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J a n S R Z E D N I C K I

### Is "Is" Just an "Is", or Is It Also an "Ought"?

Czy z tego, że coś „jest” wynika, że coś „powinienem”?

Из того что „есть” вытекает ли то, что „должно”?

As everybody knows, Hume<sup>1</sup> stated very succinctly the proposition that "is" is an is, and "ought" is an ought and never the twain shall meet.

This proposition is really rather obviously true, which has the odd consequence that it is rather difficult to argue for it. One is constantly tempted to fall back on what seems to be a basic intuition, and one is then annoyingly vulnerable if another claims that this or that intuition is different. – It is not that one tends to believe such a claim, but that one finds it extraordinarily difficult to demonstrate the other person's duplicity, or, if one is a more polite character, their blindness.

If one is fair and tolerant one might admit that the mistake of his opponent is quite natural, and is due to some lack of analytic prowess and/or care – sometimes aided and abetted by a desire to prove a point – a willing mistake aiding a rationalisation.

The mistake can be quite natural in the following way: Take a case where: (a) it is quite obvious that something is the case e.g. an innocent child is unnecessarily suffering considerable pain and distress; and (b) it is also quite obvious that one has some kind of obligation to try to relieve this child's distress. Given (a) and (b) it can be quite natural to regard them as two aspects of the same item – the factual and normative aspects. Given a case where the obligation is as obvious as in the one given here this temptation can be very strong indeed but the obviousness of the normative point (as well as of the factual one) should not be accepted as a reason for thinking that the two points merge into, or are one. If it is normatively obvious that we should relieve avoidable distress of the innocent, and it is also independently obvious that an innocent is in needless distress the conclusion that we ought to relieve this distress is equally obvious whether (a) and (b) are independent or just aspects

<sup>1</sup>D. Hume: *Treatise on Human Nature* Book III part i section i. p. 469 (Selby-Bigge edition). It should be noted that A. C. McIntyre *Hume on 'is' and 'ought'* disagrees with the standard interpretation of Hume accepted here – "The Philosophical Review", 68, 1959.

of one and the same thing. – Should we use the expression "the one situation" we gloss over this for the situation could be constituted by either a normative fact – denied by Hume; or a fact and an obviously apposite norm that clearly applies in the case. But the natural makes the tendency, mistaken as it appears to be, even more pronounced.

We need to stop here to consider the logic of the situation. In Ockhamist spirit one wishes to stress that one needs to be wary of unnecessary positive propositions, i.e. one should not accept something as a positive or a new or an additional truth unless one has a sufficient positive reason for this. This point has been often enough misconstrued so as to merit attention.

It is often thought, after Ockham's own formulation, that to accept more kinds of explanation, category, dimension always amounts to the acceptance of extra positive truths – we should not multiply such kinds unless we are forced to do so – aim is simplicity of explanation, and an explanation is always simpler if it propounds fewer kinds, fewer dimensions, fewer existences etc.

But this reading is clearly fallacious – the fallacy is not Ockham's, he was concerned with basic ontology, and there this interpretation is plausible – the addition of: spirits, humours etc., to the observable objects indeed complicates explanations and assumes unjustifiably facts not in evidence. But in general the application of Ockham's idea is not as simple as that, and often it is not even clear in which direction it points. One suspects that considerable damage has been done by our failure to realise that this is so.

Consider the example of reductionism, on the simple interpretation of our rule it would seem that in each case the reductionist view is the simpler one. Thus it would clearly be a simpler view that there are no things or objects over and above sense-data, while the view that besides sense-data there also exist material objects independent both of them and of perception would need be more complex -- after all it adds a whole extra category of existences to those admitted by the sense-data view.

Yet it is quite clear that in some quite obvious ways the sense-data position is the more complex one. The reading of Russell's *Our Knowledge of the External World*<sup>2</sup> or what others have to say about object being logical constructs out of sense-data is quite enough to convince one of this, at any rate the criticisms of the sense-data theory are so well known that it would be pointless to rehearse them here, I would only like to draw our attention to the fact that most of these criticisms in fact identify troublesome complexities in the view and so for instance it is quite simple on the objectivist view to give an account of our acquisition of empirical language – faced with objects we refer to them, name them etc. etc.. But the sense-data theory makes this both very difficult and complex – there is the problem of building up firstly the object then the world out of the empirically given items. There is the related problem of not only referring but re-referring to the same items, there is the problem of the convergence of diverse individual solutions etc. etc..

