Moral Conflicts and Moral Awareness

CHRIS BESSEMANS

Abstract
By making use of Aurel Kolnai's ethical writings I want to offer a more adequate understanding of moral conflicts and moral dilemmas. Insisting on Kolnai's phenomenological method, in particular, focussing on the agent's moral awareness (or conscience) and his deliberation, results in an understanding of moral conflicts as moments of moral choice rather than anomalies of moral theory. In this way, I argue that one can account for Bernard Williams's phenomenological description of moral conflicts without having to accept his anti-realist conclusions. Moreover, this approach indicates the adequacy of ordinary moral reasoning for decision-making and action guidance. Lastly and importantly, the essay illustrates the relevance of Kolnai's writings to contemporary moral philosophy.

1

Although the discussion about moral conflicts has roots deep in the history of philosophy, some decades ago, the discussion took its bearings mainly by reference to modern moral philosophy and in particular Kantianism and utilitarianism, both denying the existence of genuine moral dilemmas. But between the 1960s and 1980s some analytic philosophers[1], among whom Bernard Williams,[2] have opposed the 'traditional' view that moral dilemmas were only apparent. Then again, several and different replies were offered to Williams's influential essays and for some decades (between the 1970s and 1990s) the literature and the number of positions defended expanded enormously.[3]

[1] C. W. Gowans (ed.), *Moral Dilemmas* (Oxford: Oxford University Press, 1987, 5); referring to: Blum 1980, McIntyre 1981.

[2] Bernard Williams, 'Ethical Consistency', 166–186 (an earlier version appeared in: *Proceedings of the Aristotelian Society*, supp. vol. **39** (1965), 103–124); and: 'Consistency and realism', 187–206. Both in: B. Williams, *Problems of the Self: Philosophical Papers 1956–1972* (Cambridge: Cambridge University Press, 1973). And: 'Conflicts of value', 71–82. In his: *Moral Luck* (Cambridge: Cambridge University Press, 1981).

[3] For an overview of the debate, see: Gowans (ed.), *op. cit.* note 1, and: H. E. Mason (ed.), *Moral Dilemmas and Moral Theory* (Oxford: Oxford University Press, 1996).

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But, although valuable insights were developed, an adequate description and understanding of moral conflicts and dilemmas remains elusive, which led some[4] to the conclusion that the debate stranded in a kind of stalemate.

In this essay I shall briefly present Williams's phenomenological argument and the implications drawn from it, whereby I shall focus on his rejection of moral realism. In order to refute his anti-realist conclusion, I shall present a view on moral conflicts and dilemmas based upon the moral philosophy of Aurel Kolnai. It turns out that a neo-Kolnaian perspective offers a more adequate understanding of moral conflicts and dilemmas. Moreover, this understanding can also account for the phenomenological arguments Williams gave. Meanwhile, to clarify Kolnai's ethics, I shall briefly say something about Strawson's reactive attitudes and, to elucidate the subtlety of Kolnai's view, I shall also refer to some other and valuable responses to Williams while pointing out their shortcomings. I shall then conclude that in a neo-Kolnaian or phenomenological *cum* axiological conception, that is, based on the phenomenology of value consciousness, accounting for Williams's 'moral remainder' is unproblematic, that moral realism is still tenable and that the account presented also indicates the adequacy of ordinary moral reasoning.

2

Some decades ago, the predominant idea was that moral conflicts were either mistakenly taken to be moral while they were in fact only practical,[5] or they were in principle all soluble by 'critical thinking'.[6] Williams contended, however, that these predominant rationalist and utilitarian (or monist) views are counterintuitive and fail to explain the phenomena they purport to explain. One of these failures to adequately explain the experience of a moral conflict, and according to Williams an extremely important one, is that these views do not account for the feelings of moral distress which remain present after a dilemma or conflict, even when there were good reasons to morally justify the agent's decision. Williams claimed

[4] *Op. cit.* note 3, 199.

[5] See, for instance, Alan Donagan's defence of a rationalist view: *op. cit.* note 1, 271–290; op. cit. note 3, 11–22.

[6] The reference is to the contemporary defenders of utilitarianism, such as Hare and Sidgwick.

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that these moral feelings or sentiments show that the obligation or value not acted upon was truly there, and thus, that the conflict was *genuinely moral* or even *genuinely involving a dilemma*.

In 'Ethical consistency'[7] Williams stated that the structure of moral conflicts is similar to the structure of conflict of desires rather than that of beliefs. A conflict of beliefs is present when two beliefs are consistent but when added a true belief to the pair, there is an inconsistent set. (The two first beliefs are for some empirical reason not both true, though they are not inconsistent.) A conflict of desires is characterized by two or more desires which cannot be satisfied because of a matter of fact. The crucial difference according to Williams is that in a conflict of beliefs one belief will not survive the conflict. As one belief is wrong, it will be rejected and the agent has to reconsider the beliefs he held before. In a conflict of desires, this is not the case. One desire will not be met and it will still stand, as a desire, or it will return later or the agent regrets not satisfying it. A moral conflict then, is similar to a conflict of desires. In a moral conflict one ought to do two things which cannot be done both or one ought to do one thing and one ought not to do it – there are equal considerations for and against one course of action. Williams's claim is that when the conflict between the two values or obligations is decided, the value or obligation not acted upon still holds. It is neither rejected, nor was it only apparent. The possible moral sentiment after the decision, that is the moral remainder, in the form of regret, need for compensation, moral distress, guilt, etc. articulates this still standing value or obligation which is not acted upon. Williams's criticism is that many ethical theories give no account whatsoever for this remainder but eliminate what is not acted upon.

In 'Consistency and realism'[8] Williams contends further that there is a difference between assertions and imperatives or moral rules. An imperative which is inconsistent with another one – they are incompatible – does not imply that one of them is rejected or forms the basis for disagreement. But with inconsistent assertions this is the case: the one 'not acted upon' or which is not further believed because it is thought to be untrue implies that it is rejected or that it leads to disagreement – only one of the assertions can be true and there is disagreement about which one is true. Another asymmetry rises when considering the reasons for asserting something. If there is a conflict, there is always something wrong with some reasons for

[7] *Op. cit.* note 2.
[8] *Op. cit.* note 2.

