MORE ON MORAL DILEMMAS

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Article:

Lyle V. Anderson's "Moral Dilemmas, Deliberation, and Choice,"* is a paper that moves in many directions and attempts to cover much ground. But, sorting through these intricacies, one can see that Anderson sets for himself two major tasks: one is to reject some of the principal claims made by Ruth Barcan Marcus in her recent work on moral dilemmas;† the other, to present his own (Aristotelian) account of moral reasoning which supposedly rectifies some of the problems found in Marcus's essay. Although there is much in Anderson's interpretation of Marcus and in his own positive position with which one might argue, I shall here confine myself to several misunderstandings of Marcus which I believe reveal more basic confusions about the issues raised by moral dilemmas and their implication for ethical theory.

Part I

I begin with the most general point. This concerns what one might call "the interplay between theory and data." One of the theses for which Marcus argues is that there are genuine moral dilemmas, by which she means that there are situations in which an agent ought to do each of two acts but cannot do both.[1] One of the arguments Marcus employs to convince readers of this thesis appeals to the remorse or guilt that agents experience after having acted in conflict situations. It is implausible to deny either the genuineness or appropriateness of these feelings, and this suggests that the alternative requirement not acted on is still in force and that the situation was indeed genuinely dilemmatic.[2] It is natural to suppose that if one can construct or discover a theory that provides moral resolutions to *all* apparent dilemmas, then one can deny the inevitability of dilemmas and can claim that such a theory is all the more plausible because of its elimination of dilemmas. And, indeed, this seems to be Anderson's strategy. He seems to think that replacing Marcus's supposedly deontic principles with telic (or consequentialist) principles and making moral choices on the basis of "anticipated consequences" (152/3) will be enough to defeat her arguments for the reality of moral dilemmas. It is not enough.

A major assumption underlying this strategy may be incorrect; after all, some have argued that consequentialist theories are *not* able to eliminate moral dilemmas in as easy and problem-free way as is usually supposed.[3] But we may put this issue aside because a more serious problem remains. The strategy of looking for a theory that eliminates moral dilemmas assumes a certain relationship between "theory and data" which is itself in dispute. Marcus is certainly aware that consequentialist theories have been thought to be dilemma-free. But it is her position that "it is a better fit with the moral facts that all dilemmas are real" (126) and that any adequate moral theory must accommodate and account for the remorse and guilt that agents in such situations experience (130-133). On this view, these situations and the accompanying experiences are data that must be explained.[4] To assume that one need only discover a dilemma-free theory in order to refute Marcus is to beg an important question about methodology in ethics.

It is understandable why one might think that the discovery of a dilemma-free theory would put an end to the issue. After all, it has frequently been argued that moral theories or codes that generate real dilemmas are

inconsistent,[5] and if one must choose between a consistent and an inconsistent theory, one's choice is obvious. But Marcus argues persuasively (128-130) that a theory or code that allows for genuine moral dilemmas need not be inconsistent. And if that is the case, then the most obvious advantage that dilemma-free theories seem to enjoy vanishes. To respond adequately to Marcus, then, one must show that her arguments for the reality of moral dilemmas fail, and one must provide positive reasons for holding that a plausible moral theory will allow for no dilemmas. Simply positing a consequentialist theory that putatively avoids dilemmas will not suffice, because the real debate concerns whether an appropriate test of adequacy for moral theories is that they avoid moral dilemmas or that they allow for them.

Part II
Let us turn now to the exchange between E. M. Forster and his interlocutor Worster, as depicted by Marcus. If forced to choose between betraying one's country and betraying one's friend, Forster would choose the former and Worster the latter. Anderson makes much of Marcus's discussion of this hypothetical disagreement. According to him, Marcus presents this case as "evidence for the deontic claim that there is no *moral* ground for either preference" (140). Anderson also chides Marcus for suggesting that the choices made by Forster and Worster are evaluative but not moral choices (143). Anderson seems to think that Marcus has improperly drawn the line between the moral and the nonmoral.

