

# CONFLICTS, INCOMMENSURABILITY, AND MORAL DISAGREEMENT

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Many well-known philosophical reasons contribute to the persistence of moral disagreements, notably, controversial criteria for possessing moral status, old debates between consequentialists and deontologists, issues of relativism, and difficulties with comparing the moral weight of our options. Oddly enough, philosophers have yet to clarify the extent of moral disagreement, and the epistemological problem of comparing the moral weight of various options receives little attention, even in closely related debates about whether values are incommensurable in principle.<sup>1</sup> After defining incommensurability, I show how we can better understand the extent of disagreement, and argue that even widespread incommensurability does not necessarily undermine good decision making.

## Defining Incommensurability

Philosophers do not always define “commensurability” and “incommensurability” in the same way. According to some philosophers, two or more options are incommensurable with respect to their overall value if and only if the relevant values do not reduce to the same scale. Gerald Paske, for example, does not believe deontological values and utilitarian values reduce to the same scale.<sup>2</sup> On other accounts, two or more options are incommensurable with respect to their overall value if and only if the value of one option is neither greater than, less than, nor equal to other options.<sup>3</sup> Ruth Chang refers to this latter definition of incommensurability as the trichotomy thesis and argues that options can have a fourth value relation: values can be on par.<sup>4</sup> Elizabeth Anderson clarifies that values are on par, for example, if a novel is as good a novel as a painting is a good painting.<sup>5</sup>

Although deciding whether values are on par can be important, for the purposes of this essay, I discuss incommensurability in terms of the trichotomy thesis to assess proper responses to conflicts in which agents cannot do all that is morally desirable. Thus, the value of two or more options will be considered incommensurable with respect to their overall value if and only if all three value relations specified by the trichotomy thesis fail to obtain. This “ontological incommensurability” is a thesis about the impossibility of comparing the value of specified options. Conversely, options are ontologically commensurable if and only if one of the value relations obtains. We can attempt to explain our apparent inability to compare the value of options based on ontological incommensurability. If values are incommensurable as a matter of reality, they are incomparable in principle; and values that are incomparable in principle will be incomparable in fact. However, incomparability in fact does not entail the thesis of ontological incommensurability. Incomparability in fact can result from limited moral knowledge or “epistemic incommensurability.” The value of all or almost all options is comparable in some way, so we should understand epistemic incommensurability as precluding the ability to know the comparative value of options in terms of the trichotomy thesis.

## Identifying Incommensurable Conflicts

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Although philosophers have debated whether options are ontologically incommensurable, they have underappreciated difficulties with identifying cases of epistemic incommensurability. Gerald Paske claims that options can be incommensurable (presumably epistemically and ontologically) if a person has an obligation to do A relative to a deontological theory and an obligation to do B relative to a consequentialist theory. Therefore, if we can establish that various obligations are rooted in different moral theories we have some reason to think we can have cases of epistemic or ontological incommensurability. Paske has in mind a case where a person must choose whether to kill one to save many others. His strategy does not straightforwardly establish cases of incommensurability because we can argue that options have deontological and consequential value. Even if conflicting moral concerns or obligations stem from logically independent moral theories and standards, a consequentialist obligation to help a family involved in a serious car accident overrides a deontological obligation to meet a friend to watch the Super Bowl based on a prior promise. Such options are commensurable. Different moral standards might contribute to cases of ontological or epistemic incommensurability, but will not necessarily do so and might not often do so.

The fact that people (including moral philosophers) are likely to consider each other wrong for reaching different conclusions about moral issues complicates identifying cases of epistemic incommensurability. One or more participants to a moral debate such as capital punishment or abortion might be mistaken about a question of fact, conceptually confused (say, about necessary or sufficient conditions, or the implications of a premise), morally insensitive, or morally incompetent. In some cases, appraisers might disagree about criteria for moral status, or the relevance of consequences, rights, or virtuous character as applied to a case or policy. Thus, in response to a claim that a conflict involves epistemically incommensurable values, one can plausibly argue that further investigation will tip the scales in favor of one option.

