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THE RANKING OF MULTIATTRIBUTE ALTERNATIVES: MORAL
DILEMMAS FROM THE AGENT'S POINT OF VIEW

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
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* * * * *

The Ohio State University
1983

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"The essence of tyranny is the denial of complexity"

--Burkhardt
Moral philosophers have not paid much attention to the decision making of sensitive and intelligent agents confronted with a moral dilemma. This is not to say that the moral agent's and critic's perspectives have not been distinguished--they have. But nowhere, to my knowledge, can a theoretical account of the agent's task as decision making be found.

That we have neglected the agent's perspective almost entirely is not always apparent because we do discuss 'practical reasoning' and 'moral deliberation'. But if we look closely, we see that what we discuss are arguments about what ought to be done--as though these reconstruct the agent's thinking or are reductions of it. These are large assumptions and cannot legitimately be made without examining decision making from the agent's point of view--neither as a datum of descriptive ethics nor as we set it out for the sake of critical evaluation--but for the kind of thing it is. To do this, on the basis of a careful analysis of the agent's task and the kind of judgment its completion involves, is my objective in this thesis.

An examination of decision making 'for what it is' is not, however, without normative implications. On the contrary, given an understanding of certain kinds of decision problems, we might be in a better position to say what a successful (or unsuccessful)
resolution would be like. Although it is not my intention to develop a theory of moral justification, by clarifying the agent's task, I am in a position to suggest the lines along which such a theory could evolve.

Moreover, although I depart from the normative in one sense, I do not in another. That is, one of my objectives in uncovering part of the structure of difficult decision making is to develop and to use a vocabulary which differs from the explicitly normative discourse of moral critics (who speak in terms of what agents 'should' or 'ought' to do); because I believe that the language and categories I use in discussing the agent's task are the language and categories critics ought to use in arguing about the agent's problem and in judging its resolution, I am making another kind of normative claim—not about how agents ought to decide, but about how critics ought to talk about their decisions.

One implication of my analysis of moral dilemmas is that there appear to be cases in which no kind of moral argument or moral justification can show that one alternative is morally better than another. It is, in fact, my conclusion that in genuine moral dilemmas neither decision making nor justification should be understood as the search for a moral obligation, or for the grounds for one. My view is that there is a class of moral decision problems which are capable of justification but not, strictly speaking, moral justification.

For these cases, the best we can hope for is not a rational solution in terms of an unequivocal obligation, but reasons for
believing that one alternative is better to do than another. The general framework for providing such reasons which I suggest is meant to expose as a false dilemma the assumption that either a moral dilemma can be resolved by discovering a moral obligation or the situation is tragic in the sense that no reason for choosing one alternative rather than another can be given. Because it is a widespread view that in cases of genuine dilemma no good reasons for choice can be produced, an analysis of decision making which suggests what such reasons would be like is an important one.

My focusing on the agent's point of view thus does not minimize the importance of the critic's task; it only puts it into perspec-tive. If there is a line past which arguing from moral principles cannot be pressed, and if there is a way to argue about choices made in situations of dilemma which does not involve making reference to moral principles or methods which purport to yield correct solutions, there is still much for the moral critic to do--more, in fact, given that critics have been apt to give up on the hardest cases and illustrate their methods and theories with the cases most amenable to them.

An unfortunately neglected issue in moral philosophy has been the kind of thing moral agents must do to resolve the dilemmas moral critics argue about. This is not to say that moral philosophers ought to experimentally or phenomenologically isolate and catalogue each and every part of the decision making process; it is only to say that we ought to approach the agent's problem independently of
the critic's. Although the critic's objective of reconstructing the agent's thinking for the sake of evaluation is important, it has overshadowed the equally important need to understand the agent's problem for what it is. Not understanding this, philosophers have all too often confused the two domains by arguing that decisions are conclusions of logical arguments, that agents decide by using the same arguments critics use in justifying their choices, or that anything other than the "ordered argument" critics can produce is philosophically "irrelevant."

One justification, in fact, of an analysis from the agent's point of view is that in its absence we are too likely to confuse the agent's and critic's perspectives and accept a view implicit in moral philosophy—that agents and critics think alike—or at least ought to. Understanding decision making for what it is helps to dispel this and other false notions.

Sometimes, for example, we speak as though choosing well were either arguing well or making the right choice; but if we understand difficult decision making, we see that it is neither. That we can reason badly, yet make good choices, and reason well, yet make poor ones, suggests that how we argue about moral decisions is different from how moral agents make them. That we have developed a vocabulary for talking about two "contexts of moral reasoning"—'moral justification', 'good reason giving' and 'criticism' on one hand, and 'moral deliberation', 'discovery' or 'heuristics' on the other, suggests that each "context" is worthy of investigation.
It is, of course, not only in ethics, but in any area that includes both a practice and a theory about how it ought to be done that we risk confusing them. What is important about my project is that I am not claiming that theory and practice differ because one is a thinking and one is a doing; I am claiming that the thinking and doing differs in each.

Just as it is a mistake to assume that how the critic thinks, the agent must also think, it is a mistake to assume that what the critic does, the agent must always do. It is certainly not clear that how agents decide between alternatives fits easily into a deductive or inductive mold. Moreover, if we restrict ourselves, as moral philosophers, only to an examination of moral arguments, we confuse the methodology of our discipline with its subject matter. Surely arguments are not the only things we want to argue about.

The overabundance of recent literature on the relation between statements of fact and statements of obligation, and interest in arguments whose conclusions are prescriptions, nevertheless reveals the moral argument of the critic to be our main concern. But there is no obvious connection between statements containing 'is' and 'ought' and decision making itself; and in the absence of a theoretical account of the agent's problem, we cannot even say whether or not there is such a connection.

It should not be thought that my interest in the problem of the agent is tantamount to taking the perspective of the agent in this thesis. Rather, my perspective throughout is analogous to that of
a participant who does not understand the game she (and others) try to play, and becomes a spectator just long enough to learn what kind of game it is, but not long enough to be able to articulate all the rules. Thus I approach the problem of the moral agent as a moral critic.

I differ in approach from other moral critics, however, because I do not assume that all moral thinking is moral justification. That the same choices can be justified in different ways, that justifiable choices can be made in different ways, that choices can be made instantly, with no time for justifying, and that reasons for choice may or may not correspond to something actually done in the decision making process all suggest that decision making and justifying choices differ.

Seeking the limiting case, I have limited my examination to choices which are such that neither agent nor critic can discover a clear cut moral obligation; for these, I believe that it is possible for agents to reasonably choose and critics to justify alternatives which are not strictly justifiable on moral grounds. The point of this thesis is to show what such decision making and (to a lesser extent) what such justification involves.

My analysis of the moral agent's problem, extrapolated from analyses of simpler, non-moral decision problems, is based on the kind of judgment an agent must make when deciding between two alternatives--a judgment of comparative worth (A is better than B). When an agent is faced with a dilemma, such judgments are arrived at by
assessing the relative differences between the values of the alternatives. This I call 'bargaining'. It is a 'bargaining' model of the better/worse ranking of alternatives in situations of moral dilemma that I will work out in this thesis.

Devising such a model is important not only because it gives us a way to understand difficult choice in a different way than we understand rational inference or sound argumentation, but also because the model is economical and fruitful theoretically, and is neutral with respect to many controversial issues in normative ethics. Based on the notions of comparative and relative value, it also makes interesting and novel use of the related concepts of axiology and of decision theory.

Because decision theory also concerns rational decision making, and because I have borrowed some decision-theoretic terminology ('multiattribute alternatives', 'rank-ordering'), it might mistakenly be thought that this is a thesis in decision theory.

Decision theorists do model the decision making process, for example, in nets or in trees; but they do so in order to devise a method for selecting an alternative "optimally"—that is, consistently with one's preferences, whatever these may be, and however unjustifiable they may be. Selection is usually from a specified "choice set", consisting of objects rather than actions, or made under gambling conditions independently of moral grounds for choosing.

The problems of the decision theorist include: the quantification of subjective utilities (in order to test predictive models),
accounting for deviations from these encountered under experimental conditions, and, ultimately, devising the best choice theory. In short, the decision theorist, like the normative ethicist, is concerned with how we ought to decide.

I depart from decision theory because I do not invent or evaluate strategies for deciding, and because I make no recommendations about how to proceed in making a decision. I am not interested in devising a "decision procedure for ethics" even though I want to explain how we can understand a rational resolution of a moral dilemma.

For the same reason, my work is not in the general area of normative ethics. Normative ethics is concerned with what ought to be valued, and with what ought to be done. It is sometimes said that the normative ethicist uses, rather than mentions, moral terms to actually make moral judgments or tell us how to arrive at them. Because I do not use moral terms for these purposes, my work is not in the general area of normative ethics. My work is, rather, in the general area of critical or meta-ethics.

In all of its functions, critical ethics is parasitic upon normative ethics. If agents never made moral assertions, critics could not determine what kinds of propositions they express; if agents never disagreed about moral matters, critics could not inquire into the foundations of moral knowledge; if agents never deliberated about moral matters, critics could not determine the nature and limitations of such reasoning.

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It is, in fact, under these three headings—the concern with moral language, the concern with moral knowledge and the concern with moral reasoning—that the functions of critical ethics can be subsumed. It is into the third area of critical ethics that this thesis is intended to fall, even though my concern is with the problem of the agent, and my language the language of decision making.

I am fortunate that we can speak of moral decisions as decisions without having to employ the technical terminology of moral philosophy. Although I assume the role of the critic myself, I can avoid many of the complicated trappings of ethics by using the language of decision theory instead. Because of the enormous complexity of moral philosophy, the abundance of literature devoted to the same issues, and the corresponding difficulty of using moral terms profitably to clarify moral issues, and because attempts to address problems in one area using the language and categories of another tend to be fruitful, I feel the attempt to understand the moral agent's problem as decision making is justified.

The language of moral obligation along with its vocabulary of 'rights', 'duties', 'permissions', 'commands'—in short, the "deontic code"—turns out not to be of central importance in discussing the agent's point of view. Insofar as I proceed without it, my thesis is self-illustrating. But just because I minimize the importance of 'shoulds' and 'oughts' in modelling the agent's problem, it must not be concluded that, like the utilitarians, I think that its resolution essentially involves the calculating of goods either.
It is not the distinction between right and wrong or between good and bad, but between better and worse which is fundamental to my model of choice.

My ultimate purpose is to show how it is possible to make, to understand and to justify choices in situations of dilemma. In the first chapter, I set several restrictions on my inquiry--to choices between two alternatives, to choices between individual actions, to choices made under conditions of conflict, to choices at the stage where alternatives are judged as better and worse. I introduce the terminology of 'multiattribute alternatives' and 'rank ordering,' and specify what I mean by a moral dilemma.

In the second chapter, I introduce the machinery of comparative and relative evaluation and discuss the relation of 'better than' in some detail. My purpose is to show that the comparative concepts of better and worse and not those of good and bad or right and wrong are appropriate for understanding the ranking of multiattribute alternatives, and that only making a certain kind of relative value judgment is tantamount to resolving a dilemma.

In the third chapter, I introduce the bargaining model of the ranking of multiattribute alternatives, a model constructed with the ethically neutral categories of 'alternatives', 'preferences', 'criteria for choosing' and 'attributes of alternatives'. I begin by analyzing simple, non-moral cases and extrapolate to more complicated moral ones. My argument is that moral dilemmas, because they are dilemmas, can be understood in the same way as non-moral ones.
In the fourth chapter, I attempt to justify the introduction of the bargaining model. I discuss the sense in which bargaining is a model, and show how it accounts both for how we rank multiattribute comparables and incomparables as alternatives. My purpose is to show the usefulness of the bargaining model in explaining how we can reasonably choose between 'apples and oranges' and in suggesting a taxonomy for moral decision problems.

In the fifth chapter, I discuss the implications of the bargaining model for moral criticism. I show that it suggests how we ought to justify a multiattribute choice, what well-formed reasons for such choices are like, and why bargaining is neutral vis à vis normative ethical theories. I also show the sense in which multi-attribute choices are and are not universalizable and what, in general, makes them rational. I conclude by discussing some specific differences between agents and critics in some detail.

Finally, I conclude by anticipating and attempting to meet criticisms which could be put to my view—that it makes decision making sound too easy, that it implies that there is always a satisfactory resolution of a moral dilemma, that I do not provide ways to distinguish genuine dilemmas from apparent ones and that there are in fact, no genuine moral dilemmas as I construe them.

Although there has been work done at the interface of ethics and decision theory (Jeffrey, Hempel, Levy, Churchman and others), and work in which it has been argued that the perspectives of agent and critic are different or the same (Hampshire, Paul Taylor,
Richard Taylor, Kupperman, Winch, Atwell, Beck and others), and although how we ought to decide is widely discussed both in ethics and in decision theory, an analysis of the moral agent's problem as decision making has not, to my knowledge, been attempted.

Philosophers are not wholly unaware of the need for such an analysis. Nagel, for example, says:

"What we need most is a method for breaking up or analyzing practical problems to say what evaluative principles apply and how. This is not a method of decision. Perhaps in special cases it would yield a decision, but more usually it would simply indicate the points at which different kinds of ethical considerations needed to be introduced to supply the basis of a responsible and intelligent decision."

It is Nagel's view that good judgment can "take up the slack that remains beyond the limits of rational argument." I believe that the kind of judgment an agent makes is a clue to understanding difficult decision making and its rationality. Although in analyzing such judgment I reveal a new basis for rational argument, my concern is first and foremost with the problem of the agent. With Kupperman, I agree that "the preoccupation of philosophy with justification at the expense of heuristics is unfortunate." In this thesis, I am "preoccupied" with the latter.
FOOTNOTES

1. In "The Twilight of Physical Descriptions and the Ascent of Normative Models," Skolimowski says that a model can be "implicitly normative" if its conclusions "point to certain goals." Because one goal of introducing a model for decision making is suggesting criteria on the basis of which resolutions can be evaluated, such a model is implicitly normative. Page 110.

2. Nagel, for example, says in Mortal Questions that in a "genuine dilemma" "...either choice will mean acting against some reasons without being able to claim that they are outweighed." Page 129.


4. For example, by Stuart Hampshire, as quoted by Daniel Taylor in his "Discussion" of Hampshire's "Fallacies in Moral Philosophy," Mind, vol. 60, no. 240, 1951, pages 521-525.


7. Strictly, 'bargaining' is the name for a model of ranking alternatives by making comparative and relative evaluations. I also use the term, loosely, as elliptical for 'the evaluative activities of agents who try to resolve their dilemmas.'

8. It should be noted that I use the expression 'moral reasoning' here very loosely, and do not intend reasoning consciously from principles, reasoning from moral principles, deductive reasoning, or even simply inferential thought. Strictly speaking, my datum is decision making qua activity which involves thinking about which alternative is better to do.

"Principles whatever their logical base are valid over a certain limited range. When pushed toward their limit they tend to conflict with one another and become absurd."

--Morison

"Now a human caught in an impossibility often responds by a retreat from reality...It all comes to the same thing—a refusal or inability to face the situation squarely. And so, the robot. A dilemma at its best will disorder half its relays; and at worst it will burn out every positronic brain path past repair."

--Asimov
CHAPTER ONE

INTRODUCTION

Simple decisions are very common; they are so common that often we do not recognize them as such; they do not hold up the traffic of our lives. "Painful hesitation and doubt," on the other hand, characterize higher level decisions: the more complex the problem, the less immediate and intuitive the response. Such higher level decisions halt action and require thought before action can be resumed or initiated. All decisions we consciously--often self-consciously--think through are higher level ones. Although not all higher level decisions are moral ones, all moral choices are higher level decisions.

In this chapter, my purpose is to explain what I mean by a moral dilemma, and to make it very clear that I am not offering an account of moral deliberation as a whole. My objective, much more modest, is to explain how we ought to understand the determinate problem of the moral agent at one particular stage of deliberation and for a particular kind of moral decision problem. Specifically, I will limit myself to the agent's ranking of multiattribute moral alternatives. In this chapter, I explain what this means.
In order to make it clear what I mean by a moral dilemma, I shall first show the sense of decision that I intend. In what follows, I provide several restrictions and limitations.

First, I limit the discussion to decisions in the sense of choosing an alternative. I will not consider other senses of decision like 'resolving' (to finally get up in the morning') or 'settling' (an issue for once and for all). By 'decides', 'making a decision', 'making a choice' and so forth, I mean only choosing one thing rather than another.

Simply acting under conditions of choice is not the same as making a choice; but even if we think a problem through, fully aware that we are at a "decision point," we do not make a decision unless we choose on the basis of some difference between our alternatives: otherwise our action is arbitrary. It is, indeed, only because some difference between our alternatives makes a difference to us that we choose one thing rather than another and hence make a decision.

It is also because of such a difference that we could give a reason for our choice if asked why we chose what we did. The difference between alternatives which could be invoked to justify a choice can be as minimal as a subjective inclination (simply liking one of two things better) or, for higher level decisions, objective differences, that is, properties or "attributes" of the alternatives themselves.
With the decision theorists, I believe that choice between alternatives can appropriately be called "preferential" choice--choice made on the basis of desiderata. The higher level decisions which interest me are not, however, made on the basis of any desiderata: they are made only on the basis of attributes of alternatives, and not on the basis of subjective impressions or inclinations only. About subjective or "pure" preferences, von Wright\(^2\) says:

"It could, however, also be the case that a person prefers claret to hock not because he thinks (opines) that the first wine is better for him, but simply because he likes it better (more). Then his liking the one wine better is not a reason for his preference. It is therefore not, strictly speaking, correct to say that he prefers the one because he likes it better. That he likes it better and that he prefers it amount to the same thing."

Although a pure preference--a preference for which there is no reason--could be invoked as a reason for a lower level choice, for the decisions I consider, reasons for our preferences could be given when we are asked to justify our choice. There are reasons, in other words, for our preferences for all higher level choices.

My third limitation is to decisions involving only two alternatives ("pairwise choices"). This does not mean that I disagree with philosophers like Brody,\(^3\) who believe that decision making typically involves choosing among many alternatives, or with decision theorists who, in advocating an "optimizing" rather than a "satisfying" model of decision making\(^4\) tell us to exhaust all the possibilities before making a choice. Deliberation as a whole might involve generating as many alternatives as possible; but eventually
agents are faced with an either/or choice—to do, or not to do something. Thus the claim that deliberation, ideally, should include consideration of all possible alternatives and the claim that decision makers must choose one thing rather than another are compatible.

It must not be thought that when I claim that decisions ultimately involve either/or choices that I disagree with economists, like Deisling, or with sociologists, like Lindbloom, who think that decision making should be understood not as choice between or among alternatives but as the gradual inventing of a solution "incrementally" out of almost endless seeming possibilities. Granted that there are some decisions, especially those of public policy which are such that agents do not begin with discrete alternatives, but must invent a course of action, my concern is only with cases in which agents choose between alternatives. Even though decisions of public policy (if they are between two distinct policies) might be understood in the same way as those of individual actions, I also limit myself to the latter because it has been argued—for example, by Toulmin—that decisions between policies and actions significantly differ. Toulmin distinguishes decisions of "individual actions" and those of "social practices," and argues that the "moral reasoning" is different in each. If there is indeed a difference between how agents make each kind of decision, then it is especially important to point out that I will be examining decisions of individual action only.
Decisions whose alternatives are actions rather than policies are decisions to do one thing rather than another. Broadly construed, agents can:

1. choose to do one thing rather than another.
2. choose to do one thing rather than not doing it.
3. refrain from doing something rather than doing it.
4. refrain from doing one thing rather than refrain from doing another.

Limiting myself to alternatives which are actions also places beyond the range of my inquiry decisions whose alternatives are principles or ideals. Sometimes the particulars involved in a situation of choice force us to question rules and values we have lived by. We may have to decide whether they are good standards, or whether we still want to be guided by them. A woman may believe that abortion is morally wrong, but when pregnant, find herself reevaluating her principles, deciding whether they are really good ones, whether they really apply to her case, whether to continue to live by them, or to abandon or modify them. Such existential decisions involve the commitment to or rejection of principles. Agents often do this during their deliberations, but the decisions which interest me are decisions remaining after such thinking is done. Although agents may of course refer to principles to think about their choices, the principles themselves are not the alternatives of the choice.
MORAL DECISIONS

My next restriction is to the thinking of "morally serious agents." The criteria for such agents are similar to, although less stringent than, Rawl's criteria for "competent moral judges" in whose considered opinions he believes the principles of justice implicitly lie. At best, a morally serious agent is objective, fair, empathetic and reasonable about the weight of his interests and the interests of others. At the least, such agents try to do the morally best thing.

Such agents, moreover, make the prior decision to make a moral choice rather than a non-moral one (one of prudence, economics, expediency and so forth). The restriction to morally serious agents also restricts me to moral decisions—not because I take a moral decision to be any decision a moral agent makes, but because moral agents use moral criteria to make decisions, and moral decisions are decisions we make using moral criteria.

Strictly speaking, there are two kinds of moral choices made with reference to moral criteria. One is a choice between moral and prudential alternatives—decided in favor of the moral. Sometimes, for example, we hesitate, wanting the best for ourselves and wanting the best for all concerned, and do what benefits all. At other times, we must choose between alternatives each of which is, in some sense, morally good or right (or morally bad or wrong). It is only moral choices of the second kind which interest me. Such choices do not involve conflict between moral and prudential
considerations, but conflict between different kinds of moral con-

MULTIATTRIBUTE ALTERNATIVES

When there is conflict, alternatives can be called 'multiattribute'--not good (or bad) in every respect. By a 'multiattribute alternative' I mean one which is in one sense desirable and in another undesirable because there are two (or more) ways of choosing between alternatives. When multiattribute alternatives are moral ones, each alternative can be seen as desirable (because right or good with respect to one moral principle) and undesirable (because bad or wrong with respect to another). The problem which interests me arises when agents cannot mediate between the principles which conflict and wish to respect them both.

For example, if one alternative is to abort a severely deformed and retarded human fetus and the other is to carry it to term, aborting the fetus could be considered wrong as an act of taking a human life, but right as an act of preventing suffering and a life of total dependence. On the other hand, carrying the fetus to term may be considered right as an act of compassion and unselfishness, but wrong as an act which increases the amount of pain in the world.

When agents are confronted with alternatives which are both good and bad in different respects, they are forced to consider them given conflicting criteria for choosing. For example, a sur-

geon may have to choose between administering a potent but somewhat harmful drug or a safer but milder one to an acutely suffering
patient. Each alternative--giving the potent/dangerous drug or the mild/safe painkiller--exhibits two attributes--its effectiveness and its risk. Corresponding to these attributes are two criteria for selection--relief for pain and safety of the medication.

MORAL DILEMMAS

Whenever alternatives are multiattribute, there are conflicting criteria for choosing between them--ideals, standards or principles which cannot be satisfied jointly by either alternative. Such dilemmas, or decision problems created by two conflicting 'lemmas,' are not exactly the same as what psychologists call 'approach/approach,' 'avoid/avoid' or 'approach/avoid' conflicts. This is because these can arise when our attitudes conflict--whether or not some rules or principles conflict. In a psychological conflict, the agent wants or does not want two things at once, or wants two things when it is possible to have only one. Moral dilemmas are created not simply by conflicting wants, but by wishing to respect conflicting moral demands which cannot be met by either alternative.

A moral dilemma is a situation of choice such that neither alternative satisfies the demands of each relevant moral norm. I distinguish a weak and a strong sense of moral dilemma. In the weak sense, an agent does not know how to rank alternatives because he cannot find a source of moral obligation according to which one and only one alternative is morally right to do. This is a weak sense because it is possible that such an obligation could be found--either by ranking the principles the agent accepts in the order of
their importance or by discovering a higher order principle of moral obligation according to which one and only one alternative is obligatory to do. When a dilemma in this sense is resolved, it is resolved by finding a principle of moral obligation.

In the strong sense, the sense which interests me, a moral dilemma is a situation of choice such that the ranking of rules is not sufficient to determine a clear cut obligation, and where no higher order principle for obligation can be found. It is sometimes said, for example, by Marcus, that in such cases there is always an action which the agent ought to do but fails to do. These situations are true moral surds because they are situations for which no one moral answer can be given to the question of what one ought to do. I assume the existence of such cases, and show in a later chapter why making reference to a principle of moral obligation cannot help agents faced with certain kinds of problems. I also assume, however, that such cases can be decided or resolved, even though they do not admit of a specifically moral solution. That and how they can be, I believe, is of great importance for moral philosophy.

