Moral Dilemmas are not a Local Issue

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In a recent article in *Philosophy* W. A. Hart argues that Martha Nussbaum does not make a convincing case for the thesis that there can be genuine conflicts of duty: situations in which an agent ought to do A and ought to B and cannot do both and therefore does something morally wrong regardless of what he does.[1] Hart claims that the impossibility of moral dilemmas so understood flows from the Kantian principle that 'ought implies can'. (Hereafter OIC.) In some respects, I think Hart is correct. *A certain understanding* of OIC does rule out the possibility of moral dilemmas in the sense defined. However I doubt that this particular formulation of the OIC principle is one that fits well with the *eudaimonist* framework common to ancient Greek moral philosophy. In what follows, I explore the reasons why Aristotle would not accept the OIC principle in the form in which it rules out the possibility of moral dilemmas. Like Nussbaum, I think that Aristotle takes the *endoxa* of his time more seriously than did Plato or the philosophers of the Hellenistic period. As a result, his work probably has a better claim to being the kind of view that would emerge as a result of the educated Greek theatre goer achieving what Rawls calls 'reflective equilibrium'. When we have seen what Aristotle would say on OIC and moral dilemmas, we will then be in a better position to revisit Hart's and Nussbaum's remarks on the case of Aeschylus' *Agamemnon*.

It emerges that there are trade offs to be made between the ancients' views on the role of moral evaluation and ours. I think that, by and large, we moderns *do* deny the possibility of such moral dilemmas. As a result, whether we do what is morally right is always up to us: luck cannot place us in situations where we cannot do what we ought no matter what we do. But in so bringing moral excellence entirely within the scope of reason, we sever its obvious connection with human happiness and our other motivations. If Aristotle must face the fact that sometimes fate makes it impossible to act rightly no matter what we do, those who work in the Kantian tradition must face the real possibility that they have no answer to moral sceptics.

[1] W. A. Hart, 'Nussbaum, Kant and Conflicts Between Duties', *Philosophy* 73 (October, 1998), 609–18. Hart discusses the case that Nussbaum makes in *Fragility of Goodness* (Cambridge, 1986), but see also her 'Tragedy and Self-sufficiency: Plato and Aristotle on Fear and Pity' in A. Rorty (ed.) *Essays on Aristotle's Poetics* (Princeton, 1992), 261–90.

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Naturally I do not expect this short paper to provide a full vindication of these latter claims. I hope, however, that what I will say shows that the existence of moral dilemmas is not a 'local issue' that can be resolved while leaving in place our other assumptions about the point of moral evaluation.

1. Nussbaum, Hart and OIC

In part II of the *Metaphysics of Morals* Kant writes, '[someone] must judge that he *can* do what the [moral] law tells him unconditionally that he *ought* to do.' This principle talks about an agent's evaluations of his duties and the possibility of discharging those duties. It is a subjective principle in as much as it talks about how things must seem to a rational agent: it can never seem to me that I ought to do A if it also seems to me that it is not possible that I do A. If we think that this subjective principle is correct, then we will want to affirm the objective correlate to it. If S has a duty to do A, then it is possible for S to do A. There is certainly *some* intuitive backing for such a claim. It hardly seems sensible to say that I have a duty to rescue the drowning child if I am a non-swimmer and cannot rescue her. Moreover, the objective version of the principle cuts through many complications that the subjective version raises. For surely we think that an agent's duty to do A does not disappear simply because he falsely judges that it is not in his power to do A.[2] The objective version of this principle can be used to argue that there can be no genuine moral dilemmas.

1. An agent is in a moral dilemma when he has a duty to do A and a duty to do B and cannot do both A and B. Moreover, neither of these duties overrides the other in such a way that his doing one cancels (in this situation) his duty to do the other.
2. OIC1: If an agent, S, has a duty to do X, then it must be possible for him to do X.
3. So, no agent can ever be in a genuine moral dilemma as defined.

The subjective principle can be used to generate an argument that no rational agent can ever believe himself to be in a moral dilemma.

4. An agent believes himself to be in a moral dilemma when he believes that he has a duty to do A and a duty to do B and believes that he cannot do both A and B. Moreover he believes that neither

[2] Kant was, of course, aware of this point. See *The Doctrine of Virtue*, Introduction §13: 'We must not determine ethical duties according to our estimate of a man's power to fulfill the law; on the contrary, we must estimate a man's power by the standard of the law …' (trans. Mary Gregor).

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of these duties overrides the other in such a way that his doing one cancels (in this situation) his duty to do the other.
5. OIC2: If an agent, S, judges that he has a duty to do X, then S must also judge that it is possible for him to do X.
6. So, no rational agent can ever believe himself to be in a moral dilemma as defined.

Bernard Williams has suggested that the Kantian principle alone is not sufficient to generate the conclusion that there can be no moral dilemmas.[3] It is worth exploring this objection and Hart's response to it, for the latter will loom large in our discussion of Aristotle and OIC. It is not enough that the agent judges that he ought to do A and that he ought to do B. He must judge that, because of this, he ought to do *both* A and B. This latter thing is something that he clearly cannot do and cannot judge himself to be capable of. So the second argument needs to be supplemented with what he calls the *agglomeration principle*.

