› # Demanding the Impossible: Conceptually Misguided or Merely Unfair?

Michael Kühler

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1 Introduction

The most prominent interpretation of the principle 'ought implies can' (OIC) is that 'ought' conceptually implies 'can.'[1] Demanding from persons what they cannot do is, thus, itself a matter of conceptual impossibility. In this paper, I will argue against this dominant conceptual interpretation,[2] which also includes a double time indexed version of both 'ought' and 'can.' Aside from putting forward some worries about the resulting notions of 'remote ought' and 'remote can,' i. e. if I allegedly now remotely ought to do something at a later time and I allegedly now remotely can do it at this later time, my central objection against the conceptual interpretation of OIC is that it ultimately hinges on an unconvincing analysis of the concept of 'ought' and thus fails to do justice to the fundamental normative structure of OIC. Instead, I will side with proponents of a normative interpretation according to which OIC represents a normative answer to a practical question, namely whether we should demand from addressees what they cannot do, i. e. whether it would be morally fair or practically prudent to do so.[3] This question is more complex than one might think because it is highly contentious which circumstances that prevent a person from doing something should be covered in OIC, i. e. what kind of 'cannot' should, contrapositively, lead to a rejection of the normative demand in question.[4] Taken together, these considerations will finally lead me to the conclusion that OIC is but an extreme position within the scope of the general problem of (moral) demandingness, i. e. of what can reasonably be demanded from addressees of normative and especially moral claims.

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*   This text is an abridged version of my contribution to the volume *The Limits of Moral Obligation. Moral Demandingness and 'Ought Implies Can'*, New York: Routledge, forthcoming.

1   See, for example, Zimmerman 1996, Haji 2002, Streumer 2007, and Vranas 2007. For a brief overview of the debate, see the introduction to the volume *The Limits of Moral Obligation. Moral Demandingness and 'Ought Implies Can'* mentioned above.

2   A more thorough discussion can be found in Kühler 2013a.

3   See on this note, for example, Statman 1995, Saka 2000, and Kramer 2005.

4   Interestingly enough, even among proponents of a conceptual interpretation of OIC there is no consensus about this issue.

2 Interpreting 'ought implies can' as a conceptual implication

To begin with, it is necessary to explain the conceptual interpretation of OIC in more detail. Michael J. Zimmerman has probably given the most elaborate account of it.[5] First of all, Zimmerman understands the notion of 'ought' in terms of an action-guiding, all-things-considered, objective moral obligation. It thus states what an agent, all things considered and from an objective point of view, morally ought to do.[6] Secondly, although Zimmerman refers to the notion of possible worlds and their personal accessibility to the agent to explain what an agent 'can' do,[7] it can safely be assumed that an agent's ability and opportunity expresses much the same idea.[8] This subjective notion of 'can,' of course, presupposes that what the agent ought to do is also objectively possible, i.e. logically possible as well as physically possible within the laws of nature. For example, it is logically and thus objectively impossible to do A and non-A at the same time,[9] and it is physically impossible within the laws of nature to jump to the moon. Still, if only such an objective notion of 'can' would be referred to in OIC, the principle would obviously be too weak, for I could then have a moral obligation, for example, to save the much-quoted drowning child in the lake even if I cannot swim and thus lack the necessary subjective ability to do so.

Zimmerman then holds the following version of OIC to be analytically true: "if S ought [at T in W] to do A [at T'], then S can [at T in W] do A [at T']."[10] So understood, OIC refers to our actual world W and includes a double time indexed version of both 'ought' and 'can.'[11] OIC then basically states that it is analytically true that for each time indexed 'ought' there exists a corresponding 'can' with the same time index. For example, if I now, in the morning, have an obligation to drive my friend to the airport in the afternoon, it is analytically true that I "remotely can"[12] now, in the morning, do so in the afternoon, i.e. there is a possible *afternoon world* personally accessible to me in which I can (and will) drive my friend to the airport. This way, Zimmerman argues that OIC also holds in cases of temporary inability or missing opportunity. For example, if my car is still in the garage for repairs in the morning, I indeed cannot drive my friend to the airport in the morning, but, given that I will get my car back by noon, I 'remotely can' do so in the morning, i.e. I will be able to do so in the afternoon. Hence, accor-

