"OUGHT' IMPLIES 'CAN' AND THE SCOPE OF MORAL REQUIREMENTS

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Abstract:
The purpose of this paper is to discuss whether moral requirements range over actions or attempts. In particular, I shall examine two contexts in ethics theory that some have thought provide a basis for believing that attempts are what are morally required of agents. In both of these contexts there is an implicit appeal to the principle that 'ought' implies 'can'. In order to set the stage for my discussion of the central question, therefore, I need to begin by explaining how I think appeals to the principle that 'ought' implies 'can' typically work.

Article:

Part 1

If an agent is charged with wrongdoing, there are several ways that he might defend himself. He might, for example, admit that he has done something wrong, but contend that he should not be blamed for doing so. An agent who makes this defense is said to be offering an excuse for his behaviour. That one acted under duress is an example of an excuse. If I am rude to you after having been up all night tending to my sick mother. I will admit that I have behaved improperly but claim that because of the circumstances, I ought not to be blamed.

An alternative defense is to deny that one has done something wrong. One might claim, for example, that what one did was permissible, or ever' required. An agent vi ho advances this defense is said to be offering a *justification* of his behaviour.[1] If you chastise me for failing to keep my promise to meet you for lunch and I respond by saying that I saved the life of an accident victim instead, then I have tried to justify my behavior (by claiming that the requirement to save an accident victim overrides the requirement to keep a promise in this situation).

That an agent could not have done the act that he allegedly ought to have done (or could not have omitted what he allegedly ought not to have done) is also sometimes offered as a defense against the charge of wrongdoing. This appeals to the principle that 'ought' implies 'can'. Some seem to think that an agent who appeals to this principle is offering an excuse for his behavior.[2] And in ordinary language the term 'excuse' is sometimes used in a generic sense to refer to any attempt to repudiate the claim that a certain act is required. But if we are being careful and are using 'excuse' in the way explained above, we must deny that an appeal to the principle that 'ought' implies 'can' serves as an excuse. Consider a simple example. Suppose I am at a lake when a man drowns. Another accuses me of wrongdoing for failing to save the man. But I reply that I am not able to swim (or that the man was on the other side of the lake and I was not able to get there in time). In such a case I am not offering an excuse; I am not agreeing that I did something wrong but pleading that I not he blamed. Nor am I offering a justification; I am not saying that I did some alternative act that was morally more important. Rather, I am arguing that I was not bound by the alleged moral requirement because I was

unable to do the act in question; I am asserting that a cannot-statement defeats a claim of moral requirement. Appealing to the principle that 'ought' implies 'can' thus constitutes a third way of defending oneself against the charge of wrongdoing, a way distinct from offering an excuse or providing a justification.

Of course, it is not plausible to hold that every cannot-statement defeats a claim of moral requirement. If qualifications are not built in, the principle that 'ought' implies 'can' will be preposterous. Since it is *not* my purpose here to defend this principle, I shall mention only a few of the needed qualifications, namely, those that have a bearing on the project at hand. First, it seems clear that at best a restricted range of ought-statements imply 'can'. Certainly prima facie 'oughts' need not imply 'can'. Similarly, ideal-expressing 'oughts' — such as in the statement, "there ought to be no war" — do not imply 'can'. So if the principle is to be plausible, it must be restricted to overall 'oughts', or to what *all things considered* ought to be done in a specific situation.[3]

Second, the sort of cannot-statements that can defeat claims of moral requirement must be restricted. For example, if appropriate restrictions are not included, an agent will be able to escape a requirement to do something by making himself unable to do it.[4] If Smith promises at noon to meet Jones at 4:00 pm, we do not want to say that Smith's obligation to meet Jones is canceled if he himself brings about conditions that render him unable to meet Jones. To handle this problem, it is tempting to say that the 'can' implied by 'ought' is 'can at the time the requirement becomes binding'. It became binding on Smith at noon to meet Jones at 4:00 pm, and at noon he was able to do so. But stating the principle in this way creates a different problem. Suppose that at noon Smith can meet Jones at 4:00 pm, but at 2:00 pm Smith is abducted by kidnappers. At this point, Smith is unable to meet Jones at 4:00 pm, and it is just this sort of cannot-statement that does seem to defeat a claim of moral requirement. So too if Smith became extremely ill at 2:00 pm we would say that this cancels his requirement to meet Jones at 4:00 pm. even though at noon, the time the obligation came into effect, all of the evidence suggested that Smith could meet Jones at 4:00 pm. In order not to preclude these latter sort of cannot-statements from defeating claims of moral requirement. it seems better to say that 'ought' implies 'can or culpably cannot'.[5] Understood in this way, if Smith can at noon meet Jones at 4:00 pm (as promised), but, say, at 3:45 pm cannot meet Jones because he deliberately made himself unable to do so, or because he forgot, or because he had an accident for which he was to blame, then Smith will have failed to do something that he ought to have done when he does not meet Jones at 4:00 pm.[6] If, however, Smith can at noon meet Jones at 4;00 pm, but is abducted at 3:00 pm (through no fault of his own), this will defeat the claim that he ought, all things considered, to meet Jones at 4:00 pm.[7]

