Conflict, Regret, and Modern Moral Philosophy

> I see it all perfectly. There are two possible situations – one can do either this or that. My honest opinion and my friendly advice is this: Do it, or do not do it – you will regret both.
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> --Kierkegaard, Either/Or[1]

1. Introduction

I begin this paper by discussing the difference between outweighing and canceling in conflicts of normativity. I then introduce a thought experiment that I call Crash Drive,and I use it to explain the nature of a certain kind of moral conflict as well as the appropriate emotional response – regret – on the part of the primary agent in this case. Having done this, I turn to a line of criticism opened by Bernard Williams and recently expanded by Jonathan Dancy according to which archetypal examples of modern moral philosophies such as Kantianism cannot make sense of conflict and regret. Finally, I examine the general structure of such theories and explain how at least some of them can avoid this line of criticism.

2. Outweighing and Canceling

Let me begin by saying a word or two about what I shall call reason-giving properties and wrong-making properties, especially about the difference between outweighing and canceling these features, since these matters will play important roles in this chapter.

Though I am primarily concerned with reasons for action, it will be useful to start with reasons for belief. Consider the following scenario: While walking through town one day, Saul sees from afar a man with long hair who is wearing a black t-shirt which advertises the virtues a heavy metal band from the 1980s. Since Saul's friend David has long hair and often wears t-shirts like this, Saul concludes that he has a reason to believe that he is looking at David. By reason to believe, I mean the state given by a certain relation between an agent, a, a property or fact, F,[2] and a belief, B, such that

R (a, F, B)

Crudely put, the relation R is that of counting in favor of, more precisely that the property or fact F counts in favor of the agent a having the belief B.[3]

So Saul has some reason to believe that he sees his friend. Does it follow that Saul ought to conclude that he is looking at David? Surely not given what has been said up to this point. For the reason provided by Saul's sensory experience provides only a contributory reason (or, as it is sometimes called, a pro tanto reason) for belief. As Shelly

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[1]Kierkegaard ([1843] 1946 177).

[2]In other contexts, I might matter whether reason-providers are properties or facts or something else again, but here is does not, so I shall simply ignore the matter.

[3]On understanding reasons in terms of the counting-in-favor-of relation, see especially Scanlon (1998), Broome (2004), Dancy (2004), Crisp (2006), and Parfit (Forthcoming).

Kagan (1989, 17) puts it, a contributory reason "has genuine weight, but nonetheless may be outweighed by other considerations." What other considerations? In this case, Saul might have a well-grounded belief that David is away from town today and that, at any rate, David never exposes himself to direct sunlight, while the figure he is observing is doing just that. These further beliefs may provide reasons that outweigh the reason given by the appearance of the hair and dress of the man whom Saul sees. Let us suppose for the sake of illustration that the further beliefs really do provide such reasons and that Saul has no further beliefs that are relevant for determining this matter. As a result, Saul ought to believe that he is not looking at David. Yet what is important for our purposes is to see that even if the reason associated with Saul's other beliefs outweigh the reasons associated with the look of the man whom Saul sees, the later reason is not rendered nugatory by this fact. Saul does indeed see someone who looks like David, and this counts in favor of Saul's believing that he really is looking at David even if other available evidence weights more heavily against this belief.

Now let us turn from reasons for belief to reasons for action. By reason for action, I mean something very similar to what I discussed above – namely, the state given by a certain relation between an agent, a, a property or fact, F, and an action 🏭 rather than a belief, B.

R (a, F, 🏭)

Here the relation R is that of counting in favor of, such that F counts in favor of a undertaking 🏭instead of having B. Let us suppose that Saul is considering whether or not he should buy a black t-shirt like David's. Saul notes – correctly – that black goes with everything and that this fact counts in favor at least to some extent of buying the shirt. Now, once again it is

sensible to ask whether it follows that Saul ought to conclude that he is looking at David? And, once again, the answer is surely not given what we have already learned. As before, the reason provided by this feature of the shirt is merely contributory in nature. And, as such, it can be defeated by other considerations, such as that the shirt is very expensive and that advertising the virtues of an over-the-hill band of rockers does not befit the dignity of Saul's station in life. The point I wish to stress here is essentially the same as the point I wished to stress above. Even if it is true that Saul ought not to buy the t-shirt, that which counts in favor of him doing so continues to do so despite this fact.

