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THE DEBATE OVER THE SO-CALLED REALITY OF MORAL DILEMMAS

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Much attention has been paid in recent years to the subject of moral dilemmas¹. The discussion turns mainly around the question of their reality: some philosophers argue 'against' moral dilemmas², claiming that such dilemmas are only apparent, while others argue for the existence of what they call 'genuine' or 'real' moral dilemmas. We are not interested here in the arguments against moral dilemmas, but rather in exploring the nature of the arguments presented 'for' them. We seek first to distinguish between two different kinds of arguments 'for' moral dilemmas and to examine the relationship between them. Secondly, we discuss and criticize what seems to us to be the more important of these two arguments, and lastly, we examine the implications of the discussion for the question of the 'reality' of moral dilemmas and the problem of moral dilemmas in general.

I

In his introduction to *Moral Dilemmas*, Gowans states that there are three arguments for the existence of moral dilemmas. They are 'the argument from moral sentiment, the argument from a plurality of values, and the argument from single-value conflicts'.³ This list of arguments gives the impression that we are faced with three different and independent arguments, all of which are intended to establish the same conclusion. Indeed, it is quite common for them to be understood in this way. When we examine these arguments closely, however, we find that they really constitute only *two* different lines of argument, and more important, each of them, if successful, proves different things. Although both these lines

of argument seek, ultimately, to establish the same conclusion, namely, the reality of dilemmas, they do so in different ways, ways which presuppose different concepts of moral dilemmas, as we shall see. If we are right, the whole debate on moral dilemmas will appear in a new light. But let us first introduce these two lines of argument.

The object of the first line of argument is to prove that *there are irresolvable dilemmas*. The two arguments mentioned by Gowans that try to establish this conclusion are the argument from the plurality of values, and the argument from single-value conflicts.

According to the former, human values are irreducibly plural and therefore incommensurable. Hence it is impossible to compare different values and determine that one is worth more than another. We shall call this argument 'The Argument From Incommensurability (AI)'. This view is contrasted with a monistic one, according to which the above plurality is only apparent, because there is really only one homogeneous value at the base of all values. Utilitarianism is usually thought of as holding such a reductionist and monistic view.⁴ Ethical monism enables trade-offs between different values, and supplies us with a clear criterion for resolving conflicts; the right thing to do in a conflict is that course of action which has more worth (be it pleasure or any other value) than any other. In contrast, the above argument assumes that basic human values are incomparable, and thus there is no rational way of solving conflicts, and deciding the worth of one over the other. Notice that the argument is not based on the difficulty of *finding* the right answer, but on the fact that, in principle, there is no such answer. The fact that values are incommensurable implies that there are irresolvable dilemmas.⁵

According to the second argument, namely the argument from single-value conflicts (hereafter: 'ASV'), there are situations where *one* value implies two incompatible courses of action, as a result of which, other things being equal, there is no rational way of deciding between them. For instance, we could imagine a case where A promises to do two incompatible things, P and not-P. Other things being equal, the principle of promise-keeping would lead to an irresolvable conflict. This kind of situation, however, seems quite rare. So are other examples for single-value conflicts, such as that offered by Ruth Marcus, where a doctor has to choose between saving one of two identical twins.⁶ In contrast, AI applies to many situations because incommensurability is an essential feature, so it is argued, of human values. AI will, therefore, be our main point of reference.

It is important, however, to notice the common structure of both AI and ASV. They both seek to show that there are irresolvable dilemmas, and they do so by pointing to certain kinds of situations, where, for some reason, there cannot be any right answer. The difference between the two arguments turns on the nature of this reason: according to AI, it is the plurality of values, while according to ASV, it is the possibility of symmetrical situations, where one value demands two incompatible actions.

Now, what is the connection between the argument for irresolvability above and the reality of moral dilemmas? The argument is quite simple. If dilemmas are irresolvable, then no demand is overridden by another, and thus both of the incompatible demands are real.⁷ We can thus say that both AI and ASV seek to establish the reality of moral dilemmas only indirectly, *through* the idea of irresolvability.

In contrast, the second line of argument for moral dilemmas, which expresses itself mainly in 'the argument from sentiment' (hereafter 'AS') mentioned above, seeks to establish the reality of dilemmas in a direct and an immediate way. This argument assumes that different feelings experienced by an agent in a moral dilemma, especially his guilt feelings, prove that he behaved wrongly. The proof, if successful, shows that even when one duty was overridden by another, it is still real. If it were not, how could the existence of this remainder as guilt-feelings, the need to apologize, etc. be explained? This supposed reality of the overridden duty was the reason for Ross's dissatisfaction with his term 'prima-facie duty'. This term suggests that the above duty is not real but only prima-facie, but, according to Ross, that is false. Even an overridden duty expresses 'an objective fact involved in the nature of the situation'.⁸ The question of the reality of the overridden duty is usually regarded as identical with the question of the reality of moral dilemmas in general. Moral dilemmas are situations where an agent is faced with two (or more) incompatible demands. If one of these demands is only apparent then it seems that the dilemma is not real; there is only one demand on the agent, and, consequently, no dilemma. In contrast, if *both* the demands are real, then the case is one of two incompatible and real demands, and the dilemma is real.

