

More on “Ought” Implies “Can” and the Principle of Alternate Possibilities

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It's often said, and with good reason, that we are not told by the way things are how they ought to be; there's no deriving an “ought” from an “is.” However, it is just as often said, and with just as good, or better, reason, that sometimes the way things ought to be does indeed tell us how they are; “ought” implies “can.” That a person ought to do something, that the world ought to include his doing of it, tells us something about what he's like; it tells us what he can do, namely, the thing he ought. For simplicity, call this “the Maxim”: A person ought to perform a certain action only if he can do so. Appealing to the Maxim is not the only way some feel we can learn about how the world is from examination of how it ought to be. Many think, also, that from examination of what a person ought to do we learn something else about what he's capable of doing; we learn, on this view, that he can do something other than what he ought. Those who accept this view accept the “Principle of Alternate Possibilities (PAP)”: A person is morally responsible for what he did only if he could have done otherwise.

Both the Maxim and PAP might be called “bridging” principles: they bridge from the normative to the descriptive. (If it is true that there can be no derivation of an “ought” from an “is,” then those who cross this bridge can't cross back.) One natural question to ask about any two bridging principles is what the logical relationship is between them. Can we accept one while denying the other? This question is pressing with regard to the Maxim and PAP, since, in recent years anyway, some compatibilists, following Frankfurt, have accepted the Maxim while denying PAP.¹

1. See Harry Frankfurt, “Alternate Possibilities and Moral Responsibility” and “What We Are Morally Responsible For” both in *The Importance of What We Care About*, Cambridge University Press, Cambridge, 1988. By contrast, John Fischer, a compatibilist about moral responsibility, is content to deny both. See Fischer, “Recent Work on Moral Responsibility” in *Ethics*, October 1999, 110(1): 93–139. Nothing to be said here speaks against Fischer's position.

They have thought, and I follow them, that we can learn from the fact that a person is under an obligation only that he can meet it; we cannot learn that he has it in his power to fail to. (Part of the support for this position comes from accepting the famous “Frankfurt Counterexamples” to PAP, examples in which some unexercised force would assure that an agent act in violation of an obligation that, as it happens, he violates himself and without the help of this force.) David Widerker and David Copp have independently offered the same argument for the claim that a compatibilist who takes this position is caught in incoherence; they claim that the Maxim entails PAP² Elsewhere, I’ve argued that their argument for this claim fails; if the Maxim entails PAP, it is not for the reasons Widerker and Copp suggest.³

In that earlier paper, I reconstruct the Widerker-Copp argument like so:

- (I) *S* is morally blameworthy for *A* only if *S* had a moral obligation *not* to *A*.
- (II) *S* was morally obligated not to *A* only if *S* was morally obligated to act differently from *A*.
- (III) *S* was morally obligated to act differently from *A* only if it was within *S*’s power to act differently from *A*. (from the Maxim)
- (IV) Therefore, PAP. [from (I), (II) and (III)]

(In all of these claims, *S* and *A* are variables bound, implicitly, by universal quantifiers. *S* ranges over persons, and *A* ranges over actions.) I note that both Widerker and Copp neglect to mention premiss (II) in their presentations of the argument, and then I argue that (II) is false. Roughly, the reason for that is that we often quite adequately discharge our obligations not to act simply by passively *not acting*, and not by actively performing some alternative. The man struck unconscious right before the moment at which he must not do some terrible thing, doesn’t do it at that moment, and so does nothing wrong, despite the fact that he doesn’t *do* anything else and so can’t possibly meet any obligation to act in any particular way.

Those who wish to defend the Widerker-Copp argument against my objection have various tools available to them. They might defend (II), for instance. But those who accept that (II) is false might still have something to say: they might say, for instance, that the Widerker-Copp argument does not, in fact, depend on (II). They might think, that is, that PAP can be derived from the Maxim in roughly the way Widerker and Copp suggest, but without (II)’s aid. My aim here is modest: I hope to show only that this last form of response is doomed to failure. Somewhere, in any formal reconstruction of the Widerker-Copp argument, there will be a premiss that asks us to believe that those who are under obligations not to act

2. David Widerker, “Frankfurt on ‘Ought Implies Can’ and Alternative Possibilities” in *Analysis*, 51 (1991): 222–24; David Copp, “‘Defending the Principle of Alternate Possibilities: Blameworthiness and Moral Responsibility’” in *Noûs* 31:4 (1997): 441–56; Copp, “‘Ought’ Implies ‘Can,’” Blameworthiness, and the Principle of Alternate Possibilities” in *Moral Responsibility and Alternative Possibilities*, D. Widerker and M. McKenna, eds., Aldershot: Ashgate Publishing, 2003, 265–99.

