

Logic of Violations: A Gentzen System for Reasoning with Contrary-To-Duty Obligations

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Abstract: In this paper we present a Gentzen system for reasoning with contrary-to-duty obligations. The intuition behind the system is that a contrary-to-duty is a special kind of normative exception. The logical machinery to formalise this idea is taken from substructural logics and it is based on the definition of a new non-classical connective capturing the notion of reparational obligation. Then the system is tested against well-known contrary-to-duty paradoxes.

I INTRODUCTION

One of the main themes in the philosophical discussion on deontic logic is about reasoning with contrary-to-duty (CTD) obligations. In this perspective, it is widely acknowledged that the crisis of Standard Deontic Logic (SDL) is strongly related to the formulation of some notorious paradoxes centring around the regulation of the violation of obligations. Puzzles like Chisholm's and Forrester's paradoxes, Reykjavik scenario and Möbius strip example, depict situations where various combinations of reparational and unconditional obligations give rise to logical contradictions or counterintuitive conclusions. As a matter of fact, a great part of the efforts in deontic logic have been driven by solving these problems and a plethora of different strategies have been accordingly proposed. A full analysis of all these contributions is obviously beyond the scope of this paper.

However, we believe that some of those approaches deserve to be considered here in some detail. We refer in particular to the works whose starting point can be summarised in the following thesis: “no logic of norms without attention to the normative systems in which they occur” [15, p. 32]. Even though this idea at first sight seems to be obvious, it is of great value since it proposes what we could call a “holistic reading” of normative reasoning. Actually, we think this intuition is fundamental for at least two reasons. Firstly it reestablishes the often neglected link between philosophy of norms (specifically, philosophy of law) and deontic logic. It is quite odd, for a legal philosopher, to conceive of norms in isolation. Norms interplay with each other. Thus, a normative set can (must) have different meanings and may (should) contribute to diverse conclusions if it is included in distinct normative systems. The “spirit” of such norms changes according to their systematic reading. Secondly, thanks to this approach to normative reasoning, it is possible to give both a simple and appealing account of CTD obligations and consequently solutions to the just mentioned paradoxes of deontic logic.

In a wide sense, significant examples in this direction are some papers by H. Prakken and M. Sergot [18, 19]. Basically, they regard CTD structures as contextual obligations, that is obligations strictly relative to a certain context of application. Accordingly, they are not just conditional obligations which hold without restriction and so factual detachment is not in general permitted. On the other hand, it must be the case that primary obligations related to CTDs are still in force at least outside their specific context of violation. Thus, the authors argue that some cases are inconsistent, in particular when a CTD norm states a reparational obligation which is in contradiction with an another primary obligation in the system. In logical terms, this idea has been first implemented by the so-called principle of “downwards inheritance” for checking the unrelatedness between contexts and primary obligations [18]. Later, they developed a peculiar semantical construction to characterise a preference ordering over the worlds which is strictly sensitive of the “number” of reciprocal incompatibilities (potential violations) between norms.

A different approach, inspired by similar intuitions, has been developed in particular by D. Makinson and L. van der Torre. Their main idea, as pointed out by Makinson [15] himself, can be traced back to a pioneering work by Stenius [22] and it was later improved by Alchourrón and Bulygin [1, 2]. This line of investigation is based on the intuition that any obligation can be explained in terms of a *consequence relation* of what is explicitly stated as obligatory in a normative system. Actually, Makinson and van der Torre’s approach is a further step in this direction. Their analysis is meant to capture this original idea; in addition they impose some constraints on the manipulation of conditional norms. As expected, some restrictions are required both on strengthening of antecedent and on transitivity, since this is vital in CTD contexts. A related point thus concerns the directionality of normative conditionals. It is commonly acknowledged that contraposition cannot be accepted: the con-

sequence relation under which a normative system is closed is not classical but is to be modelled by permitting only a directional iterative detachment of obligations. The conditions of such a detachment are in turn strictly connected with performing a consistency check in the normative system. More precisely, the detachment of an obligation B can only be obtained by using the regulations which are consistent with the condition stated for B. If it is not the case, then B is not a consequence of the normative system. This task can be done within a labelled deductive system based on the so-called Input-Output logic developed by L. van der Torre [16, 17, 23].

Basically, our system starts from this last conception of normative reasoning. First, it is based on a purely syntactic view of deontic logic so that all the machinery consists of defining a suitable consequence relation for dealing with norms. Second, some intuitive conditions are required to adequately capture the global interplay between the norms included in a given normative system. In particular this is done by introducing a new logical operator of “normative reparation” in order to make explicit the relation between primary obligations and their related CTDs and to combine them in single regulations. This will allow us to give a plausible reading of CTD structures.

In what follows we first argue that, logically, CTD obligations are a special kind of exceptions (Section 2). Then we propose a Gentzen system specially tailored to cope with the above intuition. In particular, as usual with Gentzen systems, we provide general inference rules for the introduction and the elimination of a non-classical connective intended to capture the meaning of CTD structures (Section 3). Before introducing the formal notions of normative system, ideal situation, violation, etc., in Section 5, we present some of the most common instances of the inference rules, and we shortly discuss them in relation to well-known patterns of normative reasoning (Section 4). At this point we have all the formal machinery needed to examine in depth some of the most important CTD paradoxes (Section 6). We conclude the paper with some insights about possible extensions of the system, such as the definition of a normative consequence relation for the notion of permission.

2 THE MAIN INTUITION OF OUR APPROACH

What is a contrary-to-duty obligation? The common reading suggests that this is nothing but a reparational obligation of a violated norm; accordingly, it is in force only when a violation occurs. In this paper we would like to argue that a CTD obligation can be conceived of in a slightly different way, namely as a special kind of normative exception.

