

Deontological Evidentialism and *Ought* Implies *Can**

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Abstract: *Deontological evidentialism* is the claim that S ought to form or maintain S's beliefs in accordance with S's evidence. A promising argument for this view turns on the premise that consideration *c* is a normative reason for S to form or maintain a belief that *p* only if *c* is evidence that *p* is true. In this paper, I discuss the surprising relation between a recently influential argument for this key premise and the principle that *ought* implies *can*. I argue that anyone who antecedently accepts or rejects this principle already has a reason to resist either this argument's premises or its role in support of deontological evidentialism.

Keywords: Evidentialism, Normative Reasons, Transparency, Ought Implies Can.

Introduction

John Locke (1706, §34), W.K. Clifford (1877, 70), and Richard Feldman (2000, 679; 2008, 351) are all well-known for endorsing *deontological evidentialism*:

(DE) S ought to form and maintain S's beliefs in accordance with S's evidence.¹

The English 'ought' here expresses an authoritative relation of normative requirement or obligation. Fully stated, (DE) is thus the claim that there is an authoritative relation of normative requirement that holds between each individual and the complex of actions and attitudes that constitutes forming and maintaining one's beliefs in accordance with one's evidence.² As some have put it in different contexts, (DE) sees this normative requirement as "having a grip" on us (cf. Korsgaard 1996, 44-6), as something that is "demanded" of us (cf. Street 2012, 44), and as something "utterly different from anything else in the universe" (cf. Mackie 1977, 38).

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¹Richard Feldman argues, moreover, that (DE) can be separated from Locke's apparent commitment to doxastic voluntarism (cf. Feldman 2001, 89-90) and from Clifford's moral argument in its defense (cf. Feldman 2006, 20).

²The source of this normative authority is a matter of debate. Since the term 'obligation' is so often and so naturally associated with *moral* obligation, I will here give preference to the more neutral term 'normative requirement'. I will elide the 'authoritative' qualifier throughout.

This paper resists a recent argument for (DE).³ The argument depends on two principles. The first principle is a particular account of the nature of the relation of normative requirement. Call it *Normative Rationalism*:

(NR) There is a normative requirement for S to ϕ if and only if (and because) there is most normative reason for S to ϕ .⁴

The second principle places a constraint on what can count as a normative reason for belief. Call it *Only Evidence*:

(Only Evidence) Consideration c is a normative reason for S to form or maintain a belief that p only if c is evidence that p is true.

From (NR) and (Only Evidence), it follows that only evidence that p is true can ground a normative requirement to believe that p . Support for (DE) follows from the addition of modest non-skeptical assumptions.

My focus here is on (Only Evidence). Why should we think it is true? Suppose I am an average meteorologist with an interview scheduled with the local news. Suppose my chances of doing well in this interview would significantly increase if I formed the belief that I am the best meteorologist in town. This consideration—that believing that p would increase my chances of getting something that I want—seems to be a normative reason for forming the belief that I am the best meteorologist in town. Yet (Only Evidence) says this is not so. Since this result is not obviously correct, the appeal to (Only Evidence) in an argument for (DE) requires some antecedent support. In this paper, I discuss the surprising relation between a recent argument for (Only Evidence) and a certain version of the principle that *ought* implies *can*. I argue, more exactly, that anyone who antecedently accepts or rejects

³See Oliveira (2017) for resistance to three other arguments for (DE). As already mentioned in that paper, much of the wider literature in defense of “evidentialism” states it as an account of *epistemic justification*. In such cases, it is often unclear which kind of normative claim evidentialism is intended to be and, more to my present point, whether and how it is related to (DE). I suspect, at any rate, that my criticism of (DE) in this paper will be relevant to a good number of evidentialists about epistemic justification.

⁴This is one way of expressing the view made famous by W.D. Ross (1930) and further developed by Nagel (1970), Scanlon (1998), Raz (2002), and Parfit (2011). Notice, however, that (NR) could be stated as a weaker, *satisficing* principle by substituting ‘most normative reason’ for ‘sufficient normative reason’. My argument in this section goes through on either formulation. (NR), moreover, is neutral with respect to the nature of normative reasons themselves. It favors neither consequentialism nor Kantianism, neither objectivism nor subjectivism, neither realism nor anti-realism, and so on. Whatever the nature of normative reasons, (NR) simply claims that they are ontologically prior to, or are the grounds for, the relation of normative requirement that can hold between a certain individual and a certain attitude or action.