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5   See Zimmerman 1987 and Zimmerman 1996.
6   Cp. Zimmerman 1996, 10f. Most authors share this understanding of 'ought' in OIC, with the notable exception of Vranas 2007, 169, who argues that even the notion of '*prima facie* ought' analytically implies 'can.'
7   Cp. Zimmerman 1996, 45–49.
8   This widely held account of 'can' in OIC can be found, for example, in Stocker 1971, Haji 2002, Vranas 2007, and Graham 2011.
9   Logical impossibility plays an important role in the debate about the existence of 'real' moral dilemmas, for accepting their existence would apparently lead to the conclusion that agents could face a situation in which they ought to do what is logically impossible, namely to do A and non-A at the same time. Moreover, it is argued that this simply shows that any moral theory that accepts moral dilemmas is incoherent. For an overview of the debate on moral dilemmas, see McConnell 2014.
10 Zimmerman 1996, 79. See also Zimmerman 1987, 199, Haji 2002, 14, and Vranas 2007, 171.
11 Such a time indexed version of OIC can already be found in Kading 1954, 15. See also Goldman 1976, Thomason 1981a, Thomason 1981b, McConnell 1989, Streumer 2003, and Howard-Snyder 2006.
12 For the notions of 'remote obligation' and 'remote can,' see Zimmerman 1987 and Zimmerman 1996, 96f. I will discuss them further below.

ding to Zimmerman, OIC holds because, likewise, in the morning I only 'remotely ought' to drive my friend to the airport, whereas in the afternoon there is an 'immediate ought' as well as an 'immediate can.'[13]

As mentioned above, Zimmerman takes his version of OIC to be *analytically true*. In order to avoid the danger of breaching Hume's Law,[14] I take it that this should be understood in terms of an analysis of the concept of 'ought' itself. If the concept of 'ought' analytically implied 'can,' then OIC could be analytically true without breaching Hume's Law.[15] Notably, Peter Vranas has argued in favor of such an interpretation according to which 'ought' analytically implies 'can' in the same way as, for example, 'bachelor' analytically implies 'unmarried.'[16] Accordingly, to say that an agent ought to do something despite the fact that she cannot do it would be a contradiction in terms and thus an incomprehensible utterance, just like stating that someone is a married bachelor.

However, while the notion of a married bachelor, being a contradiction in terms, is, indeed, incomprehensible, this does not seem to be the case with 'ought' statements where the addressee cannot act accordingly. Usually, we understand even unrealizable 'ought' statements quite well. To be sure, we also tend to reject them as being in some way *inappropriate*. However, the question of appropriateness then cannot be based on analytic implication.

Still, there is a further and more promising way of how to interpret OIC in terms of a conceptual relationship based on an analysis of 'ought,' namely Peter F. Strawson's notion of *semantic presupposition*.[17] Understood this way, 'ought' does not *analytically imply* but *semantically presupposes* 'can.' Strawson's prime example for a semantic presupposition is: "The king of France is wise."[18] Given that there is currently no king of France, this sentence is neither true nor false but meaningless. However, unlike a contradiction in terms such as 'married bachelor,' the sentence is still comprehensible, for we can understand it in hypothetical terms: if there were a king of France, he would be wise. Yet, in order for such a sentence to be either true or false, all vital presuppositions have to be true. Hence, the claim that the king of France is wise semantically presupposes that there is actually a king of France. Analogically, 'ought' statements would be meaningless, but not incomprehensible, if the addressee could not act accordingly. We could still understand them in hypothetical terms: the addressee ought to do X, if he could. Therefore, 'ought' statements would semantically presuppose 'can,' and OIC would thus read: if it is true (or false) that an agent ought at t_1 to do X at t_2, then this semantically presupposes that the agent can at t_1 do X at t_2. Put contrapositively: if an agent cannot at t_1 do X at t_2, then the corresponding 'ought' statement that the agent ought at t1 to do X at t2 remains meaningless.

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13   See Zimmerman 1996, 82ff., where he reacts to a corresponding criticism to OIC by Walter Sinnott-Armstrong. See Sinnott-Armstrong 1984, 252ff., and Sinnott-Armstrong 1988, 116–119.