Let us now turn our attention to the relation between the two lines of argument mentioned above. AS and similar arguments do not and cannot prove the irresolvability of dilemmas, and do not depend on a positive or a negative answer to the latter problem. The sentiments AS is based upon

are present irrespective of whether there is or there is not a right answer to the dilemma. If one, for instance, has to kill an innocent man, then he or she will surely feel very bad about it, even if justified. In contrast, as we saw before, AI (and similar arguments) seek to prove the reality of moral dilemmas *through* the idea of irresolvability: if dilemmas are irresolvable, then no demand is overridden by another, and thus both of the incompatible demands are real. This implies that the former argument (AS) is 'stronger' than the latter (AI). If successful, it suffices to prove the reality of dilemmas even when they are resolvable, while the latter proves only the reality of irresolvable dilemmas.

A natural objection to this last observation by a supporter of AI could be that only irresolvable dilemmas are genuine dilemmas⁹, and, therefore, AS is not merely stronger than AI, but *too* strong, and thus mistaken; it tries to prove the reality of what *ex definitio* is impossible, that is, the reality of resolvable dilemmas. It is clear that one who adopts such an understanding of moral dilemmas cannot use AS. On the other hand, one who employs AS does not *need* AI; mainly because the former is strong enough, and also because the latter is limited to irresolvable dilemmas only. The dependence of AI and AS on two different concepts of moral dilemmas can be summed up in the following table:

	genuine dilemmas – only if irresolvable	genuine dilemmas – also resolvable
AI	suitable	not suitable: too weak
AS	not suitable: too strong	suitable

All this leads to the obvious but widely neglected conclusion, that before one chooses one's arguments 'for' moral dilemmas, one must first decide what *are* moral dilemmas, that is, before one can prove the existence of something, one must first be in a position to describe its nature, so that one knows what he is looking for. If one believes that genuine moral dilemmas are necessarily irresolvable (we shall refer to this view as 'V1'), then the debate turns on the arguments that are supposed to support that fact, mainly AI. In contrast, if one believes that this is not the case,

and that even resolvable dilemmas are genuine ones (we shall refer to this view as 'V2'), then the debate turns on the arguments that are supposed to support *that* fact, mainly AS.

Which of these views, then, is more acceptable? Before we attempt to answer this question, let us say more about them. Both these views can be best presented as offering different answers to the following objection against moral dilemmas:

Surely, sometimes people face terrible choices, where they have to choose between two great evils. But even in these situations there is a right thing to do, and consequently, the dilemma is only apparent.

There are (at least) two possible answers to this objection, which lead us back to the above two views of moral dilemmas. One answer is that, indeed, when one option overrides the other, there is no moral dilemma, or, as it is sometimes put, no *genuine* dilemma. But, according to this answer, there *are* situations where no option is overridden by another, and where, consequently, there is no right answer. These, and only these, are moral dilemmas. Are there any such situations? That is exactly what AI and ASV are trying to establish.

The second way of dealing with the above objection is to maintain that overriding a duty does not make it 'disappear' and does not eliminate it; an overridden duty retains its reality. Hence, dilemmas are real even when resolvable. Is that true? Could an overridden duty still be real? This is what AS seeks to establish.

We, then, face a crucial question: Which view on the nature of moral dilemmas should we adopt? It is important to notice that this question cannot be answered on the basis of AI or AS. On the one hand, even if AI is valid, it only shows the possibility of irresolvable dilemmas, but in no way does it show that *only* these dilemmas are genuine ones. Although AI is necessary to establish V1, it is not sufficient to refute V2. AS, on the other hand (if valid), *does* imply that V1 is wrong, because it shows that even resolvable dilemmas are genuine. But, quite paradoxically, that itself could be counted by a supporter of V1 as a reason *against* AS. He or she would argue that the mere fact that AS implies the reality of resolvable dilemmas is a sufficient reason to refute it as this result is unreasonable; where there is a right answer, there is no dilemma. If this sort of argument seems odd to the reader, it is worthwhile mentioning that it is used quite commonly by defenders of moral

dilemmas in general. As regards the accusation that moral dilemmas are inconsistent with some basic principles of deontic logic such as 'ought implies can' and 'the agglomeration principle'¹⁰, they answer that if that indeed is the case then these *principles* should be abandoned, and not the obvious reality of moral dilemmas¹¹.

These are serious methodological problems. Accepting V1 forces one to employ A1, and not to employ AS; accepting V2 forces one to employ AS – but the choice between V1 and V2 themselves cannot be settled by these arguments. It seems to us that our problem can only be settled by appeal to what is called 'the moral facts'. Furthermore, we believe that these facts support V2 over V1.

The 'facts' we are talking about are the following. We could think of situations where although one of the options the agent faces is better (or less evil) than the other, it would be very artificial to deny them the name 'moral dilemmas'. Let's say, for instance, that one can prevent a nuclear war and save millions of innocent lives, but one can do so only by cheating, violating promises, betraying family and friends, etc. It can hardly be denied that this is a case of a moral dilemma; it is also equally hard to deny that there is a better thing to do, namely, to prevent the terrible war¹². Surely, one *could* insist that a moral dilemma as such has no right answer, and hence the above example, and any other example we could come up with, are not moral dilemmas. But although there is nothing inconsistent in such a position, it sounds to us *ad hoc* and begging the question¹³.

We, thus, accept V2. Dilemmas are real even when they are resolvable. The rest of our paper will therefore be dedicated to an examination of AS and the alleged reality it attempts to establish.