Let us remain focused on action for a moment. Though we evaluate actions in terms of reasons, we also have many other resources for praising and blaming them, for encouraging or discouraging others to do them, etc. Especially relevant to this paper, are moral rightness and moral wrongness. And, just as certain features can provide contributory reasons for or against a particular action, so too these features can count in a contributory manner for or against the rightness or wrongness of an action. The similarity between reasons for action and moral rightness and moral wrongness is especially manifest with regard to features that I have been calling outweighing. In some given case, F might count toward the moral wrongness of an action while at the same time being outweighed by some other property or fact, G, which counts, at least in light of the complete circumstances, decisively in favor of the moral rightness of the action. But if G merely outweighs F, then it does not follow that F does not count in favor of the moral wrongness of the action in question, just as the fashion flexibility of a black t-shirt counts in favor of buying it even in the face of the further reasons not to buy it. (I will offer concrete examples of this phenomenon at work later in this chapter.)

Now let me turn from outweighing to canceling. Reasons for belief will, once more, provide an excellent starting point, though reasons for action are the main goal. Return for a moment to the case in which Saul sees someone with long hair who is wearing a black t-shirt which bears the picture of a heavy metal band on its front. Earlier we concluded – correctly – that Saul's visual experience gives him at least some reason to believe that he looking at his friend David. But let us modify the case slightly. Suppose that Saul has been given a large dose of L.S.D. and that this fact has made his senses completely unreliable. (It does not matter, of course, whether L.S.D. always has this affect; we need only assume that it does in this case. If the reader finds this implausible in the case of this particular drug, she need only imagine another which will do the trick.) The fact that Saul has been given L.S.D. is, normatively speaking, a different sort of thing altogether from the facts that we considered a moment ago – that is, the facts that there is reason to believe that David is out of town and that he does not expose himself to direct sunlight. For the fact that Saul has been given L.S.D. simply cancels the normative force of Saul's sensory experience. The reason provided by Saul's visual experience is not outweighed; it is canceled, i.e., rendered inert in much the same way that being in so-called fake barn country (Goldman 1967) renders inert the normative relation between seeing a barn and believing that a barn is present. Of course, canceling conditions can themselves be defeated by yet further canceling conditions, but we need not concern ourselves here with this possibility. Moreover, it does not matter for our present purposes whether we think of properties such as G that cancel reasons as disabling conditions, as higher-order reasons, or anything else.[4]

[4]On canceling, see Raz ([1975] 1999) and McDowell (1978). On enabling conditions, see Dancy (2004), and on higher-order reasons, see Cullity (Forthcoming)

Something similar can happen with regard to reasons for action. We noted before that that black goes with everything and that this fact counts in favor at least to some extent of Saul's buying the t-shirt. But, again, we'll modify the case slightly. Suppose that a mischievous demon happens by and decides that, if Saul buys the t-shirt, he will make it appear to everyone that this shirt is really hot pink, not black. Note that the demon won't change the color of the shirt; it will, in fact, remain black. On the contrary, the demon will act not on the shirt itself but on those who look at it. He will simply alter the experience of everyone who happens to see it. Hence, the only change to the shirt is a Cambridge change. Just as the fact in the previous case that Saul has been given L.S.D. is normatively different from the fact that David is probably out of town and does not emerge in full sunlight, so too the fact that a demon will play tricks on those who see Saul's new t-shirt is normatively different from the fact that the shirt is expensive. For the reason provided by the demon's practical joke does not outweigh the reason provided by the true color of the shirt; it cancels the reason. The blackness of the t-shirt provides no normative force given the plans of the mischievous demon.

A similar phenomenon applies with respect to the moral rightness and moral wrongness of actions (as well as goodness and badness, virtuousness and viciousness, etc). Though some property or fact F might count in favor of the moral rightness or moral wrongness of an action under ordinary circumstances, its normative force might be canceled in other circumstances by the presence of some further property or fact, G. To take just one example, in ordinary circumstances the fact that I have promised to lend you $10 counts in favor of the moral rightness of my lending you the money. As always, we can say no more than that this counting-in-favor-of is contributory, certainly not decisive, until we have

examined the rest of the scenario. But if I promised to lend you $10 only because you made a credible threat to kill 100 innocent people if I did not, then this fact cancels the normative force of the promise. This situation is, of course, an instance of the general truth that the lack of coercion is a necessary condition for promises having binding normative force. But the relevance of the presence of coercion does not outweigh the normative force given by the promise; it cancels it and, thereby, prevents it from having any influence on whether it is morally right or morally wrong for lending you $10. Note that none of the foregoing commits me to saying that it would be morally wrong to lend you the money. Indeed, concerns about the well-being of the innocent people you have threatened might well have it morally obligatory for me to lend you the money. However, the point to focus on is that the threat renders the promise normatively irrelevant vis-à-vis the moral rightness or moral wrongness of the action. So much, then, for the difference between outweighing and canceling. Let us see what sort of relevance it has for conflict, regret, and modern moral philosophy.