this version of the principle already has a reason to resist either (a) one of this recent argument's premises or (b) the argument's role in providing support for (DE).⁵

Here is how I proceed. In the first section, I explain how some have extracted a constraint on what can count as a reason for *belief* from a constraint on what can count as a reason for *action* that is familiar from the work of Bernard Williams. I then explain how this constraint serves as a premise in what I will call the Transparency Argument for (Only Evidence). In the second section, I defend the first direction of my argument: anyone who accepts that a certain version of the principle that *ought* implies *can* is false already has good reasons to reject premise (1) of the Transparency Argument. In the third section, I defend the second direction of my argument: anyone who accepts that the same principle that *ought* implies *can* is true already has good reasons for either rejecting premise (2) of the Transparency Argument or for denying the argument's role in any further argument in support for (DE). In the concluding section, I discuss the conditions under which one can, in fact, accept both the premises of the Transparency Argument as well as its role in further arguments for (DE). I also identify a serious worry for the possibility of these conditions ever obtaining.

1. Reasons, Deliberation, and Transparency

It is well known that Bernard Williams took there to be an essential connection between *reasons for action* and *deliberation*. This is because reasons are essential in the explanation of our intentional actions and because they could not play this explanatory role if they were not also essential elements of our process of deliberation. Williams' example of Owen Wingrave illustrates what he had in mind. As Williams (1981, 106) puts it, Owen's family wants him to join the army, though he himself has no such desire and in fact "hates everything about military life and what it means." This is supposed to be a case where no amount of careful deliberation about his desires, projects, and commitments could motivate Owen to heed his family's wishes. There is simply nothing about Owen's own self which deliberation could identify as being furthered by that action. For Williams, this is tantamount to simply saying that there is no reason for Owen to join the army.⁶

⁵My aim here is undermining an influential argument for (Only Evidence). For direct arguments against (Only Evidence), see McCormick (2015) and Reisner (forthcoming).

⁶Williams focuses on the contrast between claims of the form 'A has reason to ϕ ' and claims of the form 'there is a reason for A to ϕ .' He claims that any attempt to understand the latter expression in a way where it does not collapse into the former expression—in a way, that is, which

There is some disagreement, however, about how to state Williams' claims with more precision. On one reading, Williams is here identifying an essential connection between normative reasons for action and *motivation*. If a certain consideration is a normative reason for me to ϕ , that is, then I must be capable of becoming motivated to ϕ after careful deliberation about what to do. Call this the *Motivation* constraint on reasons:

(Motivation) If consideration c is a normative reason for S to ϕ , then, as a result of careful deliberation, S can *be motivated to* ϕ .⁷

On another reading, Williams is here identifying an essential connection between normative reasons for action and *effective deliberation*. If a certain consideration is a normative reason for me to ϕ , that is, then I must be capable of not only becoming motivated to ϕ but also of ϕ -ing on the basis that consideration. Call this the *Basis* constraint on reasons:

(Basis) If consideration c is a normative reason for S to ϕ , then, as a result of careful deliberation, S can ϕ on the basis of c .⁸

Notice the contrast between (Motivation) and (Basis). According to the former, careful deliberation must be capable of producing a certain kind of *attitude*; according to the latter, it must be capable of producing a certain kind of *action*. While both constraints on normative reasons are inspired by Williams' claim that there is an essential connection between reasons for action and deliberation, the former constraint is weaker than the latter.⁹

It will not matter here which of these constraints best captures what Williams himself had in mind. Nor will it matter that Williams' claims, and these principles, are controversial in themselves. What will matter, instead, is that only (Basis) can be used as part of an argument for (Only Evidence). (The reasons for leaving (Motivation) aside will become evident in a moment.) For our purposes, moreover,

expresses what he calls an *external reason*—sacrifices the essential connection between reasons and deliberation. I am here using 'there is a reason for A to ϕ ' neutrally throughout.

⁷See Garcia (2004, 233-5) and Smith (2013, 102) for examples of this reading.

⁸See Shah (2006, 484) for an example of this reading.

