

IV. Dilemmas

1. A MORAL DILEMMA GENERALLY

We have seen that Confucius may be regarded as taking up a position between voluntarism and eudaimonism and that his thinking has characteristics which refer to both pluralism and monism, although the main balance rests on pluralism. Moreover, generally speaking, Confucius' main motive was to balance between extremes. This appears for example in the following passages:

The Master said, The Ospreys! Pleasure not carried to the point of debauch; grief not carried to the point of self-injury. (AN. 3:20.)

Master Yu said, In the usages of ritual 禮 it is harmony 和 that is prized; the Way of the Former Kings from this got its beauty. Both small matters and great depend upon it. If things go amiss, he who knows the harmony will be able to attune them. But if harmony itself is not modulated by ritual, things will still go amiss. (AN. 1:12.)

According to Waley, harmony in this context means harmony between man and nature; playing the musical mode that harmonizes with the season, wearing seasonable clothes, eating seasonable food, and the like. (WALEY 1964: 86; CHU Hsi 1952: 5; CHENG Shu-te 1974: 41; TONG 1969: 524–525.) 'Harmony is apparently related to *li* also because it regulates the five relations, which are: relations between prince and minister, father and son, husband and wife, relations between brothers and relations between friends.' (CHANG Chin-tsen 1960: 1.) Fingarette says: 'since *li* is that structure of human conduct that harmonizes the doings of all men and establishes their well-being as men, it is clear that he who is fully established in *li* is living a life that is perfectly organized and is entirely conducive to the flowering of human existence.' (FINGARETTE 1972: 47.)

This means that Confucius tried to avoid contradictions and dilemmas. However, in certain matters he was indecisive when meeting contradictory requirements. Consequently it was difficult for him to choose between different options.

Moral dilemmas have been defined in the following ways:

A Moral Dilemma is a situation in which an agent *S* morally ought to do *A* and morally ought to do *B* but cannot do both, either because *B* is just not-doing-*A* or because some contingent feature of the world prevents doing both. (GOWANS 1987: 3.)

Williams adds to this another case 'in which it seems that I ought to do *c* in respect of some considerations, and ought not to do *c* in respect of others.' (WILLIAMS & ATKINSON 1965: 118.) According to Stocker, in the dilemma there is no right act open to the agent and every option is simply wrong (STOCKER 1990: 10).

A moral dilemma involves an individual or a group in a conflict between two moral principles, beliefs or values each of which is held to be of equal importance by the individual or group in question (FISHER 1990: 18).

Paske touches upon this problem and defines the moral dilemma in the following way:

A moral dilemma occurs when, through no fault of her own, a moral agent is faced with two (or more) obligations in a situation where it appears impossible to fulfill both (or all) of them. A purported moral dilemma occurs when the apparent impossibility can be resolved. A genuine moral dilemma occurs when the apparent impossibility cannot be resolved. It is sometimes argued that there can be no genuine moral dilemmas. Among the reasons given for the denial of genuine moral dilemmas is the claim that such dilemmas would entail that deontic logics be inconsistent. This, it is argued, would render ethics radically incoherent because genuine moral dilemmas appear to contain a contradiction from which, using the standard rules of the propositional calculus, anything could be derived. (PASKE 1990: 315.)¹⁹

According to Sinnott-Armstrong moral dilemmas

cannot be defined simply as conflicts between moral requirements, because not all conflicts between moral requirements are moral dilemmas. The reason is that moral requirements vary in strength or importance. (SINNOTT-ARMSTRONG 1988: 15.)

The dilemma situation breaks what Morton White calls a 'first-level moral law or principle', which is 'that an act is obligatory only if it is free, and therefore that an act is not obligatory if it is not free.' (M. WHITE 1993: 26; cf. DONAGAN 1987: 175.) In a dilemma one has two obligations which are equally important and one should choose both of them. After choosing one of them, one loses the freedom to choose the second.

In the value theories, the question of whether any genuine irresolvable moral dilemmas exist has been under discussion. De Cew says:

Many theories in the history of ethics have held that there cannot be genuinely irresolvable moral dilemmas, that is, an agent cannot be bound by two moral requirements, neither of which overrides the other in a morally relevant way. The major goal of a moral theory is to demonstrate how to resolve apparent conflicts.

