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Contextual Pluralism and the Libertarian Paradox*

I

The publication of H.A. Prichard's seminal article "Does Moral Philosophy Rest on a Mistake?"[1] (1912) was the start of a neo-Aristotelian strain in Anglo-American normative ethics. What ties this strain together is the central role it assigns to *practical wisdom (phronesis)* in moral reasoning. A well-known proponent of this strain is W.D. Ross (*The Right and the Good*[2]). Some contemporary figures are D. Wiggins (in "Deliberation and Practical Reason"[3]) and J. McDowell (in "Virtue and Reason"[4]).

There is a theory in moral epistemology, viz. 'coherence theory', which shares a set of common claims with this neo-Aristotelian tradition. This theory has its roots in H. Sidgwick's *Methods of Ethics*[5] and I. Scheffler's "On Justification and Commitment"[6]. In this paper I will consider a particular branch of coherence theory. On this branch, common moral judgments - i.e. moral judgements that can count on a reasonable level of consensus - about specific cases support general propositions which specify the circumstances under which particular moral concerns legitimately trump others. These general propositions can then be put to use to decide more controversial cases. This branch of coherence theory is presented in R. Dworkin[7] and S. Hurley[8]. I do not consider other branches in which common moral judgments are taken to support a single overarching principle (as in Sidgwick's defense of utilitarianism[9]), or a priority rule between moral concerns (as in Rawls[10]), or an assignment of fixed weights to moral concerns that holds *across* circumstances (as in Barry[11]).

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1   *Mind* 21 (1912), 12-37
2   *The Right and the Good* (Indianapolis: Hackett, 1988)
3   *Proceedings of the Aristotelian Society* 76 (1975-1976), 29-51
4   *The Monist* 62 (1979), 331-350
5   7th ed. (Indianapolis: Hackett, 1981)
6   *Journal of Philosophy* 51 (1954), 180-190
7   *Taking Rights Seriously* (London: Duckworth, 1977), 87, 91-94, 116-117
8   *Natural Reasons: Personality and Polity* (New York: Oxford University Press, 1989)
9   *The Methods of Ethics*, 418-459
10 *A Theory of Justice* (Cambridge [MA]: Harvard University Press, 1971), 40-45
11 *Political Argument* (London: Routledge and Kegan Paul, 1965), 3-8

There is a vast diversity of views within this neo-Aristotelian tradition and the former branch of coherence theory. However, there is a core of claims which is common to both sets of theories.[12] I will try to capture this core in the following four claims:

1. There exists a plurality of *sui generis* moral concerns, i.e. of moral concerns that cannot be reduced to some common standard;

2. In a particular choice-situation, moral concerns may clash in that they favor alternative actions. Such clashes constitute *moral problems*;

3. At least for some moral problems, it is possible to determine that one moral concern is more salient than another and hence the moral problem is solved in favor of the action which satisfies the former moral concern.

4. The saliency of moral concerns is determined by some set of background conditions of the moral problem in question.

The first claim is known as the thesis of the plurality of value and is commonly presented as an anti-utilitarian thesis.[13] The target is Mill's claim that a clash of moral concerns is a mere clash between rules of thumb that are derived from the utilitarian principle for convenience and should be resolved in reference to this primary principle.[14] The second claim targets both Kant's denial that there can be a clash between perfect duties[15] as well as Sidgwick's conditional insistence that, if intuitionism is to stand a chance, then the precepts of common sense morality must be mutually consistent.[16] The third claim does *not* exclude the existence of genuine moral dilemmas in which the clash of moral concerns runs so deep that there is no right solution.[17] It is not consistent however with a radical thesis of value incommensurability. An early proponent of such a thesis was M. Weber. Weber argued that the task of philosophical reflection about moral problems is to show how the moral concerns on either side of the fence are part and parcel of broader value-systems and that there is no rational ground to adjudicate between value-systems.[18] The fourth claim goes under the name of 'contextualism'. What is inconsistent with contextualism is to assign a relative measure of importance to various moral concerns independently of the particular context in which these moral concerns are being realized. Both Rawls' lexicographical ordering of equal liberty and distributive justice and Barry's indifference mapping between

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12 In *Patterns of Moral Complexity* (New York: Cambridge University Press, 1987), 1-21, C. Larmore stresses the central role of *examples* in a moral theory which appeals to *practical wisdom*. This is indicative of the close connection between neo-Aristotelian moral theories and an epistemological commitment to coherence theory.

