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## Conflicting Values and Moral Pluralism in Normative Ethics

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This article explores the characteristics and problems of *moral pluralism*, a model of theory of obligation in normative ethics according to which (1) there is a plurality of basic moral principles; (2) these different principles may conflict with one another; (3) there is no strict order of priority for resolving conflicts between them. The author argues that this kind of theory satisfies better than competing proposals the requirement of conformity with our reflexive intuitions and, while not having a general resolution procedure, is able to settle the problem of conflict between the principles. He concludes pointing out that, despite all that can be done to improve conflict resolution methodologies, some margin of indeterminacy in moral theories is inevitable. And it is good that there is. Moral theories should not be a handbook of answers to be applied mechanically, without leaving room for autonomy of judgment by the evaluating subject.

Keywords: conflicting values, moral pluralism, normative ethics, theory of moral obligation

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## Introduction: What is Moral Pluralism?

An important dimension of the conflict between values can be found in the area of normative ethics and more precisely in the field of the theory of moral obligation, the kind of theory that has the task of identifying what are the basic ethical principles from which to derive our duties in specific contexts (in particular situations). This is the type of theory that gives us the criterion to formulate moral evaluations about actions, i.e. the criterion to establish when an action (a particular action, a specific action) is morally right.

A theory of moral obligation can be thought of as having a monistic structure, that is, with a single guiding principle (the most famous example is utilitarianism), or as based on a plurality of fundamental obligations (at least two), logically irreducible to each other. In the first case, the problem of the conflict between alternative practical choices seems easy to solve, because the only moral axiom that governs the system is (or should be) able to settle any dispute. In the second case, on the other hand, the problem of conflict arises in all its drama, because different principles may require, and often do require, different courses of action, obliging the individual involved to make a choice, thus being faced with the need to identify an appropriate criterion of selection. Of course, the problem can be solved by establishing a fixed hierarchy between the principles that may conflict. But, although monism and hierarchical solutions solves the problem of conflict at its root, I believe that a theory with a plurality of basic principles without fixed hierarchy is more in accordance with the phenomenology of moral life, namely with our reflexive moral intuitions. I call “moral pluralism” this kind of theory. I define it as a model of normative theory for which:

(1) there is a plurality of *basic* moral principles (i.e. first, not further derivable from other moral principles);

(2) these different principles may conflict when they are applied to particular cases;

(3) there is not a full lexical order that allows us to arrange the conflicting principles in a fixed hierarchical scale; and even if such an order existed, in some cases it would not be sufficient to determine a mechanical conflict resolution

procedure. Hence “there is an ineliminable need for the exercise of *judgment* in order to resolve some conflicts.”<sup>1</sup>

This kind of pluralism should be distinguished from other forms of pluralism present in the ethical sphere. It can indeed be argued that there is, in fact, a plurality of alternative moral codes (an anthropological thesis also known as “descriptive relativism”), or that there is a plurality of conflicting moral codes that are equally true or valid (a thesis of epistemological nature, also called “meta-ethical relativism”). But the form of moral pluralism that is the subject of this paper does not express a thesis of a descriptive or meta-ethical nature, but rather a thesis in the field of normative ethics. It is a model of theoretical ethics according to which it is not possible to reduce the axioms of a moral system, so to speak, to just one, nor it is possible to order them according to predetermined relations of predominance, in such a way that a mechanical procedure allows us, at least in theory, to settle all disputes *a priori* and to determine the deontic status of any particular action. This assumption is logically autonomous from the thesis for which there is a plurality of conflicting moral codes and from the thesis for which these codes are equally true or correct. More generally, it is compatible with the vast majority (if not all) of meta-ethical options and with a wide variety of empirical assumptions of anthropological, sociological, psychological nature.