Recently, a number of philosophers have challenged this standard view about moral conflicts and the role of ethical theory. Their claim is that the moral universe is more complicated than many theories acknowledge. The inevitability of conflicts is a moral datum that a theory must accommodate. (DE CEW 1990: 27.)

According to Cornett, 'there is no objective method for resolving fundamental moral conflicts.' If the agents have similar basic attitudes it is possible for them to have a subjective method to solve many potential conflicts. (CORNETT 1987: 103.)

¹⁹ See also PASKE 1989: 57–58. Nagel defines dilemmas in the following way: 'The strongest cases of conflict are genuine dilemmas, where there is decisive support for two or more incompatible courses of action or inaction. In that case a decision will still be necessary, but it will seem necessarily arbitrary. When two choices are very evenly balanced, it does not matter which choice one makes, and arbitrariness is no problem. But when each seems right for reasons that appear decisive and sufficient, arbitrariness means the lack of reasons where reasons are needed, since either choice will mean acting against some reasons without being able to claim that they are *outweighed*.' (NAGEL 1987: 175.)

2. CONFUCIUS' DILEMMA SITUATION IN OFFICE

One of the clearest situations about which Confucius felt it difficult to decide what to choose was whether to take office or not. It was important for him that before he could accept an office, he ought to be able to accept the behavior of the prince whom he was to serve. The Analects express this principle in the following way:

The people of Ch'i sent to Lu a present of female musicians, and Chi Huan-tzu (died in 492 BC) accepted them. For three days no Court was held, whereupon Master K'ung left Lu. (AN. 18:4; WALEY 1964: 209, 219.)

In this case the dilemma situation occurred first, and Confucius solved the problem by resigning. This situation is not a real dilemma, because Confucius knew what his moral principles were (LEMMON 1962: 143) and the situation was perfectly clear to him.²⁰

There is another instance where it is pointed out that *tao* does not prevail, but Confucius still had to serve. The situation was not according to Confucius' principles, but he had to serve, nevertheless.

Yang Huo wanted to see Master K'ung; but Master K'ung would not see him. He sent Master K'ung a sucking pig. Master K'ung, choosing a time when he knew Yang Huo would not be at home, went to tender acknowledgment; but met him in the road. He spoke to Master K'ung, saying, 'come here, I have something to say to you.' What he said was, 'Can one who hides his jewel in his bosom and lets his country continue to go astray be called Good? Certainly not. Can one who longs to take part in affairs, yet time after time misses the opportunity to do so – can such a one be called wise? Certainly not. The days and months go by, the years do not wait upon our bidding.' Master K'ung said, All right; I am going to serve. 孔子曰，諾，吾將仕矣 (AN. 17:1.)

A Gentleman's service to his country consists in doing such right as he can. That the Way does not prevail, he knows well enough beforehand. Next day Tzu-lu went on his way and reported what had happened. The Master said, He is a recluse, and told Tzu-lu to go back and visit him again. But on arriving at the place he found that the old man had gone away. (AN. 18:7.)

Pi Hsi summoned the Master, and he would have liked to go. But Tzu-lu said, I remember your once saying, 'Into the house of one who is in his own person doing what is evil, the Gentleman will not enter.' Pi Hsi is holding Chung-mou in revolt. How can you think of going to him? The Master said, It is true that there is such a saying. But is it not also said that there are things 'So hard that no grinding will ever wear them down,' that there are things 'So white that no steeping will ever make them black'? Am I indeed to be forever like the bitter gourd that is only fit to hang up, but not to eat? (AN. 17:7.)

²⁰ Lemmon says: 'A second, slightly more complex, class of ethical situations in which agents find themselves may be described thus: we may know what we are to do, or ought to do, or have to do, and yet in various ways be tempted not to do it, and as a result either do or not do what we are or ought to do, either out of a conscious decision or not. This class includes as a subclass those cases commonly called cases of *acrasia*, where we know what we ought to do and for various reasons and in various way fail to do it. There is a clear sense in which all examples in this second class of moral situation are dilemmatic. We are, as we often say, torn between duty and pleasure, or between our obligations and our interests, or between our principles and our desires. Nonetheless, I do not wish to call these cases moral dilemmas, because in all these cases our moral situation is perfectly clear. We know where our duty lies or what our obligations are or what our moral principles determine, for us here, but for various non-moral reasons are tempted not to stick with morality.' (LEMMON 1962: 143.)

