

## Consequentializing moral dilemmas

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DOI:

[10.1163/17455243-01703001](https://doi.org/10.1163/17455243-01703001)

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*Document Version*

Peer reviewed version

*Citation for published version (Harvard):*

Suikkanen, J 2020, 'Consequentializing moral dilemmas', *Journal of Moral Philosophy*, vol. 17, no. 3, pp. 261-289. <https://doi.org/10.1163/17455243-01703001>

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Checked for eligibility: 21/03/2019

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# Consequentializing Moral Dilemmas

*Jussi Suikkanen*

Final author copy; To be published in the *Journal of Moral Philosophy*

## Abstract

The aim of the consequentializing project is to show that, for every plausible ethical theory, there is a version of consequentialism that is extensionally equivalent to it. One challenge this project faces is that there are common-sense ethical theories that posit moral dilemmas. There has been some speculation about how the consequentializers should react to these theories, but so far there has not been a systematic treatment of the topic. In this article, I show that there are at least five ways in which we can construct versions of consequentialism that are extensionally equivalent to the ethical theories that contain moral dilemmas. I argue that all these consequentializing strategies face a dilemma: either they must posit moral dilemmas in unintuitive cases or they must rely on unsupported assumptions about value, permissions, requirements, or options. I also consider this result's consequences for the consequentializing project.

**Keywords:** Consequentialism; Consequentializing; Ethical Theory; Moral Dilemmas; Normative Ethics

## I. INTRODUCTION

Consequentialism is a family of ethical theories that share the following structure:<sup>1</sup>

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<sup>1</sup> James Dreier, 'In Defense of Consequentializing', *Oxford Studies in Normative Ethics* 1 (2011), pp. 97–119, p. 97. Michael Smith, 'Neutral and Relative Value after Moore', *Ethics* 113 (2003), pp. 576–598, p. 576. Michael Smith, 'Two Kinds of Consequentialism', *Philosophical Issues* 19 (2009), pp. 257 – 272, §1.

**Options:** In any situation an agent is in, there is a set of all the mutually exclusive actions that the agent could do in that situation. The alternatives in this set constitute the agent's options.

**Evaluative:** An agent's options in a choice-situation can be ranked in terms of how good their consequences are.

**Deontic:** Which of the agent's options are required, merely permissible, or forbidden is a function of the evaluative ranking of her options.

Different versions of consequentialism can then be constructed by making Options, Evaluative, and Deontic more precise in different ways. For example, the evaluative element of classical utilitarianism states that the value of outcomes depends only on the amount of general happiness.<sup>2</sup> Utilitarianism's deontic element then stipulates that the option ranked first in the evaluative ranking is required and all other options are forbidden.

Consequentialism is a flexible framework because Options, Evaluative, and Deontic can be formulated in so many ways. This led James Dreier to put forward the Extensional Equivalence Thesis according to which, for every plausible ethical theory, there is a version of consequentialism that is extensionally equivalent to it.<sup>3</sup> An ethical theory is *successfully consequentialized* when it is shown that there is a version of

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<sup>2</sup> John Stuart Mill, *Utilitarianism*, ed. R. Crisp (Oxford: Oxford University Press, [1871], 1998).

<sup>3</sup> Dreier, 'In Defense', p. 98.

consequentialism that is extensionally equivalent to it.<sup>4</sup> The Extensional Equivalence Thesis thus claims that all non-crazy ethical theories can be consequentialized.<sup>5</sup>

Ethical theories attempt to capture which actions are required, which merely permissible, and which forbidden. As we saw, classical utilitarianism states that we are always required to maximize the amount of general happiness. This theory clashes with our carefully considered moral convictions. It claims, for example, that it would be impermissible for me to keep my promise to play with my children when I could increase the amount of general wellbeing more by volunteering at the local charity instead.<sup>6</sup>

The promise of the consequentializing project is that the previous kind of cases can be accommodated by more sophisticated consequentialist ethical theories.<sup>7</sup> In the previous case, the consequentializers need to insist that the fact that a promise has been kept itself can make the consequences of an option better. This is to claim both (i) that doings of actions are their constitutive consequences and (ii) that these doings

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<sup>4</sup> Extensional equivalence here means that two theories entail the same extension for the 'deontic' predicates 'right', 'wrong', 'permissible', and so on. There are also other moral predicates such as 'good', 'bad', 'better', and so on. Theories that are extensionally equivalent for the first set of predicates need not be so for the second set. Thus, a version of consequentialism that agrees with a common-sense ethical view about which actions are right might still disagree with that view about what is good. However, such a common-sense view would detach good from which actions are right and also from in virtue of what actions are right. I agree with Dreier ('In Defense', p. 114) that, because the resulting common-sense view would agree with the version of consequentialism about the 'active' action-guiding properties closely related to what we ought to do, it could be seen as a notational variant of the relevant version of consequentialism with respect to the things that matter. Merely labeling certain things that are not directly connected to action 'good' would thus not constitute an important difference between the views.

<sup>5</sup> James Dreier, 'Structures of Normative Theories', *The Monist* 76 (1993), pp. 22–40 and 'In Defense'. Jennie Louise, 'Relative Value and the Consequentialist Umbrella', *Philosophical Quarterly* 54 (2004), pp. 518–536. Douglas Portmore, 'Consequentializing Moral Theories', *Pacific Philosophical Quarterly* 86 (2007), pp. 95–113, 'Consequentializing', *Philosophy Compass* 4 (2009), pp. 329–347, and *Commonsense Consequentialism* (Oxford: Oxford University Press, 2011). The main criticisms include Mark Schroeder, 'Teleology, Agent-Relative Value and "Good"', *Ethics* 117 (2007), pp. 265–295 and Campbell Brown, 'Consequentialize This', *Ethics* 121 (2011), pp. 749–771.

<sup>6</sup> W. D. Ross, *The Right and the Good*, ed. P. Stratton-Lake (Oxford: Oxford University Press, [1930] 2002), pp. 17–18.

<sup>7</sup> Dreier, 'In Defense', pp. 98–99. Portmore, 'Consequentializing', pp. 329–330.

can make outcomes better or worse. With this basic move, we can thus create different versions of consequentialism that better match our moral convictions.

This strategy is not, however, sufficient for consequentializing all ethical theories because some of them have various problematic structural features including (i) agent-centred constraints, (ii) agent-centred prerogatives, and (iii) moral dilemmas. Whether agent-centred constraints and prerogatives can be consequentialized has been discussed extensively elsewhere, and so this article will focus exclusively on moral dilemmas.<sup>8</sup>

Peter Vallentyne has distinguished between two types of moral dilemmas.<sup>9</sup> Consider David who has promised to call his wife exactly at 5pm and also, due to his forgetfulness, a friend at 5pm. David then has three options: to call his wife, to call his friend, or to call neither. A theory according to which David is in this situation required to choose more than one of the three mutually exclusive options is committed to obligation dilemmas whereas a theory according to which in this situation no option is permissible is committed to prohibition dilemmas.<sup>10</sup>

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<sup>8</sup> For the problems of consequentializing agent-centred constraints, see Brown, 'Consequentialize This', §3B and Schroeder, 'Teleology'. For attempts to consequentialize these constraints, see Portmore, 'Consequentializing', p. 329, Dreier, 'In Defense', pp. 99–104, and Smith, 'Neutral and Relative'. For the problems of consequentializing agent-centred prerogatives, see Brown, 'Consequentialize This', §3D. For attempts to consequentialize such prerogatives, see Michael Slote, 'Satisficing Consequentialism', *Proceedings of the Aristotelian Society* Suppl. 58 (1992), pp. 139–164, Douglas Portmore, 'Position-Relative Consequentialism, Agent-Centred Options, and Supererogation', *Ethics* 113 (2003), pp. 303–332, and Dreier, 'In Defense', pp. 107–111. Finally, whether moral dilemmas can be consequentialized is discussed in Brown, 'Consequentialize This', §3C, Dreier, 'In Defense', pp. 105–107, and Portmore 'Consequentializing', pp. 338–339 and *Commonsense Consequentialism*, pp. 88–91.