3. Crash Dive

Consider the following scenario, which I shall call

> Crash Dive: You are the commander of a submarine. In the reasonable belief that you are fairly safe, you surface and send a small group of sailors onto the deck in order to make some much needed repairs. After the repairs have begun, your first officer reports that enemy aircraft have been spotted only seconds from your position. Unless you perform a crash-dive, the aircraft will almost certainly do great damage to your submarine, and it is likely that you and your entire crew will be killed as a result.

> But if you do perform a crash-dive, then the sailors on the deck will, with certainty, drown. Believing that the right course of action is for a few of your crew to die than for all of them to do so, you order the crash-dive.

Crash Dive nicely illustrates the roles of both conflict and regret as I shall discuss them here.[5]

4. Conflict

If as commander of the submarine you crash dive, then the small group of sailors that you have ordered on deck will certainly die. There is no way for you to avoid this result while saving the rest of the crew. Under ordinary circumstances, the fact that you are intentionally undertaking an action which you can plainly see will result in the deaths of people under your command strongly supports the wrong-making status of crash diving. Moreover, nothing about these circumstances cancels this normative fact – that is to say, nothing cancels the wrong-making features of the harmfulness of crash diving, even if, in the final analysis, this action is not wrong because it is outweighed by other properties or facts. Likewise, if you do not crash dive, then you are putting your entire crew (as well as yourself) in mortal peril, and, in the process, abandoning your responsibility to protect them. Again, the fact that an action would place people under your command in a position of mortal peril strongly supports the wrong-making status of not crash diving. As before, nothing about the circumstances

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[5]The origins of this thought experiment are peculiar and deserve a word or two. I borrow it in more or less its present form from Murphy (2002). Murphy himself attributes it to "an old World War II movie – the title of which I have forgotten – that portrays a submarine captain (played, almost certainly, by John Wayne)." The film in question is probably *Operation Pacific* which itself was based a several incidents involving Commander Howard W. Gilmore of the USS Growler during World War II. While Murphy misremember several of the details, in the process he creates what is, I think, a much more interesting thought experiment. As a result, I

cancels this normative fact. In short, you face a moral conflict because the two morally salient conditions of your circumstances (i.e., do not act in ways that will result in the death of members of your crew acting on your orders, and do not leave your entire crew open to enemy attack) cannot both be fully satisfied.

However, it is vital at the outset to distinguish the situation you face in Crash Dive from other seemingly identical but importantly different situations. The phrase moral dilemma is often used colloquially to describe any situation in which there is moral conflict of some kind or other. A recent example may help to illustrate: According to Andrew Rawnsley (2010), former British Foreign Secretary Jack Straw claimed that he battled a "moral as well as political dilemma" before he decided to support the US-led invasion of Iraq in 2003. In this broad sense, Crash Dive does present you with a moral dilemma.

However, former Secretary Shaw's use of the phrase moral dilemma is considerably broader than the use made of the same term by philosophers. In philosophical debate, the phrase moral dilemma usually denotes a set of circumstances in which an agent ought to do two (or even more than two) actions which are mutually exclusive and so cannot both be done. As a result, the agent in question cannot avoid acting wrongly, or at least cannot act rightly.[6] This is clearly not what former Secretary Straw had in mind since, according to Rawnsley (2010), he also reported that his government made "the best judgments we could have done in the circumstances on the best evidence we had available at the time." In the case of genuine moral dilemmas, at least as philosophers conceive of them, there simply is no best alternative. This feature of moral dilemmas in the philosophical sense is marked by

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shall follow his lead on this rather than reverting to the origins of scenario.

[6]See, e.g., Sinnot-Armstrong (1985), Williams (1987), and Donagan (1996).

the fact that they are sometimes spoken of as tragic.[7] For my present purposes, it is enough to point out that in Crash Dive you do not face a moral dilemma in the philosophical sense. On the contrary, as I hope the description of Crash Dive makes clear, you should take your submarine under, even though it will result in the death of some of your crew members. The danger to your entire crew is too great to remain on the surface and hope for a miracle that will save them in the face of your inaction.

On this point I am in complete agreement with Jeffrie Murphy. In describing the actions of the submarine captain in Crash Dive, Murphy (2002, 67) tells us that the captain "surely did, all-things-considered, the right thing." Why?

> Even the dead sailors, if asked in some 'original position,' would surely have agreed to the principle of saving the ship and the majority of the crew even at the cost of a few lives. However, the captain is eaten up with guilt, self-loathing, and begins to engage in heavy drinking and self-destructive behavior. He did not defy any moral rules – indeed he consciously acted on the moral rule that was controlling the situation – and he did not treat anyone with a lack of respect. And yet his feelings here seem very understandable – and even moral to the degree that feelings of solidarity with our fellows count, as I think they do, as moral feelings.