Anderson misunderstands the point that Marcus is making in presenting the Forster-Worster exchange. She does not intend her brief remarks about this disagreement as *evidence* at all; nor does anything hinge on how she draws the line between moral and other evaluative matters (indeed, she presents no special way of drawing such a line). A careful reading of Marcus's section IV makes it clear that she assumes she has already convinced the reader that there are genuine moral dilemmas, situations where *morality* cannot provide a basis for choosing one alternative over the other. Her purpose in this part of the paper is to deal with a possible objection. She imagines that a critic will say something like the following: "Of course, moral conflicts arise. But in these situations agents do in fact choose one alternative over the other. So aren't these agents reordering their principles? Aren't they making moral decisions after all?" Marcus's response to this would-be critic is to say that we *need not* view such choices as moral choices; "not all questions of value are moral questions" (136). In short, Marcus offers a different explanation of the phenomenon.

There is a part of Anderson's paper which can be construed as offering yet a different explanation of the same phenomenon. Anderson's principles Al and A3 (151) suggest that moral rules and principles are arranged hierarchically and that moral dilemmas simply provide agents with occasions for ordering and reordering their preferences regarding these precepts. Agents in conflict situations, then, are reworking their moral preferences. But this account of the phenomenon is fraught with problems. First, it cannot explain what agents are doing when they face situations where the *same* principle or rule conflicts with itself, such as when an agent makes two promises and cannot keep both.[6] And second, it is not plausible to suppose that in *every* conflict situation agents are simply reordering their moral preferences. Agents sometimes face conflicts between the same two principles on more than one occasion, and responses of regret or guilt are as common and appropriate on the later occasions as they were in the first instance. In such cases, one might suggest, as Anderson hints (156), that the agent has reordered his or her principles but that the guilt represents a kind of moral hangover, an inability to separate oneself completely from formerly held principles. This explanation is implausible because it rests on dubious moral psychology and requires us to say that the guilt experienced in the later cases is irrational. But another problem is even more pressing. When agents resolve moral conflicts, they need not and often do not suppose that one of the principles *always* overrides the other when the two conflict. They may suppose correctly that principle P1 overrides P2 in one situation, and is overridden by P2 in a different context. Anderson's second-order principles, Al and A3, do not seem to leave room for this possibility.

Part III
Anderson attributes to Marcus a principle that he labels "(M2)": "We ought to conduct our lives and arrange our institutions so as to minimize predicaments of moral conflict" (Anderson, 139; Marcus, 121). Anderson characterizes M2 as a telic principle (139), suggests that Marcus envisions M2 as helping agents to resolve

conflicts that have already arisen (139, 141), and criticizes M2 for being "dangerously deficient" on the question of just how our lives and institutions ought to be regulated to avoid dilemmas (161). I shall argue that this characterization, this suggestion, and this criticism are mistaken and that they reveal a fundamental misunderstanding of Marcus's argument.

A telic (or consequentialist) principle defines one's moral requirements in terms of the production of good consequences. According to such principles, an agent is required to bring about a state of affairs that is at least as good as any other state of affairs that he could bring about in those same circumstances.[7] M2, by contrast, is a second-order principle urging agents to prevent, to the extent that it is possible, moral dilemmas from arising. Any moral theorist, consequentialist and deontologist alike, who acknowledges the reality of moral dilemmas can accept M2. To counsel an agent to avoid moral dilemmas whenever possible is not the same as requiring him to adopt the consequentialist maxim of maximizing the good or minimizing evil (though the consequentialist can nevertheless accept M2). Allow me to explain. Marcus holds that

> (1) Moral dilemmas are sometimes (but not always) avoidable (because typically they arise from contingencies).

and

> (2) When an agent faces a moral dilemma, no matter what he does he will do something wrong (or fail to do something that he ought to do).

If one adds to this the modest claim that

> (3) Whenever one can avoid doing a wrong act, one should do so.

then M2 follows. M2 simply informs agents that moral dilemmas can arise and that they should be avoided whenever possible (because they involve inevitable wrongdoing). Consider an illustration. We know that the duty to keep our promises sometimes conflicts with the duty to prevent harm. Plato's example of returning borrowed weapons (as promised) to someone intent on killing others is such a case; breaking a promise to save the life of an accident victim is another. M2 urges agents to be cognizant of these possibilities and to be cautious before incurring obligations. But unless we cease making promises altogether, even the most cautious of us will occasionally get caught in the throes of a dilemma, or so Marcus maintains.

