

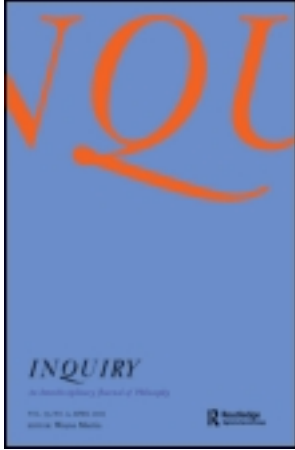
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Flexible Contextualism about Deontic Modals: A Puzzle about Information-Sensitivity

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Flexible Contextualism about Deontic Modals: A Puzzle about Information-Sensitivity

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ABSTRACT *According to a recent challenge to Kratzer's canonical contextualist semantics for deontic modal expressions, no contextualist view can make sense of cases in which such a modal must be information-sensitive in some way. Here I show how Kratzer's semantics is compatible with readings of the targeted sentences that fit with the data. I then outline a general account of how contexts select parameter values for modal expressions and show, in terms of that account, how the needed, contextualist-friendly readings might plausibly get selected in the challenge cases.*

I. Introduction

On the semantics canonical in the literature in linguistics and philosophy of language, modal expressions (like 'might' and 'must') function as quantifiers over possibilities, where the domains of quantification are contextually restricted. If that semantics could be shown compatible with speakers' uses of such expressions, it would enjoy an important advantage over any rival, relativist view: unlike relativism, Kratzer's canonical contextualism preserves the semantic unity of all our modal expressions.¹

Recently, though, the canon's neat story has come under attack on two fronts. First, some have argued that there is no single resolution of an epistemic modal's contextual parameters that could account for our full range

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¹That the more semantically uniform theory, of two theories that fit equally well with the data, is to be preferred is a standard assumption among linguists. For evidence of this assumption in action in the modals literature, see Portner, *Modality*; Hacquard, 'Modality'.

of intuitions in a set of challenge cases.² Second, others have argued that no contextualist account of deontic modals could explain the phenomena of normative disagreement and practical advice in so-called ‘Jackson cases’, cases in which a deontic modal must be given an information-sensitive reading.³ Some have seen each set of puzzle cases as showing that the canon is in need of revision.⁴

Elsewhere, I argue that the right, flexibly contextualist account of epistemic modals is able to account for the full range of intuitions in the challenge cases—indeed, that it does so in some respects better than its rival relativist and cloudy contextualist views.⁵ Here I show how that same flexibly contextualist account applied to deontic modals is able to explain the phenomena of normative disagreement and practical advice in Jackson cases. The result is a contextualist account that fits with the full range of challenge data while preserving the semantic unity of the modals.

The key to solving the puzzles is to supplement Kratzer’s formal semantic account with an account of *how* context selects values for a modal’s parameters. Without such an account, any contextualist solution to the puzzles cases is at best ad hoc. It is not enough to show that there are some values for the contextual parameters or other that context *might* select on which the puzzles do not arise; we need some reason to think that contexts *do* select the needed values. Offering such a justification requires some story about how parameter values in general get selected. On the account defended here, context determines a modal proposition in part by manifesting a speaker’s domain-restricting intention. This means that non-defective contexts satisfy a publicity constraint; they are capable of manifesting a speaker’s appropriate intention to a reasonable audience. (Call this constraint ‘Publicity’.) The trick will be to develop a story about what determines the contents of a speaker’s intentions in a way that fits with a plausible explanation of how, in general, contexts are able to manifest those contents. I hope to do this below.

The Jackson cases that involve Publicity failure are very like the eavesdropper cases that some see as motivating relativism over contextualism about epistemic modals.⁶ (For reasons that will become apparent below, I shall call such cases ‘refusal cases’.) It would be nice if parallel explanations for the two sets of cases could be given. One advantage of the present account

²MacFarlane, ‘Epistemic Modals’; von Fintel and Gillies, ‘Might Made Right’.

³Kolodny and MacFarlane, ‘Ought’; MacFarlane, ‘Assessment Sensitivity’, Ch. 11. See also, Silk, ‘Evidence Sensitivity’. For a discussion of the original Jackson case, see Jackson, ‘Decision-Theoretic Consequentialism’.

⁴MacFarlane, ‘Assessment Sensitivity’, ‘Epistemic Modals’; Kolodny and MacFarlane, ‘Ifs and Oughts’, ‘Ought’; Egan, ‘Epistemic Modals’; Egan, Hawthorne, and Weatherson, ‘Epistemic Modals in Context’; von Fintel and Gillies, ‘Might Made Right’; Silk, ‘Evidence Sensitivity’.

⁵See Dowell, ‘Flexibly Contextualist Account’.

⁶See Egan, ‘Epistemic Modals’; MacFarlane, ‘Epistemic Modals’.

is that the explanation here in terms of Publicity failure parallels a plausible, contextualist-friendly explanation of eavesdropper cases.⁷

The plan of action is as follows. In order to see why the puzzles discussed here may seem especially pressing for the contextualist, I begin, in Section II, with a fairly standard, rough sketch of Angelika Kratzer's canonical contextualist account of modal expressions, simplifying somewhat aspects of her view that are unrelated to the issues of concern here. Section III provides a statement of a recent challenge to contextualism about deontic modals, together with a set of desiderata any semantics for deontic modals should satisfy. In Section IV, I provide a sketch of the account I favor, one that adds to Kratzer's original. In Section V, I show both how Kratzer's semantics makes appropriate readings available in the challenge cases and, crucially, how the present account makes contextual selection of those readings plausible. Finally, in Section VI, I note several advantages the present account has over its most prominent rivals.

II. Contextualism about Modals: The Canon

On the standard view, 'a modal is an expression . . . that is used to qualify the truth of a judgment'.⁸ On Kratzer's canonical, contextualist semantics, modal expressions—like 'ought' and 'must'—may be semantically represented as quantifiers over possibilities, while modal sentences contain parameters that require values to determine a domain of quantification and so a proposition. Sometimes, those values appear in the linguistic material, as in

- (1) According to local traffic laws and given that you're driving and that there's a stop sign up ahead, you must stop.

The cases at issue here involve 'bare' modal sentences, i.e., those lacking such linguistic material. Let 'BDM' abbreviate 'bare deontic modal sentence'. According to contextualists, the parameter values for BDMs are provided in some way as a function of the context of use. Consider,

- (2) You must stop.

The contextual supplementation here is twofold. First, context must supply a circumstantial accessibility relation on a world of evaluation w . Second, context must supply a standard as a function of w , i.e., a set of propositions that tell us which worlds are comparatively better or worse.⁹ Together, these determine a modal proposition in the following way. *First*, the accessibility relation determines a modal base, i.e., a set of worlds accessible from the world

⁷For details, see Dowell, 'Flexibly Contextualist Account'.

⁸Garson, 'Modal Logic', 1. See also Kratzer, 'Modality'.

⁹For a slightly different option, see footnote 19.

of evaluation w by being circumstantially alike w in the selected ways. (In [2], the circumstances might, for example, determine a modal base every world in which the addressee of the context is driving and has come upon a stop sign.)

Second, the selected standard orders the worlds in the modal base. In (2), the selected standard might be the traffic laws in the place of the context in the world of evaluation. So, a world w , in the modal base is ranked relative to the others in terms of the extent to which those laws are followed in w . In (2), the best worlds in that modal base might be worlds in which more of the traffic laws are adhered to than in any world ranked below them. These worlds make up the modal's domain. On these assumptions, (2) comes out true just in case all of the best worlds in the modal base are worlds in which the addressee of the context stops. More generally, a deontic modal sentence, **MUST** (or **OUGHT**) ϕ , comes out true just in case all of the best worlds in the modal base are ones in which the prejacent, ϕ , comes out true.

We may put all this a bit more formally. The basic form of a modal sentence is

$$\text{MODAL}(\mathbf{B})^{f,g}(\phi)$$

where \mathbf{B} is the domain of quantification and ϕ , the prejacent, is a proposition that gets evaluated at the possibilities in \mathbf{B} . **MODAL** determines (roughly) which or how many of the possibilities in \mathbf{B} are possibilities in which ϕ must come out true for $\text{MODAL}(\mathbf{B})^{f,g}(\phi)$ to come out true. \mathbf{B} is determined as follows. Context selects f , an accessibility relation on the world of evaluation, which determines the modal base (a set of worlds). Context also selects g , an ordering source, which, when applied to the world of evaluation, induces a preorder, i.e., a ranking on the worlds in the modal base. The best worlds in that modal base make up **MODAL**'s domain of quantification. An English modal expression, such as 'ought' or 'must', that corresponds in modal logic to ' \square ', functions as a universal quantifier; roughly, unembedded sentences that contain them are true just in case all of the most g -rific f -worlds are ϕ -worlds.

