

Obligation Incompatibilism and Blameworthiness

Abstract

Obligation incompatibilism is the view that determinism precludes moral obligation. I argue for the following. (i) Two principles, 'ought' implies 'can' and 'ought not' is equivalent to 'impermissible', generate a powerful argument for obligation incompatibilism. (ii) Assuming conceptual ties between blameworthiness and impermissibility or belief in impermissibility, these principles also imperil blameworthiness provided determinism is true. If determinism undermines blameworthiness, it also undermines proposed justifications of punishment that presuppose blameworthiness. Allegedly blameworthiness-free justifications of punishment fare no better given their moral presuppositions. (iii) The most promising compatibilist reply to the argument for obligation incompatibilism should concede that obligation requires alternatives but of a variety that one can have even if determinism is true.

Key words: culpability, determinism, punishment, traditional obligation compatibilism, semicompatibilism regarding obligation

1 Introduction

Determinism is the thesis that at any instant exactly one possible future is compatible with the state of the universe at that instant and the laws of nature.¹ Your objective moral obligations are the moral obligations you have in contrast to the obligations you

¹ van Inwagen 1983, p. 3.

believe you have. Your overall obligations are your *all in* as opposed to your *pro tanto* obligations. Obligation incompatibilism is the view that determinism precludes objective overall moral obligation. In this paper, I first develop an argument—*AP-Obligation*—for obligation incompatibilism. I then show that if this argument is sound, there is strong reason to believe that determinism threatens blameworthiness (or culpability), and, thus, accounts of punishment that presuppose blameworthiness.² The argument also imperils central views of punishment, such as quarantine or rehabilitation views that are allegedly disassociated from blameworthiness, by undermining some of their pivotal moral commitments. Finally, I summarize what I take to be the strongest compatibilist response to the argument. I defend the thesis that the sort of compatibilism about determinism and obligation that is required to escape the argument is a variety of a traditional view that entails that agents must be able to do otherwise in a compatibilist sense of *being able to do otherwise*—agents must have alternate possibilities—if they are to have any moral obligations or prohibitions. The costs incurred by competing semicompatibilist views according to which obligation is compatible with determinism even if determinism is incompatible with freedom to do otherwise are prohibitive.

2 Argument *AP-Obligation*

The following intuitively plausible principles undergird the argument for obligation incompatibilism (argument *AP-Obligation*).

² I use 'culpability' and 'blameworthiness' interchangeably, and I assume that in criminal law culpability is no different than moral blameworthiness.

Ought-Implies-Can (OIC): If it is obligatory for *S* to do *A*, then *S* can do *A*.³

Just as moral responsibility requires freedom so does moral obligation. *OIC* captures an essential element of obligation's freedom requirement.

Equivalence: It is obligatory for *S* to refrain from doing *A* if, and only if, it is impermissible for *S* to do *A*.

Alternatively, 'ought not' is equivalent to 'impermissible.' *Equivalence* entails

Obligation/Impermissible: If something is (or can be) obligatory for *S*, then there is at least one thing that is (or can be) impermissible for *S* (refraining from doing this thing).

Restated, *Equivalence* says that it is obligatory for *S* to do *A* if, and only, if it is impermissible for *S* to refrain from doing *A*. Hence, the entailment. Given the entailment, strictly, *Obligation/Impermissible* is redundant.⁴

OIC and *Equivalence*, in turn, jointly entail

Impermissibility-Implies-Can-Avoid (IAvoid): If it is impermissible for *S* to do *A*, then *S* can avoid doing *A*.

Again, given this entailment, strictly, *IAvoid*, too, is redundant.

The argument for obligation incompatibilism may now be formulated in this way:

AP-Obligation

(10) If determinism is true, then no one can ever do otherwise (the *free will* premise).

³ E.g., Feldman 1986; Zimmerman 1996; Haji 2002; Vranas 2007; Littlejohn 2012. I omit temporal indices here. I take the agent- and time-relativized canonical form of obligation statements to be this: at *t*, it is obligatory for *S* to do *A* at *t** (where *t** may be *t* or later than *t*).

⁴ On the equivalence of the obligatoriness of *p* and the impermissibility of *p*'s avoidance, see, e.g., Belzer 1998; Hilpinen & McNamara 2013, p. 43; McNamara 2019; Rönnedal 2009, pp. 28-29.

(2O) If no one can ever do otherwise, then nothing can ever be morally obligatory for anyone (the *principle of alternate possibilities regarding obligation* or *PAP-Obligation*).

(3O) Therefore, if determinism is true, then nothing can ever be morally obligatory for anyone (*obligation incompatibilism*).

What may be deemed the strongest version of the Consequence Argument, for instance, may be advanced to support the free will premise.⁵ The core idea underlying this famous argument is straightforward: No one has any control over and cannot, hence, alter the past or the laws of nature. Determinism entails that all truths about the world, including those about one's choices and actions, follow logically from the past and these laws. So, if determinism is true, no one has control over and cannot, therefore, alter any truth about the world, including those about one's choices and actions. Preliminarily, assume that the free will premise is true. I return to it later.

AP-Obligation's second premise (if no one can ever do otherwise, then nothing can ever be morally obligatory for anyone) has a two-step rationale.

Step 1. If no one can ever do otherwise, then nothing can ever be impermissible for anyone.