<sup>9</sup> Peter Vallentyne, 'Two Types of Moral Dilemmas', *Erkenntnis* 30 (1989), pp. 301–318.

<sup>10</sup> Some believe that obligation dilemmas are conceptually impossible (W. D. Ross, *Foundations of Ethics* (Oxford: Clarendon Press, 1939), pp. 88–89. Portmore, 'Consequentializing', pp. 338–339). They think on conceptual grounds that, if an action is required, then that action must be permissible and all other alternatives forbidden. Geoffrey Sayre-McCord has shown that it is possible to derive logical inconsistencies from the obligation dilemma situations only with the help of additional substantial auxiliary premises that are not logical truths (Geoffrey Sayre-McCord, 'A Moral Argument against Moral Dilemmas', <http://philosophy.unc.edu/files/2013/10/A-Moral-Argument-Against-Moral-Dilemmas.pdf>).

Traditional forms of consequentialism do not leave room for the previous kinds of dilemmas. As mentioned, classical utilitarianism entails that, if there is only one option the consequences of which are better than the consequences of any other option, then that option is the only permissible option and thus also what is required (whereas all other options are impermissible). If many different options have equally best consequences, then each one of those options is merely permissible but not required. This means that, according to utilitarianism there cannot be cases in which an agent is required to choose more than one option or cases in which no option is permissible.<sup>11</sup>

This article investigates whether ethical theories that contain obligation and prohibition dilemmas could be consequentialized. Is it possible to formulate Options, Evaluative, and Deontic in ways that lead to versions of consequentialism that are extensionally equivalent to the dilemma-containing ethical theories? My first aim is to argue that dilemma-containing theories can be consequentialized at least in five ways. §2 explores the incomparability strategy, §3 the satisficing strategy, §4 the dual-ranking strategy, §5 the normative variance strategy, and §6 the revised option set strategy. This article's first goal is thus to show that the dilemma-containing ethical theories do not threaten the Extensional Equivalence Thesis.

During §2–§6, I will also suggest that, even if the previous strategies can be used to consequentialize dilemma-containing ethical theories, using them leads to a dilemma. The first option is to combine the required structural changes to

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This is why, according to him, we cannot rule out theories that recognize obligation dilemmas by logic alone but rather we need to investigate whether such ethical theories are morally defensible.

<sup>11</sup> Because of this, Peter Vallentyne has suggested that theories that contain prohibition dilemmas cannot be given a consequentialist 'maximizing representation' (Peter Vallentyne, 'Gimmicky Representation of Moral Theories', *Metaphilosophy* 19 (1988), pp. 253–263, §2).

consequentialism with certain default assumptions concerning value, requirements, permissions, and options. This will enable the resulting versions of consequentialism to recognise the existence of moral dilemmas at least in some cases, and therefore the ethical theories that posit dilemmas in those cases can definitely be consequentialized.

I will, however, argue that, according to our common-sense intuitions, we would be inclined to take very different kind of situations to be moral dilemmas. This means that the *dilemma-containing common-sense ethical theories* that match our intuitions about which cases might be moral dilemmas cannot be consequentialized by relying on (i) the discussed structural changes and (ii) the previous type of default assumptions about value, requirements, permissions, and options. I will call this problem the ‘extensional inadequateness’ horn of the dilemma. Here extensional inadequateness does not mean that the relevant versions of consequentialism are incorrect. Rather, all I mean by this phrase is that these versions of consequentialism are extensionally inadequate for the purposes of the consequentializing project because they are not extensionally equivalent to the common-sense dilemma-containing ethical theories.

The other alternative is to combine the structural changes to consequentialism with the kind of additional assumptions about value, requirements, permissions, and options that will generate moral dilemmas exactly in the cases in which the common-sense ethical theories recognise them. By making these additional assumptions, we can definitely create versions of consequentialism that are extensionally equivalent to the common-sense dilemma containing theories and so the Extensional Equivalence Thesis remains safe. The concern with this alternative, however, is that it becomes mysterious what could be said in favour of the required kind of additional



assumptions other than that they generate moral dilemmas exactly where the common-sense ethical theories recognise them.<sup>12</sup> I call this the ‘unsupported additional assumptions’ horn of the dilemma.

§7 considers what we should conclude from the previous dilemma. I will suggest that this depends on how we respond to two other questions. Firstly, is Dreier’s Extensionality Thesis true? That is, is it really the case that, when it comes to ethical theories, nothing but their extension matters in which case extensionally equivalent ethical theories would be merely notational variants of one another? Secondly, are we already in the possession of sufficient independent deontological justification for believing that the situations we intuitively take to be moral dilemmas really are genuine tragic moral dilemmas?

Depending on how we answer these questions, we get four different positions: (i) the Extensionality Thesis is true and it is an open question whether the cases that are intuitively dilemmas really are dilemmas, (ii) the Extensionality Thesis is true and we have sufficient independent deontological reasons for believing that the cases that are intuitively dilemmas really are dilemmas, (iii) the Extensionality Thesis is false and it is an open question whether the cases that are intuitively dilemmas really are dilemmas, and (iv) the Extensionality Thesis is false and it is not an open question whether the cases that are intuitively dilemmas really are dilemmas.

§7 argues that, depending on which of the previous frameworks we accept, the extensional inadequateness or unsupported assumptions dilemma means that either

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<sup>12</sup> This corresponds to the way in which the agent-relative views of value that enable us to consequentialize ethical theories that contain agent-centred constraints have been called “gimmicky” (Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), p. 29 fn. and 46 fn. and Schroeder, ‘Teleology’). For a discussion, see Vallentyne, ‘Gimmicky Representation’.

(i) we can construct a new defeasible argument against the dilemma-containing common-sense ethical theories or (ii) the consequentializing project will fail to keep its key methodological promise. This key promise is that we should attempt to consequentialize ethical theories because this offers us a new way to evaluate them by making their basic axiological commitments and other central structural features more transparent.<sup>13</sup> My conclusion will thus be that either the cases that are intuitively moral dilemmas really are not genuine dilemmas or the consequentialized versions of common-sense dilemma-containing ethical theories will not improve our understanding of which situations are moral dilemmas. The consequentializing project thus cannot vindicate our common-sense intuitions about moral dilemmas.

## II. INCOMPARABILITY

The first way to consequentialize dilemma-containing theories is based on value incomparability.<sup>14</sup> It is thought that there are cases in which no positive judgment about the value of different outcomes is true.<sup>15</sup> In these cases neither one of two outcomes is better than another nor are they equally good.

Traditional versions of consequentialism are based on the assumption that, in all choice-situations, there must be at least one option that is ranked at least as high as every other option. For this assumption to be true, the value of all outcomes must always be *comparable*. With this assumption of *total orderings*, the way in which these theories define what is required, permissible, and forbidden entails that there can be neither obligation nor permission dilemmas.

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<sup>13</sup> Dreier, 'In Defense', p. 115.

<sup>14</sup> Brown, 'Consequentialize This', p. 763. Dreier, 'In Defense', p. 107.

<sup>15</sup> Ruth Chang, 'Introduction', R. Chang (ed.), *Incommensurability, Incomparability and Practical Reason* (Cambridge, MA: Harvard University Press, 1997), pp. 1–34.

The first strategy suggests that, by endorsing partial orderings and value incomparability, we will be able to consequentialize dilemma-containing ethical theories:

Some outcomes could be ranked better, some worse, some together, and some would be left unranked. When two alternatives are unranked with respect to one another, neither would be ranked highest [...], so neither would be permissible.<sup>16</sup>

The proposal thus is that the versions of consequentialism that both (i) posit value incomparability and (ii) take alternatives that are unranked with respect to one another to be impermissible leave room for moral dilemmas.

As formulated above, this proposal can accommodate prohibition dilemmas but not obligation dilemmas. A corresponding version of consequentialism that can accommodate obligation dilemmas would state that every one of the unranked options is required, which would make more than one option required in the dilemma situations. To get both permission and obligation dilemmas, we would need to stipulate that every one of the unranked options is both impermissible and required.