The relevance of pluralistic thesis does not consist so much in clause (1), since any theory that can be axiomatized with a finite number of axioms  $P_1, \dots, P_n$  can also be formulated with only one axiom,  $P_1 \wedge \dots \wedge P_n$ ; as in clauses (2) and (3). The fact that a plurality of principles is joined with the connective “and” is not

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<sup>1</sup> Brad Hooker, *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality* (Oxford: Clarendon Press, 2000), 105. Among the defenders of such perspective, see David Daiches Raphael, *Moral Judgement* (London: George Allen & Unwin, 1955); Donald Davidson, “How is Weakness of the Will Possible?” in: *Moral Concepts*, ed. Joel Feinberg (Oxford: Oxford University Press, 1969), 93–113; Berys Gaut, “Moral Pluralism,” *Philosophical Papers* 22, no. 1 (1993): 17–40; Berys Gaut, “Rag-Bags, Disputes and Moral Pluralism,” *Utilitas* 11, no. 1 (1999): 37–48; Berys Gaut, “Justifying Moral Pluralism,” in: *Ethical Intuitionism: Re-evaluations*, ed. Philip Stratton-Lake (Oxford: Clarendon Press, 2002), 137–160; Robert M. Veatch, “Resolving Conflicts among Principles: Ranking, Balancing, Specifying,” *Kennedy Institute of Ethics Journal* 5, no. 3 (1995): 199–218; David McNaughton, “An Unconnected Heap of Duties,” *The Philosophical Quarterly* 46, no. 185 (1996): 433–447; Robert Audi, *The Good in the Right. A Theory of Intuition and Intrinsic Value* (Princeton-Oxford: Princeton University Press, 2004).

particularly significant if, once the operation is accomplished, the same reasons for conflict in the application to particular cases remain among the parts that make up the single principle, without there being a criterion of precedence that allows us to arrange the conflicting requests in a precise order of priority. If the principles are more than two, however, not even a full lexical order is able to guarantee the theoretical completeness of a moral code, because an ordinal structure lines up the principles but does not allow us to assess their power relations (it does not allow us to evaluate their relationships of strength). If, for example, the principle at the top of the hierarchical scale prescribes a certain particular action  $x$ , while *two* principles placed at an intermediate level prescribe another particular action  $y$ , lexical order alone provides no indication as to which of the demands of the first principle and those of the two intermediate principles added together should prevail.

Moral pluralism is opposed to *strong* theories of obligation or conduct, that is, those models that claim to be complete and to provide full determinacy for theoretical ethics. Compared to them, the claim of pluralists, focusing instead on a *weak* normative theory, is to reflect more faithfully the considered beliefs of our moral conscience, using them as a test case for the plausibility of a theory in ethics. In fact, the requirements that a moral theory must possess in order to be more reliable than competing models include not only internal coherence, precision, adequately broad scope, simplicity, etc., but also (and above all) its ability to accord with our considered judgments, especially those concerning specific situations. Our thoughtful verdicts on particular contexts play a similar role for moral theories as that of empirical data for scientific theories. Just as the latter are the testing ground for verifying the correctness of a scientific theory, in the same way our reflective beliefs are the testing ground for moral theories. The implications of one or more moral principles must therefore be consistent with our considered judgments. When a theory conflicts with our reflective beliefs about a large number of particular cases, this is a good reason to correct or abandon it.

Such a methodology has often been distorted, as if what is required is a mere appeal to the man in the street (the common man), full of those prejudices, taboos, superstitions, logical confusions, etc. which sometimes come to light in letters sent to newspapers. But if it is not plausible to take the ideas that we happen to have (by virtue of the education received, the environment in which we have lived, etc.) as a test case for the validity of a theory, it is perfectly reasonable to

assume as a criterion of verification our beliefs that satisfy a series of appropriate clauses. We can roughly define our intuitions as reflexive when they are the result of the best available knowledge, full conceptual clarity, a state of calm and lucidity, when they refer to universalizable positions (i.e. when they are impartial), when they derive from a correct application of logical rules etc. The beliefs we hold in light of the fulfillment of these clauses can hardly be conceived as mere taboos or prejudices from which to liberate ourselves. Instead, they represent an important point of reference and an indication that is anything but marginal for the plausibility of a moral theory. All the accusations and criticisms that appeared to be more than justified when applied to mere ideas that 'we happen to have' fall down in the face of these considered convictions. A moral system that conflicts with the response of our ideas when they are the result of appropriate information, conceptual clarity, full lucidity, impartiality (in the sense of a disposition to universalize one's choices), and rationality (in the sense of the adoption of correct logical procedures), can hardly be accepted as adequate. It needs amendment or to be abandoned.

