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LAPSES AND DILEMMAS

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A moral dilemma occurs when there are several actions which cannot all be performed, although each can be and each ought to be. Recent discussion of the possibility and implications of moral dilemmas has focussed on those dilemmas where the sense of 'can' at issue is that which J.L. Austin called the 'all-in' sense¹ and where the 'ought' at issue expresses moral obligation of the absolute, all-things-considered variety (as opposed to the merely *prima facie* variety). Given this narrow focus, several by-now-familiar arguments for and against the possibility of moral dilemmas have been given.² In this paper I shall not add to or evaluate these arguments. Rather, I shall draw (in Section I) certain distinctions within the narrow focus mentioned, thereby distinguishing four main varieties of moral dilemma, and then I shall comment (in Section II) on the possibility and implications of these four main varieties from the perspective of the thesis that one ought to do the best one can.

I

Even where the type of 'can' has been fixed as all-in and the type of 'ought' as absolute, there is room for further refinement of our opening characterization of a moral dilemma. This can be achieved by making distinctions concerning times, agents, and levels of obligation.

Consider times first. It is now a commonplace that 'can'-statements admit a double time-index, so that it may be said of an agent that he or she can at some time T_1 perform some action A at some time T_2 (where T_1 cannot be later, but may be earlier, than T_2). In like fashion, 'ought'-statements admit a double time-index, so that it may be said of an agent that he or

she ought at T_1 to perform A at T_2 .³ Suppose that I now promise to meet you in Boston tomorrow. Given this promise, it may well be that I ought now to be in Boston tomorrow (in part because I can now be there then. Had I promised to meet you on the moon tomorrow, it would not be the case that I now ought to be there then.)

Traditionally, it seems, it has been implicitly supposed that the 'oughts' which conflict when there is a dilemma are operative at exactly the same time. That is, the form of a dilemma seems traditionally to have been supposed to be this (where S is an individual agent):

- (1) (a) S ought at T_1 to do A at T_3 ,
- (b) S ought at T_1 to do B at T_4 ,
- (c) S can at T_1 do A at T_3 ,
- (d) S can at T_1 do B at T_4 , and
- (e) S cannot at T_1 both do A at T_3 and do B at T_4 .⁴

The conflict pictured here is assumed, solely for the sake of simplicity of exposition, to obtain between two actions only. In general, dilemmas may be envisaged where the conflict obtains between n actions, for any integer n greater than one. In addition, (1) of course presupposes that T_1 is not later than either T_3 or T_4 ; the relation between T_3 and T_4 is left open, however. Let us call a dilemma of the sort depicted in (1) a *basic dilemma*.

It is basic dilemmas that have been the focus of most recent discussion. Alleged instances of such dilemmas are Sartre's classic case of a young man who can either join the Free French or stay at home with his ailing mother (but not both), the case of Agamemnon, who can either satisfy his obligation as a commander or satisfy his obligation as a father (but not both), and so on. But not all dilemmas are basic. The times of the conflicting 'oughts' may be distinct. In such a case we would have this:

- (2) (a) S ought at T_1 to do A at T_3 ,
- (b) S ought at T_2 to do B at T_4 ,
- (c) S can at T_2 do A at T_3 ,
- (d) S can at T_2 do B at T_4 , and

- (e) S cannot at T_2 both do A at T_3 and do B at T_4 .

Here it is assumed that T_1 is earlier than T_2 , while T_2 is not later than either T_3 or T_4 . The time of 'can' in clause (c) (and of 'cannot' in clause (e)) is specified as T_2 , so that it is clear that doing A at T_3 remains an option for S at T_2 . It is this which, I believe, warrants calling S's predicament in (2) a sort of dilemma. Let us call a dilemma of this sort a *bind*.⁵

Here is one rather mundane example of a way in which, it might be alleged, a bind can be generated. Suppose that at T_1 I am invited to attend a party in your honor at T_3 , and that I ought then to accept the invitation and attend. But suppose that I decline the invitation and am subsequently (at T_2) invited to attend a party in someone else's honor at T_4 . Given the locations and times of the parties, I cannot attend both and, we may suppose, given my declination of the first invitation, I ought at T_2 to attend the second party.