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believing something. But this is not the case with conflicting imperatives. The third asymmetry recapitulates that there is never an invitation, or stronger implication, to reconsider conflicting moral rules because of a conflict, while this is the case for conflicts of beliefs.

According to Williams, there is thus something different with moral conflicts and inconsistency between moral imperatives. The crucial difference to Williams is that assertions and beliefs rely on a substantial notion of truth. It is this truth that is linked to consistency. For assertions are inconsistent only when some assertion or reason to believe something is false. A belief or assertion is untrue when it does not congrue with an independent order, that is, with the facts. The significance of consistency, with regard to moral conflicts, in a realist account is that moral judgements are like assertions. For in a realist account, moral judgements are about what is the case and as when conflicting both cannot be true, both cannot be accepted. Hence, one has to be rejected. And this is in contrast with Williams's findings about the phenomenological data, that is, with the moral remainder and the structure of moral conflicts and moral imperatives. In a realist view, it cannot be the case that both moral judgements about the situation conflict *and* are both upheld and thus believed to be true and to congrue with how things are – one in the form of action and one in the form of distress. Hence, according to Williams, realism has to be rejected. In contrast, the significance of inconsistency in a non-realist account is that the moral rules cannot both be put into practice – it is thus not related to truth. Because moral conflicts or conflicts between imperatives in a non-realist account are not related with this independent order and the related notion of truth, the one not acted upon neither has to be rejected nor is it thought to be untrue. Rather, in such an account collision means that for some reason not both can be put into practice. Hence, in a non-realist view, one can account for the feelings of distress as one moral imperative cannot be acted upon.

This sets out Williams's further development of his anti-realist and anti-cognitivist views. In his 'Conflicts of values'[9] he presents his incommensurability thesis:

> [T]here is no common currency in which these gains and losses of value can be computed[;…]values, or at least the most basic values, are not only plural but in a real sense incommensurable.[10]

Williams grants the objectioner to the incommensurability thesis that not *all* conflicts of value are unable to be rationally resolved. There

[9] *Op. cit.* note 2.
[10] *Op. cit.* note 2, 76.

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are some that are soluble. A Kolnaian view will turn things around here. Firstly, incommensurability as incomparability is denied, as what is conflicting does so in a context and thus can be assessed and compared. Secondly, moral conflicts (not involving dilemmas) are considered as practically and morally justifiably soluble and only some, those that are highly difficult or truly involving dilemmas, as insoluble. In addition, those that are insoluble still allow that the alternatives can be compared, although no moral justification can be found to favour one of the options. Incommensurability in those cases thus only means incompatibility, not incomparability. Thus, in the view here presented conflicts (not involving dilemmas) are rationally – if that means by moral reasoning – soluble by specifying the circumstances in which they occur. I shall elaborate on this below.

Most criticism to Williams in the debate on moral dilemmas is of course on the moral remainder and on the anti-realist implications he drew.[11] Often, the moral feelings are explained differently and moral dilemmas are found to be impossible. In what follows, I shall reject Williams's meta-ethical conclusions, but, on the other hand, I shall defend, though differently, the moral remainder by putting forward 'new' arguments for which I am indebted to Kolnai. But for this reason, I will not go into the different criticisms already given to the thesis of Williams.

3

What Williams's argument also illustrated is that philosophical discussion and understanding can highly profit from relevant descriptions of moral phenomena. Moreover, if the 'moral remainder thesis' – as I call Williams's argument – is so revealing to ethical thought and discussion, why would we not concentrate on further detailed descriptions of these phenomena for which we search understanding?

The compliance with the phenomenological method was precisely one of Kolnai's basic ethical convictions. The philosophical study of

[11] For instance, McConnel argues that the moral remainder is better explained by the philosopher who rejects moral dilemmas. (*op. cit.* note 3, 36–47; *op. cit.* note 1, 154–173). Foot grants the possibility of moral dilemmas and incommensurability but she shows why we do not have to draw anti-realist or anti-cognitivist implications. (Especially *op. cit.* note 1, 263–269). Conee holds that there is 'no fact of moral life that cannot be accounted for at least as well without moral dilemmas'. (*op. cit.* note 1, 239)

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morality has to be true to its subject matter and thus has to take account of moral experience and the Moral already in reality.[12] This conviction led Kolnai to the observation that the constituents of life are already pre-morally valued. He explained ordinary morality as a concern for this already pre-morally valuable mode of existence.[13] In short, starting from his phenomenological conviction, Kolnai noticed that we pre-morally value our lives and what they comprise: our relations with others, our projects and ends, natural phenomena, the things we enjoy, the fact that we are alive, etc. In addition, there seems to be a kind of natural approbation of benevolence and disapprobation or a natural aversion towards blatant evil or malice. This of course means that we take an evaluative stance towards the constituents of life and that we are sensible or receptive to value or the valuable. But according to Kolnai this is also what ethical phenomenology reveals. The observation that we pre-morally value life and its constituents precisely reveals that human beings are conscious of what is of value and, thus, of the existing good and that they have an evaluative stance towards it. In other words, phenomenology reveals that human beings have a value consciousness.

Kolnai does not, however, provide any justification for these claims other than phenomenological. Throughout his life, Kolnai remained convinced that we need not to 'explain away'[14] moral intuitions in order to gain an understanding of morality. In that sense, Kolnai's basic conviction about the subject matter of ethics is comparable to

[12] Compare: A. Kolnai, *Early Ethical Writings of Aurel Kolnai*, F. Dunlop (ed.) (Aldershot: Ashgate, 2002, 11; 12): '[Moral philosophers] cannot know the Moral unless they discover its points of departure in living reality'.

[13] See: *op. cit.* note 12, 11–12; 39: 'If all production of value starts from given values of reality, as is clearly the case in general, and even more obvious in the ethical sphere, it must be acknowledged that Being or the Given as such, possesses a certain foundational value of its own[; … T]hat *on which* we act must already be good fundamentally[.]'; also in: A. Kolnai, *Ethics, Value, and Reality*, F. Dunlop, B. Klug (eds) (London: Athlone, 1977, 85): 'A pre-moral order bearing a general sign of good, and further defined and characterized by the reaction of moral pressure from the part of that order and the loyalties it commands. [… T]he framework of life [is] somehow presumed 'good' (not an epitome of moral virtue and splendour but a matrix of satisfactions, mutual sustenance and things and modes of being worthy of appreciation; an order inviting assent)'; also in the same volume: 104; 105: a 'morally valuable mode of existence'.