The disagreement between contextualists and relativists is over whether the proposition expressed by the use of a **BDM** is determined as a function of the context of use or whether, as relativists argue, their truth is determined as a function of material (e.g., information) determined at the context of assessment.¹⁰

¹⁰For a defense of relativism about **BDMs**, see Kolodny and MacFarlane, 'Ifs and Oughts', 'Ought'; MacFarlane, 'Assessment Sensitivity', Ch. 11.

III. A Puzzle about Practical Advice, Some Desiderata in a Solution

III.i. The puzzle

Recently, some philosophers have suggested that no contextualist treatment of BDMs could explain the possibility of receiving practical advice when deliberating under conditions of uncertainty.¹¹ Imagine a doctor deliberating about which of three drugs, X, Y, or Z, to prescribe Patient to relieve the symptoms of her skin irritation. Doctor's limited information suggests that X and Y each will provide complete relief, while drug Z will provide only partial relief. In light of this, she asserts:

Doctor: (XY) 'I ought to prescribe either X or Y.'

Suppose a consulting physician has more information about Patient's medical history and each of the drugs than Doctor does. In particular, Consultant knows that while it is true that, absent any interfering drug already in the patient's system, either X or Y would provide complete relief, it is also true that Patient is already taking drug W, which, together with exactly one of either X or Y, will kill the patient. He does not know which drug would have which effect; each is equally likely to be the lethal drug. Z, by contrast, is certain to provide some relief and certain not to have any negative side-effects. Given this, Consultant replies,

Consultant: (Z) 'No, you shouldn't prescribe either X or Y; you ought to prescribe Z.'¹²

Call this case 'DOCTOR'. Intuitively, Consultant has said something both true and warranted. For this to be so, Consultant's assertion must be information-sensitive in some way. To see this, notice that, given the circumstances, prescribing Z is guaranteed to be suboptimal Patient's-health-wise as there is another drug available, either X or Y, that would effect a complete cure. Only relative to some limited body of information is prescribing Z best. But which body?

Here, Consultant seems to be advising Doctor by aiming to give a superior answer to the very question Doctor aims to answer with (XY). Moreover, since Consultant's 'no' is felicitous, Doctor and Consultant seem to be disagreeing and Consultant seems correct to take (XY) to be false. So, any answer here should accommodate our sense that Doctor and Consultant are each giving different and incompatible answers to a common question. But how can a contextualist capture this? If the truth-conditions for each of (XY) and (Z) are sensitive to the speaker's information, then Doctor and

¹¹See Kolodny and MacFarlane, 'Ought'; MacFarlane, 'Assessment Sensitivity', Ch. 11.

¹²This is a variation on the case that Jackson made famous. Jackson, 'Decision-Theoretic Consequentialism'.

Consultant are not disagreeing and Consultant's assertion is not an answer to the same question as Doctor's.¹³

III.ii. Some desiderata

Minimally, the semantics that provides the best explanation of DOCTOR will:

- (i) Provide a single, concrete view that explains the full range of puzzle data, not only speakers' reactions to DOCTOR, but also to the full range of neighboring cases considered below. As variations on a theme, these cases are best given a unified explanation that appeals to a common set of resources.
- (ii) Fit with a unified semantics for modal expressions. Other things equal, linguists rightly prefer more to less unified semantic theories. Such theories are simpler and so allow for more plausible explanations for how speakers are able to learn expressions and to competently use and understand their uses in new contexts. In the modal case, the ideal would be a theory that gave a single, unified semantic treatment of *all* of our modal expressions, not only the deontic modals or the deontic and the epistemic modals, but uncontroversially circumstance-relative ones (such as ability modals) as well.
- (iii) Include a general story about *how* context of utterance modulates semantically neutral modal expressions or of *how* contexts of assessment make material relevant to the determination of a BDM's truth. This is required to avoid ad hoc, pseudo explanations of the puzzle data.
- (iv) Explain, in terms of (ii) and (iii) and the features DOCTOR cases share, of how the contextualist- (or relativists-) friendly readings of the cases (identified in (i)) get selected as a function of the context of utterance (or of assessment).

¹³Both Kolodny and MacFarlane, and MacFarlane pose a structurally similar puzzle for contextualism. Bjornsson and Finlay offer a contextualist solution to their puzzle, albeit one that differs from the one I defend below. Kolodny and MacFarlane, 'Ifs and Oughts', 'Ought'; MacFarlane, 'Assessment Sensitivity', Ch. 11; Bjornsson and Finlay, 'Metaethical Contextualism Defended'. One feature of this case strikes some readers as odd. If Doctor is consulting Consultant, should she not ask Consultant whether she should prescribe X or Y or not, as opposed to asserting that she should? One drawback of this and other puzzles cases in the literature is that they are so underdescribed, it is hard to say what would be maximally appropriate for a speaker to say. Here, whether the question would be better would seem to depend in part on whether Doctor expects Consultant to provide new information relevant to expected patient outcomes or not. Nothing in the bare bones case gives us a clue. Below I consider rival ways of filling out the basic DOCTOR case that allows us to get a clearer sense of what it would be maximally appropriate for a speaker to say. However, even without filling out the case, it is clear that Doctor's assertion in this basic case is appropriate, even if it is not maximally appropriate, and it is the job of a semantics for deontic modals to explain this. (Thanks to Chris Barker for helpful discussion here.)

IV. A Flexible Contextualist Account of Deontic Modals

IV.i. Inspiration

The problem DOCTOR poses for contextualism stems from particular assumptions about which body of information each of (XY) and (Z) is sensitive to. A fully adequate response requires both the identification of bodies of information that avoid the puzzling consequences and—importantly—a general account of why context selects those bodies.¹⁴ The account that I favor is inspired by the contextualist account of denotation determination for demonstratives Kaplan sketches in his ‘Afterthoughts’. There he suggests that a speaker’s intentions together with context select a demonstrative’s denotation in that context.¹⁵ The key to developing such an account in a plausible way is to follow Kaplan’s understanding of the content of a speaker’s intention by distinguishing (in the quantificational case) between the restriction that a speaker’s intention plus context selects and the speaker’s fallible beliefs about which restriction is selected.

This distinction is easily illustrated with an example of a contextually determined domain restriction with another sort of quantificational expression, that of quantifiers over individuals. Suppose that I have a large lecture course. In conversation at the course’s beginning, I explain my policy against failing students. I say,

(D) ‘Every student will get a D or better.’

From conversational context, it is clear that ‘every student’ has its domain restricted to the students in my class. On a plausible account, it was my contextually manifestable intentions that did the restricting. But what was the content of my intention such that I managed to do that? Here is something it was not: my mental enumeration of every individual student in my large course. I may have a view about which individuals are students in my course, but that view is fallible. Moreover, before the end of the add/drop period, it is indeterminate which students will be in my course at its end. Clearly, my intention here is not to quantify over the set of students I believe to be students in my course at the time of my utterance. Rather, it is to quantify over a set of individuals each of whom has the property of being a student in my

¹⁴Such an account would provide a solution to what Stanley and Szabo have called ‘the foundational problem of context dependence’, i.e., the problem of identifying how some particular context-sensitive expression’s use combines with a context to determine an appropriate semantic value. Stanley and Szabo, ‘Quantifier Domain Restriction’.

¹⁵Kaplan, ‘Afterthoughts’. For a nice development of Kaplan’s core proposal, see Perry, ‘Directing Intentions’.

class at its end.¹⁶ Extra-intentional context works to manifest this intention to my audience and these together determine the restriction.

Here both the speaker's intentions and the world have a role to play in determining a domain restriction. It will be helpful later to note here an interesting feature of the role the world plays in determining truth-conditions for (D). Which students have the intended property of being a student in my course at its end is partly determined by the choices of candidate students. A student who overhears (D) may decide to make what I say false, say, by deciding not to withdraw from the course and not to complete any of its assignments. I mention this here because some critics have tried to leverage this role the choices of others can play in determining a domain restriction and so whether a speaker has said something true into an objection to contextualism about BDMs.¹⁷ So, note that here this phenomenon seems neither surprising nor puzzling. (I come back to this point in discussing that objection below.)