The second quotation reveals that it was commonly known that Confucius demanded certain requirements from the lord he was going to serve. Apparently Confucius tried to solve this by considering which kinds of misbehavior he could tolerate and which not. Although he possibly decided that he could tolerate certain misbehavior from the side of the lord, this would still mean a contradictory situation. The situation was that Confucius' duty was to serve, since he had the talent and ability to do it. However, he ought not to serve, because the lord did not follow the principles which Confucius thought to be correct. This situation presumably made it difficult for Confucius to follow his own principles in the office. He had moral reasons to pursue both of two incompatible courses. Mallock says about this kind of situation:

[These dilemmas] range from situations in which it is fairly clear which is the morally better course... to those of real perplexity in which one may be forced to rethink one's whole moral outlook or in which one finds oneself doing what one regards as wrong, whichever course one takes.' (MALLOCK 1967: 159. See also JACKSON & PARGETTER 1986: 235.)

In Confucius' case above, he was close to the perplexity situation in which he could find himself doing wrong, whichever course he chose.

We could try to consider the reasons why Confucius on one occasion left office (AN. 18:4) and why on another occasion (AN. 17:1) he accepted it. One clue towards a solution would be to see whether the perplexity situation really reflects Confucius' attitude. Waley states that this story in AN. 17:1 originated in non-Confucian circles. Most probably therefore this does not reflect Confucius' attitude. It seems also that the perplexity situation is inconsistent with the general Confucian principle of resigning from the post of a minister if one cannot serve the prince 'without infringement of the way' 以道事君, as stated in AN. 11:23.

AN. 17:1 would lead to the situation that Confucius possibly had to serve against his principles in a continuous situation of dilemma and tension. Even if this passage is not genuinely Confucian, it still belongs to the Analects and show that the Analects recognized a situation in which continuous dilemma or tension can prevail. Also, in this case of two conflicting moral situations Confucius had to choose the lesser evil. First he thought that not to serve was the lesser evil. Later, after being motivated by Yang Huo he was ready to change his opinion about which was the lesser evil. Now he thought that to serve is the lesser evil. (SCHWARTZ 1985: 79. See also ROSEMONT 1976: 469; cf. FINGARETTE 1972: 22–24; CARE 1984: 299.) In principle, Confucius wanted to avoid perplexities for he said: 'At forty, I no longer suffered from perplexities'. (AN. 2:3; HATTORI 1936: 106–107.)

The following anecdote shows that Confucius' attitude towards accepting office and his difficulties in this matter were recognized more or less generally:

The Master was playing the stone-chimes, during the time when he was in Wei. A man carrying a basket passed the house where he and his disciples had established themselves. He said, How passionately he beats his chimes! When the tune was over, he said How petty and small-minded! A man whose talents no one recognizes has but one course open to him – to mind his own business! 'If the water is deep, use the stepping-stones; if it is shallow, then hold up your skirts.' The Master said, That is indeed an easy way out! (AN. 14:42.)

This anecdote points out that the man on the road, possibly a 'Taoist' type hermit (RONGEN 1988: 172), recognized that Confucius was not accepted as an officer. The reason for this rejection could be that he was unpopular among the rulers, as the story lets one understand. It may well be that Confucius' motive in establishing the principle of AN. 11:23. was to create an ethical reason for him not being accepted to office. The real reason for his rejection could well have been that he was regarded as incompetent, but he himself turned the reason into a moral one. The story lets one understand that common people regarded him as not competent for the office. If Confucius had accepted the perplexity situation of serving an unworthy ruler, despite his principles, he would have shown himself to be a politician whose word cannot be trusted. He would have stated a certain principle which he did not follow. In his mind, Confucius chose the lesser evil of not serving in this case. When not in office Confucius had a compensatory choice (HOYT 1969: 44.) that of devoting himself to the to the profession of a teacher.

