

# RECIPES FOR MORAL PARADOX

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## I. INTRODUCTION

Paradoxes play famous roles in philosophy.<sup>1</sup> Mark Sainsbury's well-known definition is that a paradox is "an apparently unacceptable conclusion derived by apparently acceptable reasoning from apparently acceptable premises."<sup>2</sup> Michael Clark has argued that some important paradoxes do not fit this model, and that hence we should have a more ecumenical notion of paradox.<sup>3</sup> Either way, the philosophical import of paradoxes is clear.

Saul Smilansky notes that, despite the famous role of paradoxes in philosophy, very few moral paradoxes have been developed and assessed.<sup>4</sup> Smilansky's point is particularly apt if we concentrate on paradoxes about values or moral reasons. Some paradoxes that have been examined by ethicists concern neither, at least in certain formulations. For instance, the toxin paradox and paradoxes of deterrence have interested ethicists, but their subject matter is philosophical psychology: by invoking scenarios in which agents will not later want to do something that they now have reason to intend to do, these paradoxes probe questions of the nature of and relations between intention, desire, and knowledge.<sup>5</sup> Smilansky offers ten moral paradoxes to fill this gap. However, Smilansky's general observation is well-taken: despite his efforts, ethicists have not examined very many moral paradoxes.<sup>6</sup>

The dearth of moral paradoxes is even more puzzling given that, in a certain sense to be explained shortly, they are easy to generate. The present project is to offer recipes for moral paradoxes and to indicate their potential philosophical import.

## 2. RECIPES FOR MORAL PARADOX

Two things must be noted about paradoxes at the outset. First, the hallmark of many paradoxes is a diametrical opposition between considerations, often leading to mutual effacement. There is something at least apparently self-undermining about paradoxes. Take the barber who shaves all and only the villagers who do not shave themselves. For the barber to shave himself he must not shave himself (in which case he does shave himself . . .).<sup>7</sup> Accordingly, to construct putative moral paradoxes, all we need are methods of finding this structure of mutually undermining conflict of considerations.<sup>8</sup>

Second, paradoxicality is a matter of degree. The apparently reflexively undermining structure of some paradoxes is relatively easily explained away, but in other cases it stubbornly remains, posing a challenge to our preconceptions about the relevant topic. Sainsbury proposes a ten-point scale of paradoxicality: merely apparent paradoxes belong at position one; deeply challenging paradoxes occupy position ten.<sup>9</sup>

These two features of paradoxes present two matters to consider in connection with moral paradoxes. The first feature—the self-undermining structure of paradoxes—offers the possibility of constructing moral paradoxes. The second feature—degrees of paradoxicality—presents the following question: for some putative moral paradox, is it merely apparent, to be explained away, or does it pose a deep challenge to preconceptions about some feature of morality? This section contains recipes for moral paradox that exhibit various ways of realizing the self-undermining structure of paradoxes in general. The question of the depth of these paradoxes will be addressed in the next section.

There are two axes along which we can design moral paradoxes. The first concerns the relations between the features that undermine each other. Here are two recipes for moral paradox designed around the self-undermining structure of paradoxes in general:

#### *First Recipe—Paradoxes of Independent Structure*

Step 1: Find something that functions as a value or reason with a particular valence.

Step 2: Construct a scenario in which this consideration functions simultaneously to undermine the value or reason featured in Step 1 by generating an independent value or reason.

These are *Paradoxes of Independent Structure* because the undermining valences of the considerations in question have no essential relation to each other. Smilansky's paradox of fortunate misfortune can be taken as a paradox of this type.<sup>10</sup> In this paradox a person experiences something terrible early in life. Later in life this experience leads the person to great success. The same experience appears to be both good and bad for this person. The mutual effacement characteristic of paradoxes is emphasized if we think about how we should react to this feature of this

person's life. It is bad, so it would seem appropriate to regret or to lament this feature, even to attempt to diminish its role in this person's life. But this is at the same time to regret, to lament, or to diminish that which is responsible for this person's great success. Reducing the bad simultaneously reduces the good; increasing the good increases the bad.

Fortunate misfortune brings up a crucial feature of moral paradoxes. The values and reasons in question have to be assessed from an all-things-considered perspective. There is nothing paradoxical about admitting that something can be *pro tanto* bad but overall good. We have something paradoxical when the same thing appears to be overall both good and bad for someone, and this is the way in which fortunate misfortune is to be understood.