Dreier rejects these forms of consequentialism because, according to him, they would take away the normative concepts' practical mooring and action-guidingness. As he puts it, '[w]hen a pair of acts are unranked, though, neither better than the other, it is hard to see why that means neither ought to be performed'.<sup>17</sup> Yet, this is not an objection to the consequentialized versions of the dilemma-containing ethical theories as such but rather a more general objection to the very idea of prohibition

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<sup>16</sup> Dreier, 'In Defense', p. 107. See also Brown, 'Consequentialize This', p. 763.

<sup>17</sup> Dreier, 'In Defense', p. 107.

dilemmas. Because of this, in order to see whether we can learn something new about prohibition dilemmas through the consequentializing project, we should consider first how plausible the relevant versions of consequentialism are *as forms of consequentialism*.

The problem is that these forms of consequentialism seem to posit moral dilemmas in unintuitive situations because they turn all situations in which there is value incomparability into moral dilemmas. This leads to the extensional inadequateness horn of the dilemma described above. Consider Walter Sinnott-Armstrong's example in which the only way you can avoid causing considerable amount of pain to your friend is to break your promise to him.<sup>18</sup> In this case, it could be argued that the moral value of not harming others and the moral value of promise keeping are incomparable and so neither one of your options is better than the other nor are they equally good. This is why this case is an intuitive example of value incomparability. As a consequence, the previous versions of consequentialism would have to accept that both options in this case would be forbidden and/or both required.

However, the simple view according to which the moral values of not harming others and promise keeping are incomparable will create moral dilemmas in unintuitive situations – in too many situations. Consider a case in which at  $t_1$  you promise to your friend that you will meet her at a café tomorrow at  $t_2$ . Let us imagine that shortly after  $t_1$  an evil demon, who really does not want you to meet your friend, tells you that, if you meet your friend at the café at  $t_2$ , she will experience 20 years of excruciating pain. If the previous two moral values were genuinely incomparable, then

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<sup>18</sup> Walter Sinnott-Armstrong, 'Moral Dilemmas and Incomparability', *American Philosophical Quarterly* 22 (1985), pp. 321–329, p. 326.

this case too would be a moral dilemma. However, even if we accepted that there are prohibition and obligation dilemmas, the previous situation just does not intuitively seem to be one of them.<sup>19</sup>

As explained above, this is not to argue that these cases could not be genuine dilemmas. The defenders of the previous version of consequentialism could bite the bullet and argue that the resulting view of which cases are dilemmas is true (there are also many other versions of consequentialism that can lead to this result that need not recognize value incomparability). I am only arguing here that the previous simple combination of views cannot be used to create versions of consequentialism that are extensionally equivalent to the common-sense dilemma-containing ethical theories.

Thus, in order to use this strategy to formulate versions of consequentialism that capture the dilemma-containing common-sense ethical theories, we would need to posit value incomparability in all cases that are intuitively moral dilemmas (or we cannot consequentialize all those dilemmas) and only in them (or we get too many dilemmas).<sup>20</sup> Thus, for example, in the case of the moral values of promise keeping and not harming others, we would need to claim that these values are incomparable only when they are instantiated within a certain range. Likewise, more generally, in order to consequentialize all and only the intuitive moral dilemmas, we would need to

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<sup>19</sup> For implications, see footnote 40 below. The consequentializers who accept that the previous case is a dilemma could make their view easier to accept by claiming that, whilst both actions are wrong in the case above at  $t_2$ , you are under a conditional obligation to break the promise because doing so is *less wrong*. This is a compelling view but the resulting version of consequentialism would still not be able to consequentialize the common-sense dilemma-containing theories according to which situations like the one above are not moral dilemmas at all.

<sup>20</sup> Some consequentialists might argue that the previous case is a self-imposed dilemma where an agent puts herself in a situation in which no act is permissible. This response is somewhat awkward as at  $t_1$  the agent has no way of knowing that the demon will make a threat later on and so, at  $t_1$ , it does not seem true that the agent is putting herself into a dilemma situation. It also true that the agent could have avoided any future wrong-doing at  $t_1$  by not making the promise in the first place and this is surely something consequentialists of all forms can recognize.

think that different moral values are only incomparable in the intuitive dilemma cases even if the same values can be comparable elsewhere. This leads to the unsupported additional assumptions horn of the dilemma. It is difficult to see what other rationale could be given for the view that moral values are incomparable in all and only intuitive dilemma cases than that this assumption leads to a version of consequentialism that is extensionally equivalent to the common-sense dilemma-containing ethical theories.

Here I do not mean to suggest that making unsupported assumptions is in itself bad. After all, every theory must make some assumptions. I also do not mean that it would be a problem in itself that we justified the additional assumptions by referring to our intuitions about which cases are dilemmas. This is just how standard coherentist approaches work in ethics. Rather, in §7, I will explore both the costs of accepting these assumptions without any other support in this specific context and the costs of justifying them by relying on our intuitions about dilemmas (see especially the relevant discussions of the quadrants 1 and 2).

Thus, as the previous case shows, finding incomparability in all and only the intuitive dilemma cases will not locate value incomparability where we tend to intuitively find it. Already for this reason, the consequentialized versions of the dilemma-containing common-sense ethical theories would have to be based on new, non-standard first-order views of value incomparability.

### III. SATISFICING

The so-called satisficing versions of consequentialism are designed to accommodate the agent-centred prerogatives.<sup>21</sup> They begin from the standard evaluative rankings of options and then formulate the deontic element of consequentialism in a way that leaves room for sub-optimific actions that are merely permissible but not required.

The basic idea is that sub-optimific options are merely permissible when they have good enough consequences.<sup>22</sup> Satisficers can then make sense of 'good enough' in two different ways.<sup>23</sup> They can either define a threshold such that options are permissible whenever the value of their consequences exceeds it or they can argue that options are permissible when their consequences have almost as much value (say, 85%) as the consequences of the best option. These views both entail that in some situations many options are merely permissible.

The previous strategies can also be used to accommodate dilemmas. Following the first view, we could stipulate that options are permissible *only when* the value of their consequences exceeds a certain threshold. This view generates prohibition

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<sup>21</sup> See Slote, 'Satisficing' and also Thomas Hurka, 'Two Kinds of Satisficing', *Philosophical Studies* 59 (1990), pp. 107–111, Peter Vallentyne, 'Against Maximizing Act Consequentialism', in J. Dreier (ed.), *Contemporary Debates in Moral Theory* (Oxford: Blackwell, 2006), pp. 21–37), and various essays in Michael Byron (ed.), *Satisficing and Maximizing: Moral Theorists on Practical Reason* (Cambridge: Cambridge University Press, 2003). For criticisms, see Timothy Mulgan, 'Slote's Satisficing Consequentialism', *Ratio* 6 (1993): 121–134 and Ben Bradley, 'Against Satisficing Consequentialism', *Utilitas* 18 (2006), pp. 97–108.

<sup>22</sup> Satisficing views could be argued not to be consequentialist theories, as they were defined in §1, because they seem to reject Deontic. After all, it requires that the permissibility of options is a function of only the evaluative ranking of their outcomes. Yet, the deontic function of the satisficing views must be based on how much value the relevant outcomes have as measured on a ratio scale. To avoid this problem, we need more general formulations of Evaluative and Deontic. Evaluative could state that, according to consequentialist views, an agent's options can either (i) merely be ranked in terms of how good their consequences are or (ii) in addition to ranking the value of their consequences can be measured on a ratio scale. Deontic could then state that permissibility of options is either (i) merely a function of the evaluative ranking or (ii) a function of both the ranking and how good the outcomes of those options are on a ratio scale.

<sup>23</sup> Hurka, 'Two Kinds'.

dilemmas – cases in which all options are impermissible because no option has consequences the value of which exceeds the threshold.<sup>24</sup> To generate obligation dilemmas, we could also stipulate that all options that have consequences whose value exceeds a certain threshold are required.