What does it mean that a CTD obligation is an exception? Norms are by definition violable: a norm which cannot be violated is meaningless or, at least, seems to be useless. If a norm says that it is obligatory to kill or not to kill, then the norm says nothing. It is not a reason to act. In other words, norms do not concern simply what should be the case in any ideal situation but they should

be open to their violation. This intuition is widely accepted but we feel it has not been fully investigated from a logical point of view. If we look at realistic normative domains (e.g., law) we realise that the obligation not to kill is usually rendered as a norm stating an appropriate sanction which ought to follow in case of violation. Actually, it is not by chance that H. Kelsen [14] talks about legal obligations, called by him primary norms, as norms stipulating sanctions. A similar approach can be found in the analysis of deontic logicians like A.R. Anderson [3] who define ought-assertions as obligations to do something or to repair their violations by means of sanctions. We are aware that this is one of the most discussed issues in contemporary philosophy of norms (for a recent overview, see, e.g., [25]) since it concerns hard problems such as the very nature of conditional obligations. However, besides the plethora of different opinions on this matter, a point seems intuitively clear: if a norm is categorical, then it does not admit violations. In logical terms this means that it is *impossible* to derive secondary obligations from it, otherwise, it is not categorical at all. In the case of CTD structures we are not dealing with these kinds of norms but with different normative domains. Of course, a norm-giver who makes norms as obligations conditioned to sanctions is trying first to state what is obligatory. On the other hand, he/she is to be ready to reply to violations. The notion of CTD norms as exceptions is clear if we reason from the point of view of the addressee of a norm. In this case, norms like these can be interpreted in terms of alternative reasons to act: do x or you will be sanctioned. Actually the addressee has two logical options. Even the second can be acceptable; however, since it is a sanction, it has to be considered as a normative exception to the primary obligation. Something similar also holds in the perspective of the norm-giver. In fact, he/she has to impose a fair and proportional sanction for the violation of a given obligation; in this way, any action which is a violation of a primary obligation must be understood as an “exceptional action” with respect to what is obligatory.

In this perspective, a CTD obligation (1) is a special kind of logical exception of the normative content of a primary obligation, and (2) is not a usual conflicting obligation which overrides such a primary obligation. As we shall see, an immediate consequence of this thesis is that a primary obligation and its CTDs can and must give raise to a unique norm, expressing the true meaning of the normative content they define in a given normative system.

Given this general background, let us see in detail why and how CTD norms can be logically thought of as special exceptions of primary obligations. According to the usual account, a norm with exception can be represented as

$$\begin{array}{l}
 A \Rightarrow B \\
 A, E_1 \Rightarrow \neg B \\
 \vdots \\
 A, E_n \Rightarrow \neg B
 \end{array}$$

Let us now consider \Rightarrow as a sub-structural consequence relation \vdash without the structural rules of contraction, duplication, and exchange. The main reason for this choice is that we want to investigate the very nature of normative consequence without any commitment to the classical interpretation. In this perspective the comma does not correspond to the classical conjunction on the left side of \vdash and the classical disjunction on the right side. Thus the meaning of the expression

$$A_1, \dots, A_n \vdash B_1, \dots, B_m$$

is: the sequence¹ A_1, \dots, A_n comports that B_1 is the case; but if B_1 is not satisfied, then B_2 should be the case; if both B_1 and B_2 are not the case, then B_3 should be satisfied, and so on. In a normative context, this means that the content of the obligation determined by the conditions A_1, \dots, A_n is B_1 ; however the violation of B_1 can be repaired by B_2 ; in addition the violation of the reparation B_2 —in response to the violation of B_1 — can be repaired by B_3 , and so on.

Now, let us consider the standard rules for negation, that is:

$$\frac{A, B \vdash C}{A \vdash \neg B, C} \quad \frac{A \vdash B, C}{A, \neg B \vdash C}$$

If \neg is an involutive operator (i.e., $\neg\neg A \equiv A$), the effect of these rules is to move a formula on the other side of \vdash , changing the polarity. Accordingly, given the normative conditional

$$A \Rightarrow B \tag{1}$$

and its exception

$$A, \neg B \Rightarrow C \tag{2}$$

we can obtain

$$A \Rightarrow B, C \tag{3}$$

applying the rule for the negation on (2).

The normative conditional in (1) says that B should be the case when the condition A obtains. According to (2) C should be the case given A and $\neg B$; thus (2) is, at the same time, a CTD obligation and an exception of (1). In a classical reading of (3), “,” would correspond to the classical disjunction. However, this is not the case in the present interpretation, where, *intuitively*, the expression on the right side of \vdash in (3) can be thought of as

$$B \vee (\neg B \rightarrow C) \tag{4}$$

Obviously (4) is just an approximation of the meaning of the consequent of (3) since, in classical logic, it is equivalent to $B \vee C$. The idea we want to stress

¹In the rest of the paper we will lift the restriction that the left-hand side of \vdash is a sequence and we will require that it is a set (see Definition 1). Accordingly the comma in the left-hand side can be understood as classical conjunction.

out here is that, to satisfy the right-hand side of (3), one has to satisfy at least one of them and there is a preference for the first. Thus “B, C” corresponds to a disjunction where the order of disjuncts matters. This suggests that we can understand (3) as a shorthand for the following set of normative conditionals

$$A \Rightarrow B \quad (5)$$

$$A \Rightarrow \neg B \wedge C \quad (6)$$

The two conditionals are mutually *exclusive* and they represent two acceptable *alternatives*, even if the first is preferred to the second. According to this view the norm in (3) subsumes the norms in (1) and (2). In other words it states that, given A, B ought to be the case; otherwise, under the same condition A, C is obligatory. Therefore, not surprisingly, (3) is a CTD obligation of (1).

What we have just said gives us the possibility of dealing with CTD reasoning within a purely syntactic framework. The next section provides a formalisation of CTDs in terms of a Gentzen system for the non-classical connective \otimes , corresponding to the “,” on the right side of a normative consequence relation \vdash characterising obligations. Given the intended interpretation of $A \otimes B$ as “B is the reparation of A”, the connective \otimes permits the combination of primary and CTD obligations into unique regulations. It has been argued that violations are different from exceptions [18, 24]. We think this analysis is correct insofar as it maintains that a norm is still in force even when it is violated, whereas a default like ‘birds fly’ is cancelled, e.g., by the fact that Tweety does not fly. As a matter of fact, it is quite odd to say that an obligation is *cancelled* by its violation. On the other hand, our idea that a CTD is a special kind of exception does not mean that the primary obligation has to be cancelled or even overridden by its CTDs. As we shall see, we do not introduce any kind of machinery to account for the overriding of a primary norm by its CTDs. We simply argue that a normative system containing primary and CTD obligations actually gives its addressees the possibility to comply with either primary or, as exceptions, secondary (tertiary, etc.) obligations. Obviously, compliance with primary norms or their CTDs are not put at the same level, but refer to different degrees of ideality. In this perspective, it should be noted in advance that the introduction of \otimes can be done iteratively depending on the number of levels of ideality determined by the chains of CTDs contained in the normative system. This is in a way the syntactic counterpart of the thesis, quite common in the deontic logic community, that CTDs are semantically rendered in a preference (ordering) semantics, where the order among sets of worlds expresses different levels of ideality and violability.