3. TRUSTING ONE'S WORD AND A DILEMMA

In keeping one's promises a dilemma could occur, when one has promised something, but a new situation presents itself. This new situation is against one's principles and one has a tension between the principles and one's promise. Lemmon gives an example.

Of the simplest variety of moral dilemma in the full sense:

A man both ought to do something and ought not to do that thing. Here is a simple example, borrowed from Plato. A friend leaves me with his gun, saying that he will be back for it in the evening, and I promise to return it when he calls. He arrives in a distraught condition, demands his gun, and announces that he is going to shoot his wife because she has been unfaithful. I ought to return the gun, since I promised to do so – a case of obligation. And yet I ought not to do so, since to do so would be to be indirectly responsible for a murder, and my moral principles are such that I regard this as wrong. (LEMMON 1962: 148.)

The idea may be from Plato, but certainly not the whole quotation, since during his time there were no guns.

Confucius often stressed that one should be keep one's promises, for example:

The Master said, A country of a thousand war-chariots cannot be administered unless the ruler attends strictly to business, punctually observes his promises 敬事而信 is economical in expenditure, shows affection towards his subjects in general, and uses the labor of the peasantry only at the proper times of year. (AN. 1:5.)

Legge translates 信, *hsin*, as 'sincere' (LEGGE 1969: 140).

One who, when he sees a chance of gain, stops to think whether to pursue it would be right; when he sees that (his prince) is in danger, is ready to lay down his life; when the fulfillment of an old promise is exacted, stands by what he said long ago him indeed I think we might call 'a perfect man.' 入要不忘平生之言, 亦可以為成人矣 (AN. 14:13.)

The Master said, A Gentleman is ashamed to let his words outrun his deeds. (AN. 14:29.)

Other sayings are: AN. 1:4, 6, 7, 13, 2:22, 4:22, 24, 5:9, 27, 7:24, 8:16, 9:24, 13:33, 17:8, 20:1. The number of these sayings shows that the matter was very important indeed for Confucius.

Master Yu said, In your promises cleave to what is right, And you will be able to fulfil your word. In your obeisances cleave to ritual, And you will keep dishonour at bay. (AN. 1:13.)

Tsai Yu used to sleep during the day. The Master said, Rotten wood cannot be carved, nor a wall of dried dung be trowelled. What use is there in my scolding him any more? The Master said, There was a time when I merely listened attentively to what people said, and took for granted that they would carry out their words. Now I am obliged not only to give ear to what they say, but also to keep an eye on what they do. It was my dealings with Tsai Yu that brought about the change. (AN. 5:9.)

The Master said, In an hamlet of ten houses you may be sure of finding someone quite as loyal and true to his word as I. But I doubt if you would find anyone with such a love of learning. (AN. 5:27.)

Master Tseng said, Every day I examine myself on these three points: in acting on behalf of others, have I always been loyal to their interests In intercourse with my friends, have I always been true to my word? Have I failed to repeat the precepts that have been handed down to me? (AN. 1:4.)

Who in the service of his prince will lay down his life, Who in intercourse with friends is true to his word – others may say of him that he still lacks education, but I for my part should certainly call him an educated man. (AN. 1:7.)

The Master said, I do not see what use a man can be put to, whose word cannot be trusted. How can a waggon be made to go if it has no yoke-bar or a carriage, if it has no collar bar? (AN. 2:22.)

The Master said, In old days a man kept a hold on his words, fearing the disgrace that would ensue should he himself fail to keep pace with them. (AN. 4:22.)

The Master took four subjects for his teaching culture, conduct of affairs, loyalty to superiors and the keeping of promises. (AN. 7:24.)

The Master said, Impetuous, but tricky! Ingenuous, but dishonest! Simple-minded, but capable of breaking promises! To such men I can give no recognition. (AN. 8:16.)

Tzu-chang asked about getting on with people. The Master said, Be loyal and true to your every word, serious and careful in all you do; and you will get on well enough, even though you find yourself among barbarians. But if you are disloyal and untrust worthy in your speech, frivolous and careless in your acts, even though you are among your own neighbours, how can you hope to get on well? When standing, I see these principles ranged before you; in your carriage, see them resting on the yoke. Then you may be sure that you will get on. Tzu-chang accordingly inscribed the maxim upon his sash. (AN. 15:5.)