7. The agglomeration principle: if S judges that he ought to do A and S judges that he ought to do B, then S is committed to believing that he ought to do A and B.

However Williams also seeks to cast doubt on the truth of this additional premise. He points out cases where an agent can judge that he has a good prudential reason for doing A and a good prudential reason for doing B, but would correctly resist the inference that he has a good prudential reason for doing A and B. The failure of the agglomeration principle to hold for non-moral 'oughts' casts doubt on whether it holds for actions that we judge we have moral reasons to do. So Williams believes we can both embrace Kant's entirely sensible principle and still leave open the question of whether there might be moral dilemmas.

Hart replies to this claim in two ways. First, examples by means of which Williams seeks to cast doubt on the agglomeration principle are not convincing. They conflate situations in which an agent wants A and wants B with situations in which the agent is not sure what he wants. Second, a principle weaker than premise 7 will be sufficient to show that OIC2 is incompatible with moral dilemmas. The following would do as well:

8. If S judges that he has an argument for the conclusion that he ought to do A and S judges that he has an argument for the conclusion that he ought to do B, then S has evidence that he ought to do A and has evidence that he ought to do B.

[3] Bernard Williams, 'Ethical Consistency' in *Problems of the Self* (Cambridge, 1973), 181.

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Hart says that the agent has no single argument whose conclusion is that he ought to do both A and B. But, says Hart, this does not matter. The OIC2 principle implies that if an agent judges that he ought to do A, then he must judge that he can do A. And if he judges that he ought to do B, then he must also judge that he can do B. But according to Hart, 'he could not think that he ought to do A and that he ought to do B, if he were conscious that A and B were incompatible.' (p. 613) Moreover, this form of agglomeration can hardly be objectionable, for without this the agent can hardly be said to be aware of the conflict between his duties. If this is right, then there is a genuine incompatibility between the OIC principles we have formulated and moral dilemmas.

2. Aristotle and OIC

Aristotle would seem to be committed to denying OIC1. In some respects, it is hard to tell for OIC1 is formulated in the vocabulary of duties to perform certain actions. Aristotle's moral philosophy, however, concentrates less on the moral evaluation of actions than the evaluation of moral character. Nor is there any concept in his moral vocabulary that carries exactly the same semantic freight as the Kantian notion of a duty. Allowing that there can be some slippage between these paradigms, we can at least make the following observations:

Aristotle recognizes a class of virtues that involve the way we undergo. A striking instance is the virtue of being even tempered. So, the virtuous agent has a *hexis* or standing disposition to experience anger to the right degree with the right persons and under the right circumstances. Anger is, for Aristotle, a complex state consisting of a judgment which prompts a feeling accompanied by a desire. Though judgment is involved in anger, Aristotle does not think that at the time at which we get angry it is always up to us not to do so (*EN* II.5, 1106a3). This is surely the point of calling anger a *pathos*, something we undergo as opposed to something that we do. We do not deliberate about who to become angry with nor to what degree. The deliberation that is involved with this virtue occurs before or in the aftermath of episodes in which we fail to exercise it. Aristotle thinks that our actions make us the kind of people who are even tempered or irascible or too prone to be doormats (*EN* II,1, 1103a25–b26). It may be our parents who deliberate about how to habituate us so that we come to feel anger in the right way (1104b13). But we must also reflect on our own behaviour and modify it in accordance with the tendencies toward excess or defect that we observe in ourselves (n.b. *eis tou'nantion d'* <u>*heautous*</u> *aphelkein* at

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1109b5). Thus, there will be a sense of 'can' in which the judgment that S ought not be angry will not entail that S can fail to be angry. *At the moment* at which S feels the inappropriate anger, it is not up to S not to have that feeling. Yet there *was* a time at which it was up to S to make himself the kind of person who would not react in an inappropriate way to an accidental and trivial slight.

In a similar vein, Aristotle thinks that the virtuous agent takes pleasure in performing fine and noble actions. Indeed, we may take an agent's feelings of pleasure and pain as good indicators of the condition of his soul as regards virtue and vice. The person who is genuinely temperate or self-controlled just doesn't feel the attraction of those hateful things that the self-indulgent person takes pleasure in (1118b23).[4] Indeed, he dislikes them (1119a12). The merely continent person, by contrast, will feel the pull of these misguided activities, but by dint of his knowledge that they are not good he will resist them, though it pains him to do so. Similarly, he may steel himself to perform the actions that justice or munificence demands, but begrudges the resources that he must forgo in order to do what the just or munificent person would do with the proper pleasure. Because he is not virtuous but merely continent, it is not at that moment possible for him to take the proper pleasure in the actions that he performs. This is precisely what makes him merely continent and not genuinely virtuous (1145b10–15). When we judge that someone is continent, we imply that there is some way in which he falls short. There is something that he ought to do but fails to and this is to take the proper pleasure in the actions he performs. Is it up to such an agent to feel pleasure in these things at the time at which he does them? No, clearly not. We cannot simply decide to take pleasure in something that we do not find pleasant. So this 'ought' does not imply a simple corresponding 'can'. However, there was a time when it was open to him to take those steps necessary to make himself the kind of person who took pleasure in doing fine and noble acts.

