It's the Thought that Counts

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Agnes's brakes fail. Should she continue straight into the busy intersection or should she swerve into the field? Add to the story, what Agnes does not and cannot know, that continuing into the intersection will cause no harm, whereas swerving into the apparently empty field will cause a death. I evaluate arguments for the claim that she should enter the intersection, i.e. for objectivism about right and wrong; and arguments for the claim that she should swerve, i.e. for subjectivism about right and wrong, and conclude that subjectivism is more plausible. I also consider the view that 'ought' and 'wrong' are systematically ambiguous, that she subjectively ought to swerve and that she objectively ought to enter the intersection. I argue that most versions of this suggestion are unworkable, and that even the best version is less plausible than pure subjectivism.

I. INTRODUCTION

What makes an act wrong? In particular, do objective factors, such as the harm caused by the act, or subjective factors, such as the agent's belief about the harm she will cause, make an act wrong? Consider a case where we are forced to choose between these alternatives:

Agnes's brakes fail. Should she continue straight into the busy intersection or should she swerve into a field? Add to the story, what Agnes does not and cannot know, that the following two counterfactuals are true. If she were to enter the intersection, other cars would swerve and narrowly miss her car, no one would be hurt and she would stop on the slight hill across the intersection. If she were to swerve into the field, she would hit a man hidden asleep in the grass and kill him.

To say that Agnes ought to swerve seems to commit one to saying that subjective factors at least sometimes dictate the rightness of actions. To say that she should head straight into the intersection seems to commit one to saying that objective factors at least sometimes dictate the rightness of actions without input from subjective factors. This case seems typical of a wide range of choice situations. So, to say that she ought to swerve seems to commit one (prima facie) to the view that subjective factors are the primary determinants of rightness; whereas to say that she ought to go straight ahead seems to commit one (prima facie) to the view that objective factors are the primary determinants of rightness.[1]

The literature on the topic suggests that we can divide the answers into three kinds:

[1] We should bear in mind the possibility that subjective factors are decisive in some choice situations and objective factors are decisive in other choice situations.

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(1) She should continue into the intersection. That is to say that objective factors dictate rightness. Call this position 'objectivism' and its advocates 'objectivists'.
(2) She should swerve. That is to say that subjective factors dictate rightness. Call this position 'subjectivism' and its advocates 'subjectivists'.
(3) Distinguo. She *subjectively* ought to swerve and she *objectively* ought to go straight.

I shall argue that a version of (2) is correct. I say 'a version' because there are many different ways in which one might think that subjective factors dictate the rightness of actions. Subjectivists disagree about substantive issues such as whether consequences matter more than rights violations or promise-breaking. Moreover, they also disagree over whether merely believing that an act will have the best consequences is sufficient for rightness or whether the agent must have good reason to believe, or must be such that she would believe, that the act had the best consequences if she investigated the matter properly. I want to leave these questions open, and concentrate on the question of whether some facts about the agent's beliefs are a crucial ingredient in determining whether she acted wrongly in any or all cases. I shall use the terms 'should', 'ought', 'right', 'wrong', 'morally permissible' in ways that are interchangeable or interdefinable. So, whatever goes for 'ought to' will go for 'wrong not to'. For example, if subjective factors determine what we ought to do, they will determine what is wrong. If 'ought' is ambiguous between 'subjectively ought' and 'objectively ought' then 'wrong' is ambiguous between 'subjectively wrong' and 'objectively wrong'.[2]

II. SUBJECTIVE AND OBJECTIVE OUGHTS

Many of us feel torn about Agnes. On the one hand, it would have been better if she had gone straight into the intersection. 'If only you had gone straight ahead!' we might lament. On the other hand, she certainly seems to deserve no punishment or censure for swerving. It even seems harsh to say that she acted wrongly.

Here is an irenic suggestion. Perhaps there are two different notions: objective permissibility (or wrongness) and subjective permissibility (or

[2] This is not uncontroversial. One variant on option (3), the suggestion that 'ought' is ambiguous between subjective and objective versions, is the view that what we ought to do is a matter of objective factors; whereas whether we do wrong is a matter of subjective factors. In the interests of time and orderliness, I shall not discuss this option separately, but, I hope, what I say about various other options will apply to it.

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wrongness); and one of these satisfies the first kind of intuition and the other satisfies the second. Here are some versions of this suggestion.