This makes one point clear – if we try to apply our Ockhamist principle to a problem it is a mistake to apply the simplicity or paucity rule to just the area under investigation, it is necessary to see it in the total context – for a simplification of point *a*, that needs to be compensated for by introducing far greater complexity at points *b*, *c*, *d* . . . *n* is not a simplification at all.

<sup>2</sup>B. Russell: *Our Knowledge of the External World*, London, Allen E. Unwin, 1926.

This is true even if the area under discussion is a very large one – it is quite possible to simplify physics and thereby make the philosophical or general understanding of the world too complex to handle. Unless we accept the cowardly principle of total independence of all disciplines from one another – this is not to be recommended.

The problems that we deal with come to us as problems of knowledge, we seldom if ever try or can relate a solution to the total body of knowledge, we relate it to its relevant elements as they present themselves – there are certain things we know and accept, and we take it from there. We can either make the perfectly reasonable assumption that the entire body of knowledge is on the whole apt, or take a Quinean relativist view and revert to the relative dispensability thesis,<sup>3</sup> but in practice the result is the same – we must relate our solution to what we do not wish, or are not in a position to challenge, and not only relate it to it, but square it with it. A non-relativist such as myself might find this epistemic requirement quite annoying but there it is all the same.

We can derive from this a heuristic principle at the very least i.e. that we should not easily accept a reduction or an apparent simplification of the situation if it runs counter to other views and intuitions that we accept in related areas – it is easy enough to accept a *post-hoc ergo propter-hoc* simplification and create the impression that our problem is solved, but it will not avail much if its ramifications are unacceptable.

Concerning the present problem – the problem clearly is the giving of a satisfactory account of the relation between *F a c t* and *N o r m*, if facts are facts and norms are norms how are we to determine what the normative prescription is, given the facts; yet norms are concerned with facts and possible facts, but how can one show or *d e m o n - s t r a t e* that a certain factual situation justifies or necessitates a certain normative assessment.

This is not easy and the simple solution by the way of a normative fact must be quite beguiling, and so would one find it, save for the uneasy suspicion that it is not only simple but simplistic. The result that needs to be accepted at this stage is the principle that the onus of proof always lies with him who would force on us the greater adjustment of the better entrenched points and tenets.<sup>4</sup>

This is not, of course, to say that he is always right who requires the least of such adjustment, but only that each extra adjustment needs extra sufficient reasons for it – it is not open to the radical adjuster to ask: "and why shouldn't we look at it my way?" Since he is upsetting the apple-cart he has to have the cash to pay for the lost apples. Should anyone claim that this is now in complete contravention of Ockham's principle, I should not say "so what", I should say that in fact Ockham's razor cuts only imaginary whiskers it avoids any genuine ones, this is in fact its designed function.

Where then lies the onus of proof in the controversy about normative facts? Facts concern what is the case, they are strictly speaking what I would call tabulative i.e. the statements that are strictly concerned only with facts basically just list or tabulate what is

<sup>3</sup>I find this thesis inacceptable – *vide my Quine and logika struktury* "Studia Filozoficzne" 1976, no. 3.

<sup>4</sup>While I do not accept Quine's position as such it seems also obvious that our research praxis has to a large extent a coherence methodology, and there the concept of entrenchment enables us to speak clearly.

the case. This is of course a deliberate oversimplification – facts stand in relations to each other, and it is therefore necessary to list those relations, further some of the relations may amount to law-like regularities, or to put it more carefully it might not be possible to understand some of these relations without some reference to law-like regularities – but if we do that we leave the safe area of what is (or was) the case – we begin to ask what might be the case in these or these circumstances and the simplicity and clarity of the picture gets scrambled up.

Still there is virtue in presenting the simplistic snap-shot, because it is apt, it accentuates what fact-statements leave out. They leave out anything to do with the perceiver and observer;<sup>5</sup> they leave out anything to do with handling what happens or is the case, or anything to do with reacting to it. The factual propositions tabulate: what is the case; what happens; and at the other end what is going to, what is likely to happen; or what is the relation between what is the case (happens), and some other things that might be the case or happen. All in all it is a rich and yet relatively narrow field.

In just knowing facts we are passive, but we need not stay passive, and we seldom do. We set out to change, to adjust, to utilise. If we are thirsty we will drink water if we know its properties, unless of course the properties of wine or beer have the stronger appeal. We take shelter from the sun, or rain, we wash, we eat, we court, and we react. In fact we can get very frustrated and annoyed if we are put in the position of having to remain passive *vis-à-vis* some of the facts we know – though of course there are a lot of facts whose existence we just accept passively, some by choice, and some because there is no choice.

