

## Actions That We Ought, But Can't Alex King

### *Abstract*

It is commonly assumed that 'ought' implies 'can', that is, that if we ought to do something, then it must be the case that we can do it. It is a frequent quip about this thesis that any account must specify three things: what is meant by the 'ought', what is meant by the 'implies', and what is meant by the 'can'.<sup>1</sup> Something is missed, though, when we state the thesis in its shortened, three-word form. We overlook what it means to *do something*. It is, I think, not mere coincidence that nobody has discussed this issue: It is very difficult to specify what it means to do something in the relevant sense. This paper is devoted to fleshing out one way of doing something that is a problem for the thesis.

### I. OUGHT IMPLIES CAN

Let us first get on the table the explicit formulation of the thesis 'ought implies can'.

**Ought Implies Can:** If S ought to  $\phi$  at t, then S can  $\phi$  at t.

It is generally assumed that the relevant 'ought' is the 'ought' of moral obligation, so that the principle might be stated equivalently as (moral) obligation implies 'can'. The 'can' is usually thought to be something in the neighborhood of ability, but this is a topic of much debate. The kind of implication is most frequently taken to be entailment, but, again, plenty have disagreed. But for all the debate about 'ought implies can', a crucial issue has been entirely overlooked: the nature of  $\phi$ .

In writing about this topic, philosophers often explain that they are interested in a version of the principle where  $\phi$  is an action, usually thought of as opposed to an emotion, a character trait, a belief, etc.<sup>2</sup> This assumption has seemed to many innocent enough, but it strikes me that there is a serious problem lurking in the shadows, one that cannot be banished just by admitting that it's tough to specify what an action really is. It wouldn't be a problem if it were merely tough to do this, since that alone could be a question left to action theorists, but the real problem arises because, on some understandings of action, there are actions that we are both obligated to perform but cannot.

I will proceed first by looking at a particular type of action, one that involves mental states beyond intentionality. I will argue that we often have obligations to perform complex actions of this kind, actions that do not preserve the clean demarcation between acts and mental states. Since we often cannot have certain mental states on command, or even muster them over a rea-

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<sup>1</sup> See, e.g., Georg H. von Wright, *Norm and action: A Logical Enquiry* (New York: Humanities Press, 1963).

<sup>2</sup> See, e.g., J.W. Smith, 'Impossibility and Morals', *Mind*, 70 (1961), pp. 362-375; David Widerker, 'Frankfurt On 'Ought Implies Can' and Alternative Possibilities', *Analysis*, 51 (1991), pp. 222-224; Gideon Yaffe, "'Ought' Implies 'Can' and The Principle of Alternate Possibilities', *Analysis*, 59 (1999), pp. 218-222; David Copp, "'Ought' Implies 'Can', Blameworthiness, and the Principle of Alternate Possibilities', in D. Widerker & M. McKenna (Eds.), *Moral Responsibility and Alternative Possibilities: Essays on the Importance of Alternative Possibilities* (Burlington, VT: Ashgate, 2003), pp. 265-299; Matthew Kramer, 'Moral Rights and the Limits of the Ought-Implies-Can Principle: Why Impeccable Precautions Are No Excuse', *Inquiry*, 48:4 (2010), pp. 307-355; Peter A. Graham, "'Ought' and Ability', *The Philosophical Review*, 120:3 (2011), pp. 337-382.

sonable amount of time, these obligations pose a problem for how we are to understand ‘ought implies can’.

Before continuing, though, it is important to make clear that I am interested in cases of certain *actions* that we are obligated to perform but in certain cases cannot. This question, whether we are obligated to perform certain complex actions, is related to – but distinct from – the question of whether we are obligated to have certain (in some cases uncontrollable) mental states. There is, of course, a wealth of literature on the latter topic.<sup>3</sup> But the former is the relevant and interesting question for us precisely because ‘ought implies can’ is often framed as a thesis about *action* – about what we ought to *do*. (Another way to see this is to notice that granting that we can have moral obligations to have certain mental states is *not* a problem for ‘ought implies can’ as it is usually understood.) It is my goal in this paper to explain why such a cleaving cannot, in the end, rescue ‘ought implies can’.