### **The Opponents of Pluralism and their Inadequacy**

Moral pluralism (pluralism in normative ethics), finds its *locus classicus* in W. D. Ross's theory of *prima facie* duties, developed in his works of the Thirties, precisely in *The Right and the Good* (1930) and *Foundations of Ethics* (1939).<sup>2</sup> In these texts Ross presents an alternative conception to forms of deontology based on absolute obligations, on the one hand, and entirely consequentialist proposals, on the other. His notion of "*prima facie* duties" indicates a set of duties which are not absolute, because they admit exceptions to their performance, but not entirely based on the effects of actions. According to Ross both utilitarianism, the most important version of consequentialism, and the traditional forms of deontology, do not accord with reflective moral conscience. John Rawls expresses this point by arguing that a good moral theory must establish a reflective balance be-

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<sup>2</sup> William David Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930); William David Ross, *Foundations of Ethics. The Gifford Lectures Delivered in the University of Aberdeen, 1935-6* (Oxford: Clarendon Press, 1939).

tween principles and our considered beliefs, through mutual adjustment. Instead, these kinds of theory do not satisfy such requirement.

Contemporary moral pluralists follow the path taken by W. D. Ross. Adopting the perspective of a plurality of principles without fixed and immutable hierarchies, they have as opponents first of all the traditional deontological ethics founded on absolute prohibitions. For these models of theories there are kinds of actions (such as “lying” ,“breaking promises” etc.), which as such are never justifiable, whatever the context in which an agent operates. But this position is hardly reasonable on a deeper look. In fact, for any class of action it is always possible to construct a thought-experiment that constitutes a counterexample to the unconditional prohibition to perform it, because one obligation must give precedence to another. We can also imagine extreme situations (and sometimes they actually occur) in which even terrible acts become right, because the stakes in terms of goods and evils for individuals do not allow otherwise. As for the possibility of hierarchies between principles, as Veatch pointed out:

No one has ever successfully extended lexical ordering to a ranking of all of the principles. For example, in a four-principles theory, no one has ever successfully ranked the four principles so that the first must be completely satisfied before the second, the second before the third, and so on. Such ranking is generally believed implausible [...].<sup>3</sup>

Things are no better for the other great opponent of moral pluralism, the theories that aspire to completeness on the consequentialist side (which nevertheless embrace the idea that in principle there are no actions that as such are always prohibited). Against the best-known version of consequentialism, i.e. utilitarianism, there is (since the eighteenth century)<sup>4</sup> a thought-experiment that highlights its inadequate implications and brings out very well (clearly identifies) the additional obligations other than that of maximizing utility.

In general terms, utilitarianism asserts that there is only one basic moral principle (in the sense of not logically derivable from other moral principles),

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<sup>3</sup> Veatch, “Resolving Conflicts,” 210–211.

<sup>4</sup> Joseph Butler, “Analogy of Religion,” in: Joseph Butler, *The Works of Bishop Butler* (London: Macmillan, 1900); Richard Price, *A Review of the Principal Questions in Morals* (Oxford: Clarendon Press, 1948), 131–138. But see also Ross, *The Right and the Good*, 18, 34–35; Ross, *Foundations of Ethics*, 70–72, 78–79, 102.

which requires maximizing the beneficial consequences and minimizing the harmful consequences of actions with respect to all sentient beings. More specifically, from the utilitarian point of view what matters to establish whether an act is morally permissible (justified), obligatory or forbidden is only the algebraic sum of all its beneficial and harmful effects compared with that of the alternative actions that the agent could have performed in its place if only he had chosen to do so. The action that presents the quantitatively best balance is the one that must be performed. If it turns out that the most beneficial or least harmful actions are two with equal scores, then it is indifferent to opt for one or the other, as long as you opt for one of the two.