[14] Compare: *op. cit.* note 13, 119.

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Peter Strawson's conviction when rejecting the need for a justification of reactive attitudes.

In 'Freedom and resentment'[15] Strawson makes the distinction between the natural and spontaneous or participant reactive attitudes, originating from the interpersonal relations human beings have and from our evaluative judgements about different relations, and the objective attitude, which is a detached point of view we can only occupy in deviant cases, where the normal reactive attitudes are inappropriate, and only temporarily in those cases where reactive attitudes are appropriate. But Strawson does not believe that an external or rational justification for these essentially human moral reactive attitudes is called for. Thus, the 'question about the rational justification of ordinary inter-personal attitudes in general'[16] is empty. For this question precisely does not take for granted 'the fact of our natural human commitment to ordinary inter-personal attitudes' while '[t]his commitment is part of the general framework of human life'.[17] Here, we can see that the Kolnaian view is highly similar. The only difference seems to be that Kolnai's view involves more than only moral reactive attitudes originating from interpersonal relations and human society. It comprises not only the latter but also other elements of life: our personal goals and projects, natural phenomena, etc. One could say that Kolnai's observation about ordinary morality is an extension – although preceding Strawson's suggestion in time – of Strawson's widely discussed and influential proposal.

Therefore, just as Strawson objects to an external and rational justification for reactive attitudes belonging to human and moral reality, so Kolnai holds to the validity of the phenomenological method. For instance, Strawson says that we have to attend to

> that complicated web of attitudes and feelings which form an essential part of the moral life as we know it, and which are quite opposed to objectivity of attitude. Only by attending to this range of attitudes can we recover from the facts as we know them a sense of what we mean, i.e. of *all* we mean, when, speaking the language of morals, we speak of desert, responsibility, guilt, condemnation, and justice. But we *do* recover it from the facts as we know them.[18]

[15] P. F. Strawson, *Freedom and resentment* (London: Methuen & Co. Ltd, 1974, 1–25). First published in: *Proceedings of the British Academy*, vol. **XLVIII** (1962).

[16] *Op. cit.* note 15, 13.

[17] *Op. cit.* note 15, 13.

[18] *Op. cit.* note 15, 23.

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Consequently, he concludes that

> [w]hat *is* wrong is to forget that these practices, and their reception, the reactions to them, really *are* expressions of our moral attitudes and not merely devices we calculatingly employ for regulative purposes. Our practices do not merely exploit our natures, they express them. Indeed the very understanding of the kind of efficacy these expressions of our attitudes have turns on our remembering this.[19]

All this is not that different from Kolnai's conviction to start from the moral already present in reality and to search for a phenomenological explanation of ordinary morality against the framework of what is already given as human reality. Kolnai thus preceded Strawson in the claim that the only way to attend to those aspects of moral life and to explain them adequately, is not to explain them away but to account for them.

Kolnai's moral philosophy would develop around this value consciousness. This because, according to Kolnai, morality precisely relates to this already existing 'good order'. Morality especially concerns the preservation, protection and improvement of this 'good order' by which it also becomes more clear why '[i]n fact the Good proclaims itself as reality already present on the one hand, and on the other as absent, defective, reality'.[20] This while '[m]oral evil takes place within the 'framework of life''[21] and for that reason 'strikes us with a more concentrated emphasis than Good precisely because it is less bound up with the shaping of life as such',[22] even worse, it 'works against it'.[23] Therefore, emphatic moral experience begins with the protection against evil, that is, with preventing, avoiding or excluding the bad, as it distorts or even (partially) destroys the 'good order'. Thus, while the Good is mostly[24] experienced as 'normal' or 'in line' with our reality, Evil is distorting and corrupting that which we already value. In that sense, human beings are not only aware of value but are also 'morally aware'.[25]

[19] *Op. cit.* note 15, 25.
[20] *Op. cit.* note 12, 13.
[21] *Op. cit.* note 12, 126.
[22] *Op. cit.* note 12, 125.
[23] *Op. cit.* note 12, 126.
[24] I say 'mostly' because Kolnai noted that morality is not only negative morality. He also describes 'positive' and 'implicit' morality. However, he rightly stresses that morality primarily concerns avoiding and eliminating evil. I cannot go here into these other descriptions of our moral reality.
[25] *Op. cit.* note 13, 96; what we are aware of is, what Kolnai called, the 'moral emphasis'.

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This moral awareness, this distinct moral consciousness falls under what we in ordinary language call conscience. It is this awareness of the relevance for value of what is presented before the agent, either as being the case, either as being entailed by his actions, or as defective, absent reality that is a confrontation with value. Or, as Kolnai describes conscience more extensively:

> Conscience primarily and properly means, not moral convictions but moral awareness and self-criticism – remorse, warning, acquittal or approbation – in reference to one's own conduct: past, present or tentatively planned. Conscience means, further, moral judgement in the shaping of one's conduct. It is the office of my conscience, not only to enforce my concrete obligations under a permanent and universal body of moral laws it apprehends as binding upon me, but to apply, to specify and to supplement them so as to fit the moral aspect of any actual situation I find myself in; in other words, not only to represent my general knowledge of right and wrong on the one hand and to prod me to do right and to shun wrong on the other, but to tell me what is right or wrong here and now, and thus to inform the morality of my actual conduct.[26]

The normativity of morality thus stems from the fact that we already pre-morally value life and its constituents. Because morality concerns the protection of what we already value, we have to act morally and even should be aware of the moral relevance of our actions and conduct. Kolnai further rightly stresses that moral consciousness informs us about our conduct and how this relates to the situation we are in. In other words, it tells us about whether we do right or wrong and, thus, whether our actions are in accordance with the good or work against it. But even conscience remains moral judgement and thus, as all judgement, can be mistaken. At the same time, characteristic of all judgement is that we strive to get things right and to judge correctly, that is in accordance with how things are – hence again Kolnai's adherence to moral realism. It is precisely part of our conscience to doubt and to strive for truth and correctness and to fear to be erroneous, which is again exactly what Kolnai says:

> Conscience that cannot hope to be correct, and accordingly cannot fear to be erroneous, is not Conscience in the established and dignified sense of moral self-criticism, judgement and belief – which essentially aspires to truth and tries to escape from error,

[26] *Op. cit.* note 13, 4.

