existence of both sorts of conflicts, sometimes without realizing the apparent distinction between them. Gowans takes the fairness intuition to rule out conflicts between conclusions of moral deliberation, and so he thinks that wrongdoing is escapable in the sense that there is always a morally permissible conclusion of deliberation. But he also takes the best explanation intuition to support the claim that there can be conflicts between moral values, and that wrongdoing is inescapable in the sense that agents sometimes cannot avoid transgressing some moral value. This transgression of a moral value is

what accounts for the agent's moral distress.

It is important to note that there is not simply a semantic dispute between myself and Gowans over how the term "wrong" should be used. Gowans seems to be using the concept as I defined it in Chapter 2. He speaks of agents losing their innocence as the result of making a choice in an apparent dilemma, and identifies the dispute over how best to account for moral distress as the heart of the moral dilemmas debate.<sup>37</sup> I am in agreement with Gowans over this latter point.

It is unclear whether splitting the difference between the best explanation and fairness intuitions is a good strategy. As I mentioned in the first chapter, transgressing a moral value does not always entail wrongdoing. In the course of everyday life, the transgression of moral values is a frequent occurrence. Whenever we break a small promise, or tell a white lie, this involves the relatively small transgression of serious moral values. These small transgressions are often made in order to avoid heavy transgressions of serious moral values. Breaking a promise to meet a friend for lunch in order to attend to a sick child involves the failure to fulfill an obligation, but we would hardly be inclined to classify this as a wrong act. In fact, we would say just the opposite—that I acted correctly in placing the welfare of my child above social engagements. Even if we accept Gowans' distinction between conflicts of conclusions of moral deliberation and conflicts of moral values, accepting the existence of the latter does not imply the existence of moral dilemmas.

There is another objection to Gowans' position. One of the perceived strengths of his argument is that he is able to offer an explanation for the phenomenon of moral distress. This phenomenon has bedeviled many opponents of dilemmas. If agents in apparent dilemmas can

emerge without incurring a stain on their moral records, then why is moral distress so widespread? What's more, why is it appropriate for agents who have done nothing wrong to have feelings of distress and horror for their actions?

Some opponents of dilemmas have thought that moral distress is simply the psychological result of enduring the mental and emotional strain presented by apparent dilemmas. Moral distress should then be regarded as a psychological problem, akin to disorders like post-traumatic stress syndrome; it should be treated and, if possible, cured. Many, though, have found this approach to be too clinical. It does not seem to account for the value we place in respecting and adhering to moral requirements. And in treating moral distress as a disorder to be overcome, it fails to account for the importance that moral distress sometimes possesses. Both Hill and Blackburn have put forth compelling accounts of why it is important and appropriate that agents feel moral distress, even though they have done nothing morally wrong.

Hill has pointed out that we expect agents who have emerged from apparent dilemmas to feel moral distress, despite the fact that they have done nothing wrong. If someone walks away from an apparent dilemma with a sense of pride or satisfaction for the terrible act they have committed, we tend to think that this person has a defective moral character. But why should anyone feel guilt for having done what was, all things considered, the right thing? To answer this question, Hill makes a distinction between feeling guilty and feeling badly for one's actions. He argues that "*feeling bad* about what one has done does not amount to feeling guilty in the fullest sense unless it reflects the *judgment* that one *is guilty*, and Kantians should not judge that conscientious agents who act in practical dilemmas are in fact guilty."<sup>38</sup> Nor, I think, should non-Kantians judge conscientious agents as guilty. This distinction between feeling guilty for

having done something wrong and feeling regret for one's actions is critical for understanding why moral distress does not imply wrongdoing and why it is appropriate for agents to feel moral distress. "Regret" is something of an ambiguous term; I can say that I regret doing X, in which case I mean that I wish I hadn't done X. In this sense, regret is similar to guilt. But there is another sense of regret, in which I say something like "I regret that I was ever placed in this dilemma-like situation." This sense of regret, unlike the first one, implies no guilt or wrongdoing. When I speak of regret, then, I intend the latter sense.

The problem with Gowans' argument is that the term "moral distress" is too broad. When proponents of dilemmas state that the best explanation of moral distress is the occurrence of wrongdoing, they use "moral distress" to refer to all the negative emotions—guilt, regret, horror, disgust—that accompany decisions in dilemma-like situations. But upon examining these emotions, we find that there are important differences between guilt and regret. If an agent feels guilt, then it is as the result of either performing some wrong action or thinking that she has done so. This is simply how we use the term "guilt." If an agent had to choose between terrible alternatives, but did not do anything wrong, and is aware that she did not do anything wrong, then the agent does not experience guilt; instead, she experiences guilt-like feelings or regret. This analysis of moral emotions is more fine-grained than simply grouping all negative moral emotions under "moral distress," and then using this ambiguous term in arguments for dilemmas.