Nevertheless, the greater moral importance of preventing harm does not render nugatory the moral force of intentional and foreseen harm done to some who are under your command.

[7] See, e.g., Webber (2000) and Van Zyl (2007).

The relationship is, to repeat, one of out-weighing, not of canceling.

5. Regret

In cases of moral conflict such as Crash Dive, agents appear to face demands not only on their actions but also on their emotional lives. But what, precisely, are the nature of these demands? Murphy imagines one in the position of the submarine commander as "eaten up with guilt, self-loathing, and self-hatred." He then remarks that "these feelings seem very human and understandable." Indeed, it strikes Murphy "as a point in favor of [the commander's] character that he for a time experiences" these emotions, though Murphy (2002, 67) also adds that we ought to want this agent "eventually to overcome his self-hatred."

It is important to distinguish two claims which Murphy is making about cases such as Crash Dive. The first of these claims concerns the normative demands on the agent, and the second concerns the nature of the emotions which the agent is to feel. Start with the normative demands. As I understand Murphy, he holds that it is not only permissible for the agent to feel these negative emotions ("these feelings seem very human and understandable"), it is obligatory for him/her to do so ("it is a point in favor of [the commander's] character"). And even if we understand these demands in aretaic rather than deontic terms, as Murphy's phraseology suggests, this claim is quite strong. The commander is not merely acting in a way that is consistent with the behavior of a virtuous agent in similar circumstances; he/she is exemplifying some virtue in doing so.[8] I largely

[8]On this virtue-theoretic understanding of rightness, see Hursthouse (1999).

agree with Murphy about the nature of the normative demands in question. Certain negative feelings are not only permitted they are required in these cases. So let me now pass on to the nature of the emotions in question.

Though Murphy mentions a wide-variety of feelings, I suspect the deeper point in which he is interested is the set of emotions, whatever they might be, which signal the need for self-forgiveness of some kind. These emotions sometimes go under the name of moral self-hatred or moral self-loathing. (I make no distinction between the two states here.) After rejecting Jean Hampton's account of moral hatred (Hampton 1988a and 1988b) precisely because it cannot sensibly be applied to one's self, Murphy (2002, 60) contends that this emotion (or cluster of emotions) is

> a kind of shame placed on top of guilt: guilt over what one has done but, in cases where being a moral person is part of what Freud would call one's ego ideal, shame that one has fallen so far below one's ideal of self-hood that life – at least life with full self-consciousness – is now less bearable.

Murphy adds that “Oedipus' blinding of himself is, of course, the most famous literary example of this kind of self-loathing.”

Now, I do not for a moment doubt that such moral self-hatred is sometimes appropriate. While I will not round up the usual suspects here, a parade of Nazis, Stalinists, and apolitical mass murderers of all kinds surely fit the bill, as do many others. Nevertheless, I deny that the submarine commander in Crash Dive is among these. My reasons for this are fairly straightforward. Recall that in Crash Dive, you are not only doing

the best you can given the difficult circumstances, but you are also acting as you morally ought to do. As a result, it simply seems an over-reach to say you have fallen so far below your ideal of self-hood that life with full self-consciousness is now less bearable, as must be true on Murphy's quite plausible account for your behavior to warrant self-hatred. On the contrary, Robert Solomon (2007, 92) and others seem to me correct in claiming that guilt and shame have "in common...the sense of having done something wrong." Indeed, some philosophers such as Allan Gibbard (1990) contend that warrant for feeling guilt is partially definitive of the wrongness of actions, or, more precisely in Gibbard's case, judgments about moral wrongness. While your action in Crash Dive has uncanceled wrong-making features, it is, nevertheless, not wrong all-things-considered, as mentioned above.

Before continuing, let me pause to consider one response that might be made to my suggestion about the place of moral self-hatred. It might be said that my suggestion takes rules too seriously, while failing to take harm seriously enough. Crudely put, the idea behind this response is that the normative force for feeling moral self-hatred in Crash Dive is provided by the harm done to the sailors on deck and the commander's causal responsibility for this harm, not the fact that the act has wrong-making properties. It is because you crash dive the submarine that these men who were under your command die – and do so as a direct causal result of your action. Hence, whether or not the action has defeated but uncanceled wrong-making features is an overly abstract concern that completely fails to speak to the uncomfortable facts of the situation and is of no importance in determining whether self-hatred is warranted. Indeed, at first glance, Murphy himself seems to be sympathetic to this line of response. As Murphy (2002: 64) himself puts the matter, "We typically hate ourselves not because of such abstract and formal violations of moral rules but

because we see vividly the harm that we have inflicted on others by such violations."

