

Are You in a Dilemma?: What Disturbing Choices Say about Our Character

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1. What Is a Moral Dilemma?

The prevalent interpretation poses moral dilemmas as problems to be solved by moral theory. If a problem cannot be solved, the failure to solve it reflects the shortcomings of moral theory. In fact, both Edmund Pincoffs and Alasdair MacIntyre contend that there can be no moral dilemmas without moral theory.¹ While I agree that moral dilemmas pose serious concerns for moral theory, I shall look at them primarily as posing serious concerns for moral agents. I shall argue that there is a normative component to one's *being in a dilemma*. So I am concerned not with character judgments about the products of dilemmatic deliberation and choice; instead, I concentrate on the legitimacy of making character judgments based on the very onset of a moral dilemma.

What counts as a moral dilemma is difficult to determine with exactitude, and few philosophers attempt to provide a fixed definition. But most philosophers accept that *moral dilemmas are those quandaries in which an agent must choose between two or more mutually exclusive act-choices, each*

¹ See Edmund Pincoffs, *Quandaries and Virtues* (Lawrence: University Press of Kansas, 1986), and Alasdair MacIntyre, "Moral Dilemmas," *Philosophy and Phenomenological Research* 50 Supp. (1990), pp. 367-82. For other studies into the connections between moral dilemmas and moral theory, see Rosalind Hursthouse, "Fallacies and Moral Dilemmas," *Argumentation* 9, no. 4 (1995), pp. 617-32; Walter Sinnott-Armstrong, *Moral Dilemmas* (New York: Basil Blackwell, 1988); Darian De-Boldt, "Kant and Clint: Dirty Harry Meets the Categorical Imperative," *Southwest Philosophy Review* 13 (1997); and Alastair Norcross, "Should Utilitarianism Accommodate Moral Dilemmas?" *Philosophical Studies* 79, no. 1 (1995).

*of which is morally required.*² The options might be good courses of action or the avoidance of bad courses of action.³ Moral dilemmas are a subset of the general class of dilemmas, which includes prudential, epistemic, religious, legal, and moral dilemmas.⁴ When different domains support the mutually exclusive combinations of choices, the dilemma is said to be “mixed.”⁵ For example, one may claim religious support for illegally obstructing a woman on her way to an abortion clinic. But she may have legal support for not

² There is much more disagreement than this summary indicates, but many philosophers are in agreement that there is something of a moral demand in each act-choice. That is, morality demands that each option be chosen. Hence, each seems to be “morally required.” The difficulty tends to arise when we try to understand what it means to be demanded by morality. Is it a *prima facie* moral demand that can be fully extinguished upon investigation? Can a moral demand be overridden and yet not be fully extinguished? Can we have demands of any kind without a lawgiver/demander? Uncovering the different senses of “moral demand” could entail a long work in itself. See Bernard Williams, “Ethical Consistency,” *Proceedings of the Aristotelian Society* 39, pp. 103-24, reprinted in Bernard Williams, *Problems of the Self* (Cambridge: Cambridge University Press, 1973); William David Ross, “What Makes Right Acts Right?” in his *The Right and the Good* (Oxford: Clarendon Press, 1930); Walter Sinnott-Armstrong, *Moral Dilemmas* (New York: Basil Blackwell, 1988); Earl Conee, “Why Moral Dilemmas Are Impossible,” *American Philosophical Quarterly* 26, no. 2 (1989), pp. 133-41; Philippa Foot, “Moral Realism and Moral Dilemma,” *Journal of Philosophy* 80 (1975), pp. 379-98; and Christopher Gowans, *Innocence Lost: An Examination of Inescapable Wrongdoing* (New York: Oxford University Press, 1994), for studies into the possible connections between moral requirements and moral dilemmas.

³ Copi and Cohen write that when a “person must choose between two alternatives, both which are bad or unpleasant” he is said to be in a dilemma; see Irving M. Copi and Carl Cohen, *Introduction to Logic* (Upper Saddle River, NJ: Prentice Hall, 1999), p. 300. But the nature of the choices is not always “bad or unpleasant.” A woman might reasonably be said to be in a dilemma when faced with the choice between relocating to Denver, where she can be reunited with her brother, and Philadelphia, where she can be reunited with her sister. A simple way around this is to reformulate the initial problem into the following: “The woman must choose between not being reunited with her sister and not being reunited with her brother.” The choice to marry or not to marry, assuming it was a choice between pleasantries, could nevertheless be reformulated as “One may choose to marry (which would preclude her from continuing to experience the joys of single life) or one may choose not to marry (which would preclude her from experiencing the peacefulness of a higher commitment with her beloved).”