Blackburn has noted that it is often appropriate for agents to feel regret and make reparations, even in cases where moral considerations do *not* come into play. For example, a competitive Philosophy graduate program, which must choose among 300 applicants to fill four openings, has no choice but to turn away several (perhaps dozens of) qualified candidates. The

faculty at this department may feel badly about rejecting some candidates, wishing that they had more available openings or funding. They may even offer some condolences in the form of polite and complimentary rejection letters. These actions seem appropriate even though no wrongdoing has occurred.<sup>39</sup>

It seems, then, that there are three possible scenarios in which it is appropriate for an agent to feel some level of regret or moral distress: (1) an agent transgresses a genuine moral value without good reason, thereby doing something wrong; (2) an agent transgresses a genuine moral value with good reason (which, I will argue later in this chapter, does not mean the agent has done something wrong); (3) an agent transgresses no moral value, but still feels regret for inevitably disappointing someone. In each of these cases, moral distress or regret is in some way appropriate. But the presence of moral distress or regret does not always indicate that a wrong act has been committed. So it looks as if we can account for the phenomenon of moral distress without positing dilemmas. Once we parse the concept of “moral distress” and analyze the emotions typically grouped under it, we find a distinction between guilt and regret. It is perfectly coherent to say that agents in apparent dilemmas can feel regret or guilt-like feelings despite having done nothing wrong.

### **Value Pluralism and Incommensurable Values**

We have seen that the argument from moral distress does not establish the existence of dilemmas. These arguments can be dealt with by acknowledging the appropriateness of regret and drawing a distinction between regret and guilt. But there is another argument, also based on a relatively uncontroversial observation about morality, that is commonly taken to support the existence of dilemmas. This is the argument from incommensurable values. In this section I will

look at Thomas Nagel's version of this argument (I choose Nagel's version because I find his presentation to be the best articulation). Although this argument is intuitively plausible, I will argue that it exploits an ambiguity in the term "incommensurable," and as a result is not as compelling as it initially seems. The rest of this section will address the difficulties of supposing there are incomparable moral values. Once we have untangled some of the issues surrounding incommensurability and incomparability, I will argue that we are left with a definition of incommensurability that takes the air out of the argument from incommensurable values.

*Nagel's Argument from Incommensurable Values*

Value pluralism is, roughly, the idea that there are many different types of moral values and moral principles. The value of fulfilling obligations to my family is different from the value of respecting others' fundamental human rights, and both of these values are different from the value of promoting overall utility. Value pluralism is contrasted with value monism, which states that there is a single moral value from which all other moral values are derived. Most forms of value pluralism and monism take it that moral values impose duties and obligations on moral agents. On a pluralist view of morality, it is typically assumed that values will conflict, while on a monist view it is usually thought that all apparent value conflicts can be resolved by appealing to an overarching super-value. Because it is commonly supposed that monism precludes conflicts of moral values, and since moral dilemmas are a species of such conflicts, monism rules out the possibility of dilemmas.<sup>40</sup> Pluralism, on the other hand, is normally thought to produce moral conflicts, and, in cases where the competing values are of a serious enough magnitude, yield moral dilemmas. Of course, not all conflicts of moral values will be instances of dilemmas. Sometimes it will be obvious that one value outweighs the other, and the conflict is easily

resolved. But when conflicts between deeply held moral values occur, and it looks as if the agent will fail to respect or adhere to some moral value to the point that she does something morally wrong, then we are left with the possibility of moral dilemmas.

Nagel defines five different categories of moral values—obligations, rights, utility, perfectionist ends, and private commitments.<sup>41</sup> The first three categories are intuitive enough; we all have specific obligations to family, clients, institutions, etc. We value basic rights that put constraints on what can be done to people. And we value the overall welfare of everyone else. The last two categories are a bit obscure. Perfectionist ends are certain goals or achievements that we value intrinsically, apart from whatever positive contributions they make to our lives. We regard it as important that breakthroughs in fields like theoretical physics or advanced mathematics are made, even if very few of us understand the full import of these advances. The final category, private commitments, consists of the desire we have to see our goals and projects through to their completion. Once a project has been undertaken, it is very important to us that it be properly finished. Private commitments should not be confused with perfectionist ends. It may be that we have as a goal the achievement of some perfectionist end, but the completion of this goal will be a private commitment, while the intrinsic value of the achievement is the perfectionist end.<sup>42</sup>

These five types of values, Nagel notes, guide many of our everyday decisions. When deciding among potential careers, it is common that one will weigh the effects of a job against various familial obligations. For instance, if choosing between becoming a high-powered, work-80-hours-per-week lawyer or a private high school teacher, I might think that the strains of being an overworked lawyer would involve an unacceptable sacrifice of the obligations to my family.

Some may even weigh their private commitments and familial obligations against the welfare of society. I might decide that I will help bring about a greater amount of overall good if I become a teacher rather than a corporate lawyer. In making such decisions, we have to carefully evaluate our options and decide which moral values are ultimately more important. In many cases, this is a relatively simple task. It is fairly obvious that working 80-hour weeks in a profession I love while raising young children would have disastrous effects on my family. Here, the familial obligations would trump my own perfectionist ends.

But there are also numerous cases in which it is not at all obvious which value outweighs the other. In such instances, we might be inclined to think that the differences between the types of values in conflict make it even harder to arrive at a reasoned solution. Nagel's five types of moral values are quite different, and they therefore provide different types of reasons for acting. Nagel states that "the formal differences among types of reason reflect differences of a fundamental nature in their sources, and...this rules out a certain kind of solution to conflicts among these types."<sup>43</sup> It is important to be clear about what Nagel is *not* stating; he does not mean that the fundamental differences between types of values implies that we can never make a decision. We will often face situations where a decision is forced upon us and we make a choice out of sheer necessity. As noted above, in many instances of conflicts between different types of values, it will be easy to decide which value overrides the other. But even in cases where the solution is not forthcoming, a correct decision is not entirely ruled out. Nagel states:

The fact that one cannot say why a certain decision is the correct one, given a particular balance of conflicting reasons, does not mean that the claim to correctness is meaningless. Provided one has taken the process of practical justification as far as it will go in the course of arriving at the conflict, one may be able to proceed without further justification, but without irrationality either.<sup>44</sup>

He goes on to say that something like the Aristotelian concept of practical wisdom—which holds that agents with sufficient moral experience will be able to intuit correct courses of action—will guide agents toward the better decision.