He who keeps his word is trusted by the people. (AN. 20:1.)

By speaking about 'being slow in word' Confucius probably had also in mind that one should be careful in giving promises in order to be able to fulfill them:

The Master said, A Gentleman covets the reputation of being slow in word but prompt in deed 君子欲訥於言,而敏於行. (AN. 4:24.)

This comes apparent in the following quotation:

The Master said, A young man's duty is to behave well to his parents at home and to his elders abroad, to be cautious in giving promises and punctual in keeping them, to have kindly feelings towards every one, but seek the intimacy of the Good. If, when all that is done, he has any energy to spare, then let him study the polite arts. (AN. 1:6.)

The concepts for 'cautious in giving promises and punctual in keeping them' in AN. 1:6 are 謹而信. These are translated by Legge as 'earnest and truthful' (LEGGÉ 1969: 140. See also CHIEN Mu 1975: 73–74). The meaning of the concept 信 in the Analects is wider than just 'to keep promises', but the meaning does include this notion as well. The meaning is rather to avoid any type of lying. Confucius' attitude is similar to what Atkinson says: 'We are fully entitled to refrain from giving undertakings which, once given, we are in fidelity bound to keep.' (ATKINSON 1965: 132.) 'Refraining is conscious omission.' (P. G. SMITH 1986: 16. See also JACKSON & PARGETTER 1986: 235; VAN WYK 1990: 155; CASEY 1984: 397.)

Confucius recognized the possibility of a fault in this matter as well:

The Master said, First and foremost, be faithful to your superiors, keep all promises 信, refuse the friendship of all who are not like you; and if you have made a mistake 過, do not be afraid of admitting the fact and amending your ways. (AN. 9:24.)

Confucius' dilemma situation was that often the promises are not kept. A sage should have a certain attitude in this situation:

The Master said, Is it the man who 'does not count beforehand upon the falsity of others nor reckon upon promises not being kept,' or he who is conscious beforehand of deceit, that is the true sage? (AN. 14:33.)

The following lets one understand that keeping promises is not a simple matter:

The Master said, Yu, have you ever been told of the Six Sayings about the Six Degenerations? Tzu-lu replied, No, never. (The Master said) Come, then; I will tell you. Love of Goodness without love of learning degenerates into silliness. Love of wisdom without love of learning degenerates into utter lack of principle. Love of keeping promises 信 without love of learning degenerates into villainy. Love of uprightness without love of learning degenerates into harshness. Love of courage without love of learning degenerates into turbulence. Love of courage without love of learning degenerates into mere recklessness. (AN. 17:8.)

In these passages Confucius does not speak about two or more promises which could exclude each other (CONEE 1987: 239).

Confucius does not explicitly consider the difficulties arising when one has given a promise. Implicitly, one would think that because Confucius so much stressed the importance of keeping promises and being true to one's word, he ought to have understood the difficulty arising when one has given a promise and cannot keep it in a new situation. Confucius simply regards it as ideal if one fulfils an old promise which one has given long ago.

4. TWO CONTRADICTIONARY REQUIREMENTS

A genuine dilemma requires two contradictory requirements (GOWANS 1987: 3). 'In theory the dilemma is unsolvable; in practice a resolution must be found.' (HARDING 1985: 45.) This kind of a situation appears in the Analects in an example about the Good Man in a well.