So far we have been concerned with dilemmas in which the conflicting 'oughts' pertain to one and the same individual. But it is conceivable that a predicament of the following sort should rise:

- (3) (a) S_1 ought at T_1 to do A at T_3 ,
 (b) S_2 ought at T_1 to do B at T_4 ,
 (c) S_1 can at T_1 do A at T_3 ,
 (d) S_2 can at T_1 do B at T_4 , and
 (e) S_1 and S_2 cannot jointly at T_1 both do A at T_3 and do B at T_4 .

An example of how such an *interpersonal dilemma* might allegedly come about is this. Suppose that you and I are in a position to save a drowning man. What we ought to do is get in a boat and row out to him. It would take two of us to do this, however, and I refuse to budge. There is still a means, less efficient but workable, for each of us to save him singly, though, and that is to run out on the jetty and throw him a rope. But the jetty is very flimsy and will support the weight of at most one of us. In light of my refusal to budge (and of your inability to get me to budge), what you ought to do is go out on the jetty and throw the rope. But you too refuse to budge, and

in light of *this* refusal (and my inability to get you to budge), this is also what *I* ought to do.⁶

Finally, a fourth variety of dilemma can be discerned if we allow for levels or orders of obligation. The form of such a dilemma is this:

- (4) (a) S ought₁ at T₁ to do A at T₃,
 (b) S ought₂ at T₁ to do B at T₄,
 (c) S can at T₁ do A at T₃,
 (d) S can at T₁ do B at T₄, and
 (e) S cannot at T₁ both do A at T₃ and do B at T₄.

Such a dilemma may be called a *subsidiary dilemma* and might allegedly arise in such a way as this. I ought now to attend a meeting on the first floor of my office building, but I refuse to do so. I also have the conditional obligation to attend a meeting on the second floor, if I fail to attend the meeting on the first floor. I cannot attend both meetings. In light of my refusal to attend the meeting on the first floor, an unconditional obligation to attend the meeting on the second floor is detached from the conditional obligation to do so. But we cannot say that my obligation to attend the meeting on the second floor is of the same order as that to attend the meeting on the first floor, for two reasons. First, it just is not of the same order; what I 'really' ought to do is attend the meeting on the first floor. Second, if it were of the same order, I would be faced with a *basic* dilemma, and, whatever we think about the possibility of such dilemmas, we ought not to think that they are so easily come by. Still, we should say that I have an obligation of some subsidiary order to attend the meeting on the second floor; for, if I fail to do even *that*, I will certainly have done a *double* wrong.⁷

It should be noted that there are a number of possible variations on (1)-(4). First, as noted earlier, each of them is confined to a conflict concerning just two actions; but, in general, conflicts concerning an indefinite number of actions may be formulated. Second, each of (1)-(3) could be modified by admitting levels of obligation; and (4) could be refined to admit lower levels of obligation. Third, (1), (2), and (4) could each be re-cast so that the 'oughts' pertain to agents taken

jointly rather than singly; and (3) could be modified (where the number of agents at issue is greater than two) by allowing for the conflicting 'oughts' to pertain to several agents taken jointly (such that they constitute a proper subset of the set of all the agents involved in the dilemma) rather than to agents taken singly. Fourth, the sort of time-adjustment that 'turns' a basic dilemma into a bind could be applied also to interpersonal and subsidiary dilemmas, so that interpersonal and subsidiary binds would result. But to accommodate all of these variations would simply complicate the picture and obscure the basic underlying structures of the dilemmas, which are those presented in (1)-(4).