However, we must note two points. First, I need retract nothing I said above by conceding that it is the harm caused by moral violations that provides the rationale for feeling moral self-hatred. For, ex hypothesi, the commander in Crash Dive is not guilty of a moral violation, though he certainly does cause harm. To put the matter another way, I allow that it is the harm caused by moral violations that provides reason for feeling self-hatred in at least some cases. I would even go so far as to agree with Michael Smith (1994) that it would be fetishistic to hold that moral violations per se were the source of such reasons. Yet it does not follow from any of this that all foreseen harm provides reason for feeling self-hatred. That suggestion is manifestly false. Second, it is useful to distinguish the causes for which we "typically hate ourselves" from the causes for which we typically ought to hate ourselves. Even if it is true that harming others often causes us to feel moral self hate, it does not follow, as it must for this reply to be effective, that we do indeed have the relevant reason to feel moral self hate. So even if characters such as Oedipus have reason to feel self-hatred and self-loathing, the commander of the submarine in Crash Dive does not. Murphy's general stance with regard to the relationship between causing harm and feeling moral self-hatred is entirely consistent with my own position on the matter, even if his particular judgment in Crash Dive is at odds with my own.

Yet if moral self-hatred is not the right emotional response, then what it? The answer, I think, is that someone in these circumstances ought to feel regret of a certain kind. There are, of course, limits to the degree which I can outline this emotion here. But one point to be made is that the sort of regret I have in mind is what we might call agent regret, as opposed to what we might call spectator regret. Let me explain. Agent regret, as Amélie Rorty (1980)

points out, is regret felt for one's own actions or the actions of one's (self-identified) group, particularly if these individuals are acting on one's own behalf or in the service of one's ends, goals, values, etc. Spectator regret is regret felt for the actions of others, suitably disconnected from oneself. As an illustration, one feels agent regret as a result of letting down a friend, while one feels only spectator regret on, for example, being told that Jones let Smith down. The latter situation is nicely captured in saying that Jones' action was regrettable. Nothing about such spectator regret implies in and of itself that the person who feels regret has any agent-relative reason to make amends, to apologize, and so forth. Indeed, some cases of spectator regret might be seen as strictly pro forma, as when we send our regrets upon hearing that a distant acquittance has become ill.[9]

6. Williams and Modern Moral Philosophy

Throughout his career, Bernard Williams argued that in at least some cases of moral conflict, it is rational for agents to feel regret even when they act correctly, as in Crash Dive. Speaking of a similar case, Williams (1965, 174) contended that one "may, for instance, feel regret...in the course of acting (as one sincerely supposes) for the best." In fact, it is an easy matter to replace Crash Dive with a number of other examples which Williams (1972) himself concocted such as Jim and the Indians as well as George and the chemical weapons factory. Moreover, Williams (1985, maintained, "it is in the nature of actions that such regret cannot be eliminated." Even if one does the best one can under these circumstances, there is a certain amount of ineliminable conflict and a certain degree to which you should regret your action,

[9]Considerations of space make it impossible to pursue anything like an adequate account of regret here, though I treat it at length in Kahn (Unpublished). See also Bagnoli (2000), Dickensen (2003), Beltzer (2004),

no matter what it is. I find Williams' thinking on these points to be entirely agreeable.

However, Williams and I part company very quickly when the implications of conflict and regret come into view. Why? The answer to this question begins with what Williams (1985: Chapter 10) called "the morality system" and with the theories that are meant to make sense of it, theories that we might, to borrow a phrase from Elizabeth Anscombe (1958), call "Modern Moral Philosophies," that is to say, the theories that have been dominant in ethics over the past century or so, most especially Kantianism and Consequentialism.[10] According to Williams, the morality system and, by implication, the Modern Moral Philosophies that attempt to provide coherent, rational, and systematic treatments of it are characterized by a "special notion of obligation" and by the "significance" given to it. (1985: 174). In a moment I shall consider its specialness and its significance in turn. But before doing so, let me make clear that for the purposes of this paper, I follow Williams in identifying moral ought and moral obligation. So a morally ought to in C if and only if a has a moral obligation to in C. As Williams himself put the matter, "The class of moral obligations in the wider sense [i.e., the sense relevant here] just is the class of oughts about an agent's actions to which blame and similar reactions are to be added." (1976: 121)

The special notion of obligation in question here is best characterized in terms of its generality. A moral obligation, as Williams conceives of it, is a general obligation: "if," Williams writes, "I am now under an obligation to do something that would be for the best, this will be because I have some general obligation, perhaps among others, to do what is for the best." (1985: 177) In short, a moral obligation is meant to be categorical, and it is meant to

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Tessman (2005), Smith (2007), Calcutt (2009), and Barnum-Roberts (2009).

apply to everyone in relevantly similar circumstances, regardless of their aims, desires, intentions, and the like. The significance of this special kind of obligation concerns its relationship to conflict – or rather its lack thereof. According to Williams (1985: 176), "moral obligations cannot conflict, ultimately, really, or at the end of the line."