On the basis of these characteristics of utilitarianism, suppose that the only two alternatives of action, *A* and *B*, that can be performed by an agent produce the same effects in terms of benefits and harms on individuals. In accordance with its entirely consequentialist approach, utilitarianism will have no choice but to regard *A* and *B* as both justified in the same way, without any difference characterizing them from the point of view of moral obligation. But let us assume for the sake of argument that *A* either (1) keeps an agreement made, or (2) repairs a wrong done, or (3) returns a favor received, or (4) distributes goods and evils fairly. Conversely, *B* either (1) violates the agreement made, or (2) does not compensate for the wrong done, or (3) does not return the good received, or (4) distributes goods and evils unfairly. Wouldn't we say that these differences are such as to make the moral quality of action *A* preferable to the moral quality of action *B* (thus making *A* the action to be performed and *B* a wrong action)? Furthermore, the situation would not change if the utility produced by *B* were only slightly higher than that produced by *A*. It would remain obligatory, or at least permissible, to perform *A*, while utilitarianism would imply, counterintuitively, that *B* is obligatory. If so, then the utilitarian thesis that the deontic status of an action is determined entirely by its effects, compared to the effects of alternative actions that an agent could perform in its place, is wrong. There are other factors that contribute to making an action justified, forbidden, or obligatory.

The test of the two alternative courses of action thus demonstrates that there is a plurality of considerations to be taken into account when we need to establish what is right to do in a given situation, not just the goods and evils brought into existence by the performance of an action compared to those produced by an al-

ternative action. The moral correctness of actions does not always and exclusively depend on their beneficial or harmful consequences, but also on certain characteristics that the actions possess regardless of their effects (such as the fact that with them a promise is kept, a wrong done is repaired, a good received is reciprocated, etc.). This, in other words, corresponds to saying that in addition to the principle of utility, which requires us to promote good and to abstain from evil, it is necessary to refer to other principles independent of it.

More generally, utilitarianism, as W. D. Ross clearly saw, does not adequately differentiate people and their roles: since it is a question of maximizing the good, it is indifferent *to whom* to do it, one individual is as good as another as long as the same goal is achieved, while moral obligations also have a personal and not just impersonal character.<sup>5</sup> In doing so, utilitarianism fails to take into account that in addition to the relationship between benefactor and beneficiary, there are other important relationships between individuals (for example relationships of fidelity, loyalty, gratitude, etc.) which diversify situations in a relevant way from a moral point of view.<sup>6</sup>

If the proposed arguments are convincing, then the models opposed to pluralism are inadequate and a pluralist perspective is more appropriate.

### Examples of Pluralist Principles and Models

There are various models of pluralism in theory of obligation. Some consist of only two principles; others encompass three or four principles, or even more. The prevailing principles that shape these models are non-maleficence, beneficence, justice, veracity, fidelity, autonomy, and gratitude (these are the principles that, in addition to satisfying the moral demands advanced by the principle of utility, also respond to those moral requests that, as the previous “test of the two actions” shows, utilitarianism is unable to incorporate).

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<sup>5</sup> Ross, *The Right and the Good*, 22.

<sup>6</sup> *Ibidem*, 19.

### *Non-Maleficence*

As it is clear from the etymology, non-maleficence it is a principle that imposes the duty of not hurting. It is the obligation not to harm. The Ancient Latins said: *primum non nocere* or *neminem ledere* (that is to say: first thing do not harm! Do not harm anyone!). In the idea of not hurting there is inactivity, that is, more omission than a real positive act. Non-maleficence asks me to simply abstain from acts that are harmful. The rules of non-maleficence therefore take the form “do not do *x*”. Norms such as “do not kill”, “do not steal”, “do not cause pain”, can be justified with non-maleficence. It is a principle of which hardly a moral system can deprive. In some form it must appear in a plausible moral theory.

### *Beneficence*

Beneficence is the positive part of non-maleficence. The principle of beneficence asserts the duty of positively implementing the good. Beneficence requires not just omissions, but positive acts. Generally, it consists of three clauses: preventing evil, removing it (i.e. eliminating it) and promoting positively good. For example, the duty of helping someone who is in difficulty is a beneficence obligation (it is an explication of the second clause: I must remove the evil).