It is also possible to consequentialize dilemma-containing theories with the comparative satisficing model too. In order to get prohibition dilemmas, we must stipulate that the best option is permissible only when its consequences are quite a lot better (say, 15%) than the consequences of the next best option. This entails that, in cases where the consequences of the optimific option are not much more valuable than those of the other options, there would be no permissible options. Likewise, in order to generate obligation dilemmas, we need to stipulate that all sub-optimal options whose consequences are almost as good as those of the optimific option are required.

We can thus create versions of consequentialism which both (i) structurally resemble satisficing consequentialism and (ii) are able to accommodate moral dilemmas. The resulting versions will, however, lead to the ‘extensional inadequateness’ horn of the dilemma. These versions of consequentialism will not recognise moral dilemmas in the same situations as the common-sense dilemma-containing ethical theories because they posit moral dilemmas *whenever* how good the consequences of different options are satisfies certain structural constraints.

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<sup>24</sup> According to Hurka’s description of the absolute level satisficing views, when the outcomes of an agent’s options are all below the relevant threshold, the agent has a duty to move towards the satisfactory amount of goodness (Hurka, ‘Two Kinds’, p. 108). If we drop this additional assumption, satisficing consequentialism entails dilemmas.



Take the views according to which options are not permissible unless the value of their consequences exceeds a certain absolute threshold. There are situations in which, even if the consequences of all options are below the threshold, there are significant differences between how good the consequences of the options are. You have been tricked to press a button. If you let go of the button, Timothy will break his arm whereas if you keep pressing the button five billion people will die. Most of us have the intuition that here you are permitted (and required) to let go of the button. According to common-sense, situations of this type are thus not prohibition dilemmas because how much worse the other option is. Yet, the relevant threshold views would entail that these situations too are moral dilemmas. This is because normally we are not permitted to break another person's arm and so the consequences of doing so must be below the relevant absolute threshold.

In response, it could be argued that even the previous situations are moral dilemmas according to *some* deontological theories and so the present consequentializing strategy can be used to consequentialize those theories. This much is true, but it would still be the case that the previous method will not help us to consequentialize the common-sense dilemma-containing theories. The above objection also assumes a welfarist axiology, but it generalizes. Take any bad-making quality of outcomes, B, and threshold X of how little B the outcome of a permissible option can have. The argument above requires only that there are two-option cases in which the outcome of one option has very little B below the threshold whereas the outcome of the other option has a vast amount of B below it. In these cases, the absolute threshold view entails counter-intuitively that both options are forbidden. The only way to avoid such cases would be to have an axiology such that there cannot

be vast differences between how bad outcomes are below the threshold. It is not clear what could be said in support of such axiologies – the unsupported assumptions horn of the dilemma looms again.

It could also be responded that the objection shows only that the threshold for good enough consequences should be lower so that letting go of the button would become permissible in the previous case. However, we get the same problem no matter how low we put the threshold. We can always find one action just below the stipulated threshold and another vastly below it. Intuitively in these cases the former option would be right whereas the resulting form of satisficing consequentialism would have to take both alternatives to be wrong. Also, again, the consequentializers could suggest that, even if both alternatives are somewhat counter-intuitively wrong in these cases, one of the options is less wrong than the other. This is right and more plausible, but it does not help to consequentialize common-sense views according to which in these cases the better alternatives are not wrong at all.

The corresponding attempt to consequentialize obligation dilemmas faces a similar problem. According to this proposal, an option is required if and only if the value of its consequences exceeds a certain threshold. This view cannot accommodate intuitive obligation dilemmas in the situations in which the consequences of all the available options are catastrophically bad. Consider the classic Sophie's choice situation in which you must choose who will not be killed. In these situations, you have no options the consequences of which would exceed the relevant threshold. This means that no option would count as required according to the view under consideration, which is why this proposal cannot consequentialize obligation dilemmas in the Sophie's choice type of situations.

The comparative satisficing versions of consequentialism are problematic for different reasons. Here, in order to accommodate prohibition dilemmas, we must stipulate that an option is not permissible unless its consequences are quite a lot better (say, 15% better) than the consequences of all other options. This view entails that we face prohibition dilemmas when there is no clearly best option, which includes too many trivial situations. If none of the chocolate bars are much better than the others, according to the present proposal we are not permitted to buy any one of them. The corresponding proposal to accommodate obligation dilemmas was the view that all options within a certain range of the best option are required. In the previous case, this proposal entails that, no matter which chocolate bar we buy, we fail to do at least some of the things morality requires of us.

The versions of consequentialism that rely on either absolute or comparative levels are thus bound to be extensionally inadequate for consequentializing dilemma-containing common-sense ethical theories. This problem can be avoided by adopting a context-sensitive view of how much value the consequences of options must contain in order to be permissible (or required). It could be argued that the relevant value threshold is different in different contexts exactly so that all options turn out to be impermissible (or required) in all and only the situations in which the common-sense ethical theories posit dilemmas. It could likewise be argued that how close the value of an option's consequences must be to the value of the optimific option in order for it to be merely permissible (or required) similarly depends on the context. In this way it is possible to generate versions of consequentialism that recognise prohibition and obligation dilemmas exactly in the same situations as the common-sense dilemma-containing ethical theories.

These contextualist proposals, unfortunately, lead us to the unsupported additional assumptions horn of the dilemma described in §1. The problem is that not much more can be said in support of the required context-sensitive thresholds and proportions of value than that, by stipulating them exactly in the right way, we can generate versions of consequentialism that recognise moral dilemmas exactly in the same situations as the common-sense ethical theories. It is difficult to see how these context-sensitive thresholds and proportions could be motivated in any other way.

#### IV. DUAL-RANKING

The next consequentializing strategy applies the method Portmore used for consequentializing agent-centred prerogatives for consequentializing the dilemma-containing ethical theories.<sup>25</sup> Portmore suggested that we can rank different options from the agent's perspective both (i) in terms of how much *all-things-considered value* their consequences have and (ii) how much *moral value* they contain. The difference is that what consequences the options have for the agent herself is included in the all-things-considered evaluation but not in the moral evaluation. Portmore then stipulated that an option is merely permissible if and only if it does not have an alternative that is higher both in the all-things-considered and moral rankings.

We can use a corresponding strategy to consequentialize dilemma-containing theories. Here too we must begin from two different ways of ranking options. In order to accommodate prohibition dilemmas, we must then stipulate that an option is permissible if and only if it is ranked (either uniquely or jointly) first in both of the relevant evaluative rankings. This would entail that, in the cases in which no option is

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<sup>25</sup> Portmore, 'Position-Relative Consequentialism', §5 and *Commonsense Consequentialism*, Ch. 5.

ranked first in both of the rankings, no option would be permissible.<sup>26</sup> In order to accommodate obligation dilemmas, we would need to stipulate that any option that is ranked first in at least one of the relevant rankings is required. This stipulation would entail that, in the cases in which different options are ranked first in the evaluative rankings, more than one option would be required.

The first problem here, however, is that this proposal leads to a proliferation of dilemmas. Consider again Vallentyne's example. Here the previous proposal requires two different evaluative rankings: one which ranks the outcome of David keeping his promise to his wife first and one which ranks the outcome of David keeping his promise to his friend first. Here we could rely on patient-relative evaluative rankings.<sup>27</sup> If David kept his promise to his wife, this would have the best consequences in the evaluative ranking which tracks the goodness of outcomes relative to her. In contrast, if he kept his promise to his friend, this would have the best consequences relative to his friend. In this situation, with the previous stipulations, we would get a prohibition dilemma (no option is ranked first in both rankings), an obligation dilemma (more than one option is ranked first in at least one of the rankings), or both.