It is conceivable, however, that those who agree about criteria for moral status, the facts as to whether an individual possesses moral status, and the relevance of consequences, deontological duties, and virtue might still disagree about the comparative moral value of various options. Although disagreement is neither necessary nor sufficient for establishing epistemic incommensurability, persistent disagreement among informed persons provides *prima facie* evidence for a lack of moral knowledge related to judging the comparative value of options. Epistemic incommensurability can help explain the persistence of some disagreements.

### **Incommensurability and Practical Decision Making**

Some philosophers believe that there are few cases of ontological or epistemic incommensurability. Ray Frey does not distinguish between ontological and epistemic incommensurability, but he claims that incommensurability undermines the rationality of our choices and that widespread incommensurability is inconsistent with the actual trade-offs that people

frequently make.<sup>6</sup> Presumably, ontological and epistemic incommensurability would undermine personal and collective decision making, but does not presuppose that individuals need to always agree on value comparisons for practical purposes as say in the case of two persons who exchange automobiles and who both feel they got the better deal.

In what follows, it will become clear that there is a sense in which Frey's claims are correct, but his views need an important qualification. Significant for defending my thesis is the work of Terrance McConnell<sup>7</sup> who responds to Paske's defense of the possibility of genuine dilemmas (having two obligations that an agent cannot both fulfill) on the basis of incommensurability. I shall utilize Paske's example and McConnell's response as a springboard to consider the extent of moral agreement as to what persons should do if faced with difficult choices that involve ontological or epistemic incommensurability. I also show that even frequent choices involving ontologically or epistemically incommensurable values can be consistent with practical reason.

### Single Actions and Scenarios of Actions

If single responses to choices involve epistemic or ontological incommensurability, then the choices and trade-offs we make are arbitrary in terms of moral value. However, once we view those responses in the context of a scenario of actions, we see that widespread epistemic or ontological incommensurability does not entail arbitrary choices between scenarios of actions. In route to showing that an adequate level of practical reason (enough reason to justify a decision) is compatible with widespread ontological or epistemic incommensurability, it also becomes clear how we can better understand the extent of moral disagreement.

Paske has us imagine a birdwatcher, John, strolling through the woods and stumbling across criminals holding ten people captive. The criminals present John with a horrible choice: either John kills one of the ten captives or they will kill all ten innocent persons. Presumably, if John kills one of the persons, the others will live, and John's decision has no bearing on his own life. As moral appraisers of John's conflict, we must consider the following two statements.

Statement 1(S1a): John should kill the innocent person for the sake of saving nine persons.

Statement 2(S2a): John should refuse to kill an innocent person for the sake of saving nine persons.

Many others have noted if genuine dilemmas exist, even the best possible moral theory has limitations in guiding human behavior in the sense of failing to indicate the best response.<sup>8</sup> Moral appraisers of various persuasions realize that saving nine persons from death has great moral value and that killing a person has great moral disvalue. Agreement over some important morally relevant features of the case is overwhelming. The conflict involves a *prima facie* obligation to save lives and a *prima facie* obligation not to kill. A *prima facie* obligation is understood as carrying weight such that the *prima facie* obligation that is not fulfilled leaves moral residue—emotions such as sadness and

remorse, requirements to mitigate against losses, and a requirement to avoid conflicts when possible. We know, however, that once we move from *prima facie* judgments to all-things-considered judgments, moral appraisers will often disagree as to what one ought to do. The problems of epistemic and ontological incommensurability are possible explanations as to why people can agree about *prima facie* judgments but disagree about all-things-considered judgments.