It might be psychologically impossible, but it is possible in logic to be a complete vegetable – i.e. to just accept all facts passively. Come to think of it vegetables do, but then vegetables are not biologically dependent on acting, and we are. Perhaps this is a good fact to consider – a vegetable is not an agent, and does not need to be – a sentient being needs to act in order to survive,<sup>6</sup> to start with it needs to feed, it has a mouth not roots (or something like a mouth). This fact gives rise to another i.e. unless a sentient being acts it cannot survive – it need not engage in deliberate decisions or actions for its act might be instinctive, automatic that is not subject to any decision procedure on its part. So we came to another fact: if a sentient being does not act automatically *vis-à-vis* its survival needs it needs to act deliberately in order to survive.

We seem to have a practical syllogism here! Does that mean that we have actually a prescription derived from mere facts? No, of course it does not mean that. What we have here is a relation between these facts that is best expressed as a conditional:

*A. Unless a sentient being that does not automatically fulfil survival conditions acts deliberately it cannot survive.*

Put that way we have no prescription, of course if we said:

*B. A sentient being that does not automatically fulfil survival conditions must act deliberately in order to survive.*

We would appear to propound a norm. But please observe that any content of B over and above the content of A is not justified by the facts alone. We can of course read B as

<sup>5</sup> Disregarding here subjectivist theories, and using the distinction commonsensically.

<sup>6</sup> I am making the assumption that what does not need to act is not sentient – for simplicity's sake, if this needs to be adjusted the substance of my argument is not affected.

saying no more than was said in A, it merely transposes A, but then it's not normative, and its form is slightly misleading, since it might appear to be just that. — One thing is clear if we want an example of a normative fact we get no joy from B for either it is justified by the facts alone and then it is equivalent to A and non-normative, or it is normative, but then it is not equivalent to A, and not justified by facts alone.

What we have added in the richer version of B is a direction or a goal. But goals are not determined by facts alone.<sup>7</sup> I say alone for of course facts are relevant to goals, if there weren't any facts there could be no goals either, but this does not mean that facts determine goals, they merely make the having of goals possible. Consider a case: Over a period of time one must eat to survive. Over a period of time one usually eats for this kind of reason, unless he has already eaten for other and more sybaritical reasons. But take an individual that actually refuses to eat for long enough to fail to survive. Now we may of course have a conflict of goals — one might prefer to be loyal to the IRA than to survive, this case does not interest us for in it survival is still a goal albeit it has succumbed to a stranger counter-claimant.

However, it is possible for someone to simply have no interest in either living or survival, or they might actually wish to die — so they refuse to eat precisely because if they eat they will survive. Actually people do terminate their lives, but admittedly seldom through starvation — this being quite a hard exit-line.

Since now the same facts lead to precisely opposite practical decisions each related to a different goal bound up with these facts it is not any more possible to claim that the facts determine the goal — the possible goals actually stand in contradiction and lead to contradictory prescriptions for action.

We could perhaps reduce the normivist claim in the following fashion. Granted that facts alone do not determine what particular goal a person should adopt yet they force them to adopt some goal — to as it were make a stand — one is forced to decide whether one wants to continue to live; whether one wants good life; whether one wants companionship; success; money etc. etc.. Facts that is present a choice to us — in this way they are normatively significant — granted that much we may be able to argue in some cases, e.g. where genuine moral issues are concerned that our goals are determined, e.g. we do not really have the freedom to adopt the goal of maximising misery for its own sake etc.. Thus in this kind of normative fact we have a parallel to Kant's categorical imperative.

This reply is not apt for apathy is possible, it is possible in logic, and actually happens in fact — that an individual is simply not interested in the import of the relevant fact — people can starve because they cannot be bothered to eat, they do not actively seek death, or living they simply lack motivation with respect to the whole issue.

Such cases are fortunately relatively rare, and may be generally pathological, but they are only possible since facts are separable from goals and norms — to bring this out let us consider the following.

Case plus: I know I should try to make the effort to eat, and not to endanger my health and the very life, but I simply cannot bring myself to make the effort to munch and swallow.

Case minus: Why should I bother? — if I don't eat I will die so what? can you tell

<sup>7</sup> I am disregarding here the usage — "it is a fact that X is (my, an accepted etc.) a goal", this can easily be incorporated in the statement but it would make it needlessly prolix to do so.

me what is the point of eating and surviving rather than *vice versa* or for that matter show me the opposite? In case plus, one would expect the individual concerned to be grateful or pleased if put on intravenous drip or saved at no effort to himself; in case minus on the other hand one would expect indifference to both death and salvation<sup>8</sup>. It is the case minus that shows that facts do not even force a choice on us – they just are facts.