3 A GENTZEN SYSTEM FOR CTD OBLIGATIONS

First of all, let us define our formal language L. It consists of a countable set of atomic formulas. Well-formed-formulas are then defined using the unary con-

nective \neg (negation) and the binary connective \otimes which is intended to formalise CTD statements.

DEFINITION 1 *Let \vdash_{\circ} be a binary consequence relation defined over $\mathcal{P}(\text{WFF}) \times \text{WFF}$. Thus the expression $\Gamma \vdash_{\circ} A$ is a sequent where Γ (the antecedent) is a finite (possibly empty) set of formulas and A is a formula.*

As usual in Gentzen systems the meaning of operators and connectives is given by the rules for their introduction and elimination (cf., e.g., [20]). More precisely, this is true in the presence of the structural rules of exchange, duplication and contraction. Otherwise, the introduction and elimination rules have to be supplemented by rules for the “structural” meaning of the operators involved [8, 21].

According to Definition 1 the usual rules of contraction, duplication and exchange hold trivially for the formulas in the antecedent. However, they do not make any sense for the consequent so we need properties describing the structural behaviour of \neg and \otimes .

The only property we assume for \neg is that it is an involutive operator, i.e., $\neg\neg A \equiv A$ for any formula A ; while the basic logical properties for \otimes are the following:

1. $A \otimes (B \otimes C) \equiv (A \otimes B) \otimes C$
2. $\otimes_{i=1}^n A_i \equiv (\otimes_{i=1}^{k-1} A_i) \otimes (\otimes_{i=k+1}^n A_i)$ where $A_j = A_k$ and $j < k$

Condition 1 is just associativity of \otimes , while condition 2 corresponds to duplication and contraction. In fact, according to the intuitive reading of this connective given in the previous section, the expression on the right side of \vdash can be considered as an ordered set. However, the full meaning of the operator \otimes is given by a rule for its introduction ($\otimes\text{I}$) and the corresponding rule for its elimination ($\otimes\text{E}$). Thus, let us see its logical characterisation with respect to the normative consequence relation \vdash_{\circ} .

$$\frac{\Gamma \vdash_{\circ} A \otimes (\otimes_{i=1}^n B_i) \otimes C \quad \Delta, \neg B_1, \dots, \neg B_n \vdash_{\circ} D}{\Gamma, \Delta \vdash_{\circ} A \otimes (\otimes_{i=1}^n B_i) \otimes D} \quad (\otimes\text{I})$$

$$\frac{\Gamma \vdash_{\circ} A \otimes B \otimes C \quad \Delta \vdash_{\circ} A \otimes \neg B \otimes D}{\Gamma, \Delta \vdash_{\circ} A \otimes C} \quad (\otimes\text{E})$$

To complete the formal description of the system we have to give the conditions for \top —an always true formula— and for \perp , a generic formula for a contradiction (or normative conflict). In particular, as we shall see, the use of \perp is helpful for characterising the notion of genuine normative conflict.

\top is defined in terms of \otimes ; more precisely

$$A \otimes \neg A \equiv \top. \quad (7)$$

To understand the equivalence above we have to examine the formulas involved in the left-hand side of it. This formula, $A \otimes \neg A$, states that the reparation of A is $\neg A$; but a reparation occurs when the thing it repairs fails, so $\neg A$ should be the case when $\neg A$ is the case: in other words, the construction states that the violation of the primary obligation is, at the same time, the content of the secondary obligation that should repair this violation. Thus $A \otimes \neg A$ is fulfilled when we have either A or $\neg A$; in each state of affairs we have either A or $\neg A$, so any state of affairs satisfies $A \otimes \neg A$ ². It is immediate to see that

$$A \otimes \top \equiv \top \otimes A \equiv \top. \tag{8}$$

In fact, $A \otimes \top$ and $\top \otimes A$ are always fulfilled. In the first formula, for example, it is stated that A is obligatory; however, if $\neg A$, \top is the reparation of this violation, but \top is always the case. Analogous considerations apply to the second formula, thus both are equivalent to \top .

Accordingly it is reasonable to stipulate that

$$A \otimes \perp \equiv \perp \otimes A \equiv A. \tag{9}$$

Let us provide some comments on (9). Consider $A \otimes \perp$. This says that A is the first deontic choice and that, in case of violation, \perp is the second deontic choice. However, \perp can never be fulfilled and so, intuitively, it may be ignored. Thus the formula is intuitively satisfied only by A . Analogously, $\perp \otimes A$ says that \perp is the first deontic choice, but it can never be fulfilled and so it is always violated. The second choice is A , which is the only possibility³.

The following rule is devised for making explicit conflicting norms (contradictory norms) within the system:

$$\frac{\Gamma \vdash_O A \quad \Delta \vdash_O \neg A}{\Gamma, \Delta \vdash_O \perp} \tag{I\perp}$$

where

1. there is no sequent $\Gamma' \vdash_O X$ such that either $\neg A \in \Gamma'$ or $X = A \otimes B$; and
2. there is no conditional norm $\Delta' \vdash_O X$ such that either $A \in \Delta'$ or $X = \neg A \otimes B$; and

²Given this intuition, there are reasons for avoiding to introduce \top and \perp in the language. In fact, if \top is equivalent to $A \otimes \neg A$, it trivially follows that \perp corresponds to $\neg(A \otimes \neg A)$. However, as we will comment in Section 7, it is not easy to provide a meaningful and intuitive reading of the negation of \otimes -constructions. So we will prefer here to have \top and \perp in the formal language.

³Intuitively, the occurrence of \top and \perp within \otimes -constructions trivialises and transforms them into something very close to classic disjunctions. With \top and \perp we have then a limited form of exchange. Indeed, given $A \otimes \top$ and $\top \otimes A$, on the one hand, and $A \otimes \perp$ and $\perp \otimes A$, on the other, they are equivalent, respectively, to \top and A . In these constructions any preference order among formulas is lost and the operator \otimes gets closer to \vee : $(A \vee \top) \equiv (\top \vee A) \equiv \top$ and $(A \vee \perp) \equiv (\perp \vee A) \equiv A$. This is a further support to the interpretation of \otimes as an ordered disjunction.