'Tsai Yü asked saying, "I take it a Good Man 仁者 even if he were told that another Good Man were at the bottom of a well, would go to join him." The master said, Why should you think so? "A Gentleman 君子 can be broken, but cannot be dented; may be deceived, but cannot be led astray.'" Waley paraphrases this as: 'Tsai Yü, half playfully asked whether, since the Good always go to where other Good Men are, a Good Man would leap into a well on hearing that there was another Good Man at the bottom of it. Confucius, responding in the same playful spirit, quotes a maxim about the true Gentleman, solely for the sake of the reference in it to hsien, which means "throw down" into a pit or well, but also has the sense "to pit," "to dent".'²¹ The sense of this passage is that a Good Man uses his common sense. However, Confucius does not regard this question only as a practical one. If it had been only a practical question, he could have solved this by suggesting that the Good Man should help the other Good Man from the well, by using a rope for example. Now Confucius has accepted the dilemma included in the question. This dilemma has two solutions, not to jump into the well and to neglect the Good Man on the one hand which would mean also to miss his good company, and to jump into the well and to perish on the other. These alternatives are incompatible and the results are contradictory. The Analects show here the ability to compare events and to recognize that they are incompatible. In addition to this, the question was a test for Confucius as to whether he overvalues Jen, disregarding all other considerations. (NIKKILÄ 1992: 146-147. See also YANG Hui-chieh 1975: 34; HARDING 1985: 52; HARE 1981: 28; 1987: 205-207; MILO 1984: 190. About overvaluing, see STOCKER 1990: 41-42.)

This example of a Good Man in a well as a dilemma situation corresponds with what Lemmon describes as *acrasia*, 'where we know what we ought to do and for various reasons and in various way fail to do it' (LEMMON 1962: 143). Lemmon does not regard this as a dilemma since the agent knows where his duty is, and the situation is clear, as it was in Confucius' case.

Even so the situation was contradictory. According to Lemmon, a moral dilemma in the full sense is as was described in the example above about the friend who wants to shoot his wife. One has to return the gun because one has promised to do it, but by returning it one would cause the death of a person. This is contradictory because a man both ought and ought not to do something. Lemmon considers the solutions to this kind of a dilemma. He refers to principles according to which duties and obligations in certain roles are weighted against each other, 'putting, for example, our duties as a citizen before our duties as a friend and our duties as a friend before any obligations we may have incurred.' Confucius' example places common sense before the duty to rescue the Good Man from the well. Lemmon says: 'But dilemmas in which we are morally prepared, in which we, as it were, merely have to look up the solution on our private ethical code, are rare, I think, and in any case of little practical interest. Of greater importance are those dilemmas in this class where some decision or a moral character is required.'

²¹ AN. 6:24 井有仁焉。Chu Hsi and Hsü regard 仁 as meaning 人 (CHU Hsi 1952: 39; HSÜ Shih-ying 1963: 166). Cf. CHENG Shu-te 1974: 361-362; WALEY 1964: 121, 255; NIKKILÄ 1992: 146.

Lemmon suggests that one should sacrifice one's obligation to utilitarian considerations and not return the gun. If we take Confucius' requirement that one has to keep one's promises, then one should return the gun regardless of the consequences. In Lemmon's assessment, this kind of holding 'the importance of a man's giving his word to be fantastically high' or holding 'human life to be extremely cheap' is 'morally primitive'. Confucius' advice in this case would be not to give such a promise which one cannot fulfill. At this point, we have not found yet a dilemma situation in the Analects which would involve a decision of a moral character and a really difficult choice. Lemmon requires a choice between two kinds of morality, the morality of sympathy of personal devotion, and a morality of wider scope. (LEMMON 1962: 151–154. See also SINNOTT-ARMSTRONG 1988: 37; PARFIT 1978: 285–299; PASSELL 1991: 161–165; OLIVER 1956: 94; SCHMIDZ 1994: 226.

5. FILIALITY AND A DILEMMA

In Confucius' thinking personal devotion appears in filiality 孝. The question arises, whether there is any contradiction or dilemma in choosing between the morality of sympathy in personal devotion when honoring one's parents and the morality of wider scope, such as the duty in one's office.

An example about this in the literature of moral theory is quoted from Sartre:

Boy who has to choose between leaving for England to fight for the Free French Forces or of staying of France with his mother who looks to him for her whole happiness. He feels that he has some duty to go and fight and some obligation to stay with his mother.

In this two courses of action confront the boy with equal stringency. (MALLOCK 1967: 170, 172.)

A principle concerning personal devotion of filiality and being friendly towards one's brothers and the morality of wider scope can be seen in the following quotation:

Someone, when talking to Master K'ung, said, How is it that you are not in the public service? The Master said, The Book says: 'Be filial, only be filial 孝 and friendly towards your brothers 弟 and you will be contributing to government. There are other sorts of service quite different from what you mean by "service".' (AN. 2:21.)