14   See on this note the respective section in the introduction to the volume The Limits of Moral Obligation. Moral Demandingness and 'Ought Implies Can' mentioned above.

15   It should be noted, however, that even this line of argument (as well as the idea of semantic presupposition referred to further below), has been criticized for breaching Hume's Law. See Collingridge 1977, Pigden 1990, 2ff., and Statman 1995, 37ff. For a defense against this criticism, see Vranas 2007, 187–190. In any case, as my following discussion will not hinge on this question, I grant that the conceptual interpretation of OIC can avoid breaching Hume's Law based on a conceptual analysis of 'ought.'

16   See Vranas 2007, 170.

17   See Strawson 1950. For such an interpretation of OIC, see, e. g., Hare 1962, ch. 4, and Cooper 1966.

18   Strawson 1950, 321.

3 'Remote ought' and 'remote can'

As mentioned above, the introduction of a double time indexed version of both 'ought' and 'can' is intended to ensure that propositions about both concepts are always valid at the same time: if it is meaningful and true at a certain time that an agent ought to do X, then she actually can do X at this time. This also includes the notions of 'remote ought' and 'remote can,' if, for example, I now have a remote obligation to present a paper next week, which would thus semantically presuppose that I now remotely can do so next week.[19]

At first glance, the notion of 'remote ought' seems to be pretty straightforward. It basically only makes explicit the time at which the 'ought' in question shall be fulfilled. However, to my mind it seems more natural to include this latter time within the content of what the agent ought to do. Hence, it would be misleading to say that, for example, I now at t_1 have a 'remote obligation' to present a paper at t_2, i. e. next week, whereas at t_2 I have an 'immediate obligation' to do so. Rather, I would suggest simply to say that I now (and continuing until next week) have an obligation—without further specifying it as remote or immediate—to present a paper at a certain time, i. e. next week. So, what I ought to do is simply: "present a paper next week." If so, it is indeed trivial to conclude that I cannot do so now, i. e. I cannot now present a paper that I ought to present not until next week, simply because now would be the wrong time to present it even if I already had it finished. In any case, what I ought to do is not present it now but rather next week. Hence, due to the specification of the time at which the 'ought' in question ought to be fulfilled, the only question, it seems to me, is whether I *will* be able to do so next week. So understood, the only point in time at which it is necessary for the agent to be able to fulfill the 'ought' in question is just the specified time at which the agent ought to fulfill it. OIC could then simply read: *if an agent ought to do X at a certain time, this semantically presupposes that she can do so at the specified time.*

If this line of thought is deemed plausible, it raises the question of why to introduce a double time-indexed version of OIC in the first place. The crucial reason is twofold: firstly, OIC needs to cope with situations in which what the agent can do varies over time, whereas, secondly, this may hinge on what the agent does, or can do, before the specified time. For example, if I ought to present a paper next week I have to prepare it until next week in order to be able to present it then. This, in turn, raises the question of whether I am now (and until next week) able to prepare it by then. Moreover, I could deliberately abstain from preparing it, thus intentionally making myself unable to present it next week. If so, this raises the question of when exactly I have done something wrong, i. e. when exactly I have failed to fulfill my obligation: already now (including until next week) or only next week when my presentation is due?[20]

However, it seems to me that what I now (until next week) ought to do, is to *prepare* the paper, not present it. Hence, either there are more and conceptually independent 'ought' statements in play, namely 1) what I finally ought to do (present a paper), and 2) what means I ought to employ until then in order to ensure that I will be able to do so (prepare the paper), or there is, indeed, only one but complex 'ought' statement right from the start, namely that

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19   For the following as well as for a more extensive discussion of the notions of 'remote ought' and 'remote can,' see Kühler 2013a, ch. 6.
20   See Zimmerman 1996, 100–105.

I ought to present a paper next week *and* to employ the necessary or suitable means to make sure that I will be able to do so. In either case, the notion of 'remote ought' seems to me to be superfluous.

