

Moral Conflict and the Indeterminacy of Morality

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ABSTRACT: Cases of moral conflict often occupy a central role in arguments against claims that moral judgments admit of truth. In this paper, I argue that the employment of moral conflicts against the truth-susceptibility of moral judgments rests upon a false conception of the determinacy of morality. I take under consideration Jean-Paul Sartre's moral dilemma of the young man who must choose between leaving home to fight against Germany and staying home to care for his ailing mother. Starting from a simple theory of what makes a moral judgments true, and noting that it seems to entail that two conflicting judgments are true in Sartre's case, I consider three ways to resolve this conflict. I conclude that there is still a true judgment to be made about Sartre's case, although this judgment is practically indeterminate, because it does not reveal either course of action as the only morally acceptable route.

Cases of moral conflict often occupy a central role in arguments against claims that moral judgments admit of truth.¹ Such arguments are problematic not only for objectivists or (traditional) moral realists, but also for those who want to incorporate non-cognitive or subjective elements into a moral theory which still maintains that moral judgments, while generated in part by our convictions and feelings, can nevertheless be evaluated in terms of truth.² The problem for objectivist theories is that they seem unable to account for the variety of moral judgments which common sense (or intuition) accepts as true. For the subjectivist like David Wiggins who still wants to allow that moral judgments admit of truth, the problem is how to vindicate such an account against our basic ideas of truth as something we will ultimately or ideally agree about and as something which, as a set of claims, is internally consistent. Error-

¹ See, e.g., J.L. Mackie, *Ethics: Inventing Right and Wrong* (Penguin Books, 1977), and Richard Double, *Metaethical Subjectivism* (Hampshire: Ashgate, 2006).

² See Wiggins, "A Sensible Subjectivism?" *Needs, Values, Truth* (Oxford: Blackwell, 1987)

theorists and non-cognitivists will argue that a better way to explain or account for the multiplicity of moral intuitions and the consequent conflicts is to adopt the view that there is no moral matter of fact, and thus no moral truth. In this paper, I will argue that the employment of moral conflicts against the truth-susceptibility of moral judgments rests upon a false conception of the determinacy of morality. Indeterminacy and the possibility of moral conflict or persisting disagreement does not entail that moral claims fail to admit of truth.³

When I speak of the conflict or inconsistency of moral claims, I intend for the purported conflict to be understood relative to the set of moral claims themselves, and not relative to any particular agent or set of agents. Illustration of this inconsistency by appeal to a between-agents dispute is meant to make salient the possibility that although each claim appears to possess equal justification or legitimacy, only one of them, at best, can be true. Appeal to the within-agent case of a moral dilemma is supposed to highlight the practical import of this problem, since we all must make moral decisions and must choose between various options in order to do so. Formally, these situations are more or less equivalent. In both the between-agents and within-agent cases, we are faced with conflicting moral claims which are both backed by some underlying moral reason.⁴ Consider Sartre's young man.⁵ Either he (morally) must leave home to

³ By putting the matter this way, I realize that I run together the different claims made by error-theorists (that all moral judgments are false) and non-cognitivists (that all moral judgments are neither true nor false because they are not truth-apt). The point of the argument in this paper is not to provide a direct refutation of either of these positions but rather to point out that a general strategy against evaluating moral judgments in terms of truth seems to depend on the view that if moral judgments could be true, then dilemmas and conflicts would admit of a determinate resolution.

⁴ By saying that each claim is grounded by a moral reason, I mean that each judgment is supported by some consideration which, in the absence of conflict, would have provided straightforward justification for the moral judgment. To make fully plausible the stipulated account of the truth of moral claims, we would need to give an account of what it is that makes a moral reason good or legitimate. I argue for such an account elsewhere (in my dissertation, in progress), but considerations of space do not permit me to lay out the details of that account in this paper. In brief, the view is that a moral reason must satisfy a publicity requirement (it must be a reason that others could come to endorse) and a "non-negotiability" requirement (it must be a reason that the agent herself holds with a certain degree of conviction: to abandon the reason would be to abandon her own moral perspective).