The above result is not weakened because most of us would make a choice in the circumstances, and would make a positive choice at that – this is fortunately both usual and normal, but this does not affect the logic of the situation. The simplest and most convincing way of accounting for all the features of the case is by saying that choices are made on the occasion of there obtaining some facts, that in many fact-determined situations choices are naturally made and goals are naturally adopted – but the adoption of a goal, the making of a choice, or the formulation of a norm goes beyond what is contained in facts alone – it is only when adopting this view that all the naturally possible cases appear possible and natural<sup>9</sup> – the balance is thus preserved, as it should be.

What if one were to say that the normative nature of some facts is shown by our reaction to them – we rejoice at some, abhor others, are sick, indignant and angry when faced with yet others.<sup>10</sup> Generally of course one wishes to say that what is true about the relation of facts to goals and choices is paralleled by their relation to reactions and assessment, but perhaps it will not be amiss to follow this up a little bit.

Most people would have a horror reaction to the idea of a sadistic rape murder of a young child, yet significantly the reaction of others is so positive that they actually perpetrate it – it is not that they fail to see what it is (the facts) they actually do it because of what it is. – am not arguing that this reaction is acceptable, in fact I actually think it unacceptable to a degree such that it is out of place to be tolerant of such people and actions, but my point is not that; my point is that this very wrong reaction is not made impossible by the facts, or by the understanding of the facts. It is horrible to like such a sadistic murder fully knowing what it is,<sup>11</sup> but it is not inconsistent, and this is of course the crux of the matter. If some facts were normative then it would be inconsistent to accept the fact and reject the norm, and it never is.

This latest is often concealed by normatively biased descriptions and names such as "murder" and "licence" for to know that a killing is a murder is to know that it was not justified, and to know that a free act was licence is to know that the freedom was not acceptable – there is nothing wrong with such descriptions as long as we realize that they designate a composite of a fact and a normative assessment of it. This can be demonstrated by pointing out that the ultimate anarchist could make his point by claiming that nothing at all is licence and no killing is murder – he would not be denying the possibility or actuality of any type of killing or behaviour accepted by others, but he

<sup>8</sup>With the negative goal one would expect resentment at salvation by the way.

<sup>9</sup>I am not talking here of psychological normalcy – psychologically normal individuals may in fact be individuals that not only make choices but make these rather than other choices.

<sup>10</sup>The sort of move that could appeal to Lord Devlin cf.

<sup>11</sup>It is of course possible to think that this act will save the child, or the nation or the world – and to accept it as lesser evil – but this is not my case.

would be refusing to make any normative assessment of any of them.

One can seldom win an argument by referring to normative facts – because all one's opponent needs to do is to simply refuse to accept one's normative reading of it. One is on better ground arguing the norm itself – it is of course possible for the other person to be pig-headed about this as well, but they are in a weaker position for they cannot say: "I just see the facts differently and I can." – They must say: "I disagree with the norm.", and attack the point of the norm directly. But then there is a limit to the denial of the acceptance of common ground one can actually indulge in without appearing either pig-headed or straight irrational. Past a certain point one does not any more win by appearing to be an annoying and stubbornly dense student.

The argument so far has shown that in the whole area of the relation between facts *sensu stricto*, and the elements of what we might call the reaction to facts – the reactions do not form part of the facts, and are not implied by them. This is not to say that some reactions to facts may not be natural or more natural than others – it is for instance much more natural to avoid painful destruction than to court it – but this is saying something about our reactions rather than saying something about the facts themselves, it might be called a fact about human reacting to object-facts.<sup>12</sup> It is a fact about human nature that masochism is unusual; that the possession of the instinct of self-preservation is usual; that the attachment to good life is common etc. etc.. But these are not derived from what I have called object-facts, facts such as that jumping into a fire will mean painful death etc. – they are additional – they are facts about reactions, wants, goals, aims etc., they concern a *sui generis* area, this one does not have to exist at all, plants do not display it, and the choices need not be what they are, as deviant individuals show.

It would be a mistake to reply here that individuals deviant enough would not survive – this is very likely true – and it is a further fact, it is a fact about the individuals suitability for survival, but an individual or race does not have to be so suitable and actually many unsuitable ones have perished. To refer to evolution here is no argument about derivability of reactions from object-facts – to argue this way would be viciously teleological and inept. Let us say the world is organised in such a way that only individuals with certain traits can survive in it – there are some individuals that survive in it; has the nature of the world caused them to have these characteristics? Certainly not in some worlds there is no life, for nothing there caused the existence of organisms capable of surviving in the conditions that obtain.