If no agent can avoid doing what she does, then, since impermissibility entails avoidability, nothing can be impermissible for any agent. It may, thus, also be concluded that determinism undermines impermissibility (assuming that determinism precludes anyone from being able to do otherwise).⁶

⁵ See, e.g., Ginet 1966; 1990; 2003; Wiggins 1973; van Inwagen 1983.

⁶ Here, I overlook concerns about the correct analysis of the 'can' of obligation (and responsibility). I return to this below.

Step 2. If nothing can ever be impermissible for anyone, then nothing can ever be obligatory for anyone.

To derive the proposition in Step 2, principle *Obligation/Impermissible* says that if something is (or can be) obligatory for an agent, then there is at least one thing that is (or can be) impermissible for her. It's false that there is at least one thing that is (or can be) impermissible for any agent if no agent can ever do otherwise. So, it's false that there is at least one thing that can be impermissible for any agent at a world at which determinism is true—a deterministic world—given Step 1. Hence, *Obligation/Impermissible* sanctions the proposition that it's false that something is (or can be) obligatory for any agent at a deterministic world.

It will be useful to record the following. The principle of alternate possibilities regarding permissibility or *PAP-Permissibility* says that if no one can ever do otherwise, then nothing can ever be morally permissible for anyone. This principle, like its obligation correlate, *PAP-Obligation*, is true too. The reasoning for *PAP-Permissibility* is fairly forthright: *A* is optional for you if, and only if, neither *A* nor its negation is obligatory for you. If it is permissible for you to do *A*, then either it is obligatory for you to do *A*, or it is optional for you to do *A*. If the former, then, nothing can be obligatory for you at a deterministic world (as already established) and, hence, nothing can be permissible for you at such a world in virtue of its being obligatory for you. If the latter, then neither *A* nor its negation is obligatory. Alternatively, *A* is optional for you if, and only, if both *A* and not-*A* (refraining from doing *A*) are permissible for you. If not-*A* is permissible for you, you can bring about not-*A*. This is because just as obligation requires control

(‘ought’ implies ‘can’), permissibility, too, requires control (‘right’ implies ‘can’).⁷ So, if *A* is permissible for you because *A* is optional for you, you can refrain from doing *A*. But it’s false that you can refrain from doing anything that you do at a deterministic world. Hence, at such a world, nothing can be permissible for you in virtue of its being optional for you.

Summing up, if *OIC* and *Equivalence* are accepted, the pathway to obligation incompatibilism is fairly straightforward. Since *Equivalence* is beyond reproach, one may attempt to escape this argument by rejecting *OIC*. For purposes of this paper, however, I assume that *OIC* is true. I propose that the paper be construed as an exercise in exploring whether two plausible principles—*OIC* and *Equivalence*—are consistent with the compatibility of determinism with (i) obligation, (ii) blameworthiness, and (iii) select but prime candidates for punishment’s justification.

3 Blameworthiness Imperiled

Many believe that the following principle captures a conceptual connection between blameworthiness and impermissibility.

Blameworthiness Requires Impermissibility (BRI): *S* is blameworthy for doing *A* only if it is impermissible for *S* to do *A*.⁸

Since impermissibility entails avoidability (*IAvoid*), assuming *BRI* is true, it follows that if you are blameworthy for doing something, then you can refrain from doing it (*PAP*-

⁷ See Feldman 1986, pp. 36-38; McNamara 1996, p. 436; Zimmerman 1996, pp. 32-33; and Haji 2019, pp. 24-26 for further discussion of ‘right’ implies ‘can.’

⁸ See, e.g., Smith 1991, p. 271; Fields 1994; Widerker 1991, p. 223; Copp 1997; Copp 2003, pp. 286-287; Fischer 2006, p. 218; Arpaly 2006, p. 91, n3; Campbell 2011, pp. 33-34; Franklin 2018, p. 35.

Blame). Since determinism precludes you from ever being able to do otherwise, *Pap-Blame*, in turn, validates blameworthiness incompatibilism: blameworthiness and determinism are incompatible. Hence, the two principles—*OIC* and *Equivalence*—that provide the scaffold for obligation incompatibilism, in conjunction with *BRI*, imperil blameworthiness.

BRI, however, is controversial. One may try to question this principle, for instance, by counterexample. Noting that *BRI* (blameworthiness requires impermissibility) and *IAvoid* (impermissibility requires avoidability) entail *Pap-Blame* (blameworthiness requires avoidability), one may invoke Frankfurt examples in the hope of undermining *PAP-Blame*. Such examples purport to show that a person can be blameworthy for having done something even though she could not have done otherwise (Frankfurt 1969).⁹ In a conventional Frankfurt case, *Theft*, assume that Jones is blameworthy for stealing some pears in Stage 1. In Stage 2, a ‘rerun’ of Stage 1, counterfactual intervener, Black, will do nothing if he detects some reliable and involuntary sign Jones displays that he, Jones, is about to steal, but will force Jones’s hand if he discerns the reliable and involuntary sign that Jones is about to refrain from stealing. But Jones proceeds exactly as before, obviating Black’s need to intercede. Since Jones, without Black around, is morally blameworthy for stealing, and he behaves no differently in Stage 2, he is blameworthy for stealing here too, although he could not have done otherwise. If *PAP-Blame* is false, then since *IAvoid* is true (assuming *OIC* and *Equivalence* are true), the culprit is *BRI*. Or one may attempt to cast doubt on *BRI*

⁹ On more on Frankfurt examples, see, e.g., Fischer and Ravizza 1998; Mele and Robb, 1998; and pertinent essays in Widerker and McKenna 2003.