## II. A SPECIAL KIND OF ACTION

There are three things we might mean by ‘action’. We might mean a certain bare, surface behavior, like blinking or moving one’s arm. (One could argue that this doesn’t even count as an action, properly speaking, but we can grant that it might.) Or we could mean an intentional behavior, like opening a door or putting on a shirt. Interestingly, though, we might also mean a motivated behavior, a behavior we do not only intentionally, but with a more robust mental state – say, for certain reasons or with a certain motivation. Lots of actions are like this. Take, for instance, apologizing. An apology that doesn’t express sorrow or regret isn’t a real apology. How often is a child rebuked by her parents for crossing her arms and saying sulkily and with a roll of the eyes, “Saw-rry”? Even though she utters the word, and does so intentionally, she clearly doesn’t feel sorry for what she’s done, and the parents can rightly demand that she go back and *really* apologize to Grandma. What they mean is not just that she not be sulky and not roll her eyes (though of course they mean that too), but also that she really express sorrow. If she said it sans eye-rolling, but sneakily thought to herself she was really fooling Grandma, she is merely pretending to apologize without actually doing so. If her parents found out she was doing this, they might well continue to be upset with her and explain to her that she still hadn’t given a real apology, trying to convey to her why she had done something worth apologizing for.

Plenty of the things we normally call actions are like this: thank, agree, advise, deceive, pretend, focus (along with, e.g., watch and listen as distinct from see and hear)<sup>4</sup>, pray, console, insult, and perhaps even try, to name a few. While there may be disagreement about the particular members, the list as a whole gives a sense of the kind of actions being described. When we perform this third type of action, we experience a certain mental state (beyond intentionality) that not only accompanies the action, but partly characterizes it too. That is, without the relevant mental state, a person wouldn’t actually count as performing the action in question.

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<sup>3</sup> For a basic introduction to this debate, see Edward Sankowski, ‘Responsibility of Persons for Their Emotions’, *Canadian Journal of Philosophy*, VII:4 (1977), pp. 829-840; Robert Adams, ‘Involuntary Sins’, *The Philosophical Review*, 94:1 (1985), pp. 3-31; John Martin Fischer and Mark Ravizza, *Responsibility and Control* (Cambridge: Cambridge University Press, 1998); and George Sher, ‘Blame for traits’, *Noûs*, 35:1 (2001), pp. 146-158.

<sup>4</sup> Focusing tends to have a behavioral component, like directing one’s gaze toward something, and while I don’t think that listening and otherwise attending are relevantly different, if this seems problematic, the reader can imagine such cases as ones involving visual attention.

It is this third kind of action that is my primary concern. When it comes to many of the actions we have obligations to perform, the relevant act description strongly suggests this interpretation. As suggested above, we have obligations to apologize that don't reduce to an obligation to merely say you're sorry.<sup>5</sup> We also have obligations to forgive, thank, or encourage; obligations to advise another or to try to do something. We have negative obligations of this kind, as well. Our obligations not to murder don't seem to reduce to our obligations not to kill. Under certain circumstances, we evidently also have obligations not to deceive or lie, not to embezzle, or not to deride. None of these seems the same as an obligation to perform the corresponding bare or even intentional behavior. As before, the status of each individual obligation is debatable, but it is very natural to think that there are obligations of this kind. We often think about our obligations in this way, and normal moral discourse undoubtedly supposes it. Catholic doctrine, for example, requires confession, and they mean more than simply listing the wrongs one has done. One doesn't really confess if one doesn't feel regret and seek absolution. Confession, here, involves listing the wrongs one has done *on the basis of* earnest regret and desire for forgiveness. (Though not essential to my argument, there could be yet other, much more complex actions we are obligated to perform, like standing by someone, as we've heard from Ben E. King and Tammy Wynette, or taking care of them. Maybe these actions happen at a distinct time, but involve sub-actions, like listening to and encouraging someone, being there for them, and so on, each of which may itself be a complex action in the sense I've described here.)<sup>6</sup>

In fact, once we begin to think of the nature of such actions and obligations, they look not to be limited to only those verbs whose meaning plausibly includes a motivation or a certain mental state. To see this, think about the obligation to apologize. It is, among other things, an obligation to sincerely say you're sorry. You might think that the obligation not to murder is really just an obligation not to kill on the basis of murderous feelings or, in slightly more stilted words, not to kill murderously. Following these examples, you might find such obligations popping up all over: positive obligations to give generously, read charitably, mind your manners, or vote with sufficient information; negative obligations such as not to drive recklessly or not to speak condescendingly. Just because these actions don't have corresponding verbs in English doesn't make them any less actions in the relevant sense.