Let's look at a second example, this time about reasons. Suppose that a particular act A is against the law. Suppose also that there is, generally and in this context, reason to obey the law. In combination, these ideas give us a reason not to perform A. Now imagine that the government is involved in a morally problematic activity. Citizens have reason to object to this, and for at least some, the most effective way of objecting is through public protest. Suppose also that a particularly effective way of conducting such a protest is by well-chosen violations of law. In this context, performing A suits this purpose. This means that, in virtue of being against the law, there is both reason not to do A and reason to do A in this context.<sup>11</sup>

Both of these paradoxes can be taken in other ways. This brings us to the second recipe:

#### *Second Recipe—Paradoxes of Dependent Structure*

Step 1: Find something that functions as a value or reason with a particular valence.

Step 2: Construct a scenario in which the status of the consideration as a value or reason with a

particular valence simultaneously generates a value or reason that undermines the valence of the value or reason proposed in Step 1.

These are *Paradoxes of Dependent Structure* because of the close relation between the undermining values/reasons: the first value or reason lays the foundation for the second, which then undermines the first. In so doing, the second reason/value undermines its own foundation, thereby robbing itself of the power to undermine the first. But this restores, paradoxically, the foundation for the second, etc. Fortunate misfortune is arguably both more realistic and more paradoxical when read as exhibiting this dependent structure. Suppose that someone has experienced something terrible early in life. Because of this misfortune, the person works hard in particular ways and has great success later in life. Has the early experience been good or bad, overall, for this person? It seems that it has been good precisely because it has been bad, and that if we deny its negative valence then we lose our grip on its role in producing and explaining the person's eventual success, which is good.

Here is another example, this time about reasons. Suppose that we generally have reason to respect private property, which means allowing the rightful owner of the property to determine how it will be used, who will have access to it, etc. Now imagine that a multinational corporation owns property near us. This corporation is violating human rights in a country on the other side of the globe. We have reason to try to change this corporation's behavior, and it appears that the means most easily taken and most likely to get the company's attention involve protesting by occupying the corporation's nearby property against the wishes of the corporation. The reason that this will be an effective means of protesting is that it emphasizes the severity of the corporation's treatment of faraway people by deliberately flouting their property rights. If there were no

reason to respect their property, the protest would not be nearly as effective. So, in this context, the reason to respect the corporation's property generates the reason to disrespect the corporation's property.<sup>12</sup>

Let's turn to the second axis along which we can design moral paradoxes. The first axis concerns the relation between the features that stand in a putatively undermining relation. The second concerns the valences of the values or reasons themselves. The recipes presented so far contain two positions for values/reasons. However, there are three ways to fill these positions, and two distinct combinations of these possibilities generate the self-undermining structure characteristic of paradoxes. So:

### *Third Recipe—Dual Valence Paradoxes*

Step 1: Find something that functions as a value or reason with a particular valence *A*.

Step 2: Construct a scenario in which this consideration simultaneously generates a value or reason with the opposite valence *Z*, such that the value/reason in Step 1 undermines the value/reason in Step 2, and vice versa.

These are *Dual Valence* paradoxes because they feature interplay between two nonzero valences, each of which undermines the other. Situations exemplifying this combination of values will be overall equally good and bad, or will offer overall reason to do act *P* and equal overall reason not to do *P*. Because two distinct values/reasons feature in these paradoxes, the undermining characteristic of paradoxes is achieved combinatorially.

Fortunate misfortune is naturally read as a dual valence paradox about values: the early-in-life experience is both bad and good, and it is the interplay between these distinct values that generates the paradoxes. Under this interpretation, the first version of fortunate misfortune is a dual valence, independent structure paradox; the second version is a dual valence, dependent structure paradox.