by defending the possibility that some actions are suberogatory for agents (and, hence, both blameworthy and permissible for the agents to do), or defending an account of blameworthiness that invalidates *BRI*.¹⁰

As a replacement for *BRI*, Some have proposed that blameworthiness is conceptually tied not to impermissibility *per se* but to what agents take to be impermissible. While there are variations of this principle, they all share this common kernel:

BRBI: You are blameworthy for doing something only if you believe that it is impermissible for you to do it.¹¹

However, replacing *BRI* with *BRBI* will not get you too far from the clutches of blameworthiness incompatibilism. The reason should be fairly obvious. Since determinism undermines impermissibility (assuming that impermissibility requires that you could have done otherwise but determinism precludes freedom to do otherwise), at a deterministic world you can be blameworthy for something, say, cheating on your taxes, only if you *falsely* believe that it is impermissible for you to cheat on your taxes. Call a belief of this form or with this propositional content: *it is impermissible for you or some other agent to do or to refrain from doing something*, a *DI* belief. Let's say that an enlightened deterministic world is a world at which any agent who is capable of having deontic beliefs—beliefs of the form that it is obligatory (or impermissible or permissible) for you (or some other agent) to do, or to refrain from doing, something—does not have any *DI* beliefs or beliefs that entail some *DI* belief. Then no agent at any enlightened

¹⁰ On the suberogatory, see, e.g., Mellema 1991; Driver 1992; McNamara 1996; Haji 2016, pp. 88-91.

¹¹ See, e.g., Moore 1912, p. 101; Parfit 1984, p. 25; Thomson 1991, p. 295; Zimmerman 1997; Haji 2016, pp. 157-184.

deterministic world is blameworthy for anything. Alternatively, if *BRBI*—the principle that blameworthiness-requires-belief-in-impermissibility is true—agents at deterministic worlds can be blameworthy for their intentional commissions or omissions only if they are deontically irrational; they harbour *false* beliefs concerning impermissibility. Agents at enlightened deterministic worlds have no such beliefs—they never act on the basis of the belief that they are doing wrong—and, hence, can never be blameworthy for anything. *Restricted blameworthiness incompatibilism* is the view that no one is ever blameworthy for anything at an enlightened deterministic world. A noteworthy upshot, then, is that even if you *reject* the principle of alternate possibilities concerning blame because of Frankfurt examples, and you replace *BRI* with some suitable ‘belief’ alternative, you will still be left with the view that no agent at an enlightened deterministic world can be blameworthy for anything.

Regarding proposed justifications of punishment, presumably, the justifications that deserve development and scrutiny should not be those that presuppose that people have false beliefs about the primary moral statuses of actions, or false views about whether they can be morally blameworthy for their intentional commissions or omissions. In the ensuing section on punishment, to assess (partly) the pertinent accounts of justification, assume that agents at deterministic worlds are not deontically irrational.

4. Punishment under Siege

Confining attention to possible worlds at which determinism is true, it goes without saying that *OIC* and *Equivalence* threaten accounts of punishment’s justification, such as retributivist accounts, that presuppose blameworthiness. However, there are

alternative accounts or more generally, alternative ways to respond to criminal behavior that are claimed to be morally acceptable, socially useful, and supposedly free from any commitment to blameworthiness. Sundry such contenders have been defended, including rehabilitation, moral education, deterrence, and quarantine views. Even if you are not a skeptic about whether determinism is incompatible with blameworthiness—you are not a ‘blameworthiness incompatibilist’—you may well be interested in what these alternative views of punishment, which are supposedly unhitched from blameworthiness, have to offer because you may be convinced that retributivist views, or other views of punishment in which blameworthiness figures prominently, are unsatisfactory.¹² In this section, I galvanize the thesis that even if there are seemingly promising justifications of punishment that are compatible with blameworthiness incompatibilism, the argument for obligation incompatibilism (*AP-Obligation*) undercuts their moral underpinnings.

I proceed as follows. In the next two subsections, I focus only just enough on the relevant characteristics of select deterrence and quarantine accounts of punishment, as exemplars of culpability-free accounts, to expose their morally deontic commitments—their commitments to obligation, permissibility, or impermissibility—in virtue of which they, and relevantly similar accounts, are susceptible to a serious challenge from obligation incompatibilism.

4.1 Deterrence

¹² On retributivism, see, e.g., Moore 1997; Zaibert 2006.

It is widely held that a fundamental aim of punishing offenders is to prevent them and other prospective offenders from committing crimes. The primary justification of deterrence theories is the prevention of criminal wrongdoing.¹³ However they may vary otherwise, deterrence theories rely on at least the following deontic presupposition. It is morally permissible to punish an offender in order to deter either herself or others from similar untoward behavior.

You may attempt to support the permissibility claim by appealing to a general account of right and wrong, such as some version of utilitarianism.¹⁴ Or, you may sidestep any such general view. For example, defending a deterrence account, Victor Tadros proposes that vital to justifying punishment are the offender's acquisition of moral duties or obligations on the basis of violating the victim's pertinent rights. Wrongdoers incur enforceable duties in virtue of their wrongdoing. Tadros argues that these duties include the duty to be punished for their wrongdoing in certain circumstances, and the duty to contribute to general deterrence by being punished. Hence, to secure general deterrence, punishment can be justified on the ground that wrongdoers' duties are being legitimately enforced by the state. On his *Duty View* of punishment, Tadros writes:

state punishment is justified, when it is, primarily in virtue of its special and general deterrent qualities. The permissibility of harming offenders to deter crime depends on offenders being

¹³ E.g., Farrell 1985; 1990; Tadros 2011.