3. for any formula B , $\{B, \neg B\} \not\subseteq \Gamma \cup \Delta$.

The meaning of these three conditions is that given two conditional norms (sequents), we have a conflict if the normative content of the two norms is opposite, such that none of them can be repaired, and the states of affairs they require are consistent.

The last aspect of the system we want to deal with is the relation of subsumption between two sequents.

DEFINITION 2 *Let $n_1 = \Gamma \vdash_{\circ} A \otimes B \otimes C$ and $n_2 = \Delta \vdash_{\circ} D$ be two sequents, where $A = \otimes_{i=1}^m A_i$, $B = \otimes_{i=1}^n B_i$ and $C = \otimes_{i=1}^p C_i$. Then n_1 subsumes n_2 iff*

1. $\Gamma = \Delta$ and $D = A$; or
2. $\Gamma \cup \{\neg A_1, \dots, \neg A_m\} = \Delta$ and $D = B$; or
3. $\Gamma \cup \{\neg B_1, \dots, \neg B_n\} = \Delta$ and either $D = A \otimes \otimes_{i=1}^{k \leq p} C_i$ or $D = A$.

The idea behind this definition is that the normative content of the norm n_2 is fully included in the norm n_1 . Thus n_2 does not add anything new to the system and it can be safely discarded.

4 COMMENTARY AND EXAMPLES

The inference rules introduced in the previous section allow us to formally characterise the notion of CTD obligation with respect to \vdash_{\circ} . They are presented there in the most general version. In order to make clearer their intuitive meaning, in this section we will give the reader some simplified variants which correspond to intuitive situations in which CTDs may occur.

Let us consider a norm like

$$\Gamma \vdash_{\circ} A.$$

Given an obligation like this, if we have that

$$\Delta, \neg A \vdash_{\circ} C,$$

then the latter must be a good candidate as reparational obligation of the former. This idea is formalised as follows:

$$\frac{\Gamma \vdash_{\circ} A \quad \Delta, \neg A \vdash_{\circ} C}{\Gamma, \Delta \vdash_{\circ} A \otimes C}$$

According to this view, if there exists a conditional obligation whose antecedent is the negation of the propositional content of a different norm, then the latter is a reparational obligation of the former. In this way, the CTD obligation can be forced to be an *explicit reparational obligation* with respect to the violation of its primary counterpart. Accordingly, it seems reasonable to

discard both premises when they are subsumed by the conclusion. Their reciprocal interplay makes them two related norms so that they cannot be viewed anymore as independent obligations. Notice that if Γ and Δ are empty, then we are dealing with the basic case in which the primary obligation has the format of an apparently categorical obligation.

As we have alluded to above, the rule \otimes I can also generate chains of CTDS in order to deal iteratively with violations of reparational obligations. The following case is just an example of this process.

$$\frac{\Gamma \vdash_{\mathcal{O}} A \otimes B \quad \neg A, \neg B \vdash_{\mathcal{O}} C}{\Gamma \vdash_{\mathcal{O}} A \otimes B \otimes C}$$

Chains of CTDS can be manipulated in different ways. An interesting case is when other reparations are added inside a sequence of CTDS built via the \otimes operator. This is possible since *any* conditional norm can be combined with a different obligation insofar as the former regulates the violation of the latter. Given an obligation we may thus infer more than a single explicit new \otimes -norm conditioned to its violation: in fact, a norm-giver can stipulate different reparations for a particular violation. The presence of such new regulations in the normative system is equivalent to saying that it is obligatory to fulfil the conjunction of several CTD obligations if the same violation occurs. More precisely, even if a primary obligation can be discarded after some applications of \otimes I, another explicit CTD regulation can be drawn with respect to the first obligation of the chain of reparational obligations we have already in the system:

$$\frac{\Gamma \vdash_{\mathcal{O}} A \otimes B \otimes C \quad \Delta, \neg A \vdash_{\mathcal{O}} D}{\Gamma, \Delta \vdash_{\mathcal{O}} A \otimes D}$$

What about disjunctions of CTDS? It is quite common in our every-day experience to tackle situations where different obligations can repair alternatively to the violation of the primary obligation. Suppose John eats a piece of cake even though his mother commanded him not to touch it, since it is for some guests invited for dinner. When she realises that John has eaten the cake she could say to John: buy another cake or apologise for your bad action! As a matter of fact, both secondary obligations can repair alternatively to the violation of the primary obligation. Situations like this are also far unusual in legal contexts. It is not hard to find examples, at least in most western countries, where the legislator states different sanctions for certain kinds of crime as alternatives to prison. Actually, the system we provided seems unable to capture these cases for the trivial reason that it is based on a language which does not include the boolean connectives. However, something very close to a disjunctive obligation can be represented when the normative system permits the derivation of the symmetry of two obligations with respect to \otimes :

$$\frac{\Gamma \vdash_{\mathcal{O}} A \quad \neg A \vdash_{\mathcal{O}} B}{\Gamma \vdash_{\mathcal{O}} A \otimes B} \quad \frac{\Gamma \vdash_{\mathcal{O}} B \quad \neg B \vdash_{\mathcal{O}} A}{\Gamma \vdash_{\mathcal{O}} B \otimes A}$$

In this case, A and B repair each other, so it can be said that it is obligatory to do A or B if Γ holds.

The intuitive meaning of $\otimes E$ can be illustrated with the help of a couple of rules that can be derived from it. First of all, consider its trivial instance when $n = 2$:

$$\frac{\Gamma \vdash_O A \otimes B \quad \Delta, \neg A \vdash_O \neg B}{\Gamma, \Delta \vdash_O A} \quad (10)$$

Informally, if the normative system contains both a reparational obligation of A and a norm stating the negation of such a reparation as a CTD obligation of the violation of A, then each of the two secondary obligations makes meaningless the other as a true reparation of A. Notice that these norms do not generate a contradiction: both premises are consistent with the original primary obligation A. This fact should not be strange: a “contradiction” between two secondary obligations conditioned to the violation of the same primary obligation A is nothing but a (perhaps bizarre) way for restating A as obligatory. The presence of B and its negation as CTDs of A is in a way irrelevant for A. For similar reasons, we can derive a rule like the following:

$$\frac{\Gamma \vdash_O A \otimes B \quad \Delta \vdash_O A \otimes \neg B}{\Gamma, \Delta \vdash_O A} \quad (11)$$

In general we have to distinguish between genuine normative conflicts from apparent ones. By normative conflict we mean any situation ruled by opposite norms and which results in an impossible state of affairs; or, in other words, a situation in which the normative content of all relevant norms cannot be fulfilled, ending inevitably in a violation that cannot be repaired.