13 B. Williams "Conflicts of Value", *Moral Luck* (New York: Cambridge University Press, 1979), 77-80 and T. Nagel "The Fragmentation of Value", *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 131-132

14 *Utilitarianism* ed. by G. Sher (Hackett: Indianapolis, 1979), 23

15 *The Metaphysics of Morals*. In: J. Ladd (transl.), *The Metaphysical Elements of Justice* (New York: Bobbs-Merrill, 1965), 25. For discussion, see A. Donagan, "Consistency in Rationalist Moral Systems", C. Gowans (ed.), *Moral Dilemmas*. (Oxford: Oxford University Press, 1987), 274-275

16 *The Methods of Ethics*, 341

17 As in Williams' example of Agamemnon facing the decision of sacrificing his daughter to the gods to secure favorable winds for his belligerent expedition. (B. Williams, „Ethical Consistency," C. Gowans, *op. cit.*, 123)

18 M. Weber, *The Methodology of the Social Sciences*. Transl. and ed. by E.A. Shils & H.A. Finch, (Glencoe Ill.: Free Press, 1949), 14-25 and 54-57. Such radical incommensurability thesis is also a theme in some branches of non-cognitivism and existentialism.

social values like equity and efficiency serve as examples hereof.[19]

I propose to call this core set of claims 'contextual pluralism'. Contextual pluralism is a meta-theory which imposes constraints on the format of specific theories in applied ethics that are constructed in order to deal with actual moral problems. Let us turn to an admittedly stylized example of a theory which satisfies these constraints.

Suppose a United Nations agency is in charge of allocating funds to projects in developing countries. The agency is held accountable for its decisions to support certain projects rather than others. In responding to this challenge, they construct a theory that covers moral problems of this kind. The theory contains the following general recommendations. The evaluation of alternative projects must be guided by a moral concern to promote self-reliance as well as by a moral concern to alleviate immediate economic hardship. The former moral concern deserves special attention in political climates in which there is an urge for autonomy, e.g. in recently decolonized countries. The latter concern demands more attention in politically corrupt and repressive regimes.

Notice that the character of the political climate does not have the role of a moral concern in the theory. Projects within politically hopeful or repressive climates are neither favored nor disfavored. If one were to know no more than that a project would be implemented within one or the other political climate, this would not count as a consideration for or against it. Yet, such information is relevant in that it determines how much weight the moral concern for promoting self-reliance and the moral concern for alleviating economic deprivation should respectively carry in particular cases.

Suppose two decisions need to be made, viz. whether to support a project in Namibia or in Zimbabwe and whether to support a project in the Central African Republic or in Sudan. The projects in Namibia and the Central African Republic are strong in promoting self-reliance, while the projects in Zimbabwe and Sudan are strong in alleviating immediate economic hardship. Let us stipulate that Namibia and Zimbabwe are recently decolonized countries striving for political autonomy whereas the Central African Republic and Sudan are under the reign of repressive regimes.[20] Then we can appeal to the theory in the decision to support the project in Namibia (rather than in Zimbabwe) and the project in Sudan (rather than in the Central African Republic).

This does not imply that to support, say, Zimbabwe would under all circumstances be inconsistent with the theory. The Zimbabwe project may be *extremely* valuable in alleviating immediate economic hardship. The background political circumstances affect the weight of the relevant moral concerns, they do not warrant priority.

I want to explore a particular threat to contextual pluralism from a rather unexpected corner. The threat is an adaptation of A. Sen's libertarian paradox in social choice theory.