⁴ Sinnott-Armstrong, *Moral Dilemmas*, p. 8.

⁵ *Ibid.*

obstructing the clinic. In the interest of clarity, I limit subsequent discussion to mutually exclusive act-choices, *both of which have moral support*.

2. Moral Conflicts

Moral conflicts are situations in which one's moral outlook may be reasonably interpreted as imparting guidance to do two incompatible actions. Broadly speaking, there are two major types of moral conflicts. A first type of moral conflict, discussed in some detail by Thomas Nagel and Isaiah Berlin, arises from the fact that the available options embody a plurality of incommensurable values.⁶ In short, the moral values that give support to each option differ in kind.⁷ Clear examples of such moral conflicts abound in the philosophical literature: Euthyphro must decide which value takes precedent: civic or familial.⁸ Jesus must decide whether to honor his parents or serve his God.⁹ A second type of moral conflict arises from mere contingencies of a given situation. This general conflict form finds expression in William Styron's novel *Sophie's Choice* in which Sophie must choose which of her children will survive into the future.¹⁰ And Ruth Barcan Marcus poses a similar situation in which an agent must choose which twin to save from drowning.¹¹ In this latter type, both options have comparable moral support, but because of the time, location, and other life constraints, both cannot be performed.

There are certainly hybrid cases of moral conflict in which an agent must choose between options that embody a plurality of values and that are forced by the contingencies of the situation. Melville's Captain Vere, for instance, must decide whether to advocate the capital sentence of Billy Budd, an innocent man, or transgress his duty to the king.¹² I do not intend to

⁶ Thomas Nagel, "The Fragmentation of Value," in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979); and Isaiah Berlin, "Two Concepts of Liberty," in his *Four Essays on Liberty* (New York: Oxford University Press, 1969).

⁷ Ruth Chang, in the introduction to her *Incommensurability, Incomparability, and Practical Reason* (Cambridge: Harvard University Press, 1997), points out that there is some disagreement over whether values differing in kind can be compared or not.

⁸ Plato, *Euthyphro* (New York: Hackett, 1993).

⁹ Luke 2:39-52.

¹⁰ William Styron, *Sophie's Choice* (New York: Random House, 1976).

¹¹ Ruth Barcan Marcus, "Moral Dilemmas and Consistency," *Journal of Philosophy* 70 (1980), pp. 121-36.

¹² Herman Melville, *Billy Budd and Other Stories* (New York: Penguin Books, 1989).

develop an exhaustive typology of moral conflicts; I only introduce these baseline distinctions in order to prepare us for determining the point of departure from which a moral conflict becomes a moral dilemma. I argue that there is a subjective, experiential component to moral dilemmas. But that dilemmas' existence are determined according to a first-person perspective does not preclude third-person moral judgment. In fact, as I shall argue presently, the first-person experiences of others must be treated as important forums for third-person moral criticisms.

3. The Agent-Peculiarity of Dilemmas: From Conflict to Dilemma

So when does a conflict become a dilemma? Let us focus on one particular moral conflict often examined in contemporary work on moral dilemmas, that of Sartre's student. Sartre recounts his student's quandary in his *Existentialism Is a Humanism*:

His father was on bad terms with his mother, and, moreover was inclined to be a collaborationist; his older brother had been killed in the German offensive of 1940, and the young man, with somewhat immature but generous feelings, wanted to avenge him. His mother lived alone with him, very much upset by the half-treason of her husband and the death of her older son; the boy was her only consolation.

