

DOING THE BEST ONE CAN

I

Among the circumstances which must be counted as relevant to the moral status of a given action are the agent's own past actions: Smith ought not to exceed the speed limit not only because it is dangerous and illegal, but also because he promised his wife yesterday never to do so again. Do the agent's own future actions count among the relevant circumstances as well? Certainly future actions have some bearing on the moral status of current acts. Smith's making a check out to CARE has moral significance, not because writing a check is morally important *per se*, but rather because he then places the check in an envelope and mails it off. But there are different explanations as to why this is so. According to the view I defended in a previous paper, making out the check is morally significant because it would *actually be followed* by Smith's sending it off.¹ According to a contrary view, defended by several other philosophers, Smith's writing the check is morally significant because it would *enable* him to send it off.² These contrasting views can be represented by the following principles:

1. Whether or not *S* ought to do *A* depends on the sequence of subsequent acts *S* would perform if he performed *A*.
2. Whether or not *S* ought to do *A* depends on the best sequence of subsequent acts *S* could perform if he performed *A*.

On the first view, the future *acts* the agent would perform are counted as circumstances affecting the moral status of his current act. On the second view, only the agent's future *ability* to perform subsequent acts (whether or not he would perform them) counts as a circumstance affecting the status of his current act.

The difference between the two views can be seen in the following case. A graduate student asks Smith for comments on a paper he is planning to read at a job interview. If Smith accepts the task and comments on the paper, the student would make substantial improvements on it, have a highly successful interview, and receive an offer for a three-year position. If Smith accepts the task but fails to comment on the paper in time, the student will make no

revisions, have a dismal interview, and receive no job offer. If Smith does not accept the task, the student will elicit comments from another faculty member, make less helpful revisions in the paper, have a moderately successful interview, and receive a one-year job offer. Assuming a normal set of values, Principle 2 implies that Smith ought to accept the task of commenting on the paper, because doing so would enable him to perform a sequence of acts (reading the paper, making comments, discussing them with the student, etc.) which would have better results than any other scenario. But let us suppose that if Smith accepted the task, he would actually fail to comment on the paper on time – perhaps he would misunderstand what the deadline is, or perhaps he would become so bogged down in administrative work that he wouldn't get around to it. Then Principle 1, by contrast with Principle 2, instructs him *not* to accept the task, since the moderate revisions the student would make working with the other faculty member would be better than his making no revisions at all under Smith's inadequate stewardship. Principle 1's prescription to turn down the student's request seems to me the most reasonable advice in this situation: there is no point in recommending an act to an agent on the grounds that it would enable him to carry through some ideal course of action when he would actually bungle the affair and precipitate some disaster instead.

Despite its plausibility, Principle 1 now seems to me to require further examination. Let us approach the matter indirectly by turning our attention to a different, although related, issue. In determining the moral status of a current action, do the agent's own *simultaneous* acts count as circumstances which affect that status? Consider the following case: Jones is driving through a tunnel behind a slow-moving truck. It is illegal to change lanes in the tunnel, and Jones' doing so would disrupt traffic. Nevertheless she is going to change lanes – perhaps she doesn't realize it is illegal, or perhaps she is simply in a hurry. If she changes lanes without accelerating, traffic will be disrupted more severely than if she accelerates. If she accelerates without changing lanes, her car will collide with the back of a truck. Given that she is actually going to change lanes, it appears reasonable to say that she ought simultaneously to accelerate. This case, and others like it, suggest the following principle:

3. Whether or not *S* ought to do *A* depends on what act(s) *S* would perform at the same time as *A*, if he performed *A*.

Principle 3 is straightforwardly analogous to Principle 1, since both principles count what the agent *would* do, if he performed a given act, as a circumstance

relevant to the moral assessment of that action. The intuition which supports Principle 1 can also be marshalled in support of Principle 3: whether act *B* would occur at the same time as *A* or later, if it is true that the agent would perform *B* if he were to do *A*, then it seems only rational to take *B*'s occurrence into account in determining whether or not the agent ought to do *A*.

In fact it is difficult to see how only one of these two principles could be correct. Not only are they closely similar to each other, but whether a given action falls under one principle or the other depends on micro-second timing, a matter normally thought to be irrelevant within a moral context. For example, if Jones' act of accelerating were to begin just a split-second *before* her act of changing lanes, then the former act would be governed by Principle 1, rather than by Principle 3. In light of this it appears the two principles must stand or fall together, for otherwise a minute difference in the temporal relations – and *nothing* else – between two acts would make a critical, and seemingly inexplicable, difference to whether or not one of them counts as a circumstance relevant to the moral status of the other.

In this paper I will argue that both Principle 1 and Principle 3 are incorrect: that neither governs our primary obligations in the way alleged. But I shall also argue that the most intuitive prescriptions stemming from Principle 1 can be preserved as primary obligations, even though the principle itself must be abandoned.³

II

Why is Jones' act of accelerating subject to moral assessment? Presumably because it is an act which she has the ability to perform, that is, one such that if she wanted to perform it, she would. One way of evaluating such an act is to apply a moral principle (such as act utilitarianism, a Rossian deontological system, Kant's Categorical Imperative, or so forth) directly to it – i.e., determine whether or not it would maximize happiness, or fulfill the most stringent duties incumbent upon the agent, or be in accord with a maxim which could be willed as a universal law. But if we directly assess the morality of Jones' act of accelerating in this fashion, then it is difficult to avoid counting her simultaneous act of changing lanes as one of the circumstances which affect its moral status. Few people will deny, for example, that the *consequences* of her accelerating are relevant to its moral status. But what consequences her accelerating would have is partly determined by events which would occur at the same time, such as the acts of other drivers and the simultaneous acts of Jones herself. Hence counting the consequences of Jones'

accelerating as relevant to its moral status necessarily involves taking into account the fact that she would simultaneously change lanes, since those consequences would not occur if she did not change lanes.⁴ And this amounts to allowing her changing lanes to count as morally relevant to her accelerating, in the same way that the activities of other drivers are so counted. The governing moral principle need not mention the agent's concurrent activities as the sort of feature which is *directly* relevant to the moral status of a given act (the way it might mention the value of the act's consequences), but nonetheless those activities help determine which of the explicitly mentioned features is present.

The value of an action's consequences is not the only feature which depends on the agent's simultaneous acts. Most people would view it as morally relevant that Jones' act of uttering "I never disobey the law" involves telling a lie. But her utterance only counts as telling a lie if it involves *asserting* that she never disobeys the law,⁵ and what she asserts by her utterance depends in part on her simultaneous acts. For example, if she winked, rather than maintaining a straight face, while uttering the words, her utterance would have been ironic, and so involved asserting the truth that she frequently *disobeys* the law. Hence if we agree that her act of uttering "I never disobey the law" is wrong at least partly because it involves telling a lie, we must admit that her concurrent act of maintaining a straight face is, at least indirectly, relevant to its moral status.⁶

Since we can hardly give up the view that such features of an act as the value of its consequences, and whether or not it involves telling a lie, are relevant to its moral status, we seem forced to accept Principle 3. Nevertheless Principle 3 has extremely counterintuitive consequences, stemming from the fact that an agent has the ability to perform each one of his simultaneous acts. Jones has the ability to change lanes, as well as the ability to accelerate: if she wants to perform the former act, she will do so. Thus it, too, is a proper subject for moral evaluation. However, if we evaluate her act of changing lanes, we must accept Principle 3 in this context also, and view any acts Jones would perform simultaneously with it as circumstances affecting *its* moral status. Let us assume that whether or not Jones would change lanes, she would *not* accelerate – perhaps she under-estimates the speed required to make a smooth lane change, or perhaps she doesn't care how much she disrupts other traffic. In view of her not accelerating, it would be better for her not to change lanes. Thus, dual application of Principle 3 results in prescriptions for Jones to accelerate and not to change lanes. But Jones' fulfilling both these prescriptions (which involves colliding with the back of the truck) would be far less good,

from the perspective of most moral principles, than performing another pair of acts which are also available to her, namely not accelerating and not changing lanes. Clearly there is something wrong with our normative theory as a whole if it results in prescriptions for acts which are less good in combination, according to the values embodied in that theory, than other acts which the agent could perform instead.⁷