II

I believe that basic dilemmas are impossible. The argument that they would require the impossible, namely, that an agent be obligated to do wrong, seems to me conclusive.⁸ Moreover, the argument that they are ruled out by the principles that 'ought' implies 'can' and that, if S ought to do A and ought to do B, then S ought both to do A and to do B, also seems to me conclusive.⁹ The most plausible arguments for their possibility seem to me refutable.¹⁰ But all of this leaves binds, interpersonal dilemmas, and subsidiary dilemmas untouched. These types of dilemma seem to me perfectly possible, indeed frequently actual.

To very many philosophers it has seemed that doing what one ought to do consists in maximizing some sort of achievable value. Clearly, consequentialists accept this; but so, too, do some deontologists (such as W.D. Ross, who may be said to have advocated the maximization of *prima facie* obligatoriness). We may put this view less pompously as follows: one ought to do the best one can. Obviously, there can be and have been many variations on this view. I do not want to pursue these here. What I want to do, rather, is show how this very common—and, in my opinion, very plausible—general view of the nature of moral obligation accommodates non-basic dilemmas while rejecting basic dilemmas.

That this view rejects basic dilemmas is clear, at least when it is supplemented with this common rider: when there is a tie

between alternatives in terms of maximization of value, neither action is obligatory but each is permissible.¹¹ But that the view accommodates non-basic dilemmas is perhaps not immediately clear. On investigation, however, it turns out to accommodate them in a most intriguing way; for it implies that, while such dilemmas are indeed possible, they can arise *only* by way of some wrongdoing. The view thus gives detailed expression to the traditional Thomist distinction, much neglected by modern philosophers, between a perplexity *simpliciter* and a perplexity *secundum quid*.¹² The distinction may be broadly described in this way: a perplexity *simpliciter* arises if, through no wrongdoing on anyone's part, it happens that whatever can be done will be wrong; a perplexity *secundum quid* arises, on the other hand, if it happens that whatever can be done will be wrong, but this predicament has been induced by some wrongdoing on someone's part. Alan Donagan, one of the few philosophers to have entertained this distinction in recent years, claims, as does Aquinas, that morality would be inconsistent if it admitted perplexities *simpliciter* but not if it admitted perplexities *secundum quid*; he claims further that morality is not inconsistent, and so does not admit perplexities *simpliciter*, although it does admit perplexities *secundum quid*.¹³ In this he echoes Georg von Wright, who puts the point picturesquely as follows:

[P]redicament, though logically possible, can only arise through antecedent sin It is only as a consequence of a fall that a man can come to be in a predicament.¹⁴

Von Wright talks of the agent's situation before the 'fall' as 'prelapsarian.' Let us say that (2)-(4) in the last section describe three different types of predicament into which agents may enter by way of a *moral lapse*.

It is no accident that the illustrations which accompany the presentation of (2)-(4) involve the agent(s) doing wrong. The illustration of a bind has it that I *wrongly* decline the invitation to the party in your honor. Such a lapse is *required* by the view that one ought to do the best one can; for only by way of such a lapse is it possible that what formerly was best (attending the

party in your honor) no longer is so. Had I not deviated from the strait and narrow (departed from the path of righteousness, made a turn for the worse) by declining the invitation, attending the other party would not have become the best thing for me to do; it would have remained second-best.¹⁵ But, given the deviation on to a different path, attending the party in your honor drops from first- to second-best. Hence I become obligated to attend the other party; but hence also—and this is very important—I am *no longer* obligated to attend the party in your honor. My lapse does *not* generate a basic dilemma; perhaps strangely, but nonetheless consistently, while I can still attend the party in your honor, if I do not do so the wrong in not doing so has *already* been achieved (by way of the lapse accomplished by my declination of the invitation).¹⁶ At *no* time, then, is it inevitable that I do wrong. Prior to the lapse, the lapse was not inevitable; after the lapse, I can still do what I ought *now* to do, namely, attend the other party.