Not all difficult decisions are difficult because they are dilemmas. Some, as I suggested earlier, are difficult because of our attitudes: we may have "pure preferences" for incompatible alternatives. Other decisions are difficult because there are so many attributes to consider—even when these attributes are all the same kind of thing (like monetary costs) and the criterion for choosing is the single standard of cost-economy. In the absence of
conflicting criteria for choosing, the hard work for these decision problems is essential combinatorial. This kind of work is different from the kind of work which I examine as the decision maker's task, that is, resolving conflict for a multiattribute moral decision problem or moral dilemma.

I agree with Dewey\textsuperscript{12} that:

"The occasion of deliberation is an excess of preferences...We want things that are incompatible with each other; therefore, we have to make a choice of what we really want...Choice is not the emergence of preference out of indifference. It is the emergence of a unified preference out of competing preferences."

But I go beyond asserting that agents must unify their preferences in situations of conflict. I work out, in addition, how this is done--not for cases of mere psychological conflict, but in situations of genuine dilemma. How we should understand the agent's arriving at a better/worse judgment about pairwise alternatives under conditions of conflicting moral criteria for deciding between them is the heart of this thesis.

The activity of arriving at better/worse judgments about alternatives is usually called 'ranking' or 'rank ordering.' My final restriction is to that stage of deliberation at which better/worse judgments about alternatives are made. In what follows, I shall explain this part of deliberation in more detail.
MORAL DELIBERATION

By 'deliberation,' I mean all of those processes of thought which intervene from perplexity about what to do to doing something. The ranking of alternatives is the last thing an agent does (cognitively) before acting. Judging alternatives to be better and worse thus is not the final stage of deliberation: acting is. Because I am limiting my inquiry only to the ranking of multiattribute alternatives, it should be clear that I am not interested in the agent's problems as they arise during other stages of deliberation. I will specify some of the problems I will not consider before exploring the problem of rank ordering in more detail.

The multitude of theories put forth in both ethics and decision theory reflects, I believe, the complexity of deliberation as a whole and the many kinds of "decision factors" whose consideration complicates it. These factors are often called 'means,' 'ends,' 'probabilities' and 'values.'

Means are alternatives which can be chosen. Ends are the consequences or 'outcomes' of these. Their probability of occurring is what agents have reason to believe will happen if a particular action is done. Value is the desirability of an alternative and may be determined by criteria such as monetary cost, practical feasibility, marketability, aesthetic merit, compatibility with a principle or rule, consonance with our self image, consistency with our preferences, or approximation to some exemplar or ideal.
What complicates deliberation as a whole is encountering difficulty in each of these areas. Generation of alternatives may require research, collecting data or seeking advice. "Thought experiments"—imaginative "dramatic rehearsals" of the future—may turn a fanciful idea into a genuine option. At this stage of deliberation, we may need to call in experts or engage in "brainstorming" sessions, for some decisions, as Aristotle says, are too important to make alone. 14

At the next stage, we may have difficulty predicting the outcomes of the alternatives we have generated because the future is uncertain. By analogy or by other forms of induction we can predict these to some extent. Our ability to do so is enhanced by the knowledge we have of ourselves, the world and of other people and is sharpened by our imaginative, empathetic and analysis capacities for these enable us to envision 'possible futures.'

Studying precedents, comparing our decisions with similar cases, or analyzing the best and worst decisions we have ever made improve our predictive prowess. Brody suggests that one "fallacy" of the agent's thinking is amplifying low probabilities of great harms or benefits. 15 Devices provided by mathematical decision theory, such as matrices or flow charts sometimes help agents see the probabilities of certain consequences more clearly.

After "surveying the facts," agents "weigh the pros and cons" for each alternative. Priorities must be determined and ranked, and values assigned to alternatives. This requires clarifying objectives and subgoals—activities which might be facilitated by
value clarification exercises and analyses of our preferences. We may decide that we desire only an alternative with no irreversible consequences--one which leaves most doors open for future actions consistently with a rule like minimax which enjoins us to minimize or maximum loss--or we may want to take a great risk if the stakes are high enough.

There is, unfortunately, no definitive way to weigh the pros and cons for each alternative; as Aristotle warns us, "We should not look for precision in all things alike."16 Normative ethics and decision theory offer some methods, but these can result in inconsistent or conflicting recommendations about how to evaluate alternatives. Some schemes tell agents to regard only the consequences of their actions, and then sometimes only one kind of consequence such as pleasure, happiness or economic gain. Sometimes agents are encouraged to evaluate alternatives only with regard to the kinds of actions they are.

Whether kinds of actions or their consequences or both are considered, agents still must sort through the multitude of 'what ifs' and 'on the other hands...' which sprinkle the thinking of the serious decision maker. What is at issue are the cases which can be made for and against each alternative--cases which Baier calls "consideration making beliefs."17 These can be reasons, arguments or justifications for doing or not doing each alternative.

To come up with these, agents may have to discover the general issues which bear on their particular cases and see each alternative in light of some abstract principle they hold. Some agents
may try to deduce the rightness of a particular action, choosing on the basis of an argument whose major premise is a principle or rule they accept. Agents might discover a maxim or rule implicit in a contemplated course of action and determine its worth, if universalized, or the consequences of its general acceptance. Alternately, agents may try to compare the consequences of each alternative in terms of some good, like happiness, or they may try to imagine the kind of person they would become by making a certain kind of choice, or the kind of world it would tend to create.

It is impossible to deny the enormous complexity of the decision making process as a whole. Arriving at a decision involves the interplay of many processes, and the consideration of many kinds of factors. Inductive and deductive inferences are supplemented by empathy, imagination and insight; not only outcomes and probabilities, but also self image, world view and interpersonal commitments form the content of any decision problem. It is widely known, moreover, that creative activity can be done at the sub-conscious or pre-conscious level; insofar as solving a decision problem involves creative work, it is reasonable to assume that some work is accomplished at these levels. That is why we must sometimes "sleep on it" to get a fresh perspective on a decision problem.

Given the complexity of deliberation, trying to account for the agent's problem as a whole is a task approaching the impossible. Explaining the agent's problem at just one stage and for a particular kind of decision problem is, on the other hand, possible. I will now make this kind of problem more clear.
Sometimes after agents do all the work of deliberation, it is apparent to them which alternative is best to choose. But sometimes, more often than moral philosophers seem to admit, they generate alternatives, gather all the data, clarify their objectives, weigh the pros and cons--and still remain uncertain about what to do. What Eggerman calls "intuitive perplexity" sometimes remains after a lengthy deliberation is done.

The decision problem which remains at this stage is often a true dilemma, a choice which is problematical because two principles cannot be satisfied at once. The decision problem I will analyze is the ranking of alternatives for such a problem.

**RANKING MULTIATTRIBUTE ALTERNATIVES**

What is involved in ranking such multiattribute alternatives as better and worse is not determining what one is good and one bad, or that one is right and the other wrong, for each is in some sense right or good or wrong or bad. Struhl and Struhl say of such conflicts:

"In other words, moral dilemmas arise because we find ourselves faced, not with clear cut choices between good and bad (no problem there--choose the good!), but between competing goods and bads, between competing standards of value, between competing obligations, between competing loyalties. What if someone must be hurt? What if helping one person requires that I not help someone else? What if saving the lives of many persons requires the commission of an act usually understood to be profoundly immoral? What if loyalty to a friend, to a country, religion, ethnic group or family, conflicts with some principle of justice? What if the rights of the individual conflict with the overall welfare of the society?"
"What seems right from one perspective seems wrong from another. And our intuitions push us to adopt both perspectives simultaneously."

What is involved in ranking alternatives in such situations of moral dilemma is evaluating them as relatively better and worse. I shall devote the remainder of this chapter explaining rank ordering in more detail.

Baier makes several useful distinctions which I represent schematically below:

Non-evaluative ordering, such as classification or sorting according to criteria, can be done on the basis of properties which are evaluatively neutral. Speed, for example, could be a desideratum for a runner or for a race car, but it could also be, non-evaluatively, a way to classify things without a preference for how fast they can go. Arranging things in some order is often done using several such criteria. A craftsman, for example, may want to pair stones from the tumbler for jewelry making. Factors like particular shapes, sizes, colors and patterns, none desired over any other individually, are used to place the unsorted material into matched sets.
Appraising, on the other hand, is done on the basis of qualities we want in things--qualities Baier calls 'evaluative properties.' A property is evaluative if it is some feature desired in a thing. Evaluation or appraising (ascertaining the evaluative properties of things) is ordering on the basis of desiderata.

Not any kind of evaluation, however, is involved in judging which of two alternatives is better. The evaluative activity is not grading but ranking only. While grading consists of placing items into classes which may themselves be ranked (ordered in a linear fashion such that one and only one is highest or on top), ranking is itself the establishing of the better/worse relationship between things. Miller uses the terms 'ranking,' and 'qualitative linear ordering' interchangeably. He says:

"It is only by means of qualitative linear ordering that we can say meaningfully of items that they are significant or insignificant, divine or corrupt, good or bad, beautiful or ugly."

That is to say, it is only by making comparative value judgments of better and worse that we can rank things.

Baier distinguishes the evaluative activities of grading and ranking with reference to the way the relative positions of things are determined. When we grade, we order things with reference to a "pre-existing and relatively fixed place list." When we rank, on the other hand, we assign each of a given set of things to a place in a hierarchy on the basis of the greater or lesser extent to which they satisfy a given set of criteria. Each ranking is a "self-contained competition" in which things are compared to each
other with respect to criteria.  

THE AGENT'S TASK

The specific problem I examine as the decision maker's task is arriving at a better/worse judgment about multiattribute alternatives. In such cases, the criteria with reference to which better/worse judgments about alternatives are made conflict. The question is how an agent can rank alternatives under conditions such that conflicting moral criteria for choosing cannot be arbitrated by making reference to any moral principle of obligation. The problem of the moral agent in such circumstances is a genuine moral dilemma.

Brody says of such decisions:

"Another type of ethical conflict arises when one choice is 'better' and the other 'worse.' This type of decision becomes progressively harder to make as the determination of which is 'better' and which is 'worse' becomes more indistinct. This is especially true where the units of value are very different: is a job that pays 30,000 and entails considerable aggravation 'better or worse' than one which pays 15,000 and offers peace of mind? Most ethical dilemmas fall into this category."

Because the notions of better and worse are relative, the notion of relative value and relative value judgments are central to the way in which I understand the ranking of multiattribute moral alternatives. This is not to say that I believe that deciding in situations of moral dilemma is a matter of subjective inclination only, or that there is no way to say that one resolution of a dilemma is better or worse than another. To judge an alternative as better
than another is relativistic not because there are no objective standards, but because better and worse are relative concepts. By working out a way to understand how multiattribute decisions are possible, I apply one notion of relativity to ethics without arguing for or implying ethical relativism. This is because although I make ranking in situations of moral dilemma relative to the agent's preferences, I require that these preferences be both morally justifiable and for attributes of alternatives picked out by making reference to the moral criteria which, by conflicting, create the dilemma in the first place. Indeed, without these two restrictions, agents faced with a dilemma do not make a moral (as opposed to prudential) choice at all. In addition, I do believe that there is an objective standard for determining that a multiattribute choice is good or bad; I only deny that such a standard is a specifically moral one.

Although I also allow that there are what we might call 'multi-lemmas,' or situations of choice in which more than two principles conflict, I believe these can be handled in much the same way as situations of dilemma. This is because the agent's ultimate problem is to do or not to do something--an either/or choice--and because principles can be grouped, clustered or, as decision theorists say, "packaged" on either side of the choice. In such cases, although there are not, strictly speaking, just two principles involved, there are just two ways of deciding--the principles which cover one choice and the principles which cover the other.
To summarize, the problem of the agent is to do one thing rather than another. This involves judging that one thing is better to do than another. Judgments of the form A is better than B require the use of criteria: things are better than others in some respect(s). The criteria used to make better/worse judgments in situations of moral dilemma are moral criteria or moral norms. In the next chapter, I explore the relation of better and worse in more detail and show why the use of moral norms as standards for evaluation is central to my bargaining model of multiattribute choice.
FOOTNOTES


9. I also limit myself to the decision making of a single agent for the agent's own decision problem. Thus I do not consider cases of moral disagreement between agents or critics; but even though I examine only the problem of a decision maker divided in himself, the implication is that two or more persons who disagree could structure their problem and understand its resolution in the same terms.

10. Rawls, John, "Outline of a Decision Procedure for Ethics," Philosophy Review, vol. 60, April 1951, page 178ff. The criteria are: Intelligence, knowledge of the world, being reasonable, not being swayed by one's own opinions, a sympathetic understanding of human interests, and a knowledge of one's own emotions.


"Moral: The more you pile up ethical principles and duties and obligations to bring everyone in line, the more you gather loot for a thief like Khang. By ethical argument and moral principle the greatest crimes are eventually shown to have been necessary, and, in fact, a signal benefit to mankind."

--Chang tzu

"A so-called good to which we succumb loses its ethical character. Every form of addiction is bad, no matter whether the narcotic be alcohol or morphine or idealism."

--Jung
Both rules of conduct and standards for evaluation are kinds of norms. The first is normative for what we ought to do, the second, for what ought to be. The traditional division of normative ethics into theories of obligation and theories of value reflects this distinction. The term 'norm,' however, is sometimes used only in the first sense, as though all normative discourse were also deontic (about what we ought or ought not do). My claim is that agents faced with moral dilemmas use moral norms only as standards for evaluation (and not as norms for obligation) in the actual ranking of alternatives as better and worse.

Evaluation is essential to bargaining, but bargaining is not a matter of simple evaluation (determining that something is good or bad), and the judgment agents must make to resolve a moral dilemma is not a simple value judgment. (Neither is it a judgment about rightness or obligatoriness—as I shall show later in the chapter.) The agent's task when faced with a moral dilemma is not to discover what is right or what is good but what is better to do: the concepts of comparative and relative evaluation are the core of the bargaining model.
In this chapter, I discuss comparative and relative evaluations and judgments and the relation of better than in more detail. My argument is that making a relative value judgment is sufficient for the ranking of multiattribute alternatives, and that neither judgments about rightness nor about goodness are sufficient.

EVALUATION

The following schematic representation sets out some of the key terms of the discussion:
SIMPLE
Simple value judgment
'war is bad'
one term, one value predicate

INTRA CLASS
'comparables'
("apples to apples")
same kind of criteria
appropriate to evaluate each thing compared

EVALUATION

STANDARDS FOR EVALUATION

Moral
Non-moral

INTER CLASS
'incomparables'
("apples to oranges")
different kinds of criteria appropriately evaluate each thing compared

JUDGMENTS OF COMPARATIVE WORTH

COMPARATIVE VALUE JUDGMENT
A is better than B
single criterion for comparison
hence A and B are in same class
of comparison and judgment is intra class
'peace is better than war'
read 'peace makes people happier than war'

COMPARATIVE DEGREE JUDGMENT
A is much better than B
shares rest of features with comparative value judgments

RELATIVE VALUE JUDGMENT
A is better than B
more than one criterion used to compare them
'a tenuous peace is better than a decisive war'
where the criteria may be the humanity of peace and the political effectiveness of war
criteria may or may not be appropriate for evaluating each; hence can be intra or inter class judgments

REDOUCIBLE RELATION
defined in terms of good converse of better is less good then

UNANALYZABLE LOGICAL RELATION
better and worse are logical converses; converse of better is worse
All decision making essentially involves evaluation. This is because evaluation is or has as its end the assigning of worth to something and because we cannot decide without doing this. If we could, we could decide without considering one alternative better than another or others; but to decide, or to make reasoned choices, we must do this. That social scientists use the term 'decision maker' and 'evaluator' interchangeably suggests this conceptual relation.

Evaluation, moreover, always involves the use of one or more standards for evaluation—that on the basis of which we evaluate. Because what distinguishes moral decision making from non-moral decision making is that the standard is a moral criterion or ideal, it follows that moral value standards are essential for moral decision making. That moral agents must arrive at a certain kind of value judgment to resolve moral dilemmas remains to be shown.

**VALUE JUDGMENTS**

If we follow Hare, a complete analysis of a value judgment unpacks into four categories—the meaning of a value term, its criteria, good making characteristics of things, and the class in which things are compared.

The meaning of a value term (for Hare) is its commending function: the criteria are standards for evaluation implicitly referred to when we apply a value term in a particular instance; good making characteristics are properties (or attributes) of things in virtue of which they satisfy these criteria or measure up to standards;
the class of comparison includes the kinds of things to which these value standards apply. Classes or categories I take to comprise things we evaluate using the same kinds of criteria. Things we evaluate satisfy these criteria in varying degrees: some come closer, in virtue to their properties, to approximating ideals than others. In addition, there are very different standards for evaluating different kinds of things—a painting, a painter, an automobile, a European vacation, an idea.

"It is of the essence of a standard to be stable," says Hare in his discussion of "Good." Although what approximates a standard does so in varying degrees—more or less convenient, practical, safe, easy, honest, just, compassionate, merciful—the standard remains stable for the purpose of comparison.

Let us say, for example, that we value large size: largeness is taken as a criterion for evaluating things. Things are judged to be large or small relative to this standard, but the standard is not something which admits of degrees. (We may, of course, specify the standard in different ways—'larger than a man' or 'larger than a galaxy'—but once it is set it is stable for the purpose of comparison.)

It is my view that actions can be, in virtue of their properties, relatively just or unjust, truthful or deceptive, compassionate or unkind, and that moral standards for comparing actions are normative in the same way as any other standards for evaluation are. When agents are faced with a moral dilemma, they do not resolve it by appealing to some one principle or value standard: they resolve
it by using moral value standards together in a certain way.

Paul Taylor\textsuperscript{3} summarizes Hare's view of a value judgment as the commending of an object because it has the good making characteristics which let it fulfill, in certain degrees, and in comparison with other members of the same class, criteria accepted as standards for evaluating members of that class.

With some modifications, I agree with what Hare says. I differ from him because I take the assigning of worth, and not commending, to be the function of a value judgment, and because I do not restrict value judgments to members of a single class of comparison.

When we ask what makes something good, we are asking for appropriate good-making characteristics for some member of a certain class of comparison. For example, what makes something a good pet are certain characteristics which approximates ideals like docility, cleanliness, and tractability. An animal which has a calm temperament, is easily house broken and which is easily trained is a good pet.

But when we ask what makes something better than another, we may be asking what makes one member of a class of comparison better or we may be asking what makes things in different reference classes better and worse. The latter sort of comparative judgment can be made when we compare alternatives very different from each other.

We may, on one hand, judge that an animal which is nervous, messy and unteachable is a worse pet than one which has the attributes which meet the standard. Alternatively, we may judge that having a pet (for companionship) is better or worse than having
money in the bank (for financial security). Here the value standards are for different kinds of things. Whether we assert that something is a good (or bad) member of a class, better (or worse) than another member of a class, or that something is better (or worse) than something whose good-making characteristics fall into a different class, we are making a kind of value judgment.

Simple value judgments are judgments we make about members of the same reference class ("intra-class"). The criteria used for evaluation are appropriate for making judgments about any members of that class. Simple value judgments like 'murder is bad' or 'war is a terrible thing' contain one subject term and a value predicate. Although we always make comparisons indirectly when we evaluate, I call such judgments 'simple' because there is only one thing overtly evaluated. Judgments like 'psychological experiments on animals are inhumane,' 'child prostitution is deplorable,' 'to withhold information from a patient to obtain consent is inexcusable,' 'a nuclear arms freeze would be to everyone's benefit' are all simple value judgments: each has the form 'x is good' or 'x is bad.'

Comparative value judgments or judgments of comparative worth differ from simple ones because the comparison is stated explicitly and is intended as their meaning. Examples of comparative value judgments are: 'losing the hostages is worse than giving in to the terrorists,' 'civil disobedience (while disruptive) is better than obeying the law (to keep order),' 'the act which is hurtful (but honest) is better than the lie told out of compassion,' 'it is worse to tell a black lie than to tell a white one.' All comparative
value judgments, whether about individuals or kinds of things, have the form 'x is better than y' or 'x is worse than y.'

When the alternatives of a choice are 'multiattribute,' that is, each desirable in one respect, but undesirable in another, better/worse judgments about them will make reference to more than one standard for evaluation. When we compare things with reference to only one standard (for example, monetary cost), we also make a comparative value judgment--but not the kind of comparative judgment which interests me in this thesis. Only decisions between multi-attribute alternatives concern me.

When alternatives are multiattribute, comparative value judgments can be either intra-class or inter-class of comparison. The 'bargaining' model of ranking then will be shown to 'work' in either case--as I argue in the fourth chapter. For now it is enough to say that some multiattribute choices involve making better/worse judgments about comparable things ("apples to apples") and some involve comparing "apples or oranges." Although each involves the use of more than one standard for evaluation, for the first, the standards are appropriate for evaluating each thing compared, and, for the second, each standard is appropriate for evaluating only one of the things compared. The better/worse judgments we make about our alternatives do not reveal whether they are intra or inter class comparisons. Only when we know the criteria (standards) involved can we determine this. I expand on this difference and its importance for a taxonomy of moral decision problems in another chapter.
When alternatives are multiattribute, the better/worse value judgments that agents make in ranking them are 'relative value judgments.' They may be either inter- or intra-class, but are distinguishable from comparative value judgments which use one standard of value. Those I call 'comparative' rather than 'relative.' It is my view that when agents make relative value judgments about their multiattribute alternatives they ipso facto resolve their dilemmas.

Agents arrive at such judgments of relative worth—for example, the lie told out of compassion is worse than the truth told out of respect for the autonomy of the patient—by doing what can be understood as making 'comparative degree judgments' with reference to each value standard involved and comparing the 'degrees' with each other. Examples of comparative degree judgments are 'it is much worse to cause pain intentionally than unintentionally,' 'telling the truth is much better than saying what others want to hear,' 'breaking a promise to a friend is only slightly worse than breaking a promise to a stranger.' If, for example, an agent must choose between a compassionate lie and a hurtful truth, what the agent does to rank alternatives (under conditions such that truth and compassion are not themselves ranked as ideals) is to compare how much better (or worse) it is to tell the truth than to lie, and how much better (or worse) it is to spare pain than to cause it in this case. Understanding the agent's problem as the ranking of multiattribute alternatives and as resolvable by making comparative degree judgments and, ultimately, a judgment of the relative value of alternatives,
is the core of the 'bargaining' model which I explain more fully in the next chapter. What I want to do in this chapter is to explore the relation 'better than' in more detail in order to show why I think what the agent does to resolve a moral dilemma must be understood as evaluation (and not as the search for an obligation).

**Better Than**

To say that something is better than another is to say that they are related in a certain way. One logical property of the relation is this: if A is better than B in some respect, then B must be worse than A in that respect. Better and worse are, in other words, logical converses. But unlike other logical converses, such as higher and lower, or more and less, better and worse are evaluative correlatives; what is more (inflation) is not always good or better, and what is lower (taxes) is not always bad or worse. Because what is better is not necessarily a good thing, and because what is worse is not always a bad one (the better can be the lesser of two evils and the worse the lesser of two goods), the relation of better and worse is not always specifiable in terms of the relation between good and bad.

Before expanding this point, a way in which better and worse are can be specified in terms of good and bad must be noted. Von Wright⁴ says this about reading 'better than' as 'more good than':

"'Better' sometimes means the same as 'good in a higher degree.' Then the converse of better is called 'less good' and the converse of 'being worse' is called 'less bad.'"
This reading of better as 'more good than' and worse as 'more bad than' is appropriate only in those instances where either two goods or two bads are compared in virtue of their respective degrees of goodness or badness. If we allow this as a legitimate reading of better and worse, we must be very clear that when we say that something is 'more good' than another what we mean is that there is more of something considered to be good--and not 'more goodness' in it. The better ice cream, for example, is the one with more fresh cream in it, but not the one with more goodness in it--despite what consumers are sometimes told in media commercials. Granted this point, I will later show that this second reading of better and worse is really reducible to the primary meaning of the relation (evaluative logical converses).

