

Access and the Shirker Problem

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Abstract

The Access principle places an epistemic restriction on our obligations. This principle falls prey to the ‘Shirker Problem’, namely that shirkers could evade their obligations by evading certain epistemic circumstances. To block this problem, it has been suggested that shirkers have the obligation to learn their obligations. This solution yields a regress, yet it is controversial what the moral of the regress actually is. The aim of this paper is two-fold. First, I spell out this intricate dispute. Second, on the basis of my analyses I propose solutions to the Shirker Problem.

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1. Access

We have plenty of obligations to do and to refrain from doing things. The question is whether our obligations should be knowable, or whether there exist such things as ‘unknowable obligations’. For example, should one be in the position to know that one has the obligation to refrain from buying certain things (because they are the product of child labour) in order to have that obligation in the first place? Those who think that this is required subscribe to the following principle:

Access. For all obligations x , an agent S has x only if S *can know* she has x .

In other words, this principle requires that my obligations are epistemically accessible to me. As there exist various readings of this principle, I will briefly specify how I understand it. First: Access is supposed to apply widely and range over obligations of all kinds. It applies to obligations regarding actions as well as omissions, to moral, epistemic, and other kinds of obligations, as well as to obligations to be in certain epistemic circumstances (as we will see).

How accessible are my obligations supposed to be? On the one hand, Access should be contrasted with the principle that one has an obligation only if one *actually* knows that one has it. I might be very ignorant (say because I lack curiosity and never ask around), yet this does not immediately excuse me from my obligations insofar as Access is concerned. On the other hand, Access should also be contrasted with the principle that one has an obligation only if it is *somehow* possible to know that one has it. Suppose I could possibly know I have a certain obligation, but only by carrying out expensive and time-consuming research. In that case, I will not say that the obligation is accessible to me.

Hence Access will roughly be taken as holding the following: that I have an obligation only if I can know I have it *without exerting much effort* (i.e. by taking a few inquisitive steps, such as asking a question, making an inference, paying attention, or carrying out a test).¹ In some cases, for sure, it is not entirely clear whether the knowledge of an obligation is easily accessible. In such a case, it follows from Access that it is indeterminate whether one has the obligation.

Relatedly, I will assume that Access is (roughly) synchronic: I have an obligation at a certain time *t* only if I can know I have it without exerting much effort at or just before *t*. I do not have an obligation if I can come to know it at some point in the far future (or in the far past for that matter), but not at or just before *t* itself. Clearly, this take on Access immediately raises questions of whether one is culpably ignorant of one's obligation, and how this might affect whether or not one has the obligation (an issue to which we will turn soon).

Finally, one might suggest that Access is false by appealing to a distinction between obligations and *blameworthiness*. That is, if I cannot know I have an obligation, then although I may still have that obligation I am not to be blamed if I violate it. Yet even on this view, there is still an Access principle for blameworthiness:²

Access for Blame. For all obligations *x*, *S* is blameworthy for violating *x* only if *S* can know she has *x*.

In the following I will conceive of Access in terms of obligations, yet everything I will say carries over to this different principle (see §5 for more

¹ Arguably, in certain cases (namely, when the moral stakes are high) one should take more than a few inquisitive steps (cf. Guerrero 2007).

² Cf. Sider (1995: 274). My formulation is slightly different, yet the idea is the same. This distinction traces back to at least Moore (1912: 100). Cf. Graham (2010) and Driver (2012) for recent defenses.

on this). As we can see, Access involves a major philosophical topic: when and in what sense our restricted epistemic viewpoint justifies or excuses us for certain things we have done, but might not have done had we had more information.³ Despite their initial plausibility, however, epistemic restrictions like Access involve a regress problem. The aim of this paper is two-fold. First, I employ logical tools to clarify and spell out this problem as it arose in the debate between Sorensen (1995) and Sider (1995). Second, on the basis of my analyses I propose solutions to the regress problem and conclude that the regress need not pose a problem for Access (that is, as we will see, so long as certain specific obligations are in place).