Williams attacked both the morality system and Modern Moral Philosophies for their acceptance of this account of obligation. For, Williams thought, this account of moral obligation renders them unable to make sense of both the moral conflict and the regret it is rational to feel in cases like Crash Dive. For in this case and cases like it, Modern Moral Philosophies will hold that either you have a moral obligation to continue hurrying to your meeting, or you have a moral obligation to help the stranger. However, it is one or the other; you cannot have moral obligations to do both. As a result, Williams (1985, 177-178) maintained that these theories hold that "it is mistaken to blame or reproach myself for not doing the rejected action: self-reproach belongs with broken obligations, and, it has turned out, that there was no obligation."

Like many of Williams' claims, this one is at the same time both exciting and frustrating. It is exciting, at least in part, because if Williams is right, then he has shown that there is an abyss between Modern Moral Philosophies and some important and highly plausible elements of our commonsense thinking about how to act and how to live our lives. Yet it's frustrating because it is less than obvious exactly what the nature of Williams' argument for this conclusion is meant to be. But here is at least one take on that argument: Begin with the principle that ought implies can. While Williams doubted that this principle held in the case of all oughts, he certainly thought it was true of moral oughts. Here Williams followed

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[10]It is worth recalling that Anscombe coined the term "consequentialism" in this article.

Gilbert Harman (1978, 1996) and others in distinguishing various kinds of ought, but he differed from Harman regarding the grounds for making these distinctions. Williams thought that the distinction was best understood, not in terms of its logic (as Harman thinks), but in terms of its implications for rationality. As Williams (1980a, 116-117) put it a moral ought requires "a special kind of reason that one ought to be the case that someone ought to do a particular action." The special kind of reason in question is usually referred to, by both Williams (1980b and 1995) and others, as external as opposed to internal. At times, Williams (1980a: 121, 1980b: 124) appears to allow for the possibility of some exceptions when it comes to morality. However, these are supposed to be genuine outliers and not important to the moral project in general. Other oughts for which the principle holds include practical oughts. Hence, you could only have a moral obligation to keep your promise and help prevent harm, if you could do both of these things. However, ex hypothesi, you cannot do so in Crash Dive. As a result, there is no conflict and no grounds for regret according to anyone who accepts the moral ought, and this result is clearly unacceptable.[11]

7. Contributory Reasons and the Nature of Conflict

Nevertheless, there is a straightforward response to Williams' challenge: When it comes to making sense of moral conflict and regret, the concept of a moral obligation is not the only coin of the realm. We have already encountered another relevant concept – namely, that of a contributory or pro tanto reason for action, a reason which counts in favor of an action even though it might be outweighed by further considerations. Why would contributory reasons be

[11] Compare Lauden (2007: 106).

useful to an advocate of Modern Moral Philosophies? As we just saw, Williams is quite clear that it is a special feature of moral ought or moral obligation that rules out conflict and regret: "ought" or at least "moral ought" implies "can" in a full-blooded way that militates against conflicting moral oughts. But Williams makes no similar claim about reasons. Of course, this is not to deny that Williams (1980b) places what appear to be strict limits on the conditions under which one can correctly be said to have a reason. However, these conditions concern the ways in which the relevant agents either are or can be motivated to do the action in question.[12] Crucially they do not in any way concern whether or not the actions for which one can have a reason are incompatible with other actions. Indeed, it is important to Williams' case against the morality system and modern moral philosophies that the corresponding obligations have special features that other normative properties and relations (such as reasons) do not have. If this were not so, then his case against the morality system and the related moral theories would expand into a case against practical normativity as a whole. That's a fascinating and – to be frank – disturbing possibility, but I'll assume for the purposes of this discussion that they do not, as Williams himself must have.[13]

Let us return to Crash Dive. Once we focus on the existence of contributory reasons, it would seem that a modern moral philosopher can still make sense of your conflict in this case. In particular, the modern moral philosopher can claim that it is the conflict between, on the one hand, your moral reason not to cause the death of some of your crew and, on the other hand, your moral reason to help prevent harm coming to the entire. In this way, a

[12] On the relationship between reasons and motivation, see especially Korsgaard (1986, 2009), Dancy (1993, 2000), Smith (1994), Broome (1997), Parfit (1997, Forthcoming), Scanlon (1998), Searle (2001), and Skorpuski (2007).

modern moral philosopher can even make sense of the regret you should feel for crash diving your submarine, since doing so involves her failing to conform to one of her strong reasons. So far, so good.