Still, the question of whether the agent now can do what she ought to do in order to ensure that she will be able to fulfill the 'ought' at the specified time has to be taken seriously. If I were now unable to prepare my paper due to the fact that I am seriously ill and thus unable to work, this raises doubts not only about the meaningfulness or validity of my obligation to prepare it now, but also about my obligation to present it next week—whereas my obligation to prepare it, being merely a means to an end, only arises if I (also) ought to present it, in any case.

At this point, Zimmerman's notion of 'remote can' comes into play. As explained above, it basically states that an agent now can do something at a later time, i. e. what an agent will be able to do. Given Zimmerman's explanation of 'can' in terms of possible worlds that are personally accessible to an agent, the question for Zimmerman is what kind of control an agent has over making a possible world accessible to her. Zimmerman distinguishes between direct, indirect, and hybrid control.[21] While an agent has direct control over her decisions, she has only indirect control over the consequences of her actions, and she has hybrid control over her actions themselves. For example, if I were to throw a stone at a window, firstly, I directly control my decision to do so. Secondly, I have only indirect control over my bodily movement and the consequence of my throw, i. e. with regard to the question of whether the window will actually break. Finally, I have hybrid control over my action of throwing the stone in that it involves my decision to do so as well as my bodily movement and the consequences of my throw.

According to this analysis, an agent 'remotely can' do something in that she has at least indirect control over future events that make it possible for her to perform the action in question at the specified time. So understood, the so far merely possible future world in which the agent immediately can do something will become the actual world. Moreover, this possible future world is personally accessible to the agent not only because there is an objectively possible chain of events that will bring about this world, but rather because the realization of this chain of events at least partially depends on the agent's decisions, over which she has direct control. For example, if, today, I remotely can present a paper next week, I have direct control over my decisions that, in turn, will result in certain actions and consequences, i. e. in a chain of events, leading up to my corresponding 'immediate can' next week, i. e. my ability and opportunity actually to present my paper. Accordingly, if I were to make a decision, and act on it, that would lead to a chain of events preventing me from presenting my paper, then I no longer remotely can present my paper from this point on. Of course, such circumstances might come about without my doing or without me exerting some kind of direct or indirect control, as well, for example if the workshop at which I ought to present my paper were to be canceled on short notice.

However, it seems to me that if one takes this analysis of 'remote can' seriously, it leads to counterintuitive results. If at some point in time I 'immediately can' do something, it seems to be case that I 'remotely could' do it all along, for there was obviously an actual chain of events that led up to my 'immediate can' and over which I at least had indirect control in that surely some of my decisions were involved, as well. For example, if I now 'immediately' can drive a car, then, according to Zimmerman's analysis, one seems to be forced to say that I 'remotely'

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21   See Zimmerman 1996, 40–43.

could drive a car all along, even as a three year old. Yet, usually we would not say that, as a three year old, there actually was a 'remote can' at play, i.e. that I already remotely could drive a car back then. We would rather say that sometime in the future I may, or most likely will, be able to acquire the necessary skill and knowledge and only then *can* drive a car.

Still, Zimmerman is surely right in pointing out that the agent has some influence on, or indirect control over, whether he *will* be able to do something at a later time, depending on the decisions he makes and the resulting chain of events. It just seems counterintuitive to me to call this a 'remote can' with regard to what the agent can do later on. What an agent remotely can do is, therefore, not the action in question itself but simply try to take the necessary or suitable steps in order to ensure that he will be able to perform this action later on. For example, it would be misleading to say that today I remotely can present my paper next week. Rather, what I can do today is to make a decision, and act on it, that will enable me to present a paper next week, namely to *prepare* my paper so that I *will* be able to present it next week. Hence, Zimmerman's notion of 'remote can' is either misleading with regard to what an agent currently *can* do or it does not refer to the action in question in the first place but rather to some other decisions and actions that, again, *will* make it possible for the agent to perform the action in question later on.[22]

The upshot is, I take it, that both notions, 'remote ought' as well as 'remote can,' should be rejected. Moreover, when it comes to OIC one does not even need them in order to formulate the principle in terms of a conceptual relationship. Only two things are needed: firstly, a specification of the time at which the agent ought to fulfill the 'ought' in question, which then semantically presupposes a corresponding 'can' at this time, and, secondly, either a separate and instrumental 'ought' with regard to taking the necessary steps beforehand to be able to fulfill the initial 'ought' at the specified time, or a complex 'ought' which already includes this instrumental demand. In any case, OIC could, again, simply read: *if an agent ought to do X at a certain time, this semantically presupposes that she can do so at the specified time.*[23]