3. Gideon Yaffe, “‘Ought’ Implies ‘Can’ and the Principle of Alternate Possibilities’” in *Analysis*, 59 (1999): 218–22.

are also under obligations to act otherwise. Although I just said that I will "show that this form of response is doomed to failure," in fact I will show something less than this: I will show that a recent effort to develop this line of response, that of Ira Schnall, fails.⁴

Schnall construes Widerker's argument as follows (Schnall 2001, 337):

- (1) *S* ought to perform *A* only if *S* can perform *A*. (Maxim)
- (2) *S* ought not to perform *A* only if *S* is able not to perform *A*. [from (1)]
- (3) *S* is blameworthy for performing *A* only if *S* ought not to perform *A*.

∴ (4) *S* is blameworthy for performing *A* only if *S* is able not to perform *A*. (PAP)⁵

Put in the language of "ought" instead of "moral obligation"—a substitution that I take to be harmless—the claim I attacked in my earlier paper is:

(*) *S* ought not to perform *A* only if *S* ought to perform some action different from *A*.

As we'll see, (2) is ambiguous, and no matter how it is spelled out, the argument requires the introduction either of (*) or of some premiss that is false for the same reasons that (*) is false.⁶

How is (2) supposed to follow from (1)? Presumably, (2) is thought to assert the same relation between obligation and ability as asserted in (1), but with respect to a narrower class of actions than (1). That is, the class of actions under which the antecedent and consequent of (2) are true is a subclass of the class under which (1)'s antecedent and consequent are true, but not vice versa. But with what subclass of actions is (2) concerned? The most plausible construal is the class of omissions.⁷ But if the class of omissions is considered a subclass of the class of acts, then to omit *A* is to perform some action. In the broadest relevant construal of omission, to omit *A* is to perform some action different from *A*.⁸ Thus, if this is how (2) is supposed to follow from (1), (2) is equivalent to the following:

4. Ira Schnall, "The Principle of Alternate Possibilities and 'Ought' Implies 'Can' " in *Analysis*, 61 (2001): 335–40.

5. (1)–(4) are equivalent to Schnall's "OIC1," "OIC2," "BO" and "PAP2," respectively. Schnall 2001, 336–37.

6. Ishtiyaque Haji (*Deontic Morality and Control*, Cambridge University Press: Cambridge, 2002) questions my argument against (*). Haji claims that the only way to discharge an obligation not to do something is by intentionally insuring that one does not do it. Since intentionally insuring that one does not do something is an action different from doing it, Haji accepts (*). I suspect that Haji's standards for the discharge of obligation are too high, but, as I said above, my concern here is not with those who hope to defend (*) but instead with those who follow me in rejecting it.

7. This seems to be what Schnall has in mind when he implies that (2) is just OIC with respect to omissions (Schnall 2001, 338).

8. The reason this is the broadest possible construal is because it does not require that to omit a particular act *B* the agent need perform some other act under the description "not-*B*." In other words, under this construal, I am omitting the act of flying to New York while sitting on my couch even if I have given no thought whatsoever to the fact that I am not flying to New York,

(2') *S* ought to perform some act different from *A* only if *S* can perform some act different from *A*.

(2') is true, and an example of Schnall's (Schnall 2001, 338–39) illustrates it: a man who has just dived off the board is under no obligation to do something other than hit the water precisely because he can't do anything different from that.⁹ But, when (2') is substituted for (2) in the above argument, the conclusion can only be reached when (*) is added as a premiss. After all, the antecedent of (2') links with the consequent of (3) only if (*) is true. Thus, if (2) is equivalent to (2') the argument still depends on the truth of a false claim.

The argument Schnall offers, then, cannot succeed unless (2) can be interpreted in such a way that it is different from (2'). If (2) is different from (2'), then either their antecedents or their consequents, or both, are different. One might claim that their consequents are different since an agent could have the ability not to do something while lacking the ability to do something else. This claim involves appeal to an ability the exercise of which is not an action; if the exercise of the ability not to do something were an action, then the ability would be, *ipso facto*, an ability to do something else. If we use the term "ability" neutrally to refer both to abilities the exercise of which are actions, and those the exercise of which are not (in the latter sense, and not the former, my toaster has the ability to make toast), then satisfaction of the following condition is sufficient for *S*'s possession of the ability not to perform *A*: there is a (relevant¹⁰) possible world in which *S* does not perform *A*. In such possible worlds, *S* might omit *A* or might perform no action at all. So, to employ the terminology of my earlier paper, following this line of thought (2) should be equated with:

New Maxim: *S* ought not to *A* only if it is possible that *S* fails to *A*.

But then the conclusion of Schnall's argument is not PAP, but:

Weak PAP: *S* is blameworthy for doing *A* only if it is possible that *S* fails to *A*.¹¹

perhaps because I don't even know there is such a place. This is not a plausible construal of omission, but a narrower construal that gets closer to the ordinary notion of omission would serve Schnall's argument no better.