IV.ii. The account

The present account adopts Kratzer's formal semantic theory, supplementing it with an account of how a bare modal gets its domain determined as a function of context. On that account, those are determined by a speaker's intention for the addressee to recognize some feature of the context as manifesting her intention to let some property or set of properties determine a restriction and a standard in that context.¹⁸ Applying this general account to BDMs in particular yields the following hypotheses.

¹⁶For a somewhat similar treatment of domain restriction for quantification over individuals, see Stanley and Szabo. For a similar discussion of the role speaker's intentions and the world can play in resolving which proposition gets expressed by the use of a sentence containing some context-sensitive expression, see Perry's Kaplan-inspired discussion of demonstratives. Stanley and Szabo, 'Quantifier Domain Restriction'; Perry, 'Directing Intentions'.

¹⁷See, for example, MacFarlane, *Assessment Sensitivity*, Ch. 11.

¹⁸This makes the relevant intentions indirect. One reason to suppose this is that a desideratum in an account of what a speaker has said is an ability to say how the proposition she has expressed figures in an explanation of what information gets communicated to a normal audience member on the basis of a speaker's using the sentence she used when she used it. Relying on some publicly available feature of the context to manifest her intention makes what she has said publicly available to a normal audience in a way that a more direct intention would not be. (It should be noted, though, that this may not require a second-order intention. It may be enough that a context is able to manifest a speaker's intention to let some property determine the restriction, even if the speaker did not intend for the feature of the context that does play that role to play that role. Nothing here hangs on which of these two types of intentions plays a domain determining role, though it now seems to me that second-order intentions at least typically do play that role, at least in the sense that there is typically something speakers would recognize as what they intended to manifest their domain determining intentions.)

Contextual Supplementation The proposition expressed by the use of a BDM is contextually determined in two ways. First, context determines a modal base by selecting a set of circumstances. (The result is the set of worlds in which the selected circumstances obtain). Second, the possibilities in the modal base are ordered by a contextually determined standard.¹⁹ The worlds in the modal's domain are the best possibilities in the modal base.

Speaker's Intentions Contexts determine domains via speakers' intentions for an audience to recognize a salient feature of the context as manifesting an intention to let a certain property or properties determine both a set of circumstances and a standard.²⁰ (Here is a quick illustration of the basic idea, using a case of domain restriction for quantifiers over individuals. Take the sentence 'all of the books are mine' and consider two different contexts of use. In one, the speaker and addressee of the context are located in a room filled with perceptually salient books. The perceptual salience of the books is a feature of the context the speaker can rely upon to manifest her intention to be talking about the set of books that have the property of being perceptually salient to the speaker and addressee at the time of the context. In a second case, no books are perceptually salient at the context, but a set of books in another room is under discussion. Here the conversational salience of the books may manifest the speaker's intention to be talking about them.)

Discovery A speaker's intentions need not be explicitly formulated to herself at the time of her utterance. Often their contents are discovered empirically, by a speaker's recognizing a property as partly determining the restriction or standard she intends.²¹ (Here is a quick illustration

¹⁹There is both a rigid and a non-rigid way of understanding how modal bases and standards are determined. On a rigid reading, the set of circumstances used to restrict a modal's base in a world w is always the relevant circumstances in the actual world. On the non-rigid reading, the circumstances will vary from one world of evaluation to another, depending upon which set has some property in that world. A similar distinction can be drawn with respect to standard selection. Is the standard that orders the worlds in a modal's base at w some actual standard or whatever standard has some property, say, that given by US law in 2013, in w ? On the present account, a speaker's intentions may determine either rigid or a non-rigid reading. Evidence for which a speaker intends may be given by her evaluation of appropriate counterfactual statements about what she ought to have done had circumstances or the laws been different. As my initial presentation suggests, my guess is that speakers typically have non-rigid intentions, though nothing here rests on the truth of that hypothesis. (Thanks to Aaron Bronfman and Andy Egan for helpful discussion here.)

²⁰But see footnote 18 for a slightly different possibility.

²¹For an elaboration and defense of this way of understanding how the contents of the needed intentions may be discovered, see Dowell, 'Empirical Metaphysics'. For further discussion of how this might work in the case of modal restrictions, see Dowell, 'Flexibly Contextualist Account'.

of the basic idea, again using a case of domain restriction for quantifiers over individuals. Imagine that Sally and George are talking about attendance at the last meeting of the philosophy club. Sally says,

(M) 'Every member was at the meeting'

to which George replies,

(A) 'What? Even those studying abroad?'

to which Sally replies,

(R) 'No, I meant every member in residence.'

Call this case 'MEETING'. Here, Sally need not have explicitly formulated the restriction 'every member of the club in residence' prior to her original assertion for this nonetheless to be part of the restriction she intended. George's question helps her to see that this is part of what she 'meant' all along.)

To this core account, I add two hypotheses about the types of propositions context typically selects.

Subjective 'Ought' So-called 'subjective' deontic modals have information-sensitive standards. Information-sensitive standards are those that treat bodies of information as features of worlds relevant for their comparative ranking.

Objective 'Ought' So-called 'objective' deontic modals have information-insensitive standards. Information-insensitive standards are those that treat bodies of information as irrelevant to a world's comparative ranking.²²

For brevity, I shall call the conjunction of these hypotheses *Flexible Contextualism about Deontic Modals* or Flexible Contextualism.

One more point before moving on. The solutions below will in places invoke a distinction between two ways of assessing an utterance. The distinction is rather obvious, but has an important methodological role to play in understanding the data generated in the puzzle cases, so it is useful to mark it explicitly up front. They are,

²²Here I follow a suggestion from Kratzer in how to spell out the way in which deontic modals can be both information-sensitive and information-insensitive. Kratzer (personal communication).

Competence For a sincere speaker S's assertion of a BDM to be competent, S must believe the proposition our best semantic and pragmatic theories hold is expressed by her BDM use.²³

Warrant For a speaker S's assertion of a BDM to be epistemically warranted, S must be justified in believing the proposition our best semantic and pragmatic theories hold is expressed by her BDM use.

Often, speakers find themselves with an intuition that a certain utterance sounds odd or fine and it can make a difference to what kind of datum that intuition provides for semantic theorizing whether a 'fine' intuition, for example, is an intuition that an utterance is warranted or merely semantically competent. A semantic theory aims to assign plausible propositional contents to speakers' competent utterances, but being plausible does not require those utterances be interpreted in ways that guarantee that they will be warranted. So, Competence has priority here.

V. A Flexible, Contextualist Solution to the Puzzle about Practical Advice

Here I consider how Flexible Contextualism might explain not only DOCTOR, but also several neighboring cases for which my solution generates consistency pressures. The goal here is both to identify available Kratzerian readings that fit with the challenge data and to show how the account defended here makes it plausible that context selects those readings.

In DOCTOR, each of Doctor's and Consultant's assertions appears to be information-sensitive in some way and Consultant seems to be disagreeing with Doctor. The puzzle arises because when they speak, Doctor and Consultant each possess different information about the efficacy of the three drugs and about Patient's medical history. A contextualist explanation of DOCTOR will require a reading that makes the same information relevant for determining what each has said.

First, the easier half of the solution, that of identifying readings compatible with the data. On the Kratzerian semantics Flexible Contextualism presupposes, deontic modals take circumstantial modal bases and require the ordering source to bring in the needed information-sensitivity. To help get a fix on what the needed readings might be, note some of the important features of Doctor's context: Doctor is in a context of deliberation and she is deliberating under conditions of uncertainty. By 'conditions of uncertainty', I mean at least that there is some time after which she can expect the value of the outcome of whichever drug she prescribes to diminish and she has no reason to expect that all uncertainty will be removed prior to that time. So,

²³Thanks to Michael Caie for helpful discussion here.

she must arrive at a practical conclusion prior to a time at which all relevant information can be expected to be in.

Let t_1 be the time at which Doctor asserts (XY), t_2 the time Consultant asserts (Z), and t_3 (as a first approximation) the latest time at which Doctor can most effectively prescribe a drug.²⁴ One feature of Doctor's context is that there will be some body of information available to her prior to t_3 that would allow her to expect to most improve Patient's health. That body of information will include Consultant's information about Patient's medical history. Suppose the modal base for (XY) is the set of worlds w like the actual one in terms of which is the best information available to Doctor in w by t_3 . Suppose that the standard for (XY) comparatively ranks a world w in that base on the basis of how well Patient can be expected to do, health-wise, in light of the best information available to Doctor by t_3 and the drug Doctor prescribes in w .²⁵ All of the best worlds will then be worlds in which Doctor prescribes Z. So, (XY) is false. If the domain for (Z) is determined in the same way, we will have Kratzerian readings for (XY) and (Z) on which Doctor and Consultant are disagreeing, on which they are giving rival answers to a common question, and on which Consultant correctly takes what Doctor has said to be false.