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<sup>26</sup> This strategy arguably collapses into the incomparability strategy. We can combine the two rankings into a single ranking by taking their intersection. Let  $R_1$  and  $R_2$  be rankings. The intersection of these,  $R_3$ , is defined as  $xR_3y$  if and only if ( $xR_1y$  and  $xR_2y$ ). The following statements are then equivalent: 'x is permissible iff, for all y,  $xR_1y$  and  $xR_2y$ ' and 'x is permissible iff, for all y,  $xR_3y$ '. If  $R_1$  and  $R_2$  then entail a dilemma (no option is ranked first on both), then  $R_3$  must be incomplete and so we get a dilemma according to the incomparability strategy too. It is also natural to take the incomplete rankings discussed in §2 to be generated by taking the intersection of two rankings. For example, if  $R_1$  ranks acts according to pain and  $R_2$  according to promise keeping, then  $R_3$ , the intersection, will be incomplete in cases in which keeping a promise entails causing more pain. This is why the two strategies structurally amount to the same thing. The normative variance strategy discussed in §5 also includes two rankings and so it collapses to these views too. As a consequence, these strategies are more properly speaking different sources of incomparability. Despite this, I discuss these three strategies separately because they raise slightly different first-order issues for the consequentializers. Doing so also helps me to avoid unnecessary technicalities and so makes the key arguments easier to follow.

<sup>27</sup> For a recent discussion of patient-relativity, see Matthew Hammerton, 'Patient-Relativity in Morality', *Ethics* 127 (2016), pp. 6–26.

This proposal generates too many dilemmas. In most choice-situations, the consequences of our options will be ranked differently relative to those who are affected by our actions. The consequences of buying brand X soap rather than brand Y soap is better relative to the makers of X but worse relative to the makers of Y. Hence, given that we rarely have options that are ranked first in every patient-relative ranking, the previous proposal would entail that we would face moral dilemmas nearly all the time. The previous proposal is thus extensionally inadequate for the purposes of consequentializing dilemma-containing common-sense ethical theories.

In order to consequentialize the common-sense dilemma-containing theories, the defenders of the dual-ranking proposal would thus need to find some other type of axiologies that rank options differently only in the situations that are intuitively moral dilemmas. The previous problem with the patient-centred axiologies, furthermore, suggests that these additional rankings would need to be generated by either agent-neutral or agent-relative theories of value.<sup>28</sup>

It is not clear what these required kind of rankings could be given that both from the agent-neutral and the agent-relative perspective the relevant outcomes of the different options in the dilemma situations are often identical. In the Sophie's choice situation, from the perspective of both the Universe and Sophie herself both prospective outcomes are equally bad. The only difference between them is, after all, who will be killed. This suggests that the required additional evaluative rankings that rank the outcomes of different options in the dilemma situations differently could not be any ordinary patient-relative, agent-neutral, or agent-relative evaluative rankings.

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<sup>28</sup> See Douglas Portmore, 'Agent Relative vs. Agent Neutral', in H. LaFollette (ed.), *International Encyclopedia of Ethics* (Oxford: Wiley-Blackwell, 2013), pp. 162–171.

Rather, they would need to be some other, unique type of evaluative rankings that are stipulated to rank outcomes differently in all and only the intuitive dilemma cases that. The problem, again, is that not much more can be said for these gerrymandered rankings than that they enable us to consequentialize the common-sense dilemma-containing ethical theories. We are thus yet again left with the unsupported additional assumptions horn of the dilemma.

The previous view could, however, be modified to a more sophisticated view. Each option could be associated with an ordered pair  $(x, y)$ , where  $x$  and  $y$  represent the amounts of all-things-considered and moral value produced by the option (or pain and promise keeping values, or ...). Let  $R$  then be a set of 'admissible' rankings of these pairs. We can also set further conditions on this set, e.g., if  $x > x'$  then  $(x, y)$  must be ranked above  $(x', y)$ . The idea would then be that the rankings in  $R$  represent different views about the correct exchange rate between two kinds of value: how great a gain in moral value (or promise keeping value) is required to offset a loss in all-things-considered value (or pain value)? We could then stipulate that an option is permissible if and only if it is ranked at least as high as every alternative by the intersection of  $R$ . Perhaps a view of this type could be developed to capture intuitive moral dilemmas without having to rely on controversial assumptions about value. However, I suspect that, when creating a version of consequentialism that is extensionally equivalent to the common-sense dilemma containing views, the defenders of the strategy will need to rely on intuitions about dilemmas when determining which rankings of the ordered pairs are admissible and hence belong to  $R$ . This is why this strategy too might lead to the unsupported assumptions horn of the dilemma.

## V. NORMATIVE VARIANCE

Portmore has introduced a fourth strategy for consequentializing dilemma-containing ethical theories.<sup>29</sup> This ‘normative variance’ strategy is structurally simple and it definitely can consequentialize some dilemma-containing ethical theories.

Imagine that I have two options,  $A_1$  and  $A_2$ .  $A_1$  will produce outcome  $O_1$  and  $A_2$  outcome  $O_2$ . The basic crux of Portmore’s method is to think that whether  $A_1$  or  $A_2$  is actually done can change the evaluative ranking of the outcomes  $O_1$  and  $O_2$ . It could be that when  $A_1$  is actually done  $O_2$  is better than  $O_1$  and when  $A_2$  is done  $O_1$  is better than  $O_2$ .

If the evaluative ranking of outcomes can change in this way depending on which action is actually done, there will be versions of consequentialism that contain moral dilemmas. Consider a view according to which an actual action is impermissible when its outcome is outranked by the outcome of an action that the agent could have done instead. In the previous case, whichever action the agent actually does,  $A_1$  or  $A_2$ , it will always be the case that the outcome of that action is outranked by the outcome of the other alternative which the agent had.<sup>30</sup>

This strategy can also be used to consequentialize obligation dilemmas. We can stipulate that an option is required if and only if it is ranked highest in at least one of the actual action-relative evaluative rankings of the relevant outcomes. Given that the outcome of  $A_1$ ,  $O_1$ , is ranked highest if the agent does  $A_2$  in the previous case and the

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<sup>29</sup> Portmore, ‘Consequentializing’, p. 339 and *Commonsense Consequentialism*, pp. 90–91.

<sup>30</sup> Portmore’s strategy is thus based on rejecting the principle of normative invariance according to which an act’s deontic status cannot depend on whether it is performed (Portmore, *Commonsense Consequentialism*, p. 91, fn. 21; see also Erik Carlson, *Consequentialism Reconsidered* (Dordrecht: Springer, 1995), pp. 100–101.



outcome of  $A_2$ ,  $O_2$ , is ranked the highest if the agent does  $A_1$ , the previous stipulation entails that the agent would be required to choose more than one option.

The normative variance proposal thus enables us to formulate versions of consequentialism that entail both prohibition and obligation dilemmas. I have, however, so far merely assumed that what an agent actually does can affect how the outcomes of her options are to be ranked. We then need to know just when and why this could happen. Portmore's explanation of how what is actually done can change the evaluative ranking of outcomes consist of a quote from the 2004 draft of Campbell Brown's article 'Consequentialize This'.<sup>31</sup> It is based on an axiology according to which outcomes are ranked in terms of how many preferences of *actual people* are satisfied. Consider then Brown's example.

A couple would like to have a child. If they have one, this will increase the satisfaction of their preference, but the child will come to prefer not existing so strongly that this would outweigh the satisfaction of the parents' preferences. If the parents have the child, the outcome of the other alternative – of not having the child – will thus outrank the actual outcome in terms of the satisfaction of all actual people's preferences. The previous theory entails here that the parents have done something wrong. Similarly, if the parents do not have the child, the outcome of the other alternative – of having the child – will outrank the actual outcome in terms of the satisfaction of the actual people's preferences (as here the merely possible child's preferences will not count). In this situation too, the previous theory thus entails that the parents have done something wrong. As a consequence, the described type of

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<sup>31</sup> Portmore, *Commonsense Consequentialism*, 90–91, fn. 20. Like Portmore, I here cite the earlier unpublished version of Brown's article because the relevant example and the discussion of it no longer appear in the published article even if they are included in Portmore's footnote.

actual preference consequentialism can explain how in some cases the evaluative rankings of outcomes can change depending on what is actually done, and so the view will generate some moral dilemmas.