For now, what is important is to stress that my concern is only with the better/worse relation between two multiattribute alternatives, and because each of these is always in some sense desirable (good) and in some sense undesirable (bad) determining that one alternative is "more good" than the other is insufficient to rank multiattribute alternatives as better and worse. This is because one alternative (peach royale) could be "more good" with respect to the amount of fresh cream and the other (strawberry swirl) could be "more good" with respect to the amount of fresh fruit. Although comparing the degrees of good and bad turns out to be of great importance in "bargaining," a judgment about an alternative's being more good is not the same as a judgment about a multiattribute alternative's being better.
Throughout this thesis, I will not read 'better' and 'worse' in the second sense but in the first sense only. By 'better' I mean 'approximating an ideal or standard more closely than' and by worse I will mean 'falling more short of an ideal or standard than.' Because a judgment that something is more good than another does not mean that there is more goodness in it, but more of something considered good, it is really the case that what is more good than approximates a standard more closely than what is less good. Thus the first reading, clarified, reduces to the first, and differs from it only that it applies only in cases where either two goods or two bads are compared. When two things each in some sense good and each in some sense bad are compared as better and worse alternatives, the ideal or standard turns out to be that of a "good bargain" or, in other words, the achieving of the highest relative value.

Given that better than is an evaluative relation, we may be tempted to read it as 'more valuable than'; but we should be clear that we do not intend that something has more value in it. This is especially important in ethics, because we do not want a model of choice which rests on a relation presupposing that criteria for comparison are the same as properties or characteristics of things. Language, however, misleads us here, because we say that one action is 'more honest' or 'more just' than another as though it had a greater degree of honesty in it; but what is really the case is that one action more closely approximates the ideal of telling the complete truth than the other.
Hubbeling points out that we sometimes confuse two senses of 'criterion'—one as a characteristic which defines something, the other as a norm—a standard or test for things. The betterness of something is not, like its goodness may be, the amount or presence of some good thing(s), but is the extent to which it satisfies criteria in the sense of norms or standards. When we accept as the fundamental meaning of better and worse the approximating or the falling short of standards, we also accept better and worse for the logical converses they really are, for if the better of two things more closely meets the norm, the worse must meet it less closely.

Accepting this as the fundamental meaning of the relation better and worse is in keeping with what Plato says in the Phaedo—that something is not greater by a head but by greatness itself, for what he intends is not that the greater has more greatness in it (as though greatness were immanent in things) and is greater in virtue of having more, but rather that something is the greater if it meets the standard (or form) for greatness more closely than the other. Thus even if we sometimes read better as 'more good than' (in this case 'more great than') our criterion for comparison is a norm and not a characteristic of something.

One other mistaken notion about the relation between better and worse is that it is the same relation as higher and lower. Things, of course, cannot be judged to be either better and worse or higher and lower without making reference to some standard; just as we cannot judge that one thing is higher than another without making reference to some third point of view, we cannot judge things better
and worse without a standard as a reference point. But although the
two relations share this epistemological feature, the relations are
nevertheless different ones. This is because better than is essen-
tially evaluative and higher than is not.

The reason we are apt to confuse the two is because we sometimes
use the language of higher and lower when we mean better and worse.
That is, we sometimes make the association between what best meets
a standard and what is higher because we tend to think of perfect
things like God or Heaven or Platonic forms as "up," and of bad
things like devils or hell as "below." For these psychological
reasons, we often say one thing but mean another.

Even Timur— with whose reading of 'better than' I am in essen-
tial agreement—says of the relation:

"The idea of one thing being higher than
another cannot be analyzed and is one of
the ultimate forms of thought."

Here he seems to imply that better than is the same relation as
higher than— but it is not. As we saw, lower things can be better
and higher things can be worse.

Although I disagree with Timur's implication that better is
the same as higher, I agree with what he says about the relation
between better and worse. Timur's point is that the relation is
"sui generis"— an irreducible mode of thought consisting of concepts
which like identity and difference, before and after, concave and
convex, are "aspects of the same relation" or, as von Wright says
of them, "interdefinable."
Granted that better and worse are interdefinable, and that better than means closer to a standard and worse means farther from a standard, it remains to spell out the significance of reading better and worse in this way. The significance is this. When we make intra-class comparisons we judge that A is better than B with respect to some one kind of value standard. For example, A may be more beautiful than B because it comes closer to some standard for beautiful things than B does, or A may be safer than B because it fits certain guidelines for safety better than B does. When we make intra-class degree judgments like 'A is much more beautiful' or 'B is much less safe' we are also using one standard (or set of standards) for comparing them.

RELATIVE EVALUATION

But with a relative value judgment, on the other hand, we judge that A is better than B with respect to more than one value standard (or set of standards). Importantly, we cannot do thus unless we make comparative degree judgments in as many classes of comparison as there are relevant value standards. When each alternative is in some sense desirable and in some sense undesirable, we rank them as better and worse by comparing the difference between what can be gained or lost with respect to one standard with the difference between what can be gained and lost with respect to the other standard. If we can determine, say, that the degree of difference in value in one class of comparison is significantly greater than in the other, we can reasonably choose the alternative which is better
over all--the one with the greatest relative value.

Importantly, for a multiattribute moral decision, moral value standards (ideals like justice, truth, benevolence, compassion) are used only in making intra class judgments but not also as standards against which alternatives can be compared as better or worse. The standard against which alternatives are ranked is the ideal of the best bargain or highest relative value. Because relative value is not determined by making reference to just one of the competing moral standards but to the morally neutral standard of the best bargain, for multiattribute moral decision making, the better/worse judgment which ends deliberation about what to do is not made with respect to a moral standard for value at all. Moral decisions, in other words, if they are multiattribute, are not decisions made with reference to a moral norm, even though attributes of alternatives are evaluated only with respect to competing moral criteria.

All of the steps by which agents actually come to judge the degrees of difference between the values of their alternatives is not at issue here. Nor the fact that the move from two or more comparative value judgments to one relative value judgment can be set out as though it were the inferring of a conclusion from two premises. Whether the agent's actual reasoning is deductive or whether the agent intuits differences and relations, is immaterial to the point I am making--that agents cannot rank multiattribute alternatives without doing something which is best understood as arriving at judgment of relative value on the basis of more than one comparative value judgment. My claim is that the language and categories of
comparative evaluation—and relative judgments about what is better and worse—are the appropriate kinds of language, categories and judgments in terms of which we should understand complicated situations of dilemma—moral or otherwise.

In the remainder of this chapter, I shall back this contention by showing why the language and categories of moral obligation are not appropriate for a model of ranking multiattribute moral alternatives. In other words, while I have argued that the evaluative concepts of better and worse (but not of good and bad) are central to my model, I must still show why the concepts of 'right' and 'wrong,' 'obligatory' and 'forbidden' are not central to it. By contrasting the language and categories of obligation with those of evaluation, I can begin to show why this is so.

OBLIGATION

Some classifications of the language of obligation, or "deontic" language include: 8

LANGUAGE OF ACTION (CASTENEDA)

PREScriptions ➔ bits of advice recommendations orders

IMPERATIVES

answer the question "What shall we do"

RESOLUTIVES

answer the question "What shall I do?"

NORMATIVES

answer the question "What ought I/we to do?" contain a term like 'right' or 'ought'
NORMS (VON WRIGHT)

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WITH MINOR CATEGORIES "SHOWING AFFINITIES FOR MORE THAN ONE" MAJOR CATEGORY AND THE CONCEPT OF 'NORM' AS "HETEROGENEOUS" AND "HAVING VAGUE BOUNDARIES"

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PRESCRIPTIVE LANGUAGE (HARE)

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WITH VALUE JUDGMENTS AS "PRESCRIPTIVE" BECAUSE OF THEIR COMMENDING FUNCTION

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NORMS (PAUL TAYLOR)

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<th>RULES OF CONDUCT</th>
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Because judgments about obligation and value judgments differ, and because there are differences between standards and rules, being clear about how moral norms function in multiattribute moral decision making is essential for defending the evaluative basis of my model of choice.
NORMS FOR OBLIGATION

When moral norms tell us what we should do, rather than what should be, they tell us what kinds of actions are right or wrong, prohibited or permissible, obligatory, our right or our duty to do. Thus they provide very general answers to the question, "What ought one to do?".

Following Singer, we can distinguish three kinds of moral norms for obligation--moral rules, principles and laws.

Moral rules, like "it is wrong to take a life," "we should keep our promises," "it isn't right to think only of ourselves," "we ought to be kind to people and animals" tell us what is obligatory or what is wrong; but because they can conflict, they should not be interpreted as absolute or without qualification. According to Singer, the rule is not, "It is always wrong to lie," but "It is generally wrong to lie." Singer says:

"A moral rule states that a certain kind of action is generally wrong (or obligatory) and that an act (or omission) of that kind may be justifiable. Thus moral rules do not hold in all circumstances; they are, not invariant; in a useful legal phrase, they are 'defeasible'."

Although moral rules are not absolute, they are, nevertheless, normative for what we should do because they cannot admit of exceptions or be qualified without a reason: an action of a certain kind is right or wrong unless there is "reason to the contrary." As Kai Neilsen says, "There can be no arbitrary inequalities."
Moral rules can also be stated comparatively; "Killing a man is worse than stealing five dollars from him" is Singer's example. Such rules tell us something about the rank order of our rules of conduct and hence that certain kinds of actions are more important or serious than others. Knowing that it is considered worse to take a life than to break a promise governs our behavior by reminding us of the relative importance of things.

According to Singer, moral principles differ from moral rules in several ways. Because they do not name specific kinds of actions, they are more abstract, and unlike rules, they are not always "relevant," and thus are not supposed to conflict with each other. While a moral rule about lying is only relevant where the truth is at stake, and a moral rule about killing is only relevant where killing is involved, moral principles--because they are so broad--are relevant in any situation. Some of these principles are:

What is right (or wrong) for one person must be right (or wrong) for any similar person in similar circumstances.

If the consequences of a's doing x would be undesirable, then a ought not to do x.

It is always wrong to cause unnecessary suffering.

Any violation of a moral rule must be justified.

The principle behind the rule, according to Singer, is analogous with the intent behind a piece of legislation and provides backing for the rule: sometimes a strict or too literal reading of the rule can go contrary to its purpose and we need to refer to the principle again to know how to apply or interpret it. Moral
principles are, in fact, what the spirit of the law is to the letter of the law. Singer says:

"Moral principles, however, hold in all circumstances and allow of no exceptions; they are invariant with respect to every moral judgment and every moral situation. They are thus indefeasible."

Like moral principles, moral laws admit of no exceptions, and like moral rules, they are not always relevant; they are not as abstract as moral principles, but more binding than moral rules. An example of what Singer things is a moral law is "Wanton cruelty is always wrong." Some ethicists, like Kant, elevate what Singer takes to be moral rules to the status of what he calls 'moral laws'--statements to the effect that certain kinds of actions are not generally, but always, right (or wrong) to do.

**RIGHT AND WRONG**

What moral rules, principles and laws have in common is that they are all norms for obligation. Importantly, the meaning of concepts like 'obligatory,' 'right' and 'wrong' unpacks into 'covered by a rule, principle or law.' In the absence such backing these concepts make no sense. A right act is one which is justifiable with reference to a moral rule, principle or law; a wrong action violates one of these.

There are logical differences between the 'deontic' categories of 'right,' 'wrong' and 'obligatory' and the axiological categories of better and worse. If x is better than y in some respect, then y is worse than x in that respect. But if two actions are compared
as alternatives, if one act is right (according to some principle law or rule) then it neither follows that the other action is wrong with reference to that rule nor that it is wrong at all. We may face a choice between keeping a promise to one friend or to another friend when we cannot keep promises to each: in such a case each action is right according to the same rule. In other cases, one action is right (or wrong) according to one principle or rule and another action is right (or wrong) according to another principle or rule.

In addition, 'right' and 'wrong' and their kindred concepts do not exhibit, like value concepts, comparative and superlative forms. If an expression like 'A is righter than B' makes sense at all, we must take it to mean that there is some higher order rule, principle or law according to which A is right to do, and a lower order one according to which B is right to do. There are, of course, rules expressible in comparative form, but these simply express the rank order of two rules, and hence tell us that some kinds of actions are more important than others.

My claim is that while norms for obligation are not always sufficient for telling us what to do in a specific case, a kind of value judgment is. The logical properties of right and wrong and certain limitations on the usefulness of norms for obligation in moral decision making show the first. To show the second, I shall make clear the kind of judgment which is sufficient to tell us what to choose.
DEONTIC JUDGMENTS IN MORAL DILEMMAS

Because right and wrong are not interdefinable concepts (con­verses), even if we know that A is right, we might not know what to choose if B is, in some other sense, also right to do. Likewise, if we know that B is generally wrong to do, we might not know whether A is right to do because A might be, in another sense, also wrong to do. In fact, for multiattribute moral decisions, or moral dilemmas, because alternatives are covered by more than one principle or lemma, this is always the case. Thus for these problems, judgments about what is right (in general) and wrong (in general) are not sufficient for telling us what to choose.

Even though right and wrong do not exhibit comparative and superlative degrees, it might be thought that for these problems a comparative rule could tell us what to choose. Gauthier\textsuperscript{15} says of these:

"Although all wants provide reasons for acting, it cannot always be reasonable to act to fulfill each particular want, for it is not always possible to do so."

"To determine the attention appropriate to any particular want, comparative premises, indicating the relative desirability of fulfilling the several wants under consideration are required."

Because a "comparative premise" like "An act which preserves life is better than one which sacrifices it" does not tell us, for example, whether to choose an act which sacrifices one life to preserve many others, comparative rules are not always sufficient for telling us
what to choose.

Given that rules can conflict and that comparative rules do not always tell us what to choose, it may be thought that invariant moral laws could be sufficient to tell us how to decide; but given that actions can be described in many ways, we may still be confused about what to do because applying the law may be difficult. For example, we may argue whether the moral law against wanton cruelty does or does not apply to certain painful, repetitive experiments performed on laboratory animals.

If we appeal, moreover, to moral principles, we likewise may not be able to use these to successfully resolve a moral dilemma. Knowing that we should not do what has undesirable consequences does not help us when both alternatives do, and knowing that what is right for one person is right for all similar persons in similar circumstances does not help when neither alternative is clearly right or wrong to do.

Even qualifying specific moral rules is not always helpful, because a rule which can be qualified or interpreted one way can as easily be interpreted in another way. For example, we could interpret the rule about truth telling:

Tell the truth except when the facts are ambiguous and there is grave risk of fatally upsetting the recipient.

Or we could read it:

Tell the truth, being especially careful of the wording and the timing when the facts are ambiguous and there is grave chance of fatally upsetting the recipient.
A rule, moreover, which is modified often or easily loses its normative force as a rule--unlike a norm for value which, as an ideal, can be considered all the more precious if we consistently fall short of it.

Only if there were a lexicon of modified rules covering every contingency could rules for obligation suffice for telling us what to choose. The ancient Chinese ritual books are examples of attempts to provide guidance for every conceivable circumstance. But a workable catalogue sufficiently exhaustive to cover all moral complexities is inconceivable, even if logically possible, and thus the use of norms for obligation is, in particular cases, often insufficient to tell agents what to choose.

**VALUE JUDGMENTS IN MORAL DILEMMAS**

The reason that standards for evaluation and not rules are central in a model of multiattribute choice is because only reference to a certain kind of value judgment is sufficient to tell agents what to choose in a situation of moral dilemma.

Contrasting four different comparative judgments helps to make this point:

1. Preserving a life is better than terminating it.

2. Preserving this patient's life is better than terminating it.

3. An act which is costly in time and in other resources but which can save a life is better than one which is less costly but which sacrifices life.
4. The act which is costly in time and in other resources but which can save a life is better than the one which is less costly but which sacrifices the life.

Each judgment is comparative; each can be written 'A is better than B'; but only judgments (2) and (4) are sufficient for ranking alternatives in a multiattribute choice. The first judgment is a rule of conduct stated in comparative terms; the third is a qualified rule of conduct stated in comparative terms. The second is a comparative judgment of value, and expresses, because its terms are particulars, what is better to do in a case where A and B are the only alternatives. The fourth also expresses, because its terms are descriptions extensionally equivalent to A and B, which alternative is better to do in a pairwise choice. Although tokens of the same sentence (Honesty is better than getting ahead in the world) can express either a comparative value judgment or a comparative rule, a better/worse judgment whose terms are particulars (names or descriptions of the alternatives of the choice) functions as a norm for value only.

My claim is that comparing degree judgments is sufficient for judging which alternative is better overall, and judging which alternative is better overall is sufficient for ranking alternatives in a multiattribute choice. For example, if saving resources is insignificantly better than expending them, and if saving the life is significantly more important than losing it in a particular instance, preserving the life is the better choice.

The reason making a relative value judgment is sufficient for choice is because better and worse (unlike the rule derivative right
and wrong) are converse concepts. Thus if A and B are the only alternatives and if A is better than B overall, (that is, on balance, taking all relevant comparisons into account), then B is worse than A overall, and hence A is the better choice. Thus Baier's contention that:16

There is a wide logical gap between knowing the values of things and what one should do is not applicable to a certain kind of value judgment in a certain context, for when, in a pairwise choice, agents judge one alternative better than another, they ipso facto know what to do. Baier says:17

If a clear sense could be given to knowing the values of everything, then perhaps such knowledge would be sufficient for answering what a person should do. But apart from the obvious impossibility of anyone ever acquiring such knowledge, it would clearly include a great many items which are unnecessary for that question.

But we do not, in fact, need to know the values of everything, but only the comparative values of our alternatives, to know what to do in a pairwise choice.

Plato, who thought that if we know what is good, we should (if we are rational) choose it, rightly sees the connection between the values of things and what we should choose; but it is knowing what is better, not what is good which is sufficient for telling an agent what to choose in a pairwise multiattribute choice. In such choices, A is better than B in fact means that A offers the best combination of value, and not that A is covered by the highest rule, or that it is simply good or, in general, a good thing to do. Thus particular value judgments which compare two alternatives play the role usually
reserved for rules of conduct: they both tell us what is best to choose and, as I shall show in a later chapter, provide reasons for our choosing as we do.

To summarize, given that judgments about obligations are not always sufficient for ranking alternatives and given that relative value judgments are, it follows that evaluation and not obligation provides the essential conceptual apparatus for a model of multi-attribute choice.

It is very important to insist that value judgments play the role we think is played by principles and rules. It is especially important because, as von Wright points out, "ideal rules," or ideals which set up standards for comparing values, bear certain resemblances to the rules which define a game. Thus it might be thought that multiattribute choice has something to do with rules, especially with moral rules, in a way in which it does not. That is, ideal rules for the good person and for the good life are like rules of a game because when we violate the rules of a game, we either play badly or do not play at all, and if we fall short of an ideal, for example the ideal of a good teacher, we either teach badly or do not teach at all. But value standards are not and do not behave like rules of conduct; moreover, the only rule which governs the ranking of multiattribute rules is the non-moral rule of striking the best bargain.

Philosophers, unfortunately, tend to reserve the vocabulary of value for talking about motives, intentions and the characters of persons or the worths of things, and the vocabulary of obligation
for talking about actions. Hare, for example, believes that when we call an action 'good,' we are commending persons. In addition, the way we set out "practical reasoning" in syllogisms reflects our tendency to talk about actions in obligation language and to stress the kinds of actions we ought to choose rather than how or why we choose in particular instances.

Two traditions, in fact, in the history of ethics, correspond to the emphasis we place on either evaluation or obligation. One, typified by the views of Plato and Aristotle, is based on the concept of excellence, and the striving for ideals. The other approach is based on the concept of justification and reference to principles and rules. The first emphasizes agents; the second emphasizes acts. From what I believe is a rigid and misleading separation of these springs a serious misunderstanding about the nature of choice.

It is my view that while principles, rules of conduct and moral laws are used appropriately in justifying (providing reasons for doing actions of a certain type), they are inappropriately used for telling agents what to do in complex cases, and are never sufficient to provide reasons for a multiattribute choice.

Although we can justify kinds of actions using the language and categories of obligation, we need axiological and not deontic discourse to understand and provide reasons for multiattribute moral choices. We can evaluate the attributes of alternatives as well as the attributes of persons and things. Applying a scheme based on obligation, moreover, misunderstands the nature of a multiattribute choice: some data are, as Kupperman says, too fine to be caught
In its net.

In a later chapter, I will contrast the bargaining model with the syllogistic practical reasoning models of rational decision making, and show why the universalizability principle covers only judgments about what is obligatory or right and hence why it cannot be extended to cover multiattribute decisions. That it cannot, and that what makes choosing rational has something to do with ideals and their approximation (rather than with moral rules and their application) shows in another way why the perspectives of agent and critic are distinct.

In the next chapter, I shall work out the bargaining model in some detail, beginning with some simpler non-moral dilemmas and then extrapolating to more complex cases of moral dilemma. My argument is that the language of decision making and the concepts of comparative and relative evaluation provide the machinery to understand how making multiattribute choices is possible.
FOOTNOTES


2. Hare, Ibid., page 147.


8. Casteneda, in Morality and the Language of Conduct, page 219ff; von Wright, in Norm and Action, page 1ff; Hare, The Language of Morals, page 3; Taylor, Problems of Moral Philosophy, page 3; Singer, Generalization in Ethics, Chapter 5.


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17. Baier, Ibid., page 50.


"To give ground is sometimes the best victory"
---Proverb

"It takes two to make a bargain"
---Proverb
Aristotle said that we do not deliberate about our ends, but about the best means to achieve them; but some decision problems are problems just because our ends conflict and are not jointly attainable no matter which alternative we choose. In this chapter, I show how, under such conditions, ranking alternatives can be understood as bargaining. I will not explain the actual steps whereby a bargain is struck, but will devise a model of multiattribute choice.

BARGAINING

Conflict invites compromise, and a bargain is a compromise; otherwise, it is simply getting just what we want--or losing it. What is compromised when we choose under conditions of conflict are our desiderata or wants in the situation. What we want may be to preserve values, act in accordance with principles or rules, follow percepts, obey norms; but no matter what we want, we cannot have all that we want in a given instance.

More specifically, we cannot have something with all the attributes we want; we are "torn between" at least two criteria for choosing. This can even be the case for what psychologists call "approach/approach" or "avoid/avoid" dilemmas, or for what
philosophers call "choosing the greater of two goods" or "the lesser of two evils"--even though it may first appear that there is only one criterion--for example, gaining the greatest good. This is not the case, however, because approach/approach conflicts do not arise because the "amount" of some one good varies. If that were the case, we could simply choose the alternative that is "more" good. But approach/approach dilemmas arise because two kinds of goods cannot be achieved at once.

When this is the case, the agent has to determine which alternative is better. To do this, the agent must not focus entirely on his general ends to be achieved: it is my view that these ends need not be compromised in decision making. If they are each binding on the agent (each makes some moral demand), and if they cannot be ranked such that one is unarguably more binding than the other, then the agent must respect them both. Respecting them both, the agent can focus on his preferences for the attributes of each alternative--at their combinations of goods and bads judged with reference to different criteria, not just one. It is these preferences that the agent will compromise in bargaining--not his general ends.

When there is more than one desideratum, the best "bargain" or compromise is not a single "top" value, but what I have called the highest relative value. What this involves is choosing the alternative which lets us gain as much as we can and lose as little as possible. This "securing of the best possible terms" is what I mean by the ideal of the best bargain.
A decision maker who must choose between letting a retarded infant die, or save it heroically against the wishes of its parents, a friend deciding whether to tell a terminally ill patient the truth about her illness, or spare her pride, a son deciding whether to fight in the resistance, or remain at home with an aged mother who needs him, will not, if they "bargain," decide by determining that life at any cost is always better than its quality, or that telling the truth is always better than compassion, or honor better than filial piety. Nor will decision makers admit these generalities, but find their cases exceptions to the rule. Rather, agents who "bargain" determine how what is gained and lost with respect to one legitimate criterion weighs against what is gained and lost with respect to another.

A decision maker who "bargains" does not terminate conflict between or among his ends by neglecting one for another, by ranking them in a way which is then accepted for all future cases, or by reducing conflicting ends to some common value denominator against which he can compare alternatives. Rather, in compromising, agents who "bargain" consider all the things they want, and since they cannot have everything they want, judge as better what has the most. Such a compromise is the essence of a bargain.

What creates the determinate problem whose resolution should be understood as bargaining is the conflicting guidance which our norms, adequate for most situations in daily life, now give us. When these fail to tell us what is best in complicated cases, it is not that the agent has no idea about what to do, but too many ideas.
about what to do. Decision making under such circumstances is "the hardest and most nerve wracking kind of work." Koestler says of it:

"But when the difficulty or novelty of the task exceeds critical limit, these ("law abiding routines") are no longer adequate to cope with it. The world is on the move, and new situations arise, posing new questions and offering challenges which cannot be met within the conventional frames of reference, the established rule books."

