Moral Dilemmas and Consistency
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MORAL DILEMMAS AND CONSISTENCY *

I want to argue that the existence of moral dilemmas, even where the dilemmas arise from a categorical principle or principles, need not and usually does not signify that there is some inconsistency (in a sense to be explained) in the set of principles, duties, and other moral directives under which we define our obligations either individually or socially. I want also to argue that, on the given interpretation, consistency of moral principles or rules does not entail that moral dilemmas are resolvable in the sense that acting with good reasons in accordance with one horn of the dilemma erases the original obligation with respect to the other. The force of this latter claim is not simply to indicate an intractable fact about the human condition and the inevitability of guilt. The point to be made is that, although dilemmas are not settled without residue, the recognition of their reality has a dynamic force. It motivates us to arrange our lives and institutions with a view to avoiding such conflicts. It is the underpinning for a second-order regulative principle: that as rational agents with some control of our lives and institutions, we ought to conduct our lives and arrange our institutions so as to minimize predicaments of moral conflict.

Moral dilemmas have usually been presented as predicaments for individuals. Plato, for example, describes a case in which the return of a cache of arms has been promised to a man who, intent on mayhem, comes to claim them. Principles of promise keeping and

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benevolence generate conflict. One does not lack for examples. It is safe to say that most individuals for whom moral principles figure in practical reasoning have confronted dilemmas, even though these more commonplace dilemmas may lack the poignancy and tragic proportions of those featured in biblical, mythological, and dramatic literature. In the one-person case there are principles in accordance with which one ought to do \( x \) and one ought to do \( y \), where doing \( y \) requires that one refrain from doing \( x \); i.e., one ought to do not-\( x \). For the present rough-grained discussion, the one-person case may be seen as an instance of the \( n \)-person case under the assumption of shared principles. Antigone’s sororal (and religious) obligations conflict with Creon’s obligations to keep his word and preserve the peace. Antigone is obliged to arrange for the burial of Polyneices; Creon is obliged to prevent it. Under generality of principles they are each obliged to respect the obligations of the other.

It has been suggested that moral dilemmas, on their face, seem to reflect some kind of inconsistency in the principles from which they derive. It has also been supposed that such conflicts are products of a plurality of principles and that a single-principled moral system does not generate dilemmas.

In the introduction to the *Metaphysics of Morals* Kant\(^1\) says, “Because however duty and obligation are in general concepts that express the objective practical necessity of certain actions . . . it follows . . . that a conflict of duties and obligations is inconceivable (obligationes non colliduntur).” More recently John Lemmon,\(^2\) citing a familiar instance of dilemma, says, “It may be argued that our being faced with this moral situation merely reflects an implicit inconsistency in our existing moral code; we are forced, if we are to remain both moral and logical, by the situation to restore consistency to our code by adding exception clauses to our present principles or by giving priority to one principle over another, or by some such device. The situation is as it is in mathematics: there, if an inconsistency is revealed by derivation, we are compelled to modify our axioms; here, if an inconsistency is revealed in appli-


cation, we are forced to revise our principles.” Donald Davidson, also citing examples of conflict, says, “But then unless we take the line that moral principles cannot conflict in application to a case, we must give up the concept of the nature of practical reason we have so far been assuming. For how can premises, all of which are true (or acceptable) entail a contradiction? It is astonishing that in contemporary moral philosophy this problem has received little attention and no satisfactory treatment.”

The notion of inconsistency which views dilemmas as evidence for inconsistency seems to be something like the following. We have to begin with a set of one or more moral principles which we will call a moral code. To count as a principle in such a code, a precept must be of a certain generality; that is, it cannot be tied to specific individuals at particular times or places, except that on any occasion of use it takes the time of that occasion as a zero coordinate. The present rough-grained discussion does not require that a point be made of the distinction between categorical moral principles and conditional moral principles, which impose obligations upon persons in virtue of some condition, such as that of being a parent, or a promise-maker or contractee. For our purposes we may think of categorical principles as imposing obligations in virtue of one’s being a person and a member of a moral community.

