UNDERSTANDING

ETHICS



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Moral Dilemmas

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In the beginning of the *Bhagavadgītā*, when Arjuna faces his kinsmen in battle, he experiences a profound moral crisis. On the one hand, Dhrtarāstra and his army are poised to wrongfully usurp the kingdom by force, but on the other, the ensuing war will destroy the family and the entire social order. "And we do not know which is the heavier burden," Arjuna tells Krsna, "whether we should win or whether they should win...if we should kill them, we ourselves would no longer wish to live...I ask you, because my understanding of duty is confused. What would be better?"1

Arjuna is faced with a moral conflict: a choice between two morally compelling, but mutually exclusive, alternatives; in this case, between: a) acting in accord with dharma and honour, at the cost of the destruction of family and social order, or b) acting so as to avoid the destruction of family and social order (or at least avoid participating in it) at the cost of dharma and honour. In Plato's Republic, Socrates considers the choice between a) fulfilling a promise to return a sword to an owner intending to use it for a murder (and becoming, thereby, an accessory to the crime), and b) acting to avoid complicity in murder by refusing to return the sword.

Krsna resolves Arjuna's moral conflict by explaining that the 'soul' is indestructible and that, consequently, nobody really kills or is killed. Only bodies, which are transient, are destroyed and replaced. "Therefore," says Krsna, "once you have understood this is so, you should not mourn for him." On the other hand, he explains, if you give up the fight, you will abandon both dharma and honour. "Joy and suffering, success and failure, victory and defeat: treat them all alike," he says, "Brace yourself for battle. In this way you will avoid dishonour!"² Plato's hypothetical case, in demonstrating that justice is not simply 'giving to each his due,', thus severs the question of whom the sword belongs to from any moral consequence by reason of the owner's murderous intentions. Though you are keeping the would-be killer's

'rightful' property, you 'should not mourn for him', at least in the sense of considering yourself to have wronged him. In both cases, then, the moral conflict is resolved through the correction of an intellectual error in the light of which one of the two conflicting moral considerations is understood as overriding, and the other overridden, in the sense that the first renders the second morally inconsequential.

In this sense, the two cases are representative of how most modern ethical theories have dealt with moral conflict, where, as Bernard Williams critically describes it: "A structure appropriate to conflicts of belief is projected on to the moral case; one by which the conflict is basically adventitious, and a resolution of it disembarrasses one of a mistaken view that for a while confused the situation." Williams is a pioneer in a more recent philosophical debate as to whether such a structure is, in fact, appropriate to the reality of moral agency. "It seems to me a fundamental criticism of many ethical theories that their accounts of moral conflict and its resolution do not do justice to the facts of regret and related considerations," he writes, "basically because they eliminate from the scene the 'ought' that is not acted upon."4

That is, given the conclusion that Arjuna ought to uphold dharma and honour, does it follow that there is simply no moral consequence in the prospect of his killing his kinsmen? Or is it not that, while in upholding dharma, Arjuna would be doing something he ought to, it would nevertheless be at the expense, however unavoidable, of doing something else he ought not to do? When Arjuna says that if he should kill them he would no longer wish to live, does he express a sentiment that he should feel; and to which he is, perhaps, tragically doomed, not just to feel, but to rightfully feel, having wrongfully killed his own kinsmen? Or, is it the case, as Kṛṣṇa asserts, that Arjuna should not mourn them, since, to realize that one of the two is the right course of action, is to realize that there is no real sense left in which the other action 'ought' to be done, under the circumstances?

This is the question of whether or not there are genuine moral dilemmas. A moral dilemma is a situation where one appears to be forced to choose one of two morally reprehensible courses of action. The question is whether or not all apparent situations of this sort can, in principle, be resolved in such a way as to be shown to be merely apparent and not genuinely dilemmatic. If so, it seems that it should always be possible, in principle, for a moral agent, given adequate moral knowledge and strength of will, to avoid moral failure. If not, there can be situations where one is, as they say, 'damned if you do and damned if you don't.'

The resolution of Plato's scenario is easier. Intuitively, one has not failed morally in keeping the sword from its murderous, though rightful, owner.