What features of Doctor's context might plausibly generate those readings, on the present account? Note first that the features of the deliberative context in which Doctor finds herself are typical of ordinary contexts of deliberation. First, as in Doctor's case, in ordinary contexts of deliberation, the conclusions of practical deliberation are supposed to be *action-guiding*; they are to help deliberators settle on what to do. Second, in ordinary cases, deliberation takes place under *conditions of uncertainty*, that is, deliberators often do not have all of the information that would be relevant for settling on a practical conclusion. Third, typically, deliberation comes with *time-constraints*; to be most effective, action must take place before a certain time and, finally, often

²⁴This characterization of t_3 will need to be revised later to handle certain complications, but it will be simpler to ignore them initially. (As we'll see, deliberative modals are often time-sensitive, and so the information they are relative to will very often be selected in part as a function of a designated time. In DOCTOR and variations on DOCTOR, the designated time would seem to be a function of when it becomes necessary to prescribe a drug, compatible with its being effective. In other cases, the designated time may be picked out differently [e.g. as the time by which deliberators would prefer to perform some activity]. In all cases, those times will be selected as a function of the speaker's publicly manifestable intentions. [Thanks to Sarah-Jane Leslie for discussion here.]

²⁵This standard is chosen for the purposes of concreteness. Other standards might be chosen in different contexts, for example acts might be ranked in terms of their minimizing the risk to patient's health or in terms of their likelihood of promoting what the patient most cares about. In general, the present account does not hold that subjective 'ought's require standards that rank acts in terms of their expected utility. Also, notice that standards such as this one will have the effect of ranking all worlds in which the same action is performed alike. In this way, in such cases, the present framework will mimic a central feature of the Contrastivist's. For a discussion of contrastivism, see Cariani, 'Ought and Resolution Semantics'.

that uncertainty *cannot be removed* before that time. It is no surprise, then, that in such contexts, the BDMs that are the conclusions of such deliberation are information-sensitive: lacking knowledge of all the relevant facts, deliberators must do the best they can with the best information available before the returns on action can be expected to diminish.

These features of deliberative contexts are familiar. Indeed, deliberators seem to tacitly recognize them. (To see this, think of contexts in which someone might deliberate about whether to go see the doctor, which career to pursue, or where to go on their next vacation.) Another important feature of such contexts is a feature of the deliberators in them; deliberators tend to prefer practical conclusions based on better rather than worse bodies of information. (To see this, consider again the above examples: Should I go see the doctor? Which career should I pursue? Where should I go for my upcoming vacation? Would you prefer, *ceteris paribus*, to arrive at practical answers to these based on a more or less inclusive, representative, etc., body of information?)

Given that deliberators can be expected tacitly to recognize that contexts of deliberation have these features and to have a preference to base their practical conclusions on better rather than worse information (*ceteris paribus*), it would be odd if Doctor were interested in which act would be best at t_3 , given what she knows at t_1 . If Doctor is in a context of deliberation, she is better understood as intending to speak (to a first approximation) to the question ‘what ought I to do at t_3 , given the best information available to me by then?’ Given that Doctor is consulting Consultant, she can be expected to intend to include in that body any relevant information Consultant might give her prior to t_3 . If that is Doctor’s intention, then, according to Flexible Contextualism, Consultant’s information is included in the body that (XY) is sensitive to.

Given that it would be reasonable for Consultant (at least tacitly) to appreciate that Doctor is in a context of deliberation and also to be himself tacitly aware of the features of such contexts and the preferences deliberators can be expected to have, Consultant is in a position to appreciate that this is the practical question Doctor is best understood as intending to speak to. So, the context of DOCTOR satisfies Publicity. According to my Flexible Contextualism, the proposition expressed by the use of a deontic modal in a context that satisfies Publicity is determined by a speaker’s manifestable intentions to let the needed circumstances and standard be selected by certain properties made salient by the context. The practical concern salient in Doctor’s deliberative context is Patient’s health. So, given the question Doctor is best understood as intending to address, her practical conclusion, (XY), is best understood as a claim about which action or actions would yield the best expected outcome Patient’s-health-wise, given the best information available to her at t_3 . The circumstances made salient in Doctor’s deliberative context include the facts about what effects each of the drugs is known to

have and what is known about Patient's medical history. So, Doctor's (XY) is best understood as expressing a proposition that is true just in case, of the worlds in which Doctor has the information she has at t_3 , the worlds tied for best Patient's-health-wise are all worlds in which she prescribes X or she prescribes Y.

How does context select the needed, contextualist reading for (Z)? Consultant's 'no' and 'it's not the case that you ought to prescribe X or Y' suggests that he is intending to deny the very proposition Doctor has expressed. So he is best understood as intending for the circumstances and standard his modal utterance is relative to be parasitic on those of Doctor. Given that Consultant is advising Doctor, his 'you should prescribe Z' is best understood as intending to speak to Doctor's practical question. Given that the context satisfies Publicity, the practical question Doctor takes herself to be addressing is manifestable to a reasonable audience, including Consultant. That practical question, again, is 'which action can be expected to do best, Patient's-health-wise, given the facts about which is the best information available to Doctor by the time at which action becomes necessary?' Given these features of the context, Consultant's (Z) is best understood as a rival answer to that question. So, Consultant's (Z) is best understood as a claim about which action can be expected to do best, Patient's-health-wise, given the information Doctor will have by t_3 . In all of the best worlds in which Doctor knows what she'll know then, Doctor prescribes Z. So, what Consultant says with (Z) is true (and what Doctor says is false). Together, this provides a Flexible Contextualism-friendly explanation of how context selects the Kratzerian readings that secure all of our intuitive verdicts about the truth-values of (XY) and (Z), about Consultant and Doctor addressing a common question, and about their disagreement.

There is a complication here. How exactly is a set of circumstances selected in general so as to get the intuitively right results? In this case, Consultant gives Doctor the information about Patient's medical history, so Doctor's having the information is a clear candidate for a relevant circumstance. But what about a case in which Doctor could have acquired the information before acting, but was negligent in gathering it? (Call such a case 'NEGLIGENCE'.) Since in that case, Doctor does not have that information, her having it cannot be among the circumstances determining a modal base.

That is true enough, but these considerations genuinely pose a complication, not a difficulty. On the present account, circumstances are made relevant by speakers' publicly manifestable intentions. Suppose that a speaker's intention picks up on facts about which information is available to some agent. Whether, to be available, some information must be actually possessed by that agent before she acts or whether it merely needs to be accessible to her in some sense, depends upon that speaker's intentions.

This may seem to demand too much of the speaker. But, according to Discovery, the needed intention is not something whose content a speaker

must explicitly formulate prior to her utterance. Often, we may discover the contents of our intentions empirically, by noting our reactions to challenges or to new information, as Sally does to George's challenge in MEETING.

The case of modal restrictions, I am suggesting, is precisely parallel. We can discover the content of the restriction we have in mind by noting our reactions to challenges and to learning more about the circumstances. For example, Doctor can learn something about her intention in uttering (XY) by noting her reaction to the new information provided by Consultant. The most natural thing for Doctor to reply to Consultant is something like

(Z) 'You're right; I ought to prescribe Z.'

This is, in effect, to cash out the notion of 'available information' in the approximate story, above, in terms of speakers' intentions, where the contents of those intentions will at least often be discovered by a speaker's recognition of some piece of information as 'available' in her intended sense. (Call this full story about how a piece of information gets to count as available and so it is available as among the circumstances in the domain-determining set in deliberative contexts 'Availability'.) If, in DOCTOR, Doctor responds in the natural way, with (Z), that response would be evidence of her intention to include at t_1 that she will have the information about Patient's medical history at t_2 in the set of circumstances that restricts the domain of the modal in (XY). Even if the availability of Consultant's information is unexpected, Doctor is warranted in saying what she does with (XY), as she is at t_1 reasonable to assume that the information she will have at t_3 is the same as the information she already possesses at t_1 .²⁶ (Call such a case, 'UNEXPECTED ADVICE'.)