⁵ This case was introduced by Jean-Paul Sartre in his paper, "The Humanism of Existentialism," in *Existentialism: Basic Writings*, ed. Charles Guignon and Derk Pereboom, (Indianapolis: Hackett, 1995).

join the Free French Forces because he has an obligation to defend his country (and to respond to the death of his brother, or to fight for the greater good), or he (morally) must stay home to care for his ailing mother because he has another obligation to her. For the sake of simplicity, we should stipulate that it is impossible for the man to somehow satisfy both of these moral requirements (although, practically, this may be false).⁶ Now consider the following rather simplified view of moral truth: if we allow that the reasons which motivate the separate judgments, “I ought to leave home,” and “I ought to remain at home,” are legitimate moral reasons (neither the value of going off to fight nor that of caring for his mother depend on the agent’s particular tastes, and both weigh heavily upon him, which serves as a kind of phenomenological evidence of their moral import), and if we suppose that a moral judgment is true iff it is supported by a legitimate moral reason, then this theory entails that the judgments, “I ought to leave home,” and “I ought to remain at home,” are both true. How we are to resolve this apparent inconsistency will be discussed below. An equivalent conflict can be generated in a between-agents dispute by considering Sartre’s young man, now firmly decided that he ought to leave home, while his best friend, who knows the situation well, firmly believes that he ought to remain at home. If both have legitimate reasons for their separate judgments, both make claims which, on this view, have some claim to truth.

Let us consider three different ways to handle such conflicts. The first response would be to argue that *neither* moral claim is true because they undermine each other. A moral judgment will only count as true if there is no direct competition, either from others who make what appear to be equally justified but conflicting moral judgments or from ourselves when we view the same situation from a different perspective and see that a different moral judgment seems justified for

⁶ There is an excellent discussion of Sartre’s case by Peter Railton, “The Diversity of Moral Dilemma,” *Moral Dilemmas and Moral Theory*, ed. H.E. Mason, (New York: Oxford UP, 1996), 140-166.

different reasons. But the mere fact of a moral disagreement with another person, or the appearance of there being two conflicting moral obligations, both of which an agent cannot practically obey, does not logically compel us to conclude that no one has made a true judgment. An agent will not abandon her considered moral judgment merely because that judgment conflicts with others, and Stanley Cavell suggests that it isn't a necessary feature of moral disagreement that I must regard judgments that conflict with my own as false. He writes,

I can *refuse to accept* a “ground for doubt” without impugning it as false, and without supplying a new basis, and yet not automatically be dismissed as irrational or morally incompetent. What I *cannot* do, and yet maintain my position as morally competent, is to deny the *relevance* of your doubts...fail to see that they require a determination by me.⁷

If I possess moral reasons in support of my judgment (“I should leave home”), the fact that you can offer moral reasons that imply a different judgment (“No, you should stay”) is not enough to compel me to give up my considered judgment. I will only give up my judgment if it can be shown that your reasons clearly outweigh mine or that my reasons are specious. The same, of course, goes for you and your argument. But neither of us needs to claim that the other's moral reasons are false, and if our conflicting judgments are to simply cancel out each other's truth, it appears that they must do this by canceling out the legitimacy (or truth) of the moral reasons which are purported to support the contrary judgment. As Cavell suggests, we can argue about the relevance or relative weight of competing moral reasons without denying the legitimacy (or truth) of any of these reasons. In that case, we might be inclined to claim that the judgment which is based on the best reasons is true, while any other judgment is false.

This qualification brings us to the second approach. We might claim that there can only be one *ultima facie* true moral judgment. But if by this we mean that there is only one action – staying with mother or leaving to fight – which is the truly moral thing to do, then this approach

⁷ *The Claim of Reason*, (New York: Oxford UP, 1979), 267.

will not do. The problem with the view that either one action or the other must be *the* right thing to do is that this either *assumes* that there can only be one right solution to any moral situation or *infers* that there must be one right solution from a conception of moral theory as a decision procedure which, if morality is to serve its purpose, must generate determinate answers to the question, “What should I do?” The claim that there must be one, and only one, *ultima facie* morally correct thing to do, or only one overriding moral reason, is dubious, whether it be an assumption or an inference.