In the conduct of our lives, actual circumstances may arise in which a code mandates a course of action. Sometimes, as in dilemmas, incompatible actions x and y are mandated; that is, the doing of x precludes the doing of y; y may in fact be the action of refraining from doing x. The underlying view that takes dilemmas as evidence of inconsistency is that a code is consistent if it applies without conflict to all actual—or, more strongly—to all possible cases. Those who see a code as the foundation of moral reasoning and adopt such a view of consistency argue that the puzzle of dilemmas can be resolved by elaboration of the code: by hedging principles with exception clauses, or establishing a rank ordering of principles, or both, or a procedure of assigning weights, or some combination of these. We need not go into the question of whether exception clauses can be assimilated to priority rankings, or priority rankings to weight assignments. In any case, there is some credibility in such solutions, since they fit some of the moral facts. In the question of whether to return the cache of arms, it is clear

(except perhaps to an unregenerate Kantian) that the principle requiring that the promise be kept is overridden by the principle requiring that we protect human lives. Dilemmas, it is concluded, are merely apparent and not real. For, with a complete set of rules and priorities or a complete set of riders laying out circumstances in which a principle does not apply, in each case one of the obligations will be vitiated. What is incredible in such solutions is the supposition that we could arrive at a complete set of rules, priorities, or qualifications which would, in every possible case, unequivocally mandate a single course of action; that where, on any occasion, doing $x$ conflicts with doing $y$, the rules with qualifications or priorities will yield better clear reasons for doing one than for doing the other.

The foregoing approach to the problem of moral conflict—ethical formalism—attempts to dispel the reality of dilemmas by expanding or elaborating on the code. An alternative solution, that of moral intuitionism, denies that it is possible to arrive at an elaboration of a set of principles which will apply to all particular circumstances. W. D. Ross, for example, recognizes that estimates of the stringency of different prima facie principles can sometimes be made, but argues that no general universally applicable rules for such rankings can be laid down. However, the moral intuitionists also dispute the reality of moral dilemmas. Their claim is that moral codes are only guides; they are not the only and ultimate ground of decision making. Prima facie principles play an important heuristic role in our deliberations, but not as a set of principles that can tell us how we ought to act in all particular circumstances. That ultimate determination is a matter of intuition, albeit rational intuition. Moral dilemmas are prima facie, not real conflicts. In apparent dilemmas there is always a correct choice among the conflicting options; it is only that, and here Ross quotes Aristotle, "the decision rests with perception." For Ross, those who are puzzled by moral dilemmas have failed to see that the problem is epistemological and not ontological, or real. Faced with a dilemma generated by prima facie principles, uncertainty is increased as to whether, in choosing $x$ over $y$, we have in fact done the right thing. As Ross puts it, "Our judgments about our actual duty in concrete situations, have none of the certainty that attaches to our recognition of general principles of duty. . . . Where a possible act is seen to have two characteristics in virtue of one of which it is prima

facie right and in virtue of the other prima facie wrong we are well aware that we are not certain whether we ought or ought not to do it. Whether we do it or not we are taking a moral risk" (30). For Ross, as well as the formalist, it is only that we may be uncertain of the right way. To say that dilemma is evidence of inconsistency is to confuse inconsistency with uncertainty. There is only one right way to go, and hence no problem of inconsistency.

There are, as we see, points of agreement between the formalist and the intuitionist as here described. Both claim that the appearance of dilemma and inconsistency flows from prima facie principles and that dilemmas can be resolved by supplementation. They differ in the nature of the supplementation. They further agree that it is the multiplicity of principles which generates the prima facie conflicts; that if there were one rule or principle or maxim, there would be no conflicts. Quite apart from the unreasonableableness of the belief that we can arrive ultimately at a single moral principle, such proposed single principles have played a major role in moral philosophy, Kant's categorical imperative and various versions of the principle of utility being primary examples. Setting aside the casuistic logical claim that a single principle can always be derived by conjunction from a multiplicity, it can be seen that the single-principle solution is mistaken. There is always the analogue of Buridan's ass. Under the single principle of promise keeping, I might make two promises in all good faith and reason that they will not conflict, but then they do, as a result of circumstances that were unpredictable and beyond my control. All other considerations may balance out. The lives of identical twins are in jeopardy, and, through force of circumstances, I am in a position to save only one. Make the situation as symmetrical as you please. A single-principled framework is not necessarily unlike the code with qualifications or priority rule, in that it would appear that, however strong our wills and complete our knowledge, we might be faced with a moral choice in which there are no moral grounds for favoring doing x over y.