To repeat briefly, my claim is not that mental states like emotions and motivations are themselves the object of obligations. This is precisely the kind of thing that the defender of 'ought implies can' wants to set aside, and I am not disputing that. What I mean to point out is that more needs to be said to specify the type of *action* in question. I am concerned with complex action types relevant to moral obligations. I've argued that there are certain complex actions like

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<sup>5</sup> If the reader has been concerned that insincere apologies are nonetheless apologies, note that it is enough for my argument that we have obligations to apologize in my sense, i.e., to sincerely apologize. (I owe this point to Nomy Arpaly.)

<sup>6</sup> Bernard Williams discusses a related view in 'Ought and Moral Obligation', in *Moral Luck* (Cambridge: Cambridge University Press, 1981), which he dubs the "Kantian Requirement": "that if that if A does what he ought to do, then he must not only do X intentionally, but must do X from a specific motive, namely from the thought that he ought to do X," explicitly pointing out that this is beyond intentionality. Williams doesn't commit himself to this principle, and I am by no means endorsing it either. The point is simply that many think that obligations involve mental states beyond intentionality. In fact, what I'm saying is quite a bit weaker. I'm arguing that there is an important class of obligations (not all of them) that require us to do things with a certain mental state beyond intentionality. This mental state isn't necessarily the thought that we ought to perform that action (though in some cases it could be), but can be an emotion or some other motivation. The crucial feature I share with this view, though, is that we have moral obligations that require us to do more than perform the action intentionally.

apologizing and murdering regarding which we have obligations, and that these obligations are not captured by talk of mere behaviors or even intentional actions.

I suspect there will be a worry here, that really there are no such obligations of the relevant kind, and that this is brought out most clearly by what I've just said. The distillation of 'murder' into 'killing murderously', it might be argued, explains what is really going on: we have an obligation not to kill, and we shouldn't feel murderous feelings. There are two ways to go from here. First, one might say that we have an obligation not to feel murderous feelings, but that this is just a separate obligation from our obligation not to kill. When we murder, we violate *two* obligations by having murderous feelings *and* extinguishing a life – we don't have genuine obligations not to murder, not to deceive, or obligations to apologize or to encourage each other.

Second, and more interestingly, one might object that the latter 'shouldn't' just does not signal an obligation. We may be obligated to obey our parents, and we'd be better people or get more moral worth if we do so out of respect or trust, but we don't thereby fulfill an extra obligation. According to this line, the often involuntary mental component I'm interested in is never *any part* of an obligation. Obligation properly regards intentional or bare behaviors, and thinking otherwise is merely confusing obligation with moral worth, virtue, or something else.

A couple of points regarding the second approach: First, many have argued that we do indeed have obligations to have certain mental states, e.g., obligations not to hate or be racist, or obligations of gratitude or open-mindedness. If this were true, it would immediately take all the wind out of the sails of the objection, since then it wouldn't be at all implausible that we have obligations regarding these complex actions.<sup>7</sup> Furthermore, this approach seems to a certain extent theory-driven. Distinctions between virtue, moral worth, and moral rightness are of course worthwhile, but it is by no means obvious their domains are completely disjoint. There seems to be absolutely nothing wrong with saying that we are morally obligated not to murder *and* that doing so is vicious. To sharpen the point, it's completely natural to think that these different notions would have convergent verdicts in a good deal of cases: an *action* can be vicious, blameworthy, and impermissible all at the same time.

