Dilemmas and incommensurateness

By: TERRANCE C. McCONNELL

McConnell, Terrance C. "Dilemmas and Incommensurateness," *The Journal of Value Inquiry 27*(2) (April 1993), pp. 247-252.

Made available courtesy of Springer Verlag.

The original publication is available at www.springerlink.com

Article:

Gerald H. Paske[1] has recently criticized some of the conclusions of my work[2] on moral dilemmas. Paske's argument turns on the intriguing idea that right -making properties are incommensurate. In this essay, I argue that even if basic values are incommensurate, we need not endorse the possibility of genuine moral dilemmas.

A genuine moral dilemma is characterized as a situation in which an agent, through no fault of his or her own, is faced with two (or more) obligations (or moral requirements), and for the agent to fulfill both (or all) of them is impossible (p. 315). The existence of such dilemmas threatens the coherence of ethics. Indeed, a contradiction can be derived from an affirmation of such dilemmas in conjunction with two other principles: the principle that if an agent ought to do each of two acts, then that agent ought to do both; and the principle that "ought" implies "can" (p. 316).[3]

(1) OA	premise
(2) OB	premise
(3) -◊ (A & B)	premise
(4) O (A & B) ⊃ ◊ (A & B)	premise
(5) (OA & OB) ⊃ O (A & B)	premise
(6) O (A & B)	1, 2, 5
(7) -O (A&B)	3, 4

Premises (1), (2), and (3) describe a moral dilemma (where "O" is read as an all-things-considered obligation). Premise (4) is an instance of the principle that "ought" implies "can." And (5) is an instance of an axiom of standard deontic logic. Lines (6) and (7), derived from the others, are contradictory.

Paske wants to argue for the possibility of genuine dilemmas while avoiding the contradiction. He begins with an example of John, who is innocently wandering through the forest watching birds (p. 317). John encounters a group of brigands who are about to murder ten innocent people. The leader of the brigands makes John a perverse offer: kill one of the ten and the other nine will be freed. At first John reasons as a deontologist and concludes that killing an innocent end-in-itself violates a moral obligation. But John also sees the relevance of consequentialist considerations, and he reasons that if killing one produces better consequences than any available alternative, then he has a moral obligation to do that. According to Paske, John is in a dilemma.

This prompts Paske to advance the "Deontological-Consequential Equality Hypothesis," which means that each theory is true and "fundamental in that there is no higher theory which can resolve conflicts within or between them" (p. 318). Because these basic right-making properties are "incommensurate" (p. 319), genuine moral dilemmas can occur.[4]

To avoid radical incoherence, Paske says that we must relativize particular obligations to their relevant theory. He thus lets "*" designate an obligation generated by a deontological theory, while "**" indicates that an obligation is produced by a consequential theory (p. 319). The structure of John's dilemma, then, is as follows:

(1r) OA*
(2r) OB**
(3r) -◊(A & B)

No contradiction can be derived, however, because the analogue of (4) above does not hold. The principle that "ought" implies "can" "is valid within ethical systems" but not between ethical systems (p. 319). Because the relevant axiom of deontic logic is retained, we can affirm.

(5r) (OA * & OB**) ⊃ O (A * & B**),

and from that we can derive

(6r) O (A * & B**) 1r, 2r, 5r.

Line (6r) represents an obligation that does not imply "can."

Before I argue that the incommensurateness of basic values does not entail that genuine dilemmas are possible, I will make two small criticisms of Paske's view. First, we must wonder about Paske's claim that the principle that "ought" implies "can" is valid within ethical systems but not between them. The plausibility of this principle is normally thought to be based on conceptual grounds, in particular, on our understanding of the concept of "obligation" or "ought." And since, according to Paske, "adherents of the two theories use 'obligation' univocally" (p. 319), then if the principle holds within each theory it should also hold between them. If it does, we are again led to a contradiction.