When the "established rule books" in ethics give conflicting advice for a hard problem, our dilemma, according to Mounce and Phillips, is "a direct consequence of holding certain moral principles." They say:

"One's principles in a technique are the means by which problems are solved, whereas in morality, they are the very things which give rise to one's problems."

Brandt says of such moral problems:

"It is possible to think of an adult person's mind or conscience as rather like a living telephone book stocked with moral principles of the Ten Commandment type, but more numerous and more complex. The principles might be like the ones indicated above, but including others like, 'Don't take the property of someone else without his permission,' 'If you have promised to do something, you must do it,' and 'Never injure another person.' We might think of our mind as a kind of IBM machine; it is fed a description of a particular situation and then searches for the appropriate rule or rules which then appear suddenly in our conscious thoughts."

"Doubtless things are this simple for many, perhaps most, cases in daily life. On the other hand, it is easy to see that they are not always that simple."
When things are not so "simple," our general rules do not work for us anymore; but when something does not work, we can try another, and when some one thing does not work, we can try several others, in combination, rather than try nothing at all. When one thing (rule or principle) is insufficient to tell the agent how to rank alternatives because there is no super-principle or obvious exception to the rule, then considering many things (preferences) in combination within the rules is better than considering only one rule, or nothing at all, and can, in fact, be successfully used to come to a considered judgment about which alternative is better to do. Extrapolating from simple, non-moral conflicts, I shall now show how this is done.

THE BARGAINING MODEL OF THE RANKING OF MULTIATTRIBUTE ALTERNATIVES

I use the language of decision making to construct the bargaining model. A simple example illustrates how we think about and in terms of alternatives, attributes, preferences and criteria for choosing.

Let us say that a subject in a decision experiment prefers red to blue (red > blue) and round to square (round > square). Let us also assume that her preferences vary independently of each other so that she does not form a new synthesized preference for either blue spheres or red cubes. The variables involved in her choice can be set out as follows:
Her most general ends are the preferred shape (between the shapes) and the preferred color (between the colors); she does not compromise these as long as she does not change her preference order in either class of comparison.

If she does not form a preference for a combination, and is not choosing arbitrarily, or offered a new alternative, she will have to order her preferences more completely because the partial ordering (red > blue; round > square) is insufficient for ranking her alternatives.

One way she might order her preferences is by assigning "weights" to the attributes involved. Instead of 'bargaining,' she could tally up the score. On a scale from one to ten, red may get eight, square, five, blue, two, and round, nine. If the combined scores of the alternatives do not come out even, she can make a choice by "scaling and scoring." In this case, the red cube wins by a margin of two.

A mathematical approach is not, however, really workable for multiattribute decision problems, especially for moral ones, for it is not possible to assign a number to a life, to an interest, to suffering, to a sacrifice. But even if moral choices cannot be best understood mathematically, we cannot assume that when moral criteria
conflict, we must always be able to justify using one rather than the other. Although experiments do show that subjects tend to "rely on one cue\(^7\) in complex cases, we should not do this when more than one principle makes a legitimate claim; if the principles cannot be ranked in their priority, ignoring one for the other can involve a serious and unnecessary moral loss. By determining the strengths of their (morally justifiable) preferences, moral agents can try to secure the best combination of value possible.\(^8\)

Returning to the simpler case, the subject in the decision experiment could determine that her preference for red over blue is much stronger than her preference for round over square. On this basis, she can choose the red cube without changing her preference order in either class of color or shape. Moreover, the agent has not determined that color, in general, is more important than shape in general. All she has done is rank alternatives, not 'good' in every respect, by comparing the strengths of her preferences in the two classes her criteria for choice pick out. She might have chosen a green sphere if her preference for red over green was much weaker than her preference for round over square. Importantly, comparing the relative strengths of preferences does not presuppose having to somehow quantify either attributes of alternatives or the preferences themselves.

This example illustrates one kind of decision problem whose resolution can be understood as bargaining. Another type whose resolution can be understood in the same way is a problem created by the conflict of two criteria which themselves can be ranked.
For example, the subject of the decision experiment might have had a definite preference for color over shape in general, but yet have had difficulty choosing between a blue sphere and a red cube because the individual members of the more highly ranked class (colors) are not good colors and the members of the class of lower rank are excellent shapes. The rank order of her initial criteria would not provide, in such a case, a solution for her decision problem.

To rank alternatives under such conditions, the agent must determine whether her preference for color over shape in general is stronger or weaker than her preference for those particular colors and those particular shapes. If, of both shapes, one is her favorite of all shapes, and if her choices of colors include only those to which she is least partial, she can rank as the better that item which has the best shape—even though color is a more important general consideration—and even though the alternative is not the better of the two colors. If asked why she chose as she did, she might give as her reason "It had the best shape"; but this misleadingly implies the wrong initial ordering of criteria—an order which is not changed in choosing an alternative by "bargaining." Strictly speaking she should say something like, "Even though I tend to look at color before I look at shape, I liked the cube so much better than the sphere that I hardly noticed the colors—especially since the nicer shade wasn't one of my favorites anyway."

Another kind of decision problem whose solution can be understood as bargaining is one created by multiple criteria for choice
which, even if they are ranked, offer different sets of pros and cons for each alternative.

An interior decorator could, for example, consider in addition to color and shape, whether the style of the object is contemporary or traditional, whether it is cheap or expensive, whether or not it will fit on a certain shelf, and whether it is immediately available or must be special ordered. Although she may also have a choice between a red cube and a blue sphere, these alternatives differ with respect to twelve variables—and there are now six criteria for choosing between them—not just two. The attributes and criteria can be tabulated as follows:

<table>
<thead>
<tr>
<th>ATTRIBUTES</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>round</td>
<td>shape</td>
</tr>
<tr>
<td>square</td>
<td>shape</td>
</tr>
<tr>
<td>red</td>
<td>color</td>
</tr>
<tr>
<td>blue</td>
<td>color</td>
</tr>
<tr>
<td>costly</td>
<td>cost</td>
</tr>
<tr>
<td>inexpensive</td>
<td>cost</td>
</tr>
<tr>
<td>contemporary</td>
<td>style</td>
</tr>
<tr>
<td>traditional</td>
<td>style</td>
</tr>
<tr>
<td>fitting</td>
<td>usefulness</td>
</tr>
<tr>
<td>not fitting</td>
<td>usefulness</td>
</tr>
<tr>
<td>in stock</td>
<td>availability</td>
</tr>
<tr>
<td>out of stock</td>
<td>availability</td>
</tr>
</tbody>
</table>
Because, as Arrow says, attributes sometimes come in packages or "bundles," she can begin simplifying her problem by doing some preliminary cancelling out: perhaps only something spherical fits with her contemporary tastes, or perhaps only her favorite color is the cheaper. What is important is that two kinds of differences and distances (as was the case with the previous problem) are relevant--those between her preference for things in each class and those between the criteria as well. Although such a problem looks more complicated on paper than it is complicated to resolve, the problem could look something like this:

```
COLOR
  ↓
  ↓
  ↓
  ↓
red        blue
COST
  ↓
  ↓
  ↓
cheap       expensive
SHAPE
  ↓
  ↓
  ↓
round       square
STYLE
  ↓
  ↓
  ↓
contemporary  traditional
AVAILABILITY
  ↓
  ↓
  ↓
now         later
USEFULNESS
  ↓
  ↓
  ↓
yes        no
```

This scheme is not, of course, intended to correspond to any actual steps any agent may take in solving a decision problem, but only to exhibit the "degrees" by which the agent's initial criteria (vertical)
and individual preferences (horizontal) differ from each other. In other words, it exhibits more than just a rank order of these variables, and suggests, in addition, that some criteria and preferences are ranked over others in more or less significant ways.

Given the decorators criteria and preferences, we can summarize a possible choice as follows:

<table>
<thead>
<tr>
<th>RED CUBE</th>
<th>BLUE SPHERE</th>
</tr>
</thead>
<tbody>
<tr>
<td>right color</td>
<td>right shape</td>
</tr>
<tr>
<td>right cost</td>
<td>right style</td>
</tr>
<tr>
<td>useful</td>
<td>in stock</td>
</tr>
<tr>
<td>wrong shape</td>
<td>wrong color</td>
</tr>
<tr>
<td>wrong style</td>
<td>expensive</td>
</tr>
<tr>
<td>out of stock</td>
<td>not useful</td>
</tr>
</tbody>
</table>

The pros and cons attributed to each alternative reflect the agent's preferences in each class of comparison her initial criteria for choosing pick out.

Although some philosophers, like Mounce and Philips, hold that "all depends on the weight given to the principles involved," just the rank order of criteria (color > cost > shape > style > availability > usefulness) will not supply the richness of information needed to resolve a problem as complicated as this one: until the agent can work with the strength of her preferences and with by how much she puts one criterion ahead of another she will not be able to rank her alternatives in a way which respects those preferences and criteria. My point is not that agents must do specific things, for how they arrive at comparative and relative evaluations if left open. My point is that the best way, in general, to understand how agents can rank multiattribute alternatives is in these terms.
Lindbloom and Braybrooke\textsuperscript{11} count as "naive" any theory of decision making which is based only on values--even the rank order of values. Just knowing our values is not enough when they conflict; and knowing their rank order is not enough when our alternatives "offer different combinations of benefits." It is not clear that any amount of a "top" value is worth any amount of loss of several minor ones, they say; and just looking at the top of the list supplies more information about our attitudes than it supplies information which lets us decide.

Churchman\textsuperscript{12} says of the kind of information we sometimes need to make a choice (information which I contend we always need to make a multiattribute choice):

"The class of measurements most commonly used in scientific measurements are relations that place items in an order. Such relations are clearly important as codeterminers of action since many human decisions are based on whether one object lies 'below' or 'above' another with respect to some property: industry wants to minimize costs or maximize returns; students are judged on the basis of the highest, or lowest point average and so on.

"There are many ways of assigning numbers to objects and people that do more than express a rank order. There is, for example, a legitimate sense in which we can say that one object is twice as long as another. Evidently, this says a great deal more than that one object is longer than another."

"One way to organize experience to go beyond an ordering of objects is to set up a process that permits comparisons of differences in the rank orders assigned to objects. Thus one is able to assert that the difference between item a and item b is greater than the difference between c and d..."
While making a choice is to rank order *alternatives*, the means we use to effectively employ information available to us will, under conditions of conflict, require more knowledge than just the rank order of what conflicts.

Returning to the decorator, assuming that she makes effective use of the information available to her, and does not, as we too often do, ignore all but our top values, she could, because she feels so strongly about differences in cost and wants her favorite color most of all, strike a good bargain if she gets a red object inexpensively—even at the cost of sacrificing all other desiderata. An even better bargain would be getting the shape, color and style of an inexpensive item at the cost of only having to wait for it. A poor bargain would be having a useful object immediately, but one which was overpriced, and the wrong color, shape and style.

It is my view that the agent's actual thinking about such a problem will be essentially *dialectical*. I say this because it is more reasonable to believe that complicated problems are dealt with a portion at a time and not as wholes. The decorator, for example, is not likely to be able to hold all variables before her at once, nor likely to record them schematically as I have done. She is more likely to ask herself and/or the wholesaler questions about the options open to her. She could ask and answer questions like: What if I could get a cheap one but would have to wait for it? How long a wait would be worth it? What if I have to take the blue, but could have everything else I want? Would it be worth it not having my favorite color? Just how much more expensive is it? Just how well
will it really match my decor? Each "bit" of information, each 'yes' and 'no,' will help the agent become clear about the relative weights of her preferences and criteria for choosing.

Another kind of multiattribute decision problem shares features with each kind examined so far. This is a problem created by conflict between two primary values or wants but which requires for its resolution making reference to still other desiderata in order to determine the relative strengths of the primary ones. Multiattribute moral decision problems are usually of this sort.

As shoppers, we are faced with this kind of problem all the time. What we want, in general, is the highest quality we can afford; usually, however, our general criteria of economy and quality cannot be met at once: fine items tend to cost more, and affordable ones tend to be less fine. We can make a choice between a well made but costly item and a shoddier, but cheaper one by determining whether we prefer the high quality to low more or less than we value the difference in cost; we can do this by making reference to still other criteria or "sub goals." These are not, strictly speaking, on the same par as our primary desiderata because they do not create the problem but help to solve it.

For the shopper, a new consideration may be the use to which the article could be put; if it is something he will use every day in making his living (especially if it will let him earn enough "extra" to cover its cost within a reasonable time), the expensive article may be the better bargain. But if the item is one he intends to use only once, or seldom, the cheaper, as long as it is
serviceable, is probably his "best buy."

The shopper's problem is to determine whether his preference for high quality is stronger or weaker than his preference for low cost. In some cases, the problem could be solved by determining the relative differences between high and low cost and between high and low quality. If there is an enormous difference in cost, and a negligible difference in quality, the cheaper item can be judged the better.

If, on the other hand, the relative differences of value in each class of comparison are similar—especially if there is a great difference in cost and a great difference in quality, the agent may have to introduce a new value—for example, the usefulness of the object. He might ask himself questions like: Would I really get that much more use out of it? Could I get by with something cheaper? Would increased efficiency absorb the cost?

Such an agent's questions will make reference to the initial conflict between the criteria of quality and economy (Is it that much more expensive? Is it all that much better?) and, if there are no significant differences in the margins of cost and quality, to any new desiderata which might provide qualifications which then reveal a significant difference between the alternatives.

Although not all decision making ought to be understood as bargaining, bargaining is an appropriate model for ranking alternatives when:
1. the choice is between two alternatives which are such that
2. each is in some respect(s) better and in some respect(s) worse than the other because
3. there are at least two criteria for comparing their worths and
4. the criteria themselves cannot be ranked or
5. if ranked do not yield a rank order for the alternatives themselves because
6. the overall value of the alternative chosen with reference to the higher criterion may be less than the overall value of the alternative chosen with reference to the lower criterion

Understanding multiattribute ranking as bargaining is to understand the agent's task as:

1. using conflicting criteria for choice (which can be principles or rules) as standards for evaluation
2. evaluating alternatives only by assigning worth to those attributes whose values can be measured with reference to these standards
3. determining the relative weights of these attributes in one class of comparison at a time
4. evaluating alternatives relative to each other by comparing the relative measurements in each class of comparison

A better/worse ranking can be made only when it can be determined that alternative A is better than alternative B with respect to one value standard \((VS_1)\) by some "measurable" amount (for example, very much, hardly at all) and that B is better than A with respect to another value standard \((VS_2)\) by some measurable amount and when there is a significant difference between the two "amounts" (subjectively, between the strengths of the agent's preferences). We rank A and B by judging as better the alternative whose relative
value is higher. Where the initial criteria are of equal rank, this can be set out:

In more complicated cases, the agent's task might be to compare the degrees of difference between ranked criteria and also the difference between the values of attributes in as many reference classes as there are criteria. This involves:

1. ranked criteria whose rank order does not change during decision making but where

2. there are conflicting preferences for attributes compared in virtue of them (one at a time) because
3. alternative A may be a poor example of the preferred kind of thing and B may be an excellent specimen of the least preferred kind of thing so that

4. the agent prefers both x-type things in general but a particular quality of the y-type thing

Schematically, this can be set out (where \( p_1, p_2, p_3, \) and \( p_4 \) are properties or attributes of alternatives A and B):

\[
\begin{align*}
(p_3 > p_4) & \Rightarrow (p_1 > p_2) \\
[(p_3 > p_4) > (p_1 > p_2)] & \Rightarrow \text{VS}_1 > \text{VS}_2
\end{align*}
\]

I assume that the kind of value, or the "content" of the decision problem does not change the way its resolution ought to be understood. Thus I assume that decision making can be understood as bargaining whenever the problem has the same structure or form.
(By problems of the same structure or form, I mean multiattribute decision problems.) For this reason, the bargaining model ought to be appropriate not only for economic or prudential choices, but for problems involving aesthetic and even moral criteria as well. The differences between moral and economic multiattribute decisions does not, in other words, make a difference to how their resolutions can be understood.

I may, for example, prefer beauty to cleanliness, and so would choose, between environments, to live in a somewhat sullied but well-appointed one rather than in one which was immaculate but tasteless. But while a little dust would not be too annoying in a castle of antiques, I would be a fool to live there in squalor, if only because the stench would prevent my enjoying what I desired in the first place.

And if I prefer both what is beautiful and what is clean, and am offered a very beautiful but very dirty environment, I would, like the shopper, introduce a new desideratum if I could not determine how much more lovely it was than my plainer alternative, or by how much more polluted than my cleaner one. I might, for example, think in terms of noise level: having to live with Eames chairs might be "worth it" if, in addition to the clean, I could gain peace and quiet. On the other hand, the exquisite Queen Anne parlor might not be worth it if, in addition to the dust, I "bought" the noise and clatter of the city.
BARGAINING IN SITUATIONS OF MORAL DILEMMA

How agents rank multiattribute moral alternatives can be understood as bargaining even though there are obvious differences between moral and non-moral dilemmas. Moral decisions, in fact, differ from non-moral ones in each of the four categories I used to construct the bargaining model.

Some alternatives are ruled out or required just because general moral principles forbid or enjoin them. When each alternative is prescribed (or prohibited) by a different moral principle, the determinate moral problem I examine is created. Some preferences, likewise, are not morally justifiable ones because they are ruled out by some moral principle or rule. No one blames the subject in the decision experiment for choosing consistently with her preferences. Such consistency is, in fact, taken by decision theorists as a criterion for the rationality of choice. But a moral agent can do the wrong thing if she chooses consistently with her preferences whenever they are morally unjustifiable ones. The bargaining model as extended to moral multiattribute ranking thus does not imply that resolving a moral dilemma is a subjective matter only--even though it places emphasis on the agent's preferences.

Finally, it is according to specifically moral criteria--principles, standards, rules, tests--that attributes, preferences, and sometimes even preference order are evaluated. Moral decisions, like economic ones, are normative because these principles determine the kind of decision we make. The general criteria which, by
conflicting, create the moral dilemma, like the values moral agents place on individual attributes of alternatives, are moral ones, that is, equivalent to or justifiable in terms of moral norms and not norms of some other kind.

Moral decision making is governed by intricate sets of rules and regulations which not only define the practice of morality but also limit us, both by restricting us to certain kinds of considerations and by requiring that we take into account the interests of others as well as (and perhaps ahead of) our own. For this reason, describing alternatives, or, as I have put it, ascribing attributes to them, is more complicated than describing physical objects—even aesthetic objects.

Because, as Hubbeling points out, moral norms exhibit properties of first, second and third orders of magnitude, and because more than one norm can be the rubric under which alternatives can fall, we sometimes do not know how to describe alternatives. In some cases, an unequivocal description prevents the problem from arising in the first place. St. Joan, for example, might not have known whether signing a piece of paper was a "compromise of honor," "disobeying God" or "playing into the hands of her enemies." Sometimes we do not know whether terminating a pregnancy should be called "an act of murder" or an "act of mercy." "Descriptions," for moral decisions, can themselves be evaluations and not just properties some agent just happens to prefer. Moreover, while a price tag on an object may indicate its value, a moral attribute of an alternative is its value—or part of it.
How we ought to understand the ranking of multiattribute moral alternatives is not, however, in terms of the decision's moral "content" but in terms of its form. The moral content, in other words, does not change the problem into another kind of problem: a dilemma is a dilemma whether economic, aesthetic or moral criteria cannot be jointly satisfied by either alternative. Thus understanding simpler non-moral dilemmas sheds some light on more complicated moral ones. White lies and blue spheres are very different, but if the agent's choice is between a white (but compassionate) lie and an unkind truth, if that agent cannot justifiably rank the standards or truth and compassion and values them both, then that agent is faced with the same kind of problem faced by the subject in the decision experiment. Each problem, that is, is a multi-attribute choice.

Just as we understand the decision subject's ranking of alternatives in terms of her comparing by how much she put one desideratum ahead of another in each class of comparison her conflicting criteria for choice picked out, so we can understand how a moral agent ranks alternatives when torn between the demands of truth and compassion in terms of by how much he values telling the truth over tarnishing it and by how much he prefers compassion over causing hurt in the particular case. The agent's preferences, of course, must themselves be morally justifiable and cannot be mere subjective inclinations only.

Many decisions made in the bio-medical field involve conflicting moral criteria for choice. If, for example, a doctor is both a physician and a researcher, her dual roles may force her into
difficult choices. She may, for example, be torn between her desire for knowledge (which will help wipe out a terrible disease) and the autonomy of her patient who has it. If the opportunity arises to perform an experimental procedure whose results would be nullified by the patient's knowledge and consent, she is faced with either violating the doctor/patient "contract" and perhaps with taking unnecessary risks, or with forgoing a unique opportunity to find a cure for the disease. In such a case, alternatives could be ranked if there were a (morally justifiable) difference between what could be gained and lost with respect to knowledge and what could be gained and lost with respect to the "personhood" of the patient. A case involving a comatose, terminal patient might be significantly different from a case involving a curious helpful one who was not as dangerously ill. Likewise, a case in which the knowledge is important for the researchers' chances of professional advancement is different from a case where it is important for the patient's own good.

Sometimes doctors admit that they perform an unnecessary procedure on a patient (or withhold a helpful one) in order to gain knowledge which is not for the patient's own good but for the good of other, future patients. The dual roles of student and practitioner, for example, may force interns to choose to perform a riskier procedure (which the patient does not need) rather than a safer, standard procedure (which is in the patient's interest) if the intern can learn a great deal. Tempted by the opportunity to perform an innovative technique and bound by the Hippocratic oath, interns may be torn
between the criteria of the good of the patient and the goods of future ones.

If experimental procedures are chosen, as they sometimes are, to benefit persons other than the patient, we can understand the ranking of alternatives in terms of comparing very minimal risks for the patient to very great gains to others—gains which perhaps could not be obtained in any other way. Other moral considerations may, however, change the complexion of such a choice. If the practitioner has sworn to 'above all, do no harm,' then the choice, while painful, is not a genuine dilemma at all—unless, of course, not helping others when one can is itself construed as a kind of harm. Even if 'primum non nocere' is taken to override 'help others when one can,' the practitioner may still face a dilemma because rank ordering her principles may not tell her what to do when the harms to be prevented are much worse than the harm she might do to her patient. She might, for example, want to test a procedure with a very high probability for curing a type of cancer on a patient whose only suffering is a few moments of nausea.

Other considerations, such as obtaining or not obtaining consent, are obviously important. Whether the patient has, or is likely to contract the disease under investigation and the sort of person the patient is (interested in helping others or not) may be important. Understanding the resolution of a dilemma as bargaining does not minimize the importance of such factors or the importance of the moral arguments agents may have for weighing them as they do. The point is that when general criteria do not provide solutions, the
resolution of a dilemma can be understood in terms of choosing the alternative which is better overall, and that such choices do not involve compromising either general principles or even of their rank order.

For example, even though 'do no harm' may be of primary importance, in a case where the patient is and knows she is terminal, and feels her life is now useless, and where she consents to take a risk to help others, the practitioner may be justified in experimenting--whether or not the procedure medically is in the patient's own interests. But in cases where the patient abhors the idea of taking risks not related to his own cure, even if he is now comatose, and even if the gains to others are immeasurably great, the practitioner may not be justified in experimenting. Understanding the resolution of the decision problem as bargaining does not minimize the hard work involved in sorting through the variables to get clear on the relative importance of one's preferences in a specific case; but it does provide a frame of reference, a way to talk about and understand the kinds of comparisons which must be done in order to see which alternative is better in a case where neither is clearly best to do. That we can argue about whether a case is really a dilemma, and about how the conflict should be described, does not take away from my claim that when we do have a problem of a certain type we ought to understand its resolution in a certain way.

In still other cases, researchers have had the opportunity to perform experiments on captive populations in mental or penal institutions and even in the charity wards of hospitals. Treatment has
been withheld and drugs have been administered—not in the interest of the subject of the experiment but in the interest of others. Experimentation on animals can also be regarded as a violation of the interests of some for the good of others, and even though we may be inclined to put the interests of humans over the interests of other animals, we may not be able to judge as better experiments (especially repetitive ones) which cause great amounts of suffering to animals and little or dubious goods to humans. In such cases, it is, obviously, important to consider how much the animal has to lose and how much humans and other animals stand to gain. Inflicting great pain on primates in pure research in order to perhaps make some useful discovery might not be justifiable as a good "bargain" even if the possible gain is great and even if humans are considered (by humans) to be more important than animals. If the certainty of great gains for persons and for other animals involved great suffering of many animals, new considerations would have to be introduced and they themselves subjected to moral scrutiny. The typical explanations offered by researchers (such as "It is the only way to proceed given present levels of knowledge and technology") may or may not stand up to moral critique.