But Arjuna's case is not so simple; and it is situations like it which motivate realists about moral dilemmas (or 'moral dilemmists') to deny the anti-dilemmist claim that every such moral conflict is only an apparent moral dilemma, effectively asserting that situations can and do arise for agents in which their every practical alternative is morally wrong. The lesson that, for example, E.J. Lemmon might have taken from Arjuna's situation is that the reasons why it could be the case that we ought to do something are multiple, generically different, and independent.5 It may be that one ought to do one thing out of a duty attached to one's special role or position in society, another thing out of an obligation incurred from a prior action like a promise or contract, and yet another from a moral principle that one holds. So, the demands of duty may be incompatible with those of one's obligations or moral principles, and it is unrealistic to expect that in every case one element will always override any competing moral demand. The dilemmist is likely to understand Arjuna's situation in the way that Sartre understood the situation of his student, who was faced with choosing between staying home for the sake of his mother, and joining the resistance for the sake of his country.6 He cannot escape choosing, and so cannot escape the inevitable moral failure entailed by one or the other alternative.

Positive dilemmist arguments have largely been phenomenological in nature, appealing to the actual experience of moral agency and the implications of moral sentiments. Where this data runs up against suppositions of modern moral theory that tend to the contrary, the dilemmists have generally sought to show that those suppositions are without philosophical warrant. Anti-dilemmists generally call into question the evidential import of moral experience and sentiments on the one hand, and on the other, advance various theoretical strategies for resolving moral conflict, along with arguments - often rooted in deontic logic - to the effect that the concept of a genuine moral dilemma involves logical contradictions. The dilemmists, meanwhile, have called into question a number of the key premises on which these latter arguments turn. As we will see, the debate over moral dilemmas is motivated and shaped by deeper underlying meta-ethical and moral-epistemological differences.

The dilemmist argument from moral sentiments began with Williams' assertion that the presence of legitimate regret in cases where an agent is forced to choose the lesser of two evils indicates that, even where the evils have been weighed correctly (assuming they can be weighed against each other), some moral violation has still occurred. For if it were the case, the fact that the evil that was chosen was the lesser evil of two options rendered it no evil at all (by 'eliminating from the scene the 'ought' that is not acted upon'),

then regret would not be a legitimate, rational response to the circumstance. But we do consider regret legitimate, and even admirable in many situations of this sort, where lack of regret would indicate a failure of moral sensitivity.

But moral failing is not the only way to account for the legitimacy of regret. This sentiment can be understood as legitimate and even commendable simply in virtue of the fact that the unfortunate choice had to be made, without implying any consequent moral failing. A person may understandably regret that he should have to fight members of his own family for the sake of a just cause, without it being the case that he is morally wrong in doing so. So the argument from moral sentiment is, perhaps, stronger on the basis of guilt, understood as appropriate just in case one is guilty, in the sense of having morally failed.⁷ If situations can arise where any course of action gives rise to appropriate guilt, then it follows that one is doomed to moral failure in that case. Guilt, it may be argued, is as appropriate a response to having killed members of one's close family as it would be to having abandoned one's duties as a leader by condoning a gross injustice on their part in order to avoid killing them. If so, one is doomed to moral failure either way, regardless of whether these are the only options.

The anti-dilemmist might respond that this argument is question begging. Whether guilt is appropriate or not in a given situation depends on what the moral facts of the situation are, independent of the agent's response. But this argument seeks to establish the moral facts (i.e. that one is morally in the wrong either way) on the basis of the appropriateness of the agent's response. So arguments from moral sentiments are ultimately superfluous. Dilemmists might argue, however, that this response is itself question begging. Some will take issue with the very notion of moral facts that are purely independent of an agent's response, and would take the existence of moral dilemmas as evidence to the contrary.8 Aside from that, the dilemmist can argue that, given the evidence from experience and moral sentiment, situations are possible wherein all available options are such that guilt would be considered appropriate, on the face of it; then in such cases the burden of proof is on the anti-dilemmists to show that it is not.

A traditional reason that modern ethical theorists have given for denying the possibility of genuine moral dilemmas has to do with the relation between morality and reason.9 Rationalist moral theories (e.g. Kant and Aquinas), take ethics to be rooted in practical reason, and ultimately deducible from its basic principles. These stand in contrast to 'command' theories, for example, where moral obligation is based ultimately on a command - of divine or social origin, depending on the theory – against which there is nothing in principle preventing conflicting commands from issuing to an agent. But where reason is taken to be an essential element of what it means to be moral, an irrational imperative would ipso facto fail to be a moral one. Therefore, if a genuine moral dilemma entails a contradiction, as has been thought, then an adequate moral theory, in the rationalist sense, should not accept it as a possibility.