Consider this claim as an inference from the conception of morality as a decision-procedure. The aim of morality, then, is to serve as a guide for action. Furthermore, it must guide us in a determinate way, clearly distinguishing right ways of conduct from wrong. But that does not imply that there is only one moral course of action in any given situation. Consider an analogy. The purpose of hitting instruction for baseball players is to teach them how to hit the ball. But there are several different batting stances and strides which lead to comparable success. So although a player is committed to the determinate goal of hitting the ball (similarly, although a moral agent is committed to the determinate goal of acting morally), he need not be committed to there being only one stance or stride that will best achieve this goal (likewise, the moral agent need not be committed to there being only one action which counts as *the* moral thing to do in some situation). This is true relative to a single player – since against certain pitchers or during a slump, he may want to choke up on the bat to increase bat control – and with respect to all players, who do not all stand or stride in the same way, but do achieve comparable levels of success.⁸ A player hitting well is often said to have “found his stride.” We ought to emphasize

⁸ It has often been noticed, for example, that Jeff Bagwell of the Houston Astros moved his leading foot backwards rather than forward when he swung the bat, in part because his legs were already spread so wide in his stance that it would have been practically impossible for him to maintain his balance by stepping “into the pitch.” Nevertheless, Bagwell consistently batted above .300.

the notion of *his* stride: it is a stride among many that works best for him. This analogy doesn't imply a simple subjectivism in the moral case, for the point is not that anything goes. Facing away from the plate and swinging behind one's back certainly won't lead to much success. But it suggests that where one's aim is to act morally, we cannot preclude the possibility that situations may arise in which more than one course of action – more than one kind of stance – satisfies that aim. An agent may be faced not simply with a choice between right and wrong, but rather with a choice of which way to proceed within the bounds of what is morally acceptable. The situation in which Sartre's young man finds himself may be precisely such a situation. To assert this possibility does not reduce morality to a matter of mere preference, for anyone in this type of situation is still under pressure to act in a way that is responsive to all the legitimate moral considerations on the table.⁹

The foregoing speaks equally well against taking the claim that there is one morally correct course of action as an assumption, but I want to diagnose this claim – regarded as an assumption – in a different way. The view that there must be one right solution in a moral conflict may arise from our need to regard our moral decisions as non-arbitrary. We readily agree that there is no right answer to questions like, “What kind of ice cream should I eat today?” and are content to regard any such decision as harmlessly arbitrary. Morality may provide, among other things, reassurance that we are in fact *doing the right thing*, and may legitimate defenses we may need to make against criticism of our actions. The fact that when we are faced with a

⁹ One might object that the dilemma is precisely that there seems to be no one action that is appropriately responsive. However, if this simply means that not everyone can or will arrive at the same solution, then I see no problem with this. Responsiveness is not limited to the first action, but must also be measured by how the agent deals with any moral remainder. Suppose the young man goes off to fight; he cannot simply forget about his mother. He must write to her, and do whatever he can to make up for what either of them might see as the inevitable negative consequences of his choosing to fight. That no one action can, in a sense and in some situations, make everyone perfectly happy is not a failure of morality but a brute fact of life which, in the most unfortunate situations, leads to a kind of tragedy. But we cannot abandon morality due to such threats and possibilities. (A similar sentiment is to be found in the writings of Isaiah Berlin, particularly in the last section of “Two Concepts of Liberty,” *The Proper Study of Mankind*, (Farrar, Straus and Giroux, 2000).

choice there is *ipso facto* going to be something that we failed to do may put pressure on us to conceive of the unselected option as not really worth doing, or conversely of conceiving of the selected action as the only thing we could do, morally speaking.¹⁰ If we assume that there is only one morally correct course of action, then if we discover (or infer, derive) and pursue that course of action, we seal off the possibility of deserving moral criticism, or of there being any moral remainder that might warrant regret or guilt. The assumption that there is only one morally correct course of action thus *simplifies* morality. But if what I said above is correct, it *oversimplifies* morality in a way that makes this assumption facile.

This brings us to the third way of dealing with moral conflicts where each judgment has some *prima facie* claim to truth, on the view supposed above. We can admit that there is a sense in which both claims are true, and this move is not precluded by our going on to point out that one person cannot pursue both courses of action. We can say that both are true by pointing out that, for example, if we were to emphasize the young man's special obligations to his mother, we would be quite justified in claiming that he ought to remain at home; whereas, if we emphasize the moral ideal of contributing to France's struggle against Germany, we would also be justified in claiming that he ought to go off and fight. We may want to qualify each of these claims by pointing out that there is an alternative course of action, and that neither claim reveals the *only* moral course of action; either action would be morally permissible. Sartre's young man must either leave home *for one set of reasons*, or remain at home *for a different set of reasons*.