Of course not all serious moral dilemmas are bio-medical ones. In literature, we find dilemmas involving individual honor or integrity conflicting with law or with demands of society (Socrates, Antigone), the spirit conflicting with the letter of the law (Billy Budd, The Wild Duck) and so forth. One particularly troublesome case was found by a student in an Ohio newspaper. Like many medical
decisions, this one involved life and death choices, but unlike many medical decisions, there was very little time to deliberate and the alternatives were exceedingly clear cut.

In this instance, firefighters had to decide in circumstances such that no matter what they did, even if they did "nothing," people would be killed.

A fire burned out of control in the upper stories of a large hotel and the use of fire hoses was the only means available for containing it. The use of hoses would not be problematical under ordinary circumstances but in this case several people were trapped in the wine cellar of the building. If water were used to put out the fire, those in the cellar would certainly be drowned. On the other hand, if efforts were made to get them out first, many--perhaps all--of the hundreds of people on the upper floors might die as a result of the delay.

The alternatives were extremely unpleasant ones. Without a third alternative (such as the availability of chemical foam), the firemen could either put out the fire, knowing that although killing those below was not their primary intention, it would be the direct and inevitable result of their action, or they could try to do something for those trapped below first on the grounds that not to provide them with some chance would cause direct harm to them. If they choose the first, a few were likely to die and many likely to live, and if they chose the second, it was possible that all would die or that many would die. The structure of the problem looks like this:
ALTERNATIVES

immediately put out fire with water
try to get trapped persons out first

PREFERENCES

to not directly hurt anyone
to save as many lives as possible

ATTRIBUTES

excellent chance to save many
direct harm to a few
certainty of killing a few
indirect harm to indeterminate number

CRITERIA FOR CHOOSING

numbers possibly saved
direct harms avoided

Each alternative has its own set of pros and cons:

ALTERNATIVE A (PUT OUT FIRE)
excellent chance to save many (good)
directly kills a few (bad)

ALTERNATIVE B (TRY TO HELP THOSE BELOW FIRST)
directly kills no one (good)
may kill many (bad)

Ideally, what would save the most people would not "discriminate" against a few, but in this case neither alternative was clearly bad or good—even if we introduce the factor of justice. In order to rank such alternatives by bargaining, the relative gains and losses of value must be compared along two parameters--avoiding and causing direct harms, and attempting to save the most people. The firemen must have decided that causing harm to a few was relatively better than risking the loss of all or most in this case, for they did put out the fire immediately with hoses. As a result of that action, all the people in the cellar were drowned and all those in the hotel were saved. Two of the firefighters also died--not battling the flames, but by committing suicide as a
result of the pressure of lawsuits brought against them by the relatives of those who died.

Although we can argue that the problem ought to be structured in a different way and that different general criteria conflicted, creating a different decision from the one I set out, my point is that the resolution of such a problem is best understood in terms of the alternatives, preferences, criteria and attributes of the alternatives involved, and that its resolution is best understood as a kind of "bargain." 14

Although the problem was complicated by having to decide almost instantly without the luxury of a lengthy deliberation, and although other factors may have entered deliberation (were the people trapped in the cellar arsonists responsible for the fire in the first place? Were they brave souls trying to escape with the aged and infirm?) the structure of the problem exhibits the form of a true dilemma--no one wanted to perform an action which would kill people and no one wanted to refrain from performing an action which was certain to save people. A similar dilemma was faced by the protagonist in Fowle's novel The Magus. (The choice was to personally shoot some of the townspeople--in which case others would be spared--or refrain from killing them--in which case all would be shot). Although bargaining as a way to understand how one alternative could be judged better does not also provide a way to recognize an unequivocally best alternative, it does provide a way to understand how the better alternative might be picked out.
Like other decision makers, the firefighters could have posed and answered relevant questions like: Would the small chance of saving them be worth jeopardizing all the rest? Would it be worse to let more people die for a slim chance of saving a few? Would all the people above still have some chance if we delay? Could everyone die if we go into the cellar first? Each 'yes' or 'no' gives them an idea of the relative weight of their preferences for each alternative. Answering them all carefully and with respect to only moral considerations does not guarantee that they will not do anything wrong. It is of the essence of a moral dilemma that no matter what one does one is in some sense wrong for one has violated some moral principle for what is right. The best outcome for a moral dilemma is to choose the better alternative—one which is not unequivocally right but one which is at least alright to do.

Unfortunately, the reasons agents give for their choices often leave a mistaken impression of the basis on which they arrived at them. If the firefighter said, "I wanted to save as many lives as possible," a moral critic might wrongly infer that his decision was made with reference to a rule like 'Always do what saves the most lives.' But a well-formed reason for a multiattribute choice states the better/worse relationship between alternatives, not the rightness of just one of them. It is less misleading to say, "Killing the people below—while bad—is better than letting them all die" or "It is worse to jeopardize everyone by trying to help those below." The reason it is important to state the better/worse relationship in giving a reason is that otherwise it mistakenly appears that just
one multiattribute alternative was right when in fact each was in some sense right and in some sense wrong to do.

One problem with case study approaches in ethics is that examples are often, if not always, introduced to teach us to become better critics, rather than to help us understand the agent's problem. After discussing a case, we ask ourselves questions like, "Was it right of him to have passed by the drowning child?", "Did they have the right to refuse to fight?", "Was telling the truth her obligation in this case?"

It is, of course, important to learn to be a sensitive moral critic, to be able to take a stand on a moral issue, to make implicit the principles behind one's initial intuitions, to be able to hold these up to a careful scrutiny, to test them as general solutions for problems of a certain type. But in those not-so-rare cases when we are confused about what to do because more than one general solution applies, if we also know something about the structure of the choice--the kind of problem it is--we would know more about what is involved in solving it. We could, in fact, see how an agent could make a justifiable choice between alternatives neither of which is clearly right or wrong by describing those alternatives in the most general terms we can consistently with the source of the conflict--the moral norms which cannot be satisfied at once.

Describing alternatives in a way which allows comparisons sufficient for choice involves avoiding prejudicial evaluation on one hand and mere description on the other. Attributing to the firefighter's alternatives "Murdering people in an underprivileged
minority" or "discriminating in favor of people in a privileged majority" prejudges the issues—or creates a new one—but attributing to them "wetting down the building with hoses" or "filling the basement with water" tells us nothing about the choice. If, however, we attribute to the alternatives "direct harms to a few" or "excellent chance to save many" our descriptions reflect the source of the problem—our morally justifiable desire to both save lives and not to directly take lives—under conditions where we cannot satisfy them both at once by choosing either alternative. Only when we describe alternatives in the appropriate way (making reference to the conflicting moral criteria which create the problem) is "bargaining" useful to us.

Unfortunately again, we are often prematurely satisfied when we are finally able to do this. My students are especially prone to this kind of unwarranted satisfaction when, after a lengthy discussion of some moral issue, for example, hijacking, they can finally see that on one hand there is a smaller chance of a widespread future good, and on the other, there is a greater chance of a more limited but immediate evil. They are tempted, after that moment of crystalline clarity, when they can finally describe alternatives in general terms consonant with the source of the problem, to give up and go on to another problem, as through the rational approach to this one has now been exhausted and no further work can be done. But it is at this point where they want to stop that bargaining begins.
If we describe our alternatives as generally as we can but in ways which reflect the source of our problem, we can compare the attributes of our alternatives, two at a time, in each class our conflicting criteria pick out. For example, where a and \( a_1 \) are attributes in the same class of comparison, we may discover that:

\[
a \succ a_1 \quad \text{and} \quad b \succeq b_1
\]

and hence that, in this case, because our preference for \( a \) \( a_1 \) is much stronger than our preference for \( b \) \( b_1 \), that the alternative with the combination \( a,b_1 \) is better to do than the alternative with the combination \( a_1,b \).

If, however, we discover that:

\[
a \succ a_1 \quad \text{and} \quad b \succ b_1
\]

we can still compare alternatives by introducing a new, morally justifiable, desideratum, \( c \). Then we may see that:

\[
a \succ a_1, \text{ but given } c, \quad a \succ a_1 \quad \text{and} \quad b \succ b_1, \text{ but given } c, \quad b \succ b_1
\]

and thus be able to judge as better the alternative with the combination \( b,a_1 \).

We may, for example, find no significant difference between telling a white lie and the whole truth and being kind and hurting someone's feelings when we are pulled between the norms of honesty and compassion. But if we introduce a new value, for example, the quality of the ensuing relationship or communication, or perhaps the autonomy of the recipient of our deed, then margins of difference may be found.
It is essential that the agent make these comparisons in one reference class at a time and not try to compare alternatives to each other with respect to more than one variable at a time. When a choice is multiattribute, the final better/worse comparison between alternatives can be understood as a series of subsidiary comparisons first in one class and then in another and finally between the margins of difference in each of these. If, on the other hand, we try to compare alternatives varying along different parameters directly with each other, we are comparing incommensurables or 'apples with oranges': we just do not know how to compare things too different from each other.

Researchers have found that "our innate but limited computational machinery" poorly equips us for handling too many variables at a time; our decision making effectiveness—being able to choose consistently with our preferences—decreases in direct proportion to the number of things we have to think about at once. In addition, the more different things are from each other, the harder it is to compare them. It is for this reason, as points out, that there are several categories for competition at art shows. It is much easier to judge the better of two still lifes than to compare a still life to a portrait or to an abstract design.

What agents need to make choices between multiattribute alternatives is a way to compare them which both minimizes the number of things they must think about at once and which does not require that different kinds of things have to be compared directly with each other. The bargaining model gives this to them.
To take the most literal of examples, a choice between an apple and an orange, let us suppose an agent prefers what is succulent and what does not have to be peeled. We can understand her choice in terms of the strengths of her preferences for not peeling over peeling and for juiciness over dryness. If there is a greater margin of difference in the first category, she selects the apple. If there are no significant differences, she can introduce a new variable, for example, vitamin content. If she wants vitamin C, then having to peel that orange may be worth it, given the juice and the nutrients.

Likewise, if a prospective mother discovers she is carrying a retarded child, she may have the opportunity to choose between bearing it and aborting it. Her morally justifiable preferences may be for preserving life and avoiding pain, but she is faced with comparing alternatives with different combinations of benefits:

<table>
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<tr>
<th>ABORTING</th>
<th>NOT ABORTING</th>
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<tr>
<td>sparing pain (good)</td>
<td>preserving life (good)</td>
</tr>
<tr>
<td>sacrificing pain (bad)</td>
<td>allowing pain (bad)</td>
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If her preference for sparing pain over allowing it is weaker than her preference for preserving life over sacrificing it, she may choose to have the child; but if her preference for preserving life over sacrificing it is weaker—perhaps she is bearing a severely deformed and an extremely brain damaged fetus—she may choose to abort it instead. She would not, if she did abort the fetus, compromise her commitment to the moral principle to preserve life, nor rank it as less important than the principle of sparing pain. What she compromises are her own preferences in the case—she wants
two things she cannot have at once and must determine the better and worse by comparing gains and losses of value with respect to each principle she cherishes. Because part of the difficulty agents experience when faced with a dilemma is their reluctance to decide "against" a principle of moral obligation, that such principles need not be compromised in resolving moral conflict is an important implication of the bargaining model.

In submitting that bargaining provides a way to understand how agents can make multiattribute choices, I am not also claiming that bargaining is a decision procedure which agents follow or even ought to follow consciously in order to resolve a dilemma. Nor am I specifying particular ways in which the mind works or ought to work when agents are faced with conflicting criteria for choice. Rather, I am claiming that the resolution of a dilemma can most fruitfully and economically be understood as bargaining--that is, as using more than one criterion in order to compare attributes of alternatives in different reference classes, in one class at a time, and then comparing the relative differences in value in each class with each other. Only when agents can determine by how much they value one attribute over another and (when relevant) by how much they value one criterion over another can they make overall evaluations of alternatives and select the one which is better.

Because I have limited the discussion to cases where general rules or principles do not tell agents how to rank alternatives, it must not be thought that my conclusion is the trivial one that moral norms do not provide solutions for complicated moral problems: that
is my premise, not my conclusion. My conclusion is that when moral norms do not tell us how to rank alternatives, agents can rank them by doing what can be understood as bargaining, and that the resolution of a moral dilemma by 'bargaining' is different from deciding by determining an obligation (either with reference to a rule or by calculating the consequences of alternative actions) and indeed different from any way we have thus far construed it.

Although I have not provided the rules which govern bargaining, or tests to determine whether we have struck a good one, what is important is that the rules which govern multiattribute ranking are the rules of bargaining and not specifically moral rules: moral norms contribute to the content of a moral dilemma, but the rules of bargaining would be rules for any decision problem of a certain form---moral or otherwise. Thus if there is ever a science of multiattribute decision making, it will be--for moral dilemmas--a science of bargaining and not a science of ethics.

In the next chapter, I shall attempt to justify the introduction of the bargaining model by showing the sense in which it is a model and the work it can do--especially its usefulness in showing how we can successfully compare 'apples and oranges' as alternative choices.
FOOTNOTES


3. Although 'bargain' is ambiguous in English, and can mean 'a good deal' or 'a compromise,' I use it in the latter sense only. Agents who rank alternatives by "bargaining" attempt to choose the alternative with the highest relative value; but they do not necessarily achieve the best bargain when they rank alternatives by making comparative and relative evaluations.


8. When I say agents determine the relative strengths of their preferences, I mean the same thing as agents assessing the relative difference in value of the attributes of their alternatives. To have a stronger preference for red over blue than for round over square is tantamount to judging that the difference between round and square is less (or means less) than the difference between red and blue.


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14. It could, of course, also be argued that a certain problem is not really a dilemma at all, that is, that the predicament is what I call a dilemma in the weak sense but not in that strong sense which philosophers sometimes call 'tragic'--that is a case where there is always an obligatory action which is not done. My point is that for genuine dilemmas, if there are such, resolution can be understood as a kind of bargain.

15. As my colleague Mahlon Barnes pointed out, these cases are also dissimilar in that the latter involves the additional factor of someone else's doing a wrong action, suggesting that the dilemma be structured in terms of preventing someone from doing evil vs. doing evil oneself. Although how the problem ought to be structured is debatable the bargaining model at least provides a general framework for discussing the problem by giving us a general way to set it out and a general way to focus on the source of the conflict.


17. Shepard, Ibid., page 275ff.
"It is difficult sometimes to determine what should be chosen at what cost, and what should be endured for what gain...What sorts of things should be chosen and in return for what is not easy to state, for there are many differences in the particular cases."

--Aristotle

"You can't compare apples and oranges."

--Proverb
Justifying the introduction of bargaining presupposes showing the kind of thing bargaining is—and the kind of thing it is not. What bargaining is is a model of the ranking of multiattribute alternatives. What bargaining is not is a decision procedure, a description (or explanation) of the mental processes which go on during deliberation, a "logic of discovery," or a way to justify a choice.

Nor is bargaining a model of a special type of non-inferential thinking--one which cannot be set out in argument form--or a special type of inference which cannot be set out in deductive or inductive form. Bargaining is not a model of the steps thinking actually takes (or should take) but is a model of the features critical in understanding multiattribute choice.

MODELS

Given that bargaining is put forward as a model, I will begin by explaining the sense of 'model' which I intend.

In a 1959 article, Brodbeck1 catalogues some "unnecessary uses" of the term. After introducing the "normative" use of 'model' (for example, the 'ideal little boy'), she illustrates with the other "most common non-technical use" ('scale' model) some conceptual
machinery—most importantly, the concept of an isomorphism, or correspondence between elements and relations of a model and what is modelled. The most interesting models are not replicas or "non-verbal descriptions" provided by charts or diagrams, but are verbal or symbolic isomorphisms—whether partial or complete.2

But not all that we call 'models' ought to be called 'models' according to Brodbeck. "One thing, one word,"3 is still a good idea, she says, and warns us against extending the term 'model' to areas in which she thinks it does not belong.

"When knowledge is scarce, speculation abounds,"4 she says. It is the use of the term 'model' for certain species of speculation which she finds so disturbing. "Guesses about isomorphisms" head the list. For example, Brodbeck would not dignify as 'models' comparisons of societies to organisms, brains to computers, or servomechanisms to purposive behavior. "Speculative theories," like those found in psychoanalytic literature, should not be called 'models' just because—lacking empirical evidence—we are reluctant to call them theories. In addition, we ought not to call 'models' theories based on idealizations (such as Economic Man who always chooses what maximizes utility or on physical impossibilities like frictionless bodies, instantaneous velocities, ideal gases or perfectly straight lines) because if there are no such things as these, our theory is false, and calling it a 'model' "does not make it any truer."5
Importantly, she concludes:

"An area, either part or all of it, can be a fruitful model for another only if corresponding concepts can be found and if at least some of the laws connecting the concepts of the model also can be shown to connect their corresponding concepts. This implies that the model is from an area better developed than that for which it is used. If very little is known about either field, then to speak of a 'model' is hardly more than loose and pointless talk."

While Brodbeck rightfully criticizes dignifying very wide analogies and wild guesses with the name 'model,' more recent literature shows that in other respects she has lost her battle.

Scientists, says H.F. Judson, use 'model' in "many overlapping senses"; but the one thing they never mean is something "complete in every possible detail." Models, says Judson, "always leave out trivial detail to embody the crucial features of something."

Models "perform at three levels," according to Judson; bargaining, I maintain, "performs" at the second of these. The lowest level is that of the familiar scale model--enlargements like laboratory representations of helices and crystals--or reductions like replicas of planetary systems--for example. The highest level is that of a theory--for example, Pauling's diagrams of protein molecules which tell us a great deal about their actual structure.

On the middle level, a model is a kind of map--"a purposeful and often radical abstraction"--and often one which helps us the most when it also leaves out the most. As an example of a map which is useful just because it is not drawn to the largest scale, Judson refers to the deliberate distortions of cartographers in whose
subway maps straight lines and square corners provide just enough information to the traveller but which do not at all correspond to the actual lay of the land. A model in this sense is as topology is to topography.

R.N. Giere points out that when models tell us a great deal about phenomena (as they tend to do in the exact sciences) they are in fact theories or "definitions of systems"; but when they are used in the social sciences, they are really analogies which do not have to fit the facts too closely to be useful.

Somewhere in between seem to be the world models--although Giere counts these as theories--for while they are certainly more complex and sophisticated than, for example, the "raisin pudding" analogies of atomic behavior, even the most subtle computerized program is immensely simple relative to the system it represents.

Returning to Judson's second sense, the large area between replicas and theories--what Brodbeck would call symbolic (including mathematical) systems--bargaining is introduced as a conceptual map of the categories and relations which I believe are best suited for understanding complex choice as the agent's problem. Henryk Skolimowsky expresses this sense of 'model' when he says:

"Models, to my mind, are sophisticated cognitive structures. Their purpose is to aid our understanding. Models do not isomorphize the world in a one-to-one way. They are not mirrors, or photographic cameras by which we capture the world as it is. Rather, they are a set of filters through which we apprehend the world and render it in a specific way."
BARGAINING AS A MODEL

Because bargaining is introduced as a model in this sense, an important point about the relation between bargaining and multiattribute ranking must be made.

Given that the relation is between model and thing modelled, it is not, strictly speaking, correct to say that agents bargain (consciously or methodically) or even to answer the question "What is the agent doing?" by answering "bargaining." This is because 'bargaining' is the name of a model and not of a process or event, and because what an agent is doing consists of many kinds of things--comparing, contrasting, inferring, correcting, assessing, balancing--things which are captured only in their barest outlines by the necessarily simplified model of comparative and relative evaluation.

In some ways the relation between bargaining and multiattribute ranking is similar to the relation between argument and inferential thinking, but in other ways it is not.

Just as inferential thinking does not have to proceed in argument form to be set out as such (and tested with reference to the rules of logic), so it is that the ranking of multiattribute alternatives does not have to proceed in some "bargaining form" to be understood and talked about as such; but the relation between multiattribute ranking and bargaining is unlike the relation between inferential thinking and argument because models and arguments stand to what is set out or represented in different ways. That is, a piece of reasoning in an argument form exhibits, by virtue of that
form, its validity or invalidity; but characterizing multiattribute choice as bargaining does not ipso facto exhibit is rationality or soundness; bargaining, moreover, as a model, provides no rules to test itself, and thus is not a logic of choice. (This is not to say that rules for determining what constitutes a good bargain or what counts as bargaining well could not be devised.)

Finally, arguments set out or represent not just any type of mental process but only one kind of thinking—*inferential* thought or reasoning; but bargaining, as a model of the ranking of multiattribute alternatives, does not set out or represent a kind of thinking at all. At most, because bargaining models ranking and because ranking involves thought, bargaining tells us in what kind of activity thinking plays its part—that general kind of activity known as *evaluation*. Of evaluation, Becker² says (italics mine):

> "Evaluation is here used to refer to the process of sorting out, from the welter of valuations, those may be called well-formed, ranking the resulting values in terms of relative weight, and balancing goods against the bads to come to a conclusion about whether the object is good or bad on the whole."

Bargaining, then, models ranking as a species of evaluation—evaluation which is not itself a kind of thinking, but which involves many kinds of thinking, both inferential or "linear" thinking and what Koestler³ calls the "horizontal" features of thought as well—feedback, cross-referencing, association, memory, imagination and so forth.

While arguments set out a process of thought, bargaining models a *problem* whose *resolution* involves both the kind of thinking
amenable to logical reconstruction and testing, and other kinds as well. Although the model also suggests how, in broad strokes, the resolution can be understood, it makes no claim about how the mind actually works—or should work—in decision making.

Because the model provides neither rules to follow (prospectively) in order to bargain well or to make good choices, nor rules to apply (retrospectively) to test a piece of reasoning leading to a decision, it does not function as a logic functions—either as a means of distinguishing good reasoning from bad or as a "logic of discovery"—assuming one is possible. Whether or not Popper is correct in asserting that there is "no such thing as a logical method as having new ideas, or a logical reconstruction of this process" and that "the initial stage, the actually conceiving of a new idea seems to neither call for logical analysis nor be susceptible to it," I have not introduced bargaining as a logic for discovery, but only as an appropriate conceptual map for multiattribute ranking. Even if bargaining rules were developed, they would not disclose the workings of the mind, but only provide ways to distinguish good multiattribute choices from bad.

Bargaining as a conceptual map of ranking multiattribute alternatives is not also a theory which tells us so much about such ranking that we can predict the behavior of rational decision makers. Nor does it provide agents with a method which, if utilized, would guarantee that they arrive at the best decisions. Mapping out the categories and relations with reference to which we can best understand the agent's problem is, however, useful in other ways. It is
the purpose of the next two chapters to show what these are.

Specifically, I will show that although the bargaining model does not reveal how multiattribute choices are actually made, it does show us how making them is possible. Because it does, its introduction (1) enables us to show how so-called "incommensurables" can nevertheless be ranked and (2) lets us clarify and reinterpret certain claims about agents and critics, especially claims about the justification of choices and the applicability of the universalizability principle to difficult decisions. I shall defend the first claim in this chapter, and the second in the next.

THE RANKING OF INCOMMENSURABLES

The bargaining scheme which I introduced in Chapter Three represents or models the structure of multiattribute ranking--the complete ordering (in terms of the relation of better and worse) of a domain consisting of just two alternatives compared with reference to different standards. If bargaining were important for no other reason than its showing us that and how we can compare alternatives using different kinds of standards (that is, how we compare "incommensurables") then its justification (it seems to me) is on one count justified.

Returning to Brodbeck's article, in her discussion of measurement,15 she introduces three axioms, beginning with the familiar rule of transitivity:

1. for any three numbers, if \( N_1 > N_2 \) and \( N_2 > N_3 \), then \( N_1 > N_3 \)
2. for any two numbers, at most one of \( N_1 > N_2, N_1 < N_2, N_2 = N_1 \) holds

3. for any two numbers, at least one of \( N_1 > N_2, N_1 < N_2, N_2 = N_1 \) holds

Then she claims that:

"There are many descriptive properties which satisfy the first two axioms of order, but not the third. Thus, when the properties of incomparable things are being considered, like food and plays, or musicians and painters, then the relation of say, 'better than' does not satisfy the third axiom...Only all three axioms express a completely ordered domain."