The problem is that this version of consequentialism will entail moral dilemmas only where what is actually done makes a difference to the satisfaction of the actual people's preferences. It does not seem plausible, however, that this happens in all the cases that are intuitively dilemmas. Consider again Vallentyne's example. In this case, there is no guarantee that whichever promise David keeps in the actual world would affect who the actual people are or what preferences they have. The preferences of the actual people stay exactly the same whichever promise David keeps and so the outcomes of his options will be ranked the same no matter what he actually does. The previous version of consequentialism will thus not be able to consequentialize the common-sense ethical theories that consider the previous case to be a moral dilemma. We are thus again facing the extensional inadequateness horn of the dilemma.

The previous argument, of course, only applies to one view that rejects the normative invariance principle. The objection would be that grounding value on the satisfaction of actual people's desires is not the only way to endorse normative variance. We could instead relativize value, for example, to the actions that are actually carried out just in the way described by the abstract example above.<sup>32</sup> So, according to this proposal, relative to David's action of keeping his promise to his wife the outcome of keeping the promise to his friend is better, whereas relative to David's action of keeping his promise to his friend the outcome of calling his wife is better.

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<sup>32</sup> Ragnar Francén Olinder, 'Action Relative Value: Reconsidering the Boundaries of Consequentialism', unpublished manuscript, 2006.

Here we make these evaluative claims without any reference to actual people's desires or the like, which is why, formally speaking, this kind of actual action-relative axiology will be flexible enough to enable us to consequentialize the dilemma-containing common-sense ethical theories.

Yet, here, the defenders of this consequentializing strategy have to be able to respond to two serious challenges. Firstly, they would need an informative account of what it is for outcomes to be better or worse *relative to actions actually being done*.<sup>33</sup> This is because, without such an account, it is not clear why we should care about maximizing the actual action-relative value in the same way as it makes sense to think that we are required to maximize other types of value such as general happiness. The previous theory of value – that the value of outcomes depends on whether they satisfy the desires of actual people – can be understood as one response to this challenge. Whether actual people's desires are satisfied presumably is one of the things it does make sense to care about.

However, as we saw, this way of understanding action-relative value will not help us to consequentialize the common-sense dilemma-containing ethical theories. For that purpose, we need some other way of making sense of what it is for outcomes to be better relative to actual actions that also connects to what we care about. This

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<sup>33</sup> The dialectic here follows the debate about agent-centred constraints. Constraints are cases in which you are not permitted to do an action that has the best consequences overall. Consequentializing constraints requires adopting an agent-relative theory of value as the outcomes that are best overall need not be best relative to the agent. Mark Schroeder argued that, even if agent-relative value formally enables us to consequentialize constraints, the consequentializers who rely on the notion owe us an explanation of what it means for an outcome to be good relative to an agent (Schroeder, 'Teleology', pp. 267–268). Such an explanation would need to tell us in what way the relevant agent-relative rankings are evaluative 'better than' rankings. In response, the consequentializers have explained agent-relative value in terms of what it is fitting for an agent to value (Dreier, 'In Defense', p. 101). Unfortunately, this strategy cannot be extended to the action-relative axiologies required here because actions cannot value outcomes. The defenders of normative variance consequentializing method therefore require some other way of making sense of action-relative value.

challenge is especially pressing given that our ordinary evaluative thinking does not seem to contain relativizing the value of outcomes to actual actions in any direct way. Because of this, it will be difficult to connect the formally right kind of account of actual action-relative value to a plausible and intuitive consequentialist account of what kind of good outcomes we are required to bring about.

Secondly, the explanation of what it is for outcomes to be good relative to actions would also need to flip the evaluate ranking of different outcomes depending on which option is actually done always and only when the common-sense ethical theories that are being consequentialized posit a moral dilemma. It is difficult again to see how such an additional theory of value could not be *ad hoc* – how it could be based on an attractive ethical ideal or justified on some other independent grounds that do not depend on our prior intuitions about moral dilemmas. This means that the unsupported axiology horn of the dilemma is a problem here too.

## VI. OPTIONS

The previous consequentializing strategies have focused on the evaluative and deontic components of consequentialism. This suggests we should also be able to consequentialize dilemma-containing ethical theories by revising how options are understood. Portmore has described cases in which even the original formulation of Options entails prohibition dilemmas.<sup>34</sup> Consider a case in which God promises to make the overall utility be whatever natural number an agent chooses (and zero if the agent fails to choose). Whatever number the agent chooses here, there will always be options available for her that would lead to a better outcome. This means that, even

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<sup>34</sup> Portmore, 'Consequentializing', p. 339 and *Commonsense Consequentialism*, p. 89. See also Brown, 'Consequentialize This', p. 765.

according to classical utilitarianism, whatever the agent does here she will do something impermissible.<sup>35</sup>

Yet, given how Options is standardly formulated, classical utilitarianism will lead to dilemmas very rarely. After all, in most intuitive dilemma situations, we do not have infinitely many options that have successively higher ranked outcomes. We thus need to revise Options in some way.

In its original form, that principle states that an agent's options consist of all and only the mutually exclusive actions that she could do in her situation. One natural thought would be to include at least some actions that the agent is unable to do in her situation amongst her options. According to this suggestion, an agent's options would thus consist of both possible and impossible actions. If we then evaluated the agent's options in the more extended option-set in terms of the value of their consequences, the outcomes of all the possible actions could be outranked by the outcomes of the impossible actions. In this situation, even the ordinary versions of consequentialism would entail that, whatever the agent does, she will do something impermissible.

Let's return again to the original example of David's promises. Here the impossible action of calling both his wife and his friend at the same time could be included in David's options as we have now dropped the assumption that an agent's options are exhausted by what she can do. As a consequence, David has an option (the impossible action of calling both his wife and his friend at the same time) the outcome of which is better than the outcome of calling his wife and the outcome of calling his friend.

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<sup>35</sup> Here we need to assume additionally that the agent knows (can easily communicate) all of the natural numbers.

In this situation, classical utilitarianism would entail that no matter what David does he does something wrong and so it now makes this situation a prohibition dilemma. Classical utilitarianism would also now make the situation an obligation dilemma. It would require David to call both his wife and his friend – that is, David would be required to do many different actions, which he could not do at the same time. We can therefore revise Options in a way that enables us to consequentialize dilemma-containing ethical theories.

This proposal too faces the dilemma described in §1. If we include all impossible actions in our option-sets in all situations, we would face moral dilemmas constantly. Whatever situation we take, there will always be some actions such that (i) we are unable to do them and (ii) they would have better consequences than the actions we are able to do. Unrestricted inclusion of impossible actions in our option-sets thus leads to an explosion of moral dilemmas and hence also to the extensional inadequateness horn of the dilemma.

It would, of course, be possible to include only some impossible actions in the relevant option-sets and to do so only in the situations that are intuitively dilemmas. Yet, again, it is not clear what else could be said to motivate this additional stipulation other than that making it leads to versions of consequentialism that are extensionally equivalent to the dilemma-containing common-sense ethical theories. This means that we face again the unsupported additional assumptions horn of the dilemma.

In response to the previous argument, it could be argued that it is not true that nothing can be said for the additional assumptions. One common justification for excluding impossible actions is that agents cannot be blamed for doing them. However, in some dilemma cases, the agent herself is responsible for an action being

impossible for her to do due to her own blameworthy behaviour (for example, consider an agent who recklessly makes incompatible promises). In these cases, some say that the impossible actions can be included in the agent's option-set and the agent can be blamed for not choosing the optimal impossible options. The proposal would thus be that we include impossible actions to an agent's option-set when the agent herself is responsible for the impossibility in question but not otherwise.

This strategy provides a rationale for including some impossible options in the agents' option-sets in a way that allows us to consequentialize some intuitive dilemmas. However, there are many intuitive dilemmas in which the relevant agents are not responsible for the impossibility of the options that are needed to generate the dilemmas in the present framework. One example of such a case is Sophie's choice in which someone else makes Sophie choose between which one of her children will die. In this case, Sophie is not responsible for it being impossible for her not to sacrifice at least one of her children. This is why the previous rationale for including impossible options would not extend to all intuitive dilemma cases. In order to avoid the unsupported additional assumptions horn of the dilemma, the defenders of this framework would need to provide similar rationales for including impossible options in all and only the intuitive dilemma cases.