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> and in fact expresses the agent's endeavour to ponder and argue his decisions in universally valid terms and to make his conduct justifiable in the open court of objective morality.[27]

Precisely because of moral justification, it is part of conscience to tell us 'we ought to have the right kind of conscience'[28]. For following an erroneous conscience will not suffice as a justification for our decisions. This is again strengthened by the observation that our own conscience not only judges and criticizes our past conduct and conscience but also that others, or in general we,

> expect a man to behave rightly, rather than either merely appraise rightly or merely behave according to his appraisal, and thus we consider 'sinning against the light' essentially guilty but also attach a moral disvalue to a person's following his errant lights.[29]

Right action is thus expected to stem from consciously right choosing. In addition, we expect one to have the right conscience and do not praise him for following his erroneous conscience. Hence, this explains why moral conflicts will also tell us something about the moral character of the agent involved and have almost inevitably as a consequence the agent will be blamed or praised.[30]

In brief, Kolnai's ethics contains a form of moral realism or objectivism *cum* subjectivism, in that values exist independently and objectively but, at the same time, need a sensible perceiver to be of further relevance to reality and, importantly, cannot be known or experienced irrespective of the sensible subject's constitution and necessary involvement with value. His view also takes in pluralism and forms a contextualism which implies that the configuration of facts, the situation itself, the objectively valid[31] 'personal' values

[27] *Op. cit.* note 13, 7.

[28] *Op. cit.* note 13, 6.

[29] *Op. cit.* note 13, 1; also Samuel Guttenplan mentions the 'deficiency' of an agent who is unaware of a (genuine) conflict. See: Samuel Guttenplan, 'Moral realism and moral dilemmas', *Proceedings of the Aristotelian Society*, vol. **80** (1979–1980), 79.

[30] Though, we will yet see that when the conflict is highly difficult to settle or involving a dilemma, moral judgement fastens on the awareness and deliberation of the agent rather than on his decision and the outcome.

[31] The characterization of 'objectively valid' means that not all personal values and concerns can play a *valid* role in the agent's deliberation. Which values are valid is objectively determined and justified by reference to the situation. Note that Kolnai's contextualism may also account for as well the universalizability and objectivity of moral judgements as differences in

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and concerns of the agent and other non-moral but morally relevant concerns (such as efficacy, expected outcomes) have to be accounted for to arrive at a morally valid judgement about the situation and the agent's decision.[32] I have not, however, gone into these parts of his moral philosophy as this would lead us too far.[33]

4

Now, before we can turn to a Kolnaian account of moral conflicts and dilemmas and the possible answers this account offers to Williams's objections, we need to spell out what we understand by moral conflicts and moral dilemmas. Possible formulations of a moral conflict and a moral dilemma are the following:

- A moral conflict (not being a dilemma) is a conflict between (initially[34]) incompatible and valuable courses of actions but within which good reasons, i.e. reasons that objectively and

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judgement of agents about a particular action and what they *themselves* would have done. (Put differently, it may answer the problems presented by Wiggins and Winch. See: Peter Winch, 'The universalizability of moral judgements'. First printed in: *The Monist* (1965), and reprinted in: *Ethics and Action* (Oxford: Blackwell, 1972, 151–170 (especially 163–164); David Wiggins, 'Truth and truth predicated of moral judgements'. In: D. Wiggins, *Needs, Values, Truth: essays in the philosophy of value* (Oxford: Oxford University Press, third edition (1998; first edition 1987)), especially 174). Guttenplan (*op. cit.* note 29, 74) makes a similar point to what Kolnai's account offers.

[32] For an indication of Kolnai's cognitivism, see his: 'Are there degrees of ethical universality?'. In: A. Kolnai, *Exploring the world of human practice: readings in and about the philosophy of Aurel Kolnai*, Z. Balázs, F. Dunlop (eds.) (Budapest: CEU Press, 2004, 83–93); 'Moral Consensus', in: *op. cit.* note 13, 144–164.

[33] It is very difficult to present Kolnai's moral philosophy as briefly as is done here. Kolnai himself never gave an overview of his moral philosophy and a fundamentally philosophical introduction to his ethics is yet nonexistent – such an introduction, however, is part of my present occupation.

[34] I have put 'initially incompatible' because it can be that, although two values (or valuable actions) are at first incompatible, the agent may find a way to resolve the conflict by acting upon both. This does not imply that the agent was simply mistaken to see the alternatives as conflicting, but it can turn out that the different actions are easily practically combinable.

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morally justify, can be given to favour one of the conflicting options above the other(s) (or in which by reasoning a solution can be found to dismiss of the initial incompatibility).[35]

- A moral dilemma is a conflict between incompatible and valuable courses of action in which the agent can give no good reasons, i.e. reasons that objectively and morally justify, favouring one of the conflicting options available to him.

Whenever an agent is confronted – and aware of this confrontation[36] – with two valuable courses of conduct the agent thus faces one of the following situations:

(i) Both alternatives are valuable but no further deliberation is needed to find out which one is more valuable than the other or whether they are equally valuable. The courses of conduct were mistakenly taken to be conflicting by the agent or the conflict is a *practical* rather than a moral conflict and, in fact, practically soluble because, possibly after some deliberation, the alternatives are practically compatible. This means that nothing valuable is lost so no remainder arises. For instance, there is a compromise possible satisfying both alternatives or the alternatives can be acted upon successively.

(ii) The conflict is really a *moral* conflict but, while both alternatives are valuable, one of the alternatives is more valuable than the other or there are other reasons that morally justify the decision in favour of one of the alternatives (for instance, efficacy or implausibility about the good outcome of one of the alternatives, other practical, though morally relevant, concerns). In any case, the essential element to decide the matter is that one of the alternatives trumps the other because of

[35] A moral conflict itself is neither denied, nor does it disappear after overriding reasons have been found. We will see yet how to understand this distinction between a morally justifiable solution at the level of practice and the remaining moral awareness of the conflict (and its psychological and emotional implications). In this way I for instance accommodate the criticism given by Gowans on Sinnott-Armstrong's description of a moral dilemma. (See: C. W. Gowans, *Innocence lost* (Oxford: Oxford University Press, 1994, 59–62)).