On normative choice side – this world has living persons in it because there exist, for whatever reason, individuals capable of choosing and acting *and motivated to act in order to ensure their own survival* – the fact that this motivation is species preserving does not mean that it is directly caused by it – the situation where such a species survives is "caused" by the fact that their attitudes are apt in their world, the total situation may be seen perhaps as caused by this relation, but neither terminus of the relation is caused by it. Actually the characterization of the situation presupposes: (a) the nature of object facts and (b) the nature of individual and species reactions.

There is therefore in this whole area an "is – response" gap which is subject to what

<sup>12</sup> Here I am suggesting that such a fact is, as it were, a meta-fact.

Max Black<sup>13</sup> called Hume's Guillotine, where is-ought is concerned. It is our claim then that to accept Hume's Guillotine is to accept an account of this problem in morals that accords with the accepted views *vis-à-vis* other similar and interconnected problems, at the very least the onus of proof lies now with the normative fact theorist.

At this stage it should be noted that the moral's problem displays perhaps in any case an additional complexity, and this is created by the problem of the normative reaction or assessment. The normative assessment is not to be simply or statistically derived from the natural or common response to object facts. In fact if it is, as it sometimes seems to be, the natural reaction of people to bully and to be mean to others this does not at all demonstrate that it is right or good to do so – Hume's Guillotine seems to operate between norms and the facts about our response to facts as well, the fact that we tend to react in some ways, have some goals and aims does not show at all that we should do so.

Is this additional complexity enough to destroy the line of reasoning developed above? I have above talked about the "is – response" distinction; let us now call facts that are free from any response content *object-facts* and facts that have some response content *meta-facts*. We can then put our problem by saying that not only object-facts do not imply norms but meta-facts also do not, if that is so can we claim parallelism between is-response and is-ought?

The is-response distinction covers a largish range of responses we have already specified: goals; attitudes; reactions; aims (more general than goals which are perhaps specific). These responses can stand in various relations to each other – take for example specific goals, and general aims formulated in response to a certain set, or sets of facts. Take for example the kind of goal that people have in playing tennis – the obvious goal is to win the game, and generally to win the games one plays. Such a goal is perfectly intelligible in its own right, but it can be related to a more general aim – it might be the aim of Jimmy Connors to become the best tennis player in the world – to top the rankings, in pursuance of this aim he is particularly interested in winning each of the games he plays, this is a meta fact: *Connors wishes to top the rankings*. This meta fact is related to another *Connors wishes to win each game he plays*, the firstly mentioned goal cannot be pursued without the secondly mentioned goal being pursued also – but it cannot be derived from it and it is not implied with it.

It is perfectly possible to aim at winning each game one plays – in fact the logic of tennis dictates that one tries – without in the least having the goal of topping the tennis rankings, and indeed without even having the goal of becoming a good tennis player. The mere fact that the pursuance of the wider goal is here functionally related to the pursuance of the lesser one does not enable one to derive the first from the second. Such a derivation is only possible if there is a specific extra relation between the goals that is intelligible (and specifiable) and one that particularly accounts for the derivability. Here is an example: given that the point of chess is to check-mate the other player and to avoid being check-mated by him we can say that the general aim of the player is to win by achieving the first and avoiding the second.

Let us now say that the player has the lesser goal of making a good move, or moves, in the game he is playing. Here the aim of making good moves implies the more general

<sup>13</sup>M. Black: *The gap between "is" and "should"*, "The Philosophical Review", 73, 1964.

aim of trying to win the game – for good moves are moves that tend to win the game. Even here a player could be indifferent whether he finally wins or loses if only he can make some moves he can be proud of – he could even deliberately land himself in trouble to give himself an occasion for making a brilliant move – but this perhaps is a perverse attitude to chess.

Be it as it may the example illustrates the kind of reason needed for a claim that a more general, a secondary response is derivable from the ground level response, but as will be argued at the end of this paper the case is in fact dubious in principle as well. This at any rate is the situation paralleled by an attempt to derive a norm from a meta-fact that the norm is related to object facts and/or meta-facts does not have any tendency to show that it is implied by them or derivable from them.<sup>14</sup>

Thus in accepting Hume's Guillotine we preserve the unity of explanation for the logic of "is – ought" is here in keeping with the logic of "is – response". This is to be recommended for the relevant form of Ockham's razor is here: *Do not multiply kinds of explanation without need*. The only response to this result, if we wish to retain the normative-fact theory would be to claim that in each case of ought – there is the special reason that enables us to derive the "ought" from "is" (i.e. either the object or the meta-fact or facts), and I turn now to the consideration of sample arguments in this vein.