(a) To say that an act is objectively right is simply to say that it is *really*, or *actually*, right, whereas to say that it is subjectively right is to say that it seems right or it would be right if the agent's perceptions were correct, etc. In other words, according to this suggestion, the term 'objectively' provides emphasis, like 'really', rather than any semantic content.
(b) To say that an act is subjectively right is simply to say that it is *really*, or *actually*, right, whereas to say that it is objectively right is to say something like: 'It would be right if the agent knew the actual effects of her action.'
(c) Objective and subjective oughts are species of a larger genus.
(d) The term 'ought' is systematically ambiguous between two different notions, neither of which is primary.

We can dispense with suggestions (a) and (b) at this juncture. (a) is simply equivalent to the claim (1 above) that objective factors are the only factors that count in determining what we ought to do, and as such, it does not represent a genuine attempt to reconcile conflicting intuitions over what Agnes (really) ought to do. Much the same can be said about (b).

The suggestion (c), that there is some common genus of which these are two species, amounts to treating the relationship between the concepts of subjective and objective wrongness as structurally analogous to the relationship between the concepts of male and female human beings. But that cannot be right. Remember that we started out torn over the question of whether Agnes acted as she ought or whether she acted wrongly. Imagine, for analogy, that we are torn over the question of whether some fossil is human. That feeling of conflict could not be explained by the claim that while there is some reason to think that the fossil comes from a female human being, there is good reason to think that it does not come from a male human being. Obviously, if that were our epistemic situation, we would conclude that the fossil was human. Moreover, as applied to our original dilemma, this suggestion would imply that Agnes would have acted wrongly (simpliciter) whatever she did. (And also that she would have acted rightly whatever she did.) Clearly this is a non-starter.

How about (d), the idea that the term 'permissible' or 'wrong' is just ambiguous? Allan Gibbard describes one version of this idea.[3]

[3] *Wise Choices, Apt Feelings* (Cambridge, 1990) p. 42. It is not clear whether Gibbard endorses the view he describes here.

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The term 'wrong' is often said to have two distinct moral senses, the objective and the subjective. The difference between the two is displayed in stories like this: Yesterday, I had the brakes of my car checked. Today, I drive a friend to the supermarket, but on the way, my brakes fail and I kill a pedestrian. Driving my car, then, has turned out to be wrong in the objective sense, but not in the subjective sense – since I had every reason to think my brakes reliable, and my friend needed to get to the store.

An act is wrong in the objective sense if it is wrong in light of all the facts, knowable and unknowable, whereas it is wrong in the subjective sense if it is wrong in light of what the agent had good reason to believe.

A serious difficulty for this suggestion if it is a version of (d) is that it assumes that there is a neutral sense of 'wrong' that can be used to define these two other notions 'subjectively wrong' and 'objectively wrong'. That is at odds with (d), which assumes that there is no univocal sense of 'wrong'. Moreover, the phrase 'wrong in light of all the facts' is itself ambiguous, but seems objectionable on both readings. One reading is: 'Someone who knows all the facts would correctly judge the action to be wrong.' This reading is somewhat empty. Someone who holds that an agent's beliefs or reasonable beliefs have a bearing on the permissibility of her behaviour would say that the agent in Gibbard's story did not act objectively wrongly in this sense in driving to the grocery store, since someone who knew all the facts would know that the agent was justifiably unaware of the problem with his brakes. Another reading is 'If the agent knew all the facts, but acted in the same way, her action *would be* wrong.' But this does not obviously capture a kind or sense of wrongness. To say that one's act *would have been* wrong under certain conditions does not guarantee that it is actually wrong – any more than 'If he had promised to be home before midnight, then his returning at 12:30 would have been wrong' makes his returning at 12:30 wrong (in any sense) in the actual circumstances.

Gibbard might attempt to avoid the problem of assuming a neutral sense of 'wrong' with which to define subjective and objective wrongness, by defining objectively right actions as those which in fact have the best consequences and subjectively right actions as those which the agent believes will have the best consequences. But this faces a different difficulty: it makes consequentialism true by definition.

Maybe this is what advocates of the ambiguity suggestion are getting at: the concepts of wrongness (ought) etc. are too deep to be defined in a non-circular way, but we can identify functional roles for these concepts, and it turns out that these roles can be divided into two roughly equal groups – the first of which points towards objective factors as definitive of wrongness, while the second points towards subjective factors as definitive of wrongness. In other words, philosophical considerations or arguments are evenly balanced between claims (1) and (2) above, and hence there are two equally good but not always compatible concepts

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here. It is important before we evaluate this attractive suggestion to investigate the arguments for objectivism and the arguments for subjectivism, and see whether either set is more weighty or, as is suggested here, they are so evenly balanced that we should simply divide the territory into two separate but equal regions, one governed by the objective notion, and the other, by the subjective notion.