There are parallels between Nagel’s practical wisdom approach and Blackburn’s “plumping” approach. Both acknowledge that there comes a point at which rational deliberation is no longer effective, and the only thing left to do is pick an option. But while plumping involves making a random choice, and is the moral equivalent of drawing straws, practical wisdom is slightly different. The idea behind practical wisdom is that an agent who is experienced in making ethical decisions will eventually reach a point where she’ll be able to intuit the correct course of action in situations where rational deliberation runs out. While the agent will not be able to offer an explicit reason for why her choice is correct, her faculty of practical wisdom will guide her toward the better decision. Plumping, on the other hand, involves no justification whatsoever. There is no correct choice to be made, and the only thing the agent can do is make the process of plumping as quick and painless as possible.

The primary reason why Nagel thinks that no amount of rational deliberation will yield a solution to conflicts of different value-types is that the moral values in question are so different as to be incommensurable. By “incommensurable” he means that there is not a “single scale on which all these apparently disparate considerations [found in moral values] can be measured, added, and balanced.”<sup>45</sup> While decisions between conflicting types of moral values must occur out of practical necessity, these decisions cannot be made by appealing to a single principle that can measure each option and determine which one takes precedence. This is due to the difference between sources of moral values. While the value of utility considers the general

welfare of everyone, thus providing impersonal or objective reasons for acting, other moral values like obligations or personal commitments stem from our intimate relations and ambitions, and so are personal or subjective. As Nagel points out, it may be true that if everyone honors their personal obligations, then this would best promote utility. But this is not the reason *why* we honor obligations. Rather, our reasons for fulfilling obligations are due to personal or subjective considerations like the affection I feel for my family.<sup>46</sup>

The divide between objective and subjective reasons for action is what accounts for the incommensurability between moral values. According to Nagel, there is simply no way to rationally adjudicate conflicts between values that provide such radically different reasons for action. Having exhausted all attempts at rational deliberation, the only thing left to do is appeal to practical wisdom.

A plurality of moral values, even assuming that these values conflict and that they are incommensurable, is not enough to establish the possibility of moral dilemmas. As I argued in the forgoing chapters, we should take inescapable wrongdoing to be a central feature of dilemmas, and conflicts between moral values do not bring about situations in which wrongdoing is inescapable. In order to get to this point, then, it must also be stipulated that the values in conflict are of a serious enough magnitude so that the violation of either one of them will result in the tarnishing of the agent's moral record. This is a reasonable stipulation, as it seems that serious conflicts between moral values are inevitable. The possibility of incommensurable values adds a further wrinkle. Even if a conflict between deeply-held moral values were to occur, an opponent of dilemmas could perhaps identify the more important value by appealing to a single scale on which moral values could be weighed. If the moral values turned out to be

equal, then the opponent of dilemmas could just say that there is an obligation to fulfill either one of the values, but not both. But if there is not a single scale of measurement for moral values, then this strategy looks like it will fail.

Nagel writes elsewhere in support of a disparate parts conception of morality in which moral values can conflict in such a way that the agent cannot escape with her honor.<sup>47</sup> This disparate parts conception of morality can be taken as synonymous with value pluralism. Nagel argues that dilemmas are produced by “the conflict between two disparate categories of moral reason: categories that may be called utilitarian and absolutist.” He further states that

We must face the pessimistic alternative that these two types of moral intuition are not capable of being brought together into a single, coherent moral system, and that the world can present us with situations in which there is no honorable or moral course for a man to take, no course free of guilt and responsibility for evil.<sup>48</sup>

In this way, the possibility of incommensurable values will yield moral dilemmas.

There may be a tension between Nagel’s claim that moral values are incommensurable and what he has claimed elsewhere. In Nagel (1972), he argues that when a threshold has been reached, the value of utility trumps the value of absolutist rights, and that we therefore have reason to choose the value of utility. This conflicts with the claim that there is no way of knowing which moral value to uphold or follow, since we can, in many cases, gauge when a threshold has been crossed. Perhaps what Nagel means is that moral values are incomparable with respect to the covering value of what we morally ought to do, but that they are comparable with respect to the covering value of what we have all-things-considered most reason to do. That is, moral values are incomparable from the perspective of what we morally ought to do, but not

incomparable from the perspective of practical rationality. It is not clear if Nagel would be happy with this formulation of his view, but I do want to take note of the apparent tension between holding moral values to be incommensurable while still maintaining that there can be a decisive course of action to take in moral dilemmas.<sup>49</sup>

So, a summary of the argument from incommensurable values: there is a plurality of moral values. These values are incommensurable in the sense that there is not a single scale of measurement on which they can be weighed. These different types of values will conflict, and the conflict will at times be between deeply-held values, thus producing situations in which wrongdoing will be inescapable. And since the values cannot be measured on the same scale, there is no correct course of action.

In what follows, I will assume that some form of value pluralism is in fact the correct account of the structure of morality. If it can be shown that value pluralism does not yield moral dilemmas, then this will better undermine the claim that dilemmas are possible.