Similarly, in NEGLIGENCE, we can learn something about Doctor's intention in uttering (XY) by noting her reaction on coming to learn, after she's written her prescription, that the information about Patient's medical history was available on her chart, if only she had looked. In that case, it would seem natural for Doctor to say,

(N) 'Oh, no! I should have prescribed Z!'

In that case, she would seem to be recognizing her original intention to base her decision on such information. So, the fact that Patient's history was so

²⁶This is to offer a simpler explanation of the phenomena of unexpected advice in Jackson cases than either the rival, Bjornsson/Finlay contextualist account or the Kolodny/MacFarlane relativist one. Bjornsson and Finlay, 'Metaethical Contextualism Defended'; Kolodny and MacFarlane, 'Ought'.

easily obtainable would seem to be among the relevant circumstances.^{27,28} (Notice that, in the same way, Doctor can revise her view about which time is the time at which she will need to act. She picks out the time as ‘the time at which I’ll need to act’ and has a substantive opinion about when that is, which she can revise.)

In sum, it is easy to see how Flexible Contextualism allows for an explanation of how (XY) and (Z) express rival answers to a common question in DOCTOR. Given that they are rival answers to a common question, there is a clear sense in which Consultant is disagreeing with Doctor’s original assertion. Moreover, the explanation fits with plausible explanations of two nearby cases, NEGLIGENCE and UNEXPECTED ADVICE.²⁹

What about a case in which Doctor does expect new information from Consultant prior to t_3 ? (Call this case ‘EXPECTATION’.) The above suggests that (XY) is unwarranted in that case; instead, Doctor should assert,

(K) ‘I don’t know which drug I ought to prescribe; I need to hear from Consultant first.’

as fits with our intuitions about this case.³⁰

What about hindsight evaluations of BDMs? Call ‘Hindsight cases’ cases that involve a third-party evaluation after the time at which action was necessary, of a BDM-utterance by a deliberator prior to that time. The hypothesis that deliberators typically have domain-restricting intentions that target facts about which information is available (in the above sense) also suggests that, at least typically, hindsight, third-party evaluators with greater information should not assess deliberators’ assertions about what they ought to do as false, based on their own enhanced information state, if those claims were

²⁷ NEGLIGENCE cases parallel, on the deontic side, Hacking’s Salvage Ship case and von Fintel and Gillies’ Schmolmes case, on the epistemic modals side. Here my explanation of NEGLIGENCE cases parallels the explanation I offer of Salvage Ship and Schmolmes cases elsewhere. Hacking, ‘Possibility’; von Fintel and Gillies, ‘CIA Leaks’; Dowell, ‘Flexibly Contextualist Account’.

²⁸ This is compatible, as it should be, with the general phenomena of vagueness in language. In the case of some sets of information, e.g. those that contain elements that are each individually available, but not jointly so, there *may* be no fact as to whether any individual element is in or out of the domain-restricting body, and so whether they restrict the modal’s base. Whether a given such piece of information is in or out of the relevant set depends upon a speaker’s intentions, which themselves will not be fully precise. But this is just to say that our modal propositions are no more fully precise than those expressed by most of the sentences in a natural language.

²⁹ This explanation provides a response to one of MacFarlane’s central objections to contextualism about BDMs. MacFarlane, ‘Assessment Sensitivity’, Ch. 11.

³⁰ EXPECTATION cases parallel, on the deontic side, DeRose’s Cancer case on the epistemic modals side. Here I provide an explanation of the former that parallels my explanation of the latter, given elsewhere. Notice that, unlike MacFarlane’s example of such cases, this explanation does not require attributing bad reasoning to those who profess such modal ignorance. DeRose, ‘Epistemic Possibilities’; Dowell, ‘Flexibly Contextualist Account’; MacFarlane, ‘Assessment Sensitivity’, Ch. 11.

true, given the best information available to deliberators at the time of action. Is this borne out by our intuitions in those cases? Consider such a case. (Call this case ‘HINDSIGHT₁’.) Suppose that you are a member of an audience watching a dramatic reenactment of the exchange between Doctor and Consultant, thirty years after the actual event. Medical knowledge has greatly improved since the exchange and it is now known that drug X is certain to kill patients taking drug W and drug Y certain to cure them. Watching the reenactment, you hear Consultant assert (Z) and then Doctor assert (Z’). What would be an appropriate audience reaction? Here are some options:

- (Q) ‘I disagree. Doctor ought to have prescribed Y.’
- (R) ‘That’s false. Doctor ought to have prescribed Y.’
- (S) ‘That’s a shame. Doctor ought to have prescribed Y.’
- (T) ‘That’s a shame. It’s too bad Doctor didn’t know that Y would have completely cured Patient. But she did the right thing; she ought to have prescribed Z.’

The responses I had had to this case from both philosophers and ordinary English-speakers fit a pattern.³¹ A strong majority found either (T) to be the best response or tied with (S). Among the remaining group, there was a majority preference either for (S) or for the view that all except (Q) were acceptable. No-one ranked (Q) or (R) as better than both (T) and (S). An even larger majority found (Q) unacceptable and, most of those found (R) also unacceptable.

Flexible Contextualism, together with Availability, easily explains these responses. (Q) and (R) are best understood as rejections of what is said in (Z) and (Z’) and, as such, are unwarranted on the present hypothesis. ‘That’s a shame’ is not a rejection of what is said; it is an expression of regret. As such, it makes room for a possible context-shift. The BDM in (S) is then heard as making a claim about what choice would have been best, given the fact that Y would effect a complete cure. But ‘that’s a shame’ need not induce such a context shift. Whether the BDMs in (S) and (T) have the same domains as those in (Z) is a matter of speaker’s intentions. The surrounding material in (T) makes it clear that the domain for the BDM in that utterance is the same as that in (Z).

Interestingly, many who stuck up for either (Q) or (R) did so by insisting that they are semantically appropriate, though either silly or false. This is also the right thing to say in light of the distinction marked earlier between Competence and Warrant. If the proposition Doctor originally asserted in (XY) is not relative either to the fact that Y is the only drug that would effect a complete cure or to the fact that the audience knows it, neither (Q)

³¹The sample size here was quite small, about 20 individuals. So, the results are more suggestive than decisive.

nor (R) will be warranted. Nonetheless, asserting either does not manifest incompetence with modal language and so to that extent are ‘fine’.

What about a case in which Consultant refuses to share his information with Doctor, i.e., a refusal case? Consider the strongest version of such a case (REFUSAL₁), in which there is no other way for Doctor to acquire Consultant’s information. On the most natural reading of such a case, given Flexible Contextualism and Availability, that Consultant knows Patient’s history is not among the circumstances that determine the domain for Doctor’s original assertion, (XY). (This is on the assumption that deliberators do not in general intend to include, in the domain-restricting set of circumstances, that somewhere there is information beyond their abilities to acquire. I say more about this assumption below.) In such cases, most have the pretheoretic intuition that Consultant is being uncooperative. How can the present account—or any contextualist account—capture this? After all, if Consultant’s withholding his information prevents Doctor’s having it from being among the domain-determining circumstances, that would seem to help make Doctor’s original assertion true!³²

The apparent oddness of this feature of the case dissipates when we notice its similarity to a case of quantification over individuals discussed earlier. In that case, at the beginning of the semester, I announce my policy against failing students with

(D) ‘Every student will get a D or better.’

A student may foil my attempt to say something true by staying in the class, but not completing any assignments; the decisions of another, in that case, help determine what has to be true for the speaker to have spoken truly. That is a general risk we run in making claims about the future. Above I argued that, deliberators tend to be focused on what they ought to do in light of the best information available at the time at which action becomes necessary. This makes many practical BDMs future-oriented. This will mean that the choices of others may have a role to play in determining what it takes for a speaker to have spoken truly in using a BDM.

This explains away the apparent oddness some see in cases such as DOCTOR. Still, we need a Flexible Contextualism-friendly explanation of our pretheoretic intuition that Consultant’s withholding his information is uncooperative. Such an explanation rests on two important features of the case. The first is that cooperation involves the advancement of another’s goal and it is clear from context that Doctor’s goal is to promote Patient’s health.

³²For a discussion of a version of this objection, see Kolodny and MacFarlane, ‘Ought’; MacFarlane, ‘Assessment Sensitivity’, 343; Bjornsson and Finlay, ‘Metaethical Contextualism Defended’, 14–15. For an alternative contextualist explanation of such a case, see Bjornsson and Finlay, ‘Metaethical Contextualism Defended’, 15–16. More on their solution in Section VI, which compares Flexible Contextualism to rival views.