Firstly, however, let me comment on an argument designed to show that the "is – ought" distinction is spurious. This is interesting in principle for if good it might show that the "is – response" distinction is spurious also. In the event it is interesting for it illustrates a lack of awareness of the more general nature of the logic displayed by the "is – ought" distinction, and since this characterizes also the other arguments discussed here it is instructive.

The attempt was made by M. Zimmerman.<sup>15</sup> Zimmerman argues that the is-ought distinction is unnecessary; it can be replaced by an is-is relationship. Quite a lot of his paper is concerned with showing that in fact that what he calls is-discoveries by say economists and sociologists can be used with greater effect to persuade people to alter their behaviour than can moral points. This may well be true but is quite irrelevant to our issue – we admit that the majority of people accept certain goals quite naturally, and naturally if they are shown that certain actions prevent them attaining these goals, they are likely to take notice. The point we wish to insist on is that facts do not force anyone to adopt any goals, thus goal adoption is over and above fact assessment – this point is not even touched by Zimmerman.

W.D. Hudson<sup>16</sup> accepts the following passage from Zimmerman as raising a logical question in connection with this issue:<sup>17</sup> "What are we aiming at for here is getting people to say that an insane man ought not to be punished[...] would it be any

<sup>14</sup>That is where the emotivist fails sf. e.g. C. L. Stevenson : *Ethics and Language*, Yale 1944.

<sup>15</sup>M. Zimmerman : *The is-ought an unnecessary Distinction* "Mind", 71, 1962.

<sup>16</sup>W. D. Hudson : *Introduction to the Is-ought Question*, Macmillan, London 1969, p. 20.

<sup>17</sup>*Ibid.*, p. 88 (italics mine).

different if we had said that since he could not help doing what he did, we have an acceptable reason for saying that we do not want, we do not want other to punish him? Do we really think anybody who accepts the above is-ought argument as reasonable, will not do the same for the above is-is argument" and so on.

Clearly Zimmerman is missing the point here. As the argument was developed in the present paper it is clear that the "is-ought" distinction is paralleled by the "is-want"; "is-have a positive (negative) reaction"; "is-have a goal or aim" etc. distinctions. In fact we have argued that the strength of the distinction theory where "is-ought" is concerned derives partly from the fact that it is in step with our understanding of the logic of: "is-goal"; "is-aim"; "is-want" etc.. In substituting "is-want" for "is-ought" does not strengthen his position, but he may easily be seen as weakening it.

It will be apposite here to comment further on one phrase i.e. "have an acceptable reason" used in the quoted passage – this phrase seems to simply assume that a prescription can be derived from fact, but perhaps Zimmerman thinks that the "is-want" is enough to derive the prescription from, and since "want" is not "ought" this does not beg the question. I cannot quite see that he is entitled to this move as he attempts to reduce "ought" to "is", yet he may believe that he is. If he does he must still of course meet the criticism just voiced, but to add to his troubles he is now involved in identifying norms with psychological descriptions, or in reducing them to such. Since many people have made such a move Zimmerman might be glad to do so, all that I wish to stress here that such a move adds all the difficulties attendant on such reductionism to the difficulties Zimmerman's account is already facing, without having any tendency whatever to help with these last mentioned problems. In the last reckoning Zimmerman's argument would work only if it was the case that "want" can be derived from "is" or that it is at least sometimes a part of "is", we should not need a reason to derive it if the last was the case. I quoted Zimmerman for he is the one writer who has clearly claimed that "is-ought" distinction is spurious, even so he does not claim identity on want-ought reduction, and unconvincing as his position is, even if it were accepted we still would be left with the problem of how to derive "want" from "is".

We turn then to the problem of derivation, but derivation of "ought", rather than "want" from is thus we avoid the problems of psychologistic reductionism. Let us first take an argument of Max Black's<sup>18</sup> where he offers a counter example to what he calls Hume's Guillotine, it is: "Fisher wants to mate Botwinnik. The one and only way to mate Botwinnik is for Fisher to move the Queen. Therefore Fisher should move the Queen."