#### *Incommensurability and Incomparability*

Ruth Chang has recently pointed out a previously overlooked distinction in the philosophical discussion of incommensurability. She distinguishes between incommensurability and *incomparability*, arguing that the two are independent concepts that should not be confused. On her view, “incommensurable” should be used just the way Nagel uses it—to refer to the absence of a single unit of measurement between items. “Incomparability” should be used to refer to items that simply cannot be compared. It is often thought that incommensurability entails incomparability. If there is not a single unit of measurement for two items, then how can they be compared? But Chang is quick to point out that we make comparisons of this sort all the

time, in economics as well as in policy discussions. In debates over conservation of the environment, for example, we frequently compare the somewhat abstract values of the beauty and intrinsic importance of nature with the more concrete values of economic development and prosperity, despite the fact that there is not a single unit of measurement between the two. When comparing moral values, it is possible for one moral value to be better than another, while having no clue as to precisely *how much* better it is.<sup>50</sup>

Which concept, then, is more important? Chang argues that the possibility of incomparability between items is far more troubling than incommensurability. As shown above, items that are incommensurable can be still be compared. But the claim that items are incomparable is much stronger, for it implies that *no comparison whatsoever* is possible. More explicitly, Chang defines incomparability as this: “two items are incomparable with respect to a covering value if, for every positive value relation relativized to that covering value, it is not true that it holds between them.”<sup>51</sup> A positive value relation is defined as an affirmative claim about the relation between two items (e.g., “A is better than B”). A covering value is the value in respect to which the two items are compared. We can choose from many different values by which to compare items. The claim that Philip Seymour Hoffman is better than Brad Pitt is probably true if the covering value is “with respect to acting.” But the same claim is probably false if the covering value is “with respect to sexiness.” So, the comparison of two items can proceed with respect to only one covering value at a time.

Incomparability among moral values implies that with respect to all covering moral values, two options are incomparable. If this is true, then this poses a significant obstacle for practical reason and moral deliberation. Faced with a decision between incomparable moral

values, there can be no possible rational solution; the only thing left to do is take Blackburn's advice and plump for one option. In the first section of this chapter, I argued that plumping is indeed an acceptable option when rational deliberation has been exhausted. One might then wonder why the possibility of incomparable moral values is troublesome. When confronted with incomparable values, why not just plump and be done with it? One reason why incomparability is troubling is that it means we will have to plump much more frequently than we otherwise would. As noted above, the five types of moral values Nagel identifies guide moral decisions that are made every day. If these types of moral values are incomparable, then we will have to plump every time there is a conflict between different value-types. The range of cases over which rational deliberation can be of help would shrink significantly, and plumping would become our main mode of deciding conflicts. This has obvious troubling implications for the worth of rational moral deliberation.

But even supposing that situations where we are left to plump are rare enough so that the threat to rational deliberation is minimal, there is still a deeper problem. Plumping for value A over value B may be the only option, but it may not be sufficient for fully respecting value B. In other words, plumping may simply not be a satisfactory option in the sense that it properly respects all the moral values involved. In his discussion of plumping, Blackburn assumes that the moral values in question are comparable. We have no choice but to plump when the moral values in question are, or appear to be, equal. But if moral values are incomparable, it is not obvious that plumping will show sufficient respect to the non-chosen value.

The question to ask, then, is whether incomparability between items is possible. Luckily, there are good arguments for thinking that it is not. Claims of incomparability are often made

between artistic masterpieces of different mediums. Beethoven's 9<sup>th</sup> Symphony, one might say, simply cannot be compared with the Mona Lisa. The art mediums in question, it is alleged, are just too different for there to be comparisons. In response to this claim, Chang presents what she calls a "notable-nominal" argument. This argument proceeds by taking two notable exemplars of different types and inquiring into whether a notable item of one type can be compared to a nominal item of a different type. We might have difficulty comparing two notable items of different types, but there does not seem to be any problem comparing a notable item of one type with a nominal item of another, allegedly incomparable type; the notable item clearly wins out. This is assuming that there is a covering value, like "artistic creativeness." So while it may be difficult to compare the Mona Lisa with Beethoven's 9<sup>th</sup> Symphony on the covering value of artistic creativeness, it is easy to compare the Mona Lisa with any work by Chameleon, the late-1970s/early-1980s American rock band that featured Yanni on the keyboard; the Mona Lisa wins in a landslide. Since there is presumably a spectrum of musical compositions, with any piece by Chameleon being near the bottom and Beethoven's 9<sup>th</sup> Symphony being near the top, we can compare the Mona Lisa to a work by Chameleon+, a group with only slightly more creative value than Chameleon. This little bit of increase in creative value shouldn't make any difference for the nominal-notable comparison. The Mona Lisa is still a better creative work than any composition by Chameleon+. We can work our way on up the spectrum until we are finally comparing the Mona Lisa with the 9<sup>th</sup> Symphony. Although the final comparison between the Mona Lisa and the 9<sup>th</sup> Symphony may be difficult, there is in principle no reason why they could not be compared if the Mona Lisa can be compared with a composition by Chameleon. This argument deals a major blow to the possibility of incomparability between items of different

types.<sup>52</sup>

So, how does all this apply to the argument from incommensurable values? For starters, it looks as if Nagel is mistaken in supposing that incommensurability entails the incomparability of moral values. Even if there is no single scale of measurement on which to assess the worth of moral values, they could in many cases still presumably be ranked on a list without exact values. But Nagel might still claim that the vast differences between types of moral values means that they are incomparable. Will the nominal-notable argument work against a claim of incomparability of moral values? It seems so. Assuming a specific cover value like “with respect to moral goodness” we can make a comparison between a notable right like “not needlessly torturing other people” and a nominal obligation like “keeping a promise to let my children watch television after completing their homework.” The notable value here wins out over the nominal one if the covering value is “with respect to moral goodness.” So it seems that we can work our way up the continuum, and that moral values are in principle comparable, even if in practice it can be very difficult to compare them.