The simplest case of conflict of norms obtains when only two categorical obligations are given, that is, when we have both $\vdash_O A$ and $\vdash_O \neg A$. It is immediate to see that we can apply $I\perp$, thus deriving $\vdash_O \perp$.

Let us consider the following patterns of apparent conflicts. In the case of

$$A \vdash_O B \quad \neg A \vdash_O \neg B$$

the conflict is apparent because the conditions of application of the two norms are mutually exclusive; thus situations where both norms are applicable do not exist.

On the other hand, given

$$\vdash_O A \quad \vdash_O \neg A \quad \neg A \vdash_O B$$

we have two conflicting categorical obligations. However, a closer analysis shows that actually one of them is not categorical insofar as it admits a CTD. Thus the situation where the CTD obligation is in force is still normatively acceptable, even if the corresponding primary obligation is violated. But in this case the other categorical obligation is fulfilled.

This pattern also shows that the system at hand is nonmonotonic: the presence of $\neg A \vdash_{\circ} B$ prevents the application of I_{\perp} . Hence $\vdash_{\circ} A$ and $\vdash_{\circ} \neg A$ no longer derive $\vdash_{\circ} \perp$.

The above discussion points out that the only conflicts we have to worry about are the so called genuine conflicts. These mean that fragments of the system from which a conflict can be obtained are not rational. In idealised situations genuine conflicts should not occur. Unfortunately this is seldom the case in real-life. Thus methods to restore rationality should be devised. Indeed, many of them have been put forth, and it is beyond the scope of the paper to investigate such a topic. However, unlike more traditional treatments of CTDS, the present approach considers CTDS and normative conflicts just as two orthogonal aspects of normative reasoning. Accordingly the interested reader can try to plug-in her preferred way to deal with (genuine) conflicts.

Let us now discuss the notion of subsumption. This notion is meant to capture the idea that the “normative” content of a sequent (or norm) is implicit in other sequents. As we shall see in Section 5 the idea behind our proposal is to start from an explicitly given set of norms, a normative system, and then compute the closure of the theory under the inference rules described in the previous section. In other words we use the inference rules to generate all norms of a given normative system. Given the structure of the inference rules it is possible that each of them can be applied with respect to two sequents in slightly different ways, and in some cases the meaning of the sequent resulting from such applications is already covered by other sequents; in other cases the inference rules can produce generalisations of the sequents used to apply the rule, and, consequently, the original rules are no longer needed in the system. Thus some sequents can be removed without changing the meaning of the normative system in which they occur or from which they are derived.

Let us now examine some instances of subsumption. As an example of the first condition of Definition 2 we have the norms

$$\Gamma \vdash_{\circ} A \otimes B \otimes C \tag{12}$$

$$\Gamma \vdash_{\circ} A \otimes B \tag{13}$$

The first norm, (12), subsumes the second (13). Both norms state that given Γ we have the obligation A , and if we fail to fulfil it —i.e., if we violate it—, then the violation of A can be repaired by B . In other words B is a secondary obligation arising from the violation of the primary obligation A . In addition the first norm prescribes that the violation of the secondary obligation B can be repaired by C . As we discussed in Section 1 norms cannot be taken in isolation in so far as they exist in a normative system. Consequently the meaning of a norm depends on the context the norm is embedded in, and thus the whole normative system contributes to the meaning of a norm. In agreement with this holistic view of norms we have that the normative content of (13) is included in that of (12). Accordingly norm (13) does not add any new piece of information to the normative system, it is redundant and can be dispensed from the system.

To exemplify the second condition we take

$$\Gamma \vdash_O A \otimes B \quad (14)$$

$$\Gamma, \neg A \vdash_O B \quad (15)$$

It is easy to recognise that this case is a simple instance of a CTD. The first rule says that given Γ we have the primary obligation A , whose violation is repaired by the secondary obligation B , while, according to the second rule, given the same set of circumstances Γ and $\neg A$ we have the primary obligation B . However, the primary obligation of (15) obtains when we have a violation of the primary obligation of the first rule, (14). Thus the condition of applicability of the second rule includes that of the first rule, and then they have the same normative content. Therefore the first rule is more general than the second and we can discard the second rule from the normative system.

For the third and last condition of Definition 2 we consider the sequents

$$\Gamma \vdash_O A \otimes B \otimes C \quad (16)$$

$$\Gamma, \neg B \vdash_O A \otimes C \quad (17)$$

In this case we have a CTD of a CTD. Therefore we can repeat the same explanation of the previous case just replacing the primary obligation with the secondary obligation.

5 CONSEQUENCE RELATIONS AND NORMATIVE SYSTEMS

Now we need to introduce a formal definition of normative system. We distinguish between normative codes and normative systems. A normative code can just be considered as the set of explicitly promulgated norms, while its related normative system is obtained from the normative code by adding principles to derive other norms. Formally:

DEFINITION 3 *Let D be a set of deontic notions (e.g., obligation, permission, etc).*

- *A Normative Code is a set $\{S_i\}_{i \in D}$ where each S_i is a finite set of norms.*
- *An Implicit Normative System is a set $\{(S_i, \vdash_i)\}_{i \in D}$, where each S_i is a finite set of sequents, and each \vdash_i is a normative consequence relation for i .*
- *An Explicit Normative System is a set $\{\uparrow(S_i, \vdash_i)\}_{i \in D}$, where each $\uparrow(S_i, \vdash_i)$ is the least fixed point (if it exists) of the closure under \vdash_i and subsumption of S_i .*

This is a very general definition of normative system. One of the main advantages of an explicit normative system resides in the fact that the complete meaning and the content of a norm are entirely encoded in the formulation of the norm itself and not scattered around its normative system. In fact, in this paper, we consider the normative system obtained from the deontic notion of

obligation and the corresponding normative consequence relation we have investigated in Section 3. Some insights about the integration of obligation and permission will be given in Section 7.