There is even a sense in which it is not possible for the vicious person to do what he ought to do. Aristotle is inclined to accept some of the implications of Plato's analogy between vice and bodily disease. The vicious agent's moral vision is impaired so that what is not good appears good to him. However, Aristotle wants to resist the Socratic conclusion that no one does evil willingly. In this passage he attempts to chart a middle course.

[4] One way to exhibit incontinence is to find the wrong objects of touch and taste pleasant. There are other ways as well. One may enjoy the right things but to an inappropriate degree or in an inappropriate way.

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> Again, it is irrational to suppose that a man who acts unjustly does not wish to be unjust or a man who acts self-indulgently to be self-indulgent. But if without being ignorant a man does the things which will make him unjust, he will be unjust voluntarily. Yet it does not follow that if he wishes he will cease to be unjust and will be just. For neither does the man who is ill become well on those terms. We may suppose a case in which he is ill voluntarily, through living incontinently and disobeying his doctors. In that case it was then open to him not to be ill, but not now, when he has thrown away his chance, just as when you have let a stone go it is too late to recover it; but yet it was in your power not to throw it, since the moving principle was in you. So, too, to the unjust and to the self-indulgent man it was open at the beginning not to become men of this kind, and so they are unjust and self-indulgent voluntarily; but now that they have become so it is not possible for them not to be so. (*EN* iii.5, 1114a10–22, trans. Ross)

This is not exactly our problem of free will and determinism, for Aristotle seems to think it unproblematic to claim that at some time 'the moving principle is in us'. Rather, what is at issue is the fact that those who habitually act for the sake of the wrong things eventually become unable to see the value of the proper objects of human desire. *Phronêsis*, the capacity for practical wisdom, has two facets. It is that capacity by means of which we apprehend what is genuinely good and also weigh up the courses of action available to us in order to seek it. Aristotle distinguish it from mere cleverness (*deinotêta*), the ability to act so as to realize those ends that seem good to one (*EN* vi.12, 1144a22). Unlike other intellectual capacities, the operation of *phronêsis* can be impaired by vice.

> This eye of the soul acquires its formed state not without the aid of excellence (*aretês*), as has been said and is plain. For inferences which deal with what is to be done are things which involve a starting point, viz. 'since the end, i.e. what is best is of such and such a nature' … and this is not evident except to the good man; for wickedness perverts us and causes us to be deceived about the starting points of action. Therefore it is evident that it is impossible to be practically wise without being good. (*EN* vi, 1144a29–36, trans. Ross)

There is a certain sense in which the agent who is morally blind in this way cannot do other than he does, for he cannot see the value in acting otherwise. But, as the previous passage makes clear, his present inability arises from his past actions. He could have acted so as to become the kind of person who can see the value in kindness. He

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ought to be motivated to act by this starting point of action, but right now he cannot. Aristotle's account of voluntary action delivers the verdict that his particular act of unkindness is voluntary. None the less, we may still suppose that there is a sense of 'can' in which it is true that he ought to be kind, but he cannot.

Aristotle's moral philosophy tries to answer the question, 'What sort of people should we try to become given that we all seek *eudaimonia*?' As a result, his implicit assumptions about the relation between what we ought to do and what we can do range over a greater span of time. He agrees with the core of Kant's insight that it makes little sense to suppose that an agent ought to do X when there is *no sense at all* in which he can. However, because his focus of concern is the good life and not just individual action, he thinks that there is a sufficiently robust sense in which we can do what we ought if it is true that our characters are up to us (1114b2–25). We might formulate Aristotle's version of OIC in something like this fashion:

> OICA: if an agent ought to do X, then there was a time in the agent's life when it was up to him to become the kind of person who could do X.

Will OICA be sufficiently strong to rule out the possibility of moral dilemmas? Much depends on the way we are to understand 'the kind of person who could do X'. No one can become the sort of person who can perform incompatible actions, A and B, at the same time. So it might appear that the Aristotelian version of 'ought implies can' rules out the possibility of moral dilemmas as surely as Kant's version of that principle does. But Hart's quite sensible modification of Williams' agglomeration principle suggests that things cannot be so simple. For he supposed that when an agent has a duty to do A and a duty to do B, then he ought to do A and he ought to do B. And I agree with this way of formulating what such a person ought to do. But surely this means we need to understand OICA to require only that there was a time at which it was up to the agent to become the kind of person who can do A. Similarly, it was at one time up to him to become the kind of person who can do B. These conditions can be met, even if it is true that no agent can become the kind of person who can perform incompatible actions.

These reflections on the relation between ought and can also point up some of the defects in the first formulations of the OIC principles that we derived from Kant.[5] For surely if I have promised to meet you at 2.00 in the city and I have either carelessly or inten-

[4] For a sustained criticism of some traditional ways of drawing the connection between 'ought' and 'can', see Michael Stocker, '"ought" and "can"', *Australasian Journal of Philosphy* **49**, 303–17.