¹⁴ Bentham 1823/1948. Feldman (1986) develops a neo-utilitarian view that validates *OIC* and *Equivalence*.

liable to be harmed as a means to serve the ends of punishment. Offenders are liable to be harmed to avert threats that they will otherwise pose, but also to avert threats that others may pose. The latter kind of liability, which justifies punishment on grounds of general deterrence, arises in virtue of the duties that offenders incur as a result of their wrongdoing. (2013, p. 242)

Elaborating, this rich and complex view has a number of deontic commitments including, notably, the following. It is morally permissible for the victim to harm an offender because the offender chose to engage in impermissible conduct.¹⁵ In addition, when an offender unleashes a threat against a victim, she has a moral duty—she acquires a moral obligation to—avert this threat.¹⁶ Tadros emphasizes that ‘offenders incur enforceable duties to serve the ends of protection in virtue of their wrongdoing.’¹⁷ In addition, he says that the ‘degree to which an offender is liable to suffer harm depends on the stringency of the duties that offenders incur through wrongdoing.’¹⁸

Deterrence theories are vulnerable to the objection that it is impermissible to use a person merely as a means. It is controversial just how this Kantian maxim is to be interpreted, but these details need not detain us. Tadros suggests an engaging strategy to respond to the ‘use objection’ that implicates morally deontic considerations: the wrongdoing of criminal offenders may play a non-derivative role in explaining how such offenders lose rights against being punished. This sort of loss may be harnessed to neutralize the use objection. The central thoughts are that the potential benefits of

¹⁵ Tadros 2011, p. 172.

¹⁶ Tadros 2011, p. 193.

¹⁷ Tadros 2013, p. 242.

¹⁸ Tadros 2013, p. 242.

deterrence may outweigh the proscription against using offenders. Furthermore, the loss of offenders' rights, owing to their wrongdoing, nullifies the force of the use objection: in light of losing these rights, using offenders is no longer, *overall*, morally impermissible. Commenting on the role of wrongdoing in justifications of punishment, Tardros explains:

The fact that a person has acted wrongly may remove a moral constraint that would otherwise apply to the state against treating a person in a certain way—wrongdoers may lose some of their rights. If a wrongdoer has lost a right against having harm inflicted on her for the sake of a certain goal, inflicting harm on her does not wrong her. This loss of rights may contribute to an overall justification of the treatment....This idea is familiar in corrective justice. If I wrongly harm you, common sense morality suggests, I have a duty to compensate you. Because I have this duty, and certain conditions of enforceability are fulfilled, I lack a right against certain kinds of treatment—namely to be forced to pay the compensation. I had a right not to be forced to pay this sum of money to you, but I lost that right by acting wrongly....Whether a person has a right to be treated in a certain way, or has lost that right, need not be a question of desert. The duty to pay compensation, for example, is not commonly thought founded in desert. I don't deserve to have the duty to pay compensation for the harm I wrongfully cause you. (2017, p. 607)

In sum, deterrence accounts rely on a general moral presupposition: the moral permissibility to deter offenders to protect others. In rich versions of deterrence accounts, such as Tardros', various morally deontic claims are central and ineliminable.

A promising defense against the use objection to deterrent accounts, shared by other accounts of punishment, invokes another morally deontic claim: the loss of an offender's pertinent rights renders it overall morally permissible intentionally to inflict either harm on her or to use her to deter herself or others from engaging in criminal activity.

4.2 The Quarantine Model

The quarantine model explicitly draws on morally deontic considerations: just as it is sometimes morally permissible to quarantine carriers of dangerous diseases who are not responsible for contracting these diseases to protect others, so it is sometimes permissible to punish—to 'quarantine'—offenders to protect others. Defending a quarantine model, Derk Pereboom remarks:

A more resilient proposal for justifying treatment of criminals than either the moral education or deterrence theories of criminal punishment, and one that is compatible with free will skepticism, invokes our right to protect ourselves and to secure our safety, but employs the analogy to quarantine. Ferdinand Schoeman (1979) has argued that if the right to protect justifies quarantine for carriers of severe communicable diseases, then it also justifies isolation of the criminally dangerous. (2014, p. 169)

The free will skeptic claims that criminals are not morally responsible for their actions in the basic desert sense. Plainly, many carriers of dangerous diseases are not responsible in this or in any sense for having contracted these diseases. We generally agree that it is sometimes permissible to quarantine them nevertheless. But then, even if a dangerous criminal is not morally responsible for his crimes in the basic desert sense (perhaps because no one is ever in

this way morally responsible) it could be as legitimate to preventatively detain him as to quarantine the non-responsible carrier of a serious communicable disease. (2014, p. 156)

A plausible proposal is that it is in virtue of having the right to protect ourselves and to secure our safety that it is sometimes permissible to quarantine the relevant parties. Furthermore, these rights are reasonably construed as claim rights. Claim rights are rights that one person (or any entity that is the subject of such rights) holds against another person or person (or right bearers if things other than persons can be such bearers). Many believe that the correlativity thesis, which associates such rights with moral obligations owed to persons, is defensible: one person, *S*, has a claim right against another, *T*, that *T* perform some act if, and only if, *T* has a moral obligation owed to *S* to perform that act. If this thesis is true, then the quarantine model is implicitly committed to the existence of moral obligations, those one owes to others who have claim rights against one.¹⁹

Parts of Pereboom's defense of the quarantine model also invoke morally deontic premises. Pereboom submits that the quarantine model is susceptible to the use objection. He says that with this model, the

concern about using people merely as means has force...and this together with the weight of the general right to liberty should restrict preventative detention of especially dangerous cases.