II

Sen's libertarian paradox[21] points to a conflict between a weak version of the Pareto condition and a commitment to personal liberties. This Pareto condition states that, for any

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19 Cf. footnotes 10 and 11.
20 If your political views do not square with these choices, please feel free to substitute your own examples.
21 A. Sen, *Collective Choice and Social Welfare* (San-Francisco: Holden-Day, 1970), 78-88; "The Impossibility of a Paretian Liberal", *Choice, Welfare and Measurement* (Cambridge [MA]: MIT Press, 1982) 285-290; "Liberty, Unanimity and Rights", Ibid., 291-326.

pair of alternatives {x,y}, if every person in society is better off if x rather than y is realized, then society at large will be better off if x rather than y is realized. A commitment to personal liberties involves the belief that there exist certain matters that are strictly personal and that for such matters each person has a right to choose for herself, whatever other persons in society may think about it. Such personal liberties include the freedom (or the right) to enjoy the fruits of one's labor, the freedom to join a political organization, freedom of press, freedom of speech, freedom of religion, freedom in matters of marriage, reproductive freedom etc. For instance, one might argue that freedom in matters of marriage supports the claim that society ought not stop any Irish citizen from getting a divorce, though the majority of Irish voters may be vehemently opposed to this idea.

Appeals to personal liberties in the justification of social judgments require non-welfare information. They require information about *the content* of the alternatives in question, rather than information about how well-off each person considers herself to be on these alternatives.

In social-choice-theory talk, one could say that for each person i in society, there exist some pairs of alternatives {x,y} such that i is *decisive* over this pair, that is, if x ranks higher than y in i's welfare ordering, then x should rank higher than y in the social welfare ranking, and, if y ranks higher than x in i's welfare ordering, then y should rank higher than x in the social welfare ranking, however this pair may rank in the welfare orderings of other persons. Person i's ranking of x over y or y over x should trump any other person's ranking over these alternatives in the social ranking over this pair.

Suppose that the set of alternatives is such that at least two persons in society each find some pair of alternatives that belongs to their personal spheres. A social ranking that respects personal liberties ought to make both persons decisive over their respective pairs. Hence, we can define a condition of *minimal libertarianism*. This condition is satisfied, just in case, there are at least two persons who are each decisive over some pair of alternatives.

On Sen's libertarian paradox, the weak Pareto condition (P) and the condition of minimal libertarianism (ML) clash, i.e. they yield cyclical social rankings for some sets of individual welfare orderings.[22] To see this, we need to consider three cases. *First*, suppose that the two persons mentioned in condition (ML), say, person 1 and 2, are decisive over *the same pair* of alternatives {x,y} and that 1 ranks x higher than y and 2 ranks y higher than x. Then a social ranking that satisfies (ML) is cyclical in that it ranks x over y and y over x. (Unlike the second and third case, this case does not involve condition (P).)

An example of this pattern is the controversy over the neo-Nazi group who intended to march in the Jewish community of Skokie, Illinois a few years ago. Clearly, the neo-Nazis preferred that the march be held (rather than not be held), the Skokie Jews that the march not be held (rather than be held). The neo-Nazis might argue that they should be decisive over this pair of alternatives on grounds of freedom of political expression. The Jews might argue that they should be decisive on grounds of their right to have their private space respected.[23]

Second, suppose that person 1 and person 2 are decisive over pairs of alternatives *that have one element in common*, say, over {x,y} and {y,z}, respectively and that 1 ranks z over x over y, 2 ranks y over z over x (and all others rank z over x). On such rankings, (ML) and

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22 For the sake of simplicity, I have spelled out Sen's demonstration without explicit reference to the condition of unrestricted domain. The more technically inclined reader should consult the references in footnote 21.

23 I owe this example to K. Falvey.

(P) yield a cyclical social ranking: by (ML), x ranks higher than y, and, y ranks higher than z, yet, by (P), z ranks higher than x.

Sen illustrates this case with the following example. Suppose Lewd and Prude find a copy of D.H. Lawrence's *Lady Chatterley's Lover* on the shelves. Either Lewd can take the copy home to read (l), or Prude can take the copy home to read (p), or they could leave the copy on the shelves (o). Lewd would find it a shame if such a fine piece of literature remain unread, and since only one person can have a chance, she would rather have it that Prude read it, since, in her opinion, such exposure would be good for Prude. Prude would rather have it that nobody read the book, and if someone were going to read it, she would rather take it upon herself, because heaven knows what it may do to Lewd. One might argue that both Prude and Lewd should be left free to choose for themselves as to whether they will read the book or not. Hence, respecting Prude and Lewd's personal liberties, Prude ought to be made decisive over the pair {p,o} and Lewd ought to be made decisive over the pair {l,o}. Since Lewd would rather read the book and Prude would rather not read the book, l is preferred to o and o is preferred to p in the social ranking. Hence, handing over the book to Lewd rather than handing it over to Prude can be justified in reference to a commitment to personal liberties. Yet, by the Pareto condition, the book must go to Prude rather than Lewd, since both Lewd and Prude would rather have Prude read than Lewd read.