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tionally worked until 1.45 in the library so that it is not possible for me to get to the city even in a cab, it does not follow that I am not obliged to meet you. At 1.45 it is not possible for me to meet you at 2.00 and so honour my promise. But this impossibility does nothing to override my obligation, particularly if it is done intentionally. This suggests that if any 'ought implies can' principle is correct, it is one more like Aristotle's OICA than OIC1 or 2. But we have just seen that OICA is not such as to *obviously* rule out the possibility of conflicts of duty. It is time for a closer look at OICA.

3. Carelessness, guilt and conflicts of duty

Sometimes we find ourselves in situations where duties seem to conflict because of our own carelessness. Suppose I have promised to spend this Saturday afternoon doing volunteer work for the RSPCA. But because I didn't consult my diary, I failed to realize that I had also promised to participate in a Greens blockade to prevent the logging of old growth forests. I find myself in a situation where I ought to do A and I ought to do B and I cannot do both. If neither of these obligations ought to give way before the other, leaving no remainder, then whatever I do, I act wrongly, leaving undone something that I ought to have done. Is it inevitable that one duty gives way? Nussbaum and others who accept the possibility of moral dilemmas take it as evidence that sometimes apparently conflicting duties really are conflicting that we feel guilty in such cases. After all, she reasons, if one obligation trumps the other, then this feeling is irrational. To use Williams' term, in such cases, there is a remainder.

Hart, however, is confident that (i) there is a right answer to the question about which obligation trumps the other and moreover (ii) that the guilt I might feel is not a remainder in the sense that guilt is warranted because there is some obligation I still have but failed to meet. If one of these duties is over-ridden by the other, then it is no longer morally required that I perform that duty in this circumstance. Rather the guilt that I feel arises from the way in which I got into this situation. For it was once open to me not to be in this situation. We may suppose that the work I propose to do for the RSPCA could have been done on Sunday if only other people had known I was to be unavailable on Saturday.

But what about cases in which it is not through my own carelessness that I am faced with apparently conflicting obligations? We may suppose that there is always something that we could have done to avoid the present situation and feel remorse that we did not do these things, or that we, somehow, should have foreseen this. But it seems to me that there are many cases in which it is not clear that the situ-

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ation might have been avoided. Agamemnon's choice at Aulis seems to be one of these. Here again Hart will claim that Nussbaum and others who accept the possibility of genuine moral dilemmas have misinterpreted the data of the moral situation as lived. Nussbaum *et. al.* suppose that in at least some cases — though perhaps not this one — our sense of guilt and falling short is present because one of the obligations *has not really* given way to the other: we really were obliged to do both, even though we couldn't. Hart, by contrast, claims that

> Where a Kantian moral agent is presented with what seems to him a serious conflict of duty, it is hardly conceivable that he will decide that his duty is to do A and that B has no claim on him whatsoever. What we would expect and what would be more in keeping with the seriousness of his quandary is that he decide that his duty is a complex package of doing-A-while-showing-a-proper-awareness-of-the-claim-of-B, or doing-A-while-making-reparation-for-not-doing-B. It is only the overschematic representation of the moral agent's situation which makes it seem as if his choice must be an all-or-nothing one between A and B. (*art cit.*, 615)

The suggestion seems to be that even if we couldn't have avoided the situation in which we must choose between incompatible alternatives, we nonetheless feel guilty because we suppose that there was some way of doing A and not doing B that was *better* than the way our actual response.

Hart seeks to turn this point against Nussbaum's example of Agamemnon's choice. On the one hand, Agamemnon is the leader of the Argives. Their cause is just for their actions are sanctioned by *Zeus xenios* in return for Paris' offence against the code of guest-friendship. To turn aside from this mission is impiety. Moreover, his troops depend upon him and they are suffering because of the contrary winds that Artemis has caused. He has good reason to believe that the only way in which Artemis' anger can be assuaged is through the ritual sacrifice of his daughter, Iphegenia. Agamemnon is aware of the conflict

> βαρεῖα μὲν κὴρ τὸ μὴ πιθέσθαι,
> βαρεῖα δ', ει
> τέκνον δαΐξω, δόμων ἄγαλμα,
> μιαίνων παρθενοσφάγοισιν
> ῥείθροις πατρῴους χέρας πέλας βωμοῦ.
> τί τῶνδ' ἄνευ κακῶν;
> πῶς λιπόναυς γένωμαι
> ξυμμαχίας ἁμαρτών; *Ag* 206–213

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> Heavy is my fate to refuse to obey, but heavy too if I shall slaughter my child, ornament of my house, polluting a father's hands with the streams of virgin's blood at the altar. Which of these is without evils? How should I become one who deserts the fleet and fail my allies?

But Agamemnon also believes that one of these courses of action is less awful than the other. The Chorus' criticism of him is that he fails to be mindful of the dreadful wrongness of what his duty to the Argive army requires. His uncertainty between the conflicts of duty is all too short, for in the very next line he says:

> παυσανέμου γὰρ
> θυσίας παρθενίου θ' αἵματος ὀργᾷ
> περιόργως ἐπιθυμεῖν
> θέμις. εὖ γὰρ εἴη. *Ag.* 214–17

The sense of the text here has been the subject of intense debate. Nussbaum follows Fraenkel's analysis and accordingly translates:[6]

> For it is right and holy that I should desire with exceedingly impassioned passion the sacrifice, staying the winds, the maiden's blood. May all turn out well. (Nussbaum, op. cit., 35)

The Chorus then goes on to criticize Agamemnon for this sudden resolution of the conflict.