Yet recently Jonathan Dancy has recently presented some arguments that, if sound, show it is not so easy for Modern Moral Philosophies to wriggle off Williams' hook. There are, as I see it, two parts to Dancy's suggestion: The first, on which he tends to focus, is that Modern Moral Philosophies have no room for contributory reasons. The second, which he really only alludes to in passing, is that even if there were room for such reasons, they would not be distinctly moral reasons, as they must be if we are to explain moral conflict and moral regret.

Making sense of Dancy's complicated line of argument will require laying some groundwork. As a first step, let us think for a moment about the structure of ethical theories with regard to reasons. At first glance, it might appear that the structural possibilities of ethical theories are quite limited; indeed, it might seem, as it does to Dancy, that there are only two options. In what I'll call the Pure Contributory System, there can be many reasons for action, but all of them are contributory, not intrinsically decisive. Just to clarify, when I speak of a reason as being intrinsically decisive, what I mean is that the property which provides this reason is such that, whenever it is instantiated, it settles the matter of what there is overall reason to do, regardless of whatever other facts obtain. One example of the Pure Contributory System is the ethical theory of W.D. Ross.[14] Another is Dancy's (1993, 2004,

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[13]For some discussion of this possibility, though in a somewhat different guise, see Haji (2009).

[14]Ross ([1930] 2002). More recently see, McNaughton (1996), Stratton-Lake (2002b), Audi (2005), and Huemer (2005). Rossian pluralism fits oddly with both Anscombe's notion of a Modern Moral Philosophy and Williams' conception of the morality system despite the fact that it is, at least sociologically speaking, a full

2009) own particularist account. Of course, he and Ross disagree about whether the various contributory reasons are univalent or multivalent, but for the purposes of this paper, that's just a family squabble.

In what I shall call the Pure Decisive System, there are only decisive reasons and no contributory reasons. Indeed, in any one situation, there is only one decisive reason for action. Dancy characterizes theories that fall under the heading of the Pure Decisive System, as conceiving "of moral thought and judgment as the sub-sumption of the particular case under some universal principle." This reason or principle cannot conflict with another: "all principles that apply to [a given case] must be decisive in the sense that decides the issue; however things are in other ways, any principle gives us the answer to the question of what you should do," Dancy (2004, 3) maintains.

So how do paradigm examples of Modern Moral Philosophies such as Kantianism and Consequentialism stand with respect to this taxonomy? Well, they don't appear to fit in with the Pure Contributory System. This is the case because in these theories there is usually some features that provides decisive, not contributory, reasons for action. Indeed, any theory that allows for the existence of perfect duties appears not to be a candidate for the Pure Contributory System. So it would seem like Modern Moral Philosophies should be seen as an ethical theory of the Pure Decisive System. Indeed, some contemporary Kantians have gone so far as to entertain this possibility aloud. E.g., Barbara Herman (1993) has given voice to at least some despair with regard to finding a place for contributory reasons within Kantian ethics. (It is worth noting, if only in passing, that Allen Wood (1999)

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partner in the modern enterprise of ethical theorizing. Williams himself struggles with this fact in his (1985: Chapter 10), but the details needn't concern us much here.

entertains the possibility that Kant's theory can be interpreted in a particularist light. However, I am not sanguine about such a project's chances for success, though I can hardly pursue the matter here.)

That said, it is not hard to see why defenders of Modern Moral Philosophies should be concerned about this possibility. If Modern Moral Philosophies is an example of the Pure Decisive System, then its advocates cannot appeal to contributory reasons in order to reply to Williams' criticisms. The result is that their escape from Williams' initial criticism regarding conflict and regret is illusory. Dancy drives this point home, claiming that theories which are examples of the Pure Decisive System give "the wrong sense to the notion of moral conflict because," if we were to accept them, we would be "forced to say that anyone who thinks that there are conflicting reasons in a given case, some in favor and some against, is confused." In short, it's right back to the drawing board.

8. More on the Structure of Reasons within Ethical Theory

Nevertheless, I don't think that things are as bad as they might seem. This is because there is a third option when it comes to the structure of ethical theories – namely, one in which there are both decisive and contributory reasons. Let me explain how this can be the case by introducing a somewhat silly example: The Newport Beach Theory.