II

AS assumes that certain sentiments which are experienced by an agent in a moral dilemma, especially his guilt feelings, prove the reality of the overridden duty, and thus the reality of dilemmas. This is the way Ruth Marcus puts it:

... to claim that one of the conflicting obligations has thereby been erased is to claim that it would be mistaken to feel guilt or remorse about having failed to act according to that obligation. So the agent would be said to believe falsely that he is guilty, since his obligation

was violated and his feelings inappropriate. *But that is false to the facts.* Even where priorities are clear and overriding, and even though the burden of guilt may be appropriately small, explanations and excuses are in order.¹⁴

The first question that arises immediately when one attempts to explain AS is, what exactly is the argument based on. Is it based on the mere fact that the agent *has* guilt feelings, or on the fact that he has *justified* guilt feelings?

If the first interpretation is true, then the argument is clearly invalid. Guilt feelings are not sufficient to prove *guilt*. Most of us feel guilty on occasion, in circumstances where we are surely not guilty, at least in the usual sense of the term. Philippa Foot expresses this criticism very clearly:

The form of this argument [AS] is surely strange . . . It is impossible to move from the existence of the feeling to the truth of the proposition conceptually connected with it, or even to the subject's acceptance of the proposition.¹⁵

A possible reaction to this objection could be that we should distinguish between genuine guilt feelings and non-genuine ones. While the objection stated above refers to the latter, AS is based on the former. In other words, *genuine* guilt feelings could prove guilt. But this defence is not very promising. We must ask what the criterion for identifying genuine guilt feelings is. According to Rawls, the criterion to be applied here is that the agent *believes* he is guilty, a belief which is manifested in different forms¹⁶.

But, again, the mere fact that one *believes* he or she is guilty and behaves accordingly, does not imply that one *is* guilty. Rawls agrees and states explicitly:

... for a person to have a moral feeling, it is not necessary that everything asserted in his explanation is true: it is sufficient that he accepts the explanation . . . He may not be guilty. Nevertheless, he feels guilty, since his explanation is of the right sort . . .¹⁷

The last resort seems to be the putting forward of a more rigid criterion for genuine guilt feelings, according to which only justified guilt feelings

are genuine ones. But this interpretation is exactly like the alternative we suggested earlier; the argument is no longer based on the mere existence of guilt feelings but on their being justified. Is this a more promising interpretation?

If AS is to be understood in this way, it is involved in an obvious vicious circle. It tries to establish the agent's guilt by the fact that the agent feels justified guilt feelings. And how do we know that the feelings are justified? From the fact that he behaved wrongly and violated a (real) moral duty. But how do we know he behaved wrongly etc.? From the fact he feels justified guilt feelings, and so we go round again. In other words, we could tell that guilt feelings are justified only if we already beg the question, and presuppose that the agent is guilty. If we do not presuppose that, there is no way of identifying genuine guilt feelings, and the whole argument collapses.

It seems that AS is in real trouble. Is there any way out of the vicious circle in which it now finds itself? Let us try the following. Maybe the possibility of identifying the appropriateness of the agent's guilt feelings does not depend *epistemologically* on presupposing his guilt, but is a kind of direct knowledge: not a mediate knowledge but an immediate one. AS is based thus on some sort of intuitionism, and the 'moral facts' apprehended here by intuition are the appropriateness or justifiability of certain feelings. Hence, the above justifiability is not deduced but 'given', and the only explanation for it, according to AS, is the agent's guilt.

I hope this last interpretation will at least allow the argument to get off its feet. This of course does not imply it is valid. On the contrary, we believe there are good reasons to reject it.

AS assumes:

- (a) The agent's guilt feelings in a moral dilemma are appropriate.
- (b) The only (or the best) explanation of (a) is that the agent is guilty, and concludes,
- (c) A real duty is violated in moral dilemmas.
- (d) Therefore, dilemmas are real!¹⁸.

We accept (a). The guilt feelings of an agent in a moral dilemma do not seem irrational but are appropriate and justified. But although we accept

(a), we believe (b) is wrong. In the first place, we believe the explanation (b) suggests is a problematic one. In the second place, we believe better explanations can be given. If we succeed in establishing both these points, there will be sufficient grounds for rejecting (b).

The main problem with (b) is its concept of guilt. It seems awkward to say one is guilty when he or she chose to act according to the best option that was available, and when all other options were worse. Ascribing guilt implies that one should not have behaved in a certain way. But this is not the case in a moral dilemma, given that the agent did the right thing: on the contrary, had he *not* done the right thing he would have been guilty.

It is, of course, possible to adopt a different concept of guilt, according to which one could be guilty even when one acted for the best, and, furthermore, that one is guilty all the time, and for whatever one did!¹⁹ But such a concept of guilt would not be much help for AS, which attempts to derive from some *specific* guilt feelings, the guilt of an agent in a *specific* situation, namely, a moral dilemma. Accepting AS together with the view that one is guilty all the time would imply that all of us are in a continuous and inescapable moral dilemma, an implication which is ridiculous.

Our second objection to (b) is that there is a better way of explaining (a). We shall call this sort of explanation 'external', in opposition to the 'internal' explanation offered by AS. An internal explanation is given in terms of the internal object of the relevant feelings, that is, the nature of the fact one feels guilty about. In contrast, an external explanation ignores this internal object, and employs other considerations for establishing the above sentiments. It argues that although the agent in a moral dilemma is *not* guilty, it is reasonable for him to *feel* guilty.