Likewise, the independent structure government protest example is a dual valence paradox about reasons: the reason to do A and the reason not to do A combine to undermine each other. However, this example can be read in another way. In the dual valence version there are conflicting overall moral reasons both to do A and not to do A. That is, A is both morally demanded and morally prohibited. But we can weaken one of these demands and still have a paradox. Suppose that a particular act A is against the law in a particular country. Suppose also that this is a just law made and enforced by a mostly just state. In combination, these ideas give us a reason not to perform A. However, imagine that the government is involved in a specific morally problematic activity. Citizens have reason to object to this, and for at least some, the most effective way of objecting is through public protest. Suppose also that a particularly effective way of conducting such a protest is by well-chosen violations of law. In this context, performing A suits this purpose. Given that the law prohibiting A is a just law in a mostly just state, it is arguably too strong to say that citizens are overall demanded by duty to break this law in order to protest the government's immoral activity. But since it is reasonable for these people to demand change, let's say that breaking this law is permissible. This is to say that there is no overall reason not to perform A. On the assumption that such considerations can be equally balanced, that A is against the law in this context implies that there is overall reason not to perform A and simultaneously no such reason not to perform it. In this version, rather than two distinct reasons undermining each other, we have just one reason and its specific absence. This brings us to the fourth recipe.

#### *Fourth Recipe—Single Valence Paradoxes*

Step 1: Find something that functions as a value or reason with a particular valence A.

Step 2: Construct a scenario in which this consideration simultaneously implies that there is no such value or reason.

These are *Single Valence* paradoxes because their paradoxicality is achieved not through the combination of distinct values but through the curious possibility that a feature which grounds a particular value/reason should also somehow imply that there is, simultaneously, no such value/reason in the relevant context.

The government protest example just constructed is a single valence, independent structure paradox. What about single valence, dependent structure paradoxes? This is a particularly tricky category. It is not just that some feature implies both a value/reason and its absence. For a single valence, dependent structure paradox, it is the status of something as a particular value/reason which implies that there is no such value/reason. Such a structure is arguably the purest form of moral paradox. If examples of single valence, dependent structure paradoxes can be constructed, they will be the most striking cases of Sainsbury's "unacceptable" conclusions possible.

So, can we construct plausible examples of single valence, dependent structure paradoxes? Let's work up to putative examples via a nonmoral model. The key to the possibility of such paradoxes lies in contextual complexity. One way in which contexts can be sufficiently complex is via the decisions of agents about the evaluative status of some consideration. Here is an aesthetic case. Imagine an artist who has been successfully working within a given aesthetic tradition. This tradition provides standards for aesthetic success and failure. Tired of old habits and determined to produce new sorts of art, the artist decides deliberately to discount precisely those features that matter by the standards of the given tradition. The result has the structure of a single valence,

dependent structure paradox, and it can be put in terms of either values or reasons. On the first reading, due to the artist's decision, some feature counts as aesthetically neutral—it is aesthetically discounted—to exactly the same extent as it counts as aesthetically significant by the standards of the tradition. The more it is aesthetically significant by the standards of the tradition, the more it is aesthetically banal by the standards of the artist's decision. On the second reading, due to the decision about this tradition, the artist has no aesthetic reason to appreciate or to do exactly that which she or he has reason to appreciate or do by the standards of the tradition.

In this case, context provides simultaneous, putatively equally valid and, by hypothesis, equally important standards by which to measure the aesthetic significance of a feature. Since the application of the standard generated by the decision depends on the prior applicability of the other standard, a dependent structure aesthetic paradox is generated. Since the undermining is accomplished by the simultaneous instantiation of a value/reason and its absence, the paradox is single valence. To the extent that the same possibility applies to moral considerations, single valence dependent structure moral paradoxes will also be possible.

The contextual complexity in the aesthetic case derives from the artist's decision about prevailing aesthetic standards. The same possibility holds for moral cases. Here is an example focusing on reasons generated by considerations of justice. Consider property to be shared between two adults. Given that they are related as individuals deserving of equal consideration, *ceteris paribus*, let's say that there is reason to divide the property in half. This is to say that the fact that this distribution is just provides reason to implement it. Suppose also that the two adults are in a close interpersonal relationship and have come to an explicit decision about the weight

that considerations of justice will have in their interactions. Specifically, they have decided to downplay such considerations when figuring out how to interact and how to distribute such things as the property in question. This explicit agreement implies that the fact that equal distribution of property is just generates no reason to adopt this distribution.