2. The loophole

Sorensen (1995: 254-6) rejects Access because it ‘dumbs down ethics’.⁴ To see this, consider the following consequence of Access. If I cannot know I have an obligation, then it is not the case that I have that obligation. Moreover, if I eliminate the possibility of my coming to know that I have an obligation, then I eliminate my (potential) obligation.

Sorensen’s example is the following: I am obliged to donate some of my inheritance to charity only if I can know that I am obliged to donate. If I cannot know that I am obliged to donate, therefore, I am not obliged to donate. Now suppose that there is a will, and that this will is my only way to find out whether I have any obligations regarding the money. Furthermore, if I burn the will before reading it, then, assuming the will was my only access, I eliminate my obligation to donate. The synchronic character of Access is important in this case: even though the obligation to donate was accessibility to me in the past, it is no longer accessible to me *now*.

Let us define ‘shirkers’ as people who evade their obligations by making or keeping them unknowable. This definition includes two kinds of agents. The first is an agent that *makes* obligations unknowable by worsening her epistemic position (deliberately or otherwise). Sorensen’s case is an example of this first kind. The second is an agent that *keeps* obligations unknowable by not improving her epistemic position (again, deliberately or otherwise).⁵ My next case will be an example of this second kind. Now, if

³ Main recent contributions in this debate on the interplay between obligations and/or responsibility on the one hand and the epistemic condition on the other (or: the extent to which obligations and/or responsibility are ‘subjective’) include Zimmerman (2008), Sher (2009), and Smith (2010).

⁴ Among a few other considerations. In this paper, I focus exclusively on this main problem.

⁵ See §3 for more on this distinction.

Access is true, both kinds of agents have fewer obligations than other people have. This is an unwelcome consequence of Access. Furthermore, the question is whether Access has to go given this problem. Call this problem for Access proponents the ‘Shirker Problem’.

Here is the example I will use in this paper. Suppose I would like to buy new shoes. Unbeknownst to me, the shoes I am interested in are made by a child in Indonesia. Had I watched the news the week before, I would have known that they were made under suspect circumstances. Yet I did not watch the news, and in the following days the media has lost interest in this issue. Assuming that I am no longer in the position to know about the child labour, it follows from Access (as defined in §1) that I do not have the obligation to refrain from buying the shoes. (There may still be a possible way to come to know that the shoes are made by the child, yet this knowledge is not easily accessible to me.)

In this debate, Sider (1995: 278) proposes the following solution to save Access, which I will call ‘Block’:

Block. I should refrain from making my obligation to refrain from buying the shoes unknowable.

Is this a good solution? According to Sorensen, it is not, because Block together with Access generates a *regress*. To see this, I should say that Block concerns a new obligation. Now, according to Access we have this obligation only if it is knowable. Shirkers will try to make it the case, of course, that Block is unknowable to them so they will not have to do what Block says. To solve this new problem, we could introduce a new obligation:

SuperBlock. I have the obligation to refrain from making Block unknowable.

Yet here the same story applies: shirkers will now try make it the case that SuperBlock is unknowable to them, which means that, according to Access, they will not have to do what SuperBlock says. So again, we are left with a new problem; and so on into the regress.

As Sorensen states the problem:

But now a higher order loophole opens. If I keep ignorant of whether there is an obligation to ascertain my obligations, I can use the access principle to evade those epistemic obligations even if they exist. To close this meta-loophole, the defender of Access must invoke a yet higher order principle to the effect that we have

an obligation to learn whether we have an obligation to learn our obligations. (1995: 255)

Sorensen actually refers to a stronger version of Block: S has the obligation to *learn* her obligations. I will carefully distinguish these two versions of Block in §3, and will also have more to say about the scope of Block and SuperBlock. At any rate, given Sorensen's analysis, we can understand the situation with the shoes as follows:

Scenario (1)

Obligation A: I ought to refrain from buying the shoes. As a shirker, I make it impossible to know whether I have A. By Access, therefore, I do not have A.