Third, suppose that person 1 and person 2 are decisive over pairs of alternatives *that have no element in common*, say, {w,x} and {y,z} respectively, and that 1 ranks z over w over x over y and 2 ranks x over y over z over w (and all other persons rank x over y and rank z over w). Then the social ranking is cyclical, since, by (ML), w is preferred to x, by (P), x is preferred to y, and, by (ML) again, y is preferred to z, yet by (P) again, z is preferred to w. Similar to the second case, this case can be filled in by an example in which some persons have contrary preferences over pairs of alternatives that belong to other persons' personal spheres.[24]

In conclusion, the import of Sen's libertarian paradox is that there cannot be a Paretian libertarian (unless one would accept cyclical social judgments). In the next section I will consider whether the structure of this paradox can be used to generate a paradox for contextual pluralism.

III

I will spell out an analogue to the third case of Sen's paradox - i.e. the case with no common elements between the decisive sets - for contextual pluralism. A moral problem may involve a choice between two or more than two actions. Let us call any such moral problem a moral 'n-lemma'. For instance, the United Nations agency may be suffering cutbacks such that it can only support one project either in the Central African Republic, Sudan, Namibia or Zimbabwe. For some moral n-lemmas, it is possible to order the n actions on each relevant moral concern.[25] Furthermore, for particular pairs of actions contained in the

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24 For an example, see Sen, „Liberty, Unanimity and Rights", 297-298.
25 Certainly there will be cases where a particular moral concern only attaches to some subset of the actions that are contained in the n-lemma. Two comments are in place. First, to cast doubts on contextual pluralism it is sufficient to generate a paradox for *some* application of a theory that fits this mould. Secondly, even if the relevant moral concerns do not attach to all actions in the n-lemma, the paradox may still set in and yield cycles over a subset of actions.

n-lemma, the background circumstances will determine that one moral concern is more salient than another. This consideration will set a partial solution to the n-lemma in so far as it indicates which of the actions *within the pair* is more and which is less morally responsible.[26] Finally, if some action does better than another action on all relevant moral concerns, then clearly the former is morally more responsible.

Sen's libertarian paradox can now be regenerated for contextual pluralism. Suppose that, considering the promotion of self-reliance, the project in Sudan is stronger than the project in Zimbabwe, which is stronger than the project in Namibia, which in turn is stronger than the project in the Central African Republic. Considering relief efforts, the project in Namibia is stronger than the project in the Central African Republic, which is stronger than the project in Sudan, which in turn is stronger than the project in Zimbabwe. Since both Zimbabwe and Namibia were recently decolonized and the project in Zimbabwe is stronger in promoting self-reliance than the project in Namibia, this ranking carries much weight towards the solution of the n-lemma. And, since both the Central African Republic and Sudan are under the reign of repressive regimes and the project in the Central African Republic is stronger in relief efforts than the project in Sudan, this ranking carries much weight as well. Hence, we can appeal to the moral theory that the agency embraces to rank Zimbabwe over Namibia and to rank the Central African Republic over Sudan. Furthermore, on both moral concerns, Namibia ranks higher than the Central African Republic and Sudan ranks higher than Zimbabwe. So the theory supports a ranking of Namibia over the Central African Republic and of Sudan over Zimbabwe. What this all adds up to is that the agency's theory supports a cyclical moral ranking of Zimbabwe over Namibia, Namibia over the Central African Republic, the Central African Republic over Sudan and Sudan over Zimbabwe.
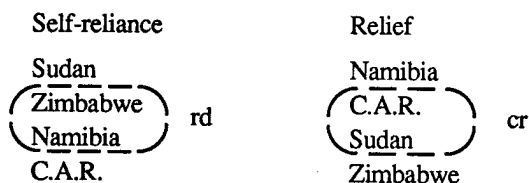
(rd: recently decolonized; cr:corrupt regimes)

Moral ranking:
        Zimbabwe > Namibia > C.A.R. > Sudan > Zimbabwe

What plays the role of condition (ML) in this adaptation of Sen's paradox is the claim that the saliency of moral concerns is determined by a set of background conditions. Together with the adaptation of the weak Pareto principle to this context - viz. that if some action ranks higher than another on all relevant moral concerns, then the former is morally more responsible than the latter - this claim yields cyclical rankings of morally responsible actions for some n-lemmas. Assuming that such cyclical rankings are highly counterintuitive, this paradox is a challenge to contextual pluralism.

