MORAL DILEMMAS AND OFFENCE

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ABSTRACT. In 1963 Roderick Chisholm proposed a category of acts called “offences” to capture what he called acts of “permissive ill-doing.” Chisholm’s proposal has proven to be controversial. Here I propose that some progress can be made in validating acts of offence by focusing upon moral dilemmas. Given the problems which have been alleged to beset moral dilemmas, this may initially seem like a puzzling strategy. However, I will call attention to a type of moral dilemma unlike what is standardly discussed in the literature and attempt to show that those who acknowledge that such dilemmas are possible are likewise obliged to acknowledge that acts of offence are possible. My suggestion, then, is that, since the former are plausible to acknowledge, so are the latter.

KEY WORDS: blameworthy, dilemmas, offence, ought

In 1963 Roderick Chisholm proposed a category of acts called “offences” to capture what he called acts of “permissive ill-doing.” Just as acts of supererogation capture non-obligatory well-doing, Chisholm believed a place must be made in our ethical schemes for acts of offence, the mirror-image counterpart to acts of supererogation. Chisholm’s proposal has proven to be controversial. While a fair number of writers have opposed recognizing acts of supererogation, there appears to be significantly greater opposition to recognizing acts of offence (among those who embrace acts of supererogation while opposing acts of offence are Alan Donagan, Knut Tranoy, and David Widerker). If an act constitutes ill-doing, many find it difficult to suppose that the act can be permissible to perform.

Many theistic philosophers and theologians, following Luther and Calvin, have argued that no human creature is capable of performing good works over and above the requirements of God’s law. Hence there can be no possibility of human beings performing acts of supererogation. Theists

1 Roderick Chisholm, Supererogation and Offence: A Conceptual Scheme for Ethics, Ratio, 5 (1963), p. 5. I agree with Chisholm that these acts are plausible.
seem to be even more strongly of the conviction that God’s law forbids acts that are in any manner tainted by evil. Hence Chisholm’s acts of offence are seen as conflicting with a basic theistic principle. (Of course, not all theists would agree; within Catholic moral theology works of supererogation and venial sins have traditionally played an important role.)

Here I shall propose that some progress can be made in vindicating acts of offence by focussing upon moral dilemmas.\(^3\) Given the problems which have been alleged to beset moral dilemmas, this may initially seem like a puzzling strategy. However, I will call attention to a type of moral dilemma unlike what is standardly discussed in the literature. I will then attempt to show that those who acknowledge that such dilemmas are possible are likewise obliged to acknowledge that acts of offence are possible. My suggestion, then, is that, since the former are plausible to acknowledge, so are the latter.

A moral dilemma is standardly characterized as a situation in which a moral agent cannot help violating a moral requirement, where the requirement in question is some type of moral duty or obligation. So characterized, the idea of a moral dilemma has been judged problematic by various moral philosophers. Some allege that a consistent moral theory cannot generate such dilemmas; in other words, apparent dilemmas can always be resolved if one is operating within a consistent theory. In a similar vein, some have argued that the conflicts in question are always between \textit{prima facie} duties and can be resolved by determining which are overridden. Others, following Kant, hold that a conflict of moral duties is simply inconceivable, or at least inconceivable in a system where the ought implies can principle is preserved. Still others, such as Earl Conee, have argued that such dilemmas pose serious problems of a logical nature.\(^4\)

The idea that an otherwise satisfactory moral theory should produce unresolvable moral dilemmas in which agents cannot help violating a moral requirement has struck many as repugnant. I contend that the repugnance of this idea, if it be such, can be significantly diminished by concentrating upon situations in which a moral agent cannot help doing what is morally blameworthy. I shall understand the concept of being morally blameworthy to mean deserving or warranting moral criticism or censure. For a fuller account of what this means, see A.C. Ewing’s discussion of what it means to be a fitting object of disapproval.\(^5\) An act that violates a moral requirement is always morally blameworthy, but it is not a foregone conclusion that a morally blameworthy act violates a moral requirement (more on that in

\(^3\) Elsewhere I have appealed to virtue ethics in helping to vindicate acts of offence. See my Offence and Virtue Ethics, Canadian Journal of Philosophy, 21 (1991), pp. 323–329.