[36] I will be dealing here only with situations in which the agent is confronted with a moral conflict. This allows us to concentrate on the value consciousness, which is central in Kolnai's ethics, and to stress the importance of the agent's deliberation in situations of conflict. If the agent is not aware, no conflict to him is present, although it may be that bystanders judge there is a moral conflict and that the agent should be aware of it.

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morally justifiable reasons. However, it is true that the alternative not acted upon *was* and *still is* valuable. After the decision is made, the agent is *still aware* of the valuable action, which he now cannot carry out, and this awareness results in moral distress. Although the conflict might be settled on the practical level, there is still conscientious awareness and reflection of what he could not do, though valuable, and scrupulosity and a degree of uncertainty may always remain. Note that this remainder is *even expected* from the agent, for if he is not aware of what is lost, it seems as if it did not matter or that it does not matter anymore and thus that the agent now denies the value of the alternative not acted upon. And precisely this denial is what is morally reprehensible.

(iii) The agent is faced with a dilemma: both alternatives seem equally valuable and no reasons can be given (or found) after conscientious and thorough deliberation so that the agent does not know what to do while he has to decide something on the practical level. The agent thus does not have reasons to choose one alternative over the other while reasons are needed. Hence, he cannot justify his decision and will therefore suffer from moral distress.

5

Important for rejecting Williams's objection are cases (ii) and (iii). But before elaborating on them, two general remarks are in place in order to clear away some other, possible objections to the account presented. Firstly, these descriptions of conflicts and dilemmas also explain why the distinction between a moral conflict and a moral dilemma is not so clear-cut as it is sometimes presented. In some cases finding out whether there are considerations that would justify favouring one of the alternative actions can be very difficult. To the extent, then, that the agent thoroughly tries to find out what he should do, that is, what *the* (objectively) right thing to do is, the more the judgement about his decision and action concentrates on his awareness and the quality of his deliberation. There is thus a gradual difference rather than a strict one, which is again an element of moral conflicts the axiological perspective can easily account for as the awareness of and concern for the values at stake is not different in a moral conflict or a genuine dilemma. The difference between the two lies in the relative simplicity (or difficulty) of finding reasons that morally justify favouring one alternative. But

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this solubility on the level of practice, though morally justified, does not make the agent suddenly lose his awareness of the conflict, that is, the agential emotional or psychological level of involvement is not profoundly altered by the *practical* solubility of the conflict – I shall come back to this in the following sections.

Secondly, another objection would be that the judgement that both alternatives are *equally* valuable – case (iii) – or the judgement that one is better all things considered – case (ii) – is not a candidate for truth or, in other words, that both these judgements are not *factual* judgements; they do not involve the world. In order to answer this anti-realist objection I briefly have to say something about valuational judgements or evaluations and deliberative judgements.[37] As I indicated above, within a Kolnaian framework, valuational judgements are factual in that they are about configurations of facts and, thus, about objectively existent values. Whatever is valued, is valued in virtue of something, or,

> [i]n other words, moral judgement cannot but imply a reference to universal concepts in virtue of its being judgement: that is, of asserting (predicating) something of its object rather than merely expressing the appraiser's smiling or frowning mood.[38]

Again,

> I cannot 'approve of' or 'disapprove of' something except in virtue of some objective quality of it, nor mean anything by 'commending' or 'condemning' some conduct morally […] except by reference to this or that commend*able* or condemn*able* descriptive *feature* or *features* of it. Rightness and wrongness […are] attributed to action […] but the unitary 'pro' or 'con' attitude herein expressed is of logical necessity closely tied to known and describable qualities inherent in the act (conduct, etc.)[.][39]

On this point, our Kolnaian view is similar to, for instance, Wiggins's view as the latter also insists that evaluation is bound up with

[37] Compare the difference made by Wiggins between 'evaluations' and 'practical' or 'deliberative judgements' in his 'Truth, Invention, and the Meaning of Life' (*op. cit.* note 31, 95–96). Guttenplan (*op. cit.* note 29, 65) also refers to Wiggins's distinction.

[38] *Op. cit.* note 32, 83.

[39] Aurel Kolnai, 'A defense of intrinsicalism against "Situation Ethics"', in: R. L. Cunningham (ed.), *Situationism and the New Morality* (New York: Appleton-Century-Crofts, 1970, 246).

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something that is 'found to be' as such[40], or, in McDowell's[41] words, that it 'merits' the evaluation.

But then, one might further question whether a deliberative judgement, thus about 'what to do', is also 'realist'. To many philosophers the answer is negative as a judgement about what is says nothing about what one ought to do – the is-ought distinction. But what is valued or morally relevant provides a reason to act in accordance with it. Consequently, such considerations have an influence on what the agent should do, thus, on his deliberation. Moreover, valuational and moral judgements are only correct if they correspond to the truth, that is, the way things are. Deliberative judgements, then, are also true or false but their truth is rather to be understood as correctness or rightness. They only indirectly relate to the way things are and are, in this sense, derivative of value judgements. Claims about value are claims about the world. But claims about what we have to do are claims not about the world as such but about what we have to do given how the world is or what the result of our actions will be on the world. If awareness of value and morally relevant facts influences our deliberations and tells us what a moral agent should do, the distinction between is and ought is not fully upheld in moral reasoning. Put differently, evaluation informs deliberation. Deliberation is then true or correct by reference to the configuration of facts given in the evaluation of the situation by the agent. This implies I share Guttenplan's disagreement with Wiggins. The latter seems to want to uphold the is-ought distinction in the deliberative realm, while Guttenplan objects to the denial that someone's belief about the values involved in a state of affairs, or his evaluation of the situation, 'would fall short

[40] See: David Wiggins, 'A sensible subjectivism', in: *op. cit.* note 31, 185–211 (especially 202; 193–194; 195). And: David Wiggins, 'Truth, and truth as predicated of moral judgments', in: *op. cit.* note 31, 139–184 (especially 157); David Wiggins, 'Objectivity in ethics', in: D. Wiggins, *Ethics: twelve lectures on the philosophy of morality* (London: Penguin, 2006, 325–356) (especially 347 (note 20)); David Wiggins, 'Truth, Invention, and the Meaning of life', in: *op. cit.* note 31, 87–137 (especially, 105; note 19, 105–106).