Her point is that we cannot judge that food or plays, for example, are better or worse (or even that they are of the same rank) because they are incomparable.

But what does it mean to say that things are incomparable? And why should it be the case that things very different from each other cannot be ranked as better and worse? Given that comparable things belong in the same class of comparison, the answer to the first question seems to be this: if things share no properties relevant to a comparison or if things do share such properties but are considered only in light of those they do not share, they would be incomparable. To the second question, I believe the answer is: It isn't. Things very different from each other can sometimes be compared--and not just along one parameter, such as cost for food and plays, but also in virtue of kinds of attributes which are not shared.

Returning to Brodbeck's example, a play can be compared to a dinner by taking into account both the taste of the meal, say, and
the aesthetic quality of the play. Obviously, this is not done by comparing the play to the dinner in terms of their respective flavors, or in terms of their respective dramatic worths. It is just the absurdity of such comparisons which would lead us to call food and plays 'incomparable.'

But a better/worse ranking of a meal and a play can be made even when our criteria for comparison are how good the one tastes and how well the other entertains. The bargaining model, I maintain, is important, because it accounts for the possibility of such a ranking and thus shows us how "apples and oranges" can be compared as choices.

In what follows, I shall make good my claim that bargaining "works" even in cases where our alternatives are very different from each other by showing how it is possible to compare 'incomparables' as alternatives. I shall not do this by showing all that needs to be done to compare them, but the kind of thing comparing them requires.

Returning to food and plays, let us say that you are given a choice between King Lear and lobster thermador, and I am given a choice between Tartuffe and chop suey. Let us also assume that we would each prefer to have both alternatives: given sufficient time and money we would not have to make a choice. Let us assume, too, that for you, fine drama is, ceteris paribus, more important than fine flavors, and that for me, aesthetic and culinary criteria are of equal weight. Finally, let us assume that we each consider the choices comparable in a sense which can be put metaphorically for
you, lobster thermador is the Lear of seafood fare, and for me, Tartuffe is the chop suey of dramatic fare. In their respective classes of comparison, that is, these things are of comparable rank. Obviously, a choice between A Chorus Line and a crust of bread would not ordinarily present either of us with much of a dilemma.

In order to show how bargaining "works" in such a case, distinctions between comparables and incomparables, and between the value of something and its choiceworthiness must be made.

Comparables are things whose relevant attributes fall into the same class of comparison. In other words, they are the same kinds of things. Lobster thermador and chop suey thus are comparable when the relevant attributes are things like caloric values, flavors, time required for preparation and so forth because each has a caloric value, a flavor and a preparation time. Incomparables are things whose relevant attributes fall into different classes of comparison. Lear and lobster thermador are incomparables when the properties at issue are the flavor of the meal and the dramatic tension of the play because it is not the case that each literally has a flavor and a dramatic tension.

By the value of something, I mean is worth as a member of some class where worth is determined by measuring attributes against standards appropriate for evaluating members of that class. There are, of course, different standards for evaluating plays on one hand and food on the other. By the choiceworthiness of something, I mean its worth as an alternative—that is, its being better or worse to choose than something else.
Now when X and Y are comparable, for example, when each is a meal compared with respect to flavor, or a play compared with respect to dramatic tension, then:

1. X has a higher value than Y
   implies that

2. X is better to choose than Y

In other words, we can rank X and Y as members of the same class. But if X and Y are incomparables, then (1) cannot be determined. This is because the value of X is determined in one way, and the value of Y is determined in another. This means that we cannot judge that one has a higher value than another whether or not they are of comparable rank in their respective classes. If they are of comparable rank, then it is not the case that one is higher, and if they are not of comparable rank in their classes, there is still no way to tell which is higher, for if the classes themselves are ranked, the difference in rank order within them may be greater or lesser than the rank order of the classes, and if the classes are not ranked, we are still comparing relatively good 'apples' to relatively bad 'oranges.'

The crux of the matter is whether and under what conditions we can rank incomparables as multiattribute choices—that is, when (2) can be determined independently of determining (1).

Now there are two kinds of multiattribute decision problems. One involves comparable things and the other incomparable things. Red cubes and blue spheres are comparable because each has a color and each has a shape; but as alternatives, they are multiattribute
if the desired combination of a particular shape and color does not occur in each.

When incomparables are multiattribute alternatives, neither gives us both things we want; but it is also true that neither gives us all the kinds of things we want. My point is that the distinction between comparables and incomparables as multiattribute choices does not make a difference in explaining how their ranking is possible: the way bargaining "works" for comparables, it also "works" for incomparables. Thus incomparables, pace Brodbeck, can be ranked as better and worse choices.

The best way to show this is to set out examples of each kind of multiattribute choice:

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<td><strong>A</strong></td>
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<tr>
<td><strong>RED CUBE</strong></td>
<td><strong>BLUE SPHERE</strong></td>
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<tr>
<td>1. going without a certain desired shape</td>
<td>3. going without a certain desired color</td>
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<td>2. gaining a certain desired color</td>
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<tr>
<td>1. going without a certain quality of dramatic entertainment</td>
<td>3. going without a certain quality of taste</td>
</tr>
<tr>
<td>2. gaining a certain quality of taste</td>
<td>4. gaining a certain quality of dramatic entertainment</td>
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What is involved in each choice is a comparison of relative gains and losses along more than one scale. The bargaining model accounts
for the possibility of each better/worse ranking in terms of comparing (1) with (4) and (2) with (3) and comparing the differences with each other. Thus sharing or not sharing kinds of attributes is irrelevant to how alternatives are ranked as multiattribute alternatives and hence the bargaining model is just as appropriate for ranking incomparable things as it is for ranking comparable ones. In other words, comparing apples and oranges is one thing. Choosing an apple rather than an orange, that is, comparing them as alternatives, is another. The bargaining model accounts for the possibility of better/worse judgments of apples and oranges as alternatives, but not as "things."

To summarize, where alternatives are compared in terms of relative gains and losses along more than one scale, they can be compared as alternatives even when they are incomparable as things. What are comparable-as-alternatives are comparable to the extent to which choosing between them requires. The bargaining model accounts for the ranking of comparables as well as incomparables as alternatives only--but this is all that multiattribute ranking requires.

Returning to our original choices, in order to rank Moliere and a Chinese supper, I must compare their relative worths using each criterion which structures my decision problem. Although Brodbeck thinks that I cannot rank them as better and worse because it is not the case that each has a flavor and a dramatic worth, I submit that I can rank them as better and worse alternatives in exactly the same way as I can rank blue spheres and red cubes.
If there are no differences in relative value, I can toss a coin; but if there are differences, I have some grounds for choosing an alternative. If the difference between (1) and (4) is very little (I am on a diet but not famished) and between (2) and (3) is very great (I am deeply depressed—probably from not eating or from being overweight—and need a good laugh to get my mind off food) I can rank Tartuffe as better to choose than chop suey—although not better than Chinese food in general, or for all instances of chop suey suppers, or even for all choices between Tartuffe and chop suey. If, on the other hand, I am obsessed with food and more in the mood for a tragedy (perhaps because I am suffering myself—from hunger), I can rank the chop suey as the better alternative, even if I do not particularly like it in general, and even if I normally prefer comedy to tragedy and especially like Moliere.

In my case, the initial criteria (taste, dramatic worth) were ranked equally. In your case, even though you prefer good drama, in general, to what tastes good, you may also have to discover the relative strengths of your preferences in a particular instance. You may, for example, be relatively more in need of sustinence than entertainment, and so would find a greater difference between losing the meal and gaining it than between the rank order of your criteria. Although your choice does not change your preference order for plays and food in general, in this case your preference for getting the meal dwarfs your normal preference for going to the theater. Even if you were to assign a greater value to the play than to the meal that evening,
in ranking the latter as the better alternative, you assign to it only a greater comparative value.

Neither of us ranks alternatives by comparing their values as things, by deducing a particular preference order from a general one or by comparing subjective impressions of alternatives. In order to decide by comparing relative gains and losses, we each compare two relative measurements—a 'very much' to a 'very little,' for example. Because comparing two measurements is not, of course, to compare incommensurables, the bargaining model provides a way to understand choosing by evaluating, but in a way which does not presuppose either the additivity or commensurability of value, and thus does not, like utilitarianism, imply the reducing of preferred qualities to some one standard of intrinsic value, like happiness or pleasure, or to one arbitrary one like monetary cost.

In summary, Brodbeck believes that we cannot rank incomparables because we cannot compare things which are very different from each other. But it is one thing to claim that we cannot rank very different things as better and worse, and another to claim that we cannot rank them as better and worse alternatives. I may not, indeed, be able to rank a Mozart Concerto and a Brahms Sonata as better and worse, but I can rank them as alternative choices for an hour of listening pleasure, or as additions to my record library. Because Brodbeck misses the crucial difference between better/worse judgments about things and about alternatives, she concludes that we cannot rank incomparables. My claim is that we cannot rank incomparables as things—but we can rank them as
choices.

THE RANKING OF MORAL INCOMMENSURABLES

A philosopher like Hare (who holds moral decisions to be made on moral principles) no doubt would refuse to accept an analogy between Lear and lobster as choices, and ranking, say, aborting a fetus and giving the infant up for adoption as choices. If neither rules specifying obligations nor calculable values, but only elusive "choiceworthiness" is at the core of the bargaining model, that is, if neither the right nor the good but only the relative better than must be determined, then decisions are not made on the basis of a universalizable moral principle, and hence are robbed of what makes them moral.

Thus, it could be argued that even if bargaining were an appropriate model for the ranking of multiattribute alternatives in non-moral contexts, it could not model such ranking for moral decisions.

Universalizability is, of course, an issue in itself, and it is not my intention to justify or question it. Rather, I wish to save the analogy between moral and non-moral choices, not by throwing the universalizability principle out with the bathwater, but by explaining what could be generalized in multiattribute decision making (and what cannot be) and by showing how moral decisions not made on principle in the usual sense are both moral and justifiable.

Before doing this, two exceptions to the applicability of the bargaining model must be noted.
One exception is a case involving the conflicting demands of moral and non-moral criteria. These, I believe, cannot, like the conflicting demands of say, beauty and cost, be resolved in the way bargaining suggests by moral agents. This is because one feature of moral criteria seems to be what Baier\(^{17}\) calls their "superiority" to criteria of other kinds. Thus a choice involving great--immeasurably great--personal advantage and relatively little moral damage to another would not be one for which a moral agent would or should "bargain." So, because my concern is with morally serious agents who have made the prior decision to do the morally best thing, their choices must be between alternatives each morally right or good according to different principles. A non-moral agent could, of course, treat a moral/prudential dilemma in the way that bargaining suggests and determine the relative worths of alternatives compared with respect to both kinds of criteria. (Such an agent could even weight prudential criteria higher than moral ones.)

A second exception also concerns moral agents--that is, moral agents should not "bargain" (that is, decide via relative evaluations) unless other methods fail to yield a clear cut morally justifiable choice. Moral agents should bargain only when confronted by a genuine moral dilemma--a case where there is more than one way to determine which is the right action but no way to mediate between them. Because it is difficult, if not impossible, to discover cases such that:

1. the agent has decided to choose on moral grounds only
2. one and only one alternative is right on these grounds
3. there are genuine alternative actions under consideration
it follows that bargaining is a model for all genuine moral decisions
including the most troublesome class of "tragic" cases (which resemble
cases of ranking multiattribute incomparables).

To underscore the similarity of moral dilemmas and multiattribute
non-moral choices, I shall clarify the relation between multi-
attribute alternatives, intercategory and intracategory better/worse
judgments, and comparable and incomparable things.

1. Multiattribute alternatives are things (including actions)
each of which has at least one desirable and one undesirable
feature.

2. Intracategory better/worse judgments compare things with
reference to one or more criteria appropriate for evaluating
the attributes of each thing.

3. Intercategory better/worse judgments compare things with
reference to criteria which are not appropriate for
evaluating attributes of each thing.

4. Comparables are things whose attributes fall into the
same class of comparison.

5. Incomparables are things whose attributes fall into dif-
ferent classes of comparison.

Not all better/worse judgments are intercategory; but all inter-
category judgments are about incomparable things. Intracategory
judgments about multiattribute alternatives are about comparable
things. For example, a choice between a blue cube and a red sphere
when we want a blue sphere:

1. is multiattribute (because we desire or prefer incompatible
attributes of alternatives).

2. involves an intracategory judgment (because the standards
for comparison—shape and color—are appropriate for
evaluating attributes of each alternative).
3. is between comparable things (because each alternative has an attribute in each class of comparison).

A choice between Lear and lobster, on the other hand:

1. is multiattribute (because we desire or prefer incompatible attributes of alternatives).

2. involves an intercategory better/worse judgment (because the standards for evaluation--flavor and dramatic worth--are not appropriate for evaluating each alternative).

3. is between incomparables (because it is not the case that each alternative has an attribute in each class of comparison).

Although there is no difference between how comparables and incomparables are ranked as pairwise multiattribute choices, some multiattribute choices are between one-kind-of-x and another-kind-of-x as alternatives, and others are between an x and a non-x as alternatives. The question is where moral dilemmas fit into this schema.

THREE KINDS OF MORAL DILEMMA

On one hand, it would seem that moral decisions involving conflicting moral norms would necessarily involve comparables, because moral norms are the same kind of criteria (i.e., moral ones). Thus all better/worse judgments made with reference to moral criteria--even when they conflict--ought to be intracategory ones.

On the other hand, moral dilemmas involve competing moral criteria (that is, criteria of different kinds). So it would seem that better/worse judgments made with reference to competing moral norms (especially if they are from competing moral codes or systems) would be intercategory ones.
Actually, each of these conclusions is false: there appear to be moral dilemmas of each kind—and an intermediate kind as well. Examples of the former are choices between alternatives describable with reference to degrees of some desirable (or undesirable) attributes. Examples of the latter are choices between alternatives describable with reference to desirable (or undesirable) attributes only one of which each alternative has.

An example of the first might be this. A physician can place only one patient on the kidney unit's dialysis machine and must choose between patient X and patient Y. Although I share the reservations of those who doubt that one can "play God" in such cases, I will assume for the purpose of illustration, that we could morally justify using certain kinds of criteria in this case. Let us assume that the physician is evaluating her alternatives in terms of prognosis (likelihood that the therapy will save a life) and the quality of the patient's life and/or its worth to others (how much the patient stands to lose and/or how many stand to lose how much of the patient dies). If patient X is a morose, uncooperative, lonely, elderly spinster with a strong constitution and patient Y is a hopeful, cooperative, eager, frail young father of five with a patient and devoted wife, the physician is faced with alternatives each of which to some degree exemplify competing desiderata. Where A and B are the alternatives of saving X's life and saving Y's life respectively, the choices are:
The alternatives are comparable because each patient has some sort of quality of life (can be evaluated along the scale of quality of life) and because each patient has some probability of surviving. What makes the alternatives comparable is not that each is describable as "an act of choosing someone for the kidney machine," but that both alternatives are evaluated with reference to criteria applicable to each.

If, however, the physician's choice were between a young, innocent child and an elderly inventor of the dialysis machine, with a comparable diagnosis, will to live and "social worth," and if the criteria for comparing alternatives are gratitude to the inventor and sympathy for the child, the choice would be:

A  SAVING THE CHILD  
  an act of sympathy  
  not an act of gratitude  

B  SAVING THE INVENTOR  
  an act of gratitude  
  not an act of sympathy  

Here it is not the case that each alternative is characterized by some degree of her desiderata; the alternatives are moral incomparables. Colloquially, the first choice was between apples and apples; the second was between apples and oranges.

As a last example, let us assume that the physician, emotionally drained from all the decision making in the kidney unit, but still wanting to do the kidney patients some good, is approached by some captain of industry and solicited as a consultant to a company which
is attempting to produce better and cheaper dialysis machines. When
these were developed, she could continue to be employed as a trainer,
teaching others how to use the equipment. Prudential considerations
aside, I will not suppose her decision factors to include the increased
salary, company car or gasoline credit cards, but moral considera­
tions only. Although the choices at first blush resemble comparables,
whether or not they are depends on the range of applicability of the
criteria which structure and define the problem--the criteria on the
basis of which alternatives are compared.

If, on one hand, the criteria are the probabilities of helping
patients and numbers of patients helped, her alternatives would be
comparable, for each act involves helping dialysis patients to some
extent. Where A is the choice of staying and B the choice of
leaving:

\[
\begin{array}{ll}
A & B \\
\text{helps her patients directly} & \text{does not help her patients directly} \\
\text{loses chance to help other patients indirectly} & \text{gains chance to help patients indirectly}
\end{array}
\]

The same alternatives could, however, be incomparable (as actions)
if the criteria for evaluating them were, for example, those of per­
sonal devotion to her own patients and the humanistic concern for
future patients who were not necessarily her own. Here, where A is
the choice of staying and where B is the choice of leaving, her
alternatives would be:
Here the actions are incomparables because the criteria used to compare them (those of personal and social morality) are appropriate for evaluating different kinds of things.

The structure of this choice resembles the structure of the dilemma faced by Sartre's student who was torn between his personal devotion to his mother and his desire to do some good of a wider scope under circumstances of greater uncertainty of doing good at all. For these problems, it is not just that different moral criteria conflict, but that different sorts of moral criteria conflict: what Cerf calls 'entire value constellations' or what Sartre calls 'kinds of morality' can conflict with each other. Similar choices are exemplified when the demands of more than one normative ethical theory cannot be jointly satisfied by either alternative. Doing the greatest good for the greatest number may, for example, involve violating a sacrosanct rule, or obeying a rule may involve dire consequences for the most people.

I call this third kind of moral dilemma a 'clear cut example of a borderline case' because, unlike comparables, the alternatives are not compared in virtue of their respective degrees of rule-keeping or consequences-respecting value, but exemplify the extreme poles of the continuum. But unlike incomparables, it is not the case that each action is a different kind of thing (like an act of gratitude
or an act of compassion). Because there are different kinds of standards appropriate for evaluating each alternative, the choice appears to be between incomparables—even though both actions are the kinds of things which can be appropriately evaluated by either criterion, and thus are like comparables to that extent.

Moral choices can be found which resemble all three types of dilemma; one upshot of introducing the bargaining model is, in fact, that it opens the doors to what may prove to be an interesting and fruitful taxonomy of moral decision problems. On analysis, we may find that particular moral dilemmas fall under a few general structural types.

In this chapter, however, my point was not to argue for such a taxonomy (although I believe that one could be developed on the basis of what I have worked out here) but to show that no matter what type of dilemma agents face, they can rank alternatives in the way that bargaining suggests. Although there seem to be several kinds of moral dilemmas, how alternatives are ranked does not depend on whether alternatives are comparable or incomparable or somewhere in between, but on whether alternatives are multiattribute. Whether multiattribute choices are moral or non-moral, making them is possible by determining relative value.

Having shown how making a multiattribute choice is possible, in the next chapter I shall show how it is possible to justify one. I shall, in addition, return to the issue of the universalizability of decisions, and the differences between the problems of the moral critic and the moral agent.

2. Brodbeck, Ibid., page 580.


Forty years after a battle it is easy for a noncombatant to reason about how it ought to have been fought. It is another thing personally and under fire to have to direct the fighting while involved in the obscuring smoke of it. Much so with respect to other emergencies involving considerations both practical and moral and when it is imperative promptly to act. The greater the fog the more it imperils the steamer, and speed is put on at the hazard of running someone down. Little wean the snug card players in the cabin of the responsibilities of the sleepless man on the bridge.

--Melville, *Billy Budd*
In this chapter, I turn my attention from an analysis of the agent's problem to its implications for moral criticism. My main conclusion is that many cases we are apt to dismiss as "tragic," that is, cases where we cannot judge that one and only alternative is morally right or obligatory to do, one alternative can, in fact, be justified as better than the other to do. If we draw the unpleasant conclusion that moral agents cannot rationally judge that one alternative is better to do than another and/or that moral critics cannot defend such judgments, it is only because we have not understood moral dilemmas properly. It is, in fact, a false dilemma to claim that either one alternative can be justified as morally right or obligatory or the situation of moral choice is a tragedy. I want to go through its horns and claim that although situations of moral dilemma involve great losses of value, and are unarguably tragic in this sense, they are not always tragic in another sense—that is, such that neither alternative can be defended as the better choice.

In what follows, I shall discuss the justification of multi-attribute choices. I shall show why justification is the problem of only the moral critic, what well-formed reasons for multiattribute
choices are like, why justification for these does not involve showing an alternative is morally right to do, and why bargaining is neutral with respect to normative ethical theories. I shall also show how understanding these things bears on the issue of the universalizability of decisions, the rationality of decisions and specific differences between agent and critic.

JUSTIFYING MULTIATTRIBUTE CHOICES

What critics and agents-turned-critics need to justify a multiattribute choice is to show that one action is the better alternative ("the best bargain"), that is, defend the relative judgment that one action (but not kind of action) better-as-an-alternative ("more choice-worthy") even though it may not be, in general, the better kind of thing, or in general, right or good to do. In other words, to justify a multiattribute choice is to show that the highest relative value is achieved.

Showing that the highest relative value is achieved is not the same as producing the agent's relative value judgment. Gauthier makes a comparable distinction. To justify a choice is to show that it is reasonable—not just to produce the reasons the agent may have had for making it. Gauthier makes a comparable distinction between reasoned and reasonable choices:

Deliberate action and only deliberate action is reasoned action, action performed for reasons. Reasoned action is not to be confused with reasonable action. No doubt the agent supposes his deliberate reasoned actions to be reasonable... reasoned action may be performed quite without prior thought, even on impulse. Thus reasoned action may not be reasonable action.
Agents can make reasoned choices which are not "reasonable"—even when they "bargain." Their choices are justifiable when they strike good bargains. What makes something a good bargain is choosing the alternative with the highest relative value. Critics who justify multi-attribute choices must show that the highest relative value is achieved. The point of this chapter is that this does not involve showing that the alternative is morally right to do.

I take the justification of choice to be only the critic's problem, and not the problem of the agent as well. Agents must judge one alternative better on defensible grounds; critics must show why or how those grounds are good. Identifying the justifiable act is the decision maker's task; showing what justifies it is not. It is another issue to claim that agents perhaps must justify their choices to themselves or others if they are to behave responsibly. Leaving open the question of whether agents ought to justify their judgments before acting on them, I claim that requiring that an agent must justify a choice in order to judge which alternative is better is a mistake similar to confusing use and mention. Agents, that is, can use moral criteria without mentioning them in arguments which set out or make plain their application to a case. Agents need only work within the rules which govern the rationality of choice; they do not also have to work with the rules as critics do when they show that judgments are grounded in certain ways.

To assume that agents must show why an alternative is best in order to know which alternative is best commits what I call The Fallacy of the Judge. The fallacy is to mistakenly assume that because critics must do X, agents must also do X. For example, it is such a
fallacy to argue that because critics can articulate the rules of good sonnet construction and show, making reference to them, why sonnets are good or bad, that Will, who writes and can recognize good sonnets, must do so as well. The Fallacy of the Judge is the erroneous transfer of the critic's task to the task of the agent.

Paul Taylor\(^2\) seems to commit this fallacy when he argues that the reasoning of the critic in justification and the agent in deliberation is "exactly the same." He says (italics mine):

"Our deliberation consists in thinking about reasons for and against doing each of the alternatives."

"The term 'justification' is used here to cover not only reasons for doing an act, but reasons against doing an act. To state why an act is right or wrong, good or bad is to give reasons for or against doing it. Thus moral reasoning is the same whether we are justifying the acts of others or are deliberating about what we ourselves ought to do."

For Taylor, "going over the pros and cons" (the agent's job) is the same as "to state why" the act is right or good (the critic's job); but these are not the same at all. Having grounds (and acting and judging on them) is not the same as stating such grounds--making the principles behind our judgments and/or actions explicit. We all find it much easier to employ criteria than to identify the criteria we employ, and harder still to talk about them and explain their relation to what they order or define. An agent who chooses on the basis of criteria (by using them in adducing pros and cons) but who does not state (mention) why an alternative is better on the basis of them can determine the defensible alternative without defending it as such.
Taylor probably makes his claim because he assumes that moral reasoning must proceed from moral principles. Thus if agents and critics each reason morally, they do the same thing whether the context is deliberation or justification.