## VII. THE CONSEQUENCES OF THE DILEMMA

There are then at least five ways to create versions of consequentialism that are extensionally equivalent to dilemma-containing ethical theories.<sup>36</sup> These

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<sup>36</sup> The consequentializers could also rely on different strategies in different situations. However, this strategy too seems to lead to unsupported assumptions. It is hard to see what could guide which

consequentializing strategies, however, face the same dilemma. If we both make the required structural changes to consequentialism and accept certain default assumptions about value, requirements, permissions, and options, we end up with versions of consequentialism according to which certain situations are moral dilemmas. The problem is that these cases turn out not be the same situations that are moral dilemmas according to the common-sense dilemma-containing ethical theories.

Yet, it is possible to specify certain additional assumptions about value, requirements, permissions, and options in a way that generates versions of consequentialism that posit moral dilemmas exactly where the common-sense dilemma-containing ethical theories too recognise them. This shows that those theories do not undermine the Extensional Equivalence Thesis: there are versions of consequentialism that are extensionally equivalent to them and which thus match our intuitions about moral dilemmas. The problem, however, is that not much else can be said in support of the additional assumptions than that making them leads to versions of consequentialism that are extensionally equivalent to the dilemma-containing common-sense ethical theories.

What should we then conclude from the previous dilemma? In §1, I suggested that this depends on how we answer two further questions. Firstly, is Dreier's Extensionality Thesis true? Is it the case that, when it comes to ethical theories, only their extension matters in which case extensionally equivalent ethical theories are mere notational variants of one another? Secondly, is it an open question whether the situations that we intuitively take to be dilemmas are genuine dilemmas? That is, are

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consequentializing strategy, if any, is applied in a given case other than prior commitments to which cases are dilemmas.



there sufficient independent deontological grounds that justify our intuitions about which cases really are dilemmas? Different answers to these two questions generate the following four positions:

	Is the Extensionality Thesis True?		
Can our intuitions about which cases are dilemmas be justified on deontological grounds?		Yes	No
	No	Quadrant 1	Quadrant 3
	Yes	Quadrant 2	Quadrant 4

Let us begin from Quadrant 1. According to this position, (i) extensionally equivalent ethical theories are merely notational variants of one another, and (ii), as far as our current epistemic situation goes, it is an open question whether the cases that we intuitively take to be moral dilemmas really are such. I will suggest next that, from this perspective, the dilemma outlined in §2-§6 constitutes a defeasible argument against the existence of moral dilemmas.

In this framework, we can use the outlined consequentializing methods to translate the common-sense dilemma-containing ethical theories to the language of consequentialism. The key methodological promise of consequentialism then leads us to believe that, when we do so, this process reveals to us the basic axiological assumptions and other interesting structural features of the common-sense dilemma-

containing ethical theories.<sup>37</sup> If my arguments in §2–§6 have been sound, then it turns out that, in whatever way we consequentialize the common-sense dilemma-containing ethical theories, we must rely on unsupported assumptions concerning value, requirements, permissions, and/or options.<sup>38</sup>

At this point, it could be objected that, given the Extensionality Thesis ('nothing but the extension matters in a moral view'<sup>39</sup>), the unwarrantedness of the previous assumptions does not matter as they are not part of the view's extension. If only the extension matters, then shouldn't the consequentializer be allowed to claim whatever she likes about value, provided this enables her to get the extension right?

This depends. If we already *know* what the correct extension of right and wrong is (for example, that certain specific situations are dilemmas), then, as explained in the discussion of the quadrant 2 below, whatever good reasons we have for believing what the correct extension of right and wrong is will also justify the relevant assumptions about value. I will consider the consequences of this alternative below. However, in the context of quadrant 1, we are assuming that we do not yet know what the correct extension is – we are not confident, for example, whether the moral dilemmas we intuitively think exist are genuine dilemmas. In this case, we must consider whether to accept an ethical theory and the corresponding version of consequentialism (based on unwarranted assumptions) that posit dilemmas or a theory and a corresponding version of consequentialism that do not do so.

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<sup>37</sup> Dreier, 'In Defense', p. 115.

<sup>38</sup> A consequentializing strategy need not make unwarranted assumptions concerning all four. The incomparability strategy, for example, relies only on new assumptions about value.

<sup>39</sup> Dreier, 'In Defense', p. 98,

We should then consider the fundamental methodological principles that should govern our theory choice.<sup>40</sup> Two of these principles are salient here. According to the first, we should prefer theories that start from attractive general beliefs about morality and, according to the second, we should also prefer theories that are able to identify an ethical principle that can both explain why our considered moral convictions about cases are correct and justify those convictions from an impartial point of view. The arguments of §2–§6 then suggest that the consequentialist translations of the common-sense dilemma-containing ethical theories do not satisfy these fundamental desiderata for ethical theories.

Firstly, because the consequentialized counterparts of these theories can be formulated only by relying on unsupported assumptions about value, requirements, permissions, and options, it is difficult to see how these theories as a whole could be supported by intuitively appealing ethical ideals. After all, if the relevant theories were based on attractive general beliefs about morality, then it would seem to follow that all their core assumptions could be supported by those same ideals. This just turns out not to be the case.

Secondly and more importantly, it seems like we can formulate the required additional assumptions about value, requirements, permissions, and options only by relying on our prior moral convictions about the cases that are intuitively moral dilemmas. But, if this is right, then the resulting version of consequentialism cannot explain why our carefully considered moral convictions about these cases are correct

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<sup>40</sup> See Brad Hooker, *Ideal Code, Real World* (Oxford: Oxford University Press, 2000), p. 4.

or justify these convictions from an impartial point of view.<sup>41</sup> After all, the fundamental core assumptions of the relevant versions of consequentialism themselves are in the present framework a direct result of our carefully considered moral convictions.

Thus, if (i) we accept that the common-sense dilemma-containing ethical theories and their extensionally equivalent consequentialist counterparts are merely notational variants of one another and (ii) we think that we currently lack sufficient independent support for thinking that there are moral dilemmas, then we have a new defeasible reason to doubt that there are moral dilemmas.<sup>42</sup> This is because, as we have seen, the versions of consequentialism that posit dilemmas in those cases must be based on unsupported assumptions about value, permissions, requirements, and options. We have at least some reason to prefer theories that do not contain such unsupported assumptions, because such theories can be based on attractive general ideals about morality and they promise to identify principles that can both explain why our carefully considered convictions about cases are correct and justify these convictions from an impartial point of view.

Let us then consider quadrant 2. This is the position according to which the Extensionality Thesis is true and we already have sufficient independent deontological justification for believing that the cases that we intuitively think are dilemmas really

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<sup>41</sup> This argument parallels the traditional redundancy objection often made to contractualism (see, e.g., Brad Hooker, 'Contractualism, Spare Wheel, Aggregation', in M. Matravers (ed.), *Scanlon and Contractualism* (London: Frank Cass, 2003), pp. 57–62.

<sup>42</sup> Consequentialists could argue against our intuitions and for the view that moral dilemmas really exist where the discussed consequentializing methods and the relevant default assumptions posit them. This would require defending the relevant default assumptions and structural changes. The more modest conclusion here thus is that, if we accept Dreier's Extensionality Thesis and that we currently do not have sufficient independent deontological justification for our intuitions about dilemmas, then we have some reason to think that at least the cases that intuitively seem to be dilemmas are not genuine dilemmas.

are genuine moral dilemmas. According to this view, whatever already justifies our conviction that, for example, the case of David's promises really is a genuine moral dilemma (perhaps the fact that breaking a promise fails to respect the dignity of the promisee) also justifies the versions of consequentialism that are extensionally equivalent to those common-sense theories according to which this case is a dilemma. After all, these theories really are one and the same in this framework. This means that, in this situation, whatever deontological considerations are taken to vindicate our common-sense intuitions about moral dilemmas, they must also justify the additional (and otherwise unsupported) assumptions, which the relevant versions of consequentialism must make about value, permissions, requirements, and options.

