

# IMPOSSIBLE OBLIGATIONS ARE NOT NECESSARILY DELIBERATIVELY POINTLESS

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Many philosophers accept that ought implies can (OIC), but it is not obvious that we have a good argument for that principle. I consider one sort of argument for it, which seems to be a development of an Aristotelian idea about practical deliberation and which is endorsed by, amongst others, R. M. Hare and James Griffin. After briefly rehearsing some well-known objections to that sort of argument (which is based on the supposed pointlessness of impossible obligations), I present a further objection, based on a maximally charitable reading of the argument, and conclude that nobody ought to think that it gives them a reason to accept OIC.

## I

*Introduction.* Some very important arguments and positions in moral philosophy and related areas of philosophical interest rely on some version of the principle that *ought* implies *can* (OIC). Kant, for example, seems to rely on OIC in various places, and indeed OIC is sometimes known—rather misleadingly, I think—as ‘Kant’s Law’.<sup>1</sup> The early twentieth-century intuitionists employed OIC to conclude that there could be no duties to manifest particular emotions or inclinations, nor any conflicting duties.<sup>2</sup> And other examples abound, in history and in the contemporary literature. Indeed OIC has attained the status of a widely accepted constraint on the sorts of normative theory we are allowed to have.

There are myriad available senses of ‘ought’ (‘subjective’ and ‘ob-

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<sup>1</sup> See, for example, Kant (1788, 5:50; 1793, 6:45, 6:47). It is debatable which version of OIC various Kantian arguments require (see Herman 1996; Stern 2004).

<sup>2</sup> See, for example, Moore (1922, pp. 140–1) on how there can be no duties to feel particular ways; and one of Ross’s reasons for his claim that ‘action from a good motive is never morally obligatory’ and therefore ‘*a fortiori* that “right” does not *mean* the same as “morally good”’ (1930, p. 5); and Prichard (1928) on why there cannot be conflicting duties.

jective' ought, the 'deliberative' and 'evaluative' ought, etc.), of 'implies' (entails, conversationally implicates, presupposes, etc.), and of 'can' (practical, psychological, natural, metaphysical, logical possibility), which in combination generate a quite bewildering array of more precisely stated principles, so it would require a long book-length treatment to adequately trace the plausibility of each of these more precise principles and assess the arguments in their favour, and even to enumerate and state them precisely is beyond the scope of this short paper. I am sure that the very weakest versions (perhaps those which speak of *logical* possibility) are plausible; but I am not sure that they are interesting (that is, I am not sure that they rule out anything which any serious moral theory would claim). Of the interesting versions, I am not sure that we have any good reason to think that they are true. One interesting version of OIC is the one which employs the *deliberative* sense of 'ought', nicely summed up by Schroeder (2011), who says that the deliberative sense of 'ought' is the sense in which it makes no sense to say to someone, in giving them advice, 'You ought to win the lottery'. This is the sense of 'ought' I will have in mind in what follows, which we might also call the *advisory* 'ought', though I do not think that advice is *necessarily* constrained by possibility in the way it seems to be here, in *this* sort of case. (Examples of appropriate advice which is not so constrained will emerge below.) It is, I think, the fact that winning the lottery is not something a person *does*, but rather a thing which *happens to* a person, that explains why 'You ought to win the lottery' would make no sense as advice. The deliberative or advisory 'ought' contrasts, as in Schroeder, with the *evaluative* 'ought', which is used to comment on how good something would be, not necessarily that it would be good for a particular agent to *do* it (see also Wedgwood 2006; 2007, ch. 4).

I am not sure that we have a good argument for OIC. At least, it is not at all obvious that we have an argument which satisfactorily establishes an interesting version of OIC from premisses less contentious than OIC.<sup>3</sup> In this paper I shall address one sort of reason for

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<sup>3</sup> OIC is a theorem of standard deontic logic, which admits a 'no conflicts of duties' axiom. But I take it that the 'no conflicts' axiom is *at least* as controversial as OIC; and of course some arguments for 'no conflicts' rely on OIC (e.g. Pritchard 1928). So I do not think that purely logical considerations speak strongly in favour of OIC; see also Martin (2009) for a similar point; and see Sayre-McCord (1986) for an argument to the effect that in general deontic logic is and ought only to be the slave of substantive moral theory.

accepting OIC, and I shall argue that it is not a good reason.