So far this example is ambiguous. If one thinks of justice as simultaneously generating a reason and no reason, then the example presents a single valence, independent structure paradox. But if one thinks of justice's status as reason-providing as itself undermining its status as reason-providing, then this example presents a single valence, dependent structure moral paradox. Again, the thoughts of agents provide a way for this ambiguity to be resolved such that it is the latter structure with which we are presented. Suppose that the reason that the people have come to an agreement about the status of justice in their interaction is that they think that it is detrimental to their relationship to prioritize their status as individuals deserving of respect and treatment *qua* equals. The stronger a reason in favor of a particular distribution of property that justice provides, the more it emphasizes the abstract evaluative status of these people. Hence, according to the agreement, in such a case considerations of justice are to be disregarded to the same degree. In this context justice has most reason-generating force when it is trivial; the stronger a reason it provides, the less reason it provides. This is a single valence, dependent structure paradox.

The crucial feature of this scenario for the generation of a paradox is not the agreement of the individuals itself, but rather the complexity it brings to the situation. Contextual complexity sufficient for moral paradox can arise without being directly generated by the thoughts of the agents in question. Again, let's start with a nonmoral example. Consider medically therapeutic use of radiation.

Radiation damages tissue, which is bad: we are all familiar with the threats posed not just by military use of radiation in weapons, but also by exposure to too much radiation in medical diagnosis and treatment. Sometimes, however—e.g., when someone has prostate cancer—judicious and targeted use of radiation can offer health benefits, which are good. The health benefits are achieved in exactly the same way as the bad effects of radiation, through destruction of tissue. This provides material for paradox. On one reading this generates a dual valence, independent structure paradox: the tissue-destroying powers of radiation are simultaneously good and bad, and for at least some people equally so, such that undergoing radiation therapy for cancer is as good as it is bad. On a second reading we have a dual valence, dependent structure paradox: radiation therapy is good because it is bad. If it did not have the bad effect of destroying tissue, it would not have therapeutic benefits for some people. The more danger it poses, the more good it can offer in therapy.

Much the same goes for the moral status of sadistic pleasure.<sup>13</sup> It is natural to interpret this in a way that offers a dual valence paradox: pleasure is good, and that an action will bring about pleasure is a reason in favor of doing it. However, sadistic pleasure is bad, and that an action will give someone sadistic pleasure is a reason against doing it. When the goodness of the pleasure is equal to the badness of the sadism, the result is a dual valence paradox. What about its structure? To the extent that the badness of sadistic pleasure is generated by the goodness of the pleasure in question, this phenomenon has a dependent structure. To the extent that the badness of sadistic pleasure derives directly from the effects of the activity on the victim, this phenomenon offers an independent structure paradox. However, in such a case one might reply that we are not offered a paradox at all: causing suffering is bad while the pleasure is good, so the roots of the conflicting values are not the

same, as required by the recipes. Even if this is the case, paradox remains, generated by the complexity of the situation. Pleasure *qua* pleasure is good, but contexts in which the pleasure is taken in causing suffering to another differ from contexts in which pleasure derives from morally unproblematic sources. Pleasure features in such situations in two ways: *qua* pleasure which is inherently good and in close connection with something that is bad. Maybe it is too strong to say that the pleasure is necessarily bad in such a context, but it is less contentious to think that it is not good and hence provides no moral reason in favor of performing the sadistic activity. In cases in which the goodness of pleasure and the absence of such a value are equivalent, a single valence independent structure paradox is the result. Moreover, if the absence of a value/reason must be understood in terms of the inherent value of pleasure—i.e., if it is the case that the pleasure is not good precisely because it is inappropriate to have an inherently good experience with regard to this sort of activity—then, when these are equal, the result is a single valence dependent structure paradox.

### 3. ASSESSING THE SIGNIFICANCE OF APPARENT MORAL PARADOXES

The recipes and examples show that it is not difficult to generate scenarios that are at least apparently paradoxical. All that is required is a way of creating or identifying a situation which exhibits the self-undermining structure characteristic of paradox in general. This raises the question of the depth of these paradoxes. Are the scenarios constructed via these recipes merely apparently paradoxical? Or are they stubbornly paradoxical, thereby posing deep questions about our assumptions concerning morality? Just where on Sainsbury's ten-point scale do these paradoxes fall?

