ON THE DEVOLVEMENT OF OBLIGATION

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In his critical study of Marcus Singer's *Generalization in Ethics*, George Nakhnikian offers a clear formulation of Singer's Generalization Principle (GP), and then goes on to present what he considers a counterexample to it ([1]). Singer's canonical version of this principle is given as follows:

> If not everyone ought to act or be treated in a certain way, then no one ought to act or be treated in that way without a reason ([2]).

The puzzling feature of this formulation is the proper interpretation of the antecedent. Nakhnikian fixes this meaning in the following rendition:

> (GP) If it ought to be that at least one K refrains from doing x in circumstances C, then no K may do x in circumstances C unless there is a special reason why he may ([3]).

I think that Nakhnikian is right in saying that his interpretation "reflects Singer's unmistakable intent," ([4]) but I am not much interested in this exegetical point. (GP) as stated by Nakhnikian is interesting in its own right, as is his proposed counterexample to it.

This suggested counterexample runs as follows: there is a group of persons holding general admission tickets to a section of a theatre (this is the class *K*). We shall assume—which seems safe enough—that it ought not be that every member of *K* sit in the same seat *b*. From this it follows that it ought to be that *at least one* holder of a general admission ticket refrain from sitting in *b*. We thus

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([1]) George NAKHNIKIAN, "Generalization in Ethics", *The Review of Metaphysics*, Vol. XVII, No. 3, March 1964.

([2]) Marcus SINGER, *Generalization in Ethics* (New York, 1961), p. 31.

([3]) NAKHNIKIAN, p. 449.

([4]) *Ibid., n.* p. 448.

have a situation that satisfies the antecedent of (GP), and from this case, according to Nakhnikian, a counterexample to (GP) can be derived:

> ... according to (GP), if it ought to be that at least one of the ticket holders refrain from sitting in *b*, then no ticket holder has the right to sit in *b* unless he has a special reason. But the conditional is false.
> ... Any individual ticket holder has a right to sit in *b* merely in virtue of the fact that he has been sold a ticket entitling him to any unoccupied seat; he needs, and has, no "special" reason beyond this for having the right to sit in *b* (⁵).

The correct rejoinder to this proposed counterexample is not hard to find. A given member of *K* must have a special reason to establish his right to *b*, and not only that, Nakhnikian has indicated what that special reason is. A person has a right to sit in *b* provided that it is unoccupied at the time he comes to sit in it (⁶). This is not a special reason in the sense of a reason that is exotic or out of the ordinary, but it is special in just the way required to guard against a violation of (GP).

What Nakhnikian is looking for, but fails to find in the example he uses, is a case where the following are simultaneously true:

> 1) It ought to be the case that at least one member of *K* refrain from doing *x*.
> 2) The class *K* is homogeneous with respect to special reasons for doing *x*.
> 3) It is not the case that the members of every proper subset of *K* ought to refrain from doing *x*.

The simultaneous satisfaction of these three conditions would invalidate (GP). Now something like these circumstances arise when a Selective Service Program is first instituted:

> 1) It ought to be the case that some men be inducted immediately.
> 2) There is a large number of men equally subject to immediate induction.

(⁵) *Ibid.*, p. 460.

(⁶) In practice, the special reason is usually more complicated; among other things, unoccupied seats are sometimes "saved". Thus where Nakhnikian finds no "special" reasons, there is, in fact, a fairly complicated institution of special reasons.

3) Not all of these men *can* be inducted immediately, thus not all of them *ought to* be inducted immediately.

Since these conditions actually obtained when the Selective Service Program was instituted prior to World War II, we might reflect upon what was done at that time. After an elaborate, and not entirely equitable, system of deferments was instituted, the final selection from the superabundant class of eligible men was decided by lot. A person thus selected might complain of his bad luck, but he could not say that he had been treated unfairly, unless, that is, he attacked the system of deferments that put him in the eligible class to begin with.

This appeal to a random method of selection when substantive reasons give out is a striking example of respect for (GP). There is no need to invoke an all-knowing fate who can rightly settle things, where we cannot, in order to justify this appeal to a random procedure. There are occasions where employing a random device is suitable simply because it provides a distinguishing reason where one is needed. When positive reasons give out, an appeal to chance has at least the negative virtue of giving us a reason that is not unfair. It is hard to see why we should invoke chance in these circumstances unless we felt constrained to satisfy the demands of (GP).

II

I think that (GP), as formulated by Nakhnikian, is a sound principle, and I think that the force of this principle is illustrated—though hardly explicated—by the failure of Nakhnikian's proposed counterexample and also by the striking procedure of invoking chance to generate a distinguishing reason when one is wanting. Our next question is this: what are we to make of (GP)?

As a first step in answering this question, we might try symbolizing (GP):

$$O(\exists x) [x \in K \ \& \ Rxa] \rightarrow (x) [x \in K \ \& \ \sim Sxa) \rightarrow ORxa]$$

I.e.: If it ought to be that some member of *K* refrain from doing *a*,

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then every member of K lacking a special reason for doing a ought to refrain from doing a. I have not been fastidious in this tentative symbolization, for right now I am only interested in the relationship between the quantifiers and the deontic operators. Notice that in the antecedent the deontic operator ranges over the quantifier, while in the consequent the quantifier ranges over the deontic operator. We want to know what this is all about.