What, then, are these external reasons in favour of the agent's guilt feelings in moral dilemmas? How could these sentiments be rational even when, *ex hypothesi*, the agent did the best he could, and thus is not guilty? We shall discuss briefly two types of explanation. The first and the most important one is given in terms of moral character, while the second is based on utilitarian considerations²⁰.

(a) *Considerations of moral character*

A morally good man, as Aristotle emphasized, is not one who happens to do good acts, but one who has a good character and moral disposition from which these acts flow naturally. It is an open question whether the value of these dispositions is intrinsic, as Aristotle believed, or extrinsic,

as utilitarians, for example, believe. Nobody, however, would deny their centrality in moral life and their development as the prime object of moral education. Now, the point is that dispositions cannot be switched on and off at will: therefore, if one has a strong disposition against lying for instance, he or she will find it hard to lie, and will suffer guilt feelings, even when the lie is absolutely justified. If one still insisted that these feelings are irrational, the reply would be 'that an admirable moral agent is one who on occasion is irrational'²¹, and one who, in Walzer's terms, will have 'dirty hands':

If he is the good man I am imagining him to be, he will feel guilty, that is, he will believe himself to be guilty. That is what it means to have dirty hands.²²

(b) *Utilitarian considerations*

A utilitarian justification is naturally based on the good consequences of these feelings. What are these consequences? The idea is that because guilt feelings are an unpleasant experience they will help in preventing the agent from immoral behaviour in the future. That is why *in general* guilt feelings are morally desirable. Of course, if these feelings would cause damage, e.g. by paralysing the agent and depressing him too much, they would not be justified. This is how Parfit presents the idea:

C [Consequentialism] applies to everything, including blame and remorse. According to C, we ought to blame others and feel remorse, when this would make the outcome better. This would be so when blame or remorse would cause our motives to change in a way that would make the outcome better.²³

Thus, although utilitarians believe there is a right answer to dilemmas and hence an agent who did the best he could is *not* guilty, they also believe that it is desirable on utilitarian grounds for him to *feel* guilty.

I would like to emphasize that one does not have to be a utilitarian in order to accept the above consideration as at least *one* of the reasons for the appropriateness of guilt feelings. Even non-utilitarians would agree that utilitarian considerations have at least some weight in moral reasoning – although not the supreme weight attached to them by utilitarians.

If these two types of considerations, or at least some of them, are valid,

then we have shown that there is sufficient external justification for the agent's guilt feelings in moral dilemmas. It is rational and desirable for him to *feel* guilty although he is not really guilty as he acted upon the best available option. All this leads to the rejection of AS; the appropriateness of the agent's guilt feelings cannot prove the so-called reality of the overridden duty.

Nevertheless, there is something unsatisfactory in our last discussion. Our emphasis on considerations which are only external might give the impression that there is nothing at all which is regrettable 'internally' in moral dilemmas. But that seems hard to accept. Surely there is something to be regretted in moral dilemmas. I believe this objection is correct. Exploring it will get us closer, we hope, to a better understanding of the nature of moral dilemmas.

The idea that we would like to explain is based on a distinction between guilt and regret. While the former is justified (internally) only when the agent is indeed guilty, the latter is justified even when he or she acted for the best and thus is not guilty. The implication of this distinction for moral dilemmas is made clearly by Earl Conee:

There is another salient ground for regret in Agamemnon's case – the dreadful fact of his having killed his innocent, beloved daughter. No need for him even to *think* that he was obliged *not* to do that. It is regrettable enough that he *was* obliged to do something that bad, and he could do nothing better. In fact, the story does not have Agamemnon recognize any obligation not to sacrifice his daughter. One who believes in a dilemma-free morality can reasonably feel regret in cases where adhering to it has harmful results.²⁴

The word 'results' should be taken here cautiously. Sometimes the act in question leads to harmful *results* but sometimes the act *itself* is morally regrettable. For instance, if violating a promise is, *per se*, a bad thing, then it is regrettable even if justified and even if it has no other harmful results.

All this seems on reflection quite natural. Even the lesser evil – which is surely the right option to choose – is still an *evil*. It must be noticed that the argument depends on the existence of an axiological level of reasoning which is irreducible to the normative level. That enables us to judge an action as morally *bad* in spite of its being the *right* thing to do. Questions of right and wrong should be distinguished carefully from

questions of good and evil. Without such a distinction it would indeed be hard to see what is morally unsatisfactory in moral dilemmas.

Our discussion has reached the following point. On the one hand, we rejected AS on the basis of its being *non-sequitur*. But, on the other hand, we agreed firstly that the agent's guilt feelings in moral dilemmas are appropriate, and secondly, that moral dilemmas involve a high moral loss. This raises the question, what *is* this 'reality' that AS tries to establish and that we (and others), who accept the premises of AS seem to deny. We cannot delay any longer an explicit discussion of this alleged reality.

III

The supporters of AS argue that the above sentiments are appropriate and thus the overridden duty is real. Its opponents accept the premise and deny the conclusion. Furthermore, they agree that moral dilemmas involve a high moral loss. What is the disagreement about? Is it a genuine disagreement?

Let us start with the points on which there seem to be *no* disagreement. Every/body would agree, or at least I see no reason why they should not, to the following points:

- (a) that the agent's guilt feelings in a moral dilemma are an expression of a morally good character, and usually also have good consequences.
- (b) That dilemmas are situations in which all the options the agent is faced with involve a regrettable moral cost (and, thus, he has good reason to opt for either of the alternatives, i.e., to prevent the cost involved in the others).

