



OXFORD JOURNALS
OXFORD UNIVERSITY PRESS

ANALYSIS

'Ought-Implies-Can', Causal Determinism and Moral Responsibility

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Source: *Analysis*, Vol. 63, No. 3 (Jul., 2003), pp. 244-250

Published by: [Oxford University Press](#) on behalf of [The Analysis Committee](#)

Stable URL: <http://www.jstor.org/stable/3329319>

Accessed: 24/02/2011 13:38

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toxin but doesn't actually drink it. (*The catch.*) However, he is aware that, on at least 95% of occasions, refraining from performing a voluntary action is preceded by the intention to refrain from performing it, which is obviously incompatible with forming the intention to perform it. And so he cannot, on this occasion, rationally intend to drink the toxin while harbouring the plan to not drink it after that intention has been formed. (*The bind.*) He can only achieve the goal of intending to drink the toxin while avoiding the agonized writhing if he is irrational. He has to really intend to drink the toxin (the president does not pay out to fakers) while somehow refusing to accept that, when the crunch comes and he is to carry out that intention, he will acquire the intention to refrain from drinking it.

Despite apparently very different set-ups, the catch is common to all these challenges with which Calvin is presented, as is the resulting bind where the possibility of winning is reserved only for the truly irrational. Calvin is currently busy trying to become irrational but, given the huge prizes he knows to be available for success in that venture, the more he tries, the more he shows himself incapable of succeeding.

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'Ought-implies-can', causal determinism and moral responsibility

JOHN MARTIN FISCHER

Ishtiyaque Haji believes that moral responsibility does not require alternative possibilities and further that it is compatible with causal determinism; but he rejects the contention that causal determinism is compatible with judgements employing 'obligation,' 'ought,' 'ought not,' 'right,' and 'wrong' (1998 and 2002). Following Haji, let us call the latter 'judgements of deontic morality'. Why might one think that the judgements of deontic morality are incompatible with causal determinism? I will treat 'ought not' and 'wrong' as interchangeable, and 'ought' and 'obligatory' as

interchangeable. I shall lay out the argument with respect to 'wrong'. It will be easy to see how to construct parallel arguments for the other judgements of deontic morality. Here is a simple version of the argument:

- (1) Suppose some individual, John, does something morally wrong.
- (2) If John's Xing was wrong, then he ought to have done something else instead.
- (3) If John ought to have done something else instead, then he could have done something else instead.
- (4) So John could have done something else instead.
- (5) But if causal determinism is true, then John could not have done anything other than he actually did.
- (6) So, if causal determinism is true, it cannot be the case that John's Xing was wrong.¹

This is a potent and disturbing argument. I have sought to argue that causal determinism is compatible with moral responsibility (even on the assumption of Premiss (5)) (Fischer 1994; Fischer & Ravizza 1998). This result would be considerably less interesting if causal determinism were nevertheless incompatible with the central judgements of deontic morality. There are however various ways of seeking to block the conclusion of the argument. I shall first discuss the rejection of Premiss (2), and then I shall turn to the rejection of Premiss (3) – the 'ought-implies-can' premiss.

Gideon Yaffe has presented an interesting strategy for rejecting the argument; the problematic premiss, according to Yaffe, is (2) (1999). Yaffe's point is that one can discharge an obligation not to do something without *deliberately refraining* from doing the thing in question. As Yaffe puts it:

I think one makes a mistake when one equates 'ought not to X' with 'ought to refrain from Xing'. If these two things were the same (or if the first implied the second), then the only way to discharge an obligation not to do something would be by *doing* something else. But this isn't true. A person who gives no thought whatsoever to the fact that she is obligated not to X at *t*, and, in fact, is doing nothing at all at *t*, has managed to fulfill her obligation not to X at *t*. Obligations not to do things are very easy to fulfill; you fulfill them when you're dead, for instance. You fulfill them any time you don't do what you ought not to do. (Personal communication)

I am inclined to agree with Yaffe about the above point. Consider, again

- (2) If John's Xing was wrong, then he ought to have done something else instead.

¹ For helpful and illuminating discussions of essentially this basic argument, see Haji 1998 and 2002; Widerker 1991; Copp 1997; and Pereboom 2001: 141–48.

Yaffe's analysis suggests that we need to make it explicit that 'done something else' must be understood broadly to include not-doings generally; the not-doings in question need not be 'refrainings' or 'deliberate not-doings'. So perhaps (2) should be revised to

(2*) If John's Xing was wrong, then he ought to have not-Xed instead.

Here 'not-Xing' is to be understood to include not-doings in general. Now it seems to me that the argument can be adjusted as follows:

- (1) Suppose some individual, John, does something morally wrong.
- (2*) If John's Xing was wrong, then he ought to have not-Xed instead.
- (3*) If John ought to have not-Xed, then he could have not-Xed.
- (4*) John could have not-Xed.
- (5) But if causal determinism is true, then if John actually Xed, then John could not have not-Xed.
- (6) So, if causal determinism is true, it cannot be the case that John's Xing was wrong.