4 'Ought'

I take it that this last formulation is, therefore, the most plausible way of interpreting OIC in terms of a conceptual relationship. However, how plausible is the conceptual analysis of 'ought' that lies at its heart?[24]

As mentioned above, the notion of 'ought' in OIC states what an agent, all things considered and from an objective point of view, morally ought to do. Usually, and based especially on the action-guiding feature of this notion of 'ought,' this is explained further in terms of practical or moral necessity.[25] If an agent is in this sense morally obligated to do X, it is morally necessary for him to do X. Acting otherwise would thus be necessarily immoral or irrational. Moreover, as explained above, 'ought' statements are taken to be either true or false, or me-

22   See on this note also Goldman 1976, 451. It should be noted, however, that Goldman still argues in favor of a time indexed 'can.'
23   See in this regard, for example, Streumer 2003, 224.
24   For a more extensive discussion of the following, see Kühler 2013a, ch. 9.
25   See, for example, Zimmerman 1996, 2 and 64.

aningless if a necessary presupposition is not the case. This way, they are basically treated like descriptive statements in that they apparently describe normative or moral facts.[26]

Following this line of thought, this means that if it is true that an agent ought to do X, doing X is a matter of practical or moral necessity for the agent. Now, the crucial point is that practical or moral necessity is, in turn, analyzed in terms of modal necessity. The notion of modal necessity states that if an event is said to happen necessarily, this means that it will actually happen, i. e. it cannot be the case that it will not happen. Modal necessity thus not only implies 'actual,' but obviously also 'possible,' for any event that actually happens has to be possible in the first place.

In analogy to modal necessity, it is then claimed with regard to OIC that if an action X is practically or morally necessary, i. e. if an agent, in the above sense, *ought* to perform it, then any moral (or rational) agent actually *will* perform it. Likewise, actual performance now obviously implies possible performance, so that, consequently, 'ought' has to imply 'can.'

If so, it is no wonder that defenders of a conceptual interpretation of OIC think of it as self-evident. For how could OIC fail to be a conceptual implication if practical necessity proves to be analogous to modal necessity? However, I think a fundamental difference between statements about facts (even normative ones), on the one hand, and normative claims, including moral obligations, on the other hand, is being overlooked here, namely their opposed *direction of fit*.[27]

Descriptive statements are aimed at depicting truthfully some actual state of affairs, i. e. to fit the world. They are thus subject to a *mind-to-world* direction of fit. Accordingly, if a descriptive statement does not depict the state of affairs in question correctly, the descriptive statement has to be considered false, and it is the statement, not the world, that has to be changed in order to establish fitness, i. e. the claimed truth.

Normative claims, including moral obligations, however, are not meant to aim at depicting truthfully some actual state of affairs. On the contrary, they express some state of affairs that is usually not the case, at least not yet, or an action that usually has not yet been performed. Accordingly, the state of affairs *should* be the case and be brought about, or the action *ought* to be performed, whereas the meaning of 'should be' or 'ought' can, in general, range from a mere desideratum or ideal to a moral obligation or practical necessity. However, even in the latter two cases this does not mean that they actually *will* be brought about or performed, but only that it would be (morally) wrong not to. Thus, normative claims, first of all, express a normative standard with regard to which the actual state of affairs and actions of agents can be evaluated as being in conformity or not. Consequently, normative claims, including moral obligations, are subject not to a *mind-to-world* direction of fit but rather to an opposed *world-to-mind* direction of fit. If there is a lack of fitness, i. e. if a normative claim or a moral obligation

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26   Obviously, the metaethical issue of moral realism looms in the background at this point. Accordingly, interpreting OIC in terms of a conceptual relationship would seem to imply accepting moral realism, while rejecting the conceptual interpretation of OIC would seem to include a rejection of moral realism. Of course, this crucially depends on how moral realism is defined. For an overview, see Sayre-McCord 2015. Assuming that it is basically about the question of whether moral obligations purport to report (normative or moral) facts, so that 'ought' statements can be either true or false (or meaningless), in the following I will argue not only against the conceptual interpretation of OIC but also against this basic claim of moral realism.