The second difficulty with Principle 3 is seen more clearly if we look at another case. Suppose a dog runs out into the road in front of Jones' car. If Jones honks, the dog will leap back off the road; if she swerves, she will miss hitting the dog, although her passenger will suffer a minor cut on the head. However, Jones does neither of these – perhaps she doesn't notice the dog, or perhaps she isn't concerned for the welfare of animals. According to Principle 3, since she fails to honk, she ought at least to swerve. Also according to Principle 3, since she fails to swerve, she ought to honk. Thus Jones comes under two prescriptions, to honk and to swerve – but we can imagine that Jones is a poorly coordinated individual who *cannot* do both even if she wants to. Dual application of Principle 3 generates pragmatically incompatible prescriptions, ones which the agent cannot jointly fulfill. And no normative theory should place such unfulfillable requirements on an agent.⁸

We appear to be caught in a difficult dilemma. On the one hand, we must espouse Principle 3 in order to retain our belief that such features as an action's consequences are relevant to its moral status, for what those consequences would be depends on what concurrent acts the agent would perform. On the other hand, Principle 3 has two strongly objectionable features: in some cases it prescribes acts for the agent which are jointly worse than other acts he could perform, and in other cases it prescribes acts which are not jointly performable by the agent at all.

This dilemma appears harsh, but the way out is easily discovered. In addition to the kind of acts we have discussed so far, an agent also possesses the ability to perform 'conjunctive' acts. For example, in the original Jones case, in addition to such simple acts as accelerating or changing lanes, Jones can also accelerate-while-changing-lanes, accelerate-while-not-changing-lanes, not-accelerate-while-changing-lanes, or not-accelerate-while-not-changing-lanes. Each of these is an act, and she has the ability to perform each one in the sense that if she wants to perform it, she will do so. Since they are within her ability in precisely the same fashion that accelerating simpliciter is, or that changing lanes simpliciter is, they are just as legitimate candidates for moral evaluation as the original 'simple' acts are.⁹

The argument thus far has assumed that the governing moral principle

(e.g., act-utilitarianism, the Categorical Imperative, etc.) is applied directly to simple acts such as accelerating. But it can be applied instead directly to *maximal conjunctive acts*, where a maximal conjunctive act is an act consisting of simultaneous conjuncts such that there is no additional act which the agent could perform at the same time.¹⁰ If we apply our moral principle directly to maximal conjunctive acts, then Principle 3 simply drops out. There are no simultaneous acts of the same agent which *could* count as morally relevant, either directly or indirectly, to the status of the conjunctive act. If application of moral principles is restricted to maximal conjunctive acts, anyone wishing to persist in the defence of Principle 3 would have to reinterpret it as the claim that certain *internal* counterfactual characteristics of a conjunctive action are somehow relevant to its moral status. For example, it would have to be claimed that it is somehow relevant to the status of accelerating-while-changing-lanes that one component (changing lanes) would occur if the other component (accelerating) were to occur. But if our attention is focused securely on the moral status of the conjunctive act, rather than on its components taken in isolation, then this claim lacks any intrinsic plausibility. Nor are we forced to accept it in order to retain our views about the moral relevance of some *other* feature of the conjunctive act. For example, what consequences a conjunctive act would have does not depend on whether or not it possesses this counterfactual characteristic. What would happen if Jones accelerated-while-changing-lanes in no way turns on whether or not she *would* change lanes if she did accelerate. Thus if we apply our moral principles directly to maximal conjunctive acts, rather than to their simple components, we may simply reject Principle 3 and all its undesirable consequences. The acts prescribed (i.e., Jones' not-accelerating-while-not-changing-lanes) will be the best, according to the values of the governing moral principle, that the agent has the ability to perform. Nor will any pragmatically incompatible prescriptions be generated, for nothing (e.g., Jones' honking-while-swerving) counts as a maximal conjunctive act unless the agent has the ability to perform it, and the agent will only fall under one prescription for any given time. Or, if we wish to have prescriptions for simple acts as well as for maximal conjunctive acts, we may stipulate that such an act ought to be performed only if it is a component of a maximal conjunctive act which ought to be performed. The simple act is not required *itself* to satisfy the criteria of the governing moral principle. An agent will then fall under more than one prescription for a given time, but clearly those prescriptions will only be for acts which can jointly be performed.¹¹

There remains a significant problem with this solution to our dilemma.

Although Principle 3 involves intolerable difficulties, nevertheless it has an undeniable intuitive appeal. We *do* reason the way it suggests on some occasions, both when we are ascertaining what to do ourselves, and when we are advising other agents about their actions.¹² To deprive ourselves entirely of this form of reasoning would be to deprive ourselves of a major instrument in the rational assessment of action. And denying the correctness of Principle 3 seems to do just that. I believe this problem must be handled by recognizing that there are (at least) two orders of obligation, primary obligations, which are not governed by Principle 3, and secondary obligations, which tell us what it would be best to do, subject to some constraint. One such secondary obligation tells us whether or not it would be best for the agent to perform act *A*, given the constraint that he would perform act *B* at the same time. An agent may satisfy both his primary and secondary obligations, or he may fail to satisfy his primary obligations but satisfy his secondary ones, or he may fail to satisfy either. In the original Jones case, she fails to satisfy her primary obligation in changing lanes, and she also fails to satisfy her secondary obligation in not accelerating. In this sense she would have done 'better' to accelerate, for then her only violation would have been of her primary obligation. Recognizing secondary obligations allows us to see the relevance of principle 3 without allowing it to govern primary obligations, as in effect I have argued it cannot and need not. An account needs to be given of the nature of secondary obligations and their relation to primary obligations, but I shall not attempt to do so here.¹³

III

In the last section we saw that Principle 3, which states that whether or not an agent ought to perform a given act depends on what act(s) he would perform at the same time, is unavoidable if we apply our moral principles directly to simple acts, and yet entails wholly unacceptable consequences for primary obligations. The dilemma is evaded by restricting the application of moral principles to maximal conjunctive acts, and the intuitive appeal of Principle 3 is accounted for by recognizing a species of secondary obligation where it may apply.

Let us now reconsider Principle 1, which states that whether or not an agent ought to perform a given action depends on the sequence of *subsequent* acts he would perform if he performed the act in question. Principle 1 possesses to an even stronger degree the intuitive attraction felt in Principle 3. Moreover, an argument parallel to that employed in the case of Principle 3

suggests that if we apply our moral principles directly to the maximal conjunctive acts recently recommended, we are forced to accept Principle 1 in order to preserve our views about what features of these acts may be counted as morally relevant. For example, most people would hold that the consequences of such acts are relevant to their moral status, and yet what those consequences would be depends on the acts the agent would perform subsequent to the act in question.¹⁴ The moral status of Smith's accepting his student's request to comment on the paper surely depends in part on the consequences of that act. But the most significant of these consequences — what sort of job, if any, the student is offered — depends on whether or not Smith would comment on the paper after accepting the task. Thus if we apply our moral principles to maximal conjunctive acts, and count the consequences of such an act as relevant to its moral status, we must admit that the actions the agent would perform afterwards are also relevant. And this commits us to the truth of Principle 1.¹⁵

But would acceptance of Principle 1 involve us in difficulties parallel to those entailed by acceptance of Principle 3? These difficulties only arise because Principle 3 generates prescriptions for multiple simultaneous acts, acts which may be normatively unacceptable in combination, or else not jointly performable. If we restrict application of our moral principles to maximal conjunctive acts, there is no danger that Principle 1 will give rise to precisely these problems, for only one act can be prescribed for performance during any time period. However, several investigators, including myself, have urged that moral statements must be dated to indicate the time at which the obligation obtains, as well as the time at which the prescribed action would be performed.¹⁶ Such a scheme makes possible a present obligation to perform an act in the non-immediate future, and this in turn makes it possible for a single agent to have several present obligations to perform acts which would occur at different times. And *this* opens the door for Principle 1 to prescribe multiple *nonsimultaneous* acts which may be normatively unacceptable in combination, or else not jointly performable.