Let's call an obligation which violates OIC, an obligation which I am under but which it is impossible for me to fulfil, an *impossible obligation*.<sup>4</sup> The idea I want to examine and reject is that impossible obligations would be *pointless* in so far as *deliberation about what to do* is concerned, for deliberation is (as Aristotle seems to have thought) a matter of deciding between the available *possibilities*.<sup>5</sup>

Such an idea finds expression in Hare's sustained defence of OIC (1963, ch. 4). Drawing a comparison with commands, Hare says that it is pointless to the point of senselessness to really require someone to do what they cannot do, arguing that an 'ought' claim is addressed to a practical question: it is one way of addressing the question, 'What shall I (or perhaps you) do?'; but practical questions only arise in contexts of possible action, and acceptable ways of addressing them are constrained by the actions which are possible. James Griffin seems to share this conception of the relation of obligation to questions raised in practical deliberation: he says that 'action-guiding principles must fit human capacities, or they become strange in a damaging way: pointless' (Griffin 1992, p. 123).<sup>6</sup>

## II

*The Various Roles of Obligation.* This sort of argument for OIC has been justly attacked for placing too much emphasis upon just one aspect of the role of obligations and our knowledge of them, that aspect which Aristotle draws attention to when he speaks of deliberation as being concerned with 'what results through our agency' (NE III.III). It has been pointed out that there are roles which obligations and our knowledge of them can play which are not a matter

<sup>4</sup> In this paper, I am assuming that one has an obligation to  $\phi$  if one ought to  $\phi$ . If you do not agree, simply translate my talk of obligations into talk of what I ought to do.

<sup>5</sup> In the *Nicomachean Ethics* Aristotle says that 'we deliberate about what is up to us, that is to say, about the actions we can do', that 'we deliberate about what results through our agency' (NE III.III), and that '[we do not] deliberate about what is past, but only about what will be and admits of being or not being; and what is past does not admit of not having happened' (NE VI.II).

<sup>6</sup> A similar thought is behind one of Streumer's arguments (the 'Argument from Deliberation') that *having a reason* implies that one is able to do what one has a reason to do (Streumer 2006, pp. 365–8). But there is not space here to explain what the relation between that thesis and OIC is, nor why I am similarly unconvinced by Streumer's argument.

of *getting done* what we are obliged to do. When we enjoy the rewards of *aspiring* to satisfy an impossible obligation, or *learn* something by our failure to satisfy it, we are plausibly better off than if we were sensitive to no such obligation. Such, at least, is a thought expressed in the Protestant tradition, and by philosophers such as Iris Murdoch.<sup>7</sup>

It is worth noting that there are quite down-to-earth examples of impossible obligations playing a role in bringing someone to greater self-knowledge. Your friend is boastful and conceited about her virtuousness, and it would be better for everyone—including her—if she achieved a more realistic estimation of what are, in fact, quite considerable flaws in her character. For her, fulfilling her obligation to, for example, graciously help her aged mother is quite beyond the realms of possibility, for she is so spoiled—and irredeemably so—that graciousness is not within her power even if she does bring herself to help. Telling her that she ought to help graciously, then, has not the slightest hope of getting her to *do* it; and yet telling her would be more than just to say that it would be a good thing if she were to help graciously (it would be more than just an ‘evaluative ought’), it would be to give her some guidance as to what she ought to *do*. The *point* of telling her what she ought to do here would not be to get her to do it (for she cannot), but to show her (if she is susceptible) that *because she cannot do as she ought to* she must stop thinking of herself as—and behaving as if she were—a paragon of virtue. Such a use of the ‘ought’ of guidance and advice would be far from pointless.