27   For the classical explanation of this notion, see Anscombe 1963, 56. See also Smith 1987, 50–58, Schueler 1991, Humberstone 1992, and Searle 2001, ch. 2.

is not (yet) fulfilled, it is not the normative claim or 'ought' that is to blame, but it is the world, so to speak, that is false and has to be changed in order to establish fitness.

What is crucial at this point is that such an assessment still holds even if the normative claim or moral obligation *remains* to be unfulfilled, whereas one possible reason for it to remain so is that the agent simply *cannot* bring about the state of affairs or perform the action in question. However, this only entails that the corresponding 'ought' *will*, maybe necessarily, remain unfulfilled.

Consequently, I take it that it is conceptually misguided[28] to say that normative claims or moral obligations can be true or false, or meaningless. Given their opposed direction of fit, normative claims simply cannot be treated in analogy to theoretical statements. Rather, they genuinely belong to the practical realm of normative considerations. This holds for the idea of practical (or moral) necessity, as well, in that analyzing this notion in analogy to modal necessity is, thus, also conceptually misguided. Hence, it cannot be concluded that if an agent, in this sense, *ought* to do X, then she actually *will* do X. According to the normative conceptual analysis of 'ought' presented above, nothing follows with regard to the potential fulfillment of an 'ought' or its possibility to be fulfilled. It could merely be said that an 'ought' will (necessarily) remain unfulfilled if the addressee cannot act accordingly. What *should* be done about this is, thus, essentially a normative question, which, in turn, makes OIC basically a normative or moral principle in that it provides a normative answer to this question: *if an agent ought to do X at a certain time, it* should *be ensured that she is able to do X at this time.*[29]

5 'Cannot'

Still, this leaves open a lot of details, namely how to understand the resulting normative relationship between 'ought' and 'can' exactly, and what sorts of circumstances preventing an agent from doing what she ought to do *should* count in favor of rejecting the corresponding 'ought.'

As mentioned at the beginning, the notion of 'can' in OIC is usually understood in the sense of an agent's ability and opportunity. Put contrapositively, this means that lack of ability *or* opportunity is taken to count as sufficient reason for rejecting the normative demand in question. For example, if I lack the ability to swim I cannot save the much-quoted drowning child in the lake. Furthermore, I cannot do something even if I have the necessary ability but lack the *opportunity* to actualize it. For example, if I ought to swim to the other side of the pool, and if I indeed can swim, i.e. have the ability, I still cannot do so in case there is no water in it.

However, there are a number of circumstances imaginable that do not fall neatly into these categories but nevertheless seem to prevent the agent from fulfilling the normative demand in question, be it only temporarily or permanently.[30]

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28   Metaethical moral realism notwithstanding.

29   See on this note, for example, Collingridge 1977, Kekes 1984, 462, Jacobs 1985, Statman 1995, 40–45, Kekes 1997, 52, Kekes 1998, 222, Saka 2000, 100, and Kramer 2005, 332.

30   It should be noted that at least some of the following circumstances are actually addressed by proponents of a conceptual interpretation of OIC. However, there is no consensus about what kinds are actually covered by the notion of 'cannot' so as to be conceptually implied or ignored in OIC. For example, it is a matter of dispute whether the epistemic fact that I do not know that, or how, I ought to do something makes it true that I cannot do it, even if I have the corresponding ability and opportunity. See Haji 2002, 17 and 23f., and Zimmerman 1996, 49f. and 79. Moreover, Vranas 2007, 169f., for example, concedes that psychological com-

1) To begin with, it could be the case that circumstances prevent the agent from performing *well enough* in order to fulfill the 'ought' in question satisfactorily. For example, I could have a cold that prevents me from fulfilling the normative demand to sing a song just well enough, even if it is assumed that I have the ability to sing, can actualize it, and have the opportunity to do so.