In order to ascertain whether or not these problems actually affect Principle 1, let us first turn our attention to another issue. Since 'ought' implies 'can,' presumably an agent who ought now to perform a future act must have the *ability* to perform that act. But what is the relevant sense of 'ability' here? Clearly an agent's obligation at t_1 to perform act A at a later time t_n must be predicated on his having the ability *at* t_1 — not t_n — to perform A at t_n . For there are cases where we want to say that an agent has an earlier obligation to perform A , even though missteps between t_1 and t_n may

render him unable at t_n itself to perform A . As an example, suppose Smith's class meets at nine a.m., but he is still asleep in bed at that time. We cannot say that he ought at nine a.m. to deliver his lecture to his class *at that time*, since he is then unable to. But we may want to say that he has an obligation at seven a.m., when his alarm clock wakes him, to deliver the lecture at nine, since he *then* has the ability to do so.

The following extremely natural account of an agent's present ability to perform a future act follows that suggested by numerous investigators.¹⁷ It assumes we are already in possession of an analysis of the notion of an agent's having the ability at t_1 to perform an act at that same time.

- I. An agent has the ability at t_1 to perform act A_n at t_n if and only if:

there is a sequence of acts such that the agent has the ability at t_1 to perform the first act in this sequence at t_1 , and if he were to perform this act, then he would have the ability at a later time to perform the second act at that time, and if he were to perform the first two acts at their respective times, then he would have the ability at a still later time to perform the third act at that time, and so forth, until finally if he were to perform all the acts in the sequence at their respective times, then he would have the ability at t_n to perform act A_n at t_n .

The root idea behind this definition is that an agent's ability at t_1 to perform an act at t_n can be explicated in terms of a sequence of abilities he would have at the requisite times to then perform the necessary intervening acts. I have previously assumed that an agent's ability to perform an act should be explained in terms of what he would do if he wanted to. We can now interpret this to mean that an agent has the ability at t_1 to perform an act at t_1 just in case it is true that if he wanted at t_1 to perform it at t_1 , he would do so. This analysis can be substituted for every occurrence of 'ability' in the analyses of Definition I. To see the implications of the resulting definition, let us represent the original Smith case (slightly expanded) in Figure 1:

Each of these acts is taken to be a maximal conjunctive act, although all the conjuncts obviously are not mentioned. For brevity I shall refer to each depicted act only in terms of its underlined conjunct. According to the interpretation of Definition I just given, Smith has the ability at t_1 to perform each of the possible acts depicted at t_2 . For example, he has the ability

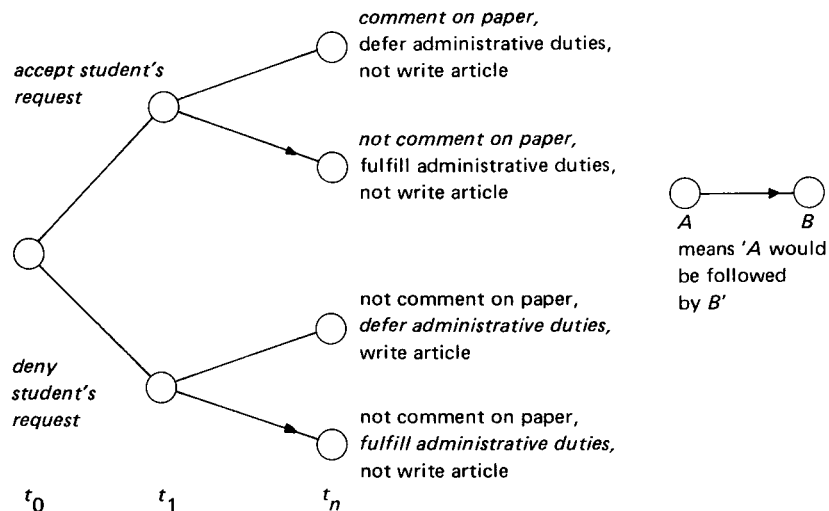


Figure 1

at t_1 to comment on the student's paper at t_2 , because if he wanted at t_1 to accept the student's request, he would do so, and if he did so, then if he wanted at t_2 to comment on the paper at t_2 , he would do so. The same is true for the other three acts as well.

But is Definition I the correct account of an agent's present ability to perform a future act? I would argue that in the context of moral theory it is not. A moral principle is an instrument for the theoretical evaluation of actions, but it has a practical function as well: it is a device which an agent can employ in order to guide his own activities.¹⁸ Therefore the range of activities which a moral principle should assess, from the standpoint of time t_1 , should be no wider than those activities which are available for guidance at t_1 itself — that is, those activities, of each of which it is true that the agent's desiring at t_1 to perform that activity would result in its performance. A prescription for any activity which is not so accessible to guidance would be pointless, because the agent could not make practical use of the prescription; he could not successfully choose to carry it out. For this reason we do not include among the alternatives to be assessed by a moral principle, actions which are logically possible but physically beyond the agent's capacities, e.g.,

we do not view swimming out to rescue a drowning person as an alternative for an agent who cannot swim. Similarly, I believe there is no point in prescribing at t_1 a future action to an agent unless the agent's wanting at t_1 itself to perform that action would actually be followed by its subsequent performance. If no present want of his could lead to performance of that action, then no present knowledge on his part that the action ought to be performed could lead to the obligation's being carried out. And in these circumstances, nothing is achieved by ascribing such an obligation to him.

In view of this, it appears that the correct account of an agent's present ability to perform a future action should strictly parallel the traditional account I have hitherto assumed of his present ability to perform a present action. Indeed, once the issue is called to our attention, it is hardly surprising that the same features which make a present act a candidate for moral evaluation should also be required of future acts. The following definition, then, is the one I shall adopt.

- II. An agent has the ability at t_1 to perform act A at later time t_n if and only if it is true that if the agent wanted at t_1 to perform A at t_n , he would do so.¹⁹

Of course, in the case of ability to perform a future action, the agent's present desire would not lead *directly* to his performing the action at the later time. A chain of events would intervene between the present desire and the future action, and a later desire of his would be the proximate (motivational) producer of the action itself. Nevertheless, insofar as his present desire would set this chain of events into motion, it *controls* whether or not he performs that later act. Naturally, not every present desire to perform a subsequent act would ultimately lead to its performance. For example, it may be true that even if Smith wanted at t_1 to comment on the student's paper at t_2 , he would not do so. The desire to help the student might fade away by t_2 , or competing desires (e.g., the desires to submit his report to the Budget Committee, and to grade a set of qualifying examinations) might come into existence or grow stronger under the stimulus of immediate pressures. If so, we must say that Smith does not have the ability at t_1 to comment on the student's paper at t_2 — even though it is true that, having accepted the student's request, if he wanted at t_2 to comment on the paper, he would do so. His ability at t_1 depends precisely on whether or not he *would have* the requisite desire in sufficient strength at t_2 , and he might not. But he may not be in a position at t_1 to change this fact — nothing he can do or desire now may succeed in ensuring his possession of the necessary desire in the future. In such a case, it

would be pointless to recommend to him now that he comment on the paper, since he cannot arrange to carry this recommendation out. (This does not negate the fact that, if he were to accept the student's request, there would be point in recommending *at* t_2 that he comment then on the paper, because at t_2 he *would* have the ability to perform this act. On the account of abilities I am arguing for, the extent of an agent's abilities may grow with time, rather than shrink.)

Armed with the appropriate definition of an agent's present ability to perform a future act, let us return to our examination of Principle 1. We were enquiring whether or not adoption of Principle 1 would lead to multiple simultaneous prescriptions to perform nonsimultaneous acts, acts which might be normatively unacceptable in combination, or else jointly unperformable. Let us look at the problem of incompatible prescriptions first. If Principle 1 is simply applied to acts which would occur at different times, and no attempt is made to coordinate these prescriptions, incompatibilities will arise. How this might occur can be seen from the following abstractly described case, in which it is assumed that the agent has the abilities at t_1 to perform all six acts depicted (Figure 2).