So I agree that talk of the ‘point’ of an obligation or our knowledge of it is hopelessly naive if the ‘point’ must be found in the role it plays in our deliberation about what to do, and not in the self-knowledge we acquire as a result of our failure or the ‘incidental’ accomplishments of an albeit doomed attempt. And I should note that it is only for the sake of charity that I am granting that the ‘pointlessness’ (of *any* kind) of a putative obligation would be a reason to think that there is no such obligation. I take it that which ob-

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<sup>7</sup> See, for example, Luther (1520a, preface; 1520b, p. 57; 1525, pp. 125–6), and, in the twentieth century, Karl Barth (1921, esp. ch. 3). Luther’s importance in debates about OIC has recently been nicely brought out by Wayne Martin (2009, 2010), my debt to whom in thinking about this issue is, I hope, obvious. I claim just that these ideas are suggestive, not that they are correct. On the value of aspiring to perfection in a non-religious context, see Murdoch (1970).

ligations there are is a matter of what the correct first-order theory of obligation has to say (whichever theory that is). But my aim is to show that nobody should be at all tempted by the sort of argument for OIC that we are considering, so I shall grant as much as possible to the proponent of that argument and we shall see where it gets them.

### III

*The Deliberative Point of Impossible Obligations.* The point I want to add to the criticisms of this sort of argument for OIC which I have already mentioned is that it is not even true that our knowledge of impossible obligations is bound to be *deliberatively* pointless: (knowledge of) our impossible obligations might very well play a role in helping us to decide what to do in the perfectly ordinary sense of choosing amongst the possibilities, so we needn't even take our eye off the Aristotelian point about deliberation to see that the idea under consideration is wrong-headed.<sup>8</sup>

One of the things we do all the time is to think about what to do from the options seemingly available to us in the light of what we take to be the constraints and requirements to which we are subject. Sometimes the effect of those constraints and requirements—or more precisely the effect of our sensitivity to them—is subtle and goes largely unnoticed so far as the phenomenology of deliberation is concerned. But sometimes, and not all that rarely, we are aware of our decisions being the result of a process which includes reasoning deliberately in the light of our commitments. Reasoning in the light of our commitments can take many forms, but one of the forms it can take, and which it does take by no means rarely, is to move from knowledge of an ethical framework to conclusions about the permissibility or impermissibility of particular actions which fall within the domain of the possible.

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<sup>8</sup> Graham (2011, pp. 367–9) has recently presented another, different, argument to the conclusion that even if you accept what I am calling the Aristotelian point about deliberation (or moral deliberation at least) you needn't reject the possibility of impossible obligations (directed at Copp's 2003 version of what we might call the 'Aristotelian defence' of OIC). Graham's argument depends upon the idea that morality issues 'subsidiary obligations' to do such-and-such *given that one does not do what one ought to do* (such as issue an apology, perhaps): 'in those cases in which morality requires people to do things they cannot do, it can guide them by virtue of the subsidiary moral requirements that it yields' (p. 369).

Sometimes we are not sure which ethical framework is the right one. Not being sure which is the right ethical framework is not, and need not be for my point, a feature of all our explicitly rational deliberation, and it is probably not even typical. But when we *are* unsure and nonetheless find ourselves with no recourse other than to see our decision in the light of *some* reasonably systematic framework, we have good reason to take an interest in aspects of various frameworks which are not directly relevant to the action we are deliberating about or the situation in which we find ourselves. It is then, I want to suggest, that we might very well take an interest in what follows from different moral theories, or in which commitments are a feature of different more or less systematic frameworks of moral thought. So much is just sometimes part of practical deliberation.

Now the question is what role, if any, might our knowledge of *impossible* obligations play in practical deliberation? And the answer might be this: my knowledge of my impossible obligations is potentially as useful in deciding between rival ethical frameworks as my knowledge of other obligations, and deliberating about what to do in a particular circumstance is sometimes *inter alia* a matter of deciding between rival ethical frameworks.