⁹It is difficult to make sense of the modality of the 'can' in these principles. Part of difficulty bears a family resemblance to issues about deviant causal chains in the literature on intentional action and turns on understanding the nature of what Williams (1993, 35) later called a "sound deliberative route." I will leave these difficulties aside for now but will return to them on section 4 below.

what will matter is a version of (Basis) where it states a general constraint on normative reasons *for belief*:

(B-Basis) If consideration c is a normative reason for S to form or maintain a belief that p , then, as a result of careful deliberation, S can form or maintain a belief that p on the basis of c .¹⁰

We can infer (B-Basis) from (Basis) if we take it that what is true of the behavior of normative reasons for performing some action is also true of the behavior of normative reasons for taking on some attitude, such as belief. I find this a rather plausible suggestion.¹¹ Of course, some particular consideration may count as a normative reason for action while not counting as a normative reason for belief as well. And there may well be features of certain considerations that unify them as reasons for action and features of other considerations that unify them as reasons for belief. (It may still turn out, for example, that only evidence can be a normative reason for belief.) Nonetheless, if a general principle is true of the behavior of normative reasons for action, then whatever the elements that count as normative reasons for belief in particular, that principle is true of their behavior as well. The recently influential argument for (Only Evidence) that I will consider here, at any rate, depends on this assumption.¹²

We can see the argument from (B-Basis) to (Only Evidence) once we turn our focus to empirical facts about our belief formation. No one denies that many of our beliefs are formed on the basis of wishful thinking. Sometimes a desire to win an argument produces a rather strong belief that one's interlocutor is misinformed. Sometimes a deep fear of failure produces the belief that everything will work out fine. Sometimes, in fact, the mere spatial-location of a consumer good—being the

¹⁰See Shah (2006, 486) and Jones (2009, 149). Way (2016, 805) provides a slightly different formulation: "Reasons for you to believe p must be considerations from which you could reason to believing p ." Nothing in my argument turns on the differences between these formulations.

¹¹I am not alone. See Kearns & Star (2009, 219-221), Turri (2011, 384), and Booth (2012, 511-512).

¹²Notice that (B-Basis) allows one to resist the first premise of Cowie's (2014, 4007) argument for *instrumentalism* about the normativity of evidence: "there is reason to believe in accordance with one's evidence (or value in so believing) *because* it is of great practical utility" (my emphasis). His argument, roughly, is that those who find *other* sources for the normativity of evidence must explain the "striking coincidence" of these normative facts. If (B-Basis) is true, however, then practical utility alone is not sufficient to ground the existence of a reason for belief. If (B-Basis) is true, that is, then there is no coincidence to explain in the first place. In his discussion of attempts to brush away the existence of a coincidence, Cowie (2014, 4012-3) is remiss in not considering this possibility.

rightmost—seems to produce the belief that it is better than otherwise identical goods.¹³ In these and other cases, the force behind the formation and maintenance of our beliefs is not an indication that p is true. These beliefs, that is, are not formed on the basis of the evidence that we have for p . A bit differently, however, it seems as if nothing but what we take as an indication of p 's truth—nothing but our *evidence* for p —can affect our *conscious* forming and maintaining of beliefs. Call this constraint *Transparency*:

(T) If, as a result of careful deliberation, S can form or maintain a belief that p on the basis of c , then c is evidence that p is true.¹⁴

If I am offered a million dollars in exchange for forming the belief that the Moon is made of cheese, for example, I may become convinced that forming this belief is desirable. But I will not be able to consciously form this belief on the basis of its desirability. To consciously form a certain belief, I must have an indication that it is true. (T) seems to be an empirically observed psychological fact.¹⁵

Together, (B-Basis) and (T) entail (Only Evidence):

The Transparency Argument for (Only Evidence)

1. If consideration c is a normative reason for S to form or maintain a belief that p , then, as a result of careful deliberation, S can form or maintain a belief that p on the basis of c . (B-Basis)
2. If, as a result of careful deliberation, S can form or maintain a belief that p on the basis of c , then c is evidence that p is true. (T)
3. Consideration c is a normative reason for S to form or maintain a belief that p only if c is evidence that p is true. (1,2)¹⁶

The reason why (Motivation) cannot be used in a similar argument should be clear. There is no psychological constraint that prevents a non-evidential consideration

¹³See Nisbett & Wilson (1977) for these and other well-known experiments. See Kornblith (2014, 20-26) for a detailed summary of the large body of empirical literature documenting the misfortunes of unreflective belief-formation.

¹⁴See Moran (2001), Shah & Velleman (2005), Zalabardo (2010), Boghossian (2014), and McHugh (2015) for careful discussions of transparency and related issues.

¹⁵See Shah & Velleman (2005) for the suggestion that (T) reflects a necessary feature of our concept of belief. See Steglich-Petersen (2013) for a criticism of this suggestion.