[41] John McDowell, 'Values and secondary qualities', in: *Morality and Objectivity* (London: Routledge & Kegan Paul. Reprinted in: J. McDowell, *Mind, Value, and Reality* (Cambridge: Harvard University Press, 1998, 131–150)). However, this does not mean I take any stance here on whether Kolnai's ethics is comparable to McDowell's in their 'realist' character.

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of necessitating (in some way) the judgement "I [the agent] must do [the most valuable action]"'.[42]

These anti-realists objections, then, are plainly wrong because valuational and deliberative judgements are precisely based and can only be based on the elements of the situation at hand. No other concerns than the circumstantially relevant can justify any judgement of comparison. At this point, one might object that values are (often) incommensurable, meaning we cannot compare them in any way. But again, this might be true *in abstracto* but not contextually. As Kolnai emphasizes,[43] values are only given to us as values in reality, which means any value is always circumstantially given and precisely the circumstances and context make out the 'strength' of the value-emphases (i.e. the importance of a value with regard to the specific situation in which it is present, or, 'at work').[44]

6

Let us start, then, with case (ii). Here I differ from Guttenplan who concentrates on Williams's description of belief conflicts and presents an alternative interpretation of them which then helps him out in the case of moral conflicts. However, he admits this does not make the case for realism yet.[45] But there is some similarity. Guttenplan says that in a moral conflict (as I defined it) the agent comes to see that he is no longer 'morally required' to do *b* as *a* trumps *b*. But this does not mean that the evidence available in favour of *b* is suddenly denied. The evidence for *b* is present, that is,

> evidence for the truth of 'I am morally required to do *b*' – and the later recognition of conflict would not, by itself, destroy this evidence. Given this we can see [the agent's] behaviour and feelings as themselves morally required by the undismissed evidence which originally, and it turned out *mistakenly*, made it appear

[42] *Op. cit.* note 29, 69; also 68–69; 74.

[43] For instance: *op. cit.* note 12, 20: 'Not only is the existence of a value itself a value; it is only its existence that gives the value its validity […]. This means that the way a value is realised or encountered is not a circumstance of marginal importance for its nature, […] but inseparable from the phenomenon of the value itself.'

[44] Guttenplan (*op. cit.* note 29, 71–72) makes the same remark, namely that the contextual embeddedness of values, concerns and considerations solves incomparability.

[45] *Op. cit.* note 29, 77–79.

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> that he was morally required to do *b*. The behaviour and feelings constitute the survival, or more plausibly the 'offspring' of the thought, 'I am morally required to do *b*'.[46]

I believe Guttenplan misses the essential point. Guttenplan rightly says that the moral distress is itself 'morally required' by the 'undismissed evidence' for *b*. Put differently, because the evidence for *b* is still present, the agent experiences distress as he cannot act as such. Moreover, the agent is, as was said above, expected to be distressed. Thus Guttenplan does not deny the evidence for *b*, nor does he want to say that the belief in the evidence for *b* is mistaken. But what he does say is misleading. He says that *the evidence for b mistakenly led the agent to think that he is morally required to do b*. Thus the agent *mistakenly* believed that he 'ought to do *b*' on the basis of the evidence for *b*. Or, again, what generates the moral distress or remainder is *this erroneous belief*.

But the evidence for *b did not mistakenly* generate the belief that one ought to do *b*. Guttenplan wrongly concludes that the thought 'one ought to do *b*' is mistaken and, also, that this *erroneous belief* is generating feelings of moral distress. It is indeed the thought that 'one ought to do *b*' that is responsible for the moral remainder. But this thought is not at all *mistaken*. For the thought 'one ought to do *b*' does not express a deliberative conclusion, *but articulates the agent's awareness of the evidence and reasons for b and the value of acting in accordance with b*. Thus, the evidence for *b did not mistakenly* generate the belief that one ought to do *b* because, if that had been the case, there would not have been a true conflict. There is a conflict because the agent believed that he ought to do *b* and ought to do *a*. He correctly believed this based on the evidence for *a* and *b*. Guttenplan is thus wrong in suggesting that the moral remainder is generated by the *mistaken* or *erroneous* belief that the agent ought to do *b*. The beliefs about *b*, including the belief 'one ought to do *b*', are true because they articulate the concern for the value of *b* and relate to what is – still – the case. As the evidence for *b* is not denied and thus still the same, the agent's beliefs about the evidence are still true. The beliefs about *b* are therefore not inconsistent with the deliberative conclusion to act in accordance with *a* but only express the agent's moral awareness of what is present before him.

Let us return to case (ii) then. Williams's problem is that if there are two judgements about *a* and *b* each saying that, respectively, *a* and *b* 'ought to be done', and *a* and *b* cannot be done both for some reason,

[46] *Op. cit.* note 29, 79 (my italics).

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then moral realism is inconsistent when it holds on to both judgements. The problem, according to Williams, from which the inconsistency arises, is that moral realists claim that moral judgements congrue with how things are and therefore rely on a substantial notion of truth. But, then, it is impossible that two such conflicting judgements are both true. The moral remainder, which is present also in conflicts not involving a dilemma, reveals that while one judges to act on *a* on the basis of reasons for *a*, which thus trump those for *b* if justified[47] and correct, one still holds on to one's judgement about *b* and thus its truth, which is revealed by the moral distress. Hence, moral realism leads to inconsistency and has to be rejected.

There are some important flaws in the objection which are made clear by the axiological perspective I advanced above. For an agent to be in a moral conflict, though the conflict is practically soluble because morally justifying reasons can be given to favour one of the alternatives, he is to be aware of what is and was involved in it. Practically solving the conflict does not mean the agent stops being aware of what was at stake and what was and still is valuable. Precisely because the agent was aware of the values at stake and judged that in fact both should be acted upon, though this is impossible and one trumped the other when a choice had to be made, he judged that both were 'factually' present – thus both beliefs or judgements were true. The expression that both 'ought to be done' articulates the agent's moral awareness rather than expressing his deliberative conclusion. Moreover, the circumstances made that if it were possible he had acted on both of them. Thus the moral remainder only exemplifies that the agent was aware of both values and initially deliberative judgement ruled to act on both. There is no reason to think that, because the agent made a morally justifiable practical solution, he would suddenly lose his moral awareness or sensibility. Again, an agent who would do this, would be blamed for it. The moral remainder is a consequence of a value being present in reality. And moral judgement that something mattered takes on the form of moral distress whenever a deliberative judgement failed to be complied with. Thus, if deliberative judgement stems from our evaluations and considerations about 'what is', it does not mean that judging '*a* is better than *b*' implies that the reasons for *b* and

[47] Obviously, I cannot go here into the question what kind of reason internalism or externalism this is. It is clear, however, that values and morally relevant concerns motivate the agent. (Again, also Guttenplan (*op. cit.* note 29, 69 and onwards) mentions this.)