26 Let 'morally more responsible' be defined as follows: for two actions x and y contained in some n-lemma, x is morally more responsible than y, if and only if, if x and y were the only feasible actions, than I ought to do x rather than y.

IV

How solid is this challenge to contextual pluralism? In this section I will anticipate some ready suggestions in response to the paradox.

a. Notice that the role of non-welfare information in the libertarian paradox is more stringent than the role of the information concerning what background conditions determine the saliency of moral concerns in the adapted paradox. The non-welfare information that some pair of alternatives belongs strictly to someone's personal sphere makes her *decisive* over this pair, or, in other words, the social ranking will respect her preference over this pair, whatever any other person's preferences might be on the issue. Information concerning background conditions is less influential in that it merely *adds to the weight* of some moral concern. If the project in Sudan were only marginally worse than the project in the Central African Republic as far as relief efforts go, and were much more promising in promoting self-reliance, then the theory would be sufficiently flexible to allow that Sudan be supported.

   Does this difference block the adaptation of the libertarian paradox to moral theories in a contextually pluralist mould? I do not think so. The libertarian paradox also arises if one accepts no more than that non-welfare information (to the effect that, some pair of alternatives belongs to someone's personal sphere) makes her preference over this pair more weighty, even though it may be trumped by massive and ardent resistance from the rest of society. If we simply accept that Lewd's wish to read is more weighty than Prude's wish that Lewd not read and that Prude's wish not to read is more weighty than Lewd's wish that Prude read, this may still yield a cyclical social ranking.[27] On this watered-down version of libertarianism, the paradox can directly be adapted as a threat to contextual pluralism.

b. I have presented the adaptation of the libertarian paradox for the third case in Sen's demonstration, i.e. the case in which two persons are decisive over pairs of alternatives that share no common element. Similarly, in our example of the United Nations agency, the background circumstances determine saliency of moral concerns for two pairs of projects that share no common element. Let us now consider the first and second case in Sen's demonstration.

   On the first case of Sen's demonstration two persons are decisive over the same pair of alternatives. For an adaptation of this case it is sufficient to let the moral theory of the United Nations agency handle a moral dilemma between funding two projects in recently decolonized yet politically corrupt countries with one project being stronger in promoting self-reliance, the other being stronger in providing for immediate relief.[28] Sen's second case can be filled in in a similar vein.[29]

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27 It *will* yield a cyclical ranking as long as the nosy preferences are not considerably stronger than the personal preferences, i.e. as long as Lewd's wish for Prude to read is not considerably stronger than Prude's wish not to read and that Prude's wish for Lewd not to read is not considerably stronger than Lewd's wish to read.

28 This problem is avoided if background conditions are mutually exclusive. Yet there is no *a priori* reason to expect that they will respond to such format.

29 Consider a moral trilemma with one recently decolonized and politically corrupt country, one recently decolonized (and nonpolitically-corrupt) country and one politically corrupt (and non-recently-decolonized) country, properly arranged on the relevant moral concerns.

There are two routes to dissolve the challenge of Sen's paradox for the first case. The United Nations agent who is in charge of assigning funds may at first be at a loss, since the moral theory which has so far served her well leaves her as wise as Buridan's ass. Yet she can deal with this problem either by declaring that it would be equally morally responsible to support either project or by fine-tuning the background considerations to make the scale tip one way or the other. For instance, she may argue that the high success rate of earlier projects promoting self-reliance in the region makes the scale tip in favor of a similar project. She is quick to add that such a precedent of success is a background condition which can only play a *subtle* role in breaking a tie between cases that the core theory cannot handle. This flexibility to embellish on theories as n-lemmas that fall outside of their scope come along, is what is commonly referred to in neo-Aristotelian writings as the *open-ended* character of moral theorizing.[30]