Kant imagined that he had provided a single-principled framework from which all maxims flowed. But Kantian ethics is notably deficient in coping with dilemmas. Kant seems to claim that they

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5 For the formalist, priority rankings (like Rawls's lexical ordering), or weights permitting some computation, or qualifications of principles to take care of all problematic cases, are supposed possible. For the intuitionist it is intuitive "seeing" in each case which supplements prima facie principles.
don't really arise, and we are provided with no moral grounds for their resolution.

It is true that unregenerate act utilitarianism is a plausible candidate for dilemma-free principle or conjunction of principles, but not because it can be framed as a single principle. It is rather that attribution of rightness or wrongness to certain kinds of acts per se is ruled out whether they be acts of promise keeping or promise breaking, acts of trust or betrayal, of respect or contempt. One might, following Moore, call such attributes "non-natural kinds," and they enter into all examples of moral dilemmas. The attribute of having maximal utility as usually understood is not such an attribute. For to the unregenerate utilitarian it is not features of an act per se which make it right. The only thing to be counted is certain consequences, and, for any given action, one can imagine possible circumstances, possible worlds if you like, in each of which the action will be assigned different values—depending on different outcomes in those worlds. In the unlikely cases where in fact two conflicting courses of action have the same utility, it is open to the act utilitarian to adopt a procedure for deciding, such as tossing a coin.

In suggesting that, in all examples of dilemma, we are dealing with attributions of rightness per se independent of consequences is not to say that principles of utility do not enter into moral dilemmas. It is only that such conflicts will emerge in conjunction with non-utilitarian principles. Indeed, such conflicts are perhaps the most frequently debated examples, but not, as we have seen, the only ones. I would like to claim that it is a better fit with the moral facts that all dilemmas are real, even where the reasons for doing x outweigh, and in whatever degree, the reasons for doing y. That is, wherever circumstances are such that an obligation to do x and an obligation to do y cannot as a matter of circumstance be fulfilled, the obligations to do each are not erased, even though they are unfulfillable. Mitigating circumstances may provide an explanation, an excuse, or a defense, but I want to claim that this is not the same as denying one of the obligations altogether.

We have seen that one of the motives for denying the reality of moral dilemmas is to preserve, on some notion of consistency, the consistency of our moral reasoning. But other not unrelated reasons have been advanced for denying their reality which have to do with the notion of guilt. If an agent ought to do x, then he is guilty if he fails to do it. But if, however strong his character and however
good his will and intentions, meeting other equally weighted or overriding obligations precludes his doing x, then we cannot assign guilt, and, if we cannot, then it is incoherent to suppose that there is an obligation. Attendant feelings of the agent are seen as mistaken or misplaced.

That argument has been rejected by Bas van Fraassen on the ground that normative claims about when we ought to assign guilt are not part of the analysis of the concept of guilt, for if it were, such doctrines as that of “original sin” would be rendered incoherent. The Old Testament assigns guilt to three or four generations of descendants of those who worship false gods. Or consider the burden of guilt borne by all the descendants of the house of Atreus, or, more recently, the readiness of many Germans to assume a burden of guilt for the past actions of others. There are analogous converse cases, as in the assumption of guilt by parents for actions of adult children. Having presented the argument, I am not wholly persuaded that a strong case can be made for the coherence of such doctrines. However, the situation faced by agents in moral dilemmas is not parallel. Where moral conflict occurs, there is a genuine sense in which both what is done and what fails to be done are, before the actual choice among irreconcilable alternatives, within the agent’s range of options. But, as the saying goes—and it is not incoherent—you are damned if you do and you are damned if you don’t.

I will return to the question of the reality of moral dilemmas, but first let me propose a definition of consistency for a moral code which is compatible with that claim.