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the value of *b* are mistaken or non-existent. Hence, the evaluations and judgements about *b* are still true. Consequently, it is not surprising for an agent to be distressed about not acting upon *b*.

7

So, we are left with case (iii). Most of what I have just said about moral conflicts (not involving a dilemma) still holds: the agent is aware of what matters and of the considerations that count in favour of the practically incompatible alternatives and, thus, of the evidence and reasons for the truth of his judgements. The difference, however, is that in a genuine dilemma no justifying reasons can be found: the agent's deliberation results in the conclusion that there are equal considerations for equally valuable but practically incompatible alternatives.

Now, what we learn from observing (and possibly experiencing) situations involving dilemmas, is that the ensnared agent seems to suffer from an additional amount of moral distress: he is not only distressed about the loss of value – that is, the valuable alternative he could not act upon – but also for being compelled to make an unjustified decision. Due to the lack of reasons, it seems to the agent as if he has chosen arbitrarily and, thus, whatever he decides, he will feel as if he had to do better, as if he has done something wrong. The additional distress (in comparison to conflicts) seems to be due to the agent's awareness of deciding arbitrarily *while* aspiring to judge and act rightly. Thus, the moral remainder in cases of kind (iii) corresponds to the agent's awareness of and correct reasoning about the situation, that is, a situation in which something of value is lost *and* no justified decision could be taken while something had to be decided.

There is, then, no problem for the realist to concede that, in a genuine dilemma, there is neither a clear answer upon the question what one should do, nor a difference in correctness or moral rightness between whether the agent acted on either *a* or *b*. For the truth on the matter is that they both deserve to be acted upon, although this is impossible, and that no reasons can be found to opt for *a* over *b* and vice versa. Importantly, if the truth on the subject had been otherwise, there would not be a dilemma and the agent, if he reasoned correctly, would have acquired different beliefs, which would have been true in those different circumstances. The agent's awareness and the additional distress he suffers from precisely exemplify that the truth does not lie in either his judgement about *a* or about *b*, but in both judgements *and* their circumstantial, practical

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incompatibility. The agent's decision, induced by the compelling power of contingent facts, is thus not a deliberative conclusion and does not alter the truth of his preceding reasoning and judgement, leading him to the conclusion that he faces a dilemma or cannot do right. Hence, even after deciding, the agent holds on to the truth of the circumstantially relevant considerations and the valuational and deliberative judgements related to them, telling him to act in different ways. The agent's distress or the moral remainder thus corresponds to the judgement that no justified decision could be taken; a judgement, additionally, of which the agent *claims* that it is true with regard to the circumstances and which, in a genuine dilemma, *is true*.

This realist account of the moral remainder in genuine dilemmas is further supported by, firstly, the fact that an agent in such a situation is not blamed for the decision he had to take but, rather, may be comforted or pitied by bystanders,[48] and, secondly, the bystander's judgement (or third person perspective). For to the extent the agent is ensnared in a very difficult conflict or a true dilemma, the more moral judgement about the agent and his decision fastens on the quality and depth of the agent's deliberation and conscientious reflection, rather than on the outcome of his decision, as Kolnai explicitly mentioned:

> there are also complex *moral* dilemmas in regard to which little more can be said conclusively than that the agent's decision has been right so far as it has emerged from his thorough conscientious reflection and wrong so far as he has irresponsibly followed one moral impulse (perhaps aided by some non-moral interests of his) without due regard to other *per se* obligations; here too moral appraisal fastens on the quality of his deliberation, not on its outcome in this or that alternative sense.[49]

Thus, since the circumstances urged the decision, the agent is not blamed for what is lost. Nor shall he be blamed for his deliberation as long as he reasoned correctly, thus, as long as he was aware of the genuinely moral and insoluble character of the situation at hand. (Note that if it were not a genuine dilemma, the agent would not

[48] It seems thus that Gowans (*op. cit.* note 35) was wrong in attributing the feelings of moral distress to the different and plural responsibilities we have toward other persons, although he correctly observed that there is inescapable wrong in such a situation – but, then again, not inescapable wrong*doing* as the agent in such situations is not held responsible for the wrong he did.

[49] *Op. cit.* note 13, 98.

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suffer from this additional distress or would be able to overcome it once he would have grasped that he mistakenly thought that he faced a dilemma.)

Moreover, suppose that an agent is *not* aware of the genuine dilemma that he is confronted with and *erroneously* thinks he has good reasons to act in a particular way, then there is some kind of blame attributed to him and a kind of indignation is felt by bystanders. Thus, although genuine dilemmas are very rare, moral realism does not imply that the truth will always bring comfort, practical solubility and a certain degree of cognitive security that one decided rightly; the truth might well be, although such instances will be very rare[50], that the agent faces a genuine dilemma and that there is no 'right way' to proceed. It is thus wrong to suppose that moral realism would cancel out the conflictual and baffling character of ordinary practice. On a second remove, then, in situations involving dilemmas, an agent will only be blamed if he is judged to have deliberated below the expected moral standard or if he did not judge things rightly. Only then is the agent blamed for the wrong he did, though, not because he *did* so, but because of *why* he did so.