III. ARGUMENTS FOR OBJECTIVISM

A. Downing's interpersonal conflicts of obligation argument

Thomas Downing argues against subjectivism like this. Subjectivism allows for interpersonal conflicts of obligation.[4] Suppose that Andrew is simulating an attack on a nuclear weapons facility as part of a training programme. Beatrice, who is guarding the weapons silo, is somehow (but entirely justifiably) unaware that the attack is simulated, and has been trained to destroy any unauthorized person who approaches the weapons silo. In this case, subjectivism (or some version of subjectivism) implies that Andrew is acting as he ought and so is Beatrice. Downing argues that this is a reason to reject subjectivism, in part because a morality that says 'this should be so' and also, simultaneously, says 'this should not be so' seems not to know its own mind.

But if this is a problem for subjective views, it is also a problem for objective views such as objective consequentialism.[5] Suppose that Alice must decide whether to push a button that will send $10,000 to Oxfam. Bruce, meanwhile, must choose whether to push another button that will have two effects – it will destroy Alice's button, and it will cause a million dollars to be sent to CARE. It seems that Alice ought to push her button (her refraining by herself would not increase the likelihood of the million dollars reaching CARE) and that Bruce ought to push his button, i.e. he ought to prevent her from pushing hers. One worry here is that if Bruce does what he ought, then Alice will be unable to push her button, and so, by the principle that 'ought' implies 'can' (OIC), Alice will no longer have the obligation. Note, first, that this feature of the case is present in the nuclear weapon case also. Moreover, we can avoid this response by supposing that Bruce does not do what he ought. In that case, he ought to prevent Alice from pushing and Alice ought to push.

Many other objective theories have similar results. Consider non-consequentialist objective theories that incorporate special obligations – 'Obey your king!', 'Honour your parents!', 'Protect your family or clan at all costs!', 'Keep your promises!'. In each of these cases,

[4] Downing presented this argument in conversation.
[5] I owe this response and this (kind of) example to Hud Hudson.

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someone fulfilling one of these objective obligations may well come into legitimate conflict with someone else carrying out his objective obligation.

It seems that we should accept the existence (or possible existence) of interpersonal conflicts of obligations as an interesting feature of moral theories, rather than use it to throw out both subjective and objective theories.

B. Gensler's intrapersonal conflicts of obligation argument

Harry Gensler argues against some versions of subjectivism like this:

> Suppose that this principle is true and known by S to be true: 'An agent ought to do X iff his beliefs do [or are believed to] entail or otherwise warrant that A maximizes enjoyment.' Suppose further (1) that S believes that A, B, and C, and (2) that A&B&C does [or is believed to] entail that doing X maximizes enjoyment; then S ought to do X. But suppose that S also believes (inconsistently) that not doing X maximizes enjoyment; then S ought not to do X. So, given that absent-minded S can have inconsistent beliefs, it follows that then S ought to do X and also ought not to do X. But this violates principle OC, by which one cannot be bound to do impossible combinations of things. So taking 'ought' as 'ought relative to the agent's beliefs' leads to paradoxical results.[6]

If an obligation to x and an obligation to y implies an obligation to x and y, then if subjectivism implies that an agent ought to x and an agent ought not to x, it will imply that the agent ought to x and not x. This is plainly a problem, first because it seems to violate the principle that ought implies can, but second, because it seems to lead to a contradiction.

(1) S ought to x implies that S is permitted to x.
(2) S is permitted to x implies that it is not the case that S ought not to x.
(3) So, the claim that S ought to x implies that it is not the case that S ought not to x.

In other words, it looks as if a theory that implies both that S ought to x and that S ought not to x is inconsistent, and, hence, false.[7]

Perhaps Gensler's argument succeeds against a version of subjectivism that says that what is right is determined by what the agent believes, but it does not (at least, not so obviously) succeed against versions of subjectivism that say that what is right is determined by

[6] Harry Gensler, 'Paradoxes of Subjective Obligation', *Metaphilosophy* 18 (1987), p. 210.
[7] Thanks to Tom Downing for help with this section.

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what the agent justifiably beliefs.[8] One cannot be justified in believing contradictions.

So, a sensible form of subjectivism will not imply that I ought to do x and I ought not to do x. But it might imply that I ought to do x and I ought to do y where x and y are incompatible. For example, it seems that even a sensible form of subjectivism might imply that Agnes (from our original dilemma) ought never to kill an innocent person and also that Agnes ought to swerve into the field. She cannot do both of the things the theory tells her to do. Plainly this is an unacceptable result.