¹⁰ Simon Blackburn warns against this practice on the grounds that it may incline those who engage in it to make negative, and unwarranted, judgments about those who choose a different course of action in a similar conflict. See Blackburn, "Dilemmas: Dithering, Plumping, and Grief," *Moral Dilemmas and Moral Theory*, ed. H.E. Mason, (New York: Oxford UP, 1996).

It will be objected that if both claims are true, then we should be able to conjoin them and get another true judgment.¹¹ But since no one could possibly stay and leave home, how could a conjunction of these judgments be true? This might lead us to reconsider the first way of dealing with moral conflicts and to say that, strictly speaking, neither judgment is true; what *is* true is the *disjunction* of the two moral judgments. Of course, the disjunction, “Either you ought to stay home for this reason or you ought to leave home for that reason,” may seem as practically useless as the conjunction, “You ought to stay home for this reason and you ought to leave home for that one.” Neither claim fully decides the issue for us. However, if we expand the disjunction by specifying within it that the reasons for performing each action are equally legitimate and that neither overrides the other, then the claim takes on a more informative character. For it then tells us that there *are* good reasons for performing either action, and so if one limits her choices to those expressed by the disjunction, she will be acting, as much as she possibly can, *within* the scope of morality. Although this may not ameliorate the personal unrest one feels at having to make such a weighty decision, it at least provides one with the knowledge that her distress cannot be pinned upon the possibility of making a moral mistake. That has been ruled out by establishing legitimate moral reasons for each action and the impossibility of doing both.

If it strikes us as theoretically important that truth be preserved when we conjoin true claims, we could point out that it is unclear what *logical* inconsistency is generated by the conjunction of true moral judgments that cannot both be performed by a single agent. The *practical* impossibility of performing both actions in a moral dilemma is plain enough, and this impossibility is often taken to show that a moral theory which commands impossible feats is flawed. If it is both true that Sartre’s man ought to join the Free French Forces and that he ought

¹¹ Such a requirement has been recommended, for example, by David Wiggins, “Truth, and Truth as Predicated of Moral Judgments,” *Needs, Values, Truth*, 148, 152.

to care for his mother, then it seems that he will have done wrong no matter what he does, because whatever he chooses forces him to neglect another equally justified and demanding moral duty. If the case were different – for example, if this man had been directly responsible for getting himself into a dilemma by making two conflicting promises – then we might not feel so uneasy about saying that he fails morally no matter what. (In the case of conflicting promises, he has already failed by making a promise he should not have made, and is now suffering the consequences of this action in the form of a self-inflicted dilemma.) Nevertheless, in the present case, it seems absurd and unfair to declare that Sartre’s man does wrong either way. If we are convinced of the equal strength of the reasons for each course of action, then this reveals a gap in the simple theory of truth which says that a moral judgment is true if it is grounded by a legitimate moral reason. We could attempt to close the gap by allowing that in cases where the conflict persists, there is still a judgment, albeit a messy judgment, entailed by the reasons under consideration: “There are good reasons for staying home and for going; if you could do both, then that would be the right thing to do, but you can’t, and so you must choose between them.” This may seem like an obvious claim to make, and insofar as it is grounded in the moral reasons that support each course of action, and if the conflict won’t go away any other way, it seems to be a true claim.

It should be clear that although the judgment above does not prescribe a single course of action, the agent does not simply get to pick willy-nilly what he will do. Each course of action may lead to a significantly different future, to a different kind of life for the one who must choose; that is why the choice matters so much to the agent. Such a conflict does not expose morality as unreal. If anything, the seriousness of the choice and the agent’s apparent wish that there were an easy answer shows us that even he acknowledges the fact that the moral demands

made by both options are real, and will remain real regardless of which he chooses.¹² None of this is to say that there is never a determinate moral course of action: if we are good people, then we do keep our promises, care for our family members, and seek to better ourselves and others when there are no other duties competing for our time and attention, and we know that we are doing the right things. But we cannot hope to extrapolate this moral certainty to every possible situation. This shows that moral truth does not set us free from the responsibility of having to make hard decisions and to accept the consequences that flow from them.¹³

¹² Peter Railton has noted that there is “an unexpected affinity between dilemma and realism, for both contain the idea that the moral significance of our actions is no mere invention,” in “The Diversity of Moral Dilemmas,” *Moral Dilemmas and Moral Theory*, ed. H.E. Mason, (New York: Oxford UP, 1996).

¹³ I want to thank Richard Lee for his numerous helpful comments on a previous draft of this paper.