The boy was faced with the choice of leaving for England and joining the Free French Forces—that is, leaving his mother behind—or remaining with his mother and helping her to carry on. He was fully aware that the woman lived only for him and that his going-off—and perhaps his death—would plunge her into despair. He was also aware that every act he did for his mother's sake was a sure thing, in the sense that he was helping her to carry on, whereas every effort he made toward going off and fighting was an uncertain move which might run aground and prove completely useless; for example, on his way to England he might, while passing through Spain, be detained indefinitely in a Spanish camp; he might reach England or Algiers and be stuck in an office at a desk job. As a result, he was faced with two very different kinds of action: one, concrete, immediate, but concerning only one individual; the other concerned with an incomparably vaster group, a national collectivity,

Reason Papers Vol. 29

but for that reason was dubious, and might be interrupted *en route* He had to choose between the two.¹³

Sartre's student agonizes over two mutually exclusive choices, both with moral backing.

Should he remain at home with his needy mother or should he set off for service in the French Resistance? Sartre writes that his student "had to choose between the two," but did he really *have* to choose between the two? Practically speaking, he might have chosen to seclude himself and forget about the troubles of his mother and country. Morally speaking, the language used by Sartre portrays the situation as presenting a conflict of oughts. In a conflict of oughts, morality requires that each option be chosen and acted upon. But in the student's case, there is good reason to think that there are *no* such demands, for reasons outlined by Peter Railton. Railton argues (rightly, I think) against the notion that the student's situation is one in which morality requires each action:

First, the cause of Free France really seems to be a *moral ideal* for the student, not a duty. Perhaps everyone in occupied France had some moral obligation to avoid or resist various sorts of collaboration so long as the personal costs were not too great...but it would be a singularly demanding moral conception that claimed that every young male in France had a moral *obligation* to undertake the perilous course of joining the Free French.

Second, even as a parent I rebel against the suggestion that an adult child has a clear moral *duty* to remain with a parent in these circumstances. It would be a supererogatory, not mandatory, act of filial devotion to remain with a parent in such a case.¹⁴

For Railton, neither option of the conflict can be demanded by morality, but each should nevertheless be considered as having moral backing. The terms "ideal" and "supererogatory" are useful for capturing the non-obligatory yet morally important features of each option. Railton, in effect, deflates the categorical "magic force" out of each moral requirement, yet retains what may

¹³ John Paul Sartre, *Existentialism Is a Humanism*, trans. Bernard Frechtman, in Steven M. Cahn and Peter Markie, eds., *Ethics: History, Theory, and Contemporary Issues* (Oxford: Oxford University Press, 2002), p. 447.

¹⁴ Peter Railton, "The Diversity of Moral Dilemma," in H. E. Mason, ed., *Moral Dilemmas and Moral Theory* (New York: Oxford University Press, 1996), p. 150.

Reason Papers Vol. 29

be called “moral force.”¹⁵ Railton’s method, we may notice, is to deny that Sartre’s student is in a dilemma by denying that the horns of the conflict are obligatory. So if we accept that moral dilemmas *require* that there be two mutually exclusive and non-overridden oughts, and we accept that there are no categorical oughts in his situation, then we must deny that Sartre’s student is in a dilemma.

Yet even as we may with Railton deny the *categorical* force of the student’s competing moral imperatives, we still believe him to be in a moral dilemma. But if dilemmas are not a function of a certain arrangement of oughts, then of what are they a function? I believe Sartre’s student to be in a moral dilemma, but I do not think that his dilemma derives its force from a conflict of oughts. So, let me shift the emphasis from the sphere of moral requirements to the sphere of moral character. In the student’s (and in all other cases of) dilemma, the point of view of the agent seems to be crucial to the understanding of the morally incompatible choices. On my view, moral dilemmas are a function of how the agent approaches his decision between two morally compelling choices. Sartre’s student is not confronted by two morally demanding oughts, but there are two mutually exclusive, morally alluring options to choose from. And both are perceived to demand compliance. But if they seem to *demand* compliance, how is this not the “ought” demand-quality that moral realists typically say is essential to dilemmas?

We may begin to ponder the student’s quandary with the consideration that we may imagine him being unmoved by the same options. Perhaps if the student was at some other point in his life, he may very well *not* have defined his situation as a dilemma. And we, too, might not call his situation a dilemma.