Are any of these responses effective against the adaptation of Sen's second and third case? I am afraid not. Let us consider our example in the last section. Suppose the United Nations agent were to declare that it is equally morally responsible to support either the project in Sudan, in Zimbabwe, in Namibia or in Central African Republic. This would not do, since we *know* that, say, Sudan ought to rank higher than Zimbabwe, since it ranks higher on all relevant moral concerns, and that, say, Zimbabwe ought to rank higher than Namibia, since, for recently decolonized countries, projects that promote self-reliance deserve special attention. Could the agent fine-tune the moral theory which governs her choices in order to break the cycle at some place? Breaking a four-place cycle is different from breaking a two-place cycle (as in Sen's first case) in that it requires reversing some well-supported moral judgments, rather than merely tipping the scale one way or the other. For the former task, unlike for the latter task, an appeal to more subtle features is in vain. (As for the three-place cycles in an adaptation of Sen's second case, the same arguments can be repeated.)

c. Sen has suggested a solution to the libertarian paradox which I find very congenial. He argues that a solution to particular instances of his paradox is determined by the agents' reasons for holding their preferences. He develops his argument in response to A. Gibbard.[31] Gibbard fills in the second case of Sen's libertarian paradox with the following example.[32] Angelina would rather marry Edwin than the judge - who is willing to marry her - yet she would rather marry the judge than remain single. Edwin would rather remain single, yet would marry Angelina, rather than see her be married to the judge. Angelina and Edwin's preference structure is the same as Prude and Lewd's preference structure in the *Lady Chatterley's Lover* case. Angelina prefers 'Angelina marries Edwin' (e) to 'Angelina marries the judge' (j) and she prefers the latter alternative to 'no marriage' (n). Edwin prefers 'no marriage' to 'Angelina marries Edwin' and he prefers the latter alternative to 'Angelina marries the judge'. Furthermore, Angelina should be left free to decide for herself whether she will marry the willing judge or not marry at all. Edwin should be left free to decide for himself whether he will marry Angelina or not marry at all. Hence, Angelina ought to be made decisive over the pair {j,n} and Edwin ought to be made decisive over the pair {e,n}. Since Angelina prefers j to n and Edwin prefers n to e, a

30 E.g. D. Wiggins, *op. cit.*, 44-45; S. Hurley, *op. cit.*, 246-247
31 "A Pareto-Consistent Libertarian Claim", *Journal of Economic Theory* 7 (1974): 388-410
32 Gibbard's example takes off on the plot of Gilbert and Sullivan's operetta *Trial by Jury*.

judgment as to what is best for this micro-society that respects personal liberties must recommend j rather than n and n rather than e. However, both Angelina and Edwin prefer e to j. Hence, a judgment that respects the Pareto principle must recommend e over j. Just like in the *Lady Chatterley's Lover* case, the social ranking runs in a cycle.

Gibbard believes that common moral intuitions support a judgment that respects the Pareto principle. If left to themselves, Edwin will forgo his right to remain single and both parties will agree to marry each other. A judgment as to what is best for this micro-society should not recommend otherwise. Gibbard generalizes from this case that the conflict between personal liberties and the Pareto principle in the libertarian paradox must be solved in favor of the Pareto principle.

Sen agrees that Gibbard's solution yields a plausible answer for Gibbard's own case, though he disagrees that it constitutes a general solution to the libertarian paradox. In the *Lady Chatterley's Lover* case, one might want to argue that, though both Lewd and Prude prefer that Prude read rather than that Lewd read, these are meddlesome preferences and hence should be discounted in the social ranking. The only preferences that should count towards a social ranking is Lewd's preference to read and Prude's preference not to read. Hence, for this case, a plausible argument can be made that personal liberties ought to trump the Pareto principle in a judgment as to what is best for this micro-society.

Sen argues, on the basis of both cases, that a solution to some particular instance of the libertarian paradox is not completely determined by the set of preference orderings of the persons involved, but requires reference to the *reasons* that the parties have for holding their respective preferences. To support this claim, Sen rewrites Gibbard's story such that Angelina is madly in love with the judge, yet would rather marry Edwin because she is furious with his unwillingness to marry her. Meanwhile, Edwin hates Angelina and to stop her from being happily married to the judge, he would do anything, including marrying her himself. For this case, the same preference orderings hold as in Gibbard's story, yet, one would feel much more reluctant to respect the Pareto principle and recommend such Proustean marriage between Angelina and Edwin.[33]

I find Sen's suggestion for a solution to his paradox very appealing. However, I do not see any analogue to it that could save contextual pluralism. A parallel solution would involve an appeal to meta-reasons, i.e. to the reasons for ordering the actions on the relevant moral concerns that constitute the reasons for our moral judgments. Yet, one's reason, say, for ranking Sudan higher than Namibia on the moral concern of the promotion of self-reliance is the set of non-moral features of the projects in question in virtue of which this ranking holds true. I do not see how such reference could be helpful at all in breaking through a cycle of morally more responsible actions. Hence, a congenial solution to the libertarian paradox in its original context does not seem to offer any solace in its challenge to contextual pluralism.