The case of interpersonal dilemmas is somewhat different. In the illustration, neither you nor I do what we ought; for each of us fails to run on to the jetty and throw the drowning man the rope. Now, it is true that we cannot both do this; but the only reason why doing this is obligatory for each of us is that we fail to do what we jointly ought to do, namely, row the boat. There is nothing inevitable about this failure, in the sense that it is open to us jointly to avoid it, even though neither of us can singly do it and neither of us can get the other to cooperate. What we have here, then, is a *joint* wrongdoing generating an interpersonal dilemma. (In general, just as one ought singly to do the best one can singly, so too, I would say, several persons ought jointly to do the best they can jointly.¹⁷) Moreover, *only* when there is such a joint wrongdoing can such a dilemma arise. (Note that here, as opposed to the case of binds, the wrongdoing need not be antecedent to the dilemma, although it may be.) Had you and I rowed the boat, it would not have been obligatory for each of us to throw the rope. On the contrary, our individual obligations would have coincided with our joint obligation; for the best achievable by an individual singly can be no better than the best achievable by that individual and some other(s) jointly.¹⁸

Finally, it is clear that subsidiary dilemmas can arise only

when there is wrongdoing. (Here the wrongdoing *cannot* be antecedent to the dilemma, if the dilemma is not to constitute a bind.) The obligation to attend the meeting on the second floor arises only out of my failure to satisfy the obligation to attend the meeting on the first floor. Were I to do what I ought₁ to do, it would never be the case that I ought₂ to do differently.¹⁹ And, again, there is nothing inevitable about my situation; for I can do what I ought₁ to do.

It may seem that there is something phony or devitalized about non-basic dilemmas, at least as I have described their nature and their genesis. For they may not seem genuinely dilemmatic, in that none of them involves the inevitability of wrongdoing. I am sympathetic with this observation. It seems to me, nonetheless, that binds and interpersonal dilemmas are not improperly called dilemmas, although I acknowledge that to call subsidiary dilemmas dilemmas may well be stretching the term 'dilemma' unacceptably. But I do not want to get caught up on how to use a word; the important point is simply that each of the non-basic dilemmas, as I have called them, satisfies the opening characterization of a dilemma as well as a basic dilemma does.

Of course, it could be argued both that lapses can generate basic dilemmas and that non-basic dilemmas (or some of them, anyway) can be generated by non-lapses. While some philosophers seem to accept the first claim²⁰, I would reject it for the reason that basic dilemmas seem to me impossible, no matter how they might be generated. Again, I would rely here on arguments given by others. As for the second claim, I would reject it for the reason that I subscribe to the view that one ought to do the best one can. But I have not argued for this view, and I acknowledge that a different view might imply that the second claim is true.²¹

NOTES

1. On p. 129 of J.L. Austin, 'Ifs and Cans,' *Proceedings of the British Academy*, 42 (1956), 109-132.
2. For: E.J. Lemmon, 'Moral Dilemmas', *Philosophical Review*, 71 (1962), 139-158 (although it is unclear to what extent Lemmon is concerned with conflicts of *absolute* obligation); Bernard Williams, 'Ethical Consistency,' *Problems of the Self*