This last point raises a peripheral issue that should be discussed briefly. Suppose that Smith promises at noon to meet Jones at 4:00 pm, but Smith knows at noon that he will not be able to meet Jones at 4:00 pm. In this case, even though Smith is unable to meet Jones at 4:00 pm, some will say that Smith ought to meet Jones.[8] I do not think that this is correct, however. Clearly, Smith has done something wrong, but I suggest that his failure to meet Jones at 4:00 pm is not the source of his wrongdoing. Smith's wrong act occurred at noon; Smith's wrongdoing consists not in breaking a promise but in deceiving Jones. Some may object that if at some time between noon and 4:00 pm Smith unexpectedly becomes able to meet Jones at 4:00 pm then he ought to do so, and that this shows that not meeting Jones is what is wrong with Smith's behavior, I do not deny that if Smith gains the ability to meet Jones at 4:00 pm then he ought to do so, but I do deny that this shows that not meeting Jones is what is wrong with Smith's behavior in the original case. Even if Smith were to keep his promise because of an unanticipated turn of events, he still would have done something wrong; he would have *deceived* Jones by making a promise to him that he had no intention of keeping. To be sure, if Smith were to keep his false promise to Jones this would minimize the harm done to Jones, and perhaps render the deception harmless. But it does not follow from this that the deception was not wrong.

A third qualification should be noted. Whatever else the principle that 'ought' implies 'can' means, it seems to be telling us that there is an important connection between ought-statements and freedom. I shall assume that the 'can' related to 'ought, all things considered' is such that what a person can do he also can avoid doing, If

a person ought to do something, then he is able to do it and he is able to avoid doing it.[9] The idea is that actions that a person cannot avoid doing are not ones that he ought to do. Nor, of course, are they ones that he ought to avoid doing. Rather, ought-statements are not applicable to such acts. So too if a person cannot do an act, then it is not the case that he ought to do it; nor is it true that he ought to refrain from doing it.

Part II

I have suggested that a typical use to which the principle that 'ought' implies 'can' is put is as a defeater of claims of moral requirement (when appropriate cannot-statements are true). The most general way in which this principle might be employed as a defeater of ought-claims is to restrict the scope of moral requirements, and it is to this that I turn now. In particular, f shall discuss two different contexts in which appeal to the principle that 'ought' implies 'can' has been made in order to show that moral requirements range over attempts, not actions.

The first context concerns a well-known criticism of a moral theory known as universal ethical egoism (UEE). According to UEE, each person ought to do what will most advance his own self-interest. Thus, if I am a UEE I will judge that I ought to maximize my self-interest, that you ought to maximize your self-interest, and so too for every other moral agent. One of the better known criticisms of UEE is advanced by Kurt Baier, who argues that this theory is inconsistent.[10] Baier's point can be illustrated with an example. Suppose that it will most advance P1's interests if he gains sole possession of a certain piece of land. Suppose too that it will most advance P2's interests if she gains sole possession of that same piece of land. If this is the case, then UEE seems to imply that P1 ought to gain sole possession of the land and that P2 ought to gain sole possession of the land. But since it is impossible both that P1 gains sole possession of the land and that P2 gains sole possession of the land, UEE has generated an incosistency.[11]

There is, however, a natural way that one might attempt to rescue the UEE from this criticism. One might argue that in the example in question UEE does not require each agent to gain sole possession of the land; rather, UEE requires each agent to try to gain sole possession of the land. Baier's criticism is telling only if UEE is what one might call a "success morality"; that is, Bakes criticism assumes that UEE requires agents to complete the successful performance of actions. But if UEE is instead amorality of trying," if UEE simply counsels agents to do the best that they can with regard to promoting self-interest, then Baier's criticism can be averted.[12] (Those who defend a “morality of trying” claim that moral requirements range over attempts or trying, not actions. I shall call this thesis ‘MT’.] And to show that this move is not simply *ad hoc*, one might appeal to the principle that 'ought' implies 'can'. One might argue that whether one succeeds in carrying out an act is not in one's control. What is within one's control is the effort one makes. And it is to an examination of a defense of this view that we now turn.