If there is a genuine moral dilemma, then there will be at least two actions (A and B), each of which one ought to do (and so would be morally wrong not to), but under circumstances in which it is impossible to do both. There are two main arguments in the literature that such a situation, in combination with other commonly accepted principles, can be shown to entail a contradiction. The first argument is based on the principle that 'ought' implies 'can', and the 'agglomeration principle'. The principle that 'ought implies can' states that if one is incapable of performing an action, then it is not morally obligatory. The agglomeration principle states that if I ought to perform an act (A), and I ought to perform another act (B), then I ought to do both (A and B). It is easy to see that from the fact that I cannot do both A and B, it follows, from 'ought implies can', that it is false that I ought to do both. But according to the agglomeration principle it follows, from the fact that I ought to do each of the two, that it is true that I ought to do both.

To avoid this contradiction, we must either reject that 'ought' implies 'can', the agglomeration principle, or the possibility of moral dilemmas. Anti-dilemmists reject the latter. This, in turn, calls for them to explain how moral dilemmas cited by the dilemmists are merely apparent. One part of the explanatory strategy is to narrow the scope of what needs to be explained by distinguishing between dilemmas that arise for an agent as a result of a moral violation on her part (for example, knowingly making conflicting promises), and those which arise independently of any such violation: named by Aquinas, respectively, as 'perplexity secondum quid' and 'perplexity simpliciter.' The rational system of moral principles, on this view, need only rule out instances of the latter sort; since, where the agent has placed herself in a dilemmatic situation by committing a moral violation, it is not morality itself, combined with circumstances outside of her control, that have placed her in the nowin scenario. The agent has placed herself in the situation. So, there is no real violation, here, of the principle that 'ought implies can.' Such a system would naturally include a rule that it is wrong to place oneself in a dilemmatic situation, when avoiding it is possible. Other secondary principles that follow from the basic principles of the moral system might also preclude moral dilemmas.¹⁰ In the case of promising, for example, there may be principles that place conditions on what sorts of promises are morally permissible to make,

and under what sorts of conditions failing to fulfil permissible promises may itself be permissible. Dilemmists, however, would object that such principles simply presuppose that moral dilemmas are merely apparent, thus begging the question.

Another anti-dilemmist strategy is to deploy a distinction between moral and non-moral practical dilemmas, dismissing certain types of alleged moral dilemmas.11 In the 'symmetric' moral dilemma, an equally weighty moral value or principle seems to be at stake in either horn, such as where one is only able to save one of two children from drowning and there is no moral reason weighing in favour of one or the other. Here, the response is that the agent is under a disjunctive obligation to save either one or the other, which would be fulfilled by saving one, whichever one it is. The question of which one to save, then, while posing a tragic emotional and practical conflict, is not, properly speaking, a moral dilemma. Again, the dilemmists would argue that this simply pre-supposes that moral imperatives are essentially different from other sorts of imperatives in some way such as to guarantee that the former are always possible to fulfil.

The agglomeration principle has been the frequent target of dilemmists. Williams has pointed out that it fails to apply to a number of evaluative concepts other than 'ought.' 12 It may be as practical to purchase this car, as it is to purchase that car, for example. But it does not follow that it would be practical to purchase both. It may be the case that taking one medication will be beneficial, and that taking another would also be beneficial, while taking both would be detrimental. So, it is not self-evident that the agglomeration principle applies in the case of 'ought.' Moreover, from the fact that it is impossible to do both A and B, it follows that if I do B, then I will not be able to do A. So from the 'ought implies can' principle, we infer the conditional that if I do B, it will not be the case that I ought to do A. Since it is not the case that I cannot do A until after I do B, then it is only after I do B that it ceases to be the case that I ought to do A. Thus, it remains that at the time when A was something I ought to have done, it was something I could have done and failed to do.13

Van Fraasan has stated that the agglomeration principle is an equivocation between having a commitment to do A, and a (separate) commitment to do B; and a (single) commitment to do A and B.14 But there is a difference between, on the one hand, the proposition that, "I ought to do A and I ought to do B," and, on the other hand, the proposition that, "I ought to do A and B." And the first proposition does not entail the second. This assertion, however, turns on the premise that reasons why we ought to do the things we ought to do are diverse, independent, and generically different. Seen in this way, the denial of the agglomeration principle is simply the assertion of some of the deeper theoretical suppositions that motivate the dilemmist position.