Anyone who has spent time in a California beach town, such as Newport Beach, has seen a sign which reads: "No shoes, no shirt, no service." Let us suppose, somewhat capriciously, that someone wanted to develop an ethical theory that centered on this policy. A philosopher (and no one else) might paraphrase the core of the Newport Beach Theory as

follows: There is intrinsically decisive reason never to enter an eating establishment without wearing both shoes and a shirt. Now the question to ask is whether there is room for any contributory reasons within this theory.

The answer to this question is yes. Let me sketch out two ways in which this can be the case. To begin with, I can comply with my one intrinsically decisive reason while doing or not doing many other things. E.g., suppose I walk into the Husky Boy diner, fully attired as the Newport Beach theory requires. What now? In answering this question, nothing prevents the Newport Beach theory from specifying other contributory reasons which I have. Perhaps I have reason not to brush the sand off my board shorts onto the ground. Perhaps I have reason to refer to everyone as “Dude.” All of these contributory reasons are consistent with their being a single intrinsically decisive reason not to walk into the Husky Boy shoeless and shirtless. Having complied with my intrinsically decisive reason, there is room for other contributory reasons to shape the rationality of my action.

Here is a second way in which the Newport Beach theory can specify both intrinsically decisive and contributory reasons. In some circumstances, one cannot be said to be either conforming to or failing to conform to one's intrinsically decisive reason. The Newport Beach theory requires that I wear shoes and a shirt while in a restaurant but is silent, at least as far as intrinsically decisive reasons go, about what I must wear (or not wear) while in the surf shop or at the gas station. Once again, there is room for plenty of contributory reasons to be at work in these circumstances.

It is worth noting, if only in passing, that my point does not turn on picking what might be called a negative duty as the core of the Newport Beach theory. The point would work just as well with the Snow White theory (in which there is always decisive reason to whistle

while you work) or the Monty Python theory (in which there is always decisive reason to look on the bright side of life).

So there does appear to be a third kind of moral theory – the Hybrid System – and the Newport Beach theory is an example of it. But what about the paradigm examples of Modern Moral Philosophies? Now that we know that there is another possibility, what should we say: Are they examples of the Pure Decisive System or the Hybrid System? The answer, I think, is that at least some of them are examples of the Hybrid System.

Due to considerations of space, I'll focus here on Kantianism. Recall the second formulation of the categorical imperative (roughly): Always act in such a way that you treat humanity as an end in itself and never merely as a means. For our purposes, we can read this as saying that everyone has intrinsically decisive reason to treat others as ends in themselves, never merely as means. To be sure, this kind of decisive reason allows considerably fewer degrees of freedom than the core of the Newport Beach theory! However, it certainly does allow room for contributory reasons. Indeed, I think it helps to generate them. Compliance with the categorical imperative prohibits certain kinds of action. Among these actions, at least on the standard interpretation of Kantianism, are lying and committing suicide. It plausibly prohibits many other actions as well. But there is no reason to believe that it always prohibits every possible action but one. Famously, Kant is said to have taken a walk around Koenigsberg at the same time every day. Nevertheless, we should not believe that he did so because he thought that he was morally obligated to do exactly that and nothing else. Having, in any given situation, ruled out every action that would treat others as a mere means, it remains open to me (as far as this decisive reasons goes) to do what does not. That leaves plenty of room for contributory reasons.

But are any of these contributory reasons moral reasons? This question is important since the challenge to Modern Moral Philosophies is to explain moral conflict and rational moral regret. A conflict between a decisive moral reason and a contributory non-moral reason would not help an advocate of Modern Moral Philosophies do either.

I think Kantians at least are on good grounds for insisting they make sense of distinctly moral contributory reasons. This is because the categorical imperative requires not only that we refrain from acting in certain ways but also that we adopt certain goals as our own. Among these are, at least to some extent, the promotion of the ends of others and the development of our own talents. And it is the adoption of these ends which give rise, according to Kant, to what he calls imperfect duties, i.e., duties that I have at least some leeway in fulfilling. To use a more contemporary turn of phrase, it provides us with contributory reasons to promote the ends of others and develop our own talents. In a sense, the categorical imperative does double duty, providing both intrinsically decisive and contributory reasons. This fact puts it squarely among the ethical theories that I've called the Hybrid System.

There is an interesting question here about whether or not Consequentialists can recognize imperfect duties. John Stuart Mill ([1863] 1997: Chapter 5) certainly thought so, and anyone who advocates an indirect version of this theory can at the very least make a good case for recognizing imperfect duties. Ironically, it might be easier for some contemporary Consequentialists than some Kantians – e.g., Kantian Contractualists such as Scanlon (1998) to make room for imperfect duties.[15]

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