We are now ready to give conditions under which we are able to determine whether a state of affairs is compatible with a normative system or if it represents a violation of some norms. To this end, we shall consider a state of affairs as a set of literals; moreover we will restrict ourselves to the case where all the formulas made explicit in the norms (sequents) of a normative system are literals as well. Notice that this choice does not allow us the use of expressions like $\neg(A \otimes B)$ on the right side of \vdash_O nor occurrences of \otimes in the antecedents of the sequents.

We are aware that this is a debatable limitation. However, the intuitive meaning of $\neg(A \otimes B)$ is unclear, or at least it seems to admit several possible interpretations. What does it mean that B is not a reparation of A?⁴ Until we have a precise answer to this question we prefer not to commit ourselves to any particular interpretation; therefore we do not give the logical meaning of negation. Indeed, the introduction and elimination rules for \neg have not been given. Moreover, it is not easy to give an intuitive account of formulas such as $A \otimes B$ if they occur on the left side of the consequence relation. A possible interpretation could be that such occurrences mean something like: “It is a fact that B is a reparational obligation of A”. However, we prefer here to refrain from presenting solutions to these problems. Of course, these are matters of further investigation, but we feel that they can be resolved in a satisfactory way as soon as a suitable machinery for reasoning *about* norms is introduced in the system.

First of all we define when a state of affairs is either ideal, sub-ideal, or non-ideal with respect to a norm. Then we extend these notions both to explicit and to implicit normative systems.

DEFINITION 4

- *A state of affairs s is ideal with respect to a sequent (norm) $\Gamma \vdash_O A_1 \otimes \dots \otimes A_n$ iff if $\Gamma \subseteq s$, then $A_1 \in s$.*
- *A state of affairs s is sub-ideal with respect to a sequent (norm) $\Gamma \vdash_O A_1 \otimes \dots \otimes A_n$ iff if $\Gamma \subseteq s$ and $\exists A_i, 1 < i \leq n$ such that $\forall A_j, j < i \{ \neg A_1, \dots, \neg A_j \} \subseteq s$, then $A_i \in s$.*
- *A state of affairs s is non-ideal with respect to a sequent (norm) $\Gamma \vdash_O A_1 \otimes \dots \otimes A_n$ iff it is neither ideal nor sub-ideal.*

According to Definition 4, a situation is ideal with respect to to a norm if the norm is not violated; sub-ideal when the primary obligation is violated but the norm admits a reparation, which is satisfied; non-ideal when the primary

⁴See Section 7 for some intuitions about the relation between \neg and \otimes with respect to an explicit consequence relation of permission.

obligation and all its reparations are violated. This definition can easily be extended to the case of explicit normative systems:

DEFINITION 5

- *A state of affairs s is ideal with respect to an explicit normative system iff there is no norm in the system for which s is either sub-ideal or non-ideal.*
- *A state of affairs s is sub-ideal with respect to an explicit normative system iff there is a norm for which s is sub-ideal, and there is no norm in the system for which s is non-ideal.*
- *A state of affairs s is non-ideal with respect to an explicit normative system iff there is a norm for which s is non-ideal.*

Definition 5 follows immediately from the intuitive interpretation of ideality and of the related notions we have provided in Definition 4. On the other hand, the relation between an explicit normative system and the implicit one from which it is obtained seems to be a more delicate matter. A careful analysis of the conditions for constructing an explicit normative system allows us to state the following general criterion:

DEFINITION 6 *A state of affairs s is ideal (sub-ideal, non-ideal) with respect to an implicit normative system N if s is ideal (sub-ideal, non-ideal) with respect to the explicit normative system obtained from N .*

It is worth noting that Definition 6 shows the relevance of the distinction between explicit and implicit normative systems. This holds in particular for the case of sub-ideal situations. Suppose you have an implicit normative system consisting of the norms

$$\vdash_{\circ} A \quad \neg A \vdash_{\circ} B$$

The corresponding explicit normative system is

$$\vdash_{\circ} A \otimes B$$

While the state of affairs $s = \{\neg A, B\}$ is sub-ideal with respect to the latter, it would be non-ideal for the former. In the first case, even if $\neg A \vdash_{\circ} B$ expresses in fact an implicit reparational obligation of $\vdash_{\circ} A$, this is not made explicit. So, there exists a situation which apparently accomplishes a norm and violates the other without satisfying any reparation. This conclusion cannot be accepted because it is in contrast with our intuition according to which the presence of two norms like $\vdash_{\circ} A$ and $\neg A \vdash_{\circ} B$ must lead to a unique regulation. For this reason, we can evaluate a situation as sub-ideal with respect to an implicit normative system only if it is sub-ideal with respect to its explicit version.

Given the restrictions we have just discussed it is easy to show, by a straightforward application of well-known results of set theory, that an explicit normative system for any implicit normative system always exists and it is unique if the subsumption is applied after the computation of the closure of the implicit

normative system with respect to the inference rules. To illustrate this issue consider the following four norms

$$F \vdash A \otimes G \quad (18)$$

$$E \vdash A \otimes B \otimes C \otimes D \quad (19)$$

$$E, \neg A, \neg B \vdash C \quad (20)$$

$$E, F, \neg B \vdash A \otimes C \quad (21)$$

Here 19 subsumes 20 and $\otimes I$ applied to 18 and 20 produces 21. However, if we apply subsumption first we have to delete 20 and 21 is no longer derivable from 18 and 19 alone.

Finally, let us define the notion of *ought*. It is intended to formalise what any explicit normative system requires as obligatory, if a state of affairs is given.

DEFINITION 7 *Given a state of affairs s and an explicit normative system N , the set $Ought(s)$ is a set of sets of literals $O(s) - s$ such that for each $O(s)$:*

- $s \subseteq O(s)$; and
- $O(s)$ is one of the smallest sets of literals such that $O(s)$ is at least sub-ideal with respect to N ; and
- $O(s)$ does not contain a literal and its negation.