This second context more directly seeks to defend MT, though the appeal to the principle that 'ought' implies 'can' is indirect. This line of reasoning can be found in the writings of H.A. Prichard and of W.D. Ross.[13] Both Prichard and Ross argue for this conclusion in the context of discussing what an agent's moral requirements are in situations where he lacks relevant factual knowledge. Both defend a subjectivist view on this issue, arguing that an agent's moral requirements are determined by his *beliefs* about the situation in which he must act and not by the facts of the situation. In his discussion, Prichard indicates that it seems natural to assume that a moral requirement is a requirement to do some *action*, that is, to bring about something directly. As Prichard puts it, "In asserting, then, that an obligation is an obligation to *do* something, we are implying that there is a special kind of activity consisting in doing something, i.e. bringing about something."[14] Prichard argues, however, that it is not within our power directly to bring about something.

> The legitimate question is: 'What was the activity by performing which I caused my hand to move?', and art answer would be 'Willing the existence of the movement'. And in so answering, I should be implying that what I called moving my hand really consisted in setting myself to move it, and that I

> referred to this activity as moving my hand because I thought that this activity had a change of place of my hand as an effect.[15]

According to Prichard, then, what is directly in one's control is *setting oneself* or *exerting oneself* to do a certain thing.

> And, if this is right, what is in our minds when we say 'I can make a loud noise' is not the thought that there is a special kind of activity of which I am capable consisting in bringing about a loud noise, but rather the tought that a special kind of activity of which I am capable, consisting in setting myself to bring about a loud noise, would have a loud noise as an effect.[16]

It is reasonable to speculate that Prichard holds that genuine obligations must be within the agent's power -- or, more simply, that 'ought' implies 'can' — for he concludes that

> contrary to the implication of ordinary language and of moral rules in particular, an obligation must be an obligation, not to *do* something, but to perform an activity of a totally different kind, that of setting or exerting ourselves to do something, i.e. to bring something about.[17]

On Prichard's view, then, if there is a legitimate rule requiring, *A*, an agent has done what he ought to do if besets himself to do *A*. Succeeding in bringing about the state of affairs specified by *A* is not an appropriate test for determining whether an agent has done what he ought to hae done.

Ross tries to establish this same conclusion (and openly acknowledges his indebtedness to. Prichard). Ross argues that when one has an obligation one is required to aim at producing a certain state of affairs, or to set oneself to perform a certain act. Ross claims that to say that one is required to do some action implies that there is a kind of activity whose nature it is to be the bringing about of something.

> But there is no type of mental activity of which the general nature is to be the producing of a change in some physical object, such as the moving of a hand or a foot. On the contrary, if we ask *how* we move a hand or a foot, the natural answer is that we do so by setting ourselves to do so. There is a type of mental activity of which the generic nature is to be the setting oneself to effect a change in a physical object, and of which setting oneself to move a hand or a foot is an instance. The change in the physical object, when it follows, is merely the result — the intended result, of course — of the mental activity.[18]

Ross agrees with Prichard that moral requirements do not range over actions; rather "the only thing to which a man can be morally obliged is what I will call self-exertion, a setting oneself to effect this or that change or set of changes."[19] Ross contends that the occurrence of bodily change cannot even be part of what is right or what is wrong in a person's behavior. To support this claim, Ross argues as follows:

> if a man had, without knowing it, become paralysed since the last time he had tried to effect the given type of change, his self-exertion, though it would not produce the effect, would obviously be of exactly the same character as it would have been if he had remained unparalysed and it had therefore produced the effect. The exertion is all that is his and therefore all that he can be morally obliged to; whether the result follows is due to certain causal laws which he can perhaps know but certainly cannot control, and cannot know until he performs the exertion.[20]

The Prichard-Ross argument may be summarized as follows:

> (1) Whatever an agent is morally required to do, it must be within his power to do it.

(2) The successful completion of acts (understood as the bringing about of a new state of affairs or the maintenance of an existing state of affairs) is not within the power of agents.
(3) Therefore, the successful completion of an act is not something that an agent is morally required to do.

To clarify (2), of course neither Prichard nor Ross denies that there are certain things that an agent must do if he is to complete the performance of an act; in particular, he must set himself to do so and engage in self-exertion. But that alone is not enough to ensure the successful completion of an act. In addition, the agent must retain certain of his powers and certain things in the external world must occur, and according to Prichard and Ross these are things that an agent cannot control. It does not follow from this that moral requirements range over self-exertion or attempts. But if one accepts, as Ross seems to,

(4) The only thing within an agent's power is self-exertion (or his setting himself to do something), then it seems to follow that
(5) If anything at all is required of an agent, it is self-exertion (or setting himself to do something). And if one does not take seriously the claim of the nihilist that nothing is required of any agent, or if one thinks that the nihilist's challenge can be answered, then it is a short step from (5) to
(6) The content of moral requirements for agents is to engage in self-exertion (or setting themselves to do certain things). Clearly both Prichard and Ross endorse (6), and (1)-(5) seems to describe the reasoning to which each is committed to support such a conclusion.