Let's reflect on what these recipes give us. Whether these paradoxes can be easily explained away or whether they persist will

depend on the content of the particular paradoxes. To the extent that we can use these recipes to construct realistic paradoxes, then we will have at least constructed interesting tools for thinking about values. Note that the construction and assessment of particular paradoxes requires imagination about possibilities and suppositions about reality. Our paradoxes will be realistic only so far as our powers of assessing realistic possibilities allow. To the extent that we can construct real paradoxes—i.e., ones that resist dissolution through reflective scrutiny—then these recipes will have led us to discover what Smilansky calls “existential paradoxes.”<sup>14</sup> Such cases demonstrate that ethical reality is, in a particular respect, genuinely absurd, and the appropriate response seems to be to learn how to live with this reality.

Suppose that we use Sainsbury’s definition of paradox: “an apparently unacceptable conclusion derived by apparently acceptable reasoning from apparently acceptable premises.”<sup>15</sup> The particular cases that have been offered as putative paradoxes might be challenged on the general grounds that either their conclusions are not unacceptable or their premises and/or reasoning are not acceptable. Let’s start with the endpoints. The paradoxicality of these cases might be challenged on the general grounds that we should not think of “good” and “bad,” “right” and “wrong,” and other evaluative pairs as contraries. This line of thought is briefly offered by Sainsbury in an exploration of whether moral dilemmas instantiate moral paradoxes. He denies that a situation in which an agent both ought to do something and ought not to do something is paradoxical; for a paradox, it must be instead the case that such a situation makes it such that the agent is both obliged to do a particular action and not obliged to perform it.<sup>16</sup> Such a strategy might work with dual valence scenarios: maybe it can be the case, without straining our grasp of logic, for something to be both good and bad or to offer

both reasons for and reasons against action. However, this strategy is much less attractive with paradoxes of single valence structure. It is much less plausible—i.e., it is much more of a logical strain—to acquiesce in the idea that a feature can be both good and not good, or ground a reason in favor of *A* and no such reason. Putative examples of single valence paradoxes cannot be accepted wholesale yet shorn of the undermining structure that is the hallmark of paradoxicality. To defuse their paradoxicality, something about their premises must be challenged. Nor is it clear that we should deny that evaluative pairs in general are contraries. Take the evaluative concepts “good” and “bad.” It is reasonable to think that to acknowledge something as good, on some basis, is to acknowledge it as worth desiring or admiring or pursuing. To evaluate something as “bad” is to see it as at least worth not desiring/admiring/pursuing in this respect, and perhaps as also not worth desiring/admiring/pursuing in the respect in which it is bad. At the very least, it seems consistent with ordinary usage to interpret “bad” as implying “not good” in this way. If this is correct, then if a feature of some state of affairs makes it simultaneously good and bad, which is the case in hypothetical dual valence paradoxes about values, then it is simultaneously and for the same reason something worth desiring/admiring/pursuing and something not worth desiring/admiring/pursuing. This seems straightforwardly self-undermining in the sense characteristic of paradoxes. It cannot be avoided by the semantic strategy of denying that evaluative pairs are contraries without doing deep violence to our sense of the very meaning of these evaluative notions. Such change to our evaluative notions might be warranted, but it needs direct defense.

What about the premises of these cases? The working assumption has been that the overall evaluative status of a state of affairs is a direct function of the particular contributory

evaluative status of the features of that state of affairs.<sup>17</sup> That is, it has been presumed that we have overall reason to *A* in some situation if features of that situation combine to favor the performance of *A* more than the alternatives. Likewise, it has been taken that something is overall good if its particular features combine in such a way to make it overall good. A general challenge to the putative paradoxes might be mounted by denying that the overall evaluative status of states of affairs derives from the contributory status of features of states of affairs in this way. Such a strategy, however, is deeply implausible, at least on first reading. *Prima facie*, this challenge requires that we accept that something can be good due to something other than the features that, normally, we would cite as contributing to its goodness. Likewise, it requires that we think that our overall reason to do something is unrelated to particular grounds we normally cite as reasons in favor of doing things. For example, suppose that something is pleasurable. Should we think of this thing as overall good or as something that we should pursue, all things considered? Normally, we would cite the fact that the thing is pleasurable in our answer to this question. That is, we would normally take the fact that something produces pleasure as contributing to the overall evaluative status of the thing in question. But if we deny that the overall evaluative status of states of affairs derives from the contributory status of their features, then this normal practice is blocked. Given that this way of thinking appears to be reasonable, this is not a palatable option without special argument.