Scenario (2)

Obligation B: I ought to refrain from making it impossible to know whether I have A. As a shirker, I make it impossible to know whether I have B. By Access, therefore, I do not have B.
etc.

Conclusion: on the basis of the loophole in Access, shirkers can evade all their obligations, even if Block is in place.

Sider, responding to Sorenson, disagrees. According to him, the situation is rather the following:

Scenario (1)

Obligation A: I ought to refrain from buying the shoes. As a shirker, I make it impossible to know whether I have A. Where do I go wrong? I violate obligation B: I ought to refrain from making it impossible to know whether I have A.

Scenario (2)

As a shirker, I make it impossible to know whether I have B (see above). Where do I go wrong? I violate obligation C: I ought to refrain from making it impossible to know whether I have B.
etc.

Sider agrees that, in scenario 1, *after* I have made A unknowable, I no longer have A. He also agrees that, in scenario 2, *after* I have made B unknowable, I no longer have B. And so on. Yet this does not affect the fact that there is *always* an explanation of where the shirker goes wrong. Sider concludes that

none of these scenarios puts any pressure on Access, or on Block for that matter. As he writes:

At best, the regress consists of an infinite sequence of cases, none of which refutes Access. (1995: 279)

The controversy between Sorensen and Sider can be summarized in four steps. First, Sorensen addresses the Shirker Problem about Access. Second, Sider defends Access by Block. In response, Sorensen raises the regress problem with Block. Last, Sider accepts the regress, yet denies that this is a problem for Block or Access.

As is clear, the debate has reached an impasse. Both philosophers agree there is a regress, yet disagree about its conclusion. Sorensen concludes that Block is unable to save Access and, as we saw, rejects the latter because it can be abused. Then Sider does acknowledge the regress, yet denies that it forms a problem for Access. Now the question is: *who is right?* Does the regress make Access a bad restriction on our obligations or not? Or again: what exactly does the regress show? The main goal of the paper is *to get at the heart of the matter*.

In the following sections §§3-4, I will employ two sets of tools from the meta-debate on regress arguments to clarify and resolve this intricate controversy. As we will see, these tools focus on different parts of the controversy and introduce some new elements to the debate. I should warn the reader that the upcoming discussion is highly abstract; in §5, though, I will return to the issue of why all this matters.

3. First analysis

According to the Paradox Theory, regress arguments demonstrate that certain propositions are false because they have regressive consequences that conflict with independent considerations (cf. Black 1998; Gratton 2009). This conflict can be seen as a paradox: hence the name of the theory. Let us consider the regress argument against Access as reconstructed along the lines of this paradox idea:

Paradox reconstruction

- (1) For all obligations x , I have x only if I can know I have x .
- (2) For all obligations x , I can know I have x only if I have the obligation y to refrain from making x unknowable/ to learn x .
- (3) I have at least one obligation.

- (4) I have an infinity of obligations, and can know all of them. [from 1-3]
- (5) I do not have an infinity of obligations and/or cannot know all of them.
- (C) (1) is false: It is not the case that for all obligations x, I have x only if I can know I have x. [from 1-5]

The goal of this argument is to refute Access: line (1). The line of reasoning is as follows: (1) is a hypothesis taken into consideration only for the sake of refuting it in the conclusion. (2) and (3) are premises accepted by the proponent of (1). (4) follows from the foregoing. Furthermore, it is shown in line (5) that (4) is false (because of independent evidence), such that the hypothesis we started with is committed to a contradiction and so is rejected in (C) (by *reductio ad absurdum*).

Premise (2) requires some explanation. It is the generalized idea behind Block, and comprises two different principles:⁶

Weak Block. S has the obligation to refrain from making her obligations unknowable.

Strong Block. S has the obligation to make it possible to know, or even to learn, her obligations.