One might argue that in assuming that a covering value always exists between different types of moral values, I am assuming a type of value monism. This, however, is not the case. We can accept a pluralist conception of value while still thinking that the different sorts of values can be compared. Of course, in order for the values to be compared, there must be a covering value, but this is not the same as appealing to a monist supervalue. A supervalue would be explicit about the ranking of moral values, but as we have seen above, a covering value merely allows for the principled comparison of moral values. It does not necessarily provide us with an explicit answer for which moral value is better.

Given Chang's nominal-notable argument, we can comfortably accept a version of value pluralism while still maintaining that moral values are in principle comparable. If they are comparable, then this gives us good reason for thinking moral values cannot conflict in ways that produce moral dilemmas. A proponent of dilemmas could still argue that inescapable wrongdoing is possible, but this argument could be dealt with by the methods discussed in the first section of this chapter. The main worry about the argument from incommensurable values was that, in taking moral values to be incomparable, a formidable obstacle was placed in the way of rational moral deliberation. But this obstacle, as we have seen, can be removed without too much difficulty.

The argument from moral distress and the argument from incommensurable values provide the most compelling reasons for why we would admit the possibility of moral dilemmas. From what has been said above, it looks as if we can give solid replies to both arguments. These replies, taken in conjunction with the argument from normative force, support the conclusion that moral dilemmas do not exist.

### **Sayre-McCord's Fairness Argument**

One might be in agreement with everything I've said so far, but still feel that my positive argument against dilemmas is missing an important component. Many people have the intuition that moral dilemmas, in commanding the impossible of agents, are unfair, and that this alone gives us reason for arguing against their existence. I can attest that this intuition is at least partly responsible for my own opposition to dilemmas. Geoffrey Sayre-McCord has recently attempted to spin this intuition into a "moral" or "fairness" argument against dilemmas. This section will look at whether Sayre-McCord's fairness argument succeeds and compare its merits with those

of the normative force argument presented in the previous chapter.

Before summarizing the fairness argument, there is a preliminary issue to address. Moral dilemmas, as Sayre-McCord puts it, “command the impossible” of agents. Since this claim provides the foundation for the fairness argument, it is important to understand in what sense dilemmas, and more specifically the moral theories that yield dilemmas, command the impossible. A dilemma-allowing moral theory does not, in a single breath, tell agents that they ought, as it were, to sit down and stand up at the same time. Nor is such a moral theory commanding physically impossible feats like jumping over the moon. Rather, there are different sorts of moral values and principles, each of which is intuitively plausible and important. On occasion, one principle will command that I do A, while another separate principle will command that I not do A. Each of these atomic oughts can be fulfilled independently, and so under normal circumstances there is no difficulty in meeting the commands of morality. But in certain “crisis” situations, each command may be incumbent on me at the same time. When two atomic oughts are combined, then it may be impossible for me to do both of them. This is the sense in which dilemma-allowing moral theories can be said to command the impossible. (If a moral theory commands the impossible, then it is tempting to say that morality itself commands the impossible. However, one cannot make this move without first adopting some metaethical theory. I will return to this point later on in the chapter.)

Analogies with government are often made to illustrate the unfairness of a moral theory that commands the impossible. If a dictator commanded a subject to do A and  $\sim A$ , while imposing a stiff penalty for the failure to perform either option, then we would regard this dictator as cruel, and perhaps irrational.<sup>53</sup> Of course, if the dictator bore a grudge against the

subject and sought to ensnare him in some legal wrong no matter what action he performed, then commanding the impossible would be a rational way of achieving this end. But moral theory, unlike the dictator, does not intentionally stack the cards against agents. The more appropriate governmental analogy might be with federalism. Suppose that the California state government passes a new law, effective immediately, requiring its citizens to drive on the left side of the road, while the U.S. federal government commands that all American citizens drive on the right side of the road. Two different levels of government are issuing valid legal orders, and we can suppose that each level thinks there are good reasons for their respective laws. The result of these conflicting laws is that whenever the citizens of California drive, they will be unable to avoid doing something illegal. The federalism analogy more closely resembles the difficulties posed by dilemmas. Two different areas of government, each acting with good intentions and plausible reasons, can pass contradictory laws that command the impossible of citizens, just like two separate, equally plausible, areas of morality can command the impossible of agents.

Having stipulated the appropriate sense of “commanding the impossible,” we can summarize the fairness argument. It begins with the premise that moral dilemmas, in the sense described above, command the impossible of agents. Any moral theory that allows dilemmas therefore commands the impossible. For every moral theory that yields dilemmas, we can think of a “counterpart” moral theory, identical to the first theory in every respect, except that it includes a clause that prohibits dilemmas. If we accept the relatively uncontroversial intuition that it is unfair to command the impossible, it can be said that any moral theory that yields dilemmas is worse than one that doesn’t, in that a moral theory that is unfair is worse than one that is fair. Given a choice between a dilemma-allowing theory and a dilemma-prohibiting one,

there is no overall reason for preferring the dilemma-allowing theory. Therefore, for any dilemma-allowing theory, there is a better dilemma-prohibiting theory. Any plausible theory of morality, it can be supposed, will acknowledge the unfairness of commanding the impossible. Therefore, for every plausible dilemma-allowing theory, there is another counterpart dilemma-prohibiting theory that, by the first theory's own standards, is the better theory of morality. Since we should always adopt the better theory of morality, under no circumstances would we admit that there are moral dilemmas.