- (Cambridge, Cambridge University Press, 1973), 166-186; Bas van Fraassen, 'Values and the Heart's Command,' *Journal of Philosophy*, 70 (1973), 5-19; Ruth Barcan Marcus, 'Moral Dilemmas and Consistency,' *Journal of Philosophy*, 77 (1980), 121-136. Against: Terrance C. McConnell, 'Moral Dilemmas and Consistency in Ethics,' *Canadian Journal of Philosophy*, 8 (1978), 269-287; Earl Conee, 'Against Moral Dilemmas,' *Philosophical Review*, 91 (1982), 87-97.
3. This point is pursued in my 'Remote Obligation,' *American Philosophical Quarterly*, 24 (1987), 199-205.
 4. Clauses (c) and (d) are, I believe, redundant, being implied by clauses (a) and (b), respectively. But I include them because I do not wish to argue for this redundancy here. However, see Section I of 'Remote Obligation.'
 5. The notion of a bind was introduced in 'Remote Obligation,' where the term 'dilemma' was reserved for *basic* dilemmas.
 6. A similar case is presented on pp. 171-2 of Fred Feldman, 'The Principle of Moral Harmony,' *Journal of Philosophy*, 77 (1980), 166-179.
 7. This issue is treated in detail in my 'Subsidiary Obligation,' *Philosophical Studies*, '50 1986,' 65-75.
 8. See Conee, *op. cit.*, pp. 87-8.
 9. Cf. Lemmon, *op. cit.*, p. 150, n. 8; van Fraassen, *op. cit.*, pp. 12-13; Williams, *op. cit.*, p. 180; McConnell, *op. cit.*, p. 271.
 10. See McConnell, *op. cit.*, p. 276ff.; Conee, *op. cit.*, *passim*.
 11. A variation on this: if the values of the alternatives are incommensurate, such that neither can be said to preponderate, then neither action is obligatory but each is permissible.
 12. See St. Thomas Aquinas, *Summa Theologiae*, 1a2ae. 19, 6 and 3a. 64, 6.
 13. See Alan Donagan, *The Theory of Morality* (Chicago, University of Chicago Press, 1977), pp. 144-5; also pp. 305-6 of 'Consistency in Rationalist Moral Systems,' *Journal of Philosophy*, 81 (1984), 291-309.
 14. Georg Henrik von Wright, 'An Essay in Deontic Logic and the General Theory of Action,' *Acta Philosophica Fennica*, 21 (1968), p. 79.
 15. It might be thought that my attending the party in your honor could have been rendered second-best not by me but by something else (e.g., by someone's fostering animosity between us), so that its now being obligatory for me to attend the other party is not due to any wrongdoing on my part (and perhaps not on anyone's part). But I think that the view that one ought to do the best one can, when properly interpreted, requires that this possibility be rejected. Either I could have prevented this other event—the rendering second-best—or I could not. If I could not, then my attending the party in your honor simply never was the best that I could achieve, contrary to the initial hypothesis. If I could, then my failure to prevent the event either constituted a lapse on my part or it did not. If it did not, then the best that I could achieve involved allowing my attending the party in your honor to be rendered second-best; but in this case my attending the party simply never was the best that I could achieve, again contrary to the initial hypothesis. This argument relies on two important assumptions. The first is that the phrase 'the best that I could achieve' is to be interpreted in what may be called a comprehensive way, according to which something which would otherwise be best, but which requires forgoing something else of even greater value, is not in fact (part of) the best that I could achieve. The second assumption is that what is not achievable at all (either immediately or remotely) by an agent can never become achievable (either immediately or remotely, although it can of course happen that what has been only remotely achievable becomes immediately so).
 16. See 'Remote Obligation' for further discussion of this issue.
 17. I would urge that this simple observation undermines the heroic recent efforts of Donald Regan (in *Utilitarianism and Co-operation* (Oxford, Clarendon Press, 1980))

to provide a version of 'cooperative utilitarianism' which is radically different from traditional act utilitarianism. Cf. p. 51 of B.C. Postow, 'Generalized Act Utilitarianism,' *Analysis*, 37 (1977), 49-52; pp. 422-3 of Earl Conee's review of Regan, *Journal of Philosophy*, 80 (1983), 415-424.

18. Note that, even in the limiting case where there is no boat to be rowed but there is a rope to be thrown, the obligation that each of us has to throw the rope is generated by the wrongdoing which consists in our failing to meet the joint obligation that the rope be thrown by one of us.

19. See 'Subsidiary Obligation' for further discussion of this issue.

20. See von Wright, *op. cit.*, pp. 80-1; Donagan, *Theory*, pp. 144-5, and 'Consistency,' pp. 305-6; McConnell, *op. cit.*, pp. 276-7.

21. The paper was presented on April 30, 1988 at the meeting in Cincinnati of the Central Division of the American Philosophical Association. The first draft was written prior to my reading Fred Feldman's *Doing the Best We Can* (Dordrecht, D Reidel, 1986), in which several of the themes of this paper are echoed. I am deeply indebted to Feldman for his help on this and other projects.