The second point concerns the need to distinguish between degrees of incommensurateness.[5] Surely some comparative judgments between deontological and consequentialist theories are possible. Anyone would be wrong, all things considered, to achieve only a marginal gain in utility by violating fundamental rights. Suppose, for example, that the brigands' chief had already decided to kill Maria and free the other nine. But if John will kill Maria, the leader will free the nine one minute earlier. Similarly, if John could secure the safety and release of all ten people, but only by returning home one hour later than he promised his family, then he ought, all things considered, to break the promise. Thus, even if basic values are incommensurate, some comparative judgments are possible. If Paske denies this, he will have to count even the two cases mentioned in this paragraph as genuinely dilemmatic, and that is implausible.

But the most fundamental issue concerns what we may infer from incommensurateness when comparative judgments are not possible. Paske and others[6] suggest that if two values, obligations, or moral requirements are incommensurate, then in case of conflict neither overrides the other and so genuine moral dilemmas are possible. Let us grant that OA* and OB** represent incommensurate obligations and that (by definition) neither overrides the other. It does not follow from this that each of A and B is something that the agent ought, all things considered, to do. But a genuine dilemma involves more than a conflict between two non-overriden moral requirements; each of these requirements must also generate an ought-all-things-considered judgment. And in the crucial sense of the term, what is *wrong* to do is to act against these judgments.

To make a case for this position, we need a rough analysis of "ought all things considered." I suggest the following: "An agent ought, all things considered, to do X just in case there is no alternative, Y, to X, which is such that Y conflicts with X, and if the agent were to do Y instead of X the agent would have a moral justification for so acting." Before applying this to the contested case of incommensurateness, let us see if it works in uncontroversial situations. Consider first a non-conflict case; let X = keeping your promise, and let Y

= doing what you want (instead), and let us assume that no other morally relevant features occur in the situation. In such a case X is what you ought, all things considered, to do because no moral justification exists for doing Y (for any Y) instead. Next, consider a conflict case with a clear resolution, for example, the philosopher's proverbial case of choosing between saving an accident victim or keeping your promise to meet another for lunch. In any plausible moral system, you will be justified in saving the accident victim instead of keeping the promise, but you will not be justified in keeping the promise instead of saving the accident victim. What you ought, all things considered, to do is save the accident victim. This accords with common sense.

Let us turn to the case where the conflicting obligations, X and Y, are incommensurate. Presumably this means that neither moral requirement is stronger than, weaker than, or equal to the other.[7] In cases where incommensurate obligations conflict, neither overrides the other. But we need not conclude from this that each generates an ought-all-things-considered judgment. In the abstract, what we should say about such a case is this. The agent is justified in doing Y instead of X because doing Y is no worse morally than doing X. Some might contest this, but only with difficulty can we imagine why an agent is not justified in doing one action rather than another if the first action is no worse than the second. In this case the agent is also justified in doing X instead of Y because doing X is no worse than doing Y. Thus, neither X nor Y is individually something that the agent ought, all things considered, to do. What, then, ought the agent, all things considered, to do? The answers given by common sense and the above analysis are the same: the agent ought, all things considered, to do X or Y [O(X v Y)]. This is because, given the description of the case, any Z that precludes both X and Y is worse morally and therefore unjustified.

Applying this to Paske's case of the innocent bird watcher is controversial, but we need to understand why. Many philosophers have regarded such cases as not involving intractable incommensurateness, but as being a situation where one obligation overrides the other. The problem is that strenuous disagreement exists about which obligation takes precedence.[8] But let us suppose that Paske's example is one of extreme incommensurateness. If so, then what John ought, all things considered, to do is either to kill the one or to refuse to be party to such action. These two disjuncts appear to exhaust John's alternatives. But such appearances are deceptive. Even with this disjunctive obligation, John ought not to do certain things. If he refuses the coercive offer, he should avoid any action that will increase the chances that more than ten will be killed, and he should do nothing that will make more likely that the victims will be tortured before being killed. If he accepts the offer, he should kill only one and do so as painlessly as possible. All of John's alternatives are horrible, but some guidance is still possible.