While the simplicity of the fairness argument has a certain appeal, it rests on a questionable assumption. The argument supposes that we have a choice between moral theories in a practical sense. That is, it supposes that we can choose between moral theories based on certain desirable criteria, and the theory we find most desirable is the *de facto* moral theory. The problem, though, is that I may not have a choice among moral theories. There is a distinction to be made here between a moral theory and morality itself. It is, of course, hoped that the moral theories we develop accurately depict the true nature of morality (or at least this is a hope of the moral realist). For some moral instrumentalists and anti-realists, the moral theory we rationally arrive at simply *is* morality. But for the moral realist, the question is not which moral theory we have better practical reason for adopting, but rather which moral theory is actually true. Sayre-McCord, in supposing that we have a practical choice between which moral theory to adopt, appears to be hewing to an antirealist conception of moral theory. But under the realist conception of morality, the point of moral theory is to formulate a system of norms that accurately represents actual moral values, and not to choose which of the various moral theories best comports with our selected criteria. In order to sidestep the fairness argument, all a

proponent of dilemmas need do is take issue with the underlying metaethical framework. For several proponents of dilemmas who are realists (e.g., Nagel) the fairness argument poses no difficulty.

For the moral realist, arriving at the correct moral theory is not a process of shopping for moral theories that happen to be desirable or attractive. Instead, a moral realist proceeds on the assumption that there is a true nature of morality to be discovered, and that our moral intuitions and rational capabilities provide us with the means by which we can come to know the nature of morality. Some realists, like Nagel, have the intuition that moral values sometimes come into conflict, thereby placing agents in moral dilemmas. These intuitions are supplemented by arguments, some good and some bad, for the possibility of dilemmas. To provide a satisfactory reply to the realist proponent of dilemmas, then, we should adopt the same metaethical framework, and show that the intuitions and arguments supporting dilemmas are mistaken. I take it that I have been doing just this in these past two chapters.

If we adopt a realist account, we should look at the structure and relationship between moral values and devise a theory that most accurately represents the structure of these values. But if our goal is to arrive at an accurate representation of the structure and relationship of moral values, then it is not clear that the value of fairness will have the status Sayre-McCord attributes to it. In order for the fairness argument to work, the value of fairness must take precedence over other moral values. But if fairness is given a priority among moral values, it seems we are misrepresenting the nature of morality, for what reason do we have for giving fairness this special status? No plausible argument for elevating fairness above other moral values is forthcoming. There are lots of other conditions and situations in the moral realm that we would

call unfair: some agents have weaker wills than others, and opportunities for moral heroism, as well as pitfalls for moral decline, are not presented to everyone in equal amounts. But this does not mean that we should adopt a moral theory that stipulates equal opportunities for moral heroism. If we accept that an accurate representation of morality considers fairness to be one value among others, then Sayre-McCord's argument, which relies on the priority of fairness, will not work.

In a sense, it is true that we have a choice between moral theories. Some normative moral theories may be irredeemably flawed in that they command or permit intuitively troubling courses of action which contradict deeply held moral convictions. There are arguments against utilitarianism, for example, that take intuitions we have about the inviolability of certain negative rights and show how utilitarianism contradicts these intuitions. If the intuitions are strong enough, then we should hold onto them at the expense of the moral theory. When a moral theory commands intuitively repulsive or implausible courses of action, then this is a good reason to abandon the theory. So, in a sense, we do have a choice between moral theories; we adopt the theory that provides the best fit between plausible moral principles and moral intuitions, while casting aside those theories that do not meet this balance.

But choosing which theory best represents the structure of morality is not the same as choosing a moral theory that *becomes* a system of morality. If all we are doing is shopping for a moral theory, then proponents and opponents of dilemmas alike could agree that a dilemma-prohibiting theory is a better one a dilemma-allowing one. The more important question, from a realist's perspective, is whether the moral theory provides an accurate representation of morality.

Sayre-McCord does take note of this objection. He phrases the objection in terms of an

analogy between systems of law and systems of morality. We could compile a complete list of the laws of a state, and then proceed to ask in what ways the laws could be altered so as to make the state more just. Upon doing this, we can draw up a separate list of laws that we think would be better. Likewise, we can compile a complete list of the rules of morality, and then proceed to ask in what ways the rules of morality can be made better or more just. But it is unclear whether this question makes sense, for it may be that morality commands the impossible regardless of our intuitions about unfairness and justice. A system of morality and a system of laws are similar in that they are both normative, but while a system of laws can be evaluated and potentially improved, it is not obvious that the rules of morality can be evaluated and improved in the same way. We may simply be stuck with the morality we have.