It will prove useful to contrast this principle with a second principle involving generalization, namely, the Principle of Justice (PJ) as formulated by Sidgwick:

> We cannot judge an action to be right for A and wrong for B, unless we can find in the natures or circumstances of the two some difference which we can regard as a reasonable ground for differences in their duties (7).

The superficial differences between (PJ) and (GP) can easily blind us to a fundamental logical difference. That is to say, in our zest to discount differences that do not matter, we may fail to note a difference that does matter. The following differences are superficial at least for our present purposes): (1) (PJ) is formulated as a statement about the propriety of making moral judgments while (GP) is a statement of a moral judgment. (2) (PJ) is about *rights* and *wrongs* while (GP) is about *oughts* and *ought-nots*. (3) (PJ) enjoins us not to make *contrary* moral predications in similar circumstances while (GP), in a special way, demands something stronger: consistency in moral predications. (4) (PJ) concerns a relationship between singular moral judgments while (GP) relates a particular moral judgment (of a sort) to a general moral judgment.

I think that we can minimize the philosophical significance of all these differences if we reflect upon the intention of (PJ). It seems that Sidgwick is making the following claim: if a certain moral predication holds for a person in a given condition, then that same moral predication holds for any person under the same conditions unless there is some overriding reason to the contrary. The principle applies equally for any sort of moral predication, be it about *rights, wrongs, oughts, ought-nots, goods, bads,* or what have you.

(7) Henry SIDGWICK, *The Methods of Ethics* (7th ed., London, 1907), p. 209.

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Now in order to bring (PJ) as close as possible to (GP), let us express it in a general form using *oughts* throughout:

$$(PJ) \ (\exists x) \ [x \in K \ \& \ ORxa] \rightarrow (x) \ (x \in K \ \& \ {\sim}Sxa) \rightarrow ORxa]$$

I.e., if some member of K ought to refrain from doing a, then every member of K without an overriding reason ought to refrain from doing a.

Now let us compare (GP) and (PJ). We notice that they have the same consequent, but that they differ in their antecedents:

$$(PJ) \ (\exists x) \ [x \in K \ \& \ ORxa] \rightarrow (x) \ [(x \in K \ \& \ {\sim}Sxa) \rightarrow ORxa]$$
$$(GP) \ O \ (\exists x) \ [x \in K \ \& \ Rxa] \rightarrow (x) \ [(x \in K \ \& \ {\sim}Sxa) \rightarrow ORxa]$$

The sole difference between the antecedents is the relationship between the deontic operator and the existential quantifier. But this is a difference that makes a difference as can be shown by borrowing an example from Nakhnikian. From the antecedent of (GP):

(AGP)   There ought to be someone on guard duty.

the corresponding antecedent of (PJ):

(APJ)   There is someone who ought to be on guard duty.

does not follow. I believe that the inference in the reverse direction does hold, but I shall not pursue this matter here.

III

Having distinguished (PJ) from (GP) we might pause for a moment over (PJ). I think that the symbolization that I have employed is unsatisfactory in a way that I shall now try to bring out. Suppose there is a Russian who ought to do a because he has promised to do so. If so, we can say quite simply that there is a Russian who ought to do a. Now by applying (PJ) we get the following result:

> If there is a Russian who ought to do a, then every Russian ought to do a unless he has a special reason not to.

This result may seem harmless enough, for all the other Russians

will be able to offer a special reason straight off: they did not make the particular promise that engendered the obligation. But even if the result seems harmless in one way, it should appear disturbing in another way. I think that Sidgwick's plain intention demands some close connection between the items in the antecedent of (PJ), and thus we miss the very point of (PJ) if we generalize upon an obligation concatenated with some property totally incidental to the possession of that obligation. The following is a more appropriate way of rendering (PJ):

> If there exists an x who ought to do *a because he is* φ, then every x who is φ ought to do a unless he has some special reason to the contrary.

Using a natural symbolization (where 'ODxa' reads 'x ought to do a'), (PJ) now looks like this:

$$\text{(PJ) } (\exists x)\,[\text{ODxaB}\varphi x] \rightarrow (x)\,[\varphi x \,\&\, \sim\!\text{Sxa}) \supset \text{ODxa}]$$

Once (PJ) is put in this form, the true locus of implicit generality becomes apparent: it is the word 'because'. (PJ) is merely a special application to moral predicates of a principle that holds for all predications:

$$(\exists x)\,[\psi x B\varphi x] \rightarrow (x)\,[(\varphi x \,\&\, \sim\!Sx) \rightarrow \psi x]$$

I.e., what counts as a reason in one case will count as a reason in all like cases unless there are overriding considerations ([8]). If these reflections are sound, we can conclude that (PJ) is a sound principle, but we must also conclude that it is generated by considerations that are not distinctively ethical.