6 “Values and the Heart’s Command,” this JOURNAL, lxx, 1 (Jan. 11, 1973): 5–19. Van Fraassen makes the point that such a claim would make the doctrine of “original sin” incoherent. As I see it, there are at least three interesting doctrines, two of them very likely true, which could qualify as doctrines of original sin. One of them, which I call “inherited guilt,” is the doctrine that some of the wrongful actions of some persons are such that other persons, usually those with some special connection to the original sinners, are also judged to be sinners; their feelings of guilt are appropriate, their punishment “deserved,” and so on. Such is the case described in Exodus and Deuteronomy here mentioned. A second notion of original sin is to be found in the account of the Fall. Here it is suggested that, however happy our living arrangements, however maximal the welfare state, we will each of us succumb to some temptation. There is universality of sin because of universality of weakness of will, but specific sins are neither inherited by nor bequeathed to others.

A third candidate supposes the reality and inevitability, for each of us, of moral dilemma. Here we do not inherit the sins of others, nor need we be weak of will. The circumstances of the world conspire against us. However perfect our will, the contingencies are such that situations arise where, if we are to follow one right course of action, we will be unable to follow another.
II

Consistency, as defined for a set of meaningful sentences or propositions, is a property that such a set has if it is possible for all of the members of the set to be true, in the sense that contradiction would not be a logical consequence of supposing that each member of the set is true. On that definition ‘grass is white’ and ‘snow is green’ compose a consistent set although false to the facts. There is a possible set of circumstances in which those sentences are true, i.e., where snow is green and grass is white. Analogously we can define a set of rules as consistent if there is some possible world in which they are all obeyable in all circumstances in that world. (Note that I have said “obeyable” rather than “obeyed” for I want to allow for the partition of cases where a rule-governed action fails to be done between those cases where the failure is a personal failure of the agent—an imperfect will in Kant’s terms—and those cases where “external” circumstances prevent the agent from meeting conflicting obligations. To define consistency relative to a kingdom of ends, a deontically perfect world in which all actions that ought to be done are done, would be too strong; for that would require both perfection of will and the absence of circumstances that generate moral conflict.) In such a world, where all rules are obeyable, persons intent on mayhem have not been promised or do not simultaneously seek the return of a cache of arms. Sororal obligations such as those of Antigone do not conflict with obligations to preserve peace, and so on. Agents may still fail to fulfill obligations.

Consider, for example, a silly two-person card game. (This is the partial analogue of a two-person dilemma. One can contrive silly games of solitaire for the one-person dilemma.) In the two-person game the deck is shuffled and divided equally, face down between two players. Players turn up top cards on each play until the cards are played out. Two rules are in force: black cards trump red cards, and high cards (ace high) trump lower-valued cards without attention to color. Where no rule applies, e.g., two red deuces, there is indifference and the players proceed. We could define the winner as the player with the largest number of tricks when the cards are played out. There is an inclination to call such a set of rules inconsistent. For suppose the pair turned up is a red ace and a black deuce; who trumps? This is not a case of rule indifference as in a pair of red deuces. Rather, two rules apply, and both cannot be satisfied. But, on the definition here proposed, the rules are consistent in that there are possible circumstances where, in the course
of playing the game, the dilemma would not arise and the game would proceed to a conclusion. It is possible that the cards be so distributed that, when a black card is paired with a red card, the black card happens to be of equal or higher value. Of course, with shuffling, the likelihood of dilemma-free circumstances is small. But we could have invented a similar game where the likelihood of proceeding to a conclusion without dilemma is greater. Indeed a game might be so complex that its being dilemmatic under any circumstances is very small and may not even be known to the players.7

On the proposed definition, rules are consistent if there are possible circumstances in which no conflict will emerge. By extension, a set of rules is inconsistent if there are no circumstances, no possible world, in which all the rules are satisfiable.8

A pair of offending rules which generates inconsistency as here defined provides no guide to action under any circumstance. Choices are thwarted whatever the contingencies. Well, a critic might say, you have made a trivial logical point. What pragmatic difference is there between the inconsistent set of rules and a set, like those of the game described above, where there is a likelihood of irresolvable dilemma? A code is, after all, supposed to guide action. If it allows for conflicts without resolution, if it tells us in some circumstances that we ought to do x and we ought to do y even though x and y are incompatible in those circumstances, that is tantamount to telling us that we ought to do x and we ought to refrain from doing x and similarly for y. The code has failed us as a guide. If it is not inconsistent, then it is surely deficient, and, like the dilemma-provoking game, in need of repair.