In reply to this objection, Sayre-McCord states that the “epistemic implications of thinking one set of moral principles is (morally) better are direct, and immediately provide grounds (albeit not necessarily decisive grounds) for revising one’s understanding of what the principles of morality are.”<sup>54</sup> Here, he appears to state that the better (i.e., more fair) theory of morality is the true one because it best represents the actual structure of morality. If this point can be established, then there may be reason for choosing the “morally better” theory of morality. But there does not appear to be a forthcoming argument for why the fairest morality is the actual morality. Why not instead say that the morality that best represents the diversity of moral values and their inevitable conflicts, i.e., a dilemma-allowing morality, is the actual morality? As I already noted, there does not seem to be a reason for elevating fairness above other moral values, so saying that the fairest morality is the actual morality appears to be ad hoc.

It seems that Sayre-McCord takes the comparison between a system of morality and a

system of laws too far. Both systems are similar in that they provide reasons for acting in certain ways. But while a system of laws is designed by humans for the purpose of making a society fair, it is not clear that morality is like this. On an instrumentalist account of morality, where morality is simply a humanly-constructed code of conduct, morality resembles a system of laws. If some sort of unfairness results from the moral code, then it can be amended. But on a realist account of morality, we do not have a choice among moral theories that we happen to find palatable. Moral theories that permit dilemmas, as many proponents of dilemmas concede, are indeed rather unpalatable. But certain intuitions into the nature of morality, combined with some initially plausible arguments, are enough to convince many people that morality does in fact yield dilemmas. The fairness argument, with its anti-realist underpinnings, will hold no currency with the realist proponent of dilemmas. It is a virtue of the normative force argument that it does not rely on a specific metaethical foundation. Instead, it remains at the normative, first-order level, thereby giving both realists and anti-realists reason for rejecting the possibility of dilemmas.

We can have different reasons for choosing a moral theory. On Sayre-McCord's account, we should choose the theory that is most fair to agents. But on a moral realist's account, we should choose the moral theory that best represents the structure and relationship between moral values, regardless of whether it is fair or unfair. Whether the fairness argument is convincing will depend on one's metaethical position, but Sayre-McCord still needs to give an argument for why fairness should take priority over other moral values when deciding upon a theory.<sup>55</sup>

## Conclusion

In this thesis, I have sought to provide an argument against moral dilemmas that, relying on certain facts about the concept of moral wrongdoing, shows how allowing dilemmas leads to an incoherent morality. The proponent of dilemmas, then, is forced to admit that negative moral judgments do not have a universal action-guiding force. But if this is the case, then the proponent of dilemmas must explain how the concept of moral wrongness can be warped from its common usage to describe the options in a dilemma. If moral wrongness, in common usage, implies that a wrong act *X* should not be done, then it is difficult to see how the same concept could be used to describe actions that *should*, from the perspective of morality, be done (e.g. cases in which thresholds are crossed). While this is not a knock-down argument against the possibility of moral dilemmas, it does call into question whether proponents of dilemmas are providing an accurate account of the concept of moral wrongness. Because proponents of dilemmas prioritize the accuracy of the structure of morality above considerations of fairness to agents, they would likely be troubled by a misrepresentation of an important concept like moral wrongness. Of course, it may be that multiple concepts of wrongness are at work here, and there is the danger that the two sides may be talking past each other. Further work on the moral dilemmas debate should explore these varying conceptions of wrongness and which ones might be relevant to the dilemmas debate.

In the course of laying out the argument from action-guidingness, I have attempted to clarify some lingering issues in the dilemmas debate. The arguments from moral distress and at least one form of the argument from incommensurable values, I think, have been debunked by

the work of Blackburn, Hill, and Chang. Sayre-McCord's fairness argument appears to suffer from significant difficulties that the argument from action-guidingness escapes, and it looks as if he should therefore alter his approach.

Even though the argument from action-guidingness does not provide a conclusive refutation of dilemmas, it does reveal the type of position a proponent of dilemmas must adopt if she wants to avoid a morality that issues incoherent advice. If nothing else has been achieved in this thesis, I think that I have at least helped to clarify some issues in the moral dilemmas debate and point out a way forward for the dialectic to fruitfully proceed.

## Notes

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<sup>1</sup> See Williams, 1965.

<sup>2</sup> The agent may not actually feel regret if, for example, the agent is a psychopath. So it is correct to say that the agent's action *warrants* regret, or that it is appropriate for the agent to feel regret.

<sup>3</sup> Sinnott-Armstrong 1988, p. 29

<sup>4</sup> More will be said about just what it means for a moral obligation to be overriding later on in the chapter.

<sup>5</sup> It is, of course, extraordinarily difficult to quantify the values of the lives and the suffering each person would experience, but it is enough to say that neither obligation clearly overrides the other; the intense suffering and death of the innocent child does not obviously outweigh the relatively painless deaths of the thirty.

<sup>6</sup> See Nagel 1972, p. 62.

<sup>7</sup> Ibid, p. 62-63.

<sup>8</sup> For the following points about the different senses of "overridden," I am indebted to William FitzPatrick. See course handout from Normative Ethics Seminar, Fall 2007 "Moral Dilemmas."

<sup>9</sup> See Sinnott-Armstrong, 1996, 53-54.

<sup>10</sup> See Blackburn, 1996.

<sup>11</sup> See FitzPatrick's aforementioned class handout.

<sup>12</sup> Sayre-McCord has noted this point. See Sayre-McCord, 2008 (draft).

<sup>13</sup> Sayre-McCord, 2008, p. 1.

<sup>14</sup> I have Steve Daskal to thank for pointing this out to me.

<sup>15</sup> This point came out in discussions with Bill FitzPatrick.