Still, one might happily grant that plenty of actions can overlap in this way, but deny that this is what's going on in the case of the complex actions under investigation.<sup>8</sup> In order to adjudicate this, we need some tests to help determine when obligation is present, independently of (say) blameworthiness. One test suggests that we have no obligation to avoid murder over and above the obligation to avoid killing: we are morally permitted to defend ourselves equally against either. A few other tests, though, are more revealing. First, recall the case of parents rebuking their sulky child: they might well say that apologizing insincerely was *wrong*. This word is typically reserved, we think, for situations where we do what we ought not, i.e., cases of wrongdoing. Similarly we say that it is wrong to murder, even while it might be permissible to kill (in a case, say, of permissible euthanasia). This is reflected, too, in the legal distinction between murder (with its requisite "malice aforethought") and manslaughter or negligent homicide. And though this isn't decisive, it suggests that we do commonly distinguish different obligations here. Second, there is the popular thought that rights give us obligations (even if not the other way around). It's intuitive that we have a right to an apology when we've been wronged seriously enough, or a right not

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<sup>7</sup> For a general argument to this effect, see e.g. Adams, 'Involuntary Sins'. For views that we have obligations of gratitude, see e.g. Immanuel Kant in *Practical Philosophy*, Mary Gregor trans. (Cambridge: Cambridge University Press, 1797/1996), p. 573; Jean-Jacques Rousseau in *A Discourse on Inequality*, Maurice Cranston trans. (New York: Penguin Books, 1755/1984), pp. 64, 126; and Claudia Card, 'Gratitude and Obligation', *American Philosophical Quarterly*, 25:2 (1988), pp. 115-127.

<sup>8</sup> I am very grateful to an anonymous referee for pushing me on this point.

to be derided (a right, say, against racial slurs, which are often context-sensitive and sometimes depend on the speaker's intent). Finally, one might think that gratitude is unwarranted in cases where obligations are fulfilled, that it is only appropriate when someone goes above and beyond the call of duty. While I'm not so confident that this is so, there is undoubtedly some correlation. However, if a security officer focuses on an important briefing, it doesn't seem like her superior should be grateful: the officer has done what it was her duty to do, even though that duty (focusing) necessarily involves a complex mental state. None of these tests is ironclad, but together they offer a good case that the complex actions we are looking at can be the objects of our obligations. They are situations where failure to perform the action fits common hallmarks of obligation failure rather than only blameworthiness.

There is a final response that addresses both approaches. We can see it best by looking at some of the examples. We may have an obligation to read charitably, but that doesn't mean that we have an obligation to read that is supplemented by the obligation to be charitable in doing so. Nor do we have an obligation to read that is supplemented by the moral worth we get from being charitable in doing so. Indeed, we might actually be obligated to forgo reading rather than read uncharitably and willfully misinterpret. Similarly, we may have an obligation not to drive recklessly, but this by no means implies that we have an obligation not to drive and simply get moral blame for doing so recklessly. Doctors might have obligations to diagnose patients, but this doesn't mean that they are under obligations to just say that their patients have some condition or other. It's important that the diagnosis be connected to certain reasons the doctor recognizes and is motivated by. Both of these objections rest on the notion that these complex obligations can always be factored into two parts: an obligation to perform the intentional action, and a separate moral claim on the associated mental state – whether it be another obligation or the moral worth or virtue achieved by being in it. What I'm suggesting is rather that having a certain mental state can bear essentially on how to characterize the morally relevant action we're performing. I hope that these examples demonstrate that there really is a special kind of complex action that plays a basic role in our moral thought, and that this kind of action can't be factored into its parts without loss or without the generation of extremely counterintuitive obligations.

### III. PUTTING IT ALL TOGETHER

If, as I've argued, we have obligations to perform complex actions that include a certain kind of mental state beyond intentionality, like an emotion or motivation, then there is already reason to be doubt how well this will integrate with 'ought implies can'. In this section, I will work out the details of that doubt.