Part III

If one were to attack directly the argument of Prichard and Ross, the most likely targets would be premises (2) and (4). But rather than employ this strategy, I shall discuss more general criticisms of the conclusion, (6).

First, consider an objection raised by William K, Frankena, aimed specifically at Prichard and Ross.

> But surely I have no obligation to try it' I have no obligation to do. Trying is always trying to do; and, if I have an obligation to try, this is because I first have an obligation to do or thing I have.[21]

To support this, Frankena argues that if an agent were required only to try, then the fact that he cannot *do* could not defeat the claim of rquirement. But such a fact does defeat the ought-claim. If an agent knows that he cannot do *A*, then he is not required to try to do *A*.[22] I take it that this does not prove that moral requirements cannot range over attempts or tryings, but rather makes a slightly more modest point. Normally one cannot be said to try to do what is not even within the bounds of possibility.[23] But this suggests that trying *per se* is a rather empty notion; trying is trying to do some act. And even if trying itself is an (internal) act, as some have argued,[24] it is still always trying to do something else. So that which one is trying to do seems central, and indeed ineliminable.

Consider now a second objection to the claim that moral requirements range over attempts or tryings. Suppose that an agent believes that he ought to do *A* by noon. Suppose too that at 9:00 a.m. he tries (genuinely) to do *A* but fails. Fortunately, however, the agent will have several more opportunities before noon to try to do *A* again. But if ought-statements ranged over attempts only, it would be hard to explain why in this situation the agent ought to continue trying to do *A*. Of course, someone might object that as I have described the case the agent himself believes that he ought *to do A*, not just try, and that is why it is reasonable for him to continue trying even after a failed attempt. But external observers too regard the agent's continued attempts to do A as a reasonable; indeed, they no doubt believe that the agent is *required* to continue to try to do *A*. Two points of qualification should be made here. First, the beliefs of the agent and of others that continuing to try to do *A* (as long as doing *A* is possible) is reasonable may be false. But at least this shows that the burden of proof is on those who may be committed to saying, contra common sense, that

once an agent has tried to do *A* he need do no more. Second, even though external observers believe that the agent ought to continue to try to do *A*, it does not follow that they deny that moral requirements range over attempts. They may hold that all one is required to do is to try, but that one ought to continue trying as long as success is possible. To maintain such a view is odd, however, since it leaves unexplained why, if succcessfully completing an act is not required, an agent must continue trying as long as completing that act is possible.

A third difficulty concerns the assessment of others' moral decisions. If moral requirements range over tryings, it seems that others cannot determine whether an agent has done what he ought to have done. Since trying to do a certain act, say *A*, is compatible with all sorts of external behavior that does not involve doing *A*, others will be hard pressed to know in specific situations what an agent tried to do. In fact, even if others know that an agent ought to set himself to do *A*, and even if the agent does *A*, others still cannot know that the agent did what he ought to do because he may have tried to do something other than *A*. That the view in question renders an agent's moral decisions virtually immune from the criticism of his fellows is a defect of that position because one of the important functions of moral theories is to assess the conduct of others.[25]

Finally, if what agents are required to do is to try or to set themselves to do certain acts, it seems to follow that there is no such thing as *trying but failing* to do one's duty. The reason for this is that the notion of trying to try is puzzling, at best. I do not mean to sad here that trying is not an action. Brian O'Shaughnessy has argued that trying is an action, while admitting that it has the peculiar property of being an action that one cannot try to perform.[26] He claims, however, that this presents no problem. O'Shaughnessy suggests that trying to remember another's name is clearly an action, but not one that one can try to perform. Nor do I mean to assert that every action is such that one can try but fail to perform it. Thinking seems to be an action that one cannot try but fail to perform; if one tries to think, it seems that one is already thinking. What 'do mean to say is that we normally think that moral requirements are sometimes difficult to fulfill, and that sometimes we try but in spite of our best efforts fail to fulfill them. Our ordinary conception may be mistaken; but the burden of proof is on a view that departs from common sense.

Part IV

At the outset of this essay I complained that some have too closely connected the principle that 'ought' implies 'can' with excuses. I suggested that it is more plausible to view (appropriate) cannot-statements as defeating claims of moral requirement rather than providing an agent with an excuse for not doing what he ought to have done. Later 1 distinguished two views which differ with regard to the scope of moral requirements. I called one a "morality of trying", or MT, and the other a "success morality." In this section I shall bring these notions together and argue that MT cannot do justice to certain sorts of excuses.