It seems they would also agree –

- (c) that sometimes doing the right thing in a dilemma hurts the agent's moral sensitivity and character. Torturing terrorists, even if justified²⁵ has no doubt a damaging impact on the torturer.

So far the points of agreement. Wherein, then, lies the disagreement? On the face of it, the answer is obvious; it lies in the status of the overridden duty – some believe it is real, while others believe that it is not real. *But*

what is the meaning of this alleged reality? It surely does not mean that one should act upon it, because we are dealing with situations where, *ex hypothesi*, there is a right thing to do, and part of the point of saying that A is the right thing to do is to imply that any other course of action is *wrong*, and should *not* be acted upon. If the reality means the appropriateness of guilt feelings etc., then that would be admitted by the opponents too, and the same goes for points (b) and (c) above.

It seems that the only possible answer would be that the debate is not about the above appropriateness itself, but about its basis or explanation. While supporters of the 'reality' of moral dilemmas believe that guilt feelings are justified 'internally', its opponents believe they could be justified only 'externally'. And when we try to get down to the source of this disagreement, it seems that we come to some kind of an ontological question, the question of whether the overridden duty exists or not. Either it does, and thus the justification for guilt feelings is 'internal', or it does not, and thus the justification is 'external'. But this talk of duties 'existing' or 'not-existing' is very vague and opaque, and it would be much easier if we could manage without it.

A natural objection to this line of argument could be that for a duty to be real simply means that it retains its force as a pro-consideration or a con-consideration. But the meaning proposed here of the above reality is too weak. If this is the reality that makes moral dilemmas real, then any trivial conflict between two reasons would count as a moral dilemma – and that is absurd. Nobody would want to use the term 'moral dilemma' to describe a situation where a trivial promise is overridden by a duty to save the lives of a million people, although this promise still has some force and is not absolutely cancelled²⁶. Secondly, if that is the meaning of the reality at stake, there is no need for AS. All that is needed for a real moral dilemma is for each of the conflicting reasons not to be cancelled but overridden²⁷. Moreover, according to this hypothesis, not only would AS be superfluous but it would also be misleading. As we shall see immediately, it would not be sufficient to cover all the situations which, *ex hypothesi*, are (real) moral dilemmas.

AS and similar arguments are sometimes put forward in terms of a 'remainder'. According to this idea, an overridden duty is not 'erased' or 'cancelled', and its existence expresses itself in a certain 'remainder' or 'residue', especially in the agent's guilt feelings. This remainder allegedly proves the reality of the overridden duty, and thus the reality of dilemmas in general.

The question we would like to ask with regard to this remainder is the following: Is this so-called residue merely a *sufficient* condition for the above reality, or is it also a necessary one? If the former is true, then an overridden duty is real *qua* duty, even when it has no residue. If the latter is true, then an overridden duty is real if and *only* if it has a residue. Which is the better interpretation?

If the former were accepted, AS would be short of proving what is needed. If sound (which we doubt), it could only prove that in those cases where there is a residue, the overridden duty is real. It cannot prove the reality of dilemmas where there is no residue. Thus it cannot prove the reality of trivial conflicts of the kind mentioned above.

According to the latter interpretation, a duty which has no residue is indeed not real. Although it is not cancelled completely, but still has some force as a reason for action, it lacks the kind of reality that, *ex hypothesi*, is necessary for the reality of moral dilemmas²⁸. According to this interpretation, those who believe that moral dilemmas are real do not necessarily believe that *all* moral dilemmas are real. There are unreal ones too; dilemmas that have no residue. This is probably the position taken by Williams. In summing up his discussion of AS and the reality of dilemmas, he states that 'Moral conflicts are neither systematically avoidable, nor *all* solvable without remainder'²⁹. The word 'all' indicates that there are also moral dilemmas *without* a remainder. Ruth Marcus expresses herself in a similar way:

... it is clear that to insist that there is *in every case* a solution without residue is false to the moral facts³⁰,

and from this statement we can again deduce that to insist that in *some* cases there is such a solution is not 'false to the facts'.

We are getting to the essential point. The question that arises naturally out of the last discussion is the following: If it is not the case that *all* moral dilemmas are real, and if the category of real dilemmas overlaps that of dilemmas-with-residue, would it not be simpler and more natural to argue that saying moral dilemmas are real and saying that they have a residue is *the same thing*?

Williams, Marcus, and other supporters of the reality of moral dilemmas would probably object to this suggestion. They would say that although the statements 'dilemmas are real' and 'dilemmas are solvable with a remainder' imply each other, they are not the same, but have different

meanings, namely, there is some independent meaning to the above reality; some 'ontological residue' we cannot get rid of. But, as we have already said, this last idea is far from being clear. Its vagueness expresses itself in the plurality of terms suggested to indicate the above reality of the overridden duty, e.g. 'not erased'³¹, '[not] eliminated from the scene'³², 'still in force'³³, 'still valid'³⁴. But concerning all these expressions, we again ask in what sense is the overridden duty 'still in force' even though it is not a guide for action? And why does this force need special proof, namely AS, which is obviously not needed in other cases of reasons being overridden? The only reasonable answer seems to be 'in the sense of its having a residue'. But why not say that this so-called residue, namely, the guilt feelings, moral cost and dirty hands, exhausts fully the meaning of this reality?