Some of these complex actions involve mental states that we can call up voluntarily, if with some effort. Frequently, if we try, we can get ourselves into the mindset appropriate to encouragement or forgiveness. If we want to understand 'can' as requiring that this happen immediately and at our will, it happens quite rarely, but a more charitable interpretation of 'can' allows cases where we can muster (or could have mustered) the feeling within some reasonable amount of time.<sup>9</sup> For this more reasonable version of 'ought implies can', cases where we can work ourselves into the proper mindset pose no problem. On the other hand, it is all too often that we are unable to bring our mental states in line with what they should be. Another security officer at the

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<sup>9</sup> This is different from counterfactual cases where it's possible that we could have a certain mental state. This is certainly too capacious a notion of 'can', though, since this would at most exclude only nonsensical or logically contradictory mental states.

briefing may be very distracted the morning of the presentation and thereby be unable to focus on it. His inability to focus on what's being said, we might think, doesn't nullify his obligation to do so: an important part of his job, and his responsibility to others, is to pay attention to critical information. He might even realize that he should snap out of it and focus, but despite that be unable to shake the thoughts that keep stealing his attention away, even over a substantial amount of time.<sup>10</sup>

Similarly, we have obligations to apologize. But, as discussed earlier, apologizing doesn't mean just saying that one is sorry. The child above, in order to count as apologizing, must experience sorrow and regret for what she has done. One must typically recognize the wrong performed as a wrong, wish that one hadn't done it, and have a desire to express that regret to those affected. The child may be unable to feel the proper motivations, to really feel bad about what she's done. She may be too distracted, too angry at Grandma for denying her extra ice cream, or too tired and confused to bring herself to really feel bad about her past actions. In this case, the next best thing may be to perform the right behaviors: she should say she's sorry (and one hopes that eventually she will come to understand why she should be genuinely regretful in such situations). To be clear, this isn't really any different in the case of a child or an adult. Adults are very commonly too distracted, too angry at those wronged, or frankly too tired and confused to bring themselves to feel bad about their past actions.

Put semi-formally in terms of apologizing, the argument is as follows.

- (1) She ought to apologize to Grandma. (Premise)
- (2) She ought to tell Grandma she's sorry on the basis of actual sorrow and regret. (From (1), since it is among the things apologizing includes)
- (3) She cannot get herself to feel sorrow or regret. (Premise)
- (4) She cannot apologize to Grandma on the basis of sorrow and regret. (From (3))
- (5) She cannot apologize to Grandma. (From (4))
- (6) There is something (apologizing) that she both ought to do and cannot do. (From (1), (5))

The core worry involves two parts. On the one hand, we have strong intuitions that certain robust moral obligations involve performing the complex actions I've been describing. These actions involve having a particular mental state, over and above intentionality, often tied to emotions and motivations. On the other hand, we cannot always perform such actions at will, since we cannot always summon the component mental state at will. Putting these together, it looks as though there are certain actions we are obligated to do, yet cannot do.

#### IV. OBJECTIONS

There are a couple of ways one might try to escape this. I've already addressed why factoring the mental from the behavioral components will not work. The force of these examples is that

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<sup>10</sup> Here there might be a worry that such actions are better thought of as objects of subjective obligations rather than objective ones. Since there are already problems with subjective 'ought' implying 'can' (see for instance Graham, "Ought' and Ability"), there would be less reason to think that my account poses any problem for the most plausible version of the principle. In brief, while it may be that we have subjective obligations regarding such actions, as suggested here, it could well also be that we have objective obligations to do so. It could be completely independent of one's evidence, say, that one has an obligation to apologize or indeed to pay attention to something.

a murderer is violating an obligation that, other things equal, someone who (non-murderously) kills is not; or that someone who apologizes fulfills a duty that someone who merely utters the words “I’m sorry” does not. Moreover, various tests support the view that sometimes we are indeed obligated to perform complex actions, so that the only difference cannot be the mere addition of blameworthiness (although that might well be present, too). Finally, factoring in this way leaves us with obligations we definitely don’t have, like obligations prohibiting driving or obligations to read, even if uncharitably, or to say just any random disease (when in position to diagnose).