Here I shall focus on the class of cases in which an agent has genuinely tried to bring about a good or morally ideal state of affairs but has failed.[27] When an agent has so tried, we may ask whether he has done all that morality requires. Examples can vary in significant ways, and reflection suggests that in some cases an agent who has tried but failed to do something morally ideal has done all that is required of him, while in other cases the agent has not done all that is required of him. Consider first a case to illustrate the former. Suppose that Kowalski, a good swimmer, sees another man drowning. Kowalski immediately begins swimming toward the man, but in spite of his best efforts he fails to get there in time and the man drowns. Though Kowalski failed to save the other man, one is inclined to say that he did all that morality required.[28]

Consider now a different case. Suppose that Brown has promised to take his grandmother shopping at the supermarket. Because of the distance involved and the hour of closing, Brown has promised to come for his grandmother by 7:00 pm; if he comes any later, they will not be able to make it on time. Brown knows that in order to arrive at his grandmother's by 7:00 p.m., he must leave home by 6:30p.m. At 6:30 p.m., however, he is having an enjoyable conversation on the telephone with one of his friends. Because he did not terminate the conversation at 6:30 p.m., he arrives at grandmother's 30 minutes late. He then drives hurriedly for the

supermarket, but when they arrive it has already closed. In some sense, Brown has tried but failed to do something morally desirable, namely, take his grandmother to the supermarket as he promised. But unlike the case of Kowalski and the drowning man, one is not inclined to say that Brown has done all that morality required. Appearances suggest, then, that in some cases an agent who has tried but failed to bring about morally desirable state of affairs has done all that morality requires, while in other cases this is not so.

To drop the matter here would be unsatisfactory: further investigation is called for. What is needed is an explanation of why trying is enough in some cases, but not others. In order to get at this issue, I shall consider several cases. What is common to each is the following: it is morally desirable for the agent to arrive at her office at 9:00 a.m. because she has promised her employer that she do so. Because of the distance between her home and her office, in order for the agent to get to work at 9:00 a.m., she must catch the 8:15 a.m. bus.

> Case (i): Peabody awakens early, arrives at the bus stop on time, and boards the 8:I5 a.m. bus. However, en route the bus has engine trouble. Because of this malfunction, the passengers are stranded and Peabody does not make it to her office by 9:00 a.m.
>
> Case (ii): Furillo knows that she sleeps late, but chooses not to set her alarm. She awakens late. and in spite of her furious effort she misses the 8:15 a.m. bus and so does not arrive at her office at 9:00 a.m.

In both case (i) and case (ii), the agent tries to bring about a morally desirable state of affairs but fails. And in both cases, when she commences trying, she cannot succeed (though in case (i) Peabody does not know this). In spite of these similarities, however, I suggest that most of us will want to say that Peabody did all that is required of her, but Furillo did not. And, of course, there is a glaring difference between the two cases to explain why this is so. Peabody is not responsible for failing to arrive at the office on time; the breakdown of the bus was beyond her control. Furillo, however, is responsible for not awakening on time; she knew that she should have set the alarm. The parallels between cases (i) and (ii) and those of Kowalski and Brown above are obvious, I trust.

Kowalski and Peabody have done all that morality requires of them (in those particular cases). But Brown and Furillo have not done all that morality requires. Yet in each case the agent tries but fails to bring about the desirable state of affairs, and in each case *at the time the agent commences trying* he or she could not have succeeded in bringing about the state of affairs. I want to urge that in the situations of Kowalski and Peabody the relevant cannot-statement *defeats* the prima facie claim of moral requirement; that is why each has done all that morality requires of him or her in that situation. But in the situations of Brown and Furillo the relevant cannot-statement does not defeat the claim of moral requirement. Put simply, this is because in each of those two cases the agent was responsible for his or her inability. In these two cases the agent failed to do what he ought to have done and is blameworthy for that failure.

Clearly, the view that what moral agents are required to do is to perform actions can accommodate the judgments suggested regarding the the above cases. This view can say that in Kowalski's situation and in case (i) that the prima facie requirement to perform the *action* is defeated by the fact that the agent through no fault of his own, cannot do so. And this view can say that in the case of Brown and case (ii) the requirement to perform the action remains in force because the agent is responsible for his or her own inability to perform it. In t he latter two cases, then, the agent fails to do something that he ought to do and is also blameworthy for this failure. Defenders of MT can accommodate the judgments about Kowalski's situation and case (i). In each case the agent genuinely tried to bring about the morally desirable state of affairs, and that is all that is required. Initially it might seem that this view cannot yield the judgments made about Brown's case and case (ii); after all, in each of these cases too the agent genuinely tried to bring about the morally desirable state of affairs. These appearances, however, may be deceptive. Advocates of MT might argue that if one ought to try to bring about a certain state of affairs, one also ought to try to do

whatever is necessary to enable one to bring about that state of affairs.[29] And appealing to this principle will enable them to say that Brown and Furillo are both guilty of failing to discharge a moral requirement.

There is a third type of case, however, that presents problems for defenders of MT. To make this point, let us consider another variation of the case in question. The background conditions are the same as before.