Crucially, these countervailing factors count more heavily against punishment policy justified on consequentialist grounds than they do against incapacitation based on the quarantine analogy.

¹⁹ Here, the notion of *being such that you owe someone a moral obligation* is left unanalyzed.

For on the quarantine analogy, as it is illegitimate [morally impermissible] to treat carriers of a disease more harmfully than is necessary to neutralize the danger they pose, treating those with violent criminal tendencies more harshly than is required to protect society will be illegitimate [impermissible] as well. (2014, p. 169)

The crux of Pereboom's response to the use objection is that it is impermissible to use a person unless using her is necessary to avert a threat that she poses or, for instance, to protect oneself from contracting a dangerous disease from a carrier of such a disease, or to protect oneself from a dangerous person, such as a criminal offender or a would-be offender.

It's plausible that the quarantine model secures special deterrence—detering the offender herself—by providing incentives for the quarantined person not to commit future transgressions. On justifying general deterrence, among other considerations Pereboom offers the following.

General Deterrence Prerogative: If imposing a penalty on an offender on special deterrence grounds can be justified, imposing a somewhat more exacting penalty, not justified on special deterrence grounds, is justified if (i) it substantially increases general deterrence value, and/or (ii) it substantially lowers the cost of deterrence, provided that the more exacting penalty doesn't hinder the prospects for a life lived at a reasonable level of flourishing.

One way to justify this prerogative, consistent with the absence of basic desert, is on consequentialist grounds. One need not be a thoroughgoing consequentialist to agree that consequentialist considerations have weight when deciding moral and legal issues. The General Deterrence Prerogative requires only that such considerations have modest additional weight after the special deterrence considerations are in place. (2019, p. 451)

Might there be also be non-consequentialist (but non-basic-desert-based) reasons for accepting the General Deterrence Prerogative—specifically, for imposing penalties on criminals for reasons of general deterrence that are more exacting than those justifiable on special deterrence grounds? Tadros aims to meet these specifications by appealing to duties criminals have to their victims. Here is a proposal, inspired by Tadros’s strategy, that appeals instead to duties criminals have to society. By committing crimes, criminals collectively make an expensive criminal justice system necessary. Criminals owe duties of compensation as a result. (2019, pp. 451-52)

On this proposal, general deterrence is secured partly by appealing to moral obligations to compensate society that criminals acquire in virtue of their wrongdoing.

Collecting results, relevant accounts of punishment’s justification, such as deterrence and quarantine accounts, escape a traditional free will objection—the objection that no one is every morally blameworthy for anything as both determinism and its falsity are incompatible with blameworthiness—because these accounts are supposedly free of any commitment to morally responsible agency. However, these accounts have morally deontic underpinnings. They rely on foundational

presuppositions that various things, such as using a person merely as a means, or quarantining an individual to protect others, are impermissible, obligatory, or permissible. Similarly, other allegedly culpability-independent accounts of punishment's justification—rehabilitation, moral education, and various self-defense accounts are examples—invoke moral premises such as morally educating or rehabilitating an offender, or defending yourself against an aggressor under certain circumstances, is morally permissible.²⁰ Argument *AP-Obligation* or, specifically, the dual primary principles—*OIC* and *Equivalence*—that sustain this argument, provide the basis for a strong *prima facie* case that nothing is every morally obligatory, permissible, or impermissible for anyone if determinism is true. Hence, even if some culpability-independent account of punishment is viable, the account will buckle under the pressure of obligation incompatibilism, assuming that no such account is free of morally deontic commitments.

5. The Free Will Premise

So far, I have suspended judgment on *AP-Obligation*'s free will premise (if determinism is true, then no one can ever do otherwise). It's time to reconsider it.

The responsibility incompatibilist replaces premise (2O) in *AP-Obligation* with the premise that if no one can ever do otherwise, then no one is ever morally responsible for anything (*PAP-Responsibility*), and appropriately adjusts the conclusion, to yield

²⁰ On moral education accounts, see, e.g., Morris 1981; Hampton 1984. On appeals to self-defense, see, e.g., Farrell 1985; 1990; Pereboom 2014, p. 167. Self-defense justifications, specifically, assume that in the cases of interest it is morally permissible to defend yourself by harming the offender, or it is morally permissible for you, the victim, to inflict the harm as long as the degree of harm you inflict is no greater than the degree required to avert the offender's threat.

argument *AP-Responsibility* for responsibility incompatibilism. Responsibility compatibilism is the denial of responsibility incompatibilism. It is widely believed that the responsibility compatibilist's most powerful objection to *AP-Responsibility* is an objection to its free will premise.²¹ The objection distinguishes between two accounts of 'can,' an incompatibilist or strong 'can,' and a compatibilist or weak 'can.' Assuming that 'can' expresses ability, 'strong can do otherwise' is to be interpreted roughly as, given the same laws of nature and the past, one does something other than what one in fact does.

Strong Can: In possible world, w , at t , S can do other than A at t^* (t^* may be t or later than t) = df. There is possible world, w^* , with the same laws of nature as w , and the same pre- t past as w in which, at t , S does something other than A at t^* . (S may refrain from doing anything at all or may do something else, B , instead).