Thus, it seems that Yaffe's ploy cannot block the conclusion of the argument. This is because the argument for the incompatibility of causal determinism and free will in the sense that involves alternative possibilities applies to 'not-Xings' (which may be unintentional and non-deliberate) as well as to intentional, deliberate undertakings (or refrainings). It seems to me that the incompatibilist's argument from the fixity of the past and the laws should apply to not-Xings as well as deliberate refrainings from X; thus Premiss (5) seems to me to be true. If it is really true that John can not-X, then John's not-Xing must be an extension of the actual past, holding the natural laws fixed.

Consider however Yaffe's reply:

Once you grant that the obligation not to X can be discharged through the occurrence of a state of affairs over which the agent has no control, you lose the motivation for thinking that that state of affairs must be an extension of the actual past/laws. ... if you are admitting that the agent has no control over whether or not the not-X state of affairs comes about, why should you think that, for these purposes, the relevant possible worlds must share the past and laws with the actual world?

Imagine that both agents *A* and *B* ought not to X at *T*. And imagine that there is a possible world sharing the past and laws with the actual world in which *A* is knocked unconscious at *T* and does nothing at all. And imagine that there is a possible world in which *B* is knocked unconscious at *T* and does nothing at all, but this possible world has a slightly different past, or slightly different laws, or both, from the actual world. We are agreed that *A* and *B* both discharge an obliga-

tion not to *X* in the possible worlds under discussion (if they face such obligations). But Fischer says that were 'ought-implies-can' true, then *A* is actually obligated not to *X* and *B* is not actually obligated not to *X*. But I don't think this last inference follows since it matters not one bit what it is which makes it the case that the agent is knocked unconscious at *T*, it matters only that he is, and thereby doesn't do the thing that he was obligated not to do. (Personal communication)

Yaffe's point is that once one allows that one can discharge an obligation to not-*X* by some unintentional behaviour (or no behaviour at all), the constraints on the relevance of possible worlds that are pertinent to 'control' (and thus the argument for the incompatibility of causal determinism and free will in the sense that involves alternative possibilities) change.

But I disagree. It seems to me that it is crucial here to distinguish something like 'deliberate control' from a weaker but still important notion of control – call it 'access control'. I grant that deliberate control is not required in the path to the not-*X*ing, in a context in which an obligation to not-*X* is discharged. But it does *not* follow that control is irrelevant, or that the agent need not have genuine access to the possible world in which he does not *X*.

Note that Yaffe says, '... imagine that there is a possible world in which *B* is knocked unconscious at *T* and does nothing at all, but this possible world has a slightly different past, or slightly different laws, or both, from the actual world'. What he must additionally hold, in order for his point to be pertinent, is that there *no* possible world in which *B* is knocked unconscious and does nothing at all and which shares the past and natural laws with the actual world. But this is where the problem comes; under such circumstances, I contend that *B* is not actually obligated to not-*X*. And this is completely compatible with Yaffe's intuition that it does not matter at all what makes it that case that *B* is knocked unconscious at *T*.

I believe that *if* one accepts 'ought-implies-can,' then one *eo ipso* has motivation for accepting that the access in question must be 'genuine', as defined by the argument for incompatibilism. (On this view, one has genuine access only to those possible worlds with the same past and natural laws as the actual world.) If one accepts 'ought-implies-can,' it seems to me that one should say that 'ought to not-*X*' requires more than simply that one not-*X* in some (possibly remote) possible world; it requires that one have genuine access to a possible world in which one does not *X*, where the not-*X*ing may be unintentional. I do not see why the move from requiring that the not-*X*ing be intentional to allowing it to be unintentional entails any change in the conditions of accessibility. After all, the *motivation* behind 'ought-implies-can' seems to entail that if one ought not to *X*, then one not-*X*'s in some possible world one can 'get to from here'. If one

is willing to accept this in the context of actions and intentional not-Xings, one should, it seems, accept it in the context of unintentional not-Xings.

To summarize. I claim that the motivation behind accepting the 'ought-implies-can' maxim should lead one to accept that an agent must have genuine access to the world which renders the 'can-claim' true. Even if the relevant agent does not need deliberate control, he does need access control. Of course, one could accept some sort of compatibilist analysis of 'can,' according to which its being true that one can do something does not require that one do that thing in a world which is an extension of the actual past, holding the laws of nature fixed. This would amount to giving a compatibilist analysis of 'genuine access'. It would then allow one to deny Premiss (5). But this is not Yaffe's strategy. Yaffe is willing to accept an incompatibilist analysis of 'can' and 'genuine access' for deliberate, intentional undertakings, but not for unintentional, nondeliberate behaviour. This is what I find puzzling.