¹⁶We find versions of this argument in Kelly (2002), Kolodny (2005), Shah (2006), Jones (2009), and Raz (2013). See Steglich-Petersen (2006) for criticism of premise 1; see McHugh & Way (2016) for criticism of premise 2; and see Steglich-Petersen (2008) for a criticism of the conjunction of premises 1 and 2. I will not entertain any direct criticism of these premises here. My criticisms are instead about the unexpected consequences of combining them with further claims.

from producing a mere motivation for believing that p . As Pascal's (1670, 124) *wager* illustrates so well, becoming convinced that belief in God is prudentially best can motivate me into active attempts to obtain it. Pascal himself recognized this point and recommended disciplined church-going as an effective method for inducing belief in God. But being so convinced cannot, by way of conscious deliberation, itself produce the desired belief. The way in which the Transparency Argument is part of a longer argument for (DE) should be clear as well. If only evidence can give us normative reasons for belief, and if normative requirements are produced by the balance of undefeated normative reasons, then a normative requirement to believe that p can only obtain when there is undefeated evidence for p . In the relevant sense of 'ought', modest non-skeptical assumptions deliver that one ought to form and maintain one's beliefs in accordance with one's evidence.

2. What if OIC is False?

The sense of 'ought' that matters presently, recall, is the sense where it express that a relation of normative requirement obtains, that someone is obligated to perform a certain action or to take on a certain attitude. The version of the principle that *ought* implies *can* that is of present interest, then, is a version that places a certain control-constraint on when such facts about requirements can be the case. Roughly, the principle says that S ought to ϕ only if S *has a choice* as to whether or not to ϕ , or only if it is *up to S* whether or not S ϕ 's. Here are two corresponding endorsements (my italics):

By the time honored principle that "ought implies can," one can be obliged to do A only if one *has an effective choice* as to whether to do A . (Alston 1988, 259)

If the fact is I am sad and I consider this proposition, then whether or not I accept it is simply *not up to me*; but then accepting this proposition cannot be a way in which I can fulfill my obligation to the truth, or, indeed, any obligation to try to bring about some state of affairs. (Plantinga 1993, 38)

These are different ways to express a familiar and widely accepted control-constraint on normative requirements. Putting together these ways of thinking about *ought* and *can*, we can say more carefully that the version of the principle that *Ought-Implies-Can* which matters presently is therefore the following:

(OIC): If there is a normative requirement for S to ϕ , then S has control over whether S ϕ 's.¹⁷

In this section, I will argue that anyone who accepts some of the most common arguments against (OIC) already has good reasons to reject premise (1) of the Transparency Argument: (B-Basis). I will focus on two counter-examples.

One reason to think that (OIC) is false is the existence of *direct* counter-examples. Suppose Karen is a kleptomaniac. Suppose her kleptomania is so compulsive that whenever she has the opportunity to shoplift with perceived impunity she quite literally lacks the power to do otherwise. Suppose Karen even describes these cases by saying that “something takes over and I’m no longer in control.” If all of this is right, then according to (OIC) it is not the case that Karen is required to refrain from stealing, say, a new watch at Macy’s when she notices that she is alone. At that time, she has simply no control over whether she steals it. *We*, of course, would be required to refrain from stealing it in a similar situation. But not Karen. Karen flouts no normative requirement when she goes ahead and steals the watch. To some, this assessment of Karen’s situation seems straightaway false: of course Karen has a requirement to refrain from stealing the watch (cf. Blum 2000, 287). Saying otherwise makes hash of our intuitions and our linguistic and social practices. But one cannot reject this assessment without also rejecting (OIC). So those who think that Karen, in this case, has a requirement to refrain from stealing the watch thereby have a counter-example to (OIC).¹⁸

Another reason to think that (OIC) is false is the existence of *indirect* counter-examples. Suppose Black, an evil neurosurgeon, can manipulate Jones in such a way that will ensure that Jones kills Smith. Black observes Jones and will only intervene if Jones is about to decide not to kill Smith. But Black never has to show his hand.

¹⁷Different versions of (OIC) can be formulated by modifying the relevant senses of ‘ought’ and ‘can’, and some no doubt will object to my particular choices in this respect. Such qualms, however, should not be mistaken for an objection to my argument in this paper. My argument, recall, claims that there are problems for the use of the Transparency Argument in support of (DE) for those who accept this version of (OIC) as well as for those who deny it. So my argument does not depend on being sympathetic to this particular formulation.