If moral reasoning is reasoning which proceeds deductively from a moral principle to a conclusion about what is obligatory or right to do, then, for multiattribute decisions, neither the reasoning of the critic nor of the agent is "moral reasoning" at all. I eschew a special type of reasoning which both must use in making and justifying multiattribute choices, and agree with Taylor only to the extent that if an "intersubjective method" for justifying moral judgments is possible, then it ought to justify the judgments of agents and critics alike. What I deny is that a method proceeding from a moral principle to a judgment about obligation can be used for justifying a multiattribute moral decision.

The reason for this is that in giving well-formed reasons for such choices, critics must mention, in justifying them, more than one moral ground. A well-formed reason for a multiattribute choice always makes reference to at least two principles--never just to one.

Accepting a class of moral decisions whose justification does not derive from the deductive applicability of some one moral principle does not, however, rule out our making use of moral norms as justificatory principles or of deductive moral arguments in other contexts. It is only to say that we should not expect as a justification for a multiattribute choice reference to a moral principle or to its applicability to the case.
It must not be thought that when I claim that we cannot justify multiattribute moral choices by deducing them from a single moral principle (as in a "practical syllogism") that I accept that they can be justified in a consequentialist way instead. Although valuations are central in bargaining, the model does not favor teleological ethics—any more than it favors deontological ones. The bargaining model is, in fact, neutral vis a vis normative ethical theories.

First of all, bargaining is not a theory of moral obligation; moreover, it does not even imply one. This is because the better of two alternatives evaluated with respect to only moral criteria is not necessarily right or good (and may be wrong or bad), and because normative ethical theories tell us which kinds of actions are right or wrong, good or bad to do. Alternatives ranked by "bargaining" can only be justified as relatively better and worse. When an action usually considered wrong is judged better-as-an-alternative, it is incorrect to say that it is now "right to do." When an action usually considered right to do is judged relatively worse than one which is also considered right to do, it is incorrect to justify the choice by saying that the action is "right to do"; given that the other alternative is also right to do, we have not given a good reason for the choice, for we neglect one moral demand and pay attention only to the other. It is more accurate to say that alternatives chosen by "bargaining" are "alright to do."
Unlike (act) utilitarianism, the bargaining model requires dual or even multiple scale evaluation and never involves the reduction of desired or undesired attributes of alternatives to one kind of value—utility, happiness, pleasure and so forth. The bargaining model is for cases where values are not reducible, additive or directly commensurable. The model requires the prior structuring of the problem with reference to competing moral principles and not the mere "calculating" of consequences along a single scale. This is true whether the consequences are of following rules or of the actions themselves.

The conflicting principles which create the problem lose their function as justificatory reasons but do not lose their generality for they take on another function appropriate for norms—that of standards for evaluation. Unlike reductionist utilitarian theories, the bargaining model is conflict-preserving. A proper justification for a multiattribute choice involves making reference to the source of the conflict and does not involve finding some common denominator to which values of alternatives can be reduced and thus directly compared: such a reduction can only distort the main lines of a multiattribute problem.

A well-formed reason for choice under conditions of persisting moral conflict is not: It brought about the greatest good or It conformed to the rule, but could be It was better to violate the rule than to risk the consequences (or vice versa).
Although Toulmin concludes: ⁵

"Appeal to a single moral principle, though the primary test of the rightness of an action, cannot be relied on as a universal test; wherever this fails, we are driven back upon our estimate of the probable consequences."

his point is about moral rightness. Now where rightness is concerned, even if it were true that appeal to rules or to consequences exhaust the possible ways to test for it, my claim is that the justification for a multiattribute moral choice does not involve showing that one and only one alternative is right to do. When I claim that appeal to a single principle fails, I do not also claim we must "fall back upon" the consequences. With Wellman, ⁶ I believe:

"Surely a person is acting and judging morally if one acts and judges in light of relevant considerations whether or not he can formulate a principle to fit every case. Granted that a specifically moral judgment must be supported by specifically moral reasons, I can see nothing in the nature of moral justification that requires the reasons to include a moral principle. The necessity for appealing to a moral principle is not built into our conception of morality."

Do I then defend act deontology? No, because when I deny that moral justification proceeds from a moral principle, I am not also claiming that it need not make reference to a moral principle at all. All I am denying is that one moral principle can be used to justify a choice made under conditions of persisting moral conflict, and affirming that justifying such choices must make reference to more than one moral principle. Thus I am not claiming, like the act deontologists, that we can dispense with justificatory moral
principles and determine rightness or obligation on the basis of characteristics or attributes of actions alone. Although the attributes of alternatives figure predominantly in the bargaining model, betterness is not determined by discovering what kinds of actions the alternatives are. Betterness is, rather, a function of the relative difference between the values of attributes and is not based on the attributes themselves.

The bargaining model contains elements found in various normative ethical theories, but favors none of them. With teleological ethics, it emphasizes valuations; with deontological ethics, it emphasizes attributes of alternatives and rules and principles which tell us in general is right to do. With rule theories, it emphasizes the importance of rules and principles of obligation—for without these there would be no dilemma—and with act theories it emphasizes the possibility of determining the best alternative without reference to some one moral principle or rule. It does not favor a Rossian view, because justification does not involve showing the priority of one prima facie obligation over another, but is done under conditions such that no one moral obligation can be determined.

The upshot of introducing a kind of justification which is neither teleological nor deontological, and which does not favor act or rule theories, is that no standard method for justification is invalidated just because it fails to work for multiattribute choices. Standard methods do sometimes work, but when they do, alternatives are not multiattribute. Justifying alternatives as relatively better and worse (rather than one alternative as morally
obligatory) picks up where standard methods fail. When they do, either by conflicting or by yielding counterintuitive answers, critics may want to justify a choice as the best bargain. At the worst, introducing the bargaining model may limit the range of applicability of standard methods for determining moral obligation, but it does not trivialize normative ethics. At most, it limits normative ethics to providing tests of rightness for kinds of actions, to helping us settle the more straightforward cases and to the important function of illustrating the kinds of cases covered by certain procedures or rules. Moreover, if our standard methods for determining rightness exhaust the possibilities for kinds of moral justification, then multiattribute moral choices are not capable of moral justification at all. They are, in fact, justifiable moral decisions which we cannot justify as morally obligatory--because we cannot justify one and only one alternative as morally right to do.

We should not conclude, however, that justifiable multiattribute choices cannot include moral choices. Moral justification may in fact require something more than determining relative betterness in a context created by conflicting moral rules; but making and in some way justifying multiattribute moral choices does not. This is because it is possible to provide some justification for clearly moral multiattribute choices--clearly moral because they are made with reference to only moral criteria for choosing.

Although some philosophers believe that we cannot justify a moral choice without making reference to some one moral principle or rule, others believe that we can justify a choice with reference to
its consequences alone or by determining the kind of action an alternative is or what its attributes are. But no matter what our theory of moral obligation, some choices cannot be made by determining our obligation. Choices we make by "bargaining" and justify by defending the bargain are not choices we can justify as morally obligatory. Bargaining is not a theory of obligation; it does not favor a theory of obligation, and it does not imply a new theory of obligation.

In summary, well-formed reasons for multiattribute choices are expressed in comparative value judgments. What critics and agents-turned-critics need to justify such choices is to show that one alternative is the best bargain, that is, to defend the judgment that one alternative is better overall than the other. The defense involves showing there is relatively more (or less) to be gained in one light than in another. (For cases where conflicting criteria are themselves ranked, it may also involve showing that there is a greater or lesser difference between the rank order of the criteria in what could be gained and lost with respect to each.)

It is one kind of thing to determine which alternative is right and another to determine which is better to choose. "The best alternative," in other words, means something different from "the best thing," "the best kind of action," "what anyone in similar circumstances ought to do," "what is right for anyone to do." Understanding what it means for something to be better as an alternative forces us to read 'better than,' in the context of decision making, much more carefully.
THE UNIVERSALIZABILITY OF MULTIATTRIBUTE DECISIONS

Understanding how we could justify a multiattribute moral choice and what well-formed reasons for these are like bears in an important way on the issue of the universalizability of moral decisions. I shall begin to show how it does by distinguishing between the universalizability argument and the universalizability principle (UP) in order to make it clear that I shall discuss only the latter. Singer distinguishes the "generalizability argument" (which is not at issue here) from the "generalizability principle" (which is):

1. If everyone were to do that, the consequences would be disastrous (or undesirable); therefore, no one ought to do that.

2. What is right (or wrong) for one person must be right (or wrong) for any similar person in similar circumstances.

The question is whether, and if so, in what sense, multiattribute moral decisions are universalizable.

Atwell claims that UP, while applicable to all moral judgments, even, contra Winch, to our own first person ones, does not apply to all decisions, especially not to "difficult and unpleasant" ones. For Atwell, if I judge that an action is right to do, I ipso facto judge it right for anyone to do in like circumstances. The rub is that sometimes I must decide without being able so to judge. In other words, Atwell acknowledges, as I do, cases of moral decision where one must choose without the benefit of being able to discover a clear cut moral obligation. Such choices as these include, of course, all multiattribute moral decisions. Multiattribute choices,
by their very nature, thus are not universalizable. In other words, the claim that a decision is not universalizable is elliptical for the claim that it is not covered by a universalizable moral principle which confers obligatoriness or rightness on it. Given that an agent making a multiattribute choice does not choose the right thing, it does not follow that a similar agent in like circumstances who chooses differently chooses the wrong thing: the matter is beyond right and wrong.

The point to stress is that UP covers only judgments about obligation, and not the better/worse judgments agents make in order to rank multiattribute alternatives. I accept, that is, that if an action is obligatory or right for one agent in one set of circumstances that it is also right for another agent in like circumstances; but I deny that if in one case an alternative is relatively better than another, then in all similar situations that alternative is better to do than the other.

This point, on the face of it, sounds rather heretical, and needs some defending. First of all, I should make it clear that the better/worse judgments at issue are about individuals and not kinds of things. It is one thing to say that a little lie is better than a big one, and quite another to say that this little lie is better than this big one. Moral rules of obligation come in comparative form, and I do not deny that these are subject to UP. If, in general, A's are morally required when the choice is between A and B, then the rule applies in all similar circumstances. If, however, the judgment is about the relative value of this A and this B, it
makes no sense to generalize to other circumstances: there aren't any.

It might be pressed that if in one set of circumstances this A is relatively better than this B, then in relevantly similar circumstances the A is relatively better than the B. But how are we to generalize to a class of similar things on the basis of a single case? How do we know, that is, when a situation is relevantly similar? The answer is that situations in which we can justifiably make the same better/worse judgments about particulars are the relevantly similar ones. Thus applying UP to better/worse judgments about individual actions puts the cart before the horse because we in fact pick out similar cases on the basis of past rank orderings rather than rank order by generalizing to present cases. Thus it is inappropriate to apply UP to the better/worse judgments agents make when ordering multiattribute alternatives.

Because UP covers only judgments about moral obligation and because better/worse judgments about moral alternatives are not judgments of moral obligation, no multiattribute choice is universalizable. A problem with denying UP to serious moral choices, however, is that we still want to say that these are moral choices, even if they are not justified morally with reference to a universalizable moral principle. Both Atwell and I claim they are, but for different reasons. Atwell believes that the only way to ask a moral question is to ask what anyone ought to do in the circumstances. He says:

Actually, in really difficult moral decisions, an agent cannot decide what he really ought to do because he cannot decide what anyone ought to do, and yet he must act; this is the tragedy.
"...the only honest answer a person can give to What would I think it right to do? in a situation of serious moral dilemma is usually 'I have no idea.'"

If agents cannot determine their moral obligations, then it seems that what makes their choices moral is, for Atwell, only their intentions; they are, as he says, "morally serious agents," intent on doing what morality requires if only they could discover it. I part ways with Atwell here, for I provide a way to recognize decisions we cannot justify morally (as right or obligatory) in a way which is independent of the motives of the agent. That is, a dilemma is a moral one, rather than one of prudence or expediency, whenever alternatives are compared with reference to moral standards for evaluation rather than standards of other kinds. Because there is ordinarily no difficulty in distinguishing moral criteria from prudential ones, we can recognize as moral those choices which are not morally justifiable as right or obligatory to do whenever we can determine the grounds on which the choices are made.

Atwell believes we can usually come up with judgments about moral rightness. I agree that in simple straightforward cases, and in complicated cases involving the conflict of moral and prudential considerations we can; but for all cases where moral criteria continue to conflict after a serious attempt to discover a predominant or overriding moral obligation, that is, when agents cannot come up with universalizable moral judgments, they can rank alternatives as better and worse without the benefit of them.
Atwell's purpose is to show that judging an act as right to do and deciding are different kinds of things. On this point I could not agree with him more: it is obvious to me that agents can do the latter without doing the former. But I do not agree with his ultimate conclusion that situations in which no moral obligation can be found are tragic—in at least one important sense of the term.

Kupperman quotes Wittgenstein: 10

"Here we may say we have all the materials for a tragedy; we could only say, 'Well, God help you.'"

My interpretation of such situations is more optimistic, for the agent who has discovered conflicting moral obligations and no clear cut answer to what ought to be done can search instead for a difference between alternatives sufficient to distinguish their moral worths. The optimism in this is that better/worse judgments can be made when judgments about moral obligation cannot be made. Thus agents have a chance to make justifiable moral decisions, decisions justifiable with reference to their choiceworthiness rather than to their rightness.

That they can do this is important because it amounts to going between the horns of the dilemma that either a choice is universalizable (covered by a universalizable moral principle) or else it is an arbitrary, tragic, unjustifiable or even non-moral choice. With Sartre, I agree that genuine moral dilemmas are possible—in the medical field, they are even rampant—but I deny Sartre's conclusion that the agent's only recourse is what amounts to an aesthetic
invention as little accessible to reason as discovery in either science or in art. It is important for moral philosophers to have a way to understand how difficult moral decisions are possible and how it is possible to justify them: in the absence of such understanding, we are likely to dismiss the most interesting and knotty cases from which we actually stand to learn the most about moral dilemmas from the agent's point of view and/or remain unsatisfied until we can understand all choices as justifiable making reference to a universalizable moral principle—which for multiattribute moral choices amounts to never understanding them as justifiable at all.

The upshot of all of this is that decisions made by relative evaluations and modelled as bargaining are universalizable in one sense but not in another. Obviously, they are not universalizable in the sense that they are all grounded by a universalizable moral principle for obligation. But all I am denying is that something moral is universalizable in moral multiattribute decision making. What is universalizable is the applicability of the "bargaining" principle to all cases of multiattribute decision making, moral and otherwise. If what makes one multiattribute choice justifiable is that it is the better bargain, what makes any other multiattribute choice justifiable is also showing that it is the better bargain—that is, showing that there is a greater difference between what can be gained and lost in one light than in another. I do not also claim, however, that whenever there is conflict between the same two moral principles, that the same alternative should be chosen. The variables which influence a better/worse judgment will always
collectively be more complex than the conflict between the principles at the source of the problem. While specifying the source of the problem is necessary condition for being able to "bargain" and useful in providing a taxonomy of moral decision problems, it is not enough to tell us which is the better alternative in a particular case, and so the way in which the bargaining principle is universalizable is of academic interest only.  

THE RATIONALITY OF MULTIATTRIBUTE DECISIONS

What is it then that makes a multiattribute choice rational? For one thing, a good bargain is not simply a choice made consistently with the agent's preferences, even if they are morally justified ones. The reason that coherence (consistency of preferences) is not a good test of the rationality of a multiattribute choice is because the agent's preferences are always divided between conflicting moral demands and there is no set of preferences which can be satisfied by either alternative. Unlike critics of Bayesian decision theory, I do not eschew coherence as a test of rationality on the grounds that the agent's preferences may be consistent, but morally reprehensible; I eschew it because the agent's moral preferences are not consistent.

It is sometimes thought that the rules which govern deductive inference also provide tests for the rationality of choice. For example, most decision theorists require that successive choices be transitive. That is, if, over time, an agent chooses A over B, and B over C, the rational agent must choose A over C (given a choice
between them). It is not, however, difficult to come up with a counterexample— that is, a case where an agent decides against the rule of transitivity but clearly makes what we want to call a rational choice.

An agent, let us suppose, is presented with a tray on which she finds two pieces of fruit. First, she takes an orange rather than a banana (A over B); then she takes a banana rather than an apple (B over C); but when presented with an apple and an orange, she takes the apple (C over A) in violation of the rule of transitivity.

Let us suppose that each time she chooses a fruit, she chooses on exactly the same grounds: she chooses in the same way that many of us choose chocolates from a sampler and takes the one she has not tried recently. Let us also suppose that at three o'clock, she had a banana, and that at four o'clock, she had an apple. Her three successive choices between two fruits on the tray occur at five, six and at seven o'clock. Given this information, we can see that she prefers the orange to the banana at five because she just had a banana at three. Then at six, she prefers the banana to the apple, because she had an apple at four. Then at seven, she prefers the apple to the orange, because she just had an orange at five. The sequence is:

\[
\begin{align*}
t_3 &= \text{had a banana} \\
t_4 &= \text{had an apple} \\
t_5 &= \text{orange to banana} \\
t_6 &= \text{banana to apple} \\
t_7 &= \text{apple to orange}
\end{align*}
\]
In this case, it is clear that the agent chooses rationally "against" the rule of transitivity. This suggests that the canons of deductive logic may not be those with which we ought to determine the rationality of the choice.

Actually, I not only eschew applying the rule of transitivity to successive choices, but also eschew treating a rational choice as though it were the conclusion of a logical argument. It is not, of course, a new claim that choices are not made in the same way that inferences are drawn from conclusions. Gauthier says:¹³

"But deliberation is not effected by practical syllogisms or by any formal pattern of reasoning whatsoever. To speak of deliberation as a type of reasoning is to point to the fact that, as a result of successful deliberation, one can produce a piece of reasoning, an ordered argument, leading from a starting point to a conclusion--an action to be done. What one does in order to be able to set it out is quite irrelevant, although doubtless of importance in other contexts."

My point is that we ought not confuse arguments exhibiting the rationality of choice with what makes a choice rational. The latter, I believe, has something to do with the agent's grounds for choosing and not, strictly speaking, with the validity of the critic's arguments which set it out.

Unfortunately, it is easy to assume that such arguments have more to do with decision making than they really do. In discussions of "practical reasoning," for example, it is sometimes said explicitly that the decision itself is a "conclusion of a logical argument,"¹⁴ that is, of a practical syllogism whose major and minor premises state a moral principle and the factual particulars
respectively.

But even when the deductive application of a moral principle to the facts of the case justifies the rightness of some action, a standard "practical syllogism" cannot set out what makes a multi-attribute choice rational. This is because when there is moral conflict--either between two individual principles or ways of deciding--there is not just one moral principle from which we can conclude what to do. If we construct parallel deductive arguments, each proceeding from a different moral principle, we will derive contradictory (or at least different) answers, and if we construct an expanded argument which contains each principle, the argument will be inconsistent.

Although it has been argued that inductive, rather than deductive, reasoning is the reasoning of the decision maker, there is no agreement among philosophers as to what kind of argument best expresses the rationality of a moral choice. Moreover, it is possible that what best exhibits the rationality of choice is not an argument at all. Suppes, for example, says that we do not know, even intuitively, what we mean by a rational choice.

What I take the rationality of a multiattribute choice to be (leaving aside the form in which it could best be expressed) is the choosing of the better alternative where an alternative is judged better (by agents) or shown to be better (by critics) on the basis of relative differences between gains and losses of value along more than one scale--scales of value which correspond to the conflicting norms which are the source of the problem. What makes
a multiattribute choice rational is its being a good bargain; what makes something a good bargain is achieving the highest relative value. What makes a moral choice a good bargain is achieving the highest relative value when the differences which make a difference are themselves morally justifiable ones.

AGENTs AND CRITICS

Unfortunately, those who do make a distinction between the 'logic' and the 'processes' of moral decision making often do so to either justify our concern with the logic (that is, arguments which set out the rationality of choice) or to suggest that we understand how agents actually make decisions. Because the latter really belongs in the area of empirical psychology, given a choice between the logic and processes of decision making, philosophers seem justified in favoring the former. But it is a false dilemma to think only in terms of these two poles. In between there is also the legitimate attempt to conceptually analyze the problems of the agent and determine the extent to which our logic corresponds to what makes their decisions rational. This third alternative is neither an empirical study of how decisions are actually made nor an analysis of arguments which justify choice.

But so widespread is the false dilemma that even those philosophers who promise to tell us something about moral decision making itself fall into the trap of telling us something about moral criticism instead. One philosopher who promises to discuss moral decision "existentially," and begins, auspiciously, by asserting that the
"settings" for ethical reflection and moral criticism are "completely
different," goes on to say that they stand in the relation of
"logical converses" and writes another book about practical syllo-
gisms. Struhl and Struhl, who offer a sensitive discussion of what
makes a problem a moral dilemma, and who catalogue dozens of these
for discussion, ask the reader after each one questions like "What
was his obligation in this case," "What was right for him to have
done?". These questions are acceptable only insofar as they teach
us that, because there are no answers for them, they are the wrong
kinds of questions for agents to ask when trying to resolve a moral
dilemma. In addition, they are misleading, because they suggest that
the successful resolution of a moral dilemma ought to be a conclusion
about what is morally right or obligatory to do.

Part of the problem is that we assume that agents and critics
are answering the same question; if they are, then of course it makes
sense to focus on the critic's neat arguments which apparently make
explicit the logic behind the mysterious, inaccessible decision proces-
ses themselves. But even at the level of structuring and setting
up the problem, agents and critics have very different tasks and
are, in effect, trying to answer very different kinds of questions.
This fundamental difference in perspective goes beyond my earlier
claim that judging the better and defending the better of two alter-
natives differs. I can illustrate this more fundamental difference
by making reference to A.W. Tucker's famous Prisoner's Dilemma.

The situation of the dilemma involves two prisoners held
incommunicado after collaborating in the commission of some crime.
Each is given the same information: if both confess, each will get ten years in prison; if each is silent, each gets a reduced sentence of only two years; if one talks, and the other is silent, the silent one gets twenty years in prison and the talker goes free.

The matrix for the decision problem is:

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<td>C</td>
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<td>(\overline{C})</td>
<td>-20/0</td>
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From the critic's point of view, what Gustafson calls the "detached" point of view of the observer rather than that of the "involved participant," there are four possible outcomes--four possibilities to be realized in some state of the world:

1. each confesses
2. each is silent
3. A confesses; B is silent
4. B confesses; A is silent

Any critic would, I believe, instantly pick the second as the best outcome, because neither participant is favored and because the sentence is short.

Unlike the critic, safely out of picture, either agent will not be primarily concerned with four possible outcomes, but with two alternatives--confessing or not confessing. For either agent:

Either I confess or I do not confess. If I confess, I either get ten years, the same as my accomplice, or I go free--at the expense of my accomplice. If I am quiet,
I either get two years, the same as my accomplice, or I get twenty years while my accomplice goes free.

My point is that only the agent is faced with a dilemma: even at the level of determining the problem, there is a different one from each point of view. That is, the critic's problem is determining the best outcome; the agent's problem is choosing the better alternative. While the critic's question is: Which would be the best result?, the agent's question is: Which alternative should I choose?

Now even if the agent experimentally switched to the critic's point of view, and regarded the situation as a whole, the information would not be sufficient for a rational choice. This is because the situation is symmetrical, and because neither knows how the other agent will decide. Given symmetry and uncertainty, switching to the detached point of view of the critic will at most show what would be best for both agents to do; but it will not show either agent what to do.

It may be objected that for a prudential decision like this one, this may be true, but that moral decisions differ from prudential ones just because moral choices, by their very nature, involve determining what would be best for the situation as a whole and not just what would be of advantage to the decision maker.

This is a very serious objection because it challenges not only my claim that agent and critic (moral or otherwise) have different problems but also my wider assumption that moral and non-moral decisions are relevantly analogous—alike, that is, to the extent that we can generalize from what non-moral choices involve to what moral ones involve.
Avoiding the related question of whether and under what conditions it is ever rational to choose to do the right thing at a serious disadvantage to oneself, I shall focus on the question of whether morality requires that moral agents take on the perspective of moral critics in order to decide.

First of all, it should be remembered that for moral dilemmas, those decisions under consideration, it will not help an agent to switch to the critic's perspective in order to determine an obligation (or the grounds for one), because for these decisions neither agent nor critic can determine what is morally right to do. The question here is whether rational agents ought to make moral decisions by taking the "detached" point of view of the critic.