A further way to avoid my conclusion is to grant that the complex actions I’ve been talking about may well be included in the obligations we have, but to maintain that ‘ought implies can’ applies equally to them. In cases where I can’t bring myself to experience the mental component, I’m exonerated from the corresponding obligation. In cases where I can, however, it’s open that I am so obligated. For example, if a husband can, if he *really* tries, forgive his cheating wife, then he may be obligated to do so. But if he can’t muster feelings of forgiveness, then he simply isn’t obligated to forgive her. (Assuming, that is, that forgiveness has a behavioral component.) If a child really can’t apologize out of sincere regret, then it turns out that she has no obligation to do so.

At this point, the defender of ‘ought implies can’ may want to say a couple of things. First, with enough time and effort, we *can* often control how we feel. If this weren’t so, moral habituation and cultivation would be lost. It is worth noticing, though, that this implicitly backs off the original claim that ‘ought implies can’, since it suggests (rightly, I think) that it’s very rare that we can directly and immediately will our emotions and motivations to change. What it points us to instead is what I alluded to earlier as a more charitable version of the thesis, what we could call ‘ought implies could have’: if I ought *now* to do something, then I *could have* done it now, had things gone differently in the past. Or, in a variation that may capture the spirit more accurately, if I ought *now* to do something, then I could have made it the case that I now could have done it. In either case, the strict original principle that ‘ought implies can’ seems false, since we typically cannot just will a change in our attitudes.<sup>11</sup>

There are times, though, when we will be unable even to bring about with time and effort the mental states involved in our obligatory actions, and the challenge is what to say about those cases. Should we say that such individuals are under obligations or not? The defender of ‘ought implies can’ must answer in the negative: individuals who couldn’t have the right motivation for acting are *not* under the corresponding obligation. So it turns out that the sulky child, if she’s sufficiently and irreparably sulky, is under no obligation to apologize. She has, at best, only an obligation to utter the words “I’m sorry.” (She may have an additional obligation to try to improve her attitude, but on this view only if she can sincerely try to improve it.<sup>12</sup>) This is already a costly counterintuitive conclusion. It seems like her being *irreparably* sulky shouldn’t exempt her from obligations that the *less* sulky incur. She is, rather, simply doomed to fail where others might succeed.

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<sup>11</sup> It may be objected here that we often presuppose that we have the relevant desire or motivation, and so can elect to act on it at will. If we can do so, then the obligation remains intact; if not, then there is no obligation. (I thank an anonymous referee for bringing this point to my attention.) I am skeptical of this response for independent reasons: it seems to assume more autonomy than we actually enjoy, and there are potential regress problems threatening nearby (see, e.g., Nomy Arpaly and Timothy Schroeder, ‘Deliberation and Acting for Reasons’, *The Philosophical Review*, 121:2 (2012), pp. 209-239).

<sup>12</sup> This is on the condition that trying involves, as it seems to, sincerity or some other attempt in good faith to achieve the goal.

## V. THE TAKE-HOME MESSAGE

This argument may mean a few things for the thesis that ‘ought implies can’. If one believed that ‘ought implies can’ applied to all kinds of actions and all kinds of obligations, then I have offered a class of counterexamples. I have explained why they are intuitively compelling and why objections to them are unsuccessful. If, too, ‘ought implies can’ is a claim relating what I am *now* morally obligated to do and can *now* bring myself (immediately) to do, then I have also offered a class of counterexamples. This is because we cannot typically directly will a change in our mental states that would be required to perform the complex actions in question.

However, there is another way of approaching my examples, namely, as considerations that need to be taken into account in constraining the thesis. We need to clarify the relevant notion of ability (of ‘can’) in order to avoid these problems. This response has the potential to rescue ‘ought implies can’, but is not as easy as it might seem. In particular, it will require more than simply adding a caveat to exclude these examples, since such a response would be hopelessly ad hoc. What is needed is an independently motivated notion of ability that excludes these examples. I don’t doubt that some accounts are available, but the details need to be spelled out. Promising avenues, although they may face their own problems, are ones that tie the notion of ability to choice or trying (‘can’ would be instead ‘can choose’ or ‘can try’). These are only preliminary remarks, though, and much more work needs to be done to flesh out how plausible such views would be. At present, though, the obligations discussed here pose a serious problem for those who would defend the thesis that ‘ought implies can’.<sup>13</sup>

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