### *Justice*

The principle of justice deals with giving individuals what they are due. But justice is a concept that possess a plurality of dimensions. At least four (retributive, restorative, distributive, procedural). Three substantive and one formal:

*Retributive justice* gives people what they are due—for example punishment—in virtue of their wrongful acts. *Restorative justice* gives people what they are due—for example compensation—in virtue of past wrong they experienced. *Distributive justice* gives people what they are due independent of past wrongful actions. It includes the distribution of valuable resources (such as medical care and job opportunities), the distribution of burdens (such as taxation and jury duty), and the assignment and enforcement of certain legal rights (such as regarding marriage and inheritance). Finally, in contrast to these concepts of substantive justice, there is also

*procedural justice*, which concerns the fairness of the process by which decisions regarding matters of substantive justice are made.<sup>7</sup>

### *Veracity*

The principle of veracity is the duty of telling the truth, namely the obligation not to lie.

### *Fidelity*

The principle of fidelity is the obligation to keep promises, commitments made, word given. The Ancient Romans said *pacta servanda sunt*.

### *Autonomy or Self-Determination*

The principle of autonomy or self-determination, expressed in terms of obligations, prescribes respect for the free and informed choices of others. It argues that “actions or rules tend to be right insofar as they respect the autonomous decisions of others.”<sup>8</sup>

### *Gratitude*

The principle of gratitude asserts the obligation of restitution of the good received. If we receive a benefit, this places us under the obligation to return it.

Using some or all of these principles, pluralist moral philosophers have developed specific theories of obligation. In focusing on a historical overview of twentieth century English-language ethics, we move from the minimal pluralism of Carritt and Frankena (only two principles of obligation: beneficence and justice), to the maximal pluralism present in the first exposition of W. D. Ross (seven principles of moral obligation: beneficence, non-maleficence, self-improvement, justice, fidelity, reparation, gratitude), partially anticipated in the

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<sup>7</sup> David DeGrazia, Joseph Millum, *A Theory of Bioethics* (Cambridge: Cambridge University Press, 2021), 138.

<sup>8</sup> Veatch, “Resolving Conflicts,” 202.

eighteenth century by Richard Price (who proposes at least six *heads of virtue*: beneficence, prudence, justice, veracity, gratitude, duty towards God). In the middle, there are intermediate forms, ranging from Veatch's triad (utility, justice, respect for persons) to McCloskey's tetrad (beneficence, justice, honesty, respect) and to those not dissimilar (if not terminologically) proposed by Warnock (beneficence, non-maleficence, equity, veracity) and Beauchamp and Childress for biomedical ethics (beneficence, non-maleficence, justice, autonomy).<sup>9</sup>

### **Problems of Moral Pluralism: “Unconnected Heap of Duties” (Need for a Unifying Principle) and the Conflict between Principles**

The most common criticism addressed to pluralist theories is that they give rise to a system characterized by profound incompleteness and indeterminacy (lacking adequate tools for resolving conflicts), as well as by lack of systematicity and cohesion. This objection is well known to the same proponents of a perspective inspired by W. D. Ross's theory of obligation, which they label with imaginative expressions such as *unconnected heap of duties*<sup>10</sup>, *unrelates chaos of obligations*<sup>11</sup>, *rag bags*<sup>12</sup>, *hodgepodge*<sup>13</sup>.

It has been argued that, rather than the plurality of duties present in W. D. Ross's theory of obligation, all those claims can be unified in the concept of *respect* (here, an important inspiration came from the second formulation of the Kantian categorical imperative, the Formula of End in Itself: “Act in such a way that you

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<sup>9</sup> Edgar F. Carritt, *Ethical and Political Thinking* (Oxford: Clarendon Press, 1947); William Klaas Frankena, *Ethics* (Englewood Cliffs: Prentice-Hall, 1973); Ross, *The Right and the Good*; Price, *A Review of the Principal Questions*; Robert M. Veatch, “Resolving Conflicts among Principles: Ranking, Balancing, Specifying,” *Kennedy Institute of Ethics Journal* 5, no. 3 (1995): 199–218; Henry J. McCloskey, *Meta-Ethics and Normative Ethics* (The Hague: Martinus Nijhoff, 1969); Geoffrey J. Warnock, *The Object of Morality* (London: Methuen, 1971); Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York-Oxford: Oxford University Press, 2019).