> ἐπεὶ δ' ἀνάγκας ἔδυ λέπαδνον
> φρενὸς πνέων δυσσεβῆ τροπαίαν
> ἄναγνον, ἀνίερον, τόθεν
> τὸ παντότολμον φρονεῖν μετέγνω.
> βροτοὺς θρασύνει γὰρ αἰσχρόμητις
> τάλαινα παρακοπὰ πρωτοπήμων. ἔτλα δ' οὖν
> θυτὴρ γενέσθαι θυγατρός, *Ag* 218–25

> But when the yoke of necessity was put upon him, his thought blew in a different direction — impious, unclean, unholy. From then he changed his mind to become one who dares all. (For mortal men are made bold by base designs; frenzied, wretched, primal source of suffering.) So then he dared to become the sacrificer of his daughter.

On Nussbaum's reading, the grounds for their indictment is Agamemnon's failure to feel the conflict and to see his daughter's

[6] E. Fraenkel (ed.), *Aeschylus: Agamemnon*, 3 vols. (Oxford, 1950), *ad loc.*

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misery. Hart thinks that this undermines her claim that his choice is a tragic one: a situation in which he must do wrong no matter what he does.

> For in that case the blame and guilt is something that Agamemnon could have avoided, if he had sacrificed Iphegenia with a heavy heart and compassionate awareness of his daughter's innocence and guilt. There are no grounds here for claiming that he was inevitably involved in guilt. … He has to work out a way of acting in response to the two claims which will do justice to both, and which will then uniquely be his duty, what he ought to do in that situation. No doubt that will be, at best, the best of a bad job. And any decision about the balance to be struck between the two claims is open to the charge that it is deeply, even culpably, flawed. But that is a different matter altogether from saying that Agamemnon was in a situation where he was bound to do wrong whatever action he chose to do and however he was able to respond. (*art cit.*, 615)

But this surely misses the point. The Chorus feel that he could have acted *better* than he actually did. Is it clear that they think he could have acted *rightly* by sacrificing Iphegenia with a heavy heart and proper compassion? Should *we* think so?

Hart thinks that the answer to this question is Yes. For he believes that one cannot suppose that a person ought to feel remorse for something that he could not avoid doing save by doing something worse. When an agent really has made the best of a bad job and has evidence that his choice really was the best of the limited options available to him, then it is 'pathological' to persist in feeling guilty or uneasy (617). Hart points out that we do our best to talk friends out of such a state of mind by telling them that they really have made the best choice and that they are not to blame.

It seems to me that here we stand at a cross roads and it is not how we are to go forward without begging the question against someone. This much at least is clear. We can find ourselves in situations where we feel that we have some obligation to do A, some obligation to do B and we realize that we cannot do both. Without begging the question at hand, we can also say that it is sometimes unclear to us at the time *whether* one of these duties overrides the other and if so, which one. We can note that in many instances, we feel guilty whatever we decide to do and that in at least *some* cases it seems plausible that this feeling of guilt arises from our recognition that we could have avoided the situation in which our duties seem to come into conflict. Alternatively, or perhaps in addition to this, we may feel uneasy about the situation because we may well doubt that we have

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resolved the apparent conflict in the right way. In all these cases, the experience of moral unease can be explained on the supposition that the conflict of duties is merely apparent and not real.

The point at issue between Hart and Nussbaum is whether all apparent cases of conflicting duties can or ought to be described in one of these ways. It seems to me that it is useless to seek more purported examples of moral dilemmas. Each side will have a preferred interpretation of the undisputed data and it is hard to see how one might decide between them. Perhaps it is time to consider a lateral move. Nussbaum thinks that Aristotle, and the Greeks generally, felt that such situations could arise. Kant, of course, does not. If we consider how each side conceives of the *point* of moral appraisal, we may then be in a position to understand what divides them. Having understood that, we may then be in a position to adjudicate between them on the basis of these broader concerns.

4. Aristotle, Kant and the force of 'ought'

Consider a virtuous action that it is open to me to perform—we might suppose that I can decide to endow a chorus or fit out a trireme for my city. Suppose further that in doing so, I would strike the mean between a shabby, under funded job and a tasteless, over the top display of excess. According to Aristotle, I ought to endow the chorus or whatever. Moreover, my reason for wanting to do it should be because it is a fine thing and I ought to take the proper pleasure in parting with my money. Why ought I do this thing for this reason and with this enjoyment?

The answer in the first instance is because this is the kind of thing that people who possess the virtue of munificence (*megaloprepeias*, *EN* iv.2) do and the way that they do it. So why should I want to be like them? Because the people who possess this character trait and the other moral virtues are people in whom practical rationality functions properly. When we say that these things are virtues, what we mean is that they are conditions that allow us to perform the human function well. If this function is rational living, then munificence and its co-geners are just the character traits that I ought to want to have. For to perform the human function well is to do well (*eu prattein*) and to live well (*eu zên*). To do these things, of course, is to be happy and blessed (*eudaimonos kai makairios*). Thus there is a sense in which 'you ought to endow a chorus' is for Aristotle a 'hypothetical imperative'. But it is not a hypothetical imperative in the same sense in which 'you ought to publish more' is. For the force of the latter imperative is dependent on a goal that

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I might not have: I might not care about promotion. But if the argument of book I of *EN* is correct, then every rational agent has happiness as his goal. Moreover, just as with properly moral imperatives I can hear 'you ought to endow a chorus' and fail to appreciate that it provides me with a reason to act. I might have such a misguided notion of what happiness consists in that I fail to see that the possession and exercise of the virtue of magnificence is part of it.