But note what happens when someone tries to follow these rules – either she discovers the incompatibility part way through or she does not. If Agnes realizes in time that swerving will kill someone, then she ought not to swerve. Alternatively, if she does not realize in time, the spirit of subjectivism implies that it is not true that she ought not to kill someone. Instead it implies a subjective variant on that. In general, it seems that, to be consistent, a subjectivist should shift not only from 'You ought to produce the best consequences' to 'You ought to do what you believe will produce the best consequences', but also from 'You ought not to kill someone' to 'You ought to do what you believe will make it the case that you do not kill someone', and so on. In other words, the correct subjectivized version of consequentialism is not 'You ought to do what you believe will produce the best consequences', since one of the things, for example, which Agnes believes will produce the best consequences is not to kill anyone. It is a widely recognized fact that we do one thing by doing another, and that the different levels of action can be stacked many items high. When we do this we often have beliefs – some true, some false, some justified and some unjustified, about how one action will translate into another. In so far as one can be justifiably mistaken in some of these beliefs, arguments for subjectivism should not allow us to have an obligation to avoid doing something which our justifiably false beliefs might prevent us from recognizing ourselves as doing.

Perhaps the point is that the subjectivist must focus on the agent's basic actions – moving your arm or your finger thus and so, rather than, say, killing a human being, and then say (for example): Of the agent's *basic actions*, she ought

to do the one that she (justifiably) believes will produce the best consequences.[9]

[8] There are other reasons for doing this. It seems a mistake to say that someone has acted permissibly if he has done what he believed would have good results, when his beliefs were formed in an irresponsible way.

[9] The 'basic actions' may have to be even more basic than finger movements. They may have to be as basic as tryings – to allow for brain-in-vat cases.

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In that case, if the agent is faced with the choice between swerving and not swerving, or between moving his finger (to pull the trigger) and not, then a version of subjective consequentialism that focuses on justified belief will imply that there is at most one obligatory action in a situation. At least, it is difficult to imagine a case in which an agent (who is not insane or subject to logically contradictory beliefs – and hence, ruled out from consideration as not having justified beliefs) will have obligations to do x and y where x and y are incompatible. In this way, the subjectivist can avoid the problem of intrapersonal conflicts of obligation.

C. Subjectivism cannot explain three important data of our moral experience

It is sometimes argued that even subjectivists must care about objective values and that, therefore, they must be objectivists about obligation. Here is one version of that argument:

(1) Our moral experience indicates that:
  (a) Third parties who recognize that an agent is about to act on some seriously mistaken information ought to interfere.
  (b) When making a decision that could have significant good or bad effects, we ought to make considerable efforts to figure out exactly what those effects are.
  (c) If we make a mistake that leads to some harmful occurrence, we often rightly feel more regret, remorse or shame than we would if our behaviour had not led to such results.
(2) Subjectivism cannot account for these data.
(3) So, subjectivism is false.[10]

I dispute the second premiss. Subjectivism can account for these data. Let us use subjective consequentialism to illustrate the point. Suppose Bella observes Arthur giving a glass of milk to a starving child. She knows (and knows that Arthur does not know) that this is a bad idea, since the child is dehydrated and the milk will further dehydrate him. It seems obvious that Bella ought to interfere to stop Arthur from giving the child the milk. So, according to subjective consequentialism, Arthur is doing the right thing, and yet Bella ought to interfere or advise Arthur not to give the child the milk. The subjective consequentialist can explain this phenomenon. Bella ought to do what she believes will have the best consequences. She believes that preventing the child from drinking the milk will have the best consequences. So preventing Arthur from giving the child the milk is the right thing for her to do.

[10] As far as I can tell, this argument is in Graham Oddie and Peter Menzies, 'An Objectivist's Guide to Subjective Value', *Ethics* 102 (April 1992), p. 517.

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In fact, preventing Arthur from doing the right thing is the right thing for Bella to do.[11]

Regarding (b), the subjective consequentialist will tell the agent to increase her knowledge of the consequences of her actions (within limits) – not to increase her chances of doing the right thing in the future, but to increase her chances of producing the best consequences now, given what she presently believes about how to do that.