<sup>10</sup> Raphael, *Moral Judgement*, 9; McNaughton, *An Unconnected Heap of Duties*.

<sup>11</sup> Harold A. Prichard, *Moral Obligation and Duty and Interest. Essays and Lectures* (Oxford: Oxford University Press, 1968), 9.

<sup>12</sup> Gaut, *Rag-Bags*, 37–48.

<sup>13</sup> Audi, *The Good in the Right*, 157.

treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end”).<sup>14</sup> Thus, according to several moral philosophers all the principles listed previously can be derived from a general idea of respect for the dignity of the human person or the inherent value of all persons, human and not human, or for the value of all sentient beings or all living beings. The view held by supporters of this thesis is that veracity, fidelity, justice, gratitude, and so on, are all forms of respect for other individuals (if I do not keep a promise, I fail to respect the one to whom I have made it; if I tell a lie I do not respect the person who listens; if I cause pain I fail to respect the harmed person etc.); and therefore they can be derived from this general principle, which must be our only moral axiom.

I don't know if this attempt works, i.e. can be successful. But surely this possible success does not refute moral pluralism. In fact, such possible unification is actually more nominal than real, because it does not allow us to resolve conflicts between norms. Indeed, it is difficult to understand how respect can settle between the many components that eventually express it (fidelity, veracity, autonomy, gratitude, etc.). I don't want deny that it can play an important role, but it is not easy to understand how it helps us to solve a particular case when the two or more conflicting solutions seem to express respect for the person as an end in itself in different forms. In the debate on euthanasia, for example, both contending parties refer to (appeal to) respect for human dignity. No one is convinced of breaking it and accuses the other of violating it.

A critique of this kind can already be found in D. D. Raphael in the fifties of the twentieth century, which shares the general idea of grounding the plurality of duties on a more abstract principle, the second Kantian formula of the categorical imperative:

Does our unifying principle provide us with a criterion for judging between conflicting obligations? I do not think it does. Since every obligation is a determinate form of the principle of treating persons as end, a conflict of obligations means that we must fail to satisfy the principle in one respect in order to satisfy it in another.

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<sup>14</sup> Immanuel Kant, *Groundwork of the Metaphysic of Morals*, transl. James W. Ellington (Hackett: Indianapolis, 1993), 36.

The principle is involved in each of the alternative acts and cannot be the guide for decision between them.<sup>15</sup>

Therefore, a unifying principle like this may be a good idea for adding cohesion to the theory, but it arguably cannot resolve all conflicts between the various claims of moral obligations. With the unifying principle, these claims are no longer independent principles. They become part of the principle of respect, but maintain their conflict within this principle. And thus they do not refute moral pluralism. If the conflict remains, that it is among a plurality of principles or inside a single principle, there is not a great difference. Moral pluralism is refuted if there is an *a priori* mechanical procedure for resolving conflicts, that it is also in reflective equilibrium with our intuitions.

Despite all this, pluralists are not disarmed in the face of the phenomenon of conflict. Notwithstanding the plurality of principles, pluralism in theory of obligation has important tools for limiting indeterminacy when two or more moral principles collide in a particular situation. These include, significantly: (a) the primacy of non-maleficence over beneficence (the preeminence of the duty not to harm over the duty to positively promote the good) and the priority of special obligations (gratitude, fidelity, reparation) over general obligations (in particular over beneficence); (b) more broadly, the strategy of moral pluralism aimed at resolving conflicts between principles consists in resorting to partial lexical orders and to a 'job' of balancing and specifying principles. The first strategy can be found in the same works of W. D. Ross. The second, for example, in Robert Veatch's texts.