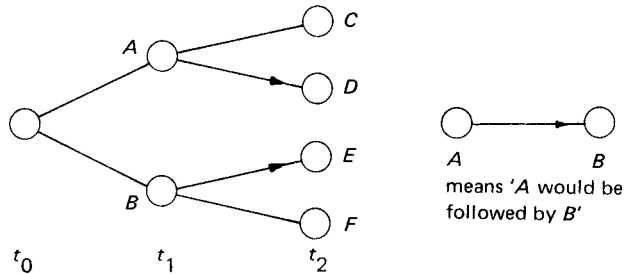


Figure 2

If we assume that *A* and *B* are intrinsically equivalent (according to the governing moral principle), but that *B* would be followed by a better sequence of subsequent acts than *A*, then Principle 1 implies that the agent ought at t_1 to perform *B*. But in addition, if we assume that of the four acts available for performance at t_2 , *C* is best intrinsically and from the point of view of the sequence which would follow it, then Principle 1, when applied to future acts, implies that the agent ought at t_1 to perform *C*.²⁰ However, *B* and *C* are not jointly performable.

This form of diachronic incompatibility can be avoided by a technique which makes prescriptions for later acts dependent on the prescriptions for earlier acts. Thus we first prescribe the act to be performed immediately, then prescribe an act for the next moment only if it is possible for the agent to perform both it and the act first prescribed, then prescribe an act for the third moment only if it is possible for the agent to perform it together with the first two acts prescribed, and so forth. In order to formulate a version of Principle 1 which incorporates this technique, we need the technical notion of one act's being the *immediate successor* of another act, and also the notion of an agent's having the ability at one time to *jointly perform* acts at later times. The intuitive idea, when one act is an immediate successor of another act, is that the agent could not perform any act in between those two acts. I shall leave the formal definition of the term to a footnote.²¹ The second notion can be defined as follows:

- III. An agent has the ability at t_1 to jointly perform maximal conjunctive acts A_i at t_i , A_j at t_j , ..., A_n at t_n ($t_1 \leq t_i < t_j < t_n$) if and only if it is true that if the agent wanted at t_1 to perform A_i at t_i , A_j at t_j , ..., A_n at t_n , he would do so.

This definition of joint ability is the obvious extension of the correct definition for a single act given above. Employing these two notions, we can now state a recursive version of Principle 1 which avoids the sort of inconsistency just noted:

- 1*. (A) Whether or not *S* ought at t_1 to perform A_1 at t_1 depends on:
- (i) *S*'s having the ability at t_1 to perform A_1 at t_1 , and
 - (ii) the sequence of subsequent acts *S* would perform if he performed A_1 at t_1 .
- (B) If *S* ought at t_1 to perform each of A_i, \dots, A_j at t_i, \dots, t_j , then whether or not he ought at t_1 to perform an immediate successor A_k to A_j depends on:
- (i) *S*'s having the ability at t_1 to jointly perform A_i, \dots, A_j, A_k at t_i, \dots, t_j, t_k , and
 - (ii) the sequence of subsequent acts *S* would perform if he performed A_k at t_k .
- (C) No other acts except those prescribed by applications of (A) and (B) ought at t_1 to be performed by *S*.

The notion of 'joint ability' employed in Clause (B) must be that stated in

Definition III above. Apart from that Principle 1* is a generalized version of the G* principle of obligation proposed in my previous paper.²²

The use of the requirement of joint performability in Clause (B) of Principle 1* clearly avoids any problem with pragmatically incompatible prescriptions. To see how this is so, let us apply the principle to the Smith case as diagrammed on page 194. Assuming a normal set of values, Principle 1* implies that Smith ought at t_1 to deny the student's request, because that act would be followed by a better sequence of acts than his accepting the student's request. We may assume that the acts of deferring his administrative duties and fulfilling his administrative duties are each jointly performable with the initially prescribed act of not accepting the student's request. Since it is better to fulfill one's duties, and we may assume doing so would be followed by a better sequence of acts, Principle 1* instructs Smith at t_1 to fulfill his administrative duties at t_2 . Thus Smith is instructed at t_1 to deny the request at t_1 and to fulfill his administrative duties at t_2 , acts which are jointly performable.

Since Smith's accepting the student's request would not in any case be followed by his commenting on the paper, and so would lead to the student's failing to receive a job offer, these recommendations should be appealing. We have found a version of Principle 1 which allows us to derive them while at the same time avoiding the problem of incompatible prescriptions which afflicted the analogous Principle 3. The explanation for this difference between the two principles lies in the fact that Principle 1*, unlike Principle 3, prescribes acts which would take place at different times. The chronological ordering of these acts can be taken advantage of in formulating the prescriptions, by making the prescription for any given act depend on the prescription for the immediately previous act, in such a way that incompatible prescriptions are avoided. There is no equally natural ordering obtaining among simultaneous acts which could be exploited to avoid incompatible prescriptions in the formulation of Principle 3.

However, Principle 3 is beset by another, equally damaging, problem, which Principle 1* does not escape. As we saw, when Principle 3 is applied to simple acts, it generates prescriptions for multiple simultaneous acts which may be worse, in combination, than other combinations of acts which the agent could also perform. Reflection shows that Principle 1* leads to a similar problem: it prescribes multiple nonsimultaneous acts which are worse, in combination, than other combinations of nonsimultaneous acts which the agent could perform instead. Let us see what sort of case would produce this result. Imagine in the Smith case, contrary to what we have

previously assumed, that Smith has the abilities at t_1 to perform *each* of the following combinations of acts: accepting the student's request and commenting on the paper, accepting the request and not commenting on the paper, denying the request and fulfilling his administrative duties, and denying the request and deferring his administrative duties (we earlier assumed that the first of these combinations was *not* available to Smith). But imagine also that two previous assumptions continue to hold, namely that if Smith were to accept the request, then he would not comment on the paper, and that if he were to deny the request, then he would fulfill his administrative duties. Under all these assumptions, Principle 1* *still* implies that Smith ought at t_1 to deny the request at t_1 (since this act would be followed by the best sequence of acts), and that he ought at t_1 to fulfill his administrative duties at t_2 . But these two acts in combination are less good, according to a normal set of values, than two other acts which he *also has the ability to perform jointly* — that is, accepting the student's request and commenting on the paper. Surely, if he *can* accept the request and comment on the paper, he ought to, for this would secure a three-year job offer for the student. If the situation so described is genuinely possible, then Principle 1* falls prey to a difficulty analogous to one of those afflicting Principle 3, and equally devastating.

But *is* the situation just described really possible? In particular, is it possible for both of the following to be true: (a) Smith has the ability at t_1 to jointly accept the student's request and comment on the paper, and (b) nevertheless if Smith were to accept the request, he would fail to comment on the paper? At first blush it certainly seems that they cannot both be true, since how *could* Smith have the ability to jointly accept the request and comment on the paper if, as a matter of fact, his accepting the request would inevitably be followed by his not commenting on the paper? I suspect that Howard Sobel, in his investigation of related problems, supposes that two such statements cannot both be possible, since he speaks of a sequence of acts which an agent can presently secure, and yet defines this in terms of the sequence the agent would perform if he were to perform the first action in that sequence.²³ I also suspect that such a belief implicitly underlay my previous defence of a principle similar to Principle 1*. Nevertheless (a) and (b) *are* both possible. To see this, let us ask why Smith's accepting the request would be followed by his failing to comment on the paper. So far we have assumed the reason for this is that Smith's desire at t_1 to comment on the paper would fade in strength by t_2 , at least relative to competing desires. But there are other possible explanations. For example, it might be true that the reason he

would fail to comment on the paper if he accepted the request is that he would *already have decided* by t_1 itself that is what he would do. Perhaps Smith would only accept the request because he wants to harm the student and knows that his falsely agreeing to comment on the student's paper would ruin the student's chances of finding a job. In this version of the case, it is true that his accepting the request would be followed by his failing to comment on the paper, but it does not follow that he does not have the ability now to both accept the request and comment on the paper. It may well be true that if he wanted now to perform these two acts (which regretably he does not), then he would do so. The motivation with which Smith *would* perform the first of these two acts is simply irrelevant to the question of whether or not he would perform both acts if he now were to want to do so.²⁴ According to Definition III, only the answer to the latter question determines whether or not he presently has the ability to jointly perform the two acts.