It is my belief that whenever an agent decides with reference to moral rather than to prudential criteria, by using these criteria, from the inside, as it were, agents can, theoretically, accomplish the same thing by standing outside the problem--but in a slightly different way. This is because moral criteria, by their very nature, are other-regarding, and hence encompass interests beyond the agent's own. So if critics and agents share the same moral criteria, ideally the agent would pick the alternative which the critic judges best for the situation as a whole. Thus even though agents and critics have different problems, and even though we can distinguish the "detached" objectivity of the critic from the subjective (involved) impartiality of the moral agent, we do not have to conclude that agents and critics will arrive at different resolutions just because their problems
and perspectives differ.

In this way, moral and prudential dilemmas differ. A critic standing outside the prisoners' quarters could not advise just one prisoner to be quiet—at least not on prudential grounds. On the other hand, a moral critic who advised a prisoner to do what was morally best could, in good conscience, tell just one prisoner to be quiet, for the worst that could happen (suffering injustice oneself) is not the morally worst alternative (going free at the expense of another). Another way of saying the same thing is that the prisoners dilemma is not a moral dilemma at all but only a prudential one.

To construct an analogous moral dilemma we need a case where keeping quiet gives each agent an outcome of either the morally best or the morally worst and where talking prevents the worst but cannot achieve the morally best outcome.

Let us say that the members of a nuclear freeze group unanimously vote in favor of a particular act of civil disobedience and choose two members by lot to carry it out. The two trespass on restricted property, pour blood over a Trident submarine, are apprehended, held incommunicado and are each given the same information: if you are both quiet, you both go free and no other member of your group will be arrested; if you both talk, you will each serve one year, but no other member of your group will be arrested; if one talks and the other is silent, the silent one goes free but the talker and the rest of the group will serve two years in prison. For the sake of simplicity, I shall leave out, as was done in the original dilemma, the criterion of honesty (telling the truth)
and what could be a morally relevant factor—the issue of civil disobedience itself—and assume that the moral criteria which conflict are those of fairness and of freedom for the most people. As was the case with the original dilemma, neither agent knows on what grounds the other will choose. The agent's problem is as follows:

Either I talk or I am silent. If I talk, either we will each serve one year and no one else will be arrested, or my accomplice goes free while I and my entire group serve two years in prison. If I am silent, either I go free, while everyone else serves two years in prison, or we both go free and no one else is arrested.

Each alternative risks some undesirable state of affairs; but only one alternative can secure the best state of affairs. A moral agent could rank alternatives by "bargaining" if he judged that there is a relatively smaller moral difference between the worst outcome (all but himself suffer) and the second-worst outcome (all but the other accomplice suffer) than between the best and second best outcome (where freedom is lost). Thus keeping quiet to gain fairness and freedom is better than talking to prevent everyone else's suffering—because by talking a situation almost as bad as the worst would be risked anyway.

Assuming that the relevant principles are: Do not do what will result in disproportionate harms and Do what will keep the most people out of prison, only the critic can pick the best solution on the basis of its satisfying each of these criteria; the agent, deciding on his own, and not making a judgment about the situation as a whole, can only rank alternatives in terms of relative gains and losses of value. The agent who "bargains" proceeds in a different way than the critic who judges the best outcome; but the agent decides to be quiet
nevertheless.

To summarize, agent and critic do have different problems and so do different things to resolve them; discovering the best possible outcome (from the critic's perspective) is not the same as choosing the better alternative (from the agent's). But moral criteria are such that they give the moral agent the advantage of the critic's point of view without putting the agent in the position of the critic. Most importantly, if we are to understand what makes a choice rational, we should not look at the argument of the critic in favor of the best outcome, but at the "bargaining" ground of the agent, for only the agent makes a choice. For a moral dilemma, critics ought to be able to produce a defense of the agent's grounds if they wish to show the choice is rational. In my view, the rationality of choice has to do with on what grounds an alternative is chosen, and not with what kind of thing the alternative chosen is. Showing what is the best outcome (or why it is the best outcome) does not show what makes a choice rational, but only what an ideal symmetrical "solution" of the problem would be like.

To summarize the results of the last two chapters, the general importance of introducing the bargaining model is that by focusing on alternatives rather than on kinds of actions as our primary datum, we see that what is true about actions and what is true about alternatives differs. First, although kinds of actions may be justifiable as right to do, they may not be justifiable as alternatives to be chosen. Second, although kinds of actions may be incomparable, they may be comparable as alternatives. Third, although judgments about
kinds of actions may be universalizable, judgments about the relative values of particular alternatives are not. Finally, while on the basis of the kind of thing it is, an action can be judged the best or most rational outcome in a situation, an alternative is not always reasonable to choose on the basis of the kind of thing it is.  

Having shown some implications of the bargaining model on issues in critical ethics--justification, universalizability, the rationality of choice, the differences between agent and critic--I shall conclude this thesis by anticipating and addressing some criticisms which could be put to my view.
FOOTNOTES


4. Nagel sees utilitarianism as "the best example of using a single scale on which all these apparently disparate considerations can be measured, added and balanced" In *Mortal Questions*, page 131.


11. This principle is no less 'objective' than the ethical principle of utility, or doing the greatest good for the greatest number; although only the latter is a principle for moral obligation, the former is a principle with reference to which we could provide, in conjunction with the facts of the case (that is, differences in measurements of kinds of value) reasons for believing that one alternative is better than another.

12. The reason it is only of academic interest is that judgments about rightness mention a specific kind of action and the bargaining principle does not. For example, the principle against lying tells us that whenever we recognize an action as an instance of lying then, without a reason to the contrary, we ought not to do it. The bargaining principle, on the other hand, mentions no type of action, and so, in other instances,
we are given no guidance about what kinds of actions ought to be chosen.


21. I use 'critic' in this discussion as 'observer' or 'spectator' and not as 'provider of an argument justifying a choice.'

22. Another interesting upshot of emphasizing alternatives rather than actions is this: just because A may be better to choose than B in a particular instance implies neither that A is the best kind of action nor even that the agent prefers A to B in the long run. It may even be the case that the only way to achieve B in the long run is to choose A in the short run. For example, Sartre's student may really want to fight in the resistance but is prevented by his concern for his mother. He could choose each alternative, serially. That is, he might choose to stay for awhile so that his mother could perceive both his restlessness and his love for her. Then, at a later date, he could choose to go with her good wishes.
"There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties, the knotty points both in the theory of ethics and in the conscientious guidance of personal conduct."

--John Stuart Mill
CHAPTER SIX

CONCLUSION

There are several criticisms which could be put to my view, and I will now attempt to answer them in (roughly) their ascending order of importance.

CRITICISMS OF THE BARGAINING MODEL

First, it may be objected that by introducing the bargaining model, I make complicated moral dilemmas appear more simple and more simply resolvable than they really are, and thus distort the nature of decision making under conditions of moral conflict.

In reply to this objection, let me say that the modesty of my project--finding a way to appropriately talk about and understand how it is possible to make and justify multiattribute choices--is reflected in the limited nature of my results. Given that my purpose was not to explore moral deliberation in all of its complexity, or at all of its stages, but only to examine a static slice of the decision making process, my results of necessity bear the mark of the narrow task I set for myself.

I introduced the bargaining model to make our understanding of the agent's task a little easier--not to show that the task was a little easier than we thought. If anything is overly simple, it is
not decision making, but the bargaining model itself. What I attempted to show was what multiattribute ranking is and involves; I did not try to provide a full explanation of the processes of decision making or even of all the activities which go on when agents rank alternatives. Only if this had been my aim could it be said that I oversimplified decision making--but this would be a criticism only if I had intended such a full explication.

A related objection is that I make it appear that any tough decision is resolvable in a satisfactory way--a way such that one alternative can always be shown to be better than the other. My claim, however, is not that there is always a significant difference between the relative strengths of the agent's preferences for attributes of alternatives, but that if there is, then justifiable decisions can be made--even when no clear obligation can be determined.

Obviously, if the differences between alternatives are negligible and/or not morally justifiable, no satisfactory resolution can be found for a moral dilemma. If, for example, we must decide which of two identical twins to save from a burning building and the only differences are that one twin is to the agent's right and the other is to the agent's left, there is no morally justifiable difference on the basis of which to choose. But if the twin who is crying the loudest is in the more inaccessible part of the building and the twin which is more easily reachable is unconscious (not suffering), the agent, now faced with a dilemma, could perhaps identify one alternative as better even under these tragic circumstances.
Indeed, because I have already claimed that there is always value lost in any multiattribute choice, I have not implied that there can ever be a wholly satisfactory resolution to any moral dilemma. My claim all along has been that whenever we cannot find a clear cut moral obligation it is in some cases possible to find a morally defensible difference which makes a difference between alternatives.

It may also be objected that because the bargaining model provides no rules to specify its own application, it tells us nothing about how to distinguish cases for which we should 'bargain' from those for which we should search for a ground for moral obligation instead. Thus, it could be objected, introducing the model adds more confusion than clarification to the already difficult enterprises of making and justifying moral decisions. We may, as agents, be tempted to stop searching for an obligation too soon, and so miss the opportunity for doing the right thing. This could lead to irresponsible decision making as well as to misguided moral criticism, for critics might be tempted to justify choices as "the best bargain" when the choices could be justified as "morally right to do."

It is true that the bargaining model contains no rules to distinguish cases to which it applies from those to which it does not apply, but we can ordinarily recognize a dilemma as such. It will be remembered that I have considered only the decision problems of morally serious agents who, after a period of deliberation, are faced with competing moral demands and no way to determine that one and only one alternative is morally right to do. In actual cases,
moreover, time and other pressures usually suffice for telling such
an agent when to stop searching for a clear moral obligation and
to try to determine in some other way which alternative is better.

It could be objected that moral critics who do not themselves
face real life deadlines ought to search for grounds of moral obli-
gation for any moral dilemma. In fact, it could be added that part
of what it is to be a moral critic is to determine such grounds.
This brings us to the most serious criticism of all—that there are,
in fact, no genuine moral dilemmas (cases where no clear moral obli-
gation can be found), but only perplexing cases for which agents
have trouble finding the right thing to do. That is, my critic could
say that I have confused the epistemological problem of being unable
to find an obligation with the ontological claim that there is no
such obligation to be found. Moreover, such a critic could add
that even when agents resolve a dilemma by evaluating alternatives
as relatively better and worse, they have a moral obligation to
choose the better. I shall now address these objections in turn.

In an 1980 article, Marcus argues emphatically that moral
dilemmas are real. She says:

"I would like to claim that it is a better
fit with the moral facts that all dilemmas
are real even where reasons for doing x
outweigh, and in whatever degree reasons
for doing y. That is, whenever circumstances
are such that an obligation to do x and an
obligation to do y cannot as a matter of
circumstance be fulfilled, the obligations
to do each are not thereby erased, even when
they are unfulfillable. Mitigating circumstances
may provide an explanation, an excuse or a
defense, but I want to claim that it is not
the same as denying one of the obligations
altogether."
According to Marcus, it will always be the case that when there is a dilemma there are two obligations, and that when one finally acts, there was something obligatory which was not done: the fact that one alternative is judged better does not mean that the situation was not a dilemma. Marcus says that for such cases there will always be a "residue"--an obligation which remains unfulfilled. Moreover, according to Marcus, it will not always be the case that one alternative can be judged better with reference to a moral principle. She says:

"Not all questions of value are moral questions and it may be that not all moral dilemmas are resolvable by principles for which moral justification can be given."

Although Marcus maintains that some moral dilemmas are not resolvable with reference to moral principles, and I defend the claim that no genuine moral dilemma is resolvable with reference to a moral principle, we are in agreement, for I have acknowledged a 'weak' sense of moral dilemma--decision problems such that two moral demands cannot be met by either alternative but which can be resolved by ranking the obligations in importance or by discovering (or inventing) a higher order principle of moral obligation. Although I limited my discussion to moral dilemmas in the strong sense, I do not deny that moral dilemmas in the weak sense can be resolved by finding a moral obligation.

I am also in agreement with the conclusions Marcus draws about the reality and sources of moral dilemmas. Noting that moral dilemmas "have usually been presented as predicaments for individuals,"
she denies that they are epistemological or "apparent" only. A dilemma is not just a perplexing situation for the agent, but a circumstance where "for a pair of obligations if one is satisfied then the other cannot be satisfied."^6

To strengthen her case that all dilemmas are real, she shows how the existence of moral dilemmas does not imply that our moral systems or codes are inconsistent (that is, contain principles which cannot both be true), that a consistent moral system does not guarantee a lack of conflict in real situations, and (as I have pointed out) how some moral dilemmas arise from not knowing how to apply a single moral principle, for example, in cases in which one has made two promises, but keeping one involves breaking the other.

On one extreme, it may be argued that moral dilemmas are just cases of uncertainty or perplexity; on the other, it could be argued that a moral dilemma is evidence for there being something wrong with our ethics. Marcus takes a middle position and argues that while uncertainty and inconsistency are different, we are uncertain because of conflict—not necessarily because of inconsistency.

Indeed, why should it be the case that we should blame either the agent or our moral systems when there is conflict between moral demands? Moral dilemmas are real because the world is more complicated than our moral systems, no matter how consistent, and also because there is more than one moral system. When we find conflict, it is more reasonable to blame it on the world, rather than on the agent or on our ethics. What makes dilemmas real is not the inadequacy of either but the complexity of the moral life relative to
the systems which tell us what is, in general, right and wrong to do. Even if there were at any one point a single consistent moral system containing all the rules for obligations, and even if perfectly rational and perfectly informed agents could make use of them, there would be no guarantee that the very next situation would not call the rules into question or be such that none seemed to cover it.

My critic could, I presume, press further, and claim that when a moral agent finally does judge one alternative to be better, there is always an implicit principle on which the agent acts or judges (whether the principle is known to the agent consciously or not) and it is reference to this principle which justifies the agent's choice. Although my claim has been that there is in fact such a "bargaining principle," that is, a non-moral principle, my critic could, contra my view and the view of Marcus, insist that a moral principle could always be found.

Now I will admit the possibility that as a result of evaluating alternatives relatively as better and worse a new moral principle might emerge and that it might then be used to justify some future decisions and judgments; but I deny that such an emerged principle properly justifies the decision out of which it emerged. Let me take as an example to illustrate my point a passage from Russell's The Conquest of Happiness: 7

"It used to be customary for invalid ladies to expect at least one of their daughters to sacrifice herself completely in performing the duties of a nurse, even to the extent of forgoing marriage. This is to expect of another a degree of altruism which is contrary
to reason, since the loss to the altruist is greater than the gain to the egoist."

Now on the basis of the relative value judgment with which he concludes the passage, Russell formulates the following "maxim":

"No person should be expected to destroy the main lines of his life for another individual."

It might even be that for every better/worse judgment about multi-attribute alternatives we could formulate such a maxim; but the question is whether the woman's choice to marry rather than to nurse an invalid mother is justified by saying that it is not right to distort the main lines of her life to serve another. My claim is that reference to the maxim could justify a choice, but not the multi-attribute choice out of which it emerged.

My reason for claiming this is that the relative value judgment constitutes backing for the emerged maxim--and not the other way around. It makes sense to say that one ought not distort the main lines of one's life because there will be a disproportionate balance of value; but it does not make sense to say that there will be a greater loss than gain because one ought not distort one's life. Thus if one attempts to justify the better/worse judgment about alternatives with reference to the maxim, the maxim will itself be grounded by a relative value judgment--and it is this judgment which fundamentally and essentially grounds the choice.

In an actual dilemma, moreover, having the maxim will not help an agent make (or justify) a choice because there is another maxim or moral demand the agent must also heed or because the agent does
not know how to apply the maxim—perhaps because she cannot assess 
the degree of distortion or the degree of sacrifice involved. Thus 
while maxims or principles may emerge from the decision making 
process, it is incorrect to say that they justify the choices out of 
which they emerge and thus my claim that bargaining suggests a new 
way to justify a moral choice remains undamaged.

One last criticism is that I am opening the doors to moral 
skepticism and/or relativism by leaving decision making up to the 
individual agent's ability to make better/worse value judgments, and 
my position is really no better than the relativistic situationalism 
of Fletcher who claims that agents need only act out of a spirit of 
loving concern. In addition, if no alternative is clearly right to 
do, then there can be no "moral" knowledge about what to do in a 
situation of moral dilemma—an unfortunate state of affairs indeed.

I will grant that there is no special "moral" knowledge involved 
in making or justifying multiattribute moral choices; but I do pro-
vide a way to understand how we can come to know which alternative is 
better and how, in a general way, we can justify that choice. Thus 
even in the absence of specifically "moral" knowledge, there is not 
a rank skepticism which implies that either alternative is as good 
as the other to choose or that we could never know the grounds on 
which agents can judge one alternative to be better. Even if the 
ground is not a moral principle, and even though what makes one alter-
native better is not judging that it and only it is right to do 
according to some moral principle, reference to a non-moral bargaining 
principle ("choose the alternative with the highest relative value")
conjoined with the particulars provides the ground for moral (as well as non-moral) choices.

If it is objected that "simple" people cannot be trusted to be able to figure out where relative value lies, the objection can be met by reminding such a critic that relative value judgments are the kinds of judgments everyone makes all the time in non-moral contexts. Determining the difference between the values of things and comparing the differences involves only a simple kind of skill and not subtle or elaborate aptitudes: it is as though the perplexed mind is itself cost-economy oriented and takes the simplest route to resolving a dilemma by processing data in a series of very elementary ways. As long as an agent can tell the difference between moral and non-moral values (and here normative ethics, which reminds us of the general importance of kinds of things has its uses), understanding the agent's problem as bargaining complicates it no more than understanding it as the search for a moral obligation which fits the case.

**THE IMPORTANCE OF THE BARGAINING MODEL**

When then have I accomplished? Although I have, like Aristotle, been interested in the agent's point of view, I have not, like Aristotle,\(^8\) concluded that "choice is praised for being related to the right object rather than for being rightly related to it." Because I have been concerned with problems for which there is no solution, I cannot claim to have come up with a way to understand how we can choose the "right" alternative: knowing what kinds of actions the alternatives are and knowing what our ends are is not
enough for knowing what we should choose in situations of dilemma. If we "praise" a multiattribute choice, it must be with reference to the ground(s) on which it is chosen and not with reference to the kind of thing it is. A major accomplishment of my investigation has been producing the general ground on the basis of which we could evaluate such choice.

In introducing bargaining, what I have suggested amounts to a non-ethical first principle for justifying multiattribute moral choices. If it is true that we need some sort of first principle if we are to avoid the contextual "fittingness" of the situationalist and if we insist on constructing deductive arguments to exhibit the rationality of choice (avoiding, of course, the conclusion that agents decide by arguing in this way), it is important to know what kinds of things the premises of such arguments should be. A critic who wished to exhibit the rationality of a multiattribute choice in a (revised) "practical syllogism" should use as a major premise a statement to the effect that the best alternative is the one with the highest relative value and as a minor premise a statement of the particular gains and losses of value involved. The difference is that the minor premise is a value judgment and the major premise a non-moral rather than a moral requirement.

In addition to avoiding certain difficulties about 'ought' and 'is,' justifying multiattribute choice with reference to a bargaining principle avoids the relativistic position that the "same action" can be right in one set of circumstances but wrong in another. Because the bargaining principle is not an ethical one, actions
chosen by "bargaining" are neither morally right nor morally wrong to do. Moreover, because the bargaining principle ('choose the alternative with the highest relative value') is not empty (like 'do what is best in the situation'), justifying multiattribute choices as good "bargains" avoids not only ethical relativism but also the problem of the arbitrariness or "tragic" character of difficult choice. Indeed, one point in favor of understanding moral dilemmas and their resolution in terms of bargaining is that we avoid two kinds of futility--thinking that we can "solve" a genuine moral dilemma by discovering an obligation and that in the case of a genuine dilemma no reason for choice can ever be better than another.

My analysis has also shown that the language of value can be applied to ethics not only in order to assess the characters of persons or the worths of things but also in assessing the values of alternative actions. The slack where logically conclusive moral arguments leave off need not be taken up by emphasizing virtue, or the judgments of persons of good character who tend to choose certain kinds of things or choose in a certain way. Revealing the structure of multiattribute ranking may even illuminate a backing for what agents perceive as intuitions or hunches, thus providing a more objective way to evaluate difficult choice.

Despite its normative implications, my analysis has in fact been from the agent's and not from the critic's perspective, for I have seen the problem as the choice of an alternative and not as a search for the grounds for choice. What my analysis has contributed to critical ethics is not a new "logic of moral reasoning," but the
discovery that the resolution of a moral dilemma involves a non-moral principle which critics could mention in justifying the choices in which it is used.

Although I have probably disappointed those who hoped that an analysis of dilemmas from the agent's point of view would disclose a decision procedure for ethics, I believe, with Nagel, that "to look for a single theory of how to decide the right thing to do is like looking for a single theory of how to decide what to believe." While making rules or logics behind processes is important, we cannot always perform activities by following the rules which are implicit in them. To think otherwise is like thinking we learn to walk by mastering physics, or to speak by mastering grammar.

Finally, understanding moral dilemmas in terms of having to rank multiattribute alternatives opens the door to moral dialogue and discussion and could lessen disagreement about moral matters because individuals can, like single agents torn between principles, focus on the source of their conflict. If that source is their commitments to incompatible principles, they can understand a possible resolution in terms of discovering that more will be gained than lost with respect to one principle than to another—rather than as the triumph of one principle over the other. Doing so allows each party to save face, for it does not involve changing the rank order of the principles themselves, or weakening either one of them by building in exceptions or qualifications.

When we see that a problem stems from moral demands which cannot be met by either alternative, we can limit our arguments to
whether relative value judgments are well founded. Doing so helps us to avoid another kind of moral "tragedy"—that is, thinking that we have given a good reason for choice when we invoke as a justification only one of the two principles making demands on us. This is a kind of tunnel vision—a species of dogmatism—for some kinds of considerations are systematically ignored in favor of others. Invoking the principle "Killing is wrong" will not help when the other alternative involves killing as well, or when refusing to kill a tyrant will result in the annihilation of the world. If we see that by compromising we do not ipso facto abandon our principles, we might be less likely to divide into inflexible camps, each rallying behind the principle we most favor.

In those cases where no differences between alternatives can be found, disputants nevertheless have a way to talk about the problem, and a way to see why, structuring the problem as they do, no satisfactory resolution is available. Indeed, employing the categories of the bargaining model makes it relatively easy to restructure the problem in a way which might make a resolution possible.

Introducing a model based on multiattribute ranking, relative value judgments and competing criteria for choice has provocative implications; but it is important in itself as well because it lets less slip through the net of our understanding of moral dilemmas and their resolution than any scheme of moral obligation or justification, and tells us more about them than any normative or critical ethical theory.
Philosophers have suggested that we better understand what Baier\(^{10}\) calls the "active, forward-looking agent's or advisor's point of view." Some, like Braybrooke,\(^{11}\) charge that philosophers have failed to specify the "deductive application" of moral principles, but have also failed to explain their role in decision making in other ways. In an unpublished paper, Holly Smith\(^{12}\) suggests that moral principles have two roles—"decision guides" for agents as well as "theoretical accounts of right-making characteristics." Other philosophers, like Kupperman,\(^{13}\) remind us of the importance of the agent's problem, and like R. Taylor,\(^{14}\) believe that we cannot learn about it by studying moral arguments or moral criticism. These voices seem to cry in the wilderness, but form a compelling chorus against the current preoccupation with the problems of the moral critic. Wellman says:\(^{15}\)

"The task of deciding what to do and justifying one's doings to oneself and others is not a specifically moral one...It calls for a life, not a book."

It is my view that if we do not also write books about moral decision making, the books we do write about moral criticism are bound to be woefully incomplete, and that we will not do justice to the moral life until we can talk about resolving dilemmas in a way which neither denies their existence nor begs the question of whether a satisfactory resolution must involve discovering a moral obligation. If I have contributed anything to ethics by stressing that the language and categories of relative evaluation (better and worse) rather than of obligation or of simple evaluation (the right or the good) are appropriate for understanding moral dilemmas and
their resolution, I hope it is a fruitful way to understand such decisions for what they really are, and the agent's problem for what it really is.
FOOTNOTES

2. Ibid., page 127.
3. Ibid., page 121.
4. Ibid., page 136.
5. Ibid., page 124.
6. Ibid., pages 133-134.
9. I have coined the expression 'epikean ethics' to designate that area of moral philosophy in which moral criticism is directed to choice in situations of moral dilemma. The etymology of the phrase of the Greek 'epikeia'--sensing when the law is too general to cover all cases.

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