An advantage of the proposal here is that it provides an answer to another argument advocated by proponents of moral dilemmas. This concerns what has come to be known as "symmetrical cases." These are situations in which a single principle or obligation-type gives rise to a moral conflict. One of Ruth Marcus's examples is that of an agent so situated that he can save either one but only one of identical twins.[9] Of these symmetrical cases, friends of dilemmas say that neither obligation is overridden by the other and therefore the situation is genuinely dilemmatic. But again we can grant that neither obligation is overridden by the other without concluding that each issues in an ought-all-things-considered judgment. Common sense surely tells us that in the final analysis the agent ought to save either one of the twins; the above analysis also yields that conclusion. In any symmetrical case the agent is justified in doing X instead of Y because doing X is of equal value to doing Y, no alternative is better, and the agent cannot do both. By the same reasoning, the agent is justified in doing Y instead of X. Thus, we must deny that the agent ought, all things considered, to do X and deny that the agent ought, all things considered, to do Y. The disjunctive act, (X v Y), is what the agent ought, all things considered, to do. For compare (X v Y) with any alternative, Z, where Z includes saving neither twin. Unless we have omitted a morally relevant fact from the description, the agent would not be justified in doing any Z instead of (X v Y).[10]

Some may be skeptical about the concept "ought all things considered." I use this expression to designate roughly what W.D. Ross called "duty proper" or "actual duty." In non-conflict cases we need not invoke such language; plain "ought" will do. But in conflict cases, more than one requirement is relevant and we need moral

language to convey this. Ross dubbed each of the competing requirements a "*prima facie* duty," by which he meant to designate not a false appearance but "an objective fact involved in the nature of the situation."[11] Even proponents of dilemmas should not object to a distinction like this, since they typically acknowledge that some conflicts have resolutions.

While I have not proved the impossibility of genuine moral dilemmas, I have shown that foes of dilemmas can grant that some values or obligations are incommensurate and that some moral requirements are symmetrical without conceding the conclusion that their opponents try to establish.[12]

Notes

1. Gerald H. Paske, "Genuine Moral Dilemmas and the Containment of Incoherence," *The Journal of Value Inquiry* 24.4 (October 1990): 315-323. Page numbers in my text refer to this essay.
2. Terrance C. McConnell, "Moral Dilemmas and Consistency in Ethics," *Canadian Journal of Philosophy* 8.2 (June 1978): 269-287.
3. See also, ibid., pp. 271-272.
4. For another example of one who critically discusses my work and who concludes that genuine dilemmas are possible because values are incommesurate, see Bruce Lebus, "Moral Dilemmas: Why They Are Hard to Solve, *Philosophical Investigations* 13.2 (April 1990), esp. pp. 116-119.
5. My discussion here borrows from two of Walter Sinnott-Armstrong's works, Moral Dilemmas (New York: Basil Blackwell, 1988), pp. 58-71, and "Moral Dilemmas and Incomparability," *American Philosophical Quarterly* 22.4 (October 1985), especially pp. 324-328. Sinnott-Armstrong uses the term "incomparability" rather than "incommensurateness."
6. Lebus, "Moral Dilemmas," and Sinnott-Armstrong, "Moral Dilemmas and Incomparability."
7. Sinnott-Armstrong, *Moral Dilemmas*, p. 58.
8. For a discussion of cases of this sort, see Terrance C. McConnell, "Moral Blackmail," *Ethics* 91.4 (July 1981): 544-567.
9. Ruth B. Marcus, "Moral Dilemmas and Consistency," *The Journal of Philosophy* 77.3 (March 1980), p. 125. See also, Sinnott-Armstrong, *Moral Dilemmas*, p. 54-58.
10. The idea that what an agent ought, all things considered, to do depends on comparative features of an act (with its alternatives) is emphasized in Earl Conee, "Why Moral Dilemmas are Impossible," *American Philosophical Quarterly* 26.2 (April 1989), pp. 135ff., though Conee prefers the locution "absolute obligation."
11. W. D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930), p.20.
12. I thank Michael J. Zimmerman for comments on an earlier version of this essay.