One crucial advantage of this position is that it enables us to avoid the extensional inadequateness or unsupported assumptions dilemma. It is compatible with the idea that there are versions of consequentialism that are extensionally equivalent to the common-sense dilemma-containing ethical theories and it entails that the additional assumptions which these versions make could be justified. Yet, this position also has a significant cost for the consequentializers.

The problem is that the quadrant 2 will make the consequentializing project unable to keep its key methodological promise. Recall that, according to that promise, by translating the common-sense ethical theories to the language of consequentialism we can reveal their axiological assumptions and other interesting structural features and as a consequence we can evaluate these theories in a better way.<sup>43</sup> Yet, if we assume both (i) that the Extensionality Thesis is true and (ii) that we already hold

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<sup>43</sup> Dreier, 'In Defense', p. 115.

sufficient independent deontological justification for believing that the cases that we intuitively take to be dilemmas really are genuine dilemmas, then the common-sense dilemma-containing ethical theories that we wanted to evaluate in a new way by consequentializing them can only turn out to be exactly as good as we already thought they were.

Because the consequentialist versions of these theories and the assumptions they make inherit whatever justification we think we have for our current views about dilemmas, those versions of consequentialism cannot offer us a new independent perspective from which to evaluate our intuitions about moral dilemmas.<sup>44</sup> The consequentializing project thus enables us to evaluate ethical theories in a new way only if the revealed axiological assumptions and structural features are to be assessed on general grounds that are independent of our prior intuitions about dilemmas and whatever antecedent deontological justification there is taken to be for those intuitions. Yet, it must be granted that, even if the relevant extensionally equivalent versions of consequentialism will not help us to evaluate the common-sense dilemma-containing ethical theories in a new way, perhaps they might still have some other, lesser ‘presentational’ advantages. These versions of consequentialism could make certain interesting structural features of the common-sense ethical theories more transparent (such as their inherent ‘action-relativeness’ – see §5). In this situation, we

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<sup>44</sup> It should be also noted that the consequentializing project has also other motivations than the key methodological promise discussed above. An influential objection to traditional deontology is that it cannot accommodate the so-called Compelling Idea (it is never wrong to make things go best) whilst avoiding the so-called paradox of deontology (if violating moral constraints is bad, why is it that we should not minimize violations?). Some consequentializers claim to resolve this problem by showing how we can construct an extensionally equivalent consequentialist theory that both accommodates the Compelling Idea and avoids the paradox of deontology (see Portmore, *Commonsense Consequentialism*).

would know something that is perhaps nice to know but we would not have gained any new justification for our first-order views about the dilemmas.

Let us finally consider quadrants 3 and 4. The views in them agree that the Extensionality Thesis is false but disagree about whether we currently have sufficient independent deontological justification for thinking that the cases that intuitively appear to be moral dilemmas really are genuine dilemmas.<sup>45</sup>

Because the defenders of these positions reject the Extensionality thesis, they think that there can be important differences between two ethical theories even if they are extensionally equivalent. For example, Portmore argues that two extensionally equivalent ethical theories can be different ethical theories if they provide conflicting accounts of the right-making and wrong-making features of actions.<sup>46</sup> Perhaps those who reject the Extensionality Thesis could also argue that there are furthermore other sub-extensional differences between ethical theories that make extensionally equivalent ethical theories substantially different.

One crucial consequence of this framework is that, in it, two extensionally equivalent ethical theories can be thought to be importantly different and conflicting theories: one of these theories can be claimed to be true and the other false due to

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<sup>45</sup> Some argue that non-consequentialist theories generally are committed to at least some unsupported deontological assumptions. For example, trolley-cases have led some non-consequentialists to endorse sophisticated deontological principles for which not much else can be said than that they fit our convictions about the cases (Francis Kamm, *Intricate Ethics* (Oxford: Oxford University Press, 2007)). If non-consequentialist theories generally relied on unsupported deontological assumptions in this way, there would be no reason to prefer them to their co-extensive consequentialist counterparts, which likewise make unsupported assumptions. This would be some reason to accept Dreier's Extensionality Thesis and so also to stay in quadrants 1 and 2.

<sup>46</sup> Portmore, 'Consequentializing', §6. Dreier argues that even the differences at the level of the descriptions of the right- and wrong-making features can be consequentialized (Dreier, 'In Defense', pp. 111–114). This may be right, but in this section I am, for the sake of the argument, considering the positions of those who reject Dreier's response to Portmore and thus think that there can be sub-extensional differences between ethical theories.

their different sub-extensional elements. This fact in itself undermines the consequentializing project's key methodological promise. That is, in this situation, constructing versions of consequentialism that are extensionally equivalent to the common-sense dilemma-containing ethical theories will not reveal the central structural and axiological assumptions of the latter theories and so the consequentializing project will not enable us to evaluate the common-sense ethical theories in a more reliable way.

To see this, let us consider quadrant 4 first. According to this position, the Extensionality Thesis is false and we currently have sufficient independent deontological justification for believing that the cases we intuitively think are moral dilemmas really are genuine dilemmas. The people who accept this view will think that the extensionally equivalent versions of consequentialism and dilemma-containing common-sense theories are not identical. They think that the former could in principle be false even if the latter were true. In this situation, there is no reason to think that the deontological considerations that justify the common-sense dilemma-containing ethical theories will also justify the extensionally equivalent versions of consequentialism and their additional assumptions. And, conversely, in this framework the unsupported assumptions of the relevant extensionally equivalent versions of consequentialism would not undermine the justification we are thought to have for our common-sense convictions about dilemmas. This means that quadrant 4 again makes the consequentialized versions of the common-sense dilemma-containing theories mere curiosities.

The same applies also to quadrant 3. This is the framework according to which the Extensionality Thesis is false and it is currently an open question whether the



situations that intuitively seem like dilemmas really are genuine dilemmas. In this framework, whether or not the consequentialized versions of the common-sense dilemma-containing ethical theories contain unsupported assumptions is irrelevant for the evaluation of the latter theories. Given that these theories are in this framework thought to be substantially different theories, the common-sense dilemma-containing theories could be true and justifiable even if their consequentialist counterparts contained unsupported assumptions. So, again, it follows from the commitments of quadrant 3 that the key methodological promise of the consequentializing project cannot be kept.

### VIII. Conclusion

I first argued that there are at least five ways in which we can generate versions of consequentialism that are extensionally equivalent to the dilemma-containing ethical theories. This means that those theories do not pose a threat to Dreier's Extensional Equivalence Thesis.

I then argued that the versions of consequentialism that are extensionally equivalent to the *common-sense* dilemma-containing ethical theories must make unsupported assumptions about value, requirements, permissions, and options. In the previous section, I finally considered what we should conclude from this result. I suggested that this depends on our prior commitments – both on whether we think that Dreier's Extensionality Thesis is true and on whether we believe that we already have sufficient independent deontological justification for thinking that the cases which we are intuitively inclined to call moral dilemmas really are genuine dilemmas. If we think that the Extensionality Thesis is true but do not assume that we have the

latter kind of justification, then we should think that the unsupported assumptions of the consequentialized versions of the common-sense dilemma-containing theories ground a new defeasible argument against our common-sense convictions about moral dilemmas.

I also argued that, if we either reject the Extensionality Thesis or assume that we already have sufficient independent deontological justification for our convictions about dilemmas, then the fact that the common-sense dilemma-containing theories can be successfully consequentialized turns out to be of relatively little importance. In this case, the consequentializing project will not help us to evaluate the dilemma-containing common-sense ethical theories in a new light. What this article has thus ruled out is the possibility of using the consequentializing project to vindicate our common-sense moral convictions about moral dilemmas.<sup>47</sup>

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<sup>47</sup> I thank two anonymous referees of the *Journal of Moral Philosophy* for their extremely helpful comments.