This is evident in W. Sinnott-Armstrong's contention that the agglomeration principle is false if 'A ought to be done' is understood as 'there is a nonoverridden moral reason to do A,' as opposed to 'there is an over-riding moral reason to do A.'15 In the former case, even if neither the reasons to do A nor the reasons to do B are overridden, it may be that the reasons for doing both together are overridden, by reasons against doing both which do not apply to each individually. Obviously, this depends on it being the case that there can be non-overridden moral reasons to do A which are not also overriding moral reasons to do it. Here again, the debate over moral dilemmas is really symptomatic of a deeper disagreement over the nature of moral reasons.

It has been argued that the principle that 'ought implies can' cannot be denied, for then it would follow that every action (including its opposite) is obligatory.16 On the other hand, A. Donagan has interpreted R. Marcus' critique of the agglomeration principle as a revision of the principle that 'ought implies can', limiting its application to non-agglomerated 'ought' statements.¹⁷ So while the proposition that 'I ought to A' implies that I can A, and that 'I ought to B' implies that I can B, the proposition that 'I ought to A and I ought to B' does not imply that I can do both. Marcus introduces a principle that one ought to act such that, if it turns out that one ought to A and that one ought to B, one will be able to do both.18 Though we may not always be able, we should be motivated to arrange our lives and institutions such as to avoid, as far as possible, dilemmatic situations. This motivation manifests itself in appropriate guilt, when such situations do arise, at not having taken steps beforehand to avoid them, which indicates that moral failure does in fact result in such situations.

Sinnott-Armstrong has argued that 'ought' does not imply 'can'; which in this case means that 'ought' does not entail 'can', though it commonly does conversationally imply 'can.' That is, in many conversational contexts, the statement that one ought to A serves no purpose if one cannot A; for example, where the purpose of making the statement is to advise the agent to A, or to blame her for failing to. But this does not entail that the statement is false. Importantly, this argument depends on the supposition that 'ought' has a univocal meaning in the sense that there is no special meaning for 'ought' in moral contexts, as distinct from its meaning in non-moral contexts. This means, for example, that the statement that one ought to A does not entail that one is morally blameworthy for failing to A; so that room is made for

genuine moral dilemmas by denying the principle that 'ought implies can' without also claiming that one is blameworthy for not doing something he or she is unable to do.

The second argument that a genuine moral dilemma entails a contradiction is based on the 'principle of deontic consistency,' and the 'principle of obligating the necessary condition.' The 'principle of deontic consistency' states that if it is morally obligatory to perform an act, then it is not morally obligatory to refrain from the same act. For example, if Arjuna is morally obligated to defend the kingdom, then he is not morally obligated to refrain from defending the kingdom. The 'principle of obligating the necessary condition' states that that one ought to do any act that is a necessary condition for doing something else that one ought to do. If it is a necessary condition of defending the kingdom that Arjuna fight his own relatives, and defending the kingdom is something he ought to do, then he ought to fight his own relatives.

Given the fact that in a genuine moral dilemma it is not possible to do both of two things, each of which one ought to do, it follows that not doing one is a necessary condition for doing the other. So if Arjuna is in a genuine moral dilemma, it will be the case that he ought to defend the kingdom, and that he ought to refrain from fighting his own relatives, it being impossible for him to do both. Then, not defending the kingdom is a necessary condition for him to refrain from fighting his own relatives, and not refraining from the fight is a necessary condition of his defending the kingdom. From the principle of 'obligating the necessary condition', it follows that Arjuna ought not to defend the kingdom, and ought not to refrain from fighting. He will be morally obligated both to defend and refrain from defending, as well as to fight and refrain from fighting. It will be obligatory to do and not do to the same act, violating the principle of deontic consistency.

Now, a violation of the principle of deontic consistency does not itself amount to a logical contradiction. The logical contradiction with the proposition that 'I ought to do A' would be that it is not the case that I ought to do A. But, a violation of deontic consistency with 'I ought to do A,' is that I ought not do A. So even if the anti-dilemmists can show that a genuine moral dilemma entails a violation of deontic consistency, they would not have shown that the realist position is logically contradictory. A strategy for dilemmists, then, would be to simply deny the principle of deontic constistency. But doing so would force them to also deny one or another of the following standard, and quite intuitive, principles of deontic logic: the definition of 'permissibility', or the 'permissibility of obligation.' The permissibility of an act is defined as the negation of any obligation to

refrain from it. The 'permissibility of obligation' is the principle that any act that is obligatory is also permissible.