This definition is meant to capture the best possible alternatives to a given situation. It also provides a semantics for \vdash_O and \otimes . Let $\Gamma \vdash_O A$ be a sequent, and let s be the smallest state of affairs satisfying Γ . Then s satisfies A iff $Ought(s)$ contains a set $O(s)$ which is at least sub-ideal with respect to A . The above construction does not distinguish the degree of ideality between states of affairs. It only says whether complex obligations are fulfilled or violated by some states of affairs. For example given the empty state of affairs and the norm

$$\vdash_O A \otimes B,$$

both $\{A\}$ and $\{\neg A, B\}$ are in $Ought(\emptyset)$. Therefore we have to identify the most ideal situations: in the case at hand $\{A\}$ because it is ideal, while $\{\neg A, B\}$ is sub-ideal.⁵ Notice that in general it is not possible to determine the most ideal situation. Let us consider the following normative system

$$\vdash_O A \otimes (B \otimes C) \quad \vdash_O A \otimes (C \otimes B)$$

As we have seen in Section 4, given $s = \{\neg A\}$, both B and C are reparations of A , as well as the reparation of each other. Thus the two states of affairs

⁵A possible solution for this problem is to supplement the definition of satisfiability by adding a degree of violation similar to the degree of disappointment proposed by Brewka, Benferhat and Le Berre [5] for their logic of ordered disjunction. However a careful analysis of this topic is left as a matter of future work.

$s_1 = \{\neg A, B\}$ and $s_2 = \{\neg A, C\}$ are both in $\text{Ought}(s)$. It is immediate to see that s_1 is sub-ideal with respect to the first norm, while for the second norm every extension containing C or $\neg C$ will be sub-ideal with respect to it. Similarly for s_2 .

Besides what we said in Section 4 about the consequence relation \vdash_{O} , it is worth noting that also the notion of *ought* exhibits a nonmonotonic behaviour. In fact, if we consider \vdash_{O} as a connective, *ought* can be viewed in terms of a consequence relation where $\text{Ought}(s)$ follows from a normative system N and a set of states of affairs. If so, not only would different normative systems imply trivially diverse $\text{Ought}(s)$, but, given the same N , different states of affairs (and different violations) could also give distinct “oughts”. This confirms van der Torre and Tan’s [24] thesis that violability has to be read as a special kind of defeasibility.

In very general terms, our formulation follows the intuition of Jones and Pörn [12, 13] insofar as it permits us to represent the *real (actual) obligations* expressed by the system. However, our approach is based on purely syntactical notion of ideality and is strictly related to the role of the operator \otimes . In this way, it does not suffer from some drawbacks of Jones and Pörn’s analysis such as the necessity of introducing hierarchies of sub-sub-ideal, sub-sub-sub-ideal worlds and so forth.

6 DEALING WITH CTD PARADOXES

Now, let us see how our system deals with some of the most infamous paradoxes of CTD reasoning. In particular, we want to give a formal account of Chisholm’s [6] and Forrester’s [7] paradoxes, Belzer’s [4] “Reykjavik scenario” and Makinson’s [15] “Möbius strip example”. Since these puzzles are well-known in the deontic logic community we shall not recall any of their intuitive examples but we will confine our analysis to their logical representation in our formalism.

CHISHOLM’S PARADOX The basic scenario depicted in Chisholm’s paradox corresponds to the following implicit normative system:

$$\{\vdash_{\text{O}} h, h \vdash_{\text{O}} i, \neg h \vdash_{\text{O}} \neg i\}$$

plus the situation $s = \{\neg h\}$. First of all, note that the system does not determine in itself any normative contradiction. This can be checked by making explicit the normative system. In this perspective, a normative system consisting of the above norms can only allow for the following inference:

$$\frac{\vdash_{\text{O}} h \quad \neg h \vdash_{\text{O}} \neg i}{\vdash_{\text{O}} h \otimes \neg i} \tag{22}$$

Thus, the explicit system is nothing but

$$\{h \vdash_{\text{O}} i, \vdash_{\text{O}} h \otimes \neg i\}$$

It is easy to see that s is ideal with respect to the first norm. On the other hand, while s is not ideal with respect to $\vdash_{\circ} h \otimes \neg i$, we do not know if it is sub-ideal with respect to such a norm. Then, we have to consider the two states of affairs $s_1 = \{\neg h, i\}$ and $s_2 = \{\neg h, \neg i\}$. It is immediate to see that s_1 is non-ideal in the system whereas s_2 is sub-ideal. If so, given s , we can conclude that the normative system says that $\neg i$ ought to be the case (see Definition 7).

THE GENTLE MURDERER Let us now examine the logical structure of the implicit system of norms which corresponds to Forrester's scenario:

$$\{\vdash_{\circ} \neg k, k \vdash_{\circ} g\}$$

Even in this case, we have a single application of $\otimes I$:

$$\frac{\vdash_{\circ} \neg k \quad k \vdash_{\circ} g}{\vdash_{\circ} \neg k \otimes g}$$

so that the explicit normative system is trivially as follows:

$$\{\vdash_{\circ} \neg k \otimes g\}$$

As is well-known, the paradox is based on the following assumptions: (1) k is given as a fact; (2) g implies k . In SDL such premises permit one to apply the inference rule RM thus obtaining a normative contradiction with the obligation $\neg k$. Since our formalism is not able to treat formulas with boolean operators, it seems impossible to represent the implication of k from g . Actually, we think this is not a real problem. It is enough to replace $k \vdash_{\circ} g$ with $k \vdash_{\circ} k$ in the implicit system. Thus, the explicit system will consist of the norm $\vdash_{\circ} \neg k \otimes k$. If so, the situation $s = \{k\}$ is *trivially* sub-ideal with respect to the system (remember that $\neg k \otimes k$ is equivalent to \top). On the other hand, turning back to the original formulation of the paradox, if s is given, the system consisting of $\vdash_{\circ} \neg k \otimes g$ expresses consistently that g ought to be the case. In fact, the situation $s' = \{k, g\}$ is sub-ideal with respect to the system.⁶

REYKJAVIK SCENARIO Consider now this version of the Reykjavik Scenario:

$$\{\vdash_{\circ} \neg r, \vdash_{\circ} \neg g, r \vdash_{\circ} g, g \vdash_{\circ} r\}$$

Similarly to the previous examples, we can draw the following inferences:

$$\frac{\vdash_{\circ} \neg g \quad g \vdash_{\circ} r}{\vdash_{\circ} \neg g \otimes r} \quad \frac{\vdash_{\circ} \neg r \quad r \vdash_{\circ} g}{\vdash_{\circ} \neg r \otimes g}$$

Accordingly, the explicit normative system is:

$$\{\vdash_{\circ} \neg g \otimes r, \vdash_{\circ} \neg r \otimes g\}$$

⁶And it is compatible with implication of k from g .