In contrast to this strong incompatibilist account of 'can do otherwise', weak accounts share this nucleus: one has a weak alternative provided that, given a subset of facts about the past and the laws, one could have done otherwise. The traditional hypothetical analysis of 'can' is *one* such account.

Weak Can: In possible world, w , at t , S can do other than A at t^* = df. S would, at t , do other than A at t^* if, at t , S wanted to do something other than A at t^* .

²¹ See, e.g., Lewis 1981; van Inwagen 2004; Vihvelin 2013, pp. 162-166.

The *traditional compatibilist's* rejoinder to argument *AP-Responsibility* may now be parsed in this way: Since responsibility requires that one can do otherwise, and this 'can' is weak, the free will premise is false. In mundane cases, even if one's action is causally determined—the past and the laws entail that one perform this action—one weak-could have done otherwise. A *traditional* obligation compatibilist will similarly insist that the 'can' of obligation is weak and, hence, also reject the free will premise.

Traditional responsibility compatibilists and incompatibilists have remained at an impasse about whether responsibility's 'can' is weak or strong. A similar impasse may be anticipated between the analogous parties regarding obligation. Having distinguished strong and weak interpretations of 'can do otherwise', Robert Kane aptly remarks:

It now looks as if we have arrived at the familiar impasse over the Consequence Argument [or *AP Obligation* or *AP-Responsibility*].... On the one hand, its defenders say, like van Inwagen and Ginet, that the critics are begging the question by illicitly assuming compatibilist interpretations of "can do otherwise"....in the argument. On the other hand, critics such as Lewis, Fischer, and Slote insist that they have at least shown how *those who accept compatibilist interpretations of can or power* may reject the Consequence Argument [or *AP Obligation* or *AP-Responsibility*] by rejecting one or another of its premises.... The critics have indeed shown this, but an impasse remains about which interpretations of *can* and *power*—compatibilist or incompatibilist—are appropriate for the argument. (1996, pp. 51-52)

Suppose that the 'can' of responsibility and obligation is strong. Then the case for responsibility incompatibilism and obligation incompatibilism is considerably

strengthened. Suppose that the ‘can’ of both these normative appraisals is weak. Blameworthiness compatibilists, who typically favor the view that the ‘can’ of responsibility and, thus, blameworthiness, is weak, have reacted to premise *PAP-Blame*—the principle of alternate possibilities concerning blameworthiness—in one of two ways. *Traditional* compatibilists *accept* this premise (on the understanding that blameworthiness’s ‘can’ is weak.) *Semicompatibilists reject* this premise. According to such compatibilists, ‘moral responsibility is compatible with causal determinism, even if causal determinism is incompatible with freedom to do otherwise.’²² Responsibility semicompatibilists have frequently appealed to Frankfurt examples to undermine *PAP-Blame*. Similarly, we may expect *traditional* obligation compatibilists to accept premise *PAP-Obligation* (the principle of alternate possibilities concerning obligation). Obligation semicompatibilism is the view that obligation is compatible with determinism even if determinism is incompatible with freedom to do otherwise. We may, at least initially, expect obligation semicompatibilists to reject *PAP-Obligation*, and they may attempt to do so, again, by invoking suitable Frankfurt examples. Here, some elaboration will be instructive.

The rationale for *PAP-Obligation*, the second premise in Argument *AP-Obligation*, invokes the principle that impermissibility requires avoidability (*IAvoid*). Briefly, since impermissibility requires avoidability, but determinism precludes avoidability, nothing at a deterministic world is impermissible for anyone. If nothing is impermissible for anyone, then nothing is obligatory for anyone. *OIC* (‘ought’ implies

²² Fischer and Ravizza 1998, p. 53.

'can') and *Equivalence* ('ought not' is equivalent to 'impermissible') entail *IAvoid*. Reflect on the proposal that Frankfurt examples undermine *both PAP-Blame* (you are blameworthy for doing something only if you could have done otherwise) *and IAvoid* (it is impermissible for you to do something only if you could have done otherwise). Given that *Equivalence* and *OIC* entail *IAvoid*, since *IAvoid* is false and *Equivalence* is on sure footing, the culprit is *OIC*.

Revisiting *Theft*, the Frankfurt example previously introduced, assume that in Stage 1, it is impermissible for Jones to steal the pears. Since Jones acts no differently in Stage 2, it may be ventured that it is also impermissible for him to steal here, too, even though he could not have done otherwise. Hence, *IAvoid* is false.

However, as I have explained elsewhere, assuming that Frankfurt examples undermine *PAP-Blame*, it need not be conceded that they undermine *OIC*.²³ *OIC* is *pertinently* like the following principle.

Blame/Control: You are blameworthy for doing *A* only if you can do *A*. (More generally, you are responsible for doing *A* only if you can do *A*.)

Blame/Control expresses the truism that blameworthiness requires control. Notably, Frankfurt examples do *not* undermine this principle. The principle of alternate possibilities regarding blameworthiness (*PAP-Blame*) is a conjunction of *Blame/Control* and

²³ E.g., Haji 2019, pp. 39-48.

Action: For any event and any agent, the event is the agent's action only if she has the ability to preclude it from occurring.²⁴

Action provides the alleged link between blameworthiness and alternate possibilities, but Frankfurt examples undercut it.