Our objection to the above 'ontological remainder' needs to be clarified. It rests on two considerations. The first is the vagueness of this remainder. This concept not only imports all the problems connected with the vagueness of the reality of reasons in general³⁵, but adds another serious one, namely, as the 'ordinary' reality of reasons is not strong enough for the reality of moral dilemmas, the latter need some special concept of 'reality' which is different from, but still includes the above 'ordinary' reality. The second reason for our objection is 'Ockham's Razor'. As the phenomenon of moral dilemmas can be fully explained and accounted for without presupposing this ontological feature, as I hope we managed to show in the previous section, then this feature is superfluous.

The consequence of these considerations is the following. If we are right in supposing that the disagreement about moral dilemmas is *not* about points (a)-(c) above (p. 202), nor about any practical question, it seems that we face two alternatives. The first is to conclude that there is indeed no genuine disagreement here. The second is to conclude that the disagreement is, at bottom, about the existence of the 'ontological residue' we discussed earlier. But if that is the source of the debate, it is very vague, and I doubt whether a plausible interpretation for it can be given. If it cannot, the disagreement seems again to be non-genuine.

In view of these conclusions, one could be tempted to suggest that the ongoing debate about moral dilemmas is really the same old question about moral realism. Namely, those who believe in the reality of dilemmas are realists in their general meta-ethical approach, and those who deny the reality of dilemmas are non-realists. But this suggestion will not work. Although there is no doubt a connection between these

two questions, a connection which has attracted quite a lot of attention³⁶, they are not the *same*. This is evident from the fact that Williams, who is one of the prominent supporters of the reality of moral dilemmas, believes that his position constitutes an *objection* to moral realism. However, *if* this suggestion turned out to be true, and the problem of moral dilemmas was no more than one aspect of the problem of moral realism, then treating it as an independent philosophical problem would be mistaken and misleading.

What, then, *are* moral dilemmas, or, if we must use this embarrassing terminology, what are 'real' moral dilemmas? On the basis of what has been said until now, I believe that each of the following conditions is necessary, and together sufficient, for the existence of moral dilemmas:

1. P ought to do A and ought to do B. (Or, if one prefers the terminology of reasons: P has a reason to do A, and a reason to do B.)
2. A and B are incompatible.
3. Doing A and doing B each (separately) involves a high moral loss.

Condition 3 marks the difference between moral dilemmas and mere trivial conflicts. While conflicting reasons have the same force or 'reality' (whatever that means) in *all* the situations that satisfy conditions 1 and 2, only when serious evil is at stake in each of the options can the agent be said to face a real moral dilemma. That is why moral dilemmas, as opposed to trivial conflicts, are situations where it is both rational and appropriate to feel guilt and compunction. Although this is implied by 3, it might be helpful for the sake of clarity to write it down as an independent condition, namely:

4. It is rational for P to have guilt feelings whatever he does.

It is interesting to note that if, indeed, the above moral cost is the essence of moral dilemmas, then dilemmas might be possible according to the utilitarians too. Utilitarians believe that happiness is good and suffering is bad. Now if suffering has an intrinsic negative value, then causing suffering – even if justified – involves a moral loss. This point has been argued explicitly by Michael Slote³⁷ and Frank Jackson³⁸.

It is important to note two conditions which we did *not* include. The first is the condition of irresolvability. As we argued earlier, we believe

that this is not a necessary condition. That does not mean that this factor has no importance at all. On the contrary, if in addition to conditions 1-3 above, it is also the case that neither A nor B is overridden by the other, then that no doubt makes the dilemma more difficult; not only must the agent do evil but he has no *lesser* evil to choose. Still, it is not a necessary condition.

It should be noted that even supporters of V1 would admit that mere irresolvability is not, *by itself*, a sufficient condition for moral dilemmas. A trivial conflict between two incommensurable considerations would not be counted – even if irresolvable – as a moral dilemma. Hence, even V1 needs conditions 1-3 above. V1, of course, adds another one, and that is where we disagree.

The second condition we did not include was that A and B are 'real'. That would be meaningless. A situation which fulfils the three conditions above is a real moral dilemma, and this reality has no independent meaning and thus adds nothing. The only intelligible function that the attribute 'real' could have here is to emphasize the distinction between situations that really fulfil these conditions and situations that fulfil them only apparently. How could this happen? Very easily. In the first place, there could be a mistake about the incompatibility of A and B. It might come out that the agent can really do both. In the second place, there could be a mistake about the moral weight of the options. While the agent believes them both to be seriously evil, it might turn out to be that at least one of them is not evil at all, or is evil in quite a trivial way. In all these cases, the dilemma is only apparent, or, in simple terms, there is no moral dilemma. Although the agent believes he is in a moral dilemma, the truth of the matter is that he is not.

Summary and Conclusions

In the first part of our paper, we distinguished between two different lines of argument 'for' moral dilemmas: the argument from incommensurability (AI) and the argument from sentiment (AS). We explained the nature and limits of each of these lines of argument, and showed their dependence on two different views of moral dilemmas. According to one view (V1), only irresolvable dilemmas are genuine ones. According to the other (V2), resolvable dilemmas can also be real. AI depends on V1, and AS on V2. We argued that V2 is truer to the facts, and that is why we chose AS as our point of departure.