Thus it may be true, both that Smith would fail to comment on the paper if he accepted the student's request, and also that he now has the ability to both accept the request and comment on the paper. This will happen in a case where Smith would only decide to accept the request if he had already decided not to comment on the paper. In such a case, as we have seen, Principle 1* prescribes two acts — denying the request and fulfilling his administrative duties — which are less good in combination than two other acts which Smith also has the ability to perform — accepting the request and commenting on the paper. We must conclude that Principle 1* is subject to a difficulty parallel to that which afflicted Principle 3. Indeed, its prescriptions for individual acts are not even intuitively attractive in such a case. It is not plausible to recommend, on the grounds that Smith has *already decided* not to comment on the paper, that he ought to deny the student's request to read it. In recommending an immediate act to an agent, we do not take into account the fact that he does not want to perform *it*. For similar reasons, our recommendation for an immediate act should not take into account the fact that he presently does not want to perform some desirable *future* act which is nevertheless within his power.

We are now in the following position. We have seen that if we apply our moral principles directly to maximal conjunctive acts, then we are forced to accept Principle 1 (or Principle 1*), because what the consequences of a given act are depends on what subsequent acts the agent performs, and we view those consequences as morally relevant. But we have also seen that when Principle 1 is applied to future acts, under the guise of Principle 1*, it gives rise to

prescriptions for multiple nonsimultaneous acts which are less good in combination than other acts which the agent could perform instead. This is not acceptable in a normative theory.

When parallel problems were encountered with Principle 3, we discovered they could be avoided by simply stipulating that moral principles are to be directly applied only to maximal conjunctive acts, not to the simpler acts which are their components. A similar solution is available to us here. An agent has the ability, not only to perform maximal conjunctive acts, but also to perform sequences of such acts, or what might be called 'courses of action.' In fact Definition III, which gives an analysis of an agent's ability to jointly perform several acts, already implicitly provides us with a definition for an agent's ability to perform such sequences of acts. Let us say that X is a *maximal sequence* of acts for S at t_1 only if S has the ability at t_1 to perform X , and there is no other sequence which S has the ability at t_1 to perform which includes X as a proper part. That is to say, roughly speaking, the agent cannot perform any act in between the members of X , nor perform any acts after the last member of X . We may then stipulate that moral principles are to be applied directly only to maximal sequences of acts.²⁵ Thus we do not assess any individual act by reference to how much happiness it would produce, or whether or not it involves telling a lie, but rather assess whole sequences of acts in terms of their consequentialist or deontological properties.²⁶ If we wish to have prescriptions for individual acts, we may prescribe them only in view of their membership in sequences which are prescribed.

Under such a restriction, Principle 1 (and 1*) no longer have any bite. Since each maximal sequence includes as a final member the last act the agent would perform if he performed that sequence, there are no subsequent acts which could possibly be relevant to the moral status of the sequence. Anyone wishing to defend the spirit of Principle 1 further would have to claim that an *internal* counterfactual characteristic of such a sequence, namely the fact that if its earlier members were performed, its later members would be performed as well, is relevant to the moral status of the sequence. But once our moral sights are securely trained on sequences of actions, there is little to be said for this position. It has no inherent attraction, and it is not forced upon us by the fact that any obviously relevant characteristics of such a sequence, such as its consequences, depend on this internal characteristic. It is manifestly false, for example, that what consequences a given sequence would have depends on whether or not an earlier member of the sequence would actually be followed by the later members of the sequence. The consequences of a sequence are determined by asking what would happen if the

sequence *as a whole* were to be performed. Thus neither the intrinsic significance of this internal characteristic, nor any connection between it and other morally relevant features of actions, impels us to accept this last-ditch attempt to defend Principle 1. In restricting the direct application of our moral principles to maximal sequences of actions, we have found a way of constructing a normative theory which avoids the problems associated with Principle 1 and Principle 1*.

However, Principle 1 (and 1*) are not merely sources of *trouble*. They also give rise to prescriptions which in many cases we found intuitively correct. In abandoning them, have we also abandoned the chance of making these prescriptions? The answer is that we have not. To see how this is so, let us make the current suggestion slightly more precise, by formulating it in terms of the following principle:

4. *S* ought at t_1 to perform maximal sequence *X* starting at t_1 if and only if *S* has the ability at t_1 to perform *X*, and *X* is better than any alternative maximal sequence starting from t_1 which *S* also has the ability at t_1 to perform.

The meaning of the technical terms employed in this principle should be intuitively obvious enough to be left to a footnote.²⁷ The notion of 'ability' used is that explained in Definition III.

Let us now apply this principle to the case of Smith, depicted in the diagram on page 194. Let us first assume that Smith does *not* have the ability at t_1 to perform the sequence of acts consisting of his accepting the student's request and commenting on the paper.²⁸ In our original exposition of the case (page 186), this inability was explained as arising from the fact that even if Smith wanted at t_1 to accept the request and comment on the paper, this desire would have faded by t_2 relative to his desire to fulfill his administrative tasks, so that he would not have a sufficiently strong desire at t_2 itself to comment on the paper, and so would not perform this act. His wanting at t_1 to comment on the paper would not bring it about that he would comment. Under this assumption, the sequence consisting of accepting the task and commenting on the paper is not available for moral assessment, since he does not have the ability to perform it. There can be no objection to this, since any such assessment might lead to a prescription to perform the sequence, and this prescription would be pointless, since he could not successfully choose to carry it out. Thus our moral principle must evaluate the remaining three sequences. On a normal set of values, the sequence consisting of his denying the request and then fulfilling his administrative duties is the

best of the three, and so would be recommended by Principle 4. But notice that this sequence consists of the *very same acts* as those recommended by Principle 1* (see page 198). Thus although we are using a different moral principle, Smith's inabilities still make it the case that he ought to deny the request and fulfill his administrative duties, although this prescription assumes the form of a prescription to perform a certain sequence, rather than separate prescriptions for individual actions.

However, Principle 4 and Principle 1* do not deliver the same prescriptions in *every* case. Let us consider the alternative version of Smith's case, in which if he accepted the student's request, it would be because he had decided to harm the student by falsely promising to comment on his paper. In this version of the case, although it is true that Smith's accepting the request would be followed by his failing to comment on the paper, it is also true that he has the ability at t_1 to both accept the request and comment on the paper, because if he only wanted to at that time, the want would persist and lead him to comment on the paper at t_2 . Under this assumption, the sequence consisting of his accepting the request and commenting on the paper is available for moral assessment. And this is as it should be, for after all, if the agent chose to perform this sequence, he would do so, and therefore there is point to prescribing it for him. Indeed, on a normal set of values, that is precisely what Principle 4 does. Thus Principle 4 instructs Smith to accept the request and comment on the paper, although Principle 1*, even in this version of the case, still instructs him to deny the request and to fulfill his administrative duties. In cases where the agent *could* perform a given sequence, but his *present* nefarious motivations would lead him not to perform it even if he performed an initial segment of it, Principle 4 and Principle 1* generate different prescriptions. As we saw above, it is precisely in these cases that the prescriptions generated by Principle 1* are counterintuitive, for they seem to offer the agent, as a justification for performing some otherwise objectionable immediate act, the excuse that he presently doesn't want to perform some desirable later act. One's present motivations can never be an acceptable justification of this sort. Thus to the extent to which the prescriptions generated by Principle 4 diverge from those generated by Principle 1*, it is precisely the least attractive prescriptions of 1* that are being abandoned.

In my previous paper, in which I defended a version of Principle 1* called the G* principles, I attempted to deal in another way with the counterintuitive prescriptions which these principles generate.²⁹ There I pointed out that decisions, as well as actions, are to some degree within our voluntary control, and therefore could be thought of as appropriate subjects for moral

assessment in the same way that actions are. If this suggestion is pursued, and the G* principles applied to decisions as well as to actions, then it would seem that many of these objectionable prescriptions are avoided. For example, in the version of the Smith case where Smith desires to harm the student, we would derive prescriptions for him to *decide* that if he accepts the request, he will comment on the paper (for this decision would be followed by a desirable sequence of actions), and then to accept the request and comment on the paper (for each of these actions in turn would be followed by a desirable sequence of acts). Such prescriptions make sense, for we feel that he certainly oughtn't to have the evil motivation he does, and also think that the existence of this motivation should not provide him with an excuse to follow some undesirable course of action.