2) An agent could be unable to do something based on epistemic hindrances. For example, if I do not know that I ought to pick up my friend at the airport because I never received his email, asking me to do it, it seems plausible to say that in a sense I cannot do it, even if I had the necessary ability and opportunity. I simply do not know *that* I ought to do it. Likewise, if I ought to buy a suitable gift for an old friend whom I have not seen in years and thus do not know what a suitable gift for her may be, then—mere luck aside—I apparently cannot do so because I do not know *how* I can fulfill this normative demand properly.

3) Some things are impossible for an agent to do because he or she lacks a necessary normative status. For example, being merely a philosopher I cannot act as a supervisor for a master thesis in sociology, even if I had the necessary knowledge, because I am officially not allowed to.

4) Psychological phobias or compulsions could prevent a person from doing something. For example, if I ought to save a cat stuck in a tree, it seems fair to say that I cannot do so in case I suffer from an extreme fear of heights and thus cannot bring myself to climb the ladder. Admittedly, it is a matter of contention if such phobias and compulsions make it strictly impossible for an agent to perform an action or just make it very hard. In any case, even if something is merely very hard to do it could be argued that this gives sufficient reason to reject the corresponding normative demand because it would be overly demanding.[31]

5) Certain circumstances could make an action irrational for the agent, thus preventing him from performing it in a rational way. For example, if someone points a gun at me and orders me to give him my wallet, it would in this sense, for prudential reasons, be rationally impossible for me not to comply.

6) Some actions could be impossible for an agent to perform because of the kind of person he or she is. As Harry G. Frankfurt has famously argued, some options are "unthinkable" for a person because they go against the very essence of the person, understood in volitional terms.[32] For example, if I am, in this sense, a loyal and truthful person to my friends, I simply cannot lie to them or betray them. However, even if it were assumed that I could bring myself to lie to them and betray them, this only means that I would no longer be a loyal and truthful person to them. I would have lost my personal integrity. Hence, the crucial point is that it is impossible for an agent to act in this way *and* still be the kind of person he or she was. A classical example in this regard is Luther's (alleged) statement: "Here I stand, I can do no other."[33]

pulsions or motivational hindrances can prevent a person from performing an action and, therefore, includes them in OIC. The upshot is that it is a matter of contention even within proponents of a conceptual interpretation of OIC how the vast array of possible hindrances to what an agent is able to do should be reflected in OIC. For a more detailed overview of such hindrances, see Kühler 2013a, 37–51.

31 Obviously, this line of argument thus assumes a close resemblance between OIC and overdemandingness.
32 See Frankfurt 1988 and Frankfurt 1994.
33 With regard to this phenomenon, see also Kühler 2013b and Kühler forthcoming.

7) Finally, it could make a crucial difference to the validity of normative demands and especially to questions of responsibility and praise- or blameworthiness if the circumstances that prevent an agent from performing the action in question are natural and contingent ones or brought about intentionally, or negligently, or accidentally by either the agent himself or by someone else. For example, if I cannot stop at a red light because my brakes fail, it is surely of crucial importance if this occurred by mere chance because of material fatigue or because I intentionally sabotaged the brakes in order to make myself unable to stop. Whereas it seems unfair to blame me in the former case, I am surely blameworthy in the latter.

6 'Ought' and 'can': a complex normative matter of fairness

Given the vast array of possible circumstances that may prevent an agent from doing what she ought to do, and assuming that OIC should be interpreted in terms of a normative or moral principle, the result of the above considerations is that one may ask for each of these circumstances a separate normative question of how they *should* be treated with regard to the validity of a corresponding 'ought,' including questions of the agent's moral responsibility as well as praise- and blameworthiness. Consequently, OIC becomes a complex moral principle, or a number of slightly different moral principles, based on considerations of fairness and of what can reasonably be demanded of addressees.[34]

Now, a detailed normative discussion of each of the circumstances mentioned above would obviously go beyond the scope of this paper, but I hope that at least I have made clear enough the normative terrain of the most relevant circumstances for OIC. In any case, there are some more general aspects of this normative take on OIC that still need to be addressed.

Following the above conceptual analysis of 'ought,' normative demands primarily express a *normative standard* to which "the world," and especially agents as their addresses, should conform. However, it is initially an open (moral) question of how to handle cases in which they cannot act accordingly.