As the names indicate, Strong Block is stronger than Weak Block. Strong Block states that we should improve our epistemic perspective regarding our obligations, i.e. that we make it possible to know them. Strictly speaking, making something knowable is not (always) the same as learning it. For example, if a certain secret report is unknowable unless I pay a lot of money for it, then I could refrain from keeping it unknowable by paying the money. But I only learn the information if I actually read the report. In contrast, Weak Block merely states that we are prohibited from weakening our epistemic perspective regarding our obligations. In the latter case, we are allowed to do nothing about, and so not improve, our epistemic perspective (i.e. we are allowed to keep certain obligations unknowable, if we are presently not in the position to know them). Simply put: Strong Block does not merely require that we not worsen our knowledge about our obligations, but also that we actively gather more information. The distinction is important, and I will have more to say about it, and the details of Strong Block and Weak Block, later when I return to the Shirker Problem.

⁶ Do Weak Block and Strong Block fall within their own scope? For the moment, we do not need to settle this. See §4 below.

Strictly speaking, given that one's knowledge of a certain obligation might come for free, premise (2) taken on itself makes little sense, and should be seen in conjunction with (1): if Access is in place, then I can know I have obligation A only if I have the obligation B to refrain from making A unknowable. Furthermore, (2) seems accepted by Sider (at least in Weak Block version), given how he sets up his scenarios. For example, if I make it impossible to know whether I have A, I violate an obligation I *already* have, namely obligation B (i.e. to refrain from making it impossible to know whether I have A). By parity of reasoning, I *already* have an infinity of such obligations.

On the basis of this reconstruction it is clear how the regress could form a problem for Access: it is a direct refutation of it. Furthermore, on the basis of the reconstruction it can easily be seen what Sider (whose position is that the regress poses no problem for Access) could do to resist the argument. Namely, Sider could deny premise (5) and accept that one has an infinity of obligations and can know all of them. Is this plausible?

In my view, (5) is very controversial. For obligations to know and possibilities of knowing often come for free: why should there be any limit to the obligations I have? And why should there be any limit to the things I can possibly know? To answer these questions, we should carefully distinguish four lists of consequences generated by (1)-(3): those generated by Weak Block as opposed to Strong Block, and those that concern obligations to know as opposed to possibilities of knowing. First consider the regress of Weak Block obligations:

- I should refrain from buying the shoes;
 - I should refrain from making the above obligation unknowable;
 - I should refrain from making the above obligation unknowable;
- etc.

This first list is not absurd at all. For according to these obligations, I do not have to do a *single* thing. I have merely to refrain from doing things altogether. But that is easy. Next consider the regress of Strong Block obligations:

- I should refrain from buying the shoes;
 - I should learn the above obligation;
 - I should learn the above obligation;
- etc.

This seems harder. For how are we to learn an infinity of such obligations? Nevertheless, this should pose no problem given that all obligations (i.e. after

the first) are of the same, simple sort. Furthermore, if I learn the general obligation that I should learn all the above obligations, then I learn at once all obligations described in the regress. Compare: if I learn the general obligation that I should buy all the shoes, then I learn many particular obligations at once, that is, as many obligations as there are shoes.

Importantly, this kind of consideration does not immediately generalize. For example, if I learn the utilitarian principle that I ought always to maximize utility, then, in a certain sense, I have thereby learned many obligations, namely the obligation to maximize utility at t_1 , to maximize utility at t_2 , and so on. This time, though, I have not learned all I need to learn in order to carry out these obligations. The problem is that I cannot 'just' maximize utility: in each case, I also have to find out what specific actions do maximize utility. Given their simple and unsophisticated content, no such worry applies to the above regress of Strong Block obligations: all there is to carrying out a certain obligation in the list is learning that I have the previous obligation in the list.

Finally consider the regress of possibilities of knowing (in terms of both Block versions):

- I can know I should refrain from buying the shoes;
- I can know I should refrain from making the above obligation unknowable/ learn it;
- I can know I should refrain from making the above obligation unknowable/ learn it;

etc.

This is not absurd either. The reason is similar to the reason provided above: namely that all propositions I should be able to know (i.e. after the first) are of the very same, straightforward sort. Furthermore, if I am in a position to know the general proposition 'I should refrain from making all of the above obligations unknowable/ learn them', then I am in a position to know all of its instances (including those described in the regress). Compare: if I am in a position to know the proposition 'I should buy all the shoes', then I am in the position to know many further propositions at once; as many propositions as there are shoes to buy.