Clearly there are difficulties with working out the details of this suggestion. However, I believe that in at least some cases the prescriptions generated by this extended version of the G* principles are less satisfactory than those generated by Principle 4. For example, as I noted in the earlier paper, it is reasonable to suppose there is a point (perhaps very shortly before he actually begins acting) when Smith has made a decision which he can no longer change. Let us suppose his decision at this point is not to comment on the paper if he accepts the request (his spiteful frame of mind persists, despite our recommendation to the contrary). In this situation, since his accepting the request would be followed by a disastrous course of action, the G* principles recommend that he deny the request and fulfill his administrative duties. Principle 4, on the other hand, continues to recommend that Smith accept the request and comment on the paper. Thus the prescriptions generated by the two principles may differ. In such a case there is some inclination to suppose that the prescription generated by Principle G* is the correct one. For after all, if his accepting the request would be followed by a disastrous course of action, and there is nothing he can now do about the circumstance (namely his present motivation) which makes this true, how can it be rational to recommend that he accept the request? But it now seems to me that this temptation grows out of the implicit belief that if Smith can no longer change his mind, then he actually does not have the *ability* to both accept the request and comment on the paper. As we have seen before, this is false. According to the definition of ability I have argued for, he *does* have the ability to perform this sequence, even though he presently does not want to, and even though there is nothing he can do *now* to change that want.

Someone sufficiently tempted by Principle G*'s recommendation in this case might argue that it shows my definition of ability must be abandoned in

favor of one which implies that Smith has the ability at t_1 to perform a sequence of actions only if he has the ability, also at t_1 , to produce the desire to perform that sequence. By hypothesis, the argument could continue, Smith does not have both these abilities at t_1 , so we cannot instruct him at t_1 to accept the request and comment on the paper. However, at some earlier time, say t_0 , he does have both these abilities, and we can instruct him *then* to perform this sequence of acts. This would satisfy both our feeling that at some point this sequence ought to be recommended to him, and also our feeling that at t_1 itself it is too late to do this.

However, I believe that the proposed strategy would be a serious mistake. Consistent application of the strategy seems to require that we stipulate in addition that Smith has the ability at t_0 to produce the desire to perform a sequence of actions only if he has the ability, also at t_0 , to produce the desire to produce the desire to perform that sequence of actions. For after all, Smith may *not* have the desire at t_0 to produce the desire to perform the sequence, and moreover it may not be possible for him to produce this second-order desire. Rehearsal of the reasoning above suggests that in such a case it would be no more legitimate to hold him responsible at t_0 for his failure to have the first-order desire than it was legitimate to hold him responsible at t_1 for failing to perform the sequence of acts in question. It is easy to see how this sort of reasoning will involve us in an infinite regress of required abilities. This in itself is fairly damning. Even worse, it appears that such an infinite series of requirements will only be satisfied (if it is satisfiable at all) by the act which the agent actually performs. But from the point of view of moral theory, it is disastrous to employ a notion of ability according to which the agent can only do what he does do. From this we can see that the recommendations of the expanded G* principles, where they diverge from those of Principle 4, can only be accepted if we found them on a notion of ability which is anathema within the context of moral theory. We may conclude that Principle 4 deals with cases such as the sinister version of the Smith case more successfully than the expanded version of the G* principles suggested in my earlier paper.

We have now seen that rejecting Principle 1* (or the G* principles) in favor of Principle 4 does not involve abandoning the intuitively attractive prescriptions derivable from 1*, since its recommendations and those of 4 are identical except in the special cases where the agent's present motivations would lead him to perform an undesirable act in the future. Nevertheless it must be said that we sometimes find it useful to be able to reason in the way suggested by Principle 1*, even in these cases. Smith might well say to himself

"I want to harm this student, so if I accept his request I will then fail to comment on the paper, in order to decrease his chance of receiving a job offer. It would be better for me to deny the request in the first place, than to allow that to happen." Someone advising Smith about what to do might reason the same way. To deprive ourselves of this form of reasoning entirely would be to deny a major instrument of rational decision-making. The same problem arose in the case of Principle 3, and I believe that we can follow the same line of thought in our solution. That is, we can recognize two orders of obligation, primary and secondary obligation. Primary obligation is governed properly by Principle 4. But secondary obligations, which tell us what to do relative to some constraint, may take account of what the agent's actual motivations are, since that is one possible constraint we may wish to work within. An agent does 'best' who satisfies both primary and secondary obligations, but does 'better' to satisfy at least his secondary obligations, if not his primary ones, than to violate both. Thus Smith, in the quotation above, is reasoning correctly concerning his secondary obligations, within the constraint of his present motivations. Principle 1* is irrelevant to primary obligations, but it finds a proper role within the sphere of secondary obligations. Once again, to fill out this account we need an explanation of the nature of these secondary obligations and their relation to primary ones.

In my previous paper, I introduced the notion of an 'ideal moral agent' — an agent who would do no wrong, whatever the circumstances.³⁰ There I pointed out that according to the G* principles (which parallel Principle 1*), what an ideal agent ought to do differs from what a normal agent ought to do in the same circumstances. When Definition III is employed in interpreting Principle 4, it, too, implies that ideal moral agents have different obligations than the rest of us do. To see this, imagine that in the Smith case as originally described Smith forms a strong commitment to comment on the student's paper, and agrees at t_1 to do so. In these circumstances, Principle 4 would instruct him at t_2 to comment on the paper. But as we have seen, Smith would not fulfill this obligation, since he would not maintain a strong enough desire at t_2 itself to ensure his commenting on the paper. Smith does not qualify as an ideal moral agent, since there is a possible circumstance, the one just described, in which he would do wrong. His failure in this circumstance reflects a defect of character, i.e., the disposition not to maintain a sufficiently strong desire to do that to which one has committed oneself. This same defect of character affects what his actual obligations at t_1 are, since it determines what his *abilities* at t_1 are. Since his commitment at t_1 to accept the request and comment on the paper would not be followed by his

performing that course of action, it does not qualify as one of the alternatives he might be required to perform. Thus Smith's obligation in this case (to deny the request and fulfill his administrative duties) is different from the obligation (to accept the request and comment on the paper) that an ideal moral agent would have — an agent who, if he accepted the request, would carry through and comment on the paper.³¹

The obligations of the normal agent and those of the ideal agent differ because their moral characters, and therefore certain of their abilities, differ. It seems reasonable to hold that (in some senses) it ought to be the case that the normal agent has the same character as the ideal moral agent. But if he had the same character, he would have the same abilities and consequently the same obligations as the ideal agent, so we may conclude that it ought to be the case that the normal agent has the same obligations as an ideal agent would have in the same circumstances. An agent whose obligations diverge from those of an ideal agent is criticizable for having a defective character, even though he may satisfy all of his actual obligations.³² This enables us to express our feeling that there is something wrong about Smith, in the case as originally described, even though he satisfies his obligation to deny the request and fulfill his administrative duties. The fact that *this* is his obligation shows us his character is defective, even if his actual actions are not.

The notion of what it ought to be the case that the agent ought to perform provides us with a third type of judgment to make in the kinds of cases under consideration, for we may now distinguish what it ought to be the case that the agent ought to perform, what he primarily ought to perform, and what he secondarily ought to perform, relative to the constraint of what his actual motivations are. This battery of judgments should be adequate to the complexity of our moral intuitions about these cases, even though the prescriptions forthcoming may coincide. For example, in the original version of the Smith case, what it ought to be the case that he ought to do (i.e., accept the request and comment on the paper) is distinct from what he primarily ought to do (i.e., deny the request and fulfill his administrative duties). But if we assume that he now wants to accept the request and comment on the paper, then what he ought primarily to do is identical with what he ought secondarily to do, relative to his present motivations (even given those motivations, the best thing for him to do is deny the request). But in the alternative version of the case, in which Smith maliciously desires to harm the student, what he primarily ought to do (i.e., accept the request and comment on the paper) is identical with what it ought to be the case that he ought to do (since an ideal agent would be obliged to accept the

request and comment on the paper). These obligations, however, are distinct from what he secondarily ought to do, relative to his present motivations – since he wants to harm the student, and would fail to comment on the paper if he accepted the request, the best thing for him to do in the context of this motivation is to deny the request and fulfill his administrative tasks.