But the logical point is not trivial, for there are crucial disanalogies between games and the conduct of our lives. It is part of the canon of the family of games of chance like the game described,

7 There is a question whether, given such rules, the "game" is properly described as a game. Wittgenstein says "Let us suppose that the game [which I have invented] is such that whoever begins can always win by a particular simple trick. But this has not been realized;—so it is a game. Now someone draws our attention to it—and it stops being a game." Remarks on the Foundations of Mathematics, ed., G. H. von Wright et al., translated by G. E. M. Anscombe (Oxford: Blackwell, 1956), II 78, p. 100e. Wittgenstein is pointing to that canon of a game which requires that both players have some opportunity to win. The canon that rules out dilemmatic rules is that the game must be playable to a conclusion. (I am beholden to Robert Fogelin for reminding me of this quotation.)

8 Bernard Williams, in Problems of the Self (New York: Cambridge, 1977), chs. 11 and 12, also recognizes that the source of some apparent inconsistencies in imperatives and rules is to be located in the contingency of their simultaneous inapplicability on a given occasion.
that the cards must be shuffled. The distribution of the cards must be "left to chance." To stack the deck, like loading the dice, is to cheat. But, presumably, the moral principles we subscribe to are, whatever their justification, not justified merely in terms of some canon for games. Granted, they must be guides to action and hence not totally deleasable. But consistency in our sense is surely only a necessary but not a sufficient condition for a set of moral rules. Presumably, moral principles have some ground; we adopt principles when we have reasons to believe that they serve to guide us in right action. Our interest is not merely in having a playable game whatever the accidental circumstances, but in doing the right thing to the extent that it is possible. We want to maximize the likelihood that in all circumstances we can act in accordance with each of our rules. To that end, our alternative as moral agents, individually and collectively, as contrasted with the card-game players, is to try to stack the deck so that dilemmas do not arise.

Given the complexity of our lives and the imperfection of our knowledge, the occasions of dilemma cannot always be foreseen or predicted. In playing games, when we are faced with a conflict of rules we abandon the game or invent new playable rules; dissimilarly, in the conduct of our lives we do not abandon action, and there may be no justification for making new rules to fit. We proceed with choices as best we can. Priority rules and the like assist us in those choices and in making the best of predicaments. But, if we do make the best of a predicament, and make a choice, to claim that one of the conflicting obligations has thereby been erased is to claim that it would be mistaken to feel guilt or remorse about having failed to act according to that obligation. So the agent would be said to believe falsely that he is guilty, since his obligation was vitiating and his feelings are inappropriate. But that is false to the facts. Even where priorities are clear and overriding and even though the burden of guilt may be appropriately small, explanations and excuses are in order. But in such tragic cases as that described by Jean-Paul Sartre where the choice to be made

9 Sartre in "Existentialism Is A Humanism" describes a case where a student is faced with a decision between joining the Free French forces and remaining with his mother. He is her only surviving son and her only consolation. Sartre's advice was that "No rule of general morality can show you what you ought to do." His claim is that in such circumstances "nothing remains but to trust our instincts." But what is "trust" here? Does our action reveal to us that we subscribe to a priority principle or that in the absence of some resolving principles we may just as well follow our inclination? In any case to describe our feelings about the rejected alternative as "regret" seems inadequate. See Walter Kaufmann, ed., Existentialism from Dostoevsky to Sartre (New York: Meridian, 1956), pp. 295–298.
by the agent is between abandoning a wholly dependent mother and not becoming a freedom fighter, it is inadequate to insist that feelings of guilt about the rejected alternative are mistaken and that assumption of guilt is inappropriate. Nor is it puritanical zeal which insists on the reality of dilemmas and the appropriateness of the attendant feelings. For dilemmas, when they occur, are data of a kind. They are to be taken into account in the future conduct of our lives. If we are to avoid dilemmas we must be motivated to do so. In the absence of associated feelings, motivation to stack the deck, to arrange our lives and institutions so as to minimize or avoid dilemma is tempered or blunted.