Nevertheless, one might worry that from a certain point in the regress onwards, it is no longer possible to think about the given obligations. For example, is it really possible to think about obligation no. 100,000 to learn obligation no. 99,999? If this is not the case, and assuming that obligations should be comprehensible in order to be knowable, then many of the obligations in the regress will be unknowable after all. In response, it can be pointed out that in order to think about obligation no. 100,000 it is not

needed to reason through the whole series until one arrives at it. All that is needed to be able to think about the given obligations, and grasp their content, is to understand the concept of a predecessor. For example, one merely needs to understand what ‘the predecessor of the given obligation’ means in order to grasp obligation no. 100,000. But that is easy.

In sum, if none of these consequences are really absurd, then (5) is false, we do not have a paradox, and consequently Access cannot be refuted on the basis of this argument. This concludes my analysis of the regress argument spelled out along the lines of the Paradox Theory. Yet there is also another way to make the regress argument explicit, a way that involves a different set of issues.

4. Second analysis

The second theory of regress arguments from the literature holds not that regresses lead to paradoxes, but that they lead to *failures*. Hence the name: Failure Theory. According to this theory, regress arguments demonstrate that solutions to a given problem fail because they get stuck in a regress, namely of similar problems that must be solved in order to solve the initial problem (cf. Passmore 1961; Wieland 2013). Applied to the Access case, the idea is roughly this: Sider’s Block solution fails because it gets stuck in a regress of ever further obligations that have to be secured first, i.e. in order to secure any obligation at all. Let us first consider the full reconstruction of this regress argument before explaining its steps:⁷

Failure reconstruction

- (1) For all obligations x, if I have to demonstrate that the shirker has x, then I refer to her obligation to refrain from making x unknowable.
- (2) For all obligations x, if I refer to her obligation y to refrain from making x unknowable, then I first have to demonstrate that she has y in order to demonstrate that she has x.
- (3) For all obligations x, if I have to demonstrate that she has x, then I first have to demonstrate that she has the obligation y in order to demonstrate that she has x. [from 1-2]
- (4) For all obligations x, I will never demonstrate that she has x. [from 3]

⁷ Note that we are switching from the first-person perspective of the agent to the third-person perspective of an advisor for reasons that will become clear below.

- (C) If I refer to a further obligation every time I have to demonstrate that she has one, then I will never demonstrate that the shirker has any obligation. [from 1-4]

As said, the goal of this argument is to demonstrate that Sider's Block fails. The reasoning is as follows: (1) is the Block hypothesis, taken into consideration only in order to derive a failure from it. (1) states that I refer or call the attention to the shirker's obligation to refrain from making x unknowable in order to demonstrate that she has obligation x. Then, the proponent of this argument shows that the proponent of (1) has to concede the premise (2). (3) follows from the foregoing, and the failure (4) from (3). Now we have derived (4) from (1), which means that we may conclude 'if (1), then (4)' (by conditional proof).

On the basis of the failure reconstruction it is again clear how the regress could form a problem for Access. This time, the regress is directed against Block, i.e. the proposal to save Access from the Shirker Problem. Furthermore, on the basis of the reconstruction it can easily be seen how Sider could resist the argument. Namely, he could try to deny the premise (2). According to this premise, to continue with the shoes example, I do not demonstrate that the shirker has an obligation to refrain from buying the shoes *unless* I first demonstrate that she has the obligation to refrain from making this obligation unknowable. By parity of reasoning, we could generate an infinite list of such problems that must be solved first:

- I have to demonstrate that the shirker has the obligation to refrain from buying the shoes;
 - I *first* have to demonstrate that she has the obligation to refrain from making the first obligation unknowable;
 - I *first* have to demonstrate that she has the obligation to refrain from making the second obligation unknowable;
- etc.