([8]) This principle, which I here accept on intuitive grounds, demands elucidation within a theory of the logical character of the connective 'because'. In this essay I have merely tried to locate the source of implicit generality; I have not tried to give a full account of it.

If we return to (GP), we discover that matters are more complicated. Again consider the antecedent of (GP):

(AGP) $O (\exists x) [x \in K \& Rxa]$

Once more we wish to avoid a merely incidental relationship between the character of the agent (this time a potential agent) and the action in question. In a concrete setting we expect (AGP) to be filled out in the folowing way:

(AGP) $O (\exists x) [x \in K \& Rxa] B (... K ...)$

In other words: it ought to be that some member of K refrain from doing a for some reason related to these members of K. But even if we accept this expansion, it is still not obvious how the consequent of (GP) will follow from it ([9]).

In order to show the connection between the antecedent and the consequent of (GP), I would like to indulge in a bit of speculation. We have already seen that (AGP) does not imply (APJ). To revert to an earlier symbolization that will serve our present purposes:

$$O (\exists x) [x \in K \& Dxa] -/\!\!\rightarrow (\exists x) [x \in K \& ODxa]$$

Though there ought to be someone on guard duty, it does not follow that there is someone who ought to be on guard duty. But I suggest that the following inference does hold.

$$O (\exists x) [x \in K \& Dxa] \rightarrow O (\exists x) [x \in K \& ODxa]$$

I.e., if there ought to be someone on guard duty, then there *ought to be* someone who ought to be on guard duty. More generally, if someone (or other) ought to do something, then it ought to be that

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([9]) An application of (PJ) to (AGP) merely yields the result that what goes for the class K holds for all other classes similar to K in the relevant respect unless, that is, there are overriding reasons.

doing so devolve on some agent (or agents) as an obligation. I shall call this principle (D) ([10]).

Without looking over our shoulders, we can move on to another question : why should an obligation devolve upon one agent rather than another? To answer this, we can go back to the expanded version of (AGP):

(AGP) $O\ (\exists x)\ [x \in K\ \&\ Rxa]\ B\ (...\ K\ ...)$

It might turn out that the reason (... K ...) is sufficient to specify which member (or members) of K the obligation will most appropriately devolve upon. Or again, there may be some institutional procedure—as there often is—designed to provide a method of selection ([11]). Finally, where there are no positive reasons or procedures that yield this specification, it is always possible to create a reason through an appeal to a random choice. If you like, it is in this way that randomness helps to secure the rational foundations of ethics.

We can make one last try to get from (AGP) to (CGP). This time we will make explicit reference to reasons through-out.

(1)   (AGP) $O\ (\exists x)\ [x \in K\ \&\ Rxa]\ B\ (...\ K\ ...)$

If we accept the principle that what ought to be the case ought to devolve upon some agent as an obligation, we are in fact insisting that where something ought to be the case, there ought to be some reason that selects a given agent as the bearer of the obligation. Thus (D), fully specified, comes to this

(2)   (D) $O\ (\exists x)\ [x \in K\ \&\ Rxa]\ B\ (...\ K\ ...)$
$\rightarrow O\ (\exists G)\ [(\exists x)\ [x \in K\ \&\ ORxa]\ BGx]$

([10]) The threatened infinite regress that can be generated by the successive application of (D) to its own consequent can be held in check by the reduction axiom : $OOp \leftrightarrow Op$. It makes no difference whether we refer to the obligation to do something or the obligation to refrain from doing something in formulating these principles.

([11]) It was the existence of such a procedure that flawed Nakhnikian's proposed counterexample to (GP).

Here G stands in some systematic relationship to $(\ldots K \ldots)$ that is made precise in a given context. From (1) and (2) we derive :

(3) $O (\exists G) [(\exists x) [x \in K \ \& \ ORxa] \ BGx]$

Finally, through an application of (PJ) we conclude :

(4) $O (\exists G) [(x) [x \in K \ \& \ Gx \ \& \ \sim Sxa] \rightarrow ORxa]]$

Thus (GP) in its fully expanded form looks like this :

(GP) $O (\exists x) [x \in K \& Rxa] \ B (\ldots K \ldots)$
$\rightarrow O (\exists G) [(x) [(x \in K \ \& \ Gx \ \& \ \sim Sxa) \rightarrow ORxa]]$

If these reflections are correct, we can then draw a number of conclusions. First, (GP), when fully expressed, can be derived from (PJ) and (D). Second, the generality of (GP) is grounded in the generality of (PJ) and thus ultimately grounded in the implicit generality of the connective 'because'. Third, the distinctive difference between (PJ) and (GP) is that the latter embodies an application of (D).

V

Anyone who enters the land of modalities with his intuitions as his only guide will very quickly go astray. For this reason I do not offer the above remarks as a proof, but only as a speculation carrying with it a measure of plausibility. I think there is something correct — perhaps even importantly correct — in the line of reasoning here pursued, but I am far from confident that the explicit formulation does justice to the principles that I am trying to exhibit. Analysis is, after all, a species of speculative philosophy [12].

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