¹⁸Some direct counterexamples to (OIC), however, are more contrived. Graham (2011a, 345-6), for example, exploits cases where (i) “it is plausible that the moral permissibility of A’s ϕ -ing depends on the moral impermissibility of B’s ψ -ing,” and where (ii) “it is not plausible that rendering B incapable of refraining from ψ -ing would render A’s ϕ -ing morally impermissible.” If there are cases of which (i) and (ii) are true, then there are counterexamples to (OIC). Graham goes on to identify one such case, and to defend various attempts to resist the assessment that (i) and (ii) are true of it.

Jones, for reasons of his own, decides to and does kill Smith. This is Frankfurt's (1969, 836) famous counter-example to the claim that being *blameworthy* for ϕ -ing requires having control over whether one ϕ 's. But this case doubles as an indirect counter-example to (OIC) if one accepts the following bridge principle:

(Bridge) S is blameworthy for ϕ -ing only if S ought to refrain from ϕ -ing.¹⁹

This is a plausible principle. Why would someone be blameworthy for doing what one is permitted to do? Assuming a broadly Strawsonian approach, why should we *resent* someone who acts in perfect accordance with their normative requirements? If (Bridge) is true, however, and if Frankfurt's famous case indeed establishes what it intended to establish, then (OIC) is false. So those who think that Black is blameworthy and think that (Bridge) is true thereby have a counter-example to (OIC) as well.

Perhaps these are two good reasons to be suspicious of (OIC). My aim here is not defending them. Instead, my aim is showing that those who take these considerations as reasons for rejecting (OIC) already have good reasons for rejecting premise (1) of the Transparency Argument. We can see this in three short steps.

First, notice that combining (NR) with a rejection of (OIC) is incompatible with a control-constraint on normative reasons in general. Given (NR) and a denial of (OIC), we can infer that it is possible for there to be most reason for S to ϕ even if S does not have control over whether S ϕ 's. If the cases of Karen the kleptomaniac and of Jones' Frankfurtian murder of Smith are cases of normative requirements without agential control, that is, then (NR) tells us that these are also cases of undefeated normative reasons without agential control. Yet if there is most reason for S to ϕ , then there is a consideration c which is a normative reason for S to ϕ —there being *most* reason, of course, just being the claim that there is an abundance of a certain thing, namely, normative reasons. So given (NR) and a denial of (OIC) we can rather infer that it is possible for there to be a consideration c which is a normative reason for S to ϕ even if S does not have control over whether S ϕ 's.

Second, notice that combining (NR) with a rejection of (OIC) is also incompatible with (Basis). Consider:

The Argument Against (Basis):

¹⁹Fischer (2006, 25) uses this principle to argue against (OIC), and Booth (2012, 511) uses this principle to argue that we can have *all-things-considered* duties to believe.

1. It is possible that there is a consideration c which is a normative reason for S to ϕ and S does not have control over whether S ϕ 's.
 2. If it is possible that there is a consideration c which is a normative reason for S to ϕ and S does not have control over whether S ϕ 's, then it is possible that there is a consideration c which is a normative reason for S to ϕ and S cannot, as a result of careful deliberation, ϕ on the basis of c .
 3. So it is possible that there is a consideration c which is a normative reason for S to ϕ and S cannot, as a result of careful deliberation, ϕ on the basis of c .
- (1,2)

The reasoning captured just above supports premise (1). And it is hard to resist premise (2).

Recall the cases that have convinced some that (OIC) is false. In Karen's case, she is a kleptomaniac who is required to refrain from stealing a watch even though she has no control over whether she steals it. Karen simply cannot refrain from stealing the watch in the situation that she is in. Once she finds herself with the opportunity to steal with impunity, she cannot help but steal. This very same case, however, is also a case where Karen cannot refrain from stealing the watch, as a result of careful deliberation, on the basis of a consideration in favor of not stealing it. This is due to the following general fact:

(Fact) if S cannot ϕ at t , then S *a fortiori* cannot ϕ at t in any of the possibly different ways of ϕ -ing at t .