In short, Aristotle's 'ought' is one that walks in the shadowy borderlands between the sort of self-interested 'ought' of Hobbes' Laws of Nature and the 'ought' associated with Kant's categorical imperative. Hobbes thinks that no matter what I contingently want, I'll do better to keep covenants once I've made them. As has often been pointed out, this just seems implausible. The latter Kantian 'ought' is seemingly utterly disconnected with the agent's happiness.

In the *Groundwork* Kant distinguishes between imperatives of skill, counsels of prudence and categorical imperatives.[7] The first are purely hypothetical: the imperative 'you ought to sterilize the equipment you use' is an imperative that gets a grip on me only if I want to brew good beer. Counsels of prudence are not hypothetical in this sense, for these tell me what I ought to do if I want to be happy. Kant thinks that we all share the goal of happiness and that it is *a priori* that we do so. None the less, Kant also regards the authority of these imperatives as somehow conditional, since 'the action is commanded not absolutely but as a means to some end' (*G.* 416). Moreover, the content of any particular counsel of prudence must be *a posteriori* since it will be derived from an empirical investigation of what a person's happiness consists in and what conduces to it. If this is not bad enough, Kant doubts whether there is any determinate subject matter for a science of human flourishing to study:

> But, unfortunately, the concept of happiness is such an indeterminate one that even though everyone wishes to attain happiness, yet he can never say definitely and consistently what it is that he really wishes and wills. The reason for this is that all the elements belonging to happiness are unexceptionally empirical. … In brief, he is not able on any principle to determine with complete certainty what will make him truly happy, because to do so would

[7] In what follows, I concentrate on the treatment of the categorical imperative given in the *Groundwork*. The *Doctrine of Virtue* may tell a somewhat different tale—one less opposed to Aristotle's *eudaimonism*. I justify this selective reading of Kant on the grounds that it is the Kant of the *Groundwork* that philosophers like Hart invoke to rule moral dilemmas out of court.

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> require omniscience. Therefore one cannot act according to determinate principles in order to be happy, but only according to empirical counsels, e.g., of diet, frugality, politeness, reserve, etc., which are shown by experience to contribute on the average the most to well-being.[8] (*G.* 418).

Finally, even if there were to be a determinate answer to the question, 'How shall I pursue happiness?', Kant insists that the counsels of prudence would be analytic, just as the imperatives of skill are.

This contrasts with the categorical imperative and the duties derived from it which are the pure deliverances of practical reason. They provide us with a reason for acting regardless of what other goals or inclinations we might contingently have. Such imperatives are *a priori* and represent an action as 'objectively necessary in itself, without reference to any end' (414). And this feature of them is heralded as essential to the very idea of morality.

> Hence everything empirical is not only quite unsuitable as a contribution to the principle of morality, but is even highly detrimental to the purity of morals. For the proper and inestimable worth of an absolutely good will consists precisely in the fact that the principle of action is free of all influences from contingent grounds which only experience can furnish. (*G.* 426)

Finally, in contrast to the others, a categorical imperative is said to be synthetic, in as much as it 'does not analytically derive the willing of an action from some other willing already presupposed'. Rather, it 'connects the willing of an action immediately with the concept of the will of a rational being as something which is not contained in this concept' (*G*, p. 420, note).

Were it not for this last claim, one might see the activity of acting from duty as the perfection of our rational natures. This would be an intelligible claim for someone working in the ancient tradition. Indeed, one way to understand the Stoics' position is that they suppose that *eudaimonia* consists in the perfection of ourselves as rational creatures.[9] But Kant's insistence on what he calls the synthetic character of the categorical imperative seems to rule this out. Is the perfected condition of a rational being part of the concept of what it is to be a rational being? If so, then to the extent that we understood the point of a categorical imperative as the perfection of the agent's rational nature, it will be an analytic, not a synthetic, connection. It might be replied that Kant has simply confused matters

[8] Page reference to the Akademie edition of Kant's works. Translation from James W. Ellington *Grounding for the Metaphysics of Morals* (Indianapolis, 1981).

[9] Cf. Seneca, *Epistulae* 76. 10 = *Stoicorum Veterum Fragmenta* 3.200a.

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here by his use of the terminology of 'analytic' and 'synthetic'. What he wants is to insist that a categorical imperative is both formal, like the forms of understanding, and also informative, since it does not merely organize our actions into the categories in which we experience them, but directs them. It is compatible with his intent that our reason for acting from duty is the perfection of our rational nature.