Generally, if for *any* problem of a certain sort, I first have to solve another problem of the same sort, then I will never solve any such problem. This is the failure referred to in this reconstruction of the argument. Now, is it plausible to deny premise (2), which generates this list? In the following I will first present a scenario in which (2) is plausible, and then discuss three solutions to block (2).

Pro (2). Suppose you are the shirker who wants to buy the shoes, and that in fact you do buy them, and use the loophole in Access to elude your obligation to refrain from buying them. Further suppose that I am the prosecutor or judge who wants to punish you, and finally that obligations are

like laws that one has to institute, and that in the initial situation there are just two laws: Access and Law A: Everyone ought to refrain from supporting child labour.

Scenario (1)

I cannot use A against you, as you are a shirker and A is not knowable to you. Yet I still want to punish you and so institute a new law, namely Law B: Everyone ought to refrain from making it impossible to know whether one has A.⁸

Scenario (2)

I cannot use B against you, as you are a shirker and B is not knowable to you. Yet I still want to punish you and so institute a new law, namely Law C: Everyone ought to refrain from making it impossible to know whether one has B.
etc.

In this set-up (which resembles Sorensen's set-up discussed in §2), premise (2) holds: I have to institute new laws (or secure new obligations) one by one, and thus will never be able to punish you.

Contra (2). Now suppose I am clever, and from the outset institute the general (and self-referential) law:

Weak General Law. S should refrain from making *any* of her obligations unknowable (including this obligation).

This includes all obligations generated in the regress, and so one need not institute new laws all the time: (2) fails.

This strategy is reminiscent of similar ones to short-circuit other regresses. Consider for instance Frege's well-known regress against the correspondence theory of truth (1918: 291). According to one reconstruction of the argument, it follows from this theory that one has to solve the following list of problems:

- I have to determine whether the proposition (p_1) that the shoes are made by a child in Indonesia is true;
- I *first* have to determine whether the proposition (p_2) that p_1 corresponds with reality is true;

⁸ For this kind of response to work, we assume that the new laws apply retrospectively.

- I *first* have to determine whether the proposition (p₃) that p₂ corresponds with reality is true;
etc.

From this it follows that I will never determine whether p₁ (or indeed any other proposition) is true. Yet suppose the proponent of the correspondence theory assumes the following: for all propositions x, x is true iff the proposition that x corresponds with reality is true. By this equivalence, all propositions in the regress have the same truth conditions, and so their truth can be determined at once. As Dummett states this point:⁹

[...] there is no harm in this, as long as we recognize that the truth of every statement in this series is determined simultaneously: the regress would be vicious only if it were supposed that, in order to determine the truth of any member of the series, I had first to determine that of the next term in the series. (1973: 443)

Unfortunately, in the present case, this strategy is too weak. For Weak General Law fails to work against the kind of shirker who *already* has a limited epistemic perspective.¹⁰ Namely, if a shirker never pays any attention to her obligations, she will never be in the position to know that she should not buy the shoes. That is, this obligation will not be knowable to her even if she never made it unknowable. She just never made it accessible to her in the first place. And this suffices to avoid obligations on the basis of Access.

To circumvent this problem, we could suggest that one is not obliged to refrain from making one's obligations unknowable, but rather is obliged to learn them:

Strong General Law. S should learn *all* of her obligations (including this obligation).

By this, the argument can again be stopped. Yet, this solution is implausible too. No one has the obligation to study law and philosophy in order to learn all one's obligations, thus shirkers do not have it either. As Sorensen puts the worry:

⁹ Cf. Künne (2003: 131). For a generalization of this point and further examples, cf. Rescher (2010: 55-62).

¹⁰ See §2 for the distinction between two kinds of shirkers.

A genuine solution to this infinite regress might be especially welcomed by ethics instructors. For the curiosity imperative appears to support mandatory ethics courses. (1995: 255)

Additionally, how can we say that we did *enough* to make our potential obligations knowable? Surely we are not supposed to *optimize* our epistemic perspective, that is, to work ourselves into an ideal, omniscient perspective. For in that case Access would seem altogether idle. Access places an epistemic restriction on our obligations (so that there are no unknowable obligations), and the obligation to learn all obligations says precisely that we should not be restricted in such a way (that all obligations should be knowable).