Black insists that the "Fisher should move" is not just a way of saying "If Fisher wants to then" the question being of what should be done in a game of chess, and of course Black is correct in this for it is not the case that the goal of mating Botwinnik is here derived from Fisher's desire to do so – that goal is built into the game of chess itself. Chess is a competitive sport – the whole point of the game is winning – one who does not attempt to win is actually not playing the game, though he may be either teaching or humouring someone (in which latter case he is actually pretending to play the game), and unless he attempts to win in a public match he is actually cheating. In fact the first line in Black's statement of the example is redundant, the inference works without it.

<sup>18</sup>Black: *op. cit.*

We can derive from the fact that two men are playing that each attempts to win – that each has a goal and what that goal is. Now as we have seen above given a goal and facts, a prescription can be derived (if the facts are relevant). What we cannot derive from facts of the case is the existence of the goal – for the facts do not determine that there is a goal let alone what it is, except that is if it is a fact someone has a goal e.g. John Doe wants to become a doctor. But to say that this kind of fact enables us to derive a goal from a fact is an obvious howler. To start with the goal is not derived – it is specified as part of the factual situation – Fisher is playing a game the point of which is the aim of winning *ipso facto* Fisher is aiming to win (these are only two aspects of the same state of affairs after all).

Secondly, John Doe's goal of becoming a doctor or Fisher's purpose in playing chess is not derived from other facts of the case – it is added to them, e.g. Fisher found that he is good at chess, he also found he can make money playing chess etc. etc., his reaction to these facts was to become a chess player – just as John Doe formulated his goal of becoming a doctor for he thinks that doctors help people and make lots of money – these facts do not necessitate the formulation of such goals, a natural ascetic quite probably would not – but we tend to react in this way, it is normal to react this way, such goals are likely to be rewarding – so we may say that it is reasonable to formulate such goals in such circumstances – but this 'reasonable' is not a reference to the facts being premisses for the goals, but to their being apposite – even though there is no logical reason for people to choose pain we find it surprising, and off-putting (unreasonable) if they do – in fact we may have perfectly good normative ground for disapproving of some and approving of other such devices, this is not even subject to challenge – but this does not mean that our grounds are based in facts – why shouldn't they be based in norms, yet the question is whether norms are *sui generis* or derivable from facts.

One of the cleverest attempts to derive "ought" from "is" is provided by J.R. Searle<sup>19</sup>. In the present paper I shall only offer a criticism of this attempt based on the approach developed here. For detailed criticisms of different aspects of this paper the reader may refer to the papers following Searle's in the Hudson collection.<sup>20</sup> Searle introduces (sect. 3) the notion of an institutional fact – this is closely related I think to his actual attempt at detailed derivation of ought from is – Searle cites 5 steps:

- (1) Jones uttered the word "I hereby promise to pay you, Smith, five dollars"..
- (2) Jones promised to pay Smith five dollars.
- (3) Jones placed himself under an obligation to pay Smith five dollars.
- (4) Jones is under an obligation to pay Smith five dollars.
- (5) Jones ought to pay Smith five dollars.

The discussion that follows is detailed, but the crux of the move is specified thus: "the relation between any statement and its successor, while not in every case one of "entailment", is... not just a contingent relation".

Searle also disclaims that there are enthymematic moves that introduce normative premisses into the argument – a typical enthymematic move being a non-normative one e.g.: "Under certain conditions anyone who utters the words "I hereby promise you,

<sup>19</sup>J. R. Searle: *How to derive "ought" from "is"*, "The Philosophical Review", 73, 1964.

<sup>20</sup>Cf. the papers following Searle's in *The Is and Ought Question*, [in:] Hudson: *op. cit.*

Smith, five dollars” promises to pay Smith five dollars.” The point I wish to make here is that Searle, in a more complex way has committed the very mistake that Max Black committed in his chess example.

The significant passage is found in the statement of the enthymeme (Searle calls it an additional statement necessary to make the relationship one of entailment – surely a penful if there was one) the passage is: under certain conditions C. Clearly unless C obtains Jones’ utterance does not constitute a promise at all – in play, on stage as an example etc. etc. it is just an utterance. Conditions C obtain only if we have a practice of promising and the utterance is understood to be part of such a practice – but the whole point of the practice as promise giving is established there is really no reason to expect any form of words to put another under an obligation to oneself.

I do not mean to indicate here that the practice is an innovation or that it is not the most natural practice to arise – it is almost certainly at least as old as the word “promise” is, and this or such words are as old as any other. But the fact remains that the word “promise” and the practice C are developed for a normative purpose. Given this if Jones begins to play the game of promise giving he is just as involved with what is the point of this game as Karpow and Korchnoi are involved with what is the point of the game of chess.