I shall say a little more about how this might be in a moment. But first I must clarify a few things. First, I am not requiring us to think of 'ethical frameworks' here as complete systems of moral philosophy. An ethical framework might be extremely *local* to a particular type of situation or context. What will individuate frameworks will be, roughly, the principles they involve, or the features they recommend as salient.

Second, it might be supposed that in arguing that *knowledge* of impossible obligations might very well play a role in deciding between rival ethical frameworks as part of practical deliberation, I am smuggling in more than I am entitled to, or at least more than would be granted by an antagonist who, since they deny that we have any impossible obligations, will deny that such knowledge is ever available. But my opponents here are supposed to be those who deprecate the usefulness of any such knowledge, and infer from *that* that there is really no reason to believe in what such knowledge is (or would be) knowledge *of*, so it is perfectly legitimate to help myself to the assumption that there is such knowledge in order to test their claim that it *would* be useless *if we had it*.

Third, I should also add that we needn't worry here about *how* we might come by knowledge of impossible obligations—the source of our knowledge of obligations is an interesting and difficult question regardless of whether they are supposed to be possible or impossible (and on at least many of the existing theories of how we come by such knowledge, there is no principled reason to think of knowledge of impossible obligations as more *epistemically* problematic).

So, precisely how might knowledge of an impossible obligation help me to decide between rival ethical frameworks and thereby stand in a better position to decide what I ought to do from the options available to me? Here is one way. Suppose I am faced with a decision whether or not to  $\chi$ , where  $\chi$ -ing is possible for me to do (or to not do). This is not a decision which I am in a position to make to my satisfaction 'immediately', that is, without explicitly putting  $\chi$ -ing in the context of the various ethical frameworks which seem to be relevant and plausible. (I will continue to speak of 'frameworks' to assuage the worries of those who don't like thinking of deliberation as invoking theories. If you are happy with invoking theories, feel free to read 'theory' for 'framework'.) Suppose that it is not clear to me which of two frameworks,  $T_1$  and  $T_2$ , is the best; that according to  $T_1$  I ought to  $\chi$  but according to  $T_2$  I ought *not* to  $\chi$ ; and that I know that  $T_1$  and  $T_2$  exhaust the plausible frameworks (or at least the ones available to me for deliberation).<sup>9</sup> Now, suppose that I know that I have an obligation to  $\chi$ . Suppose also, though the point is that this is irrelevant to my deliberation, that (my)  $\chi$ -ing is impossible. Suppose next that I know that according to  $T_1$  I ought *not* to  $\chi$ , but that according to  $T_2$  I ought to  $\chi$ . I therefore conclude that  $T_1$  is not a good framework after all (it delivers the wrong result with respect to my obligations *in re*  $\chi$ -ing), and therefore that  $T_2$  is the most plausible framework. According to  $T_2$  I ought *not* to  $\chi$ , and so I decide not to  $\chi$ . I have thereby deliberated about what to do—what to *actually* do, from the available possibilities—by (*inter alia*) *invoking knowledge of an impossible obligation*. So knowledge of impossible obligations is not necessarily pointless even when deliberating between possibilities.

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<sup>9</sup> Perhaps I know this because I know that I ought to  $\chi$ , and I know that  $T_1$  and  $T_2$  are the only frameworks (of which I know) according to which I ought to  $\chi$ , or on which I am even permitted to  $\chi$ .

If *knowledge* of impossible obligations is particularly good in a case such as the one I just described (because it means we are reasoning from the (normative) *facts*, which is presumably a *good* way of reasoning), then we have a clear reason for denying that impossible obligations themselves would necessarily be deliberately pointless: they are the obligations knowledge of which allows us to reason well in some real-world circumstances of deliberation about what to do, where what I am deliberating *about* is what *is* possible. So impossible obligations are not necessarily deliberately pointless, and there is no good argument here for OIC.<sup>10</sup>

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