> Case (iii): Gonzalez awakens early and prepares to depart for the bus stop. She moves very slowly and finds it difficult to concentrate, however, because she recently received very bad news regarding the health of her father. Because of her mental state and general sluggishness, she arrives at the bus stop late, misses the 8:15 a.m. bus, and so does not arrive at her office at 9:00 a.m.

This case is unlike those of Kowalski and Peabody in that it seems false to say that the agent has done all that she ought to have done. But it also seems unlike the situation of Brown and of Furillo; in case (iii) Gonzalez has tried but failed to bring about the morally desirable state of affairs, the ought-claim has not been defeated by a cannot-claim, nor has the ought-claim been overridden by a competing moral consideration. In short, Gonzalez has not done all that morality requires (in that situation), but due to the circumstances she is excused for her failure. What I want to contend here is that defenders of MT cannot consistently say what I have just said about case (iii). It seems clear that Gonzalez has tried to bring about a morally desirable state of affairs. Given this, it seems that advocates of MT must say either that she has done all that she ought to have done or that she is blameworthy for some previous wrong which generated this situation. But in case (iii) neither of these seems correct. 1 do not mean to suggest that proponents of MT can never say that an agent fails to do what he ought to have done but is nevertheless excused. But cases where an agent trig to bring about a morally desirable state of affairs hut fails due to extenuating circumstances seem to be common, and in this kind of case defenders of MT cannot say that the agent has failed to do what he ought to have done but is excused. So unless the very notion of an excuse is flawed or incoherent, there is a problem for MT.

Part V

None of what I argue here refutes the claim that moral requirements range over attempts rather than actions; but it does show t hat there are problems with this position. Nevertheless, MT is a view with some intuitive appeal, and something should be said regarding that. Indeed, one of the cases that I discussed earlier may be used by defenders of MT as a basis for objecting to the view that moral requirements range over actions, so let us consider that now. Recall the case of Kowalski, who tried but failed to save a drowning man. This case was such that at the time Kowalski initiated his attempt, it was not possible for him to save the man. I argued that Kowalski did not fail to discharge a moral requirement because the cannot-statement defeated the relevant ought-claim. But at this point defenders of MT may issue the following objection. If Kowalski's inability to save the drowning man defeats the claim that he ought to do so, then we should have thought no less of him had he not tried at all. But we would have thought less of Kowalski if he had not tried at all, and justifiably so. Therefore, there are problems with the claim that moral requirements range over actions, and this provides at least indirect support for MT.

Critics of MT need not worry, however, for there is an obvious response to this objection. Often in a specific situation an agent does not know if he can perform a designated act. As Kowalski's case was described, he thought that there was a chance that he could save the man. If it is uncertain whether an agent can perform a morally desirable act, then it is reasonable to expect him to try (all other things being equal), even if it turns out that with Isis best efforts he fails. In cases like this, doubt explains why we think more of the agent for trying to do something that he was unable to do. But if it were obvious to all that Kowalski could not have succeeded in saving the drowning man, then there are not good grounds for thinking more of him for trying; on the contrary, we are apt to think that he is foolish.

I have not meant to suggest here that if one tries to do something but fails, then we know that one could not have done the thing in question. Even if one genuinely tries but fails to do *A* in circumstances c, it does not follow that one could not have done *A* in c. Consider an example not related to morality. If a basketball player misses an easy shot, it is surely false to say that he could not have made the shot. He could have made the shot, he failed, but it is not because he did not try that he failed. Of course, if we are asked to explain why he failed, a multitude of responses may come to mind. He may have failed because he became careless and momentarily looked away from the basket. Or he may have been showing off and attempted one of the more difficult shots among the options open to him. In either of these cases and in many others that one can envision, it seems correct to say that the player could have made the shot, he tried to do so, but he failed.

A similar situation can obtain in cases that are relevant to morality. One may have the ability to save a drowning man (or to keep a promise, etc.) and try to do so, but nevertheless fail. A myriad of explanations for the failure may come to mind. The agent may have been careless in carrying out the act, or he may have made an ill-advised decision in executing the act, or he may not have tried hard enough. And it seems plausible to say that in some of these cases the agent will be blameworthy for his failure, but in others he will not be blameworthy.

It seems, then, that when an agent tries but fails to perform an act, in some of the cases he could not have succeeded, but in other cases he could have succeeded. If he could not have succeeded, then the claim that he ought to have performed that act will have been defeated (unless he is culpable for his inability). If he could have succeeded, then whether he is blameworthy will depend on why he failed.