But there are other obstacles in the path of finding such an intelligible reading of Kant's moral 'ought'. Suppose it is true *a priori* that as rational creatures we all have a reason to want to realise that nature to the fullest extent possible. Acting for the sake of this would not seem to differ in kind from acting for the sake of happiness, and, as we have seen, Kant thinks that such a counsel of prudence cannot colour an action with moral worth. It is still caught up in some kind of conditional necessity, even if it is *a priori* that the condition is always fulfilled. These considerations also put another claim made about Kant's moral philosophy in the proper perspective. It is often remarked that the those who act on a maxim that they could not will to be universal somehow contravene practical reason in a way importantly analogous to the way that the person who accepts a contradiction contravenes theoretical rationality. Suppose this is right. To the extent that I want to have a reason to want to perfect my capacity for rationality, I ought to avoid both things. But this perfection of my rationality cannot provide a *reason* for me to will in accordance with the categorical imperative. The radical notion of absolute necessity that seems to be essential to the good will would rule out *any* reason that makes reference to something other than duty as a ground of action.

In short, Kantian moral 'oughts' tell an agent what he ought to do if he is to will as a perfectly rational agent would (*G.* 414; *PR* 325). There can be no answer to the question why this provides him with a reason for action apart from the fact that this is what a perfectly rational agent would will—not the imperfectly rational agent's happiness or even his perfection of his own rational nature. Someone who asks why he ought to so will apparently hasn't understood the question properly. We can say that the person who does will in this way will be in a condition in which his capacity for practical rationality is perfected. What we cannot say is that this good condition provides him with a reason for willing in this way.

5. The life of activity versus good condition

From this perspective we can see why Aristotle and Kant differ on the relation between 'ought' and 'can'. For Aristotle, the admoni-

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tion to do the virtuous action is one that derives its force from the fact that we all want to be happy. Being happy is a life-long project. If I aim at any such life-long project, it will always be true that there are circumstances where I ought to do X and yet I cannot. From the point of view of the life-long project of being a first class bowler, I ought to take be able to take wickets at the top of the order. The fact that I cannot now do so means that in the past I ought to have trained harder or stopped smoking.

Moreover, Aristotle's notion of *eudaimonia* has explicitly biological overtones. A flourishing or *eudaimonos* X is an X that does those things that are constitutive of being an X well. Humans are distinctive in as much as our choices play a significant role in determining whether we do or do not flourish. But are they the sole determinant of *eudaimonia* for Aristotle? Nussbaum argues that they are not. The virtuous character of the good person is practical rationality in good knick. But it is not the rally car that is simply in good knick that wins the race: it is the one that is in good knick and *runs the race*. Similarly for Aristotle—at least on Nussbaum's reading—*eudaimonia* requires the exercise of the excellences of practical reason, not merely their possession. We know that it is not a certainty that cars in good knick will win the race, or even finish it. Luck can intervene. So too in the exercise of the moral virtues, luck can intervene so that we lack the tools by means of which to be magnificent or the opportunities in which to exercise bravery. Within this context, is it unreasonable to expect that life might sometimes throw up situations in which we cannot run the good race because different virtues require incompatible actions? Prima facie, at least, it would seem not.

Michael Stoker has argued at length that Aristotle thinks there can be cases of 'dirty hands' based on his example in *EN* 1110a4–8 where a person must do something base in order that a tyrant may release the man's family who are his hostages.[10] As Stocker interprets Aristotle here, the person in question does what is right in complying with the tyrant's threats, but also does what is base or shameful (*aischros*). Importantly, it is base and shameful *in these very circumstances* and not just in general. One might dispute some points of Stocker's interpretation, but it seems to me that what has been said thus far makes it at least *prima facie* plausible that he should be right. Aristotle explicitly allows that there can be some very serious impediments to the *eudaimonos* life that fall entirely outside the agent's control. Why should the world not also contain situations that can frustrate even the exercise of practical reason?

[10] 'Dirty Hands and Conflicts of Values and of Desires in Aristotle's Ethics.' *Pacific Philosophical Quarterly* **67**: 36–61.

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We are now also in a position to see why it would seem less plausible to someone who had the Kantian picture that this could happen. The reason I ought to perform some charitable action from a sense of duty is that in so doing I manifest the good will. This condition is alleged to be valuable in itself: the agent needs no other reason to pursue it. It will be true, however, that the agent who regularly manifests the good will will be someone for whom the 'objectively necessary determinations of reason' are also 'subjectively necessary' (*G*. 412–13). As such, his condition would be like that of a creature whose will is infallibly determined by reason. A person's will can be in this condition, regardless of the person's efficacy in bringing about the states of affairs that he wills. It is a good condition of the agent that cannot be impeded by external circumstances. In particular, there is no reason to believe that reason can represent to the agent incompatible acts of will as objectively necessary. Given the point of moral evaluation, it comes as no surprise that there can be no moral dilemmas.

6. Costs and Benefits

Human lives are complex. We form intentions to act. We act, successfully or not so successfully. We find that things please or displease us. We react emotionally to various circumstances. Aristotle's moral philosophy articulates a conception of the good person that makes reference to all of these. In order to lead genuinely happy lives, we must, of course, act from the right reasons. But we must also act successfully, take pleasure in certain things, be displeased with others and feel emotions in the right degree under the right circumstances and so on. In short, it is no easy thing to be happy and though it is *largely* under our control, it is not *entirely* so.