Since refraining from stealing the watch, as a result of careful deliberation, on the basis of a consideration in favor of not stealing it, is clearly one way of refraining from stealing the watch, and since Karen simply cannot refrain from stealing the watch, it follows from (Fact) that Karen cannot refrain from stealing the watch at t , as a result of careful deliberation, on the basis of a consideration in favor of not stealing it. Perhaps this is because she cannot carefully deliberate about that consideration in her situation at all; perhaps this is because her careful deliberation about that consideration in that situation is ineffective. Either way, when her kleptomania takes over, Karen cannot refrain from stealing the watch in any of the possibly different ways of doing so. But since Karen is nonetheless required to refrain from stealing the watch, there is, in fact, a normative reason to refrain from stealing it. So there is a normative reason for Karen to refrain from stealing the watch even though she cannot, as a result of careful deliberation, refrain from stealing the

watch on the basis of that normative reason. The same is true, *mutatis mutandis*, in Black's case: if Black simply cannot refrain from killing Smith, then Black *a fortiori* cannot refrain, as a result of careful deliberation, from killing Smith on the basis of a consideration that there is for not killing him.

Third, notice that the Argument Against (Basis) is effective against (B-Basis) as well. Recall that (B-Basis) derives from (Basis) via the assumption that if a general principle is true of normative reasons for action, then, whatever the elements that count as normative reasons for belief in particular, that principle is true of them as well.²⁰ But the conclusion of the Argument Against (Basis) is itself a general principle governing (at least) reasons for action. So I see no principled way of inferring (B-Basis) from (Basis)—as is required for the Transparency Argument—while at the same time resisting the inference from (3) to the following:

3*. It is possible that there is a consideration *c* which is a normative reason for S to form or maintain a belief that p and S cannot, as a result of careful deliberation, form or maintain that belief on the basis of *c*.

If (3*) is true, however, then (B-Basis) is false. If this is right, then those who reject (OIC) already have a good reason to reject (B-Basis) as well. That is, those who reject (OIC) already have a good reason to reject premise (1) of the Transparency Argument for (Only Evidence).

3. What if OIC is True?

Not everyone denies (OIC). For our purposes, it is enough to see why some think that both of the counter-examples suggested above fall short. Wedgwood (2013, 76), for example, thinks that cases of compulsion such as Karen's are not in fact cases where Karen does not have the power to refrain from stealing the watch:

Such compulsions seem broadly similar to powerful addictions; and although such addictions are typically at least partial excuses or mitigating factors... it seems that they typically do not completely remove the agent's ability to choose otherwise.

²⁰This is different from saying that every true *ought-claim* is constrained by the same general principles. There are many counterexamples to the suggestion that every ought-claim requires control. Feldman (1988, 674-6) discusses *contractual* and *role* oughts, for example, and Chrisman (2012, 603) discusses oughts that express *state norms*. These ought-claims, however, are not claims about normative reasons and normative requirements. I have argued elsewhere, moreover, that while practical ought-claims are related to the common notion of permissibility, doxastic ought-claims are related only to the different notion of *non-agential* permissibility (cf. Oliveira 2015)

According to Wedgwood, that is, Karen does have control over whether she steals the watch after all, even after having the opportunity to steal it with perceived impunity and feeling, in some weaker sense, compelled to do it. If Wedgwood is right, then Karen's case, and cases of compulsion and addiction in general, cannot be direct counter-examples to (OIC). This is one way to defend (OIC). Graham (2011b, 6), for another example, thinks that the bridge principle required to go from an assessment of Black as blameworthy to a denial of (OIC) is false. This is because (Bridge) is in tension with cases of *blameworthy permissible-doing*. Here is one of the cases Graham offers as illustration:

Unbeknownst to Caleb, Jack is about to mercilessly torture 15 innocent children to death. The only way to prevent Jack from doing so is to kill him. On a whim, Caleb kills Jack merely for the fun of it.²¹

According to Graham, this is a case where Caleb is blameworthy for killing Jack even though it is not the case that Caleb ought to refrain from killing Jack. If Graham is right, then Frankfurt cases such as Black's cannot be indirect counter-examples to (OIC): since one can be blameworthy for ϕ -ing without being required to refrain from ϕ -ing, showing that one can be blameworthy for something that is out of one's control *is not* tantamount to showing that one can be required to perform actions or to take on attitudes that are beyond one's control. This is another way to defend (OIC).²²

Perhaps these are two good reasons to accept (OIC). My aim here, once again, is not defending them. Instead, my aim is showing that those who accept (OIC) already have good reasons for either rejecting premise (2) of the Transparency Argument or for denying the argument's role in providing support for (DE). We can see this in three short steps as well.

First, notice that (OIC) itself places a control-constraint on normative requirements in general, and recall the grounding of normative requirements on normative reasons provided by (NR). Given the central assumption, already mentioned a few

²¹Graham (2011b, 6-7) offers three more cases against (Bridge). One of them aims to show the possibility of *blameworthy obligation-fulfilling*, and two of them aim to show that these cases do not depend on ignorance of any kind.