The fact that two of these three kinds of judgments may converge in a particular case may make it appear that we are really only dealing with two distinct kinds of judgments, not three. It would be wrong to conclude this, for all three judgments may diverge from each other in a case where the agent has three or more alternative courses of action open to him.³³ The appearance is misleading in any event, for even in the two cases just described, no two kinds of judgment are coextensive with each other in *both* cases. And even though the acts prescribed by two different kinds of judgments may be the same, the functions of those prescriptions are distinct.

IV

We began with the question of whether or not an agent's own actions count as part of the circumstances which are relevant to the moral status of any given action of his. The view that they do count is articulated in two principles: Principle 1, which states that whether or not an agent ought to perform an action depends on the subsequent acts he would perform if he performed it, and Principle 3, which states that whether or not an agent ought to perform an action depends on the simultaneous actions he would perform if he performed the act in question. Both these principles have an undeniable intuitive appeal. Moreover, it is possible to construct an argument for each of them by showing that we can only reject the principle if we are willing to abandon counting as morally relevant certain properties of an action which are central in most moral theories. However, it is also possible to show that each of these principles leads to wholly unacceptable results: in certain cases, Principle 3 generates prescriptions for several acts which are jointly unperformable, or for acts which, taken in combination, are worse than others the agent could perform instead, while Principle 1* (the tensed version of Principle 1) may generate prescriptions for several non-simultaneous acts which are worse, in combination, than other acts which the agent could also perform. The dilemmas established by these arguments may be avoided by parallel strategies – in the case of Principle 3, we must restrict the direct application of moral principles to maximal conjunctive acts, rather than allowing them to apply to the simpler conjuncts of these acts, and in the case

of Principle 1*, we must restrict the immediate application of moral principles to maximal sequences of acts, rather than allowing them to apply to the shorter-term components of these sequences. When these restrictions are employed, the two principles lose both their appeal and their force, and may be rejected. If we accept the correct account of 'ability', according to which an agent presently is able to perform a sequence of acts only if a present desire on his part to perform it would lead to its performance, then all the intuitively attractive prescriptions of Principle 1*, and none of the intuitively objectionable ones, may be preserved by adopting Principle 4, which instructs an agent to perform a sequence only if it is the best of those available to him.³⁴ The legitimacy of the form of reasoning sanctioned by Principles 1 and 3 is explained as belonging to our thinking about secondary obligations: those which obtain relative to some constraint. But for primary obligations, neither principle is correct, and we must conclude that the acts an agent would perform if he performed a given act are not to be counted as relevant circumstances in assessing the moral status of the given act.³⁵

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¹ Holly S. Goldman, 'Dated Rightness and Moral Imperfection', *The Philosophical Review* 85 (October, 1977), 449–487.

² Lennart Aqvist, 'Improved Formulations of Act-Utilitarianism', *Nous* 3 (September, 1969), 299–323, and Fred Feldman, 'World Utilitarianism', in *Analysis and Metaphysics*, ed. Keith Lehrer (Dordrecht, Holland, 1975), pp. 255–271. This view may also be adopted by P. S. Greenspan in 'Conditional Oughts and Hypothetical Imperatives', *Journal of Philosophy* LXXII (1975), 259–276, and Richmond Thomason in an unpublished manuscript entitled 'Deontic Logic and the Role of Freedom in Moral Deliberation', read at the Pacific Division American Philosophical Association meetings in the spring of 1977.

³ Throughout this paper, for stylistic reasons, I shall use the terms 'ought' and 'is obligated' interchangeably, although their logic is different. I mean always to investigate the former.

There are other principles analogous to Principle 3, e.g., the following:

4. Whether or not *S* ought to do *A* depends on what *S* would do if he didn't do *A*.
5. Whether or not *S* ought to do *A* depends on how *S* would do *A*.
6. Whether or not *S* ought now to perform *A* at a given future time depends on what acts *S* would perform between now and that future time if he were to perform *A*.

The rationale which tends to support each of these principles is the same as that which

supports Principle 3, and the reasons for which I will eventually reject 3 would apply, with some alterations, to each of them.

⁴ This is true even if we take her future abilities into account as morally relevant in addition.

⁵ See Roderick M. Chisholm and Thomas D. Feehan, 'The Intent to Deceive', *The Journal of Philosophy* LXXIV (March, 1977), 148–153.

⁶ There is a possible, although unattractive, way of avoiding this problem. We could stipulate that an event only counts as a *consequence* of a given action if that action contributes causally to its occurrence, and no simultaneous act of the same agent contributes to its occurrence. Similarly we could stipulate that a deontic property, such as being a case of telling a lie, is morally relevant only if the fact that (what I shall later call) a simple action possesses that property in no way depends on other acts the same agent would perform at the same time. But adopting this strategy would involve asserting that many events and features of actions are simply irrelevant to the moral status of *any* action – events and features which we ordinarily take to be crucial in assessing what is obligatory.

⁷ One might attempt to evade this problem by claiming that the two obligations are merely *conditional* obligations, and moreover ones whose conditions are not the same, so that they cannot be conjoined to get the conclusion that Jones ought to accelerate and Jones ought to not change lanes. However, I am interested in examining their acceptability as *unconditional* obligations, with direct import for action, which are conjoinable at will.

⁸ Precisely how these difficulties must be characterized depends on the analysis of act-identity across possible worlds which one employs.

⁹ For a detailed account of this notion of conjunctive acts (which he terms 'compound' acts), and their relation to simple acts, see Alvin I. Goldman, *A Theory of Human Action*, Chapters I and II. In the text of this paper, when I refer to 'simple' acts, I have in mind what he refers to as 'act trees.' Thus conjunctive acts must be understood as compound act trees.

¹⁰ This definition is not precisely correct, but the issues involved are irrelevant to the main concerns of the paper.

¹¹ Specifying the conditions under which an individual act may be prescribed because of its membership in a prescribed maximal conjunctive act is somewhat complex. It appears possible for there to be a maximal conjunctive act, A&B&C, of which the following two conditions hold: (a) it is true that if the agent wanted to perform A&B&C, he would do so, and (b) if the agent wanted to perform A&B, he would *not* do so. This might arise if it were true that if the agent desired to perform A&B, he would also desire to perform –C, and his lack of coordination would prevent him from performing *any* of these acts under these circumstances. If such a case is possible, then either we must abandon the possibility of recommending individual acts, or segments of maximal conjunctive acts, on the grounds that they are components of maximal conjunctive acts, or else we must maintain that the problem of joint incompatibility of performance does not constitute a difficulty for prescriptions of individual acts under this scheme.

See Lars Bergstrom, 'On the Formulation and Application of Utilitarianism,' *Nous* X (May, 1976), 121–144, for a discussion of how to define the relevant alternatives in the context of utilitarianism, and references to the literature on the subject since his seminal book in 1966.

¹² P. S. Greenspan, both in her article 'Conditional Oughts and Hypothetical Imperatives', *Journal of Philosophy* LXXII (1975), and in her discussion, 'Oughts and Determinism: A Response to Goldman,' forthcoming in *The Philosophical Review*, seems to neglect the point that this form of reasoning is valid in personal decision-making, as well as in third-person judging and second-person advice-giving.

¹³ Greenspan, in 'Conditional Oughts and Hypothetical Imperatives,' and in 'Oughts and Determinism: A Response to Goldman,' provides an account of secondary obligations as *merely* conditional obligations. The same strategy has been suggested by Fred Feldman in private correspondence. Until we have a more adequate account of the nature of conditional obligation, I cannot feel sure that this line of thought will prove satisfactory.