M2 has moral import; it requires agents to structure their lives so that they avoid moral dilemmas whenever possible. But M2 is neither a consequentialist nor a deontological principle. Elsewhere[8] I have called such principles *meta-prescriptions* because they possess normative content but are more general than moral rules and are compatible with competing moral theories. When Anderson hints that M2 can be used to extricate agents from dilemmas that have already arisen and when he charges that M2 is "dangerously deficient" regarding how our lives and institutions ought to be regulated in order to avoid moral dilemmas, he reveals a misunderstanding of this meta-prescription. Because M2 requires agents to avoid moral dilemmas when possible, it is a principle with prescriptive force. But specifically *how* dilemmas ought to be avoided will depend on the moral theory in which that principle is embedded. Although act utilitarians, Kantians, and intuitionists can all accept M2, they are nevertheless likely to disagree about how our lives and institutions should be structured in order to minimize moral dilemmas. It is a feature of all meta-prescriptions that their *specific action-guiding content* is parasitic on a more general moral theory. Nothing in Marcus's argument requires that she tell us how dilemmas ought to be avoided, and Anderson's failure to realize this has led him to worry needlessly about the specific moral implications of M2.

Part IV
I have here restricted myself to criticisms of Anderson and his construal of Marcus which reflect more generally on the issues raised by moral dilemmas. Other errors of interpretation and points of controversy have been ignored.

I have also here not dealt directly with the question of whether an adequate moral theory must eliminate genuine moral dilemmas, and that is the central issue with which Marcus, Anderson, and others have been concerned.

Notes

* This JOURNAL, LXXXII, 3 (March 1985): 139-162. References to this paper will be given parenthetically.

†"Moral Dilemmas and Consistency," this JOURNAL, LXXII, 3 (March 1980): 121-136. References to this paper will be given parenthetically. Both the pagination and the context will make it clear whether the reference is to Anderson or to Marcus.

1. Often the phrase 'genuine moral dilemma' is used to designate only those cases where the conflicting ought-statements are equal in force. Marcus, however, uses this phrase in a broader sense to include even situations where one of the conflicting moral requirements seems more important than the other (130/1 and 133).

2. Strictly speaking, one must add that the same feelings would have been appropriate even if the agent had performed the other alternative, but this addition seems plausible enough. For criticisms of this type of argument for the reality of moral dilemmas, see my "Moral Dilemmas and Consistency in Ethics," *Canadian Journal of Philosophy*, VIII, 2 (June 1978): 269-287, and Earl Conee, "Against Moral Dilemmas," *Philosophical Review*, XCI, 1 (January 1982): 87-97.

3. See my "Utilitarianism and Conflict Resolution," *Logique et Analyse*, XXIV, 2 (June 1981): 245-257, and Michael Slote, "Utilitarianism, Moral Dilemmas, and Moral Cost," *American Philosophical Quarterly*, XXII, 2 (April 1985): 161-168.

4. Others have taken a similar line. See, for example, Bernard Williams, *Problems of the Self* (New York: Cambridge, 1973), ch. 11.

5. See Williams, *op. cit*., pp. 179-184, and my "Moral Dilemmas and Consistency in Ethics," pp. 271-273. What these arguments purport to show is that a theory that allows for moral dilemmas cannot consistently endorse *both* the principle that `ought' implies 'can' and certain principles of deontic logic. Marcus does not deny this, and in fact she follows Williams [*op. cit*., in). 179-184] and Bas C. van Fraassen ["Values and the Heart's Command," this JOURNAL, LXX, 1 (Jan. 11, 1973): 5-19, p. 15] in rejecting this crucial principle of deontic logic (134).

6. Anderson deals with this type of case (152-154), which he calls a "one-dimensional dilemma." He suggests that in such cases often at least one of the obligations is not binding and that one can resolve these conflicts by appealing to the "anticipated consequences." However, the examples that Anderson cites are "loaded," and, in any case, no matter how many examples one appeals to, this cannot show that in *every* conflict case at least one of the obligations is not binding. And the problems with appealing to the anticipated consequences are discussed in sec. i above.

7. *What* the good is and *whose* good should be promoted are, of course, matters about which consequentialists disagree.

8. "Metaethical Principles, Meta-prescriptions, and Moral Theories," *American Philosophical Quarterly*, XXII, 4 (October 1985): 299-309.