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AS GO THE FRANKFURT EXAMPLES, SO GOES DEONTIC MORALITY (COMMENTS ON ISHTIYAQUE HAJI'S PRESENTATION)

I think that it is appropriate that Bob [Kane] and I are sitting on either side of Ish [Haji] because I am going to come at him from a different side intellectually as well. I, of course, want to agree with the claim that moral responsibility does not require alternative possibilities. Hence we could have a world in which casual determinism is true and there is moral responsibility. By that I mean that some agents will sometimes be apt candidates for resentment, indignation, love, hate, gratitude, and certain associated practices such as punishment and moral reward. And yet I don't know quite what to say about the other part of the asymmetry thesis. I too applaud the novelty of it. I am just not sure what to say about it. Let me try out a few things though.

What matters to me is to make the world safe for determinism. What that means is to make moral responsibility compatible with determinism. If Ish were correct and there is this other group of notions, deontic notions like right and wrong, which are crucially different from moral responsibility in requiring alternative possibilities, then I might just accept his conclusion. That is, I might accept that if determinism were true, then we *would* have responsibility but we would not have right and wrong and so forth. I don't think that is such an unpalatable consequence. It is my main concern to show that we could still have the robust attitudes and activities constitutive on moral responsibility in a deterministic world. We could still have indignation and blameworthiness and resentment and love. We would have to get rid of right and wrong. But I think that what we would need to do if we were semi-compatibilists in such a world is reconstruct and reconceptualize our notions so that we would use some other notions beside the traditional notions of ought and right and wrong. So I am not sure that the result would really be unpalatable to me.

I will say this: I am not convinced by Haji that we do need to say that deontic notions require alternative possibilities. I think that Bob was exactly right when he said that a compatibilist would likely reject the " 'ought' implies 'can' " maxim. And that is what I think we should do. Ish writes as if it is obvious that the " 'ought' implies 'can' " maxim

is a precept of common sense. And I agree that there is considerable plausibility to it. However, many philosophers would argue, in quite independent areas (i.e., areas quite removed from the Frankfurt-type cases) that " 'ought' implies 'can' " should be rejected. For instance, many philosophers think that there are "genuine moral dilemmas." By this they mean that there are contexts in which agents ought, all-things-considered, to do X and they ought, all-things-considered, to do Y. Yet X and Y are incompatible. It is not possible for the agent to do both. Of course this is a contentious literature and different philosophers will come to different conclusions. But some philosophers thinking about those examples have concluded that we should reject the " 'ought' implies 'can' " maxim. The puzzle, of course, is that if there are two incompatible actions X and Y, the agent cannot do both. If it really is true that the agent ought to do X and the agent ought to do Y, and if some sort of agglomeration principle is true (according to which "ought X" and "ought Y" entails "ought X and Y"), and if " 'ought' implies 'can' " is true, then we would get "can do X and Y." But we already know, by hypothesis, that the agent can't do both X and Y. So we get to a contradiction.

Some philosophers say that this just shows that, even though it might appear that way, there really are no cases in which an agent ought, all things considered, to X, and ought, all things considered to Y, and yet he cannot do both. What is really the case is that *prima facie* he ought to do X and *prima facie* he ought to do Y. And thus there is no contradiction. But other philosophers have said that, upon reflection, there really are cases of genuine moral dilemmas. Some of those want to reject agglomeration. They want to say that it does not follow from "ought X" and "ought Y" that, "ought X and Y." But, there are some philosophers who argue that we ought to give up the " 'ought' implies 'can' " principle. Obviously this has nothing to do with considerations about moral responsibility, or Frankfurt-type cases, or alternative possibilities. For instance, in Walter Sinnott-Armstrong's extended and thoughtful treatment of moral dilemmas he argues that " 'ought' implies 'can' " is something like a conversational implicature but not an entailment.

Now, I am not here trying to argue that it is obvious that we should give up the " 'ought' implies 'can' " principle. All I am saying is that reasonable people can disagree. It is not obviously a conceptual truth. It is controversial. So I think Bob probably had this in mind when he said that the " 'ought' implies 'can' " principle is the most vulnerable premise. I think that it might be quite reasonable to give it up.

Why am I inclined to give it up? Well, I am inclined to give it up precisely because of the Frankfurt-type cases and what they appear to

show. How do we motivate the principle, " 'ought' implies 'can' "? What would be a *natural* motivation for it? Suppose someone endorses the principle and a critic challenges him, asking, "Why do you accept this?" I think that the most natural motivation would be to say that, if this principle were false, there would be cases in which an agent ought to do X but he can't do X and he *never* could do X. And, why is that problematic? Because if there are cases in which someone ought to do X but he can't do X, then the agent might be blameworthy for not doing X even though he can't do X, and this seems unfair. It seems unfair to blame someone for not doing something that he can't do and never could do. *That* seems to me to be the intuitive basis, the most plausible basis, for the " 'ought' implies 'can' " principle.

But again, anyone who accepts the Frankfurt examples (and I know that Ish does in the context of moral responsibility) should reject this motivation for the " 'ought' implies 'can' " principle. This is because there are Frankfurt-type omission cases. What I want to argue is that Frankfurt-type cases are symmetric with respect to actions and omissions. I used to believe in an asymmetry, but now I do not: actions and omissions are symmetric in this context. That is, you can be responsible for performing an action even though you could not have done otherwise, and you can be responsible for *failing to do X* even though you could not have done X. So I think that one can construct cases in which you are responsible and indeed blameworthy for failing to do X, even though you couldn't have done X. These omission cases are exactly parallel to the Frankfurt-type action cases.

In a nutshell, the Frankfurt examples can be constructed in such a way that there are cases in which an agent is blameworthy for failing to do something even though he couldn't (ever) have done the thing in question. In my view, that shows that the most plausible motivation (presented above) for " 'ought' implies 'can' " is inadequate. I don't know what other motivation one could offer. One could dig in one's heals and say that it is just obvious that "ought" implies "can" but then there are the moral dilemmas cases in which some have argued that we should reject the principle.