Allow me to conclude with one more remark regarding the intuitive apeal of MT. An agent's actions do reflect on him morally, but other things can do so as well. Some have argued, plausibly I think, that an agent's attitutdes, emotions, and the things that he values reflect on him morally.[30] Indeed, it is a mistake to think that an agent's moral achievements are restricted to his actions. As W.D. Falk puts it,

> ...the moral achievement of an autonomous person is not exclusively in his actions. He finds himself called upon to do certain things, but also, in doing anything, to conduct himself in a certain manner. What he does may turn out right, though the conduct from which it is issued was faulty; or his conduct was faultless but failed to issue in the right actions. There is a difference between 'being moral' and 'doing the moral thing'. The one is a matter of one's strategy in guiding one's choices and dispositions to action; the other of the action achievement which results form such a strategy.[31]

When one tries but fails to do certain things, *that* one tried and *why* one failed will reflect on one morally. If an agent tries but fails to do a morally desirable act that he could not have succeeded in performing (and if the impossibility of doing this act was not apparent at the outset), then the fact that he conducted himself in this manner tells us something about his values and may well reflect on him positively. When such a situation obtains, we are inclined to say that the agent has done all that morality requires of him. Those who hold that moral requirements range over actions will maintain that we are correct in saying this because that the agent could not perform the morally desirable act defeats the claim that he ought to do so. But if this is all we were to say, it would be quite misleading; for *merely* pointing out that the agent has done no wrong act omits the morally positive things that the situation reveals about that agent. And if an agent has become the sort of person who cares about the right things, who has cultivated the proper dispositions, and who conducts himself in an appropriate manner, he has indeed done all that morality requires. But in saying this, we are saying far more than that he did nothing wrong in a particular situation. None of this denies that moral requirements range over actions. Rather, it affirms that there are other sorts of moral judgments that are also important. A suggestion, for which no argument is provided here, is that whatever intuitive appeal MT has is based on its connection with these other moral judgments.[32]

NOTES

1. The distinction between a justification and an excuse is drawn in J.L. Austin, *Philosophical Papers* (Oxford: Oxford University Press, second edition, 1970), pp. 157-176.
2. Alvin I. Goldman, in *A Theory of Human action* (Princeton: Princeton University Press, 1970), pp. 208-209, seems to view the principle in this way, and so too does Joseph Margolis, "One Last Time: 'Ought' Implies 'Can'," *The Personalist*, Vol. 48 (1967), p. 31.
   As Thomas Hill has pointed out to me, there is at least one way in which 'can not' might function as an excuse. Someone might hold that "blameworthiness' entails 'can avoid' but deny that 'ought' implies 'can'. Such a person will take cannot-statements as excuses, not as defeaters of ought-claims.
3. See Michael Stocker, "'Ought' and 'Can'," *Australasian Journal of Philosophy*. Vol. 49 (1971), pp. 304 and 310, and Norman O. Dahl. ""Ought' Implies 'Can" and Deontic Logic," *Philosophia*, Vol. 4 (1974), p. 4.87.
4. For a discussion of this, sec Stocker, p. 314, G.P. Henderson, "'Ought' Implies 'Can'," *Philosophy*, Vol. 41(19156), pp. 106-I07, and Walter Sinnott-Armstrong, "'Ought' Conversationally Implies 'Can'," *The Philosophical Review*, Vol. 93 (1984), pp. 251-253.
5. This suggestion is advanced by Sinnott-Armstrong, p. 258, though I should emphsize that he argues that 'ought' only conversationally implies 'can' and he argues that the 'ought' that conversationally implies 'can or culpably cannot' is the 'ought' used to blame an agent.
6. It may be true, of course, that once Smith knows that he will not meet Jones, then some contrary-to-dury imperative becomes binding on him, such as the requirement to call Jones and inform him of the situation. But even though this is what Smith ought to do at 3:45 p.m., it is still true that he will fail to do something that he ought to do at 4:00 p.m.
7. It may be that given that Smith will not meet Jones at 4:00 p.m. and that it is no longer true that he ought to do so, there are other things that he ought to do. For example, if he can, he ought to call Jones and tell him that he will not be there. Some think that this shows that the original obligation is still in effect *full force*, but I would argue that this need not be so.
8. Sinnott-Armstrong, p, 253, takes this position. He takes this type of case, among others, to show that 'ought' *does not entail* 'can'.
9. Many others have made this same point. See especially, Dahl, pp. 488-489 and 499, and Stocker, pp. 304-305. See also Henderson, p. I11, K.E. Tranoy, "'Ought' Implies 'Can': A Bridge From Fact to Norm?" *Ratio*, Vol. 14 (1972), p. 121, and John Kekes, "'Ought' Implies 'Can' and Two Kinds of Morality," *The Philosophical Quarterly*, Vol 34 (t984), p, 459.
10. Kurt Baler, *The Moral Point of View* (Ithaca, New York: Cornell University Press, 1958), pp. 189-191. Baler's argument for the inconsistency of UEE rests on the additional premise that no one can be required to do something that prevents someone else from doing what he is required to do. Many have pointed out that there is such a suppressed premise. See, for example. Fred Feldman, *Introductory Ethics* (Englewood Cliffs, New Jersey: Prentice-Hall, 1978), pp. 92-93 and James P. Sterba, *The Demands of Justice* (Notre Dame. University of Notre Dame Press, 1980). pp. 4-7. Baier himself, in "Ethical Egoism and Interpersonal Compatibility," *Philosophical Studies*, vol. 24 (1973), pp. 357-368, suggests a broader notion of consistency. He advances four "consistency conditions," one of which he calls the "interpersonal Compatibility Requirement [which is that if agent P is morally required to do act *A* at time T, then no other agent can be morally required to prevent P from doing *A* at T(p 364)], and he argues the LEE violates this requirement.
11. This is not an inconsistency in the strict sense. Elsewhere I call situations of this sort interpersonal moral conflicts, and r explain that moral theories that generate such conflicts need not be inconsistent. See my "Interpersonal Moral Conflicts," *American Philosophicla Quarterly*, Vol. 25 (1988). pp. 25-35.
12. This way of responding to Baler's criticism of EE is suggested in John Hospers, "Baier and Medlin on Ethical Egoism." *Philosophical Studies*, Vol. 12 (1961). pp. 10-16.
13. See H.A. Prichard, "Duty and Ignorance of Fact," in *Moral Obligation* (Oxford: Oxford University Press, 1968), pp. 18-39. (Prichard's lecture was originally delivered in 1932.] See also, W. D. Ross, *Foundations of Ethics* (Oxford: The Clarendon Press, 1939), Chapter VII. For both Prichard and