In response to Paské's argument, McConnell argues that even if we face conflicts consisting of incommensurable values, values still guide our actions so that our choices are not likened to a flip of a coin. McConnell instructs us to broaden our perspective to include the best scenario of actions. McConnell claims that even if moral reflection does not indicate whether John should kill the innocent person, our values still guide us once we make a choice. Therefore, even if these options are ontologically or epistemically incommensurable, whatever decision is made constitutes the first step in a series of actions aimed at achieving a justifiable overall balance of value. For example, McConnell says that if John chooses to kill the innocent person, he should do so as quickly and painlessly as possible. Even if the choice between values in Paské's example involves ontological or epistemic incommensurability, it may still be true that one scenario of actions is epistemically commensurable to alternative scenarios of actions. In other words, it is possible for the value of different single initial responses to be epistemically and ontologically incommensurable while the overall value of a series of actions that includes one or more incommensurable options is epistemically and ontologically commensurable with the overall value of an alternative scenario. Even widespread ontological and epistemic incommensurability does not necessarily ravage practical reason; several incommensurable options can be parts of clusters of options that are commensurable with respect to alternative clusters of actions. This point broadens our moral options and leads to an interesting result regarding moral disagreement that is empirically testable.

The nature of Paské's prompt is such that the principle of bivalence dictates that our focus is on two options: kill for the sake of promoting the greatest good for the greatest number of people (S1a) or refuse to kill an innocent person on the basis of human rights or some other morally relevant reason (S2a). We either assent to S1a or we do not; likewise for S2a. We should not be surprised if there is much moral disagreement as to which course of action John should take given these two options. Interestingly, we can empirically test various subjects to see whether they would choose S1a or S2a. If it turns out that few would kill to save the nine others, we can alter Paské's example until test subjects demonstrate considerable disagreement. We could add, for example, that one of the captives is a notorious, unrepentant thief, while some of the captives represent the best of humanity. This change should be enough to generate more disagreement than Paské's prompt, and it is important for my argument that many appraisers of Paské's dilemma disagree as to whether S1a or S2a is preferable. If Paské's example does not yield considerable disagreement, then we could make other adjustments with the example, choose another example, or manipulate the pool of appraisers by selecting an equal

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number of individuals who indicate strong deontological predilections and those who indicate strong consequentialist views.

Instead of thinking that moral appraisers of Paske's example have two options—kill one or let nine die—they have several options to consider:

Scenario 1a: John escapes and contacts the authorities who somehow manage to save all innocent parties and bring the bandits to justice.

Scenario 2a: John kills the innocent person and the trauma of the situation clouds his judgment so that he fails to minimize the innocent person's pain and suffering.

Scenario 3a: John kills the innocent person, but with appropriate empathy for the victim, does as McConnell suggests and kills the person quickly and relatively painlessly.

Scenario 4a: John refuses to kill the person and is forced to watch the ten killed. Strangely enough, the bandits allow John to live and leave.

Scenario 5a: John refuses to kill the person and is forced to watch the ten killed. Not surprisingly, the bandits then kill John.

Scenario 6a: John relishes the opportunity and goes beyond the bandits' devilish expectations by killing all ten captives. The criminals then kill John.

These scenarios are not an exhaustive list of options, but the shift in focus from a single decision to a scenario of actions sheds light on the extent of moral disagreement and how widespread incommensurability does not necessarily undermine reasonable decision making. Even if Paske is right that the deontological value of refusing to kill to save lives is incommensurable with killing a person to save nine others, a scenario of actions involving different responses to his conflict can be commensurable with alternative scenarios. So, even if we have no grounds to prefer one initial response to a dilemma to an alternative initial response, there can be several good reasons for preferring one scenario over another scenario. Empirical tests of moral appraisers' ranking of various scenarios in terms of their overall value should reflect these points.