If we ourselves are the speaker, we are asking ourselves whether Consultant ought to share his information about Patient's medical history with Doctor. It is stipulated that our 'ought' is the 'ought' of cooperation. So, given our knowledge of Doctor's goals, our claim is that, given that Consultant knows Patient's history, Patient can be expected to fare better in the worlds in which he shares his information with Doctor than in the worlds in which he does not. So, our utterance of 'Consultant ought to share his information' comes out true.

A second feature of this case further supports this explanation. Doctor is in a context of deliberation, which means that we can assume that she is interested in acting in light of the best available information. As noted earlier, other things equal, deliberators tend to prefer richer to more impoverished bodies of information. But, given the relevance of Patient's medical history to deliberations about how to promote her health, this means that we can also assume that that history is just the kind of information that Doctor hopes to become available. This is an additional reason to think, in the context of the present account, that Consultant's sharing that information with Doctor is cooperative.

This explains the intuition that Consultant is uncooperative, if he withholds his information. But is this the intuition that most needs explaining? Suppose that Consultant does withhold his information. (Perhaps he is trying to ruin Doctor professionally.) After overhearing Doctor assert (XY), he mumbles to himself,

(Z') 'No, no! That's wrong. She ought to prescribe Z. Haha! Hopefully, this will be her ruin!'

What does Flexible Contextualism suggest about this case? Is Consultant disagreeing with Doctor about what she ought to prescribe or not?³³ Flexible Contextualism alone will not settle this; the answer depends upon how the case is filled out, and so on what contextual features Doctor and Consultant can rely upon to manifest their intentions.

Backing up a bit, it is helpful here to note the similarity of refusal cases to the eavesdropper cases some have appealed to to motivate relativism over contextualism about epistemic modals.³⁴ In those cases, we have an assessment of a bare epistemic modal (BEM) by someone not party to the conversation in which that BEM is uttered. Relativists argue that the appropriateness of such third-party assessments (e.g., 'that's wrong', 'that's false', and 'what [Original Speaker] said is false') shows that there is no single body of information a contextualist can identify as the domain restricting one that makes sense of our intuitions about both the original BEM and its third-party

³³For discussion of a similar case, posed as an objection to contextualism, see Kolodny and MacFarlane, 'Ought'; MacFarlane, 'Assessment Sensitivity', 342.

³⁴Egan, 'Epistemic Modals'; MacFarlane, 'Epistemic Modals'.

assessment. To do that, we need the relevant body of information to shift, *à la* relativism, with shifting contexts of assessment.

Elsewhere, I trace the puzzling features of eavesdropper cases to failures of Publicity.³⁵ Intuitions about the appropriateness of such third-party assessments are actually neither as strong nor as uniform as relativists need, a fact any plausible theory needs to explain.³⁶ Publicity failure explains the split intuitions because, in eavesdropper cases, it is not clear which of two different domain-restricting intentions the original speaker has, and so it is also unclear what she has said. (Does Original Speaker intend to speak to what is compatible with the information had only by participants in her conversation, thus excluding Eavesdropper's information? Or does she intend to include the information of anyone engaged in the same token inquiry her BEM-assertion is intended to settle? If so, then, Eavesdropper's information is in and Speaker's substantive view about who is engaged in her inquiry is false.) Since it is unclear what Speaker has said, it is also unclear what Eavesdropper has said. Which of these two possible propositions is Eavesdropper rejecting? The intuitions of assessors of this case are split because they are assessing different possible propositions.

It is common ground between relativists and contextualists that a single semantics for information-sensitive deontic modals, like those in DOCTOR, and epistemic modals has an important advantage over any that requires separate treatments of each. Given this, it would also be nice if the flexible, contextualist-friendly explanation for eavesdropper cases could be extended to a Flexible Contextualism-friendly explanation of the parallel, refusal cases involving deontic modals, like the current case in which Consultant utters (*Z'*) as a third-party assessment of Doctor's (*XY*). Fortunately, such an explanation seems like the right one to give, though there will be differences in detail having to do with the differences between using a BEM and using a BDM in a context of deliberation.

The parallel explanation will also appeal to a failure of Publicity. Earlier I suggested that we can expect deliberators to have intentions that include, in the domain restricting set, facts about which is the best information available at the time at which action becomes necessary and that we cash out the relevant notion of availability in terms of speaker's intentions. A piece of information is available just in case it is of the sort that a speaker would recognize as in the body she intended. (This is just Availability again.) So, whether or not Consultant's information about Patient's medical history is in the domain-restricting set for (*XY*) in a Refusal case depends upon whether Doctor would recognize it as of the sort she intends her assertion to be relative to. Here, too, though, context does not work to manifest which of two

³⁵Dowell, 'Flexibly Contextualist Account'. What follows is a quick summary of a more complex argument given there.

³⁶Yalcin also notes this. Yalcin, 'Nonfactualism about Epistemic Modality'.

different intentions Doctor might have, corresponding to different ways one might think of information as available. In one sense, for a piece of information, i , to be available to an agent by a certain time, t , there must be some means within that agent's power to execute by which she might acquire i by t . Call this sense 'availability₁'.³⁷ (This seems to be the sense in play in NEGLIGENCE.) In another sense, the worlds $w_1 \dots w_n$ in which agent does acquire i by t must be 'sufficiently close' to the actual world, even if in none of $w_1 \dots w_n$ does agent acquire i by t by some means within her actual powers to execute. Call this sense 'availability₂'. (To see the difference, suppose that in all of the sufficiently close worlds $w_1 \dots w_n$ Doctor acquires Consultant's information about Patient's medical history, but only because Consultant chooses to tell her.) Which proposition Doctor has expressed with (XY) will depend upon which notion she would recognize as capturing her intention and on whether she has some means at her disposal to acquire the information Consultant has about Patient's medical history.

So, one issue is whether or not there is another way for Doctor to acquire the information Consultant has prior to t_3 . Suppose that there is. (Call this case REFUSAL₂.) In that case, the availability of the information Consultant has will be among the circumstances that Doctor intends to select, regardless of which notion of availability captures her intention. In that case, Doctor and Consultant are arguably intending to select the same circumstances and what Consultant says is the denial of what Doctor says with (XY). So, they are disagreeing.

Things are more complicated if, as in REFUSAL₁, Doctor can only gain this information from Consultant. Suppose Patient is a stranger who has stumbled into the hospital off the street. Just before passing out, she whispers 'I'm taking W' to Consultant. Suppose also that only Consultant knows that W interacts lethally with exactly one of X or Y. (This information is the result of his secret experiments.) Nothing in the semantics or metasemantics proposed here *dictates* that Consultant's having his information is excluded from the relevant circumstances, since no part of Flexible Contextualism dictates that in such a case Doctor does not intend to include that information in such a case. She may recognize the second notion of availability as capturing her domain restricting intention. Given that the worlds in which Consultant shares his information are close to the actual one in which he does not (since it is easy for him to just tell her), Consultant's having his information would then be in the domain-restricting set. If it is in the domain-restricting set,

³⁷It may be that often an agent will only recognize a piece of information as available if she has some grounds for thinking that it may be within her power to acquire by the time that action becomes necessary. To see the difference such a qualification of availability₁ could make, we might think of cases in which it is within an agent's power to acquire a piece of information—if only she would search for it where she has no reason to. (Thanks to Elizabeth Harman for helpful discussion here.)

Doctor and Consultant are disagreeing and Doctor has said something false, though warranted.

Nonetheless, it seems to me that it would be *somewhat* surprising for Doctor to intend to include information that is not within her powers to acquire in a context in which she is deliberating about what to do, i.e., information that is available₂, but not available₁. Her grounds for her practical conclusion about what to do at t₃ can be no better than the best information she is able to acquire before that time. Call 'N' that information. When a deliberator draws an information-sensitive practical conclusion with the intention for N to serve as its basis, the most natural way to understand her assertion of that conclusion is as expressing something like the proposition, 'given the availability₁ of N, I ought to φ '.³⁸ For these reasons, we have *some* reason to expect Doctor to intend to include information available in our first sense. In that case, Consultant is wrong to take his information about Patient's medical history as grounds for rejecting what she has said.

Given the possibility that Doctor had intentions that would have included his information, though, that is, given the context's failure to make Doctor's intentions fully manifest, it is not wholly inappropriate for Consultant to take himself to be rejecting a different proposition, one that Doctor could plausibly be taken to have expressed. That different proposition would have been false, given that it is relative to circumstances that include Consultant's having the information he does, and so he would have been right to reject it.

