

Essays in Pragmatic Philosophy

I

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From “Is” to “Ought” – Deduction or Articulation?

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Strategies

Hume suggested in *A Treatise of Human Nature* that it is impossible to derive an “ought” from an “is”, evaluations and norms from pure descriptions and statements of fact.¹ Hume’s observation was further underlined by Kant’s way of drawing sharp boundaries between theory and practice, the world of facts and the sphere of values, and by G. E. Moore’s doctrine that “good”-statements cannot be fully analysed into descriptive components (“the naturalistic fallacy”).² Hume’s simple, logical observation has, in fact, led moral philosophy and value theory in general into an impasse: if “ought”-statements can only be based on other “ought”-statements, you will get an infinite regress where one “ought”-statement rests on another in endless chains; or you will end up with a vicious circle; or you might decide arbitrarily to stop the chain of argument at some point (“decisionism”).³ The result is that ethics is left hanging in the air.

One of the strategies which has been used to get out of the impasse recommends us to search for principles which can bridge the gulf between “is” and “ought”. The statement that “ought” implies “can” has been suggested as a bridge principle of this kind, along with statements about basic human needs.⁴

Another strategy would be to try to show that “ought”-statements can be derived from “is”-statements, *pace* Hume. Searle’s *Speech Acts*, which we are going to comment upon in some detail, is a good illustration of this strategy.⁵

Karl-Otto Apel’s approach illustrates a third strategy. In the course of a careful examination of Searle’s examples of alleged deductions of evaluations from descriptions, Apel suggests that the descriptions in question necessarily presuppose certain norms, which can be analysed by the “transcendental pragmatics” envis-

aged by Apel.⁶ Apel's strategy might be summed up by saying that he tries to show that what look like derivations of "ought" from "is" are really derivations of "ought" from "ought" (and "is").

Apel's analysis rests on an unanalysed distinction between facts and values, descriptions and norms. His way out of the impasse in which moral philosophy has ended is to point to the fact that as acting and thinking agents we always have to presuppose a number of norms which are inescapable.

In this paper, I want to suggest a fourth approach to the "is"- "ought" question. Many of our statements do not fit neatly into traditional categories like "descriptions" and "norms" or "evaluations". The real point of Searle's *Speech Acts* is in my opinion to draw our attention to this. To have a term which does not immediately lead our thoughts into the traditional moulds, I shall talk of "characterizations" in such cases. The commitments implied by characterizations may be articulated in reflection, and this, I suggest, is what is being done in Searle's cases.

Philosophical categories like "descriptions", "factual statements", "evaluations" and "norms" had better be regarded as abstractions from the unities which I refer to as "characterizations". In this perspective, the search for bridge principles to span the gulf between "is" and "ought" can be seen to be in vain. There is no gulf to bridge until the philosophers construct it by their abstractions.

Searle's first example

Searle has tried to show that the so-called naturalistic fallacy is itself a fallacy.

It is the fallacy of supposing that it is logically impossible for any set of statements of the kind usually called descriptive to entail a statement of the kind usually called evaluative.⁷

He talks about statements which are *usually called* descriptive and statements which are *usually called* evaluative, and does not try to accomplish the impossible feat of deducing *purely* evaluative statements from *purely* descriptive statements. If by a "purely descriptive statement" we mean a statement which does not contain any evaluative components at all, then it is impossible to deduce evaluations from descriptions in the sense of purely descriptive statements. For the conclusion of a valid argument cannot contain anything which is not already contained, explicitly or implicitly, in the premisses. What Searle tries to do is thus not to disprove

Hume's logical observation but rather to show that it does not have disastrous effects for ethics and the theory of value.

Searle's first example to show that a statement which would usually be called evaluative can be derived from statements which would usually be called descriptive might be set out thus:⁸

- (1) x is a valid argument =_{def.} x is a deductive argument and the premisses of x imply the conclusion of x .
- (2) $(x)(x$ is a valid deductive argument if and only if x is a deductive argument and the premisses of x imply the conclusion of x).
- (3) a is a deductive argument and the premisses of a imply the conclusion of a .
- (4) a is a valid deductive argument.

(2) follows immediately from (1), and (4) follows from (2) and (3) by elementary rules of derivation. The argument is no doubt a valid one, but does it prove that a statement which would usually be called evaluative can be derived from statements which would usually be called descriptive? Apel finds it difficult to take Searle quite seriously here,⁹ and Searle's argumentation is certainly not very convincing in the first instance. He says that if we say that the conclusion follows logically from the premisses, then this is a description of the argument, and similarly if we say that the premisses imply the conclusion or that it would be inconsistent to affirm the premisses and at the same time deny the conclusion. But if we say that an argument is valid, then this is an evaluation of it.¹⁰ But it seems rather arbitrary to select one of the expressions which we use to characterize arguments as "evaluative" while calling the rest of the family of expressions which we use to characterize arguments "descriptive". Expressions like "implies", "follows logically from", "inconsistent", and "valid deductive argument" belong to the same family of expressions; they are interdefinable, and if one says of one of the expressions that it is evaluative, it seems that one would have to say the same of the rest. And so it seems that Hume's observation is left unaffected.

One might object that the characterization " a is a valid argument" is more clearly evaluative than, say, the characterization " a is a deductive argument in which the premisses imply the conclusion". Apel tries to take care of this kind of objection by making a distinction between the surface structure and the deep structure of the statements concerned. On the surface of it, (3) is a description, but its deep structure is evaluative. With (4) it is the other way round. But if one has not started doubting the adequacy of making

a sharp distinction between descriptions and evaluations before, one should do so here. And this, I take it, is precisely the point of Searle's example. It is, in fact, not always clear whether a statement should be called "evaluative" or "descriptive", and Searle's first example is a good illustration of this.