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<sup>16</sup> See Railton, 1996, p. 151.

<sup>17</sup> Steve Daskal is to thank for pointing out the second intuition and the logical relationships between the three intuitions.

<sup>18</sup> Nagel 1972, p. 74

<sup>19</sup> Blackburn, 1996, p. 137.

<sup>20</sup> Ibid, p. 136.

<sup>21</sup> Ibid, 136-137.

<sup>22</sup> Gowans, 1994, 219-220.

<sup>23</sup> Ibid, p. 219.

<sup>24</sup> Ibid, p. 220.

<sup>25</sup> The ranking, of course, could also stay the same if the decision is not a moral one.

<sup>26</sup> This is very much like the Stoic idea of control over one's moral decisions.

<sup>27</sup> One might object to the control intuition on the grounds that moral luck is a central part of our moral lives, and since agents have no control over how certain events may unfold, they can then not be said to have full control over the status of their moral records. The standard example of this is two drunk drivers, one of whom makes it home safely without incident, while the other hits and kills a pedestrian on the sidewalk. Both drivers are equally culpable for their actions, but the second driver has his moral record damaged in a way that the first driver does not. The first driver was simply lucky that she encountered no pedestrians. So the status of the moral records of both drivers was outside their control. The basis of a reply to this might be to note that both drivers initially chose to drive while inebriated, and that once they started driving both are equally culpable. Since they presumably had the choice of not driving, they still had control over their moral records.

<sup>28</sup> It doesn't seem that a negative moral judgment must be verbally asserted for it to have an action-guiding sense. Of course, if one's goal is to prevent an action from occurring or recurring, then a verbal assertion will be helpful toward achieving this end. But unspoken beliefs of the form "X is wrong" still have an action-guiding sense. If a bystander says silently to herself that "X is wrong," this judgment still carries the implication that X ought not to have been done.

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<sup>29</sup> See Sober and Wilson, 1998; Joyce, 2006.

<sup>30</sup> Gibbard, 2003, p.189.

<sup>31</sup> Ibid, p. 184.

<sup>32</sup> See Joyce, 2006.

<sup>33</sup> It is a difficult question whether there are multiple concepts of wrong at work in moral discourse, or simply different senses of the same concept. Either way, though, there is a problem for my account, for I still have to show that the concept possessing normative force is the relevant use of “wrong.”

<sup>34</sup> I am indebted to Bill FitzPatrick for suggesting this formulation of the argument.

<sup>35</sup> See Hill, 1996, p. 180-182.

<sup>36</sup> Ibid, p. 177.

<sup>37</sup> See, respectively, Gowans, 1994, 219-224, 60.

<sup>38</sup> Hill, 1996, p. 187.

<sup>39</sup> Blackburn, 1996, 131-132.

<sup>40</sup> Ruth Chang has argued that monism does not always entail comparability among values. There can be qualitative differences between values, e.g., different sorts of pleasure, that make values of different qualitative dimensions incomparable. Also, we tend to be misled by the phrase “more valuable than.” This phrase can be interpreted in an evaluative or non-evaluative sense. The non-evaluative sense is the same sense as the phrase “more than,” and applies to things like length. One board is longer than another if it has more length. But some values, like friendship, can be compared in an evaluative sense. A person with a greater quality of friendliness is more friendly. But Chang notes that a “greater quantity of a value is not necessarily equivalent to betterness with respect to that value; a greater quantity of friendship may be worse with respect to friendship—one can be too friendly.” So, even given one supervalue, comparisons between values may not be possible. See Chang (1997), pp. 16-17.

<sup>41</sup> Nagel, 1977, 129-130.

<sup>42</sup> Ibid, p. 130.

<sup>43</sup> Ibid, p. 134.

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<sup>44</sup> Ibid, p. 135.

<sup>45</sup> Ibid, p. 131.

<sup>46</sup> Ibid, p. 132.

<sup>47</sup> See Nagel, 1972.

<sup>48</sup> Ibid, pp. 73-74.

<sup>49</sup> Simon May pointed out this difficulty in Nagel's view to me.

<sup>50</sup> Chang, 1997, p. 2.

<sup>51</sup> Ibid, p. 6.

<sup>52</sup> Ibid, p. 14-16

<sup>53</sup> Blackburn uses this example in Blackburn, 1996, p. 136.

<sup>54</sup> Sayre-McCord, 2008, p. 19.

<sup>55</sup> Hill has sketched a fairness argument of his own that, while similar to Sayre-McCord's, differs in important ways. The normative nature of morality means that there are certain constraints that morality must meet. It cannot, for example, be the case that the rules of morality are so complex as to be beyond the comprehension of human beings. The point of morality is to provide us with standards for conduct, so coming to a full understanding of what morality requires of us must be within our grasp. When morality issues unfair commands, these commands have a non-action-guiding character. Morality, like a responsible state, must govern well. But governing well means issuing commands that have an action-guiding character. A morality that issued conflicting commands would be like a government that issued conflicting demands without providing a path toward the resolution of the conflict. Given the normativity of morality, placing a conceptual constraint on morality such that it issue action-guiding commands seems plausible. Note that this is different from saying that given a choice between two moral theories, we should choose the one that more closely coheres with our intuitions regarding fairness, justice, etc. Hill's fairness argument looks at the nature of morality itself, and concludes that the normativity of morality places constraints on it, and one of these constraints is that morality must issue action-guiding, i.e., non-dilemma-producing, demands.

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