These last points include a perhaps controversial claim about which understanding of Doctor's intentions is most natural, given that she is in a context of deliberation. It is not mandated by the solution to the puzzle I am defending, but seems right to me, so let me say a bit more in its defense. Compare the present case with a hindsight extension of it. Suppose Doctor, not able to know that Patient is taking W or that W interacts lethally with exactly one of X or Y, prescribes X. Afterwards, Consultant calls for an investigation by the hospital's Board of Directors, seeking to have Doctor fired on the grounds that she ought to have prescribed Z. When called before the Board to testify, Consultant explains,

Patient told me that she was taking W and I didn't pass that information along to Doctor. In addition, there was no other way for Doctor to gain that information or to know that W interacts lethally with exactly one of X or Y. And it's true that, given what Doctor knew at the time she needed to act, prescribing X or Y were equally good options and prescribing Z was less good than either of those. Nonetheless, given that Patient was taking W, Doctor's action risked Patient's life. So, Doctor didn't do as she ought. She ought to have prescribed Z.

³⁸For a similar suggestion, see Scanlon, *Moral Dimensions*, 50 ff.

Let that last ‘she to have prescribed *Z*’ be (*Z*’). (And call this case ‘HINDSIGHT₂’.) In asserting (*Z*’’) does Consultant sound *both* as if he is expressing disagreement with Doctor’s assertion (*XY*) *and* as if Consultant has said something true? Keep in mind that neither Doctor’s original claim nor Consultant’s assessment (*Z*’’) can be an evaluation of what would be best, given the facts about which drug would be lethal and which would effect a complete cure. The Doctor/Consultant case is to pose a challenge to contextualism about BDMs when those modals are information-sensitive. To hear Consultant’s (*Z*’’) (‘she ought to have prescribed *Z*’) as *disagreeing* with what Doctor said, we need to hear it as denying Doctor’s information-sensitive, deliberative conclusion.

Heard as disagreement with (*XY*), what Consultant says in (*Z*’’) seems false. (As I suspect the Board will find as well.) This fits with the earlier observations in HINDSIGHT₁. What does this suggest about the foresight evaluation, (*Z*’) in REFUSAL₁? It is awkward to hold that Consultant can truthfully disagree with Doctor before *t*₃ in the extreme case where only Consultant can provide the information about *W* and knows he will not, but not in a Hindsight case, such as HINDSIGHT₂, in which he did not. After all, there is no shift in the information Consultant has from (*Z*’) to (*Z*’). Consideration of these cases together suggests that our willingness to claim that someone’s deliberative conclusion is or was false is typically constrained—as Flexible Contextualism, Availability, and the considerations above suggest is typical—by what information a speaker could intend to include as a basis for her deliberative conclusion.

This, I am suggesting, is the most natural way to understand what is going on in these cases. However, as suggested above, there is a second explanation compatible with Flexible Contextualism. Deliberative contexts may most naturally suggest that deliberators intend to include information that is available in the first of our two senses, but such contexts do not rule out an intention that includes information that is available in our second sense. In that second sense, Consultant’s information is available, though not, to be sure, by any means Doctor has at her disposal. But the worlds in which Consultant does share his information are relatively close; no great departures from the actual course of events is required for Consultant to get the information to Doctor. If Doctor’s intentions make this the relevant notion of ‘availability’, then Consultant’s information is included, what Doctor says in asserting (*XY*) is false, and what Consultant says in (*Z*’) is true.³⁹

Together, the above considerations suffice to show how Flexible Contextualism satisfies desiderata (i), (iii), and (iv). The inclusion of Speaker’s Intentions and Discovery allows Flexible Contextualism to satisfy (iii) by providing a general story about how contexts generate propositions from the use

³⁹Thanks to Sean Foran for discussion here.

of semantically neutral BDMs. Speaker's Intentions and Discovery, together with appeals to Publicity and Availability, also allow Flexible Contextualism to offer unified explanations of our full range of puzzle cases. This suffices to show that there is a single, concrete contextualist view that is able to explain all of our data. So, it satisfies (i) and (iv). But what about (ii)? By incorporating Kratzer's semantics via Contextual Supplementation, Flexible Contextualism is guaranteed to satisfy (ii) and so to inherit all of the advantages a unified semantic account provides.

Finally, Flexible Contextualism enjoys an additional advantage, namely, fit with a plausible account of quantifiers over individuals. It is widely accepted among philosophers of language that their domains of quantification are contextually restricted.⁴⁰ On one plausible account, it is speakers' intentions that, together with context, do the restricting.

VI. Comparison to Rivals

There are a number of rival semantic proposals for BDMs and not enough space to consider them all in detail. I confine my remarks here to a brief characterization of some of those rivals, noting some of Flexible Contextualism's comparative advantages over each. (The discussion here is too brief for these remarks to be decisive against any of the views discussed. Instead, they should be thought of as noting hurdles that those views face in their current forms.) The rivals I focus on primarily are Kolodny and MacFarlane's relativist semantics and Bjornsson and Finlay's rival, contextualist one. But first a few brief remarks about three other types of views, Objectivism, Subjectivism, and Disambiguation.

Objectivism, construed as a semantic thesis, is the view that all BDMs are circumstance-relative and information-insensitive. Jackson cases present compelling counterexamples to any such view, since our intuition in these cases is that the agent morally ought to do what she knows to be suboptimal, given the circumstances. Subjectivism promises the ability to explain such cases, since (construed as a semantic thesis) it is just the view that all BDMs are relative to the information of the agent. Consideration of DOCTOR shows that a plausible, concrete subjectivist view would at least need to tie the relevant agent information to the best information she possesses by the time of her action. Such a concrete version of the view may then be capable of explaining our intuitions in DOCTOR. To handle other cases in which we pretheoretically think that an agent should have had some information she did not have by the time of her action (negligence cases), the subjectivist will need to rely on some broader story that appeals to 'available' information, filled out with some account of what makes a piece of information available,

⁴⁰Stanley and Szabo, 'Quantifier Domain Restriction'; Bianchi, "'Nobody Loves Me'"; Gauker, 'Domain of Discourse'.

perhaps with aid of the kind of resources Flexible Contextualism provides. Still, such a sophisticated subjectivist view will be unable to explain cases in which an ought-claim seems information-insensitive, such as,

(F) There ought to be less famine than there is.

Flexible Contextualism avoids the problems of both Subjectivism and Objectivism by allowing that some BDMs are information-sensitive without requiring that they all be. Moreover, it does this while accommodating our sense that there is something like both an objective and a subjective ‘sense’ of ‘ought’, but without positing ambiguity. The drawback of any theory that posits ambiguity in deontic or modal expressions more generally is the failure to satisfy desideratum (ii). Subjective ‘Ought’ and Objective ‘Ought’ allow Flexible Contextualism to satisfy our intuition that ‘ought’ has a subjective and an objective sense in the context of a theory that provides a unified formal semantics for all our modal expressions. This is a huge advantage over Disambiguation, the view that BDMs are ambiguous between objective and subjective ‘ought’s, and over any theory that posits ambiguity.⁴¹

Kolodny and MacFarlane defend a relativist semantics that makes the truth of all BDMs information-sensitive. Letting c_1 stand for the context of utterance and c_2 , the context at which the truth of an utterance is assessed, their proposal is that

Assessment-sensitive ought: An occurrence of ‘S ought to ϕ at t ’ at a context c_1 is true, as assessed from a context c_2 , iff S’s ϕ -ing is the best choice available to S at t in light of the evidence relevant at c_2 .⁴²

Like Subjectivism above, this is more a template for a view than a fleshed out proposal. In order to assess the view against our cases, what makes a piece of information part of the body that is ‘relevant’ at a context of assessment would need to be spelled out. Some ways of spelling out the view will not fit well with the puzzle data. Consider, for example, solipsistic relativism, the view that truth-values for deontic modals are determined by the information had by the assessor at the context of assessment. Such a view incorrectly predicts that (Q) in HINDSIGHT₁ is warranted and true. That, though, conflicts with the response pattern noted above. To handle cases such as this, a more plausible relativist view would allow that which body of evidence is ‘relevant’ is flexibly determined at contexts of assessment.