Consider, for example, the controversies surrounding nonspontaneous abortion. Philosophers are often criticized for inventing bizarre examples and counterexamples to make a philosophical point. But no contrived example can equal the complexity and the puzzles generated by the actual circumstances of foetal conception, parturation, and ultimate birth of a human being. We have an organism, internal to and parasitic upon a human being, hidden from view but relentlessly developing into a human being, which at some stage of development can live, with nurture, outside of its host. There are arguments that recognize competing claims: the right to life of the foetus (at some stage) versus the right of someone to determine what happens to his body. Arguments that justify choosing the mother over the foetus (or vice-versa) where their survival is in competition. Arguments in which foetuses that are defective are balanced against the welfare of others. Arguments in which the claims to survival of others will be said to override survival of the foetus under conditions of great scarcity. There are even arguments that deny prima facie conflicts altogether on some metaphysical grounds, such as that the foetus is not a human being or a person until quickening, or until it has recognizable human features, or until its life can be sustained external to its host, or until birth, or until after birth when it has interacted with other persons. Various combinations of such arguments are proposed in which the resolution of a dilemma is seen as more uncertain, the more proximate the foetus is to whatever is defined as being human or being a person. What all the arguments seem to share is the assumption that there is, despite uncertainty, a resolution without residue; that there is a correct set of metaphysical claims, principles, and priority rankings of principles which will justify the choice. Then, given the belief that one choice is justified, assignment of guilt relative to the overridden alternative is seen as inappropriate, and feelings
of guilt or pangs of conscience are viewed as, at best, sentimental. But as one tries to unravel the tangle of arguments, it is clear that to insist that there is in every case a solution without residue is false to the moral facts.

John Rawls, in his analysis of moral sentiments, says that it is an essential characteristic of a moral feeling that an agent, in explaining the feeling, "invokes a moral concept and its associated principle. His (the agent's) account of his feeling makes reference to an acknowledged right or wrong." Where those ingredients are absent, as, for example, in the case of someone of stern religious background who claims to feel guilty when attending the theater although he no longer believes it is wrong, Rawls wants to say that such a person has certain sensations of uneasiness and the like which resemble those he has when he feels guilty, but, since he is not apologetic for his behavior, does not resolve to absent himself from the theater, does not agree that negative sanctions are deserved, he experiences not a feeling of guilt, but only something like it. Indeed, it is the feeling which needs to be explained; it is not the action which needs to be excused. For, says Rawls, in his discussion of moral feelings and sentiments, "When plagued by feelings of guilt . . . a person wishes to act properly in the future and strives to modify his conduct accordingly. He is inclined to admit what he has done, to acknowledge and accept reproofs and penalties." Guilt qua feeling is here defined not only in terms of sensations but also in terms of the agent's disposition to acknowledge, to have wishes and make resolutions about future actions, to accept certain outcomes, and the like. Where an agent acknowledges conflicting obligations, unlike the theater-goer who acknowledges no obligation, there is sufficient overlap with dilemma-free cases of moral failure to warrant describing the associated feelings where present as guilt, and where absent as appropriate to an agent with moral sensibility. Granted that, unlike agents who fail to meet their obligations simpliciter, the agent who was confronted with a

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10 A Theory of Justice (Cambridge, Mass.: Harvard, 1971), pp. 481–485. Rawls's claim is that such sensations, to be properly describable as "guilt feelings" and not something resembling such feelings, must occur in the broader context of beliefs, strivings, acknowledgements, and readiness to accept outcomes, and cannot be detached from that context. He rejects the possibility that there are such "pure" sensations that can occur independent of the broader context. This is partially, perhaps, an empirical claim about identifying sameness of feeling. The theater-goer might claim that he does feel guilty because he has the same feeling he has when he acknowledges that he is guilty, that what remains is to give an account of when such feelings of guilt are justified. Still, Rawls's analysis seems to me to be a better account.
dilemma may finally act on the best available reasons. Still, with respect to the rejected alternative he acknowledges a wrong in that he recognizes that it was within his power to do otherwise. He may be apologetic and inclined to explain and make excuses. He may sometimes be inclined to accept external reproofs and penalties. Not perhaps those which would be a consequence of a simple failure to meet an obligation but rather like the legal cases in which mitigating circumstances evoke a lesser penalty—or reproof.11