V

I have argued so far for the conditional claim that if contextual pluralism holds true, then some n-lemmas will have cyclical solutions. Is this bad news for contextual pluralism? I am not sure. I can see three responses to the current situation.

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33   A. Sen, "Libery, Unanimity and Rights", 296-302, 313-315, 317

The first response is to challenge the conditional claim and argue that the paradox cannot be generated on a proper interpretation of contextual pluralism. This kind of response merits more thought. I have found the paradox extremely recalcitrant, but I trust others to come up with new and valuable suggestions on this route.

The second response is to accept the conditional claim and construct the argument as a *reductio ad absurdum* of contextual pluralism. Utilitarians have since long warned of the dangers of a moral theory that embraces plural values.[34] I would expect them to welcome the paradox as new support for their case.

The third response is to accept the conditional claim and to accept its consequent. This is a costly response in that it affects the issue of moral realism. The anti-realist *may* be able to reconcile herself with cyclical moral rankings. Her acceptance of such rankings is contingent upon her stand on whether a person may reasonably hold a cyclical *preference* ranking in general. Economists, psychologists as well as philosophers have explored various paths of how multiple reasons may interact to yield cyclical preferences.[35] A set of alternatives that are caught in a cyclical preference ranking does not have a best element, that is, an element that is at least as good as any other element in the set. Hence, to say that cyclical preferences may be reasonable is to challenge the conception of rational choice as maximization, that is, as the choice of a best element in the preference ranking over the feasible set. This is a rich topic of debate[36] and there is no need to prejudge it at this point. To embrace anti-realism and challenge the conception of rational choice as maximization is just one route a contextual pluralist may explore in the face of the paradox.

For the moral realist it is much harder to accept the cyclical nature of moral value. Such would involve accepting the existence of cyclical moral properties in the world. Yet, cyclicity is clearly not a feature of properties in general. If it is the case that Philadelphia cream cheese is softer than Brie and that Brie is softer than Gouda, then certainly Gouda cannot be softer than Philadelphia cream cheese. To speak with Mackie, cyclical moral properties would be properties with a very *queer* metaphysical status.[37] As long as the conditional claim that I argued for in this paper remains unchallenged, such argument from queerness would cut against the joint possibility of moral realism and contextual pluralism.

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34 J.S. Mill, *A System of Logic. Ratiocinative and Inductive*. In: C.W. Gowans (ed.), op. cit., 52
35 E.g. K. May, "Intransitivity, Utility, and the Aggregation of Preference Patterns", *Econometrica* 22 (1954): 1-13; A. Tversky, "Intransitivity of Preferences", *Psychological Review* 76 (1969), 31-48; J. Broome, "Rationality and the Sure-Thing Principle", In: G. Meeks (ed.) *Rationality, Self-Interest and Benevolence* (Cambridge:, Cambridge University Press, forthcoming). For a summary, see M. Bar-Hillel and A. Margalit, "How Vicious are Cycles of Intransitive Choice", *Theory and Decision* 24 (1988), 119-145. I do not doubt that people have actually come to hold cyclical preferences on the background of multiple reasons. I am more sceptical about the rational acceptability of such preferences. Here is a recent example. J. Broome pictures a person who prefers staying home to going to Rome, prefers going to Rome to going mountaineering due to the cultural value of the former trip, yet prefers going mountaineering to staying home, since she does not want to think of herself as a coward.
36 For a discussion of this topic in the philosophical literature, see T. Schwartz, "Rationality and the Myth of the Maximum", *Nous* 6 (1972), 97-117.
37 J. Mackie, *Ethics - Inventing Right and Wrong* (Harmondsworth: Penguin, 1977), 38-42