In the second part, we examined the argument from sentiment and criticized it. We saw it is not a very promising argument: admitting the appropriateness of the agent's guilt feelings in a moral dilemma does not commit one to admitting the agent's guilt and the reality of the overridden duty. This argument should be rejected. Although we rejected AS, we accepted its claims about the appropriateness of the agent's guilt feelings, and we explained the nature of the 'moral cost' involved in dilemmas.

The last part of our paper was devoted to the question of what in the final reckoning the disagreement concerning the so-called reality of moral dilemmas is all about. The surprising result of this discussion is that either there is no genuine disagreement about moral dilemmas at all, which is what we tend to say; or the debate is about something very vague and not very important; or it is not an independent philosophical disagreement, but merely an aspect of the debate on moral realism. These results could suggest that the essence of the disagreement lies in the second line of argument we began with, namely, the argument from irresolvability. However, as we adopted V2 over V1, this line of argument would be too 'weak' for us.³⁹

We ended our discussion by pointing out what we believe to be the necessary conditions for moral dilemmas. We believe these conditions are sufficient for the existence of genuine moral dilemmas without any need to appeal to some vague notion of the 'reality of the overridden duty'. We also explained what in our view would be the difference between genuine dilemmas and apparent ones.

The question about the 'reality' of moral dilemmas is thus not a very fruitful one. As in so many other cases, it would be more fruitful and more illuminating to concentrate on some specific and 'smaller' questions and on the mutual relationship between them. In other words, we should seek to discuss the questions of irresolvability, the appropriateness of guilt feelings, the nature of a 'moral cost', etc., without presupposing that all of these questions are aspects of *one* independent and self-defined problem, that of the so-called 'reality' of moral dilemmas. This approach seems to us to be less confusing and far more promising.⁴⁰

NOTES

1. Some of the more important articles and a very detailed bibliography can be found in C. Gowans' anthology *Moral Dilemmas* (Oxford University Press, 1987).
2. cf. E. Conee, 'Against Moral Dilemmas', *Philosophical Review*, 91 (1982), pp. 87-97.

3. Gowans, *ibid.*, p. 14.
4. I myself believe that most, if not all utilitarians, do *not* hold this view, and do not *have* to hold it. This is an important point concerning the current debate on utilitarianism, but we shall not pursue it here; cf. D. Parfit, *Reasons and Persons* (Oxford University Press, 1984), p. 84; J. Griffin, *Well-Being* (Oxford University Press, 1986), p. 89 and end note 30 on p. 341-2.
5. This line of argument can be found in T. Nagel, 'The Fragmentation of Value' in his *Moral Questions* (Cambridge University Press, 1979), pp. 128-141; E. Lemmon, 'Moral Dilemmas', *Philosophical Review* 71 (1962), pp. 132-158; and others.
6. R.B. Marcus, 'Moral Dilemmas and Consistency', *Journal of Philosophy*, 77 (1980), p. 125.
7. A natural objection to the possibility of two incompatible and actual demands is 'ought implies can'. According to this principle, if one cannot do A and B, it is not the case that (A&B) are his duty. But if we accept what Williams called the 'Agglomeration' principle, then (A&B) is the agent's duty in a moral dilemma, because O(A)&O(B) implies O(A&B). For a development of this objection, see e.g. T.C. McConnell, 'Moral Dilemmas and Consistency in Ethics', *Canadian Journal of Philosophy*, 8 (1978), pp. 269-287.
8. W.D. Ross, *The Right and The Good* (Oxford University Press, 1930), p. 20.
9. This is a position many philosophers hold, irrespective of their belief in the existence or non-existence of such dilemmas. See e.g. McConnell, *ibid.*, p.271; R. Hare, *Moral Thinking* (Oxford University Press, 1981), p. 53; M. Walzer, 'Political Action: The Problem of Dirty Hands', *Philosophy and Public Affairs*, 2 (1973) pp. 160-161; cf. also Webster's definition of a dilemma, as a choice between 'equally unsatisfactory alternatives' (italics added).
10. See note 7 above.
11. On these methodological puzzles see G. Sayre-McCord, 'Deontic Logic and the Priority of Moral Theory', *Nous* 20 (1986), pp. 179-197.
12. Agamemnon's case, which has become a paradigm of a moral dilemma, may also be a case in point. For it is quite probable that Agamemnon's choice was the right thing to do in those circumstances; had he not sacrificed Iphigenia they would have all died - including Iphigenia; cf. M. Nussbaum, *The Fragility of Goodness* (Cambridge University Press, 1986), pp. 34-35.
13. For others who argued that irresolvability is not an essential condition for moral dilemmas, see e.g.: J. Raz, *The Morality of Freedom* (Oxford University Press, 1986), p. 27.
14. R. Marcus, *ibid.* 130 (italics added). According to Marcus, it is also 'false to the facts' to argue that the term 'regret' is suitable but not 'guilt' and 'remorse' (p. 133, n.11), and to argue that in every case there is a solution without a remainder (p. 132).
15. P. Foot, 'Moral Realism and Moral Dilemma', *Journal of Philosophy* 80 (1983), p.30. Foot is referring to Williams (see previous note).
16. J. Rawls, *A Theory of Justice* (Oxford University Press, 1973), p. 482.
17. *Ibid.*, pp. 482-3.
18. The argument can be found in the works of many philosophers. See: W.D. Ross, *ibid.*, p.28; B. Williams, 'Ethical Consistency' in J. Raz (ed.) *Practical Reasoning* (Oxford University Press, 1978), pp. 94-103; B. Van Fraassen, 'Values and the Heart's Command', *Journal of Philosophy*, 70 (1973) pp. 13-14.
19. See e.g. K. Jaspers, *Philosophy*, vol. 2, translated by E.B. Ashton (University of Chicago Press, 1970), pp. 171-172; 215-218.
20. A third type of explanation is based on the idea that guilt feelings are necessary for one's personal-identity as a moral agent. See esp. B. Williams, *Moral Luck* (Cambridge University Press, 1982), ch. 1.
21. B. Williams, 'Ethical Consistency', p. 99.
22. M. Walzer, 'Political Action: The Problem of Dirty Hands', p.166.
23. Parfit, *ibid.*, p.53. Cf. J.C.C. Smart, 'An Outline of a System of Utilitarian Ethics', in