Moral appraisers of various persuasions should agree that it would be better for the conflict to be resolved in the way of the Hollywood ending in Scenario 1a. Similarly, appraisers of various moral persuasions understand that Scenario 6a is the worst of the possibilities mentioned. Even if we assume certain limitations on moral resources (Scenario 1a is not a realistic option for John), moral appraisers should and would most likely agree that Scenario 2a is worse than Scenario 3a, and that Scenario 4a is better than Scenario 5a. Even if

individuals disagree as to whether Scenario 3a is better than or morally equal to Scenario 4a, and even if these scenarios are ontologically or epistemically incommensurable, individuals with deep moral disagreement over the best option can still find common ground on the ranking of some of the possible scenarios of actions, including the realistic possibilities.

It is important for debating parties to realize that they share important values even if they disagree about the relative merits of some of the options. This common ground might be psychologically important in that moral appraisers might be less likely to find one another reprehensible and unworthy of continuing dialogue. Even if psychological research does not bear this out, we can teach people to appreciate such common ground even when they do not agree as to what constitutes the best option. The failure to clarify various possible or realistic responses to a conflict with the concomitant empirical evidence regarding the extent of agreement and disagreement can mask or lead people to trivialize the level of moral agreement between those who disagree about the best option.

Decisions become more complicated when we move away from Paske's birdwatcher to many cases in applied ethics where the issue of moral status contributes to moral disagreement. After all, a simplifying feature of Paske's example is that it does not involve issues over the moral status of the relevant parties. In fact, the moral status of the captives provides fuel for moral disagreement over the doing versus allowing distinction and the relative importance of respecting individuals' rights versus the overall consequences of actions. Paske's case assumes that individuals who have a stake in John's decision possess considerable moral value. Otherwise, we could scarcely regard the case as much of a moral conflict. Because Paske provides no details of the captives, presumably, we are to think each individual possesses equal moral value. A challenge is to show how we can use scenarios of actions to show the extent of disagreement for issues involving disputes over moral status as well.

### Conclusion

In this essay, I have attempted to indicate that identifying cases of epistemic incommensurability can be difficult and is worthy of philosophical attention. Second, even widespread ontological or epistemic incommensurability over single decisions does not necessarily undermine practical decision making when we consider scenarios of action. Various scenarios can be commensurable even when these scenarios include individual decisions that are ontologically or epistemically incommensurable. For this reason, even those with deep disagreements over the best scenario can agree on the ranking of many scenarios. Hopefully, further explorations can lead us to insights about our ability and limitations to compare the moral value of our options, and indicate a level of agreement that can undermine hostility among competing parties in many contemporary moral issues.

### NOTES

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<sup>1</sup> See, for example, Ruth Chang ed., *Incommensurability, Incomparability, and Practical Reason*, (Cambridge, MA Harvard UP, 1997).

<sup>2</sup> Gerald Paske, "Genuine Moral Dilemmas and the Containment of Incoherence," *The Journal of Value Inquiry*, vol.24, no.4, (October 1990) 315-323. Paske uses "incommensurate" instead of "incommensurable". I assume these terms are synonymous.

<sup>3</sup> Elizabeth Anderson, "Practical Reason and Incommensurable Goods," *Incommensurability, Incomparability, and Practical Reason*, ed. and with an Introduction by Ruth Chang, (Cambridge MA: Harvard UP, 1997) 90-109.

<sup>4</sup> Chang, "Introduction," *Incommensurability, Incomparability, and Practical Reason*, (Cambridge, MA Harvard UP, 1997).

<sup>5</sup> Anderson, "Practical Reason and Incommensurable Goods," *Incommensurability, Incomparability, and Practical Reason*, (Cambridge, MA: Harvard UP, 1997) 90-109.

<sup>6</sup> Ray G. Frey, "Conflict and Resolution: On Values and Trade-Offs," *Social Policy and Conflict Resolution*, vol.vi, (Bowling Green Studies in Applied Philosophy, 1984) 1-16.

<sup>7</sup> Terrance McConnell, "Dilemmas and Incommensurateness," *The Journal of Value Inquiry*, vol.27, (April 1993) 247-252.

<sup>8</sup> See Christopher W. Gowans, ed., *Moral Dilemmas*, Oxford UP, 1987.