Even if, as Rawls supposes, or hopes (but as seems to me most unlikely), a complete set of rules and priorities were possible which on rational grounds would provide a basis for choosing among competing claims in all cases of moral conflict that actually arise, it is incorrect to suppose that the feeling evoked on such occasions, if it is evoked, only resembles guilt, and that it is inappropriate on such occasions to ascribe guilt. Legal ascriptions of guilt require sanctions beyond the pangs of conscience and self-imposed reproofs. In the absence of clear external sanctions, legal guilt is normally not ascribable. But that is one of the many distinctions between the legal and the moral.

Most important, an agent in a predicament of conflict will also “wish to act properly in the future and strive to modify his actions accordingly.” He will strive to arrange his own life and encourage social arrangements that would prevent, to the extent that it is possible, future conflicts from arising. To deny the appropriateness or correctness of ascriptions of guilt is to weaken the impulse to make such arrangements.12

III

I have argued that the consistency of a set of moral rules, even in the absence of a complete set of priority rules, is not incompatible with the reality of moral dilemmas. It would appear, however, that at least some versions of the principle “‘ought’ implies ‘can’” are being denied; for dilemmas are circumstances where, for a pair of

11 To insist that “regret” is appropriate rather than “guilt” or “remorse” is false to the facts. It seems inappropriate, for example, to describe as “regret” the common feelings of guilt that women have in cases of abortion even where they believe (perhaps mistakenly) that there was moral justification in such an undertaking.

12 Bernard Williams [“Politics and Moral Character,” in Stuart Hampshire, ed., Public and Private Morality (New York: Cambridge, 1978), pp. 54–74] discusses the question in the context of politics and the predicament of “dirty hands.” He argues that, where moral ends of politics justify someone in public life lying, or misleading, or using others, “the moral disagreeableness of these acts is not merely cancelled.” In particular, we would not want, as our politicians, those “practical politicians” for whom the disagreeableness does not arise.
obligations, if one is satisfied then the other cannot be. There is, of course, a range of interpretations of the precept resulting from the various interpretations of ‘ought’, ‘can’, and ‘implies’. Some philosophers who recognize the reality of dilemmas have rejected the precept that “‘ought’ implies ‘can’”; some have accepted it.13 If we interpret the ‘can’ of the precept as “having the ability in this world to bring about,” then, as indicated above, in a moral dilemma, ‘ought’ does imply ‘can’ for each of the conflicting obligations, before either one is met. And after an agent has chosen one of the alternatives, there is still something which he ought to have done and could have done and which he did not do. ‘Can’, like ‘possible’, designates a modality that cannot always be factored out of a conjunction. Just as ‘possible P and possible Q’ does not imply ‘possible both P and Q’, so ‘A can do x and A can do y’ does not imply ‘A can do both x and y’. If the precept “‘ought’ implies ‘can’” is to be preserved, it must also be maintained that ‘ought’ designates a modality that cannot be factored out of a conjunction. From ‘A ought to do x’ and ‘A ought to do y’ it does not follow that ‘A ought to do x and y’. Such a claim is of course a departure from familiar systems of deontic logic.