So understood, OIC does not run the danger of breaching Hume's Law because facts about what addressees can or cannot do are now *ascribed* a normative role: *prima facie* addressees *should* be able to act according to what they ought to do. Consequently, facts about what agents can or cannot do are treated as *prima facie* reasons of fairness that in general count against the *validity* of normative claims—and not as facts that convey truth conditions to normative statements. *If an agent cannot act according to what he ought to do, the respective normative claim should prima facie be considered unfair.*

Furthermore, there is no need to include double time indices in OIC. First of all, the implausible notions of 'remote ought' and 'remote can' should be avoided, anyway, but also because the (practical) concept of normative claims does not depend on possible fulfillment. So there is no conceptual need to specify what an agent can or cannot do using time indices in OIC. In any case, the time at which a normative demand ought to be fulfilled is already specified within the content of the 'ought' in question, i.e. with regard to what exactly the agent ought to do. What might happen in between concerning the agent's 'can,' is, again, subject to

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34 For a more extensive discussion of OIC in terms of a substantial and complex moral principle of fairness, see Kühler 2013a, ch. 11.

moral considerations of fairness. For example, as noted above, if my friend asked me in the morning to drive him to the airport in the afternoon and I intentionally break my car at noon in order to make myself unable to do like I ought to, based on considerations of fairness, it can be argued that this self-inflicted inability *should not* count as sufficient reason to reject the 'ought' in question or as plausible excuse to avoid blame.

In this example, 'ought' apparently not only refers to what I, in an action-guiding sense, ought to do, but also to how my inability and the circumstances that led up to it should count concerning my responsibility and blameworthiness for failing to fulfill the normative claim. Accordingly, apart from the primary conceptual function of normative claims to establish a normative standard, 'ought' can comprise further normative or evaluative functions, in this case the practical function of serving as a basis for evaluating actions, including omissions, as right or wrong, or good or bad, as well as for evaluating agents in terms of their moral responsibility and praise- and blameworthiness. For example, if it were not my fault that I cannot drive my friend to the airport, I may still fail in fulfilling the 'ought' in question. However, it can now be argued that because of the fact that it was not my fault, it would be unfair to hold me responsible or blame me for it. The fact that I cannot do it, through no fault of my own, is thus regarded as a reasonable *excuse*.[35]

Still, most pertinently, 'ought' may comprise an *action-guiding* practical function. Normative claims usually aim at their fulfillment, i. e. at the realization of what ought to be the case or what ought to be done. If an 'ought' then proves to be unrealizable by its addressee, upholding it with this action-guiding practical function in mind would apparently be pointless, albeit not conceptually but practically so. The corresponding normative question would be: why *should* we uphold a normative claim if we aim at its fulfillment and thus have an action-guiding practical function in mind, but already know that it *will not* be fulfilled because the addressee is not able to? It would seem that we do not have a good practical reason to uphold it in such cases. However, as mentioned above with regard to temporary unrealizability, we do seem to have a good practical reason to uphold the 'ought' in question even in such cases, namely if it is at least possible for the addressee to establish the necessary 'can' in the future, or maybe even in time. Hence, it is only *prima facie* clear that agents should be able, at least right now, to act according to the 'ought' in question.

7 Conclusion

Now, if my line of argument is deemed plausible and we should, therefore, understand OIC not in terms of a conceptual relationship but as a complex moral principle based on considerations of fairness, it seems to me that this naturally includes the idea of what can be reasonably demanded of addressees. So understood, assessing unrealizable demands as *prima facie* unfair can be put the other way round, as well: if an agent cannot do what he ought to do, it would *prima facie* be a matter of *overdemandingness* to uphold the 'ought' in question. This way, OIC and the question of (over-)demandingness would obviously be closely related, whereas OIC would simply mark an extreme (normative) point in what should or should not be demanded of moral agents in general.

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35 For the notion of excuse, as opposed to 'justification,' according to which the 'ought' in question would be rejected altogether so that there would be no need for an excuse in the first place, see Austin 1970, 176 and 181, fn. 1, and Suttle 1988, 126.

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