I, for instance, have the option of joining the army (which may soon land me on a battlefield). I also have the option of being a caretaker of my aging parents. We can easily work out a situation in which these options are mutually exclusive (e.g., I cannot take my parents to live with me on a military base). At this time, however, whether to join the army at this point in my life does not pull on me. I would think it very odd if somebody remarked to me that I was in a moral dilemma, even though I do not feel such a pull. And should somebody keep insisting that I was, I of course could not fully convince them that I was free from dilemmatic anxiety. But I could make

¹⁵ See Philippa Foot, “Morality as a System of Hypothetical Imperatives,” in her *Virtues and Vices* (Berkeley: University of California Press, 1978), wherein she challenges the Kantian notion that categorical imperatives are absolutely binding. In this seminal essay, Foot claims that those philosophers who maintain the demand quality of categorical imperatives even amidst a lack of grounding are guilty of ascribing categorical imperatives an ungrounded “magic force.”

sure that we were talking about the same phenomenon. Mine would certainly be a case of conflicting options, even a conflict that I recognize, but not a moral dilemma. It is that the conflicting options make a pull on *me*, the agent, which makes their mutually exclusive agglomeration a dilemma. Perhaps the conflicting options, which I do acknowledge, *should* pull on me. And this is the point: Once we remove the emphasis from a realist view of dilemmas (that each option demands moral adherence to it) and place it in the realm of normative character assessments (that one should be distressed by the choice), we appreciate the psychological force of dilemmas and as a bonus gain a new insight into the practical applications of agent-based approaches. It is not that the options themselves have the warrant to dictate moral adherence. Rather, it is that the agent has the moral training such that he will be pained by having to make the difficult moral choice.

Let me then make a few remarks about the psychological force of moral dilemmas. A central feature of any dilemma seems to be that the individual involved in it tries to come up with a method to gauge the choices because the situation seems to call for it. Notice that I do not contend that the agent always *discovers* an adequate gauge. On my view, he just needs to *attempt* to produce it. Something beyond deliberation (using a rational strategy to assess the choices), then, accompanies dilemmas. A term for that notion is somewhat elusive, but “moral duress” will suffice. “Moral duress” refers to the notion that the agent experiences notable discomfort at *having to make any choice* between the two conflicting options. He feels forced into making a choice that he ordinarily would not wish to make. Indeed the morally optimal choice (choosing both or neither) is not available. The morally optimal choice is “off the table.” So, he must settle for (and follow through with) a choice that is merely *morally maximal*. To be morally maximal is to be that which in a given set of circumstances, for example, a moral dilemma, qualifies as a best action.

So whether mundane, momentous, or tragic, moral dilemmas are those forced choices between conflicting moral imperatives apprehended by agents in duress. With the understanding that moral dilemmas have their genesis in the assessment of the agent, we give a more accurate account of our moral experience. When we are “in” a moral dilemma, we apprehend it. We are troubled by the thought of having to make a choice between two competing options. Again, I would think it odd if someone called my option of joining the army or taking care of my aging parents a dilemma. Some attendant feeling on the part of the agent seems requisite for applying that term.

4. Wrong Discomfort: The Case of Woody Allen’s Judah Rosenthal

But this is not to say that all discomfort at conflicting options indicates the presence of a moral dilemma. In Woody Allen’s 1989 film,

Reason Papers Vol. 29

Crimes and Misdemeanors, a wealthy and well-respected doctor decides to hire a killer to murder his mistress rather than have his affair (and some shady business dealings that his mistress vowed to expose) become common knowledge.¹⁶ He does not want the affair to hurt his practice, destroy his family, or tarnish his reputation. Judah Rosenthal, the doctor, is horrified by both options, but nevertheless he feels a palpable pull to each option. He does not want his mistress to die (he just wants her to disappear), but he knows that if left alive, she will tell all. Judah believes himself to be in a *moral* dilemma, but is he?

One thing for certain is that both moral realists and I would dismiss this as not meeting the criteria for moral dilemma. After all, to be in a moral dilemma presupposes that there are *moral reasons* for each option. What possible moral reason could Judah have for having his mistress killed? For one thing, Judah could point to the certain pain and embarrassment to his entire family as a morally compelling reason: Judah values his family's well-being. He also could add that he values his own life-projects, including his relationships, ophthalmology practice, and community standing.