- Utilitarianism – For and Against*, edited by B. Williams and J.C.C. Smart (Cambridge University Press 1973), pp. 42-55.
24. E. Conee, 'Against Moral Dilemmas', pp. 90-1. Cf. McConnell, 'Moral Dilemmas and Consistency in Ethics', p. 277; P. Foot 'Moral Realism and Moral Dilemmas', p. 387.
25. An example could be found in A. Donagan, *The Theory of Morality* (Chicago University Press, 1977), pp. 187-8, criticizing Walzer's position.
26. A good analysis of different types of defeating reasons can be found in T.R. Givril, 'On the Defeasibility of Duties', *Journal of Value Inquiry*, vol. 12 (1978), pp. 197-209.
27. The criterion to distinguish between overridingness and cancellation is that the first involves some process of weighing (comparing the relative strength of the reasons), while the second does not. Sometimes the defeasibility of a reason is so evident that it seems – by mistake – to be cancelled, although, in fact, it is only overridden. The way to check if it is overridden or cancelled is to modify the case by weakening the defeating reason. If this modification arouses second thoughts about the prior judgement, then this is a case of overridingness. If not, it is a case of cancellation.
28. An example of such a duty could be, according to Robert Shope, Kant's famous case of telling the truth to a potential murderer. Shope believes that the duty to tell the truth establishes *no* moral demand in this case because, by doing so, one would be collaborating in a murder. Hence this is a case of a duty that has been cancelled. To those who believe the above duty is only overridden and not cancelled, Shope answers, that in these circumstances – . . . there is no need to feel any distinctively moral regret here about lying, nor is there an additional and subsequent moral demand to make it up to the person for having lied to him.' (R. Shope, 'Prima-Facie Duty', *Journal of Philosophy* 62 (1965), p. 283.) The point is, argues Shope, that without these indicators of certain feelings and the duty to compensate the sufferer, there is no way we could distinguish between the existence of a trivial moral demand which has been overridden, and the existence of *no* moral demand.
- Although I agree with Shope's basic idea, I think he is wrong in assuming that the lie in Kant's case has *no* moral weight. Surely the situation would be morally better if the agent could save the poor man *without* lying. It might be useful to distinguish between a duty which is cancelled, and one which is only 'cancelled', namely, a duty which is overridden by a much stronger consideration.
29. 'Ethical Consistency', p. 103. Italics added.
30. 'Moral Dilemmas and Consistency', p. 132. Italics added.
31. Marcus, *ibid.*, p. 126.
32. Williams, 'Ethical Consistency', p. 99.
33. R. Trigg, 'Moral Conflict', *Mind* 80 (1971), p. 47.
34. *Ibid.*
35. Cf. Foot's confession: 'I am sure that I do not understand the idea of a reason for acting, and I wonder whether anyone else does either' (P. Foot, *Virtues and Vices*, California University Press, 1978, p. 156).
36. See esp.: Williams, 'Moral Consistency'; S. Guttenplan, 'Moral Realism and Moral Dilemmas', *Proceedings of the Aristotelian Society* 80 (1979-80), pp. 61-80; P. Foot, 'Moral Realism and Moral Dilemmas', *Journal of Philosophy* 80 (1983), pp. 379-398; W. Sinnott-Armstrong, 'Moral Dilemmas and Moral Realism', *Journal of Philosophy*, 84 (1987), pp. 263-276.
37. 'Utilitarianism, Moral Dilemmas, and Moral Cost', *American Philosophical Quarterly*, 22 (1985), pp. 161-168.
38. 'Davidson on Moral Conflicts', in E. Le Pore and B.P. McLaughlin (eds.) *Actions and Events – Perspectives on the Philosophy of D. Davidson* (Oxford: Blackwell, 1986), pp. 113-115.
39. I myself believe that the existence of irresolvable dilemmas has not been established in a convincing way. Briefly, my main objection to AI is that incommensurability does not imply incompatibility, and thus does not imply irresolvability. This point has been argued as a general thesis about incommensurability by Harold Brown, 'Incommensurability', *Inquiry* 26 (1983), pp. 3-29, and by James Griffin, *Well-Being*, (Oxford: Clarendon Press, 1986), part II, regarding the incommensurability of values.

As for ASV, I believe symmetrical situations have a right answer, and a very simple one too. It is: 'Do either A or B – it morally does not matter which.' Cf. A. Donagan, 'Consistency in Rationalist Moral Systems', *Journal of Philosophy* 81 (1984), p. 307; F. Feldman, *Doing the Best We Can* (Dordrecht: D. Reidel), p. 201; and others.

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