Despite its considerable ingenuity, I do not think that Yaffe's move can successfully block the conclusion of the argument. I think we need to reject 'ought-implies-can' and thus Premiss (3*). Of course, various philosophers have come to the conclusion that 'ought-implies-can' should be rejected for reasons quite independent of the issues on which we are focusing here; they have based their rejection of the maxim on considerations pertinent to moral dilemmas (Sinnott-Armstrong 1988). My motivation for rejecting the 'ought-implies-can' maxim comes from the Frankfurt-type cases (Fischer 1994; Fischer & Ravizza 1998).

To explain. (This argument was first presented in Fischer 1999: 123–25.) What motivation could be given for the 'ought-implies-can' maxim? I think the most natural justification for acceptance of the maxim is that, if it were not valid, then there could be cases in which an agent ought to do X but cannot do X (and never could do X). Thus, given that if an agent ought to do X, then he would be blameworthy for not doing X, there could be cases in which an agent is blameworthy for not Xing and yet he cannot X. And this seems objectionable – even unfair.

I believe that there are Frankfurt-type omissions cases that are relevantly similar to Frankfurt-type cases with respect to actions. That is, there are cases in which an agent is morally responsible for not Xing, although he cannot in fact X. (Fischer & Ravizza 1998: 123–50.) Some of these are cases in which an agent is blameworthy for not Xing and yet he cannot X. In fact, I believe that anyone who accepts the Frankfurt-type action cases must accept that there are such omissions-cases. (Fischer & Ravizza 1998: 123–50; Frankfurt 1994). It is then precisely the basic intuitions elicited by the Frankfurt-type cases which show that the most natural justification of the 'ought-implies-can' maxim is faulty. Although this certainly does not decisively refute the maxim, it does suggest that it is not ad hoc for anyone

who accepts the 'intended interpretation' of the Frankfurt-type cases to reject the 'ought-implies-can' maxim.

I suppose that someone might insist that 'ought-implies-can' is a conceptual truth. It must be admitted that my argument against this maxim is not decisive. If the maxim is indeed valid, then I would grant that causal determinism rules out the judgements of deontic morality. Would this be a disastrous result for a 'semi-compatibilist', that is, someone who believes that causal determinism is compatible with moral responsibility, even though it rules out the sort of free will that involves alternative possibilities? Perhaps (on the assumption that the 'ought-implies-can' maxim is valid) one will have to bite the bullet and accept that the interconnected circle of judgements of deontic morality is inapplicable in a causally deterministic world. Note, however, that this still leaves room for robust moral responsibility, where this may include reactive attitudes such as resentment, indignation, respect, and so forth.

More importantly, it seems to me that it leaves room for significant moral judgements, even if they are not the special 'judgements of deontic morality.' For example, I would contend the goal of practical reasoning is to figure out what we have sufficient reason to do. We can make the judgement in a particular context (even in a causally deterministic world) that an individual has sufficient reason to do *X*. It does not seem to me that this judgement entails that he *can* do *X*. Whereas it is plausible (apart from argumentation of the sort sketched above) that ought implies can, I do not think it is similarly plausible that 'having a sufficient reason' implies 'can'.² Thus, even in a world in which causal determinism is true, presumably we can make judgements about what agents have a sufficient reason to do, and we can criticize them for failing to do what they have sufficient reason to do. It would seem that individuals are morally blameworthy when they fail to do what they have sufficient reason to do, where they can reasonably be expected to recognize the sufficiency of the reason and they do not know that they will not do the thing in question (i.e. it is epistemically open to the agent to do it). All of the above is completely compatible with the truth of causal determinism.

I want to end by noting a puzzling feature of the above analysis. I contend that whereas it is at least plausible that ought implies can, there is no similar plausibility to the claim that having a sufficient reason to *X* implies the power to *X*. The puzzle comes from observing that it is sometimes thought that 'ought' can be analysed in terms of having a sufficient reason. That is, it is sometimes suggested that 'S ought to *X*' is true just in case *S* has a sufficient reason (or perhaps a sufficient reason of a certain sort) to *X*. But if this analysis is correct, there should not be an asymmetry

² I owe this suggestion to a conversation with Randolph Clarke.

in the entailments of the sort I have described. I am not sure what to make of this. It seems to suggest either that the asymmetry in the entailments is illusory, or that the proposed analysis of 'ought' is incorrect.³

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³ I am indebted to Gideon Yaffe and Randolph Clarke.

Not wanting to know

ANTHONY BRUECKNER

1. Introduction

In Nathan 2001, N. M. L. Nathan attempts to show that all sceptical arguments are either trivial or unsound. A sound sceptical argument will turn out to be trivial if its conclusion's truth value is *a matter of indifference*:

Suppose that were a normally intelligent person to want Q's truth, reflection would destroy his attitude, and again that were a normally intelligent person to want Q's falsity, reflection would destroy his attitude. Then, and only then, is Q's truth value a matter of indifference. (2001: 1)