¹⁴ If determinism is true, it might be more precise to say that the consequences of the earlier act depend, in part, on the occurrence of events simultaneous with that earlier act which also cause the performance of the agent's later acts.

¹⁵ Once again, it would be possible to avoid this problem by stipulating that an event counts as a consequence of an earlier act only if no later acts of the same agent causally contribute to its occurrence. Thus only a small portion of events we would normally construe as consequences of the earlier act will be counted as such. I do not find this an attractive route out of the dilemma. See footnote 6 above.

¹⁶ See, for example, Lennart Aqvist, *op. cit.*, pp. 315–323; Fred Feldman, 'World Utilitarianism,' Richmond Thomason, 'Deontic Logic as Founded on Tense Logic', unpublished manuscript, and Holly S. Goldman, 'Dated Rightness and Moral Imperfection', *op. cit.*, pp. 449–451.

¹⁷ Cf. Roderick M. Chisholm, 'He Could Have Done Otherwise', in Myles Brand, ed., *The Nature of Human Action* (Glenview, Illinois: Scott, Foresman and Co., 1970), p. 300; Alvin I. Goldman, *op. cit.*, pp. 204–205; Holly S. Goldman, *op. cit.*, pp. 453–454; Lennart Aqvist, *op. cit.*, pp. 316–317; Fred Feldman, 'World Utilitarianism', and J. Howard Sobel, 'Utilitarianism and Past and Future Mistakes', *Nous* X (May, 1976), p. 198.

¹⁸ For simplicity I shall speak as though standard moral principles were to be used in actual decision-making. In fact, many of the features of these principles make them unusable for this purpose (in particular, an agent rarely knows or believes that the conditions such a principle establishes for an action's being obligatory are satisfied, but at best has probabilistic views about this matter). Thus I believe we should distinguish principles of *objective* rightness from principles of *subjective* rightness. Only the latter are to be used in immediate decision-making, while most standard moral principles must be viewed as falling into the former class. In the passage in the text, then, I must be taken as discussing what notion of ability is appropriate within the context of principles of *objective* rightness, and it is not *obvious* that it must be one which is coherent within the context of actual decision-making and action-guidance. However, it seems to me that principles of objective rightness function primarily as ideals, relative to which we ascertain whether a particular principle of subjective rightness is correct, and hence that it makes sense to use the same notion of ability in both contexts.

¹⁹ I owe to Allan Gibbard the suggestion that ability to perform a future act might be defined in this way.

²⁰ It is also possible to follow a scheme according to which *C* would only be compared with *D*, and *E* and *F* with each other. It, too, would lead to incompatible prescriptions.

²¹ Act A_j is an *immediate successor* to act A_i , relative to t_1 , if and only if:

- (a) the agent has the ability at t_1 to jointly perform A_i at t_i and A_j at t_j ($t_i < t_j$), and
- (b) there is no act A_k such that:
- $t_i < t_k < t_j$, and
 - the agent has the ability at t_1 to jointly perform A_i at t_i , A_k at t_k , and A_j at t_j .

In the statement of Principle 1* in the text, I drop the relativization of this notion, for brevity.

²² Holly S. Goldman, *op. cit.*, p. 473.

²³ Sobel, *op. cit.*, p. 199. Sobel actually uses the term 'life' rather than 'sequence of acts.'

²⁴ It is somewhat unclear whether, in assessing whether or not Smith would fail to comment on the paper if he accepted the request, we should take into account the motivations that he will *actually* have at t_1 , or the motivations he would have at t_1 if he accepted the request. Either way we get the desired result.

²⁵ A number of philosophers have made this proposal, for varying reasons. See, for example, Aqvist, *op. cit.*, and Feldman, 'World Utilitarianism.'

²⁶ More needs to be said about how to assess the deontological characteristics of entire sequences of actions.

²⁷ A maximal sequence, X , starts at t_1 if and only if the first member of X would occur at t_1 .

Two maximal sequences starting from t_1 are alternative sequences from t_1 for S if and only if S has the ability at t_1 to perform each of these sequences, and does not have the ability at t_1 to perform them jointly.

(The latter definition implies that two alternative sequences may partially overlap.)

²⁸ Notice that the sequences depicted in the diagram are not genuinely maximal sequences, since presumably Smith could perform acts subsequent to the last ones depicted. This is immaterial to the central argument.

²⁹ Holly S. Goldman, *op. cit.*, pp. 482-484.

³⁰ Holly S. Goldman, *op. cit.*, p. 485.

³¹ In some cases the obligation of the normal (non-ideal) agent and that of the ideal agent will coincide. For example, as I point out below, in the second version of the Smith case, in which he presently desires to harm the student, his primary obligation is to accept the request and comment on the paper (since if only he wanted to perform this course of action, he would do so), and this is the obligation an ideal agent would have as well. Smith in this case is clearly not an ideal agent, since in the hypothetical circumstance that he accepted the request, then Principle 4 would instruct him at t_2 to comment on the paper, and he would fail to do so, thus doing wrong in at least one possible circumstance.

³² This statement must be qualified to take account of the fact that an agent's obligations are a function of his knowledge as well as his character.

There is reason to suppose that the abilities of an ideal agent, according to Definition III, are identical with his abilities, according to the unstated definition for ability to perform a sequence of acts which is the natural extension of Definition I. Thus it makes no difference how we interpret ability when applying Principle 4 to ideal agents. We can say, then, that Principle 4, interpreted according to this new sense of 'ability,' expresses what it ought to be the case that a normal agent ought to do.

³³ An abstractly described case of this sort would be as in Figure 3:

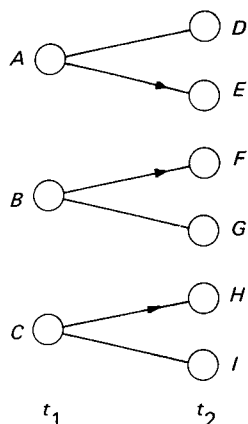


Figure 3

Let us assume that sequence A -and- D is the best of the six sequences described. Then it ought to be the case that the agent ought to perform A -and- D . But let us take it that no matter how much he wanted at t_1 to perform A -and- D , he would not perform D when the time came. On the other hand, if he wanted badly enough to perform B -and- G , he would do so, and let us take it that this is the second-best sequence. Then the agent ought primarily to perform B -and- G . However, he actually wants to perform E if $A_2 F$ if B , and H if C . Of these three sequences, C -and- H is the best, so relative to his actual motivations, he ought secondarily to perform C -and- H . All three judgments diverge. (In this case, the ideal agent, although not the actual agent, has three alternative sequences of action open to him.)

³⁴ The definitions of ability I have argued for in this paper are probably only rough approximations of the definitions that will ultimately be found to be correct. For example, Definition II states that an agent has the ability now to perform a future act if and only if it is true that if he now wanted to perform that future act, he would do so. However, phrasing the definition in this way makes his ability depend on the *kind* of desire (with respect to strength and exact content) which he *would have*, if he were to want to perform that act. But it seems to me more plausible to make this ability depend on the strongest want, with the most appropriate content, that it would be possible for him to have, rather than the one he would have. I hope to explore this issue, and related ones, on another occasion. The answers to these questions may make a difference to how close a correspondence there is between the prescriptions generated by Principle 1* and those generated by Principle 4.

Of course there are familiar problems with the conditional analysis of 'ability' which I am here ignoring, since those problems would be common to (for example) both Definitions I and II, whereas I am interested in the contrast between them.

³⁵ The line of thought I have pursued in this paper was originally explored in my comment on Richard Thomason's paper, 'Deontic Logic and the Role of Freedom in Moral Deliberation', read at the Pacific Division American Philosophical Association meetings in the spring of 1977. I would like to thank John G. Bennett, Robert Cummins, Allan

Gibbard, Alvin Goldman, Louis Loeb, and David Lovelace for their helpful comments on the manuscript at various stages. In addition, I have profited from reading criticisms of my earlier paper communicated to me by Fred Feldman and P. S. Greenspan. The title of this paper comes from a phrase used by Feldman.