According to Kant, only our motivations for acting are open to moral evaluation. We may be clumsy in the execution of properly formed intentions. We may find that charitable acts are things that we do not take pleasure in. Perhaps our emotional responses are ill suited to our situation. All this is of no consequence for *moral* evaluation. And it is hard to escape the feeling that Kant thought this was so precisely because these things were not up to us in the seemingly immediate and direct sense in which what we will and the reasons for which we will it are up to us.

We are confronted, then, with a choice between with different systems of evaluation, aiming at different goals and, not surprisingly, providing different verdicts on the question of moral dilemmas. There are things to be said for each.

From the point of view of meta-ethics, Aristotelian moral philos-

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ophy at least provides the hope of answering the challenge of an amoralist like J. L. Mackie. Everyone has a reason to become a certain kind of human being because everyone wants to be happy and happiness is the same thing for all of us. I say that it provides a *hope* of a reply rather than a reply because it is no small task to vindicate this last claim. It seems to me that Kant's moral philosophy provides less hope of a reply to Mackie on this point. It is alleged that the person who acts on a maxim that he cannot will to be universal wills in a way that is inconsistent with 'the will's legislation of the universal law' (*G*. 431). But the attempts to show that there is some kind of inconsistency in making lying promises are contrived and creaky and the nature of the inconsistency is never made clear. Kant's real strategy, I think, actually parallels his treatment of the antinomies in the *First Critique*. There are questions that are ill formed because they attempt to apply concepts beyond their limits. Similarly, Kant tries to deny that there is a 'principle of morality' external to morality to be discovered:

> Looking back now on all previous attempts to discover the principle of morality, we need not wonder why they all failed. ... For when one has conceived man only as subject to a law (no matter what), then this law required some interest, either by way of attraction or constraint, since it did not originate as a law from his own will, but this will was according to a law obliged by something else to act in a certain manner. Now by this necessary consequence all the labour spent in finding a supreme principle of duty was irrevocably lost. For men never elicited duty, but only a necessity of acting from a certain interest. Whether this interest was private or otherwise, in any case the imperative must be conditional and could not by any means be capable of being a moral command. (*G*. 432–3)

It seems to me that this is just the right sort of thing to say if you think that properly moral imperatives must be categorical in Kant's sense of the word. But supposing that we grant Kant's point that moral imperatives must be categorical, we may now ask why anyone should have an unconditional interest in going in for this particular practice of evaluation. With all due respect to Kant, the alleged antinomies of pure reason have not deterred us from asking questions about the nature of space and time considered in themselves. And I don't think that they should. Neither should moral sceptics be put off by Kant's attempt to rule the question 'Why be moral?' out of court.

But it must be admitted that Aristotle's moral philosophy has some aspects that we may find repugnant from a point of view *within*

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morality, whatever its meta-ethical merits. We may find it distressing that there are things that we morally ought to do that we cannot do. His version of moral philosophy evaluates an agent's relation to the *eudaimon* life and this is not entirely a function of our activities. Surely it is an offence to common sense and moral sensibility to morally condemn a person for what is not up to him. It must be admitted that Aristotle is sensitive to this point. In fact, he thinks that it is indicative of the fact that happiness is not entirely up to us that we congratulate people on being *eudaimon*, but praise or blame them for acting virtuously or viciously. But he none the less insists that a person who is the victim of bad moral luck is not happy.[11] Perhaps through no fault of his own, he falls short of being the exemplary specimen of humanity that the blessed and happy person is.

My own pessimistic view is that, as moral philosophers, we cannot have it all. The greater the extent to which moral excellence is entirely a matter of what is up to us, the harder it is to show that it has any tight connection with happiness or human flourishing. And to the extent that this connection is loose, the harder it is to respond to moral scepticism. On the other hand, to the extent that moral evaluation is concerned with matters that are not entirely up to us, the less it seems to be *moral* evaluation rather than just an assessment of, say, psychological well-being. The sad truth may be that here, as elsewhere, reflective equilibrium requires that we give up some fairly deeply held intuitions. I for my part will side with Aristotle, for it strikes me as unconscionable to cut ourselves off from the hope of answering the moral sceptic's case. I leave others to resolve the case as they see fit. But it seems to me that the question of moral dilemmas is not so easily resolved as Hart would have us think.[12]

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[11] Cf. *EN* 1100b33–1101a10 and Nussbaum's comments, op. cit., 333. Some interpreters of Aristotle have tried to make him more humane by supposing that when he says a person who suffers the misfortunes of Priam will not be *makariotês*, that he means only that he will not be blessed. He does not mean to imply that he will not be a good person. But Nussbaum argues that Aristotle uses *eudaimôn* and *makarios* more or less interchangeably.

[12] I am grateful to those members of the Australasian Association for Philosophy who heard an earlier version of this paper at Melbourne University in July 1999 and gave me comments. I am also indebted to my colleague Jeanette Kennett and my wife L. Elaine Miller with whom I have had long and heated arguments about the relative merits of Aristotle and Kant on moral philosophy. I'm afraid they are utterly unpersuaded by this paper but they at least concede that this is a clear articulation of the mistaken view.

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