²²Littlejohn (2012, 3) argues against Graham (2011a) that he has not identified a counterexample to (OIC). His argument turns on identifying an alternative explanation to the moral permissibility of the relevant action which does not depend on the moral impermissibility of the other relevant action (see fn. 14). His argument depends on accepting a certain principle about the legitimate use of violence on passive threats, and on rejecting Graham's rejection of that principle. This is yet another way to defend (OIC).

times, that the principles governing the behavior of normative reasons are uniform irrespective of the kinds of reason at stake, we can derive from the more general (OIC) a particular version of that principle where the variable ‘ ϕ ’ picks out the specific attitude of *belief*. On similar grounds, we can derive a particular version of (OIC) where the variable ‘ ϕ ’ picks out the complex of actions and attitudes that constitutes forming and maintaining one’s beliefs in accordance with one’s evidence. If one can have normative reasons for *that*, then such reasons—like all reasons—are subject to a control constraint:

(OIC*): If there is a normative requirement for S to form and maintain one’s beliefs in accordance with one’s evidence, then S has control over whether S forms and maintains one’s beliefs in accordance with one’s evidence.

If one resists the counter-examples that are offered against the control-constraint (OIC) imposes on normative requirements in general, that is, then one *ipso facto* resists similar qualms against the control-constraint that (OIC*) imposes on normative requirements for forming and maintaining beliefs in particular.

In the terminology we find in Alston and Plantinga, (OIC*) is the claim that the relevant normative requirement obtains only if we have a choice as to whether or not we form or maintain our beliefs in accordance with our evidence, only if it is up to us whether or not we form or maintain our beliefs in accordance with our evidence. Do we have such a choice? Call an affirmative answer to this question *evidential voluntarism*; call a negative answer to it *evidential involuntarism*. We can now state the argument from this section in the form of a dilemma:

The Voluntarist Dilemma: Evidential voluntarism is either true or false:

(Horn #1) If evidential voluntarism is true, then (T) is false.

(Horn #2) If evidential voluntarism is false, then (DE) is false.

Enlisting the Transparency Argument as support for (DE), it turns out, is in trouble either way.²³

Second, suppose someone accepts (OIC*) and accepts evidential voluntarism. This is someone who accepts two claims: (a) we can have a normative requirement to form and maintain our beliefs in accordance with our evidence only if forming and

²³Notice that the question of whether *evidential* voluntarism is true is distinct and independent from the question of whether *doxastic* voluntarism is true. What is at stake in the former question is not whether *forming* a belief that *p* is under our control, but rather whether we have control over *the way* in which we form or refrain from forming it.

maintaining our beliefs in accordance with our evidence is within our control, and (b) it *is* within our control whether we form and maintain our beliefs in accordance with our evidence. This seems to be a position Wedgwood (2013, 77-79) is willing to defend:

If a reasoner exercises the capacity to come to have a certain level of confidence in a proposition p at a certain time t , the reasoner must also have had the power not to come to have that level of confidence at that time.

We can also make sense of the suggestion that we have control over our beliefs and intentions because we can exercise our reasoning capacities, and the way in which we exercise those reasoning capacities will determine what we believe and intend.

His aim, in fact, is precisely that of articulating a sense of control that can allow us to accept deontic claims about beliefs without having to abandon (OIC). On its face, of course, there is nothing objectionable about this position. But if one says that whether or not we form and maintain our beliefs in accordance with our evidence *is*, in fact, within our control, then one is thereby denying the alleged psychological fact of transparency, captured above by (T). (T) is precisely the claim that forming and maintaining our beliefs in accordance with our evidence *is not* a choice. When we form and maintain beliefs unconsciously, we have no control; when we form and maintain them consciously, we have no control over whether to follow the evidence. According to (T), that is, we are never in a position where it is up to us whether we believe in accordance with our evidence. So anyone who accepts (OIC*) and evidential voluntarism already has a good reason to reject premise (2) of the Transparency Argument for (Only Evidence).