But should Judah attempt such justifications, we could quickly point out that had he *really* valued his family, his practice, and his social standing, he would not have carried out a two-year affair that, among other things, had the ever-present potential to destroy all of those things which Judah said he valued. And even granted that he might have carried out his affair but nevertheless truly valued his family, practice, and community standing, one could make a strong case that those values would require him to treat his family and community with complete honesty and allow for his affair and business dealings to become public knowledge. In short, does he really value his family if he hides the truth from them? Does he really value his patients if he denies them access to knowledge that might influence them to seek a less distracted doctor? And does he really value his community if he exploits for his own purposes that community's generous charitable contributions and its trust that the money will be put only to philanthropic uses? So whereas Judah experiences some discomfort, his discomfort does not arise from an underlying moral conflict. It arises from selfishness, a blindness to the morally salient features of his case. Judah's discomfort does not indicate a moral dilemma because he is not confronted with a *moral* conflict. He may be in some species of a dilemma between his moral outlook and his corrupt egoistic ends, but it is not a moral dilemma, for the moral solution is clear. What we can learn from the case of Judah is that the agent-peculiarity of dilemmas does not imply subjective relativism. One cannot plausibly argue that Judah is in a moral dilemma just because he thinks and

¹⁶ Woody Allen, *Crimes and Misdemeanors*, motion picture (Orion Pictures, 1989).

feels that he is. Judah is not confronted with two *morally* compelling act-choices, even though he feels as if he were. In a sense, his character is so defective that he misinterprets the choices. Therein lies his problem.

With Judah Rosenthal we see that my position assumes that moral dilemmas require that each option has moral weight. This may sound like I am conceding the realist point, for where does the moral weight of each option come from but the *act-choice* under consideration? Yet, on my view, the moral weight comes from internalized moral values, which lead to a well-lived life, rather than from independently existing morally weighted act-choices. Judah clearly accepts the principle that there are some occasions in which it is morally acceptable to violate a *prima facie* moral act-choice to serve another more important one. Moreover, he holds the belief that his present situation calls for the activation of this principle. I have argued above that Judah mistook his situation for an appropriate occasion to override a *prima facie* moral act-choice. His mistake is that his character weakness allows him to over-emphasize his self-centered desire to preserve his life of privilege at the expense of another's life. Let it be understood that I am not claiming that Judah's blameworthiness comes from his holding the wrong principle.¹⁷ It comes from his misapplication of it, which can be traced to his myopic interpretation of the world around him. Without the character defect, there is no issue of "mistaken duress."

5. The Impossibility of Unrecognized Dilemmas

A significant consequence of my argument thus far is that there cannot be any unrecognized dilemmas. Unrecognized dilemmas are those quandaries in which the agent is not aware of the mutually exclusive and morally demanding features of his act-choices. Walter Sinnott-Armstrong thinks that there are such unrecognized dilemmas:

Opponents ... might deny that a situation is a moral dilemma when the agent does not know there are moral reasons for the incompatible alternatives, possibly because such ignorance prevents some kind of anguish that might seem essential to moral dilemmas. I think such anguish is not essential to moral dilemmas, and neither is any belief in the conflicting moral reasons.¹⁸

¹⁷ Few people would still maintain that moral demands can never be overridden in any circumstance.

¹⁸ Walter Sinnott-Armstrong, *Moral Dilemmas*, p. 11.

Reason Papers Vol. 29

Thus, for Sinnott-Armstrong, neither emotional discomfort (anguish) nor a belief that there are conflicting reasons is necessary to have a dilemma. I do not think that you would have anguish without a belief in conflicting moral reasons. If there is a moral conflict that I do not apprehend, others can say I am morally ignorant or that I am unable to apply the moral law, but we should not say that I am in a dilemma. If there are unrecognized dilemmas, then what qualitatively distinguishes moral conflicts from moral dilemmas?