8

One last comment: note that 'being aware of what is at stake' and 'judging what to act upon' or 'what trumps', etc., all these expressions equate, or are at the least coeval with[51], 'it believing to be the case', and thus, contain a claim on knowledge. The knowledge they claim to possess is precisely knowledge relating to the world. The claim they possess is to be congruent with how things are (or should be best). All these expressions are thus objective and aim at truth in that they express a belief about what is the case. Consequently, morally justified[52] believing that one alternative trumps the other or that we ran into a dilemma and both alternatives are equally

[50] As deliberation always takes place in and about particular circumstances, there will mostly be certain considerations that can offer a justification to act in a particular way. Thus, for instance, in our account, Sophie's choice would be a dilemma but the example of Melville's Captain Vere deciding about Billy Budd's faith or the example of Sartre's student, would not be genuine dilemmas but, rather, difficult conflicts.

[51] Compare: D. Wiggins, *op. cit.* note 31, 202.

[52] A moral judgement is a morally justified belief if it is objective and true, which means reasons, or, in other words, evidence has to be put forward why this is rather the case than that.

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important is not incompatible with moral realism. For believing or 'thinking it to be the case' – in which 'thinking' is at least coeval with 'finding' – that *a* trumps *b* or that *a* and *b* are equally important in a specific situation is not incompatible with the belief that *b* is still highly valuable and should be acted on also, if it were possible. Moreover, claiming *to know a* is to be done all things considered is not incompatible with *knowing* that *b* is still highly valuable and *doubting* whether one is right in believing to be *a* the better option or with *knowing* that *b* in fact also 'merits' to be acted upon. Consequently, it is possible to express 'truth' of both the judgements expressing the value of the alternatives and still to be right (holding the truth) that the belief to do *a* or that *a* trumps is true without one has to deny the truth of the judgement expressing the value of *b* or that *b* deserved to be acted upon as well. The practical solution, that *a* had to be acted upon, does not make impossible the truth of the value of *b*. Moreover, moral realism does not eliminate conscience. Thus knowing it to be true that both *a* and *b* are equally important or that *a* was the better alternative, there is still concern about *b*, what is lost, and conscientious reflection generating scrupulosity is not incompatible with moral realism.

9

The merits of this axiological view are that it concentrates on the moral awareness, deliberation and reflection of the agent. In particular, the axiological perspective allows us to understand the agent's engagement with and appreciation of values, valuable courses of action and other non-moral, though morally relevant, considerations.

Firstly, this view allows us to explain the moral remainder from a different perspective. A moral agent is able to discern what matters, deliberate and reason about a moral conflict and even about a genuine dilemma, and, subsequently, to judge what he has to do. The view presented clarifies how a morally justifiably *practical* solution can be given in cases of conflict while still acknowledging the agent's awareness of the alternative(s) not acted upon. The solubility of a conflict thus attaches to the level of practice while on the emotional or psychological level the agent is unable to fully deal with the conflict as his moral awareness and conscience do not allow him – since no moral agent is infallible. The moral distress, then, is indeed a remainder of the conflict, and in particular of the value or valuable alternative 'lost'. In cases involving genuine dilemmas, the distress may be aggravated because of the impossibility to come to a practical

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solution, which evidently increases the distress for the agent as he cannot justify his action while reasons or justifications are needed. The extra amount of distress is due to the arbitrariness of an important decision which is absent in soluble conflicts. In the latter case, there is at least some decision and justification possible, though, this does not, as we have seen, dissolve moral awareness and psychological or emotional involvement.

This view, secondly, also acknowledges the essential contestability of moral judgements. Moral awareness and conscientious reflection lead to scrupulosity, in the agent's reflection, and judgement, though also fallible, in the bystander's reflection. (Then again, the bystander's judgement can also become the object of reflection or disagreement, and so on[53]).

Thirdly, this perspective strengthens the case for a gradual distinction between conflicts and dilemmas as I already suggested above. A genuine dilemma is a conflict in which the agent cannot find overriding reasons for one alternative. In such a case, the possibility of practical solubility does not arise. In addition, I ventured with Kolnai that to the extent the agent is confronted with a truly difficult situation, the more the moral judgement fastens on the quality and depth of the agent's deliberation rather than on the outcome.

Fourthly, because of the advantages of emphasizing the agent's moral awareness, it is easier to argue for moral realism. The axiological perspective shows it makes much more sense to emphasize that conflicting judgements about what 'ought to be done' express the agent's awareness, rather than an inconsistency in what the agent believes. And instead of relating the substantial notion of truth to the relation between the judgements about what ought to be done and what *is* done, it clarifies that the notion of truth relates to what is the case and whether the agent is aware of it. Consequently, he can set his beliefs in accordance with what is morally relevant. He, then, judges to be true or right the judgement and decision that is corresponding to the circumstances the justifiably better alternative. In a moral dilemma, he judges his own decision to be without justification and thus arbitrary, generating an extra amount of distress. Again, truth depends on what is the case and not on what the agent decides. And we can only come to know what is the case by thoroughly discerning what matters and why and whether on the basis of this scrutiny a justifiable decision can be taken. But whatever

[53] However, in our Kolnaian framework, it is believed that convergence about moral judgements is possible. Objectivity and universalizability are part of morality. I cannot go into this here, however.

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we decide and how we eventually act, this does not alter the truth of our judgements made in the foregoing deliberation or in the *post factum* reflection.

Lastly, all this *suggests* that ordinary moral reasoning is up to the task of decision-making and action guidance, although this cannot be argued here. There are also further interesting implications for the universalizability and objectivity of moral judgements but elaboration on these subjects I have to postpone to some future occasion.

Summarized, this means that contemporary moral philosophy, which all too often disregards phenomenology and the search for relevant descriptions of ethical phenomena, could learn something from (the underestimated philosopher) Aurel Kolnai. Though Kolnai never extensively wrote about moral conflicts, valuable insights can be drawn from his philosophy. Kolnai's moral philosophy develops around our moral awareness and emphasizes the importance of value consciousness and the phenomenological method. It is precisely our engagement with values and our moral consciousness that may allow us to advance our understanding of (our coping with) moral conflicts. My point here was that a phenomenological *and axiological* approach towards moral conflicts and dilemmas could result in an understanding of moral conflicts as moments of moral choice rather than anomalies of moral theory. Such an axiological conception thus not only explains moral conflicts more adequately, but also approaches the moral remainder from a different perspective. Additionally, such an approach indicates the adequacy of ordinary moral reasoning for decision-making and action guidance.

Higher Institute of Philosophy, K.U. Leuven
PhD Fellowship Research Foundation – Flanders (FWO)
chris.bessemans@hiw.kuleuven.be

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