Confucius thinks that the morality of a wider scope, such as being in the public service and serving the government and the whole state and the morality of sympathy of personal devotion are not contradictory. He sees no dilemma here at all. In his morality, personal morality and the wider interests are inseparable from each other. (See BOURKE 1983: 76.)

Confucius' requirement was that a son should follow the ways of his father and elder brother. When they are alive, one hardly can follow new principles which deviate from their principles. This is clarified by the following discussion:

Tzu-lu asked, When one hears a maxim, should one at once seek occasion to put it into practice? The Master said, Your father and elder brother are alive. How can you whenever you hear a

maxim at once put it into practice? Jan Ch'iu asked, When one hears a maxim, should one at once seek occasion to put it into practice? The Master said, When one hears it, one should at once put it into practice. Kung-hsi Hua said, When Yu asked, 'When one hears a maxim, should one at once put it into practice?' you said, 'You have a father and elder brother alive.' But when Ch'iu asked, 'When one hears a maxim, should one at once put it into practice,' you said, 'When you hear it, put it into practice.' I am perplexed 惑 and would venture to ask how this was. The Master said, Ch'iu is backward; so I urged him on. Yu is fanatical about Goodness; so I held him back. (AN. 11:21.)

Here Confucius replies to the same question in two differing ways, which are contradictory, because those who ask are different persons and their attitude towards morality is different. Generally, the writers about dilemma think that the dilemmas are solved in similar ways in similar situations. Confucius however wants to introduce personal ethics which means to him that two different agents should solve a similar problem in similar situations in different ways, as suits their character. For him the ethical choice is not a calculus by which one reaches objective results, but it is at least in this case a subjective choice in which the characteristics of the agent itself is the most decisive factor. These characteristics of the agent can be assessed by a third person, like Confucius in this case. Here Confucius does not follow the principle of universalizability of preferences which requires that different persons in similar situations should have similar preferences. (SCHUELER 1985: 78; HARE 1981: 95.) Apparently this reflects Confucius' approval of eudaimonistic ethics, in which the moral agent is important.

These differing opinions however do not mean that Confucius is a relativist who denies universal standards in ethics. (DE CEW 1990: 37.) He only takes the situation of the agent into account.

In one case a dilemma between the morality of sympathy of personal devotion and the morality of wider scope was brought to Confucius:

The 'Duke' of She addressed Master K'ung saying, In my country there was a man called Upright Kung. His father appropriated a sheep, and Kung bore witness against him. Master K'ung said, In my country the upright men are of quite another sort. A father will screen his son, and a son his father – which incidentally does involve a sort of uprightness 直在其中. (AN. 13:18.)

This situation is parallel to that one which is discussed by Fisher. In this moral dilemma the father has 'special claim not to be harmed', but the criminals 'should be reported to the country's judicial system.' Whichever way the son decides to act he 'will be forced to abandon, or at least de-emphasize one of these sets of beliefs.' (FISHER 1990: 18.)

Confucius opts 'for one course of action rather than another without any further process of reasoning' (MALLOCK 1967: 172).

According to Confucius filiality and letting one's father be punished have a true comparative judgment of their strengths (SINNOTT-ARMSTRONG 1985: 324; 1988: 15). In this case the comparative judgment is that both alternatives concern the relationship between the father and his son. Confucius decides that the interests of the father override other considerations in the son's decisions, if he is a filial son. Confucius does not suggest that the son's behavior when screening his father, would violate another moral requirement, which is not overridden in a morally relevant way, thus leading to a dilem-

ma. This would mean a limited comparability in which both options have some comparable requirements, but some of the requirements are incomparable. This leads to a dilemma situation. (SINNOTT-ARMSTRONG 1985: 325–328; 1988: 15; O'NEILL 1993: 117; DONALDSON 1990: 1–15.)

Confucius simply avoids the dilemma by overvaluing the principle of beneficence towards one's father over the principles of retributive justice and obligation to the moral community by citizens. There are circumstances in which Confucius does not apply the rules of justice. (HARRISON 1953: 112; COTTINGHAM 1987: 49–55.)