The logical point being that we introduced the norm, the obligation by introducing the practice of promise giving. This norm was not entailed by the relevant facts, such facts as that it is very much easier and satisfactory to commune with other people when one knows when to rely on their performance. That it would be hardly sufficient to have only standing obligations etc.. Such facts do not entail any norms, they only make certain norms attractive if we have certain goals and preferences, which goals and preferences are not entailed by facts either.

But the point relevant here is that once a practice of promising is established, for whatever reason, it has its own normative logic – for to introduce the practice is to introduce or to accept such normative logic. It would be then inconsistent to accept the practice and to reject the logic – by uttering the practice hallowed words “I promise...” Jones not only gave notice that he accepts the practice and logic, but also that he is making a move in the game, given this the rest of course follows. But it is not only a fallacy, but an obvious one to interpret this as a derivation of “ought” from “is” of norm fact – the normative statement (5) is indeed derived, but it is derived from the norms introduced by the way of the practice and demonstrated by the observance of the rules of the practice – such a rule is of course presented by the enthymeme cited – this statement is not a normative statement, Searle is right here, it is a factual statement referring to the actual existence of a norm and stating that in certain circumstances (conditions C) one becomes subject to this norm.

We may conclude that Searle’s case is much more elaborate than Black’s. It is no stronger and no better, in fact the identical mistake is committed by both writers. The logic of Black’s and Searle’s case parallels in fact the logic which enables us to derive the aim of winning the game, from the aim of making a good chess-move. We can now say that in all these cases the derivation is spurious for in setting up the practice that determines the logic of the case – to derive it then from the logic of the case begs the question.

## STRESZCZENIE

D. Hume twierdził, że z faktów nie wynikają wartości. Pogląd ten jest ostatnio dość często kwestionowany. Spory o związek między faktami i powinnościami znajdują się w centrum współczesnej teorii moralności. Artykuł poświęcony jest polemice z poglądami takich autorów jak: M. Black, M. Zimmerman, W.D. Hudson i J.R. Searle, którzy kwestionują stanowisko Hume'a.

Na wstępie autor analizuje poprawność propozycji redukcjonistycznych, dochodząc do wniosku, że redukcje powinny być dokonywane tylko wtedy, gdy uproszczenie wprowadzone w jednym miejscu naszego poglądu na świat nie spowoduje pomnożenia bytów i zbędnych komplikacji w innym miejscu naszej wizji świata. Dalej autor rozważa zagadnienie, czy ludzkie reakcje na fakty są źródłem powinności. Uważa przy tym, że reakcje mogłyby być podstawą powinności gdyby były powszechne i jednolite. Wiemy jednak, że tak nie jest. Dlatego reakcje nie są wystarczającą podstawą ugruntowania norm. Tak jak zdarzenia nie wywołują jednakowych reakcji, tak samo fakty nie pociągają za sobą w sposób jednoznaczny żadnych norm. Autor uważa, że nie należy mnożyć typów wyjaśnień ponad potrzebę. Z faktów nie można wyprowadzić powinności, bo żadne normatywne fakty nie istnieją. Nie ma żadnego logicznego związku pomiędzy „jest” i „powinien”, podobnie jak nie ma jednoznacznego związku między zdarzeniem a reakcją.

## РЕЗЮМЕ

Д. Юм утверждает, что из фактов не вытекают достоинства. Это суждение в последнее время очень часто оспаривается. Спор о том, существует ли связь между фактами а обязанностями, находится в центре современной теории моральности. Данная работа является полемикой с такими авторами как: Ма Блек, М. Циммерман, В. Д. Ходсон, Я. Р. Сирл, которые подвергли сомнению мнение Юма.

В начале автор анализирует верность редукционистических предложений, приходя к выводу, что сокращения должны проводиться только тогда, когда сокращение введенное в одном месте нашего мнения о мире, не повлечет за собой умножение бытий и ненужных осложнений в другом месте видения мира. В дальнейшей части автор рассматривает вопрос: бывают ли человеческие реакции на факты источником обязанностей? Он считает, что реакции могли бы быть основой обязанностей только тогда, когда были бы всеобщие и однородные. Известно, что так не бывает. Поэтому реакции не являются достаточной основой укрепления норм. Так как события не вызывают одинаковых реакции, так и факты не влекут за собой в однозначный способ норм. Автор считает, что не всказано увеличивать типов объяснений. На основе фактов не можно строить обязанностей ибо нормативные факты не существуют. Нет никакой логической связи между „есть” и „должен”, так как нет однозначной связи между событием и реакцией.