In lieu of a general strategy for defusing putative paradoxes, specific cases can be examined and potentially explained away on specific grounds. Sainsbury's discussion of fortunate misfortune is instructive as an example of this strategy in two ways. First, Sainsbury misses a central theoretical possibility, which leads him to dismiss the case as not deeply paradoxical. When first

presenting the case, Sainsbury follows Smilansky, as does the present essay, in seeing the question as being about what to make of a situation that appears to be equally good and bad. Sainsbury remarks that this need not be a problem, as things can be good in some respects and bad in others, with no threat of paradox.<sup>18</sup> He goes on, following another suggestion from Smilansky, to examine the case in terms of whether the misfortune in question nonaccidentally brought about both good and bad, and hence about whether the event in question could simultaneously be seen as fortunate and misfortunate.<sup>19</sup> The central theoretical possibility that Sainsbury misses is that something can be good and bad, not just in different respects, but overall and equally. Since he examines this matter earlier in the chapter in connection with a different putative paradox,<sup>20</sup> this is puzzling. The question of whether the good and bad effects are produced accidentally might be a legitimate part of attempts to determine whether something is in fact overall equally good and bad, but unless an argument to the contrary is provided, it is unreasonable to think that this is a necessary part of such a task. Given that Sainsbury misses this central point, his discussion of fortunate misfortune cannot be taken as conclusive.

The second instructive feature of Sainsbury's discussion of fortunate misfortune is his eventual strategy for interpreting the paradox and assessing the depth of its paradoxicality. The issue on which Sainsbury eventually focuses is the question of what it is for something to be a misfortune. He formulates a potential paradox based upon principle M: "A *misfortune* is a non-accidental cause of predominantly bad effects."<sup>21</sup> He goes on to reject this principle on the grounds that something need not be predominantly bad to be a misfortune.<sup>22</sup> In short, the paradox is merely apparent because it rests on a principle that is independently implausible.<sup>23</sup> This strategy could also be deployed the other way around:

a purportedly paradoxical situation could be defused by showing that it conflicts with an independently plausible principle. Either way, the principles in question must be assessed independently of their role in generating or defusing the paradox. Otherwise this argumentative strategy will be ad hoc, and hence unsupported.

This strategy is emphasized here because it connects the project of the generation and assessment of moral paradoxes to debate about generalism and particularism in ethics. Ethical particularists deny that principles have any necessary or central role in ethics, whereas generalists place principles at the heart of ethics. This link makes moral paradoxes philosophically significant in a way that has so far not been noticed.

Jonathan Dancy is the most prominent contemporary ethical particularist. Dancy defends holistic pluralism about reasons and, by extension, values. For the sake of simplicity, let's focus on reasons. Briefly put, Dancy argues that anything can be a reason of any kind, or no reason at all, depending on context. At the core of Dancy's particularism is a focus on contributory reasons.<sup>24</sup> A contributory reason is, to put it crudely, a consideration that "favors" or "disfavors" the performance of some action. Besides contributory reasons, we speak of what we have overall reason to do. When we speak of, e.g., having reason not to cause pain, we are speaking of a contributory reason. When we speak of it being wrong to cause pain we are speaking of our overall reasons. For Dancy, we have overall reason to do just what is most favored. "Favoring" (or, correlatively, "disfavoring") is just one sort of moral relevance. Considerations can be morally relevant by "enabling" other features to favor/disfavor without themselves being the considerations that favor/disfavor. "Enablers" (and, correlatively, "disablers") are the most important feature of the immediate context of contributory reasons. If context allows, then the same property can simultaneously be a

contributory reason in favor of something and a contributory reason against. This will happen in complex contexts in which there are simultaneously conditions that enable property *P* to favor doing *A* and conditions that enable *P* to disfavor the performance of *A*. There is no conceptual reason to require one to outweigh the other, meaning that it can turn out that, overall, in a particular context, one consideration can give us equal reason both to do something and not to do it. This is the stuff of paradox.<sup>25</sup> In short, Dancy's particularism provides for at least the realistic possibility of moral paradox. To the extent that our actual thought about reasons is holistic in Dancy's sense, then his position predicts that we should be able to discover real, existential moral paradoxes.