Mary Mothersill, arguing for a similar emphasis on agency as I do, remarks:

The pros and cons of abortion may figure in the dilemma of someone deliberating about whether to have an abortion or about how to cast a deciding vote on the issue in a judicial or legislative context. But if a dilemma is a difficult and conflicted choice, then those who do not face a choice or have no conflicts do not qualify. Abortion is not a dilemmatic topic for Cardinal O'Connor or (presumably) for those who think that the Court made the right decision in *Roe v. Wade*.¹⁹

For Mothersill, two conditions are necessary for moral dilemmas: a difficult choice and a conflicted choice. With regard to her first condition, I have argued that a difficult choice is subjectively determined, but that it is subjectively determined does not entail that the agent is immune to moral criticism. Assuming that one wants to be moral in the first place, one will be open to the charge that one is not bothered by what should bother him or that one is bothered by what should not bother him. In fact, I think that the Catholic Cardinal and the proponents of *Roe v. Wade* (assuming that they had no reluctance about their choice) are morally blameworthy for not being bothered. Moral conviction is overrated, for it often makes us less sensitive to *all* of the salient features of our complex moral lives. By failing to make the distinction between recognized moral conflicts and apprehended moral dilemmas, we do damage to our understanding of moral dilemmas in two ways. First, we neglect the experiential aspect that makes moral dilemmas such powerful events. And second, we thereby fail to make moral agents fully responsible for their lackluster application of their moral principles.

Should an agent experience a sense of discomfort at having to make a choice between conflicted options, he may be said to be in a moral dilemma. Should he experience a sense of discomfort even though there is no moral conflict, then this is not sufficient for moral dilemma. Moral psychology comes into play at the very genesis of dilemmas: It comes in at the very

¹⁹ Mary Mothersill, "The Moral Dilemmas Debate," in Mason, ed., *Moral Dilemmas and Moral Theory*, p. 67.

Reason Papers Vol. 29

perception that some situation is a moral dilemma. Unlike perceiving sarcasm, in which one recognizes some additional meaning in some situation (but nevertheless the sarcasm remains outside of the self), the very meaning of a moral dilemma *has as an essential component* the perceptual sensibilities of the agent.

My attempt to cast dilemmas in terms of agency will surely meet the objection that it is overly subjectivist. By placing the onus for being in a dilemma onto the moral agent, I give agents the ability to control what, if any, moral imperatives to accept. To avoid dilemmas, one must simply avoid moral commitments. This line of thinking, critics will argue, is a recipe for moral indolence. But I do not intend my arguments for amoral individuals resistant to moral advice. Moral discourse is best directed toward those who will listen to it.²⁰ My words are for people who want to be moral, not for people who want to be morally lazy. I do admit that many of us who want to be moral are committed to a variable set of imperatives. People tend to differ on the moral status of killing, the environment, truth-telling, universal health care, cigarette smoking, circuses, and so on. But even as our moral outlooks vary, our community of persons who desire what may be broadly referred to as “the moral life” converges at many points of agreement. And those who seek the moral life will consider in good faith other points of view. So, if my next-door neighbor does not have a dilemma about bringing his children to enjoy tigers jumping through burning hoops, then I may convince him that his options of “promoting family fun” and “patronizing the circus” should pose a dilemma for him. My neighbor, then, may be morally criticized for *failing to be in a dilemma*. That dilemmas are subjectively determined does not imply that moral criticism is futile. On the contrary, it invites a new arena for making normative judgments, even for people like Catholic Cardinals who follow a moral program with unwavering resolve.

Some choices should be experienced as dilemmatic and some should not. But aren't all choices limited in some way and don't they preclude other morally relevant choices? Yes, to be sure, taking care of my parents will preclude time spent with my children. Time spent with my children will preclude time spent helping others, and so on. But why shouldn't we be aware that every moral choice affects our own lives and others' lives even if on a smaller or lesser scale? This conscientiousness leads to an increased moral sensitivity, one that we would expect any admirable person to have. Typically, we are raised to try to avoid inner turmoil and our consequentialist and deontologist heritage reinforces these flight proclivities. We want to find the right answer, and we want to feel no regret after we execute the right

²⁰ Bernard Williams, *Ethics and the Limits of Philosophy* (Worcester: Billing & Sons Limited, 1985).

Reason Papers Vol. 29

choice. I am not saying that we should go out and insert ourselves into momentous and tragic situations that heighten our inner turmoil so that we may remind ourselves of our moral commitments or of the fragility of goodness. But what I am advocating is a moral philosophy which takes as much care in exposing the phenomenology of our moral dilemmas as it does in the futile task of trying to solve them.