If we accept this definition of permissibility, and deny the principle of deontic consistency, then we must also deny the permissibility of obligation for, if we accept the possibility that we may be obligated to perform and refrain from the same act, and if permissibility is the negation of any obligation to refrain from an act, then the act which we are obligated to refrain from is not permissible. Yet it is also obligatory. Thus, it is obligatory and yet not permissible. So we must give up the principle of the permissibility of obligation. If, on the other hand, we discard the principle of deontic consistency and maintain the permissibility of obligation, then we must discard the definition of permissibility for, if we maintain that every obligation is permissible, but that we may find ourselves obligated both to perform and refrain from an act, then that act, from which we are obligated to refrain, is permissible. The permissibility of an act cannot then be defined as the negation of any obligation to refrain from it.

But rejecting these items of deontic logic may not be a problem for dilemmists. Van Fraasen, for instance, objects that, given this definition of permissibility, the principle of deontic consistency just is the denial of genuine moral dilemmas.20 Sinnott-Armstrong argues that on his analysis, where the proposition 'I ought to A' means, 'there is a non-overridden reason to do A', the principle of deontic consistency does not hold.21 For from the fact that there is a non-overridden moral reason to A, it does not follow that there is no non-overridden moral reason not to A. That the definition of permissibility must consequently be discarded is no issue for Armstrong, since he argues that on his analysis of 'I ought to A', it also turns out false. For if, by the permissibility of A, we mean that there is no non-overridden moral reason not to A, then the permissibility of A does not follow from its being obligatory, since there may be both a non-overridden moral reason to A and a non-overridden moral reason not to A. And, if by the permissibility of A we mean that there is no overriding moral reason not to A, then its permissibility does not imply the negation of any obligation to refrain from it, since there may be a nonoverridden moral reason not to A, but no overriding moral reason not to A. This issue turns, again, on a larger question over the nature of moral reasons.

In this discussion, we have reviewed some of the main considerations and arguments over the question of whether genuine moral dilemmas are possible. As we saw, most of the arguments advanced by either side seem open to the charge, by the other side, of question begging. What emerges, then, is that the philosophical problem of moral dilemmas is symptomatic of underlying

philosophical differences with respect to deeper and more general questions of meta ethics and moral epistemology. These include the nature and function of moral reasons; for instance, whether and how moral reasons are essentially different from other sorts of reasons for acting. They include questions about the relation between reason and morality; whether and in what sense 'ought' implies 'can', and whether deontic consistency is binding on the moral facts in the same way logical consistency is normally understood to be with respect to facts generally. There is also the question of what the proper role is of the experience of moral agency, and moral sentiments, in determining the moral features of a situation. The issue of moral dilemmas is unlikely to be resolved independently of these and other more fundamental philosophical questions.

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FURTHER READING

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QUESTIONS

- 1. What is a moral dilemma? Can genuine moral dilemmas exist?
- 2. Discuss some positive dilemmist arguments. What is the reaction of moral dilemmists to the agglomeration principle?
- 3. What arguments are given by anti-dilemmists to dismiss moral dilemmas as only apparent?

CHAPTER 27

Ethical Language: With Special Reference to Wittgenstein

Enakshi Mitra

There is a dominant area in ethics which is engaged not so much with the nature of the moral values - with the right, good and the ought - but with the meaning of these ethical terms and the nature and behaviour of the sentences in which they figure. Apparently this shift is trivial, purposeless and pretentious, somewhat like recasting the investigation into the nature of water into an analysis of the meaning of the term 'water'. However, this linguistic approach is helpful and indispensable in many cases whether the apparent similarity in grammatical forms of sentences misleads one as to what exactly they represent. Suppose one conceives sentences like 'Men are numerous' and the 'The square circle does not exist' in the model of 'Men are mortal' and 'The Present P.M. of India is not an athlete' respectively. Then one is apt to think that like mortality there is really a property like numerousity belonging to each man, and like the present P.M there is a real entity like a unique square circle ready to receive the property of non-existence. Here one needs a thorough-going linguistic analysis of these sentences to expose the fundamental disanalogy between the first and the second pair. Similarly a section of moral philosophers think it necessary to probe beyond the superficial structural similarity between sentences like 'Water is cold' on the one hand and 'Education is good' and 'Murder is ignoble' on the other. This linguistic approach sets off without the presumption of there being ethical values like goodness and badness as real predicates of actions, thus leaving open a wider range of critical options.

This second level enquiry into ethical language forming a significant part of meta-ethics largely comprises two theories: realism and anti-realism. Realism encompasses both naturalism and non-naturalism, while views like subjectivism, non-cognitivism and error-theories fall under the anti-realist direction. This paper will work through two phases: the first phase will be a brief overview of the major theories from the above list¹, the second phase will attempt to see