On the other side, there is generalism, most recently and thoroughly defended by Sean McKeever and Michael Ridge.<sup>26</sup> McKeever and Ridge think that there is a manageably finite number of considerations that can function as moral reasons.<sup>27</sup> Depending on just how manageable and just how finite, the number of moral reasons might be very small. This in itself diminishes the opportunities for real moral paradox. Moreover, as generalists, McKeever and Ridge think that the considerations that function as moral reasons have fixed moral valence. This is what provides for the possibility of moral principles. By the standards of this position, it is incorrect to think that one consideration can simultaneously really function both as a reason for something and as a reason against it. Insofar as we seem to encounter moral paradoxes, there must be something wrong in our descriptions of the cases in question. Further reflection should be able to reveal what we really have reason to do, one way or the other, thus dispelling the appearance of paradox.

Let's return to Sainsbury's strategy for assessing moral paradoxes. Against the background of debate about ethical particularism

and generalism, it appears to be incomplete. Sainsbury claims that fortunate misfortune is not deeply paradoxical because he thinks it can only be generated by a principle that is independently problematic. If Dancy is correct, however, then there is no need for principles to have a role in the considerations that generate reasons and values. To defuse a paradox and to avoid begging the question against moral particularism, one must not only examine the role of apparent principles in the generation of a putative paradox; it is important also to survey the roles of potential enablers/disablers and favorers/disfavorers without the assumption that there must be ethical generalizations to be made about these features. Since Sainsbury does not examine these, we have another reason to see his discussion of fortunate misfortune as inconclusive.

Without dwelling on the details, here is how this would work with fortunate misfortune. First, one should specify the common good-making and bad-making features of the case. That this is common between the good and the bad is needed for the case to be paradoxical. Then, one should develop the case in some detail to shed light on potential disabling and enabling conditions. Both the favorers/disfavorers and enablers/disablers must be described in detail to test for two things (at least): that the favoring and disfavoring can be simultaneously equally done, and that the case can be described in a way that is plausible. If the good-making and bad-making are not equal, then the sense of paradox is greatly diminished. If the paradoxical structure can be maintained only by describing the case in an outlandish manner, then the challenge it presents to underlying ideas about morality is superficial at most. But if we pursue such description of cases

and discover that the paradoxical structure remains, then we have reason to think that the paradox is relatively deep.

So far the discussion has been about the examination of paradoxes to avoid begging the question against particularism and generalism. However, the import of the link between moral paradoxes and debate about generalism and particularism runs both ways. Moral paradoxes give us a new tool for evaluating the generalist/particularist debate. To the extent that we can construct realistic moral paradoxes that do not rest on principles of the sort sought by Sainsbury, we have the materials by which to construct an inductive argument for ethical particularism. To the extent that we cannot find realistic paradoxes, we instead have such a case for generalism. The reason should be clear: the particularist taxonomy of favorers/disfavorers and enablers/disablers provides a flexible structure for the generation of moral paradoxes, whereas the generalist conviction that considerations have fixed moral valence works against the generation of paradoxes. Much will depend on our ingenuity in describing, interpreting, and arguing about cases. This will unavoidably engage our moral sensibilities. Sainsbury notes that some moral sensibilities might be more paradox-prone than others.<sup>28</sup> It will not do to leave such sensibilities unquestioned when generating and evaluating paradoxes; they should simultaneously be put under reflective scrutiny as part of this process. Smilansky's point is that such examination of paradoxes has hardly been done at all by ethicists. Hopefully, the present discussion offers both the tools for doing so and a sense that this task is worth doing.