If Frankfurt examples leave unscathed the principle that blameworthiness requires control (*Blame/Control*), they should leave unscathed the principle that obligation requires control (*OIC*). Regarding *PAP-Blame*, essential to the link between blameworthiness and alternate possibilities is *Action*, but Frankfurt examples undermine *Action*. Regarding *IAvoid*, essential to the link between prohibition and alternate possibilities are *OIC* and *Equivalence*. If you grant that Frankfurt examples leave untouched the principle that blameworthiness requires control, you should also grant that they leave untouched the principle that obligation requires control. Moreover, Frankfurt examples do no damage to *Equivalence*.

OIC captures, among other things, the view that obligation requires control or freedom. Hence, in Stage 2 it is not obligatory for Jones to refrain from stealing because he cannot refrain from stealing. We may say that it is *amoral* for him to steal: it is not obligatory, permissible, or impermissible for him to steal since a freedom requirement of his alleged obligation to refrain from doing something—that he could have refrained—is not met. This is not, of course, to deny that there may be independent reason—

²⁴ Zimmerman 1996, p.86.

considerations entirely divorced from Frankfurt examples—perhaps accompanied by strong and apt intuitions, to reject *OIC*. But the germane issue is *not* about these independent grounds but about whether Frankfurt examples *themselves* give us reason to reject *OIC*. Here, the answer is “No,” especially if one concedes that these examples provide no reason to outlaw the principle that blameworthiness requires control.

In any event, let’s reconsider the suggestion that obligation semicompatibilists should reject *PAP-Obligation* because they should reject *IAvoid*. It should now be fairly transparent that there is a hefty price to pay for this rejection. Presumably, if you are a semicompatibilist concerning obligation, then you are also a semicompatibilist concerning impermissibility or prohibition. In the absence of any plausible argument for the asymmetric alternative—obligation is compatible with determinism even if determinism is incompatible with freedom to do otherwise but it’s false that impermissibility is compatible with determinism even if determinism is incompatible with freedom to do otherwise—an obligation semicompatibilist is also a prohibition semicompatibilist. However, if *OIC* and *Equivalence* are true, then there is a requirement of alternate possibilities for impermissibility: these principles entail *IAvoid*. Hence, rejecting *IAvoid* requires rejecting one or both of these principles, a princely price to pay to maintain obligation semicompatibilism. A traditional obligation compatibilist need incur no such cost.

In conclusion, two highly plausible principles, *OIC* and *Equivalence*, generate a *prima facie* powerful argument for the proposition that determinism and obligation (and, indeed, determinism and impermissibility) are incompatible. The following bridge

principle captures a conceptual connection between blameworthiness and impermissibility:

Bridge Principle: *Blameworthiness/Impermissibility*: *S* is blameworthy for doing *A* only if either it is impermissible for *S* to do *A* (*BRI*) or *S* believes that it is impermissible for *S* to do *A* (*BRBI*).

If *BRI* is true, no agent at any deterministic world is blameworthy for anything. If *BRBI* is true, no agent at any enlightened deterministic world is blameworthy for anything. Roughly, enlightened deterministic worlds are worlds at which no agent ever acts in light of the belief that she is doing wrong. If determinism undermines blameworthiness, it also undermines proposed justifications of punishment that presuppose blameworthiness. Allegedly blameworthiness-free justifications of punishment fare no better on the credible hypothesis that that any such justification is anchored in moral presuppositions. Finally, the most promising compatibilist reply to *AP-Obligation* draws on the traditional compatibilist view that obligation does indeed require alternatives but of the variety that one can have even if determinism is true.²⁵

References

²⁵ This paper was completed during my tenure of a 2017 – 2021 *Social Sciences and Humanities Research* (SSHRC) grant. I thank this granting agency for its support.

Arpaly, Nomy. 2006. *Merit, Meaning, and Human Bondage: An Essay on Free Will*.

Princeton, NJ: Princeton University Press.

Belzer, Marvin. 1998. "Deontic Logic." In *Routledge Encyclopedia of Philosophy*. URL

<<https://www.rep.routledge.com/articles/thematic/deontic-logic/v-1>>. New York: Taylor and Francis.

Bentham, Jeremy. (1823/1948). *An Introduction to the Principles of Morals and*

Legislation. New York: Macmillan.

Campbell, J. K. 2011. *Free Will*. Oxford: Polity Press.

Copp, David. 1997. "Defending the Principle of Alternate Possibilities: Blameworthiness and Moral Responsibility." *Nous* 31: 441–456.

Copp, David. 2003. "'Ought' Implies 'Can': Blameworthiness, and the Principle of Alternative Possibilities." In Widerker and McKenna 2003, 265–299.

Driver, Julia. 1992. "The Suberogatory." *Australasian Journal of Philosophy* 70: 286-295.

Farrell, Daniel M. 1985. "The Justification of General Deterrence." *The Philosophical Review* 104: 38-60.

Farrell, Daniel M. 1990. "The Justification of Deterrent Violence." *Ethics* 100: 301-317.

Feldman, Fred. 1986. *Doing the Best We Can: An Essay in Informal Deontic Logic*. Dordrecht: Reidel Publishing Company.

Fields, L. 1994. "Moral Beliefs and Blameworthiness." *Philosophy* 69: 397-415.

Fischer, John M., and M. Ravizza. 1998. *Responsibility and Control: A Theory of Moral Responsibility*. Cambridge: Cambridge University Press.

Fischer, John M. 2006. *My Way: Essays on Moral Responsibility*. New York: Oxford University Press.