We have seen that Confucius regards the filiality and letting one's father be punished as comparable moral requirements. However, the *Analects* show that the comparison between these requirements is in the Duke of She's country the other way round compared with Confucius. This situation comes close to limited incomparability, or at least shows that the comparison is problematic and more or less subjective. This also leads to the fact that Confucius recognized the existence of plural values.

According to Fingarette the passage about Upright Kung seems 'to present a situation where the issue, as we would define it, is one of internal conflict in the moral code, a conflict to be resolved by personal choice' (FINGARETTE 1972: 23). Fingarette continues:

The passage could be a model one for posing the need of choice between two conflicting moral requirements. A Westerner would almost inevitably elaborate on it by emphasizing that in this case we do have knowledge (it is right to respect the law; it is right to protect one's parents both are profound obligations), but when two profound duties conflict, we must choose. And it is in this necessity to make a critical choice that lies the seed of tragedy, of guilt and remorse. But this way of seeing the matter, so obvious a possibility to us, is no even suggested by Confucius. It is the very obviousness of this view of the matter that makes Confucius' failure to show any recognition of it the more blatant. We could have no better proof than this that the problem of genuine choice among real alternatives never occurred to Confucius, or at least never clearly occurred to him as a fundamental moral task. Confucius merely announces the way he sees the matter, putting it tactfully by saying it is the custom in Li. There is nothing to suggest a decisional problem; everything suggests that there is a defect of knowledge, a simple error of moral judgment on the Duke's part. (FINGARETTE 1972: 23.)

Rosemont comments: 'Fingarette's argument here rests on negative evidence, which is often a weak method of demonstration.' (ROSEMONT 1976: 469.)

Fu says:

In this personal observation Fingarette fails to take into account the various moral terms used by Confucius himself that clearly express Confucian choice. What Fingarette has missed in the 'uprightness' passage is that Confucius was passing his own moral judgment that uprightness consists right in (*chih-tsai-ch'i-chung* 直在其中) the son's protecting his father's misconduct before the public, in the ground of *jen* manifested through filial piety – as a matter of Confucian rectification of names as well. Our careful hermeneutic investigation of almost all the moral terms in the *Analects*, including 'uprightness' to be sure, will disclose the fact that Confucius' employment of these terms always involves the principle of moral rectification of names footed in the way of *jen* (and *yi*). (FU 1978: 183.)

Fingarette replies to the criticism:

Of course, I acknowledge that the Chinese people of Confucius' time made choices; my point was that discussion of the concept of choice, along with the cluster of ancillary notions and metaphysical assumptions that I specified, was absent from the *Analects* (p.19). I spoke of such notions as guilt

and repentance, and of such assumptions as that of the power of choice being an ultimate power to choose among genuine options and thereby to create one's own spiritual destiny. This cluster of notions, familiar in Western thought, I contrasted with the emphasis in the *Analects* upon the idea that there is a right Way and that we ought to follow it. In the *Analects*, Confucius elaborates that latter theme but does not take up the aspect of choice, specifically, with all the implication that would occur naturally to a Westerner. That, in brief, was my theme; and one may, of course, remain unpersuaded by my arguments in the book. (FINGARETTE 1978: 224–225.)

When speaking about preference and choice in Confucius' thinking we cannot give as much weight to this single passage as Fingarette does and refute the whole issue of choice on the basis of this passage. However, to be fair to Fingarette, this passage does show that Confucius passed by the apparent dilemma situation quite lightly.

The materials show that moral dilemmas were not very problematic for Confucius. On the other hand it can be seen that Confucius' thinking admits the existence of a dilemma situation at least to some degree. (Cf. ROSEMONT 1978: 516.)

A good illustration is the following advice on how to avoid dilemma situations:

Tzu-chang was studying the Song Han-lu. Master said, Hear much, but maintain silence as regards doubtful points and be cautious in speaking of the rest; then you will seldom get into trouble. See much, but ignore what it is dangerous to have seen, and be cautious in acting upon the rest; then you will seldom want to undo your acts. He who seldom gets into trouble about what he has said and seldom does anything that he afterwards wishes he had not done, will be sure incidentally to get his reward. (AN. 2:18.)

Confucius' attitude towards dilemmas is tested especially when the problem of dirty hands occurred.