Now if both solutions to resist premise (2) fail, then it seems the failure reconstruction is quite a strong argument. Nevertheless, there is a third option we should consider. Namely, we could solve the problem by securing that the shirker has the following obligations:

- O1 S should refrain from buying the shoes;
- O2 S should refrain from making or keeping O1 or O2 unknowable.

O1 is the base obligation. Moreover, O1 can be replaced with any other base obligation, i.e. an obligation that non-shirkers do have (after all, the problem is to explain that shirkers have the same obligations as non-shirkers). O2 is more complex, and consists in fact of four components:

- (i) S should refrain from keeping O1 unknowable;
- (ii) S should refrain from making O1 unknowable;
- (iii) S should refrain from keeping O2 unknowable;
- (iv) S should refrain from making O2 unknowable.

The most substantive component is (i), which implies that S should make O1 (or any other base obligation) knowable. This does not mean that she should actually learn them, but she does have to work herself into such a position that she can easily access them. Component (ii) is straightforward: once S's base obligations are knowable, she is not allowed to make them unknowable again. The final components (iii) and (iv) say that S should make O2 itself knowable, and refrain from making O2 unknowable. In this respect, O2 is self-referential, just like Weak General Law and Strong General Law. The role of these last two clauses is to make sure that shirkers cannot evade their obligations by abusing Access. It is important to emphasize that Access is in force. This means that if O1 or O2 is not knowable to S, then S does not have

that obligation. Yet, given the special nature of O2, it can be shown that such a situation will not occur.

There are two cases to be considered. First case: O1 is currently unknowable to S because the relevant information is encrypted (say). By O2's (i), S should make O1 knowable, and cannot evade O1 by keeping O1 unknowable. Clearly, though, this does not suffice, for why would this clause be in force? S could still evade O1 by keeping O2 unknowable (such that O2 is not in force). By O2's (iii) and (iv), however, S is not allowed to keep (or make) O2 unknowable. Hence, S should make O1 knowable and cannot evade this obligation, that is, even if Access is in force. Second case: O1 is currently knowable to S, because the information has been encrypted, and is available in an open access file, yet can be made unknowable by decrypting the information (in such a way that she will no longer be able to access it). By O2's (ii), S is not allowed to do this. Again, this does not immediately suffice, as it has to be shown why this clause is in force. S could still evade O1 by keeping O2 unknowable. Yet, as before, S is not allowed to do this because of O2's (iii) and (iv). Therefore, S cannot evade O1.¹¹

Admittedly, just like Strong General Law, O2 does not come for free. Perhaps it does not immediately support mandatory ethics courses (see above), though it does imply that O2 should be knowable to us. This means that we should work ourselves into such a position that we can grasp O2 with its complex content, that is, that we can grasp the obligation to [make and keep our obligations knowable, including this very obligation]. Clearly, however, this problem applies to all complex obligations (given that they should be knowable according to Access, even if they are hard to comprehend), and poses no special worry for my solution.

Before concluding, I would like to address an objection anticipated by Sorensen. Sorensen voices a worry against Strong General Law, and this worry may affect O2 as well:

Can the infinite regress be short-circuited by interpreting the curiosity imperative as self-referential? No, because 'Everyone has a duty to learn his duties – including this very duty' is not self-evident. To infer it from itself would be circular. And to infer it from another proposition reopens the loophole; a shirker can avoid knowledge that the curiosity principle is true by disposing of his opportunities to learn whether it is true. (1995: 255)

¹¹ Is this solution ad hoc? It seems not: we do not assume O2 for the sole purpose of blocking the regress; rather, we assume it in order to solve the Shirker Problem in a plausible way.