What about (c)? Consider the apparent fact that it is more appropriate to feel regret, remorse or shame if one's carelessness leads to harm than if it does not. Imagine two careless drivers, Daphne and Carla, who are otherwise exactly alike except that Daphne causes a fatal accident, whereas Carla does not. Daphne is profoundly ashamed, remorseful and grief-stricken. Carla is not. We find neither of these reactions inappropriate. If subjective consequentialism is true, how can this be? Surely, Daphne did something wrong if and only if Carla did. (We can stipulate that the information each had to go on was exactly the same.) So, if Daphne should feel profound regret and shame, then so should Carla. And yet, it does not seem appropriate for Carla to have such an extreme reaction.

Here is a plausible line for the subjectivist to take. Daphne feels really bad about what she did, and she and we acknowledge that it is appropriate that she feels this way. Part of the appropriate feeling is genuine guilt – Daphne, like Carla, did something wrong. Part of the appropriate feeling is horror, sadness, distress, because someone died, and because she caused that death. Carla does not experience the latter set of feelings and it is appropriate that she does not. So that explains how Daphne's feelings are, and should be, worse than Carla's. The objectivist may try to argue that the extra appropriate feeling that Daphne feels is extra guilt – a feeling whose intensity is appropriate only in direct proportion to one's wrongdoing. But this would be a tough line for the objectivist to take. First, because it is difficult to identify the exact nature of some fraction of Daphne's feeling. Second, because it is difficult to argue that guilt is appropriate only in exact proportion to the degree of wrongdoing. And third, because the objectivist, as we will see later on in section IVA, does not believe that guilt is appropriate always and only in response to (and in exact proportion to) one's own wrongdoing.[12]

[11] See Frank Jackson, 'Decision-Theoretic Consequentialism and the Nearest and Dearest Objection', *Ethics* 101 (April 1991), p. 465.

[12] For more discussion of 'objectivist' data of this sort – the fact that there is a point in trying again after we have failed the first time, the fact that there is a point to moral learning, and so on, see Elinor Mason's 'Consequentialism and the "Ought" implies "Can" Principle', *American Philosophical Quarterly*, forthcoming, and Bart Gruzalski's 'Foreseeable Consequence Utilitarianism', *Australasian Journal of Philosophy* 59 (1981).

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D. The slide into ethical relativism argument

Some objectivists argue like this.[13]

(1) If subjectivism is better than objectivism, then ethical relativism is better than any more specific (or more objective) moral theory.
(2) But ethical relativism is not better than any more specific (or more objective) moral theory.

So, subjectivism is not better than objectivism.

In support of premiss 2, we could rehearse all the arguments that we encountered and used in our introductory moral philosophy classes to show the bankruptcy of ethical relativism.

To assess premiss 1, we would need to examine the arguments offered in support of subjectivism, to see whether they support ethical relativism equally well. Evaluation of these arguments will occupy us throughout section IV below. My guess is that most of these arguments will not be convertible into arguments for ethical relativism without an extra premiss that is less plausible than the claim that ethical relativism is false. For example, the first argument I offer in support of subjectivism concerns the appropriateness of punishment and blame. It seems to be one thing to withdraw blame and to decide against punishing someone because of her ignorance of empirical facts (for example, that the stuff in the feeding tube was poison), especially where she could not have been expected to know the facts, and quite another thing to withdraw blame and to decide against punishing someone because she has a false moral theory. Ever since Aristotle, it seems, we have distinguished the moral relevance of empirical mistakes and moral mistakes.

I conclude that subjectivism survives the multi-pronged attack upon it.

IV. ARGUMENTS FOR SUBJECTIVISM

A. The punishment argument

There is a strong link between wrongdoing and culpability and the appropriateness of sanctions. There is a strong presumption that if someone does wrong, then she should (or she may) be punished, blamed, or at the very least, feel guilty; and if someone does no wrong, we should not punish her, etc. This presumption seems incompatible with objectivism.

[13] I have heard this objection often in conversation. Roy Sorenson expresses a version of it in 'Unknowable Obligations', *Utilitas* 7 (1995). See Ted Sider, 'Sorenson on Unknowable Obligations', *Utilitas* 7 (1995), pp. 273–9, and Elinor Mason, 'Consequentialism and OIC', for responses.