Ross, the claim that moral requirements range over attempts and not acts occurs in the larger context of the relationship between duty and ignorance. For Ross, this position departs radically from that to which he was committed earlier in *The Right and the Good* (Oxford: The Clarendon Press, 1930). I give a detailed and critical account of Ross's views on this topic in my "Ross on Duty and Ignorance," *History of Philosophy Quarterly*, Vol. 5 (1988), pp. 79-95.

14. Prichard, p. 32.
15. Prichard, p. 32.
16. Prichard, pp. 33-34.
17. Prichard, pp. 34-35.
18. Ross, Foundations of Ethics, p. I53.
19. Ross, Foundations of Ethics, p. 160.
20. Ross, Foundations of Ethics, p. 160.
21. William K. Frankena, "Obligations and Ability," in Max Black (editor), *Philosophical Analysis* (Ithaca, New York: Cornell University Press, 1950), p. 173.
22. Frankena, p. 173. As Thomas Hill has pointed out to me, however, there may be occasions where it makes sense to say that a person ought to try to do something that he believes he cannot do. In one context, for example, so acting might be an important form of symbolic protest against injustice, in another context, it might communicate to another one's deep concern.
23. See G. H. von Wright, *Norm and Action* (London: Routledge and Kegan Paul, 1963), pp. 51-52 and Brian O'Shaughnessy, "Trying (as the Mental 'Pineal Gland)," *The Journal of Philosophy*, Vol. 70 (1973), p. 376.
24. See, for example, O'Shaughnessy, pp. 372-373.
25. Much of this paragraph is taken from my "Ross on Duty and Ignorance."
26. O'Shaughnessy, pp. 372-373. For a persuassive argument that trying is not properly understood as an action, see J.F.M. Hunter, "Trying," *The Philosophical Quarterly*, Vol. 37 (1987), pp. 392-401.
27. When I speak of morally desirable or morally ideal states of affairs, no special interpretation of that expression in intended. The issue that 1 am discussing here is a second-order one and must be faced by any first-order normative theory. Each theory will presumably give different substantive content to the expression.
28. Indeed, some will say- that he did much more that morality requires because morality does not require one to help others unless one has voluntarily incurred such an obligation. In order to put this issue aside. we ma}, assume that Kowalski is a lifeguard on duty at the time of the drowning and that his failure to save the man was in no way due to a failure to discharge a previous obligation.
29. Two cautionary notes are in order here, First, though think that some version of this principle is correct, it must be stated in such a way that we can avoid the so-called Good Samaritan paradox which deontic logicians have called to our attention. Second, there is at least one reason to wonder whether defenders of MT can endorse this principle. The most obvious rationale to support this principle is that one cannot *successfully* bring about a state of affairs unless one takes the necessary preliminary steps. But when one emphasizes success, one is departing from the morality of trying.
30. See Lawrence A. Blum, *Friendship, Altruism, and Morality* (London: Routledge and Kegan Paul, 1980), Chapter VII, especially pp. 179ff.
31. W.D. Falk, *Ought, Reason, and Morality* (Ithaca, New York: Cornell University Press, 1936), pp. 239-240.
32. For comments on an earlier version of this paper, I thank Norman Dahl and members of the ethics discussion group in Chapel Hill, North Carolina, especially Thomas E. Hill, Jr.