Third, suppose that someone accepts (OIC*) and accepts evidential involuntarism instead. This is someone who accepts two claims: (a) we can have a normative requirement to form and maintain our beliefs in accordance with our evidence only if forming and maintaining our beliefs in accordance with our evidence is within our control, and (b) it *is not* within our control whether we form and maintain our beliefs in accordance with our evidence. This is finally a position which allows one to accept both premises of the Transparency Argument: (B-Basis) and (T). Moreover, there seems to be nothing objectionable about this position on its face. But, given (OIC*), (DE) is true only if forming and maintaining one's beliefs in accordance with one's evidence is within one's control. And, given evidential involuntarism, it

is not within our control to form and maintain our beliefs in this way. So anyone who accepts (OIC*) and evidential involuntarism already has a good reason to reject (DE) itself. Perhaps surprisingly, the only position which allows one to accept both premises of the Transparency Argument for (Only Evidence) is a position which precludes the use of (Only Evidence) in an argument for (DE).

4. The OIC Trilemma

I have been examining the prospects of an argument for (DE) that turns on (NR) and (Only Evidence). Since (Only Evidence) is not particularly obvious, it requires rather substantive support. Yet the most clearly stated argument in its defense precludes the use of (Only Evidence) as part of an argument for (DE). The conjunction of three claims delivers this result: those who reject (OIC) already have good reason to reject premise (1) of the Transparency Argument; those who accept (OIC) and accept evidential voluntarism already have good reason to reject premise (2) of the Transparency Argument; and those who accept (OIC) and accept evidential involuntarism already have good reason to reject (DE) itself. We can now state my overall argument in this paper in the form of a trilemma:

The OIC Trilemma: (OIC) is either true or false:

(Horn #1) If (OIC) is false, then (B-Basis) is false.

(Horn #2) If (OIC) is true and evidential voluntarism is true, then (T) is false.

(Horn #3) If (OIC) is true and evidential involuntarism is true, then (DE) is false.

This, I think, is bad news for the Transparency Argument, for (Only Evidence), and for (DE).

Yet this is not, perhaps, the final word. Perhaps the OIC Trilemma merely reveals the conditions required for accepting the Transparency Argument and its role in providing support for (DE). There are three such conditions. First, one must resist the common counter-examples to (OIC) discussed in section 2. Second, one must accept evidential involuntarism. This allows one to accept both premises of the Transparency Argument: (B-Basis) and (T), respectively. But one cannot accept (OIC). Since accepting premise (1) requires accepting evidential involuntarism, and since (OIC) gives way to (OIC*), accepting (OIC) forces the denial of (DE). The third condition, then, is providing a novel rejection of (OIC) that is tailor-made for

avoiding any tension with (Basis). This would allow one to reject (Horn #1) of the OIC Trilemma. Nothing of what I said above precludes this possibility.

This possibility, however, is problematic for the Transparency Argument. At the beginning of section 1, recall, I suggested that Williams' defense of (Basis) turned on the connection between normative reasons and the explanation of our intentional actions. But this defense of (Basis) has been criticized even by those who agree with William's general constraint. The worry is simple: we can explain intentional actions by appealing to our *beliefs* about our reasons just as well as by appealing to the reasons themselves (cf. Anomaly 2008, 475). Normative reasons, that is, are explanatorily superfluous in Williams' case. Despite the shortcomings of this defense of (Basis), however, Williams-sympathizers suggest that we can accept it on different grounds: by appealing to (OIC). Accepting (OIC), that is, allows us to say that if someone simply *could not* perform some action or take on some attitude after careful deliberation, then this person cannot as well have a normative reason for performing this action or for taking on this attitude. Consider Anomaly (2008, 476) on this point:

In the example [of Owen Wingrave] there is no discernible route from his current motivational set (or, if we wish, psychological profile) to some utterly different set in virtue of which Owen would be convinced that honor or tradition requires him to join [the army]. In the absence of such a route, we naturally conclude that he lacks a reason to join because he *cannot* be motivated by the considerations advanced by his father without becoming an utterly different person. (Emphasis original)

I will not examine here whether Anomaly is correct in suggesting that we find this argument from (OIC) to (Basis) in Williams. I will also not examine whether the first argument—based on the explanation of intentional actions—is defective in the ways that he and others have suggested. I mention these suggestions only to highlight the problem that they seem to raise. The third condition for accepting the Transparency Argument and its role as support for (DE) is providing a novel *rejection* of (OIC) that is tailor-made for avoiding any tension with (Basis). Naturally, this will be a terribly thorny condition to satisfy if the best argument *for* (Basis) depends on (OIC) itself.

I conclude, therefore, that (Only Evidence) does not provide support for (DE). There is a recently influential argument for (Only Evidence) that we find in both

Shah (2006) and Jones (2009), alright, but there is no consistent position from where one can accept all of its premises without already having to reject (DE) as well.

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