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Consider two nurses who administer lethal doses of poison to their patients. The first gives the poison knowingly, while the second does not (let us suppose that she does not know, it is not the case that she should have known, etc., that the fluid in the feeding tube has been laced with rat poison). This difference between them should lead to the first's being found guilty of murder and punished accordingly, and the second's being found not guilty. If the presumption is correct, then the best explanation for this is that the first nurse acted wrongly while the second did not, in other words, that ineliminable ignorance makes a difference to which acts are wrong. The objectivist will offer a different explanation: although both nurses acted equally wrongly, the first exhibited a worse character than the second. But differences in their characters do not seem to explain our strong intuitive judgement that they ought to be treated differently. The law does not exist to influence our characters. It exists, presumably, to prevent us from wrongfully harming one another. We do not send people to the electric chair for having bad characters.

The point here is even more vivid if we consider pairs of agents who do nothing wrong from the objectivist point of view, but where it seems entirely appropriate to punish one but not the other. Consider the nurses again, but this time imagine that someone prevents both from completing the intubation. The first is found guilty of attempted murder. The objectivist will have to say that she is being punished for having a bad character in spite of the fact that she has done nothing wrong. The objectivist might attempt to bolster this point by arguing that the main reason she is being punished is that she broke the law. If we object that it is odd to have a law forbidding activities that are not wrong, especially a law associated with such severe penalties, the objectivist will argue that the existence of such a law produces the best consequences.

I feel a residual dissatisfaction with this response. Suffice it to say that, while the punishment argument cannot by itself refute objectivism, I hope it constitutes part of a cumulative case against that view.

B. The better safe than sorry argument

Here is an argument for thinking that at least sometimes our obligations are subjective. We are often faced with conditions of uncertainty. Sometimes these conditions of uncertainty make the difference between life and death, health and continued suffering from horrid diseases.[14] But there are a host of more mundane, less fatal

[14] See for example, Frank Jackson's 'Decision-Theoretic Consequentialism'; and David Lewis, 'Devil's Bargains and the Real World', *The Security Gamble: Deterrence Dilemmas in the Nuclear Age*, ed. Douglas MacLean (Totowa, NJ, 1984), p. 154.

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choices of this sort. For example, I have a doctor's appointment at noon. It is impossible to predict what the traffic will be like between my house and the doctor's office. If I leave home at 11:40, I will risk arriving early and having to waste ten minutes; whereas, if I leave home at 11:50, I will risk being ten minutes late for my appointment. What should I do?

The subjectivist will answer: 'It is better to risk being ten minutes early for an appointment than ten minutes late. So, err on the early side, i.e. leave at 11:40 (and bring a book).' The objectivist, by contrast, will say, 'Be exactly on time. If the traffic will be good, leave at 11:50. If it will be bad, leave earlier.'

The objectivist advice is entirely unhelpful. More importantly, the subjectivist advice seems true. Subjectivism gets the right results in these cases. The objectivist will respond that following the subjectivist's advice is not right, not what ought to be done, but is simply an efficient strategy for increasing the probability that the agent will do the act that is really right. But what kind of probability would be increased? It cannot be the case that leaving early in this particular case is *objectively* most likely to achieve the best results, since it could well be that leaving late is objectively certain to have the best results. It must be *subjective* probability: given what the agent has to go on, this is the most likely way to achieve the best results. But if the objectivist says that, and moreover, says that that is a moral reason for the agent to act in this way (i.e. that is why the agent ought to act in this way), then he seems to have conceded significant ground to the subjectivist.

C. Objective and subjective probabilities argument

The argument of this section is complex. Here is a brief outline:

(1) The objective probability (version of, say) consequentialism is better than actual consequences consequentialism.
(2) If we take into account objective probabilities, we might as well take into account subjective probabilities.
(3) If we take into account subjective probabilities, we might as well be subjective consequentialists.

So, we might as well be subjective consequentialists.

In support of the first premiss, think back to the story I started the article with – about Agnes and the failed brakes and the busy intersection. I said:

> Let us suppose that the following two counterfactuals are true: if she were to enter the oncoming traffic, other cars would swerve and narrowly miss her, no one would be hurt and she would eventually come to a stop on the slight hill on the other side of the intersection.

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This was an oversimplification. In most real cases, counterfactuals like this are false. Abbreviate the first one to: If E, then ~H ('E' for 'enter intersection' and 'H' for 'harm'.) Abbreviate the second one to: If ~E, then H. If E is false, then (usually) neither 'If E, then H', nor 'If E, then ~H' is true. That is because I believe that there is no unique closest world in which E is true, and that some of the closest E worlds are H worlds and some of the closest E worlds are ~H worlds.[15]