Franklin, Chris. 2018. *A Minimal Libertarianism: Free Will and the Promise of Reduction*. New York: Oxford University Press.

Ginet, Carl. 1966. "Might We Have No Choice?" In Keith Lehrer, ed., *Freedom and Determinism*. New York: Random House, 87–104.

Ginet, Carl. 1990. *On Action*. Cambridge: Cambridge University Press.

Ginet, Carl. 2003. "Libertarianism." In M. J. Loux and D. W. Zimmerman, eds., *The Oxford Handbook of Metaphysics*. New York: Oxford University Press, 587–612.

Haji, Ishtiyaque. 2002. *Deontic Morality and Control*. Cambridge: Cambridge University Press.

Haji, Ishtiyaque. 2016. *Luck's Mischief*. New York: Oxford University Press.

Haji, Ishtiyaque. 2019. *The Obligation Dilemma*. New York: Oxford University Press.

Hampton, Jean. 1984. "The Moral Education Theory of Punishment." *Philosophy and Public Affairs* 13: 208-238.

Hilpinen, R., & P. McNamara. 2013. "Deontic Logic: A Historical Survey and Introduction." In D. Gabbay, J. Horty, X. Parent, R. van der Meyden, & L. van der Torre,

eds., *Handbook of Deontic Logic and Normative Systems*. London: College Publications, 3-36.

Kane, Robert. 1996. *The Significance of Free Will*. New York: Oxford University Press.

Lewis, David. 1981. "Are We Free to Break the Laws?" *Theoria* 47:113-121.

Littlejohn, Clayton. 2012. "Does 'Ought' Still Imply 'Can'?" *Philosophia* 40: 821-828.

McNamara, Paul. 1996. "Making Room for Going Beyond the Call." *Mind* 105: 415–450.

McNamara, Paul. 2019. "Deontic Logic." In *Stanford Encyclopedia of Philosophy* (summer 2019 edition). URL <<http://plato.stanford.edu/archives/sum2019/entries/logic-deontic/>>. (Originally published 2006.)

Mele, A. and Robb, D. 1998. "Rescuing Frankfurt-Style Cases." *Philosophical Review* 107: 97-112.

Mellema, Gregory. 1991. *Beyond the Call of Duty: Supererogation, Obligation, and Offence*. Albany: State University of New York Press.

Moore, G. E. 1912. *Ethics*. Edited by William H. Shaw. Oxford: Oxford University Press.

Moore, Michael. 1997. *Placing Blame: A Theory of the Criminal Law*. Oxford: Oxford University Press.

Morris, Herbert. 1981. "A Paternalistic Theory of Punishment." *American Philosophical Quarterly* 18: 263-271.

Parfit, Derek. 1984. *Reasons and Persons*. Oxford: Clarendon Press.

Pereboom, Derk. 2014. *Free Will, Agency, and Meaning in Life*. New York: Oxford University Press.

Pereboom, Derk. 2019. "Self-Defense, Deterrence, and the Use Objection: A Comment on Victor Tadros's *Wrongs and Crimes*." *Criminal Law and Philosophy* 13: 439-454.

Rönnedal, Daniel. 2009. *An Introduction to Deontic Logic*. Lexington, Kentucky.

Schoeman, Ferdinand D. 1979. "On Incapacitating the Dangerous." *American Philosophical Quarterly* 16: 27-35.

Smith, Holly. 1991. "Varieties of Moral Worth and Moral Credit." *Ethics* 101: 279–303.

Tadros, Victor. 2011. *The Ends of Harm: The Moral Foundations of Criminal Law*. Oxford: Oxford University Press.

Tadros, Victor. 2013. "Responses." *Law and Philosophy* 32: 241-325.

Tadros, Victor. 2017. "Doing Without Desert." *Criminal Law and Philosophy* 11: 605-616.

Thomson, J. J. 1991. "Self-Defense," *Philosophy and Public Affairs* 20: 283–310.

Van Inwagen, Peter. 1983. *An Essay on Free Will*. Oxford: Clarendon Press.

van Inwagen, Peter. 2004. "Freedom to Break the Laws." *Midwest Studies in Philosophy* 28: 334-350.

Vihvelin, Kadri. 2013. *Causes, Laws, and Free Will*. New York: Oxford University Press.

Vranas, Peter. 2007. "I Ought, Therefore I Can." *Philosophical Studies* 136: 167-216.

This is an Accepted Manuscript of an article published by Taylor & Francis in Philosophical Papers on 05 Jul 2021, available online:

<https://www.tandfonline.com/doi/10.1080/05568641.2021.1896375>.

Widerker, David. 1991. "Frankfurt on 'Ought Implies Can' and Alternative Possibilities." *Analysis* 51: 222–224.

Widerker, David and McKenna, Michael. 2003. Eds. *Moral Responsibility and Alternative Possibilities: Essays on the Importance of Alternative Possibilities*. Aldershot: Ashgate Press

Wiggins, David. 1973. "Towards a Reasonable Libertarianism." In T. Honderich, ed., *Essays on Freedom of Action*. Boston: Routledge & Kegan Paul, 31–61.

Zaibert, L. 2006. *Punishment and Retribution*. Aldershot: Ashgate, 2006.

Zimmerman, Michael J. 1997. "A Plea for Accuses." *American Philosophical Quarterly* 34: 229–243.

Zimmerman, M. J. 1996. *The Concept of Moral Obligation*. Cambridge: Cambridge University Press.