To satisfy desideratum (iii), such a view would still owe a story about how such bodies get determined as a function of such contexts. Like the

⁴¹For a much fuller discussion of Objectivism, Subjectivism, and Disambiguation, see Kolodny and MacFarlane, ‘Ought’; MacFarlane, ‘Assessment Sensitivity’, Ch. 11. For a defense of a different kind of ambiguity view, see Schroeder, ‘Do Ought’s Take Propositions?’.

⁴²Kolodny and MacFarlane, ‘Ought’, 14–15.

Subjectivist, perhaps the Relativist could also tell such a story by taking advantage of the resources Flexible Contextualism makes available. Perhaps assessors' publicly manifestable intentions help determine which body of evidence is the 'relevant' one. Nonetheless, Relativism still faces challenges. How should the relativist make sense of apparently 'objective' 'ought's, such as (F)? If the relativist allows that the canonical, Kratzerian, contextualist view is right about those, his view gives up on a unified, formal semantic treatment of deontic modals. And if the circumstantial deontic modals are given a contextualist treatment, should not all those with circumstantial modal bases be given a contextualist treatment as well? The result is a hybrid view—relativism about the modals with epistemic modal bases, contextualism about the circumstantial ones. The only motivation for such a hybrid theory could be contextualism's failure to fit with some clear data. But here and elsewhere, I have argued that contextualism is fully compatible with the relativist's challenge cases.⁴³ This gives Flexible Contextualism, a unified theory that fits with all the puzzle data, the overall advantage over hybrid relativism.

Avoiding a hybrid theory and satisfying (ii) requires a full-blown defense that *all* of our modals have a relativist semantics, where which circumstances are required to determine the truth-value of (F) and of other teleological modals, such as

(H) Hydrangeas can grow in North America

shifts with shifts in context of assessment. This strikes me as implausible. (Reader exercise: Try to find cases in which (F) and (H) are used in the usual way, in which the speakers of (F) and (H) both seem to have said something clearly true in saying what they said, AND in which it seems true for a third-party assessor to say 'what Speaker said is false' because of a shift in which circumstances are relevant for assessing (F)'s or (H)'s truth.)

Initially, Flexible Contextualism's straightforward retention of the unity of the modals proposed by Kratzer might seem to be an advantage over relativism shared by Bjornsson's and Finlay's rival, contextualist proposal. Their proposal is that

normative 'ought' claims are *doubly* relative to context, being relativized both to (i) bodies of information, and (ii) standards or ends. On this view, every meaningful normative utterance of a sentence 'A ought to φ ' will express a proposition to the effect that A ought-relative-to-information-*i*-and-standard-*s* to φ , for some *i* and *s* determined by the context of utterance.⁴⁴

⁴³See Dowell, 'Contextualist Solutions', and 'Flexibly Contextualist Account'.

⁴⁴Bjornsson and Finlay, 'Metaethical Contextualism Defended', 8.

This proposal makes ‘normative “ought’s”’ all information-sensitive. So, how might it apply to an utterance of (F) that is pretty clearly information-insensitive? Perhaps it doesn’t. Perhaps some work is being done by ‘normative’ in ‘normative “ought”’ and perhaps we should think (F) is not normative in the intended sense. Still, it would be good to know how the Bjornsson/Finlay proposal is to be extended to cases such as (F) and how it is to fit with a unified semantics for modals more generally. As noted in Section III, Kratzer’s canonical account treats the modals as having two distinct parameters that require filling, a modal base restrictor and a separate, standard parameter. The Bjornsson/Finlay proposal collapses the two together.⁴⁵ To a non-linguist, this perhaps seems an insignificant point. But it does mean that, on their proposal, normative ‘ought’s have a different formal structure from that widely accepted for all other modal expressions. And so it is unclear whether that proposal does satisfy the second desideratum. If their proposal is extended by the adoption of the canonical view with respect to all other uses of modal expressions, it will not satisfy (ii), since different uses of the modals will receive different formal treatments. If it is not, satisfying (ii) will require good evidence that Kratzer is wrong to posit the existence of two parameters in the case of modals generally. Rather, there is really only one parameter, perhaps one that sometimes mixes standards and circumstances and sometimes standards and information. Full defense of such a view would require grappling with Kratzer’s arguments for the existence of two, separate parameters.⁴⁶

Moreover, unlike Flexible Contextualism, their proposal does not satisfy (iii); as they acknowledge, it includes no concrete story about how, in general, context selects a body of information or a standard, instead relying on an unexplained notion of ‘available information’.⁴⁷ This gives their solutions to the puzzle cases an ad hoc air; when needed to explain some puzzle data, sometimes context selects the information of conversational participants (in cases like DOCTOR⁴⁸), in other cases it selects the information of the speaker.⁴⁹ To explain third-party, semantic assessments (such as ‘No’ in (Z’)) from the refusal cases here), Bjornsson and Finlay speculate that the proposition ‘no’ rejects is not the proposition expressed by the original assertion ((XY), in our case). Instead, they speculate, it is a pragmatically related proposition.⁵⁰ We may test their hypothesis by considering the relativist’s reply to such a move in a parallel case involving epistemic modals. MacFarlane asks us to imagine instead that our third party assessor’s

⁴⁵This is made explicit in Finlay, ‘Confusion of Tongues’, Ch. 4.

⁴⁶For her arguments for the existence of two, separate parameters, see Kratzer, ‘Modality’.

⁴⁷Bjornsson and Finlay, ‘Metaethical Contextualism Defended’, 14–15.

⁴⁸Ibid., 13.

⁴⁹Ibid., 17–18.

⁵⁰Ibid., 19.

utterance is an unambiguous assessment of what our original speaker said, with, for example, ‘what [Original Speaker] said is false’.⁵¹ At least some hear the alternative wording as felicitous, which cannot be explained by the Bjornsson and Finlay hypothesis.

There is a second difficulty with their pragmatic hypothesis. There is nothing in their overall story that prevents that hypothesis from being extended to an explanation of cases like DOCTOR. On their view of such cases, Consultant’s ‘no’ in (Z) is a felicitous truth assessment of what Doctor has said because Consultant’s information is in the body that restricts the domain of (XY);⁵² in other words, there is no appeal, in cases like DOCTOR, to the pragmatic hypothesis they appeal to get their view to fit with the data in third-party assessment cases, such as the refusal cases considered here. Without any general story about how contexts determine deontic modal propositions, though, this difference looks like a purely ad hoc move designed to allow their proposal to fit with the data.

By contrast, as we have seen, Flexible Contextualism, together with Publicity and Availability, is able to provide a fully satisfactory account of such cases, even when understood as clear, third-party truth assessments of what the original speaker said. That explanation has the additional advantage of fitting with a plausible, parallel explanation of the parallel phenomena in the case of epistemic modals, something MacFarlane’s discussion of epistemic modals suggests the Bjornsson and Finlay hypothesis will not provide.

VII. Conclusion

In the philosophy of language and linguistics literature, Kratzer’s contextualism about modals is the canonical view. Its great advantage is its ability, if correct, to provide a simple and highly unified explanation of a great variety of language use. This makes it the view to beat. Departures from the canon must be justified on the grounds of empirical inadequacy—the identification of some data the theory simply cannot explain.

Relativists have argued that the phenomena of normative disagreement and practical advice cannot be given a plausible contextualist explanation. Here I hope to have shown that this challenge to the canon fails by showing how Flexible Contextualism, together with Publicity, Availability, and the features typical of deliberative contexts, provides plausible explanations not only of DOCTOR, our original puzzle case, but also of several neighboring cases, NEGLIGENCE, UNEXPECTED ADVICE, EXPECTATION, REFUSAL₁, REFUSAL₂, HINDSIGHT₁, and HINDSIGHT₂, which generate consistency pressures.

⁵¹ MacFarlane, ‘Epistemic Modals’. For discussion, see Dowell, ‘Flexibly Contextualist Account’.

⁵² For their discussion of a structurally identical case, see Bjornsson and Finlay, ‘Metaethical Contextualism Defended’.

Moreover, Flexible Contextualism and the explanations given here have several important advantages over its main rival contextualist view. First, unlike the Bjornsson/Finlay account, Flexible Contextualism provides a general, context-invariant story about how contexts determine propositions. Without such an account, ‘solutions’ to puzzles that rest on assumptions about which body of information context selects look ad hoc. Second, by incorporating Kratzer’s formal semantic proposal, Flexible Contextualism preserves the unity of all modal expressions, making the theory much simpler than either the Bjornsson/Finlay contextualist rival or the Kolodny/MacFarlane relativist one. Overall, these constitute good reasons to prefer Flexible Contextualism as an account of deontic modals.

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