In terms of my solution, the objection is as follows. The solution short-circuits the regress by invoking O2, a self-referential obligation. What is the justification for this obligation? First, O2 is not self-evident and cannot be justified by referring to itself (one cannot justify the obligation to learn O2 by pointing out that O2 tells us to learn O2). Second, this law could be justified by a certain other proposition X. In the latter case, furthermore, it seems that the shirker could evade O2 by making X unknowable. For if X is unknowable, she cannot use X in her justification of O2, and if she cannot justify O2 then she cannot know it, and then according to Access she does not have to comply with it.

In my view, the shirker cannot do this; she cannot evade O2 in this way. I am inclined to think that O2 is justified simply because it is part of a good solution to the Shirker Problem. Consider the law court analogy again: I am the judge, you the shirker; I have instituted O2 and now want to use it against you. However, now suppose you respond that you are not yet in the position to know O2, as I did not yet justify it, i.e. did not yet convince you that it is a good law. Clearly, this response is inappropriate. All I need to secure is that you are in the position to know (and to be justified in believing) *that* you have to comply with O2, not *why* you must do so.

All in all, my proposal is that the regress argument discussed in this section can be stopped by Access proponents if they assume that two specific obligations are in place, namely O1 (or any other base obligation) plus O2.

5. Concluding remarks

In the foregoing, I have made the regress argument against the Access principle explicit in two ways: in paradox format and in failure format. Next I showed on the basis of the reconstructions how both arguments can be resisted. The paradox argument fails because the regressive consequences of Access combined with Block are not absurd. The failure argument fails, as we have just seen, if we assume O1 and O2. If all this is right, then I have substantiated Sider's position in the controversy: the regress of obligations is not harmful for Access. I will conclude with two general remarks about epistemic restrictions, shirkers, and regress problems.

First remark. At certain points, both Sider (1995: 279) and Sorensen (1995: 255) seem to suggest that we need not take shirkers seriously. For what might it mean, for instance, to violate one's obligation to refrain from making SuperSuperBlock unknowable (which is the obligation that one should not make SuperBlock unknowable)?

But I am inclined to disagree here: it is not at all difficult to make SuperSuperBlock unknowable. There are two possible cases: either I am already in the position to know SuperSuperBlock (e.g. I followed elementary philosophy classes and downloaded the articles by Sorensen and Sider), or I am not yet in a position to know SuperSuperBlock (e.g. I have yet to take the elementary classes). In the first case, to make SuperSuperBlock unknowable in the relevant sense is to make sure, first, that I forget about SuperSuperBlock (which is not difficult, given its complex content), and, second, that the articles by Sorensen and Sider are no longer easily accessible to me (e.g. I could remove them from my computer). In the second case, moreover, I merely have to refrain from taking philosophy classes, and that seems easy enough. This shows that it is easy to violate SuperSuperBlock.

Furthermore, if we link our obligations with issues of responsibility, and say that we are responsible (and possibly blameworthy) for what we do only if we are in a position to know our obligations, then, based on the loophole in Access, I could make it the case that I am never responsible and to be blamed for what I do. If Access has this possible consequence, then shirkers should be taken seriously.

Second remark. In my view, some sort of epistemic restriction on our obligations like Access is plausible. Even if one thinks our obligations are not limited in such a way, one might still accept the view that there is an epistemic restriction on the things we are responsible for, and so possibly blameworthy for (see Access for Blame in §1). Yet *all* such restrictions suffer from loophole problems (as the one identified by Sorensen). Namely: if there is an epistemic restriction on X (e.g. obligations, responsibility, blameworthiness, rationality), then so long as we can manipulate our epistemic circumstances, we can manipulate X. This is just what can be expected from Access and kindred principles.

Moreover, if any proposal to block such loopholes is subject to the *very same* epistemic restriction, then regress problems are again only to be expected. The ultimate solution, therefore, is to hold exactly that *something* is immune to epistemic restrictions. In the Access case, as I argued in §4, this ‘something’ is the following: we have the unrestricted obligation to make and keep our obligations knowable.¹²

¹² This is what I labelled as ‘O2’. O2 immune to epistemic restrictions in the sense that it cannot be abused by shirkers. Note that it is not immune to restrictions in the sense that it is subject to itself.

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