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## NOTES

1. For examples and discussion of this history, see Michael Clark, *Paradoxes from A to Z*, 2nd ed. (New York: Routledge, 2007); and Roy Sorensen, *A Brief History of the Paradox: Philosophy and the Labyrinths of the Mind* (Oxford: Oxford University Press, 2003). For other discussions of paradox, see R. M. Sainsbury, *Paradoxes*, 3rd ed. (Cambridge: Cambridge University Press, 2009); and Doris Olin, *Paradox* (Montreal: McGill-Queen's University Press, 2003).
2. Sainsbury, *Paradoxes*, 3rd ed., p. 1.
3. Clark, *Paradoxes from A to Z*, 2nd ed., pp. 151–144.
4. Saul Smilansky, *Ten Moral Paradoxes* (Malden, Mass.: Blackwell, 2007), p. 2.
5. See Clark, *Paradoxes from A to Z*, 2nd ed., pp. 52–54, 220–221. See also Gregory Kavka, “Some Paradoxes of Deterrence,” *Journal of Philosophy*, vol. 75 (1978), pp. 285–302; and Gregory Kavka, “The Toxin Puzzle,” *Analysis*, vol. 43, no. 1 (1983), pp. 33–36.
6. This point might hold for normative philosophy generally. There do not seem to be many political or aesthetic paradoxes on offer either. Epistemology is different, perhaps because of its long-standing connections to philosophy of language and logic: there are well-known paradoxes concerning reasons for belief, such as the liar paradox (Clark, *Paradoxes from A to Z*, 2nd ed., pp. 112–119).
7. W. V. O. Quine, “The Ways of Paradox,” in his *The Ways of Paradox and Other Essays* (Cambridge, MA: Harvard University Press, 1996), p. 2.
8. Just what is it for considerations to undermine each other? Contrary and contradictory considerations undermine each other if co-instantiated. However it is desirable to speak of undermining considerations, for two reasons. First, this is more flexible, in the spirit both of the use of “unacceptable” in Sainsbury’s definition of paradox and of Clark’s open-ended approach to the nature of paradox. Second, the present topic is *moral* paradoxes. Moral considerations are practically relevant in a way not shared by more general interest in truth and logic. “Undermining” captures the practically self-effacing nature of moral paradoxes, their relation to action and feeling. This leaves open the possibility of practical paradox—of considerations undermining each other for practical purposes—without the considerations being contrary or contradictory in the strict sense.
9. Sainsbury, *Paradoxes*, 3rd ed., p. 1.
10. Saul Smilansky, “Fortunate Misfortune,” *Ratio*, vol. 7 (1994), pp. 153–163; and Smilansky, *Ten Moral Paradoxes*, chap. 1. Others of Smilansky’s paradoxes in *Ten Paradoxes* exhibit this structure: e.g., the paradox of beneficial retirement (chap. 2) and his first paradox of justice and punishment (chap. 3).
11. This case is adapted from Jonathan Dancy, *Moral Reasons* (Oxford: Blackwell, 1993), p. 62. Dancy attributes it to David Bakhurst.
12. Note that the reason to protest is generated by the company’s immoral behavior. The more specific reason to occupy the company’s property is generated by the context defined by the reason to protest and the reason to respect the company’s property. The importance of context in generating moral paradoxes will be examined in the next section.
13. This is much discussed in connection with particularism and generalism in ethics. See Dancy, *Moral Reasons*, p. 61; David McNaughton, *Moral Vision* (Oxford: Blackwell, 1988), p. 193; Sean McKeever and Michael Ridge, “The Many Moral Particularisms,” *Canadian Journal of Philosophy*, vol. 35 (2005), pp. 91–92; and Sean McKeever and Michael Ridge, *Principled Ethics: Generalism as a Regulative Ideal* (Oxford: Oxford University Press, 2006), pp. 27–31. Racist pleasure/displeasure is a similar case—see J. J. C. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), pp. 105–106.

14. Smilansky, *Ten Moral Paradoxes*, pp. 4–5.
15. Sainsbury, *Paradoxes*, 3rd ed., p. 1.
16. *Ibid.*, 3rd ed., pp. 34–37.
17. The technical terminology of “contributory” and “overall” reasons and values comes from Jonathan Dancy, *Ethics without Principles* (Oxford: Oxford University Press, 2004).
18. Sainsbury, *Paradoxes*, 3rd ed., p. 28.
19. *Ibid.*, 3rd ed., pp. 29–31.
20. *Ibid.*, 3rd ed., pp. 22–27.
21. *Ibid.*, 3rd ed., p. 30.
22. See how close Sainsbury came to seeing the central issue just discussed: his point about the nature of misfortune raises the very possibility that is here taken to be the heart of this paradox, which is that an event can bring about equal amounts of good and bad.
23. This strategy also appears in Sainsbury’s discussion of moral dilemmas. See *Ibid.*, 3rd ed., pp. 36–37.
24. Dancy, *Ethics without Principles*, chaps. 2–3.
25. Note that the brief formulations of examples of moral paradoxes in sec. 2 contain contextual qualifications.
26. McKeever and Ridge, *Principled Ethics*.
27. *Ibid.*, p. 176.
28. Sainsbury, *Paradoxes*, 3rd ed., p. 27.