Suppose Agnes does swerve and kill a person. What then should an objectivist (for example, an objective consequentialist) say about this? Obviously the death of a person is a very bad consequence, but that makes her action wrong only if one of her alternative actions would have had a better result. But it is not true that her only alternative action would have had a better result, and it is not true that her only alternative action would not have had a better result. (Closest E worlds include those where she kills no one, those where she kills one person, and those where she kills more than one.) An actual consequences consequentialist might take a tough line and say that, since it is not true that acting otherwise would have had a better result, her action was morally permissible. Note that if Agnes had not swerved, this move would commit the actual consequences consequentialist to saying that she did the morally permissible thing in that case too. In an indeterministic world, it seems that almost all actions will turn out to be morally permissible if we reason along these lines. A better position, surely, would be to consider the objective probabilities of the unrealized alternatives. How bad is each of the alternatives? How likely? Do the maths. More formally:

> The agent ought to behave in that way which has the highest objective value, where objective value of action A is Pr (outcome 1/action) × v (outcome 1) + Pr (outcome 2/action A) × v (outcome 2) + Pr (outcome n/action A) × v (outcome n.)

Moreover, since the question of whether Agnes *should have* swerved cannot depend on whether Agnes *did* in fact swerve, it seems best to treat the rightness of her action as depending on the objectively probable consequences of her actual action, as well as of her unactualized alternatives.[16] Objective probability consequentialism

[15] I am assuming the standard account of the truth conditions of counterfactuals, namely the Lewis and Stalnaker account, according to which a counterfactual is true if and only if all the closest worlds in which its antecedent is true are worlds in which its consequent is true too. My argument here is similar to one by Jean-Paul Vessel, 'Counterfactuals for Consequentialists', *Philosophical Studies* 112 (2003).

[16] As Eric Carlson argues in *Consequentialism Reconsidered* (Boston, 1995).

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is preferable to actual consequences consequentialism.[17] Similar arguments would imply that an objective probability version of Rossianism is better than an actual consequences version of Rossianism, and so on for many other types of moral theories.

Now for the second premiss of my complex argument. From the point of view of someone trying to decide how to act, faced with ineliminable uncertainty, whether that uncertainty is due to objective chance or to some other source should not make any difference to how she decides what to do. For example, suppose you are faced with a choice between two boxes. In box A, you are told, you will certainly find $900,000; in box B, there is a .5 chance that when you open it, you will find $1,000,000 and .5 chance that you will find nothing. You will be allowed to keep and use whatever you find in the box you open, unless you try to take both, in which case, you will get nothing. Suppose that these pronouncements are true, and that you have every reason to trust them, and no way to get more information about the contents of the boxes, and suppose that money is directly proportional to value. (Add, if you like, that you will be donating all the money to a charity that will use the money to maximize whatever states of affairs are most valuable.) Suppose that the amount in box B is determined by an indeterministic mechanism that is operated either prior to your choice or just after your choice. Does it matter which? Surely not? Coin toss, agent choice. Agent choice, coin toss. Surely the difference between these cannot matter if the information about how the toss lands is equally inaccessible to you in both cases? Objective probability consequentialism would imply that it does make a difference, since in the case in which the coin is tossed after the choice is made, the objective probability consequentialist would tell you to choose box A; whereas in the case in which the coin is tossed before your choice is made, the objective probability consequentialist would say that you ought to pick box A if and only if the coin landed heads (say) and you ought to pick box B if and only if the coin landed tails. If you agree with me that the time of the coin toss should not make this difference, then you should agree that objective probability consequentialism is a step in the right direction, but that we need to take the further step of allowing for subjective probabilities to determine rightness. The same point could be made with respect to a case such as Carla's and Daphne's. Suppose that the outcome of some risky movement by one driver often depends on indeterministically settled facts about the behaviour of other drivers and other environmental factors. If those facts are wholly

[17] Others have claimed this on different grounds. See Jonathan Bennett, *The Act Itself* (Oxford, 1995), ch. 3. I think it is worth noting, however, that if the objectivist shifts to this position, she is deprived of some of the arguments we discussed earlier for objectivism.

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inaccessible to the agent, it seems to make no difference whether the node of indeterminacy happened (just) before or after the agent's choice.

And once we see that, we see that the phenomenon of nodes of indeterminacy is not really crucial to the point. What matters is what information agents have available to them. And this, I believe, really amounts to a version of subjectivism.