Contrary to widespread opinion, W. D. Ross offers important indications for limiting the conflicts between his *prima facie* duties. The first indication to mitigate the agnosticism regarding the conflict between heterogeneous obligations comes from Ross's theorization of a priority of the duty not to harm (non-maleficence) over the duty to positively promote the good (beneficence). Ross asserts that

we should [...] always judge that the infliction of pain on any person is justified only by the conferment not of an equal but of a substantially greater amount of pleasure

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<sup>15</sup> Raphael, *Moral Judgement*, 141.

on someone else [...]. We think the principle ‘do evil to no one’ more pressing than the principle ‘do good to every one’, except when the evil is very substantially outweighed by the good.<sup>16</sup>

This already provides a relevant element to establish a right of precedence in case of conflict. It already means establishing a hierarchy, albeit partial, not incontrovertible (Ross knows well—and says it—that a small amount of harm can be justified by the production of a large amount of benefits).

Secondly, Ross identifies a primacy of special obligations over general ones. He argues that

For the estimation of the comparative stringency of these *prima facie* obligations no general rules can, so far as I can see, be laid down. We can only say that a great deal of stringency belongs to the duties of ‘perfect obligation’—the duties of keeping our promises, of repairing wrongs we have done, and of returning the equivalent of services we have received.<sup>17</sup>

Robert Veatch’s approach for the solution of conflicts is similar but slightly different to Ross’s approach. Since “In resolving conflicts among principles, pure balancing seems too lax [...], but pure lexical ordering appears too confining”,<sup>18</sup> Veatch proposes a *mixed strategy* between the two, according to which firstly we must assign absolute priority to nonconsequentialist obligations (i.e. those of deontological nature) over consequentialist obligations (conceived in equal terms in the utilitarian way: that is, attributing the same weight to beneficence and non-maleficence, which are therefore added together algebraically); and then we must instead attribute equal weight to non-consequentialist principles, which, for this reason, when they come into conflict with each other, have no order of priority: their strength must be assessed each time, circumstance by circumstance, comparing them and balancing them. In this strategy, therefore, non-maleficence and beneficence must first be balanced and the “utilitarian response” produced; this response must then be subordinated to deontological constraints, and the latter must finally be balanced. In other words, this approach argues that non-consequentialist obligations (veracity, fidelity, autonomy, gratitude, reparation,

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<sup>16</sup> Ross, *Foundations of Ethics*, 75.

<sup>17</sup> Ross, *The Right and the Good*, 41–42.

<sup>18</sup> Veatch, “Resolving Conflicts,” 211.

etc., that is, from Veatch's perspective, respect for persons in all its branches, and justice) are perfect duties, while consequentialist obligations (nonmaleficence and beneficence) are imperfect duties. However, when there is a conflict between perfect duties then (and only then) we resort to balancing. In his view, the path of the lexical order between perfect duties is not viable.

Said in other terms, if there are no nonconsequentialist obligations involved, namely the principle of respect in its various branches and the principle of justice, then the deontic status of actions can be determined entirely in the utilitarian manner, assigning equal weight to goods and evils. It is a question of making their comparative balance. If, on the other hand, in the specific context, in addition to the claims of beneficence and non-maleficence, a deontological constraint is involved (respect for an autonomous choice, for a promise made, etc.), then the latter always takes precedence over the utilitarian response. So, if the action prescribed by the principle of utility diverges from that prescribed by the deontological constraint, the evaluating subject must follow the latter and perform the action indicated by it. In the event that, in addition to utilitarian claims, not one but more than one deontological constraints are involved, pointing in different directions (i.e. prescribing two different courses of action), then, since deontological constraints as such always take precedence over consequentialist ones, in order to determine the pre-eminent one among them, it is necessary to resort to their balancing, namely to intuition.<sup>19</sup> In all those cases in which it may appear counter-intuitive for obligations of consequentialist nature to give priority to obligations of deontological nature, Veatch believes that his model can overcome the counter-intuitiveness, by resorting to the principle of justice:

There may appear to be implausible implications of this ranking. For example it may appear to require keeping a promise to meet a friend for tennis even though by breaking the promise one could rescue someone from a burning building (which seems like an act of beneficence, which must be subordinated according to the proposal). However, a robust principle of justice may also require rescuing the victim, who is clearly much worse off than the tennis player. Thus justice, which can be balanced against promise-keeping provides a basis for breaking the promise

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<sup>19</sup> Ibidem, 211–215.

even though beneficence does not. (By contrast doing a similar quantity of good for someone who is much better off than the tennis player would not justify breaking the promise even though more good could be done.)<sup>20</sup>

## Conclusion

As we have seen, both Ross's and Veatch's strategies do not solve *a priori* all problems of conflict between duties. But the fact that in the pluralist perspective there is not a general method of conflict solution (there are no decisive moves, infallible criteria), far from being an element of weakness, is an element of strength of pluralism. This is because moral theories are not (and should not be) a handbook of answers to be applied mechanically, without leaving room for autonomy of judgment by the evaluating subject. It is neither in the tasks nor in the possibilities of a plausible moral theory to be *complete* in the sense of telling us in all cases which principle takes precedence and which must yield it. Despite all that can be done to improve conflict resolution methodologies, we must point out that a margin of indeterminacy in moral theories is unavoidable. And it is good that there is.

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## Streszczenie

### **Konflikt wartości i pluralizm moralny w etyce normatywnej**

Artykuł omawia charakterystyczne cechy i problemy pluralizmu moralnego, modelu teorii obowiązku w etyce normatywnej, zgodnie z którym (1) jest wiele podstawowych zasad moralnych; (2) te różne zasady mogą być ze sobą sprzeczne; (3) nie ma ścisłej hierarchii ważności, na podstawie której można by rozwiązywać konflikty między nimi. Autor pokazuje, że taka teoria lepiej niż propozycje konkurencyjne spełnia wymóg zgodności z naszymi myślowymi intuicjami i choć nie oferuje ogólnej procedury rozstrzygnięcia, to jest w stanie sobie poradzić z problemem konfliktu zasad. W konkluzji autor wskazuje, że mimo wszystkiego, co można zrobić dla ulepszenia metodologii rozwiązywania konfliktów, pewien margines nieokreśloności jest w teoriach moralnych nieunikniony. I dobrze, że jest. Teorie moralne nie powinny być podręcznikiem odpowiedzi, które mają być stosowane mechanicznie, nie zostawiając miejsca dla autonomii osądu dokonywanego przez deliberujący podmiot.

Słowa kluczowe: konflikt wartości, pluralizm moralny, etyka normatywna, teoria moralnego obowiązku

## Zusammenfassung

### **Wertekonflikt und moralischer Pluralismus in der normativen Ethik**

Der Artikel erörtert die Besonderheiten und Probleme des moralischen Pluralismus, eines Modells der Pflichttheorie in der normativen Ethik, nach dem (1) es viele moralische Grundprinzipien gibt; (2) diese unterschiedlichen Grundsätze widersprüchlich sein können; (3) es keine strenge Hierarchie der Bedeutung gibt, auf deren Grundlage Konflikte zwischen ihnen gelöst werden können. Der Autor zeigt, dass eine solche Theorie die Anforderung der Übereinstimmung mit unseren mentalen Intuitionen besser als konkurrierende Vorschläge erfüllt, und obwohl sie kein allgemeines Lösungsverfahren bietet, ist sie in der Lage, das Problem des Konflikts der Prinzipien zu lösen. Abschließend weist der Autor darauf hin, dass trotz allem, was getan werden kann, um die Methodik der Konfliktlösung zu verbessern, ein gewisser Spielraum der Unbestimmtheit in moralischen Theorien unvermeidlich ist. Und es ist gut so. Moraltheorien sollten kein Handbuch für Antworten sein, das mechanisch anzuwenden ist und keinen Raum für die Autonomie des Urteils durch das beratende Subjekt lässt.

Schlüsselwörter: Wertekonflikt, moralischer Pluralismus, normative Ethik, Theorie der moralischen Verpflichtung

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