9. Schnall seems to think I deny (2') (Schnall 2001, 338). Since (2') is obviously true, I am thankful that I neither deny it nor need to. See the discussion of the "New Maxim" below.

10. As in Yaffe 1999, 221 n. 10, the relevant possible worlds are those in which the morally relevant features of the actual world are held fixed. It is a notoriously difficult problem to specify systematically which features those are.

11. Yaffe 1999, 221, 222, and 221 n. 10. Schnall complains that my New Maxim and Weak PAP are "too weak" (Schnall 2001, 338 n. 5) on the grounds, it appears, that they do not appeal to abilities the exercises of which are actions. I agree that they are weak, but if in claiming that they are *too* weak Schnall means that they may not capture the articles of commonsense morality tagged here as "the Maxim" and "PAP," I couldn't agree more. That, after all, was what I pointed out when I wondered if the New Maxim is "entrenched in our commonsense moral thought" (Yaffe 1999, 222) to the same degree as the Maxim.

My earlier paper ended by noting that the New Maxim implies Weak PAP, and, believing the Frankfurt examples to show Weak PAP to be false, I wondered if anyone should be concerned enough about the loss of the New Maxim to question the validity of Frankfurt's examples. The question I raised is not whether the Maxim applies to omissions: since omissions are a species of action, of course it does.¹² The question is, rather, what capacities people require if they are to have duties that do not demand action from them but, instead, specify the lines that nobody ought to cross. However, since Schnall denies that the Frankfurt examples falsify Weak PAP,¹³ my question does not arise for him, even though Weak PAP is implied by the New Maxim. So Schnall, at least, must not wish to construe (2) to be the same as the New Maxim since to do so would be to establish a claim (namely, that the New Maxim implies Weak PAP) the importance of which he is committed to denying.

This leaves the possibility that (2) and (2') are intended to have different antecedents. However, for a difference in their antecedents to be important, there must be cases of agents obligated not to do something, *but not obligated to do something else*, who have an ability the exercise of which is some action other than what they are obligated not to do.¹⁴ That is, to put the same point more clearly, at this point Schnall requires that the following be true:

(2'') ([*S* ought not to *A*] & [it is not the case that *S* ought to do something other than *A*]) only if (*S* can perform some act different from *A*).

(2'') is false for the same reasons that (*) is false. (2'')'s antecedent is the negation of (*), so the antecedent is true in just those cases that serve as counterexamples to (*): cases of agents who have an obligation not to do something, but no obligation to do something else. But frequently in such cases the agent also lacks the ability to perform any action different from the one she is obligated not to

12. Alex Blum appreciates this point. [Alex Blum, "The Kantian versus Frankfurt" in *Analysis*, 60 (2000): 287–88.] Blum, however, suggests that the commonsense notion of "ought" implies "can" is captured by the following principle:

Blum's Maxim: (*S* ought not to *A*) only if ([*S* is blameworthy for performing *A*] only if [it is possible that *S* fails to perform *A*])

Blum's Maxim entails Weak PAP [given (3)]—a fact noted by Blum (Blum 2000, 287; see also Schnall 2001, 339). However, since Weak PAP is the consequent of Blum's Maxim, Weak PAP entails Blum's Maxim, as well. So, Blum's Maxim is logically equivalent to Weak PAP. Of course, if the article of commonsense morality that we talk about when we talk about "ought" implies "can" is Weak PAP, then we haven't discovered more than we already knew when discovering that compatibilists are committed to rejecting "ought" implies "can." (Schnall, I take it, makes just this point against Blum [Schnall 2001, 340].)

13. Schnall rests this claim on the contention that, since the intervener might change his mind about intervening, it is possible that the victim will not act as he does. Determining whether Schnall is right about this requires determining if the intervener's not changing his mind is among the circumstances that need to be held fixed in the relevant possible worlds. There is no space to address that question here.

14. If such agents only had abilities the exercise of which are not actions, then the argument would, again, establish only Weak PAP.

perform: if I'm unconscious at midnight, I do not have the ability to perform any actions, yet I am fulfilling my obligation not to steal. So, (2'') is falsified by a subclass of the counterexamples to (*). Both (*) and (2'') are true only if the only way to meet one's obligations is through action; this is true of obligations to act, but it isn't true of obligations not to act in various ways. It appears, then, that the derivation of PAP from the Maxim depends on the very same mistake I originally identified.

Where does this leave us? It leaves us just where Frankfurt left us: from the way the world ought to be we can learn that it could be made that way, but we can't learn that it could *be made* otherwise. Or, rather, it leaves us somewhere nearby; those who think we can learn from what we ought to do that we can do something else, must deny what seems to me, anyway, to be undeniable: namely, that those who are required not to act in certain ways are not thereby required to act at all.¹⁵

15. Thanks to Michael Nelson for very helpful comments.