D. Ignorance as inability

I have argued that ineliminable ignorance sometimes constitutes a kind of inability.[18] Imagine that something important (say, your career) hangs on my winning a chess championship. Suppose I try to do so and fail, in part because my opponent is Karpov. You might be upset. But you will not consider me guilty of a moral failure. Although it would have been nice had I beaten Karpov, I wasn't able to. Similarly, I can turn the knob on the combination lock and stop at any point, but I cannot open the vault before the oxygen runs out.[19] Similarly, I cannot produce the best consequences, because doing so is just as difficult and may be much more difficult than beating Karpov. (To see this, just imagine that the best consequences will arise if I beat Karpov.) Even in more mundane choice situations, it can be shown to be extraordinarily difficult to discern how to produce the best consequences, since the consequences of my actions might continue for thousands of years into the future.[20] I have used this as an argument against objective consequentialism. It could also be used as an argument against many other objective views.

What follows? Does this argument imply that we should shift from objective to subjective consequentialism, objective to subjective Rossianism, objective to subjective deontology, etc.? That move seems a little quick. Here is another plausible principle:

If you cannot do *x*, it is not true that you ought to try to do it. (No Point in Trying: NOPIT)[21]

To see the plausibility of NOPIT, consider some cases. The only way the child can be saved is if you fly faster than a speeding bullet and

[18] See my 'The Rejection of Consequentialism', *Utilitas* 9 (1997).

[19] Some of these things are such that I can do them – in the distant future – if I study hard now; or, are such that, if I had studied hard earlier, I might have been able to do them. But it also seems clear that I cannot do them right now, and, at least in many of the cases, I cannot be faulted for failing to have got myself into a position where I could do them.

[20] See James Lenman, 'Consequentialism and Cluelessness', *Philosophy and Public Affairs* 29/4 (Fall 2000), for a really vivid and powerful presentation of the difficulty that our ignorance of the distant future creates for objective consequentialism.

[21] Although the name is my own, I learned this principle from Elinor Mason. See her 'Consequentialism and OIC'.

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catch her before she falls. You cannot fly faster than a speeding bullet. So, there is no point in trying. The only way I can prevent Abraham Lincoln from being assassinated is to go back in time and warn him. I cannot go back in time. So, there is no point in trying.

If this is right, then if it is not true that you ought to produce the best consequences, it is also not true that you ought to do what you believe will produce the best consequences. So, subjective and objective consequentialism stand or fall together. But is NOPIT always plausible? It seems plausible in cases where the agent knows that she cannot do something, but less so in cases where she does not know this. Moreover, in some cases where we are unable to do something, it is not the case that it is metaphysically or physically impossible that we do it, just that it is incredibly unlikely that we will – as in the chess case or the combination lock case. In these cases, there is a tiny chance that an attempt will be successful, although not nearly enough to say it is within the agent's power to do it. In such cases, there may be some point in trying if trying will increase the likelihood, even from 0 to 0.00001. This would suggest that, in cases where circumstances conspire to make the agent so ignorant (in ways that he does not recognize) of how to produce the best consequences (or keep the promise) that he is unable to do so, it is not true that he ought to do so, but it may well be true that he ought to do what he believes (justifiably) will produce the best consequences (or keep his promise).

V. CONCLUSION

I have presented several arguments for subjectivism. As these arguments demonstrate, many of the conceptual roles played by concepts such as 'ought', 'wrong', 'permissible', 'should' are played by the subjective variants on those concepts, and these facts cannot be adequately explained away by the objectivist. Objectivism cannot be wholly right. In section II, I considered the suggestion that objectivism was half-right, that the cluster of concepts 'ought', 'wrong', 'permissible', 'should', etc. plays a variety of functional roles in our thought, behavior, feeling and speech, and that these functional roles are evenly divided between those of which subjectivism is true and those of which objectivism is true. Even this weaker version of objectivism seems false. I have attempted to show that most of the motivations for objectivism can be accommodated by objectivism about value. We can acknowledge that it would have been better if Agnes had not swerved; that it was unfortunate that Arthur gave the child the milk; that Daphne's colliding with another car in a fatal accident is very bad, and so on. Anyone who foresaw these states of affairs would have had a powerful moral reason to prevent them. Moreover, these evaluative facts give

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us moral reasons to (a) investigate matters so as to minimize the chances of their occurring, and (b) feel sad or horrified when they happen. Although certain objectively described states of affairs are bad or undesirable and definitely worth trying to avoid, it does not follow that producing these states of affairs is wrong.[22] What does follow is that to produce (or to try to produce) them through malice, negligence or indifference is wrong. So, subjectivism is closer to the truth than objectivism.[23]

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[22] Or perhaps I should say 'prima facie' wrong, to avoid cases where the objectivist would say that we should cause a horrible death in order to avoid six other horrible deaths.

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