Given the situation $s = \{r\}$, the solution of the paradox consists in concluding that g ought to be case without deriving its negation. Actually, in our approach this is easily obtained since the situation $s' = \{r, g\}$ is sub-ideal with respect to the explicit normative system.⁷

MÖBIUS STRIP Finally, let us look at Makinson’s “Möbius Strip” example. Its logical structure is represented as follows:

$$\{c \vdash_O \neg b, a \vdash_O c, b \vdash_O a\}$$

This implicit normative system can be made explicit by drawing the following inference:

$$\frac{c \vdash_O \neg b \quad b \vdash_O a}{\vdash_O \neg b \otimes a} \quad (23)$$

Similarly to the previous examples, the explicit normative system is as follows:

$$\{\vdash_O \neg b \otimes a, a \vdash_O c\}$$

Given the state of affairs $s = \{b\}$, it is expected that both a and c should be concluded. Actually, this is what we get from the normative system since the situation $s' = \{b, a, c\}$ is sub-ideal with respect to it. In fact, if b holds, this means that the primary obligation $\neg b$ is violated. Accordingly, the reparational obligation a ought to be the case. As a consequence, since a is to be given, the obligation c should follow as well.

7 FURTHER EXTENSIONS AND FINAL REMARKS

Our analysis of the above paradoxes has shown that the sets of norms that characterise each of them are trivially consistent. However, even if such paradoxes correspond to relatively simple cases, our formalism is able to capture, at least potentially, more complicated normative structures. For this reason, we think the notion of normative consistency seems to deserve additional and more general remarks. A normative system is consistent if it does not allow for any application of rule (\perp). Roughly speaking, if A or $\neg A$ cannot be repaired by the system⁸, then

$$\Gamma \vdash_O A \quad \Delta \vdash_O \neg A$$

should correspond to a normative contradiction. However, while this is quite clear when A is an atom, it is more difficult to understand intuitively the reasons why an inconsistency must occur when A is an arbitrary formula. As previously said, a close inspection of the inference rules shows that we can have

⁷Makinson [15] pointed out that the conclusion of g must be based on a prioritisation among promulgations. In a way, this remark applies also to our approach insofar as the norms of the explicit normative systems outweigh their counterparts in the implicit normative system. Remember that in our view a CTD is considered as an exception of a primary obligation.

⁸See Section 3 for the formulation of all the conditions of rule (\perp), and the end of Section 4 for a discussion.

negations of chains of reparational obligations. Thus, the question to be solved concerns the meaning of expressions like $\neg(A \otimes B)$. The problem is not so easy. For this reason, in Section 5 we preferred to state the conditions for evaluating a situation with respect to a normative system without considering this kinds of formula. Of course, from a certain perspective the question could be viewed as trivial: from a logical point of view, $\neg(A \otimes B)$ is nothing but the negation of a non-atomic formula. On the other hand, we think that the lack of a rule which defines the meaning of \otimes with respect to the negation is in a way unsatisfactory.

Since \otimes is not a boolean connective, it is impossible to establish a suitable definition of it in terms of any combination of formulas built by using \otimes and \neg .⁹ One of the possible lines of investigation comports to devise an additional consequence relation corresponding to the deontic notion of permission. In particular, such a consequence relation could be characterised at least by the following basic rules:

$$\frac{\Gamma \vdash_O A}{\Gamma \vdash_P A} \quad (24)$$

$$\frac{\Gamma \vdash_O A \otimes B}{\Gamma \vdash_P A} \quad \frac{\Gamma \vdash_O A \otimes B}{\Gamma, \neg A \vdash_P B} \quad (25)$$

The first rule (24) is the version in our formalism of the notorious Ought-Can principle. The rules in 25 extend 24 to expressions containing the operator \otimes . It is easy to understand that, if a norm says that ‘A is obligatory, otherwise B’, this must imply that both A and B are permitted.

Moreover, thanks to the introduction of \vdash_P it is possible to give a convincing account of formulas like $\neg(A \otimes B)$. Since the negation applies to \otimes , this means that B is not a reparational obligation of A and so its negation is permitted. In other words, we can have the following rule:

$$\frac{\Gamma \vdash_O \neg(A \otimes B)}{\Gamma, \neg A \vdash_P \neg B} \quad (\neg \otimes)$$

Even though this seems to be a good intuition, some problems are far from solved. Suppose one has a norm like this

$$\Gamma \vdash_O \neg(A \otimes B) \otimes C$$

This sequent is admitted in our formalism. However, its meaning is not clear and the application of a rule like $(\neg \otimes)$ does not make sense in this case. If $\neg(A \otimes B)$ means that B is not a reparational obligation of A, then the question is: What does C stand for?

Problems like this, as well as the role of \otimes on the left side of \vdash or, more generally, the statement of some formal properties enjoyed by our Gentzen

⁹In [5] Brewka and colleagues argued that negation transforms their nested ordered disjunctions into standard disjunctions. In this way, the truth of $\neg(A \otimes B)$ makes A and B false. Unfortunately, we do not think this solution is adequate to account for our intended meaning of the \otimes operator.

system are matters of future work. Here we can just advance some lines of future research:

- Defining an appropriate semantics for the system for which we can prove soundness and completeness. As a starting point, we expect it would be possible to adapt the semantics with degree of satisfaction proposed in [5] to represent ordered disjunction in logic programming and qualitative choice logic.
- Extending the deductive power of the system with non-monotonic patterns such as cumulativity, restricted transitivity, etc.
- Combining the logic of \otimes with a logic able to cope with normative conflicts. Preliminary results [9, 10] show that the logic of \otimes can be easily combined with Defeasible Logic. This combination has proved very successful in the representation of Business contracts where CTD are very frequent.

To sum up we have presented a formal system for reasoning with CTD structures in an easy and natural way. We hope that this can be extended to other forms of normative reasoning.

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