The analysis of consistency and dilemmas advanced in this paper suggests a second-order principle which relates ‘ought’ and ‘can’ and which provides a plausible gloss of the Kantian principle “Act so that thou canst will thy maxim to become a universal law of nature.” As Kant understood laws of nature, they are, taken together, universally and jointly applicable in all particular circumstances. It is such a second-order principle that has been violated when we knowingly make conflicting promises. It is such a second-order principle that has, for example, been violated when someone knowingly and unavoidably conducts himself in such a way that he is confronted with a choice between the life of a foetus, the right to determine what happens to one’s body, and benefits to others. To will maxims to become universal laws we must will the means, and

13 For example, John Lemmon, in “Moral Dilemmas,” Philosophical Review, LXXI, 2 (April 1962): 139–158, p. 150, rejects the principle that ‘ought’ implies ‘can’. Van Fraassen, op. cit., pp. 12/3, accepts it, as does Bernard Williams seemingly in Problems of the Self, op. cit., pp. 179–184. Van Fraassen and Williams see that such acceptance requires modification of the principle of factoring for the deontic “ought.” There are other received principles of deontic logic which will have to be rejected, but they will be discussed in a subsequent paper. It should also be noted that, in “Ethical Consistency” and “Consistency and Realism” in Problems of the Self, Williams also articulates the contingent source of dilemmas and argues for their “reality.”
among those means are the conditions for their compatibility. One ought to act in such a way that, if one ought to do x and one ought to do y, then one can do both x and y. But the second-order principle is regulative. This second-order ‘ought’ does not imply ‘can’.\textsuperscript{14} There is no reason to suppose, this being the actual world, that we can, individually or collectively, however holy our wills or rational our strategies, succeed in foreseeing and wholly avoiding such conflict. It is not merely failure of will, or failure of reason, which thwarts moral maxims from becoming universal laws. It is the contingencies of this world.

iv

Where does that leave us? I have argued that all dilemmas are real in a sense I hope has been made explicit. Also that there is no reason to suppose on considerations of consistency that there must be principles which, on moral grounds, will provide a sufficient ordering for deciding all cases. But, it may be argued, when confronted with what are apparently symmetrical choices undecidable on moral grounds, agents do, finally, choose. That is sometimes understood as a way in which, given good will, an agent makes explicit the rules under which he acts. It is the way an agent discovers a priority principle under which he orders his actions. I should like to question that claim.

A frequently quoted remark of E. M. Forster\textsuperscript{15} is "if I had to choose between betraying my country and betraying my friend, I hope I should have the courage to betray my country." One could of course read that as if Forster had made manifest some priority rule: that certain obligations to friends override obligations to nation. But consider a remark of A. B. Worster, "if I had to choose between betraying my country and betraying my friend, I hope I should have the courage to betray my friend." Both recognize a dilemma, and one can read Worster as subscribing to a different priority rule and, to that extent, a different set of rules from Forster’s. But is that the only alternative? Suppose Forster had said that, morally, Worster’s position is as valid as his own. That there was no moral reason for generalizing his own choice to all. That there was disagreement between them not about moral principles but rather about the kind of persons they wished to be and the kind of lives they wished to lead. Forster may not want Worster

\textsuperscript{14} See fn 13. The reader is reminded that, on the present analysis, ‘ought’ is indexical in the sense that applications of principles on given occasions project into the future. They concern bringing something about.

\textsuperscript{15} Two Cheers for Democracy (London: E. Arnold, 1939).
for a friend; a certain possibility of intimacy may be closed to them which perhaps Forster requires in a friend. Worster may see in Forster a sensibility that he does not admire. But there is no reason to suppose that such appraisals are or must be moral appraisals. Not all questions of value are moral questions, and it may be that not all moral dilemmas are resolvable by principles for which moral justification can be given.

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UNDERSTANDING FREE WILL

In recent years, Harry Frankfurt, Wright Neely, and Gary Watson have offered accounts of free will and free agency that play down the challenge of determinism and equate freedom with a kind of rationality in action.¹

I believe that the approach taken by Frankfurt, Neely, and Watson (FNW, for short) represents, in its conceptual sophistication and explanatory power, a genuine advance over previous rationality theories of freedom like that of Spinoza. But I also believe that FNW have themselves misunderstood, or failed to see clearly, the nature and implications of their own theories, and that the theories they present must borrow ideas from Spinoza in order to escape implausibility and attain their fullest development. In the end, however, I shall argue that no available rationality conception fully captures our intuitions about what it is to act of one's own free will.

I

Let me first give a rough sketch of some of the important features of FNW's approach, for the most part concentrating on Frankfurt's theory, which has been the most elaborately and systematically de-