Rather than falling straight back into a traditional Humean and Kantian point of view, affirming that Searle's example can be seen to be a valid, deductive argument based on a hidden norm, the argument from (1) to (4) can be characterized as a piece of *articulation*. Given the conceptual family including "entailment", "following from", "validity" and so on, (4) does indeed follow from (3). To see why this is so, parts of the conceptual family can be described, and this is precisely what is being done by setting up the chain of reasoning from (1) to (4).

"It is not a matter of *opinion* that the argument 'all men are mortal and Socrates is a man, therefore Socrates is mortal' is a valid deductive argument", as Searle reminds us.¹¹ The criteria of validity vary from area to area (the criteria of validity for passports are not the same as the criteria of validity of arguments), but this is not to say that we are free to choose our criteria arbitrarily within each area. Searle's first example might help us to start reflecting on the roles of the intersubjectively given rules in our linguistic practices, by going back to things which lie behind the traditional distinction(s) between "is" and "ought". But I am ahead of myself.

Searle's second example

Searle's second example (which he has borrowed from Urmson) has got the same structure as the first one: from a definition and a statement which Searle considers to be of a kind which would usually be referred to as "descriptive", a statement is derived which Searle considers to be of a kind which would normally be called "evaluative". Parallel to the first example, the second one may be presented in the following way:¹²

- (1) x is an apple which is Extra Fancy Grade =_{def.} x has got the properties A , B and C .
- (2) (x) (x is an apple which is Extra Fancy Grade if and only if x has got the properties A , B and C).
- (3) a is an apple which has got the properties A , B and C .
- (4) a is Extra Fancy Grade.

Again, the argument is no doubt valid, but does it show that a statement which would usually be called evaluative can be derived

from statements which would usually be called descriptive? Apel suggests that the first statement had better be regarded as (part of) an “evaluative classification”,¹³ and concludes that the example does not refute the thesis that an “ought” cannot be derived from an “is”. Rather, the example illustrates that evaluations can only be derived from premisses which are evaluative, implicitly or explicitly. I leave it to the reader to decide for himself whether he would refer to the statements of this example as “evaluative”. It seems clear enough to me that statements (1) to (4) in this example do not belong to the paradigmatically clear cases of descriptions and evaluations. A paradigm case of a description would be to say e.g. that Ronald Reagan is more than seventy years old. A paradigm case of an evaluation would be to say, e.g., that he is a good man. But the expressions we use to characterize arguments and apples do not belong to the paradigms of evaluations or descriptions, and this, I take it, is precisely the point which the examples are intended to make. Again, one could say that we have to do with an articulation of a more or less implicit element rather than with an ordinary piece of deduction of the kind illustrated by the stock-in-trade examples of logic textbooks.

Searle's third example

Searle's third example is this:¹⁴

- (1) Jones uttered the words “I hereby promise to pay you, Smith, five dollars”.
- (2) Jones promised to pay Smith five dollars.
- (3) Jones placed himself under (undertook) 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.

Searle does not maintain that (5) follows deductively from (1) to (4). It obviously does not. If Jones is a schoolmaster who says “I hereby promise to pay you, Smith, five dollars” to his pupil Smith in the course of a lesson, he does not incur the obligation to pay him five dollars later on. But Searle does maintain that (5) is entailed by (1) to (4) supplemented with a number of “additional statements and certain other adjustments necessary to make the relationship one of entailment”, and that these additions and adjustments “need not involve any evaluative statements, moral principles or anything of the sort”.¹⁵

It is difficult to avoid a feeling that something is missing in Searle's account. For as Hobbes put it once: "Words alone, if they be of the time to come and contain a bare promise, are an insufficient sign of a free gift and therefore not obligatory". One could say that (5) follows from (1) to (4) *under normal conditions*. But what is it that normally must be there in order for the words to be binding?

When the question is raised in this way, the temptation is to search for a handy formula which might serve as the missing premiss which will lead Searle's example back to the traditional mould. It has, e.g., been suggested that what is missing is a general norm of the following kind: "Everybody is under an obligation to keep his promises." The statement that promises should be kept should, according to this suggestion, be regarded as a general norm of competence, comparable to the (more specific) legal norms conferring competence on legal persons and bodies, and which is so self-evident that we seldom care to formulate it. The statement that we ought to keep our promises (are under an obligation to keep our promises, etc. – there are a number of formulations to choose from) is clearly "normative" or "evaluative". Consequently, Searle's third example does not show that Hume's observation on the impossibility of deriving an "is" from an "ought" is wrong.¹⁶

Apel's comments on this example go in the same direction. That promises should be kept is one of the rules which help to constitute our promising institution. The norm "Promises should be kept" formulates a necessary condition for the possibility of giving promises. But Apel goes on to observe that there are two different ways of regarding social institutions and the rules which are constitutive of them: "one can recognize the rules as binding norms, and one can limit oneself to describing them empirically without committing oneself to them."¹⁷ It is the well-known distinction between the Actor and the Spectator which Apel here invokes,¹⁸ and this seems to me to provide the clue to what is going on in the examples provided by Searle.

Consider the difference between the judge and the social anthropologist.¹⁹ The judge operates within the framework of a given legal institution. When he decides that there exists an obligation for somebody to do something, this cannot be regarded as a purely empirical description of an institutional fact which acquires binding force only if one considers the legal framework to be binding. For in his capacity as a judge, he is already within the framework of the institution in point. One could say, then, that Searle overlooks a premiss which comes before premiss (1) in the

third example, viz. the premiss that Jones acts within the promising institution. When you act within the promising institution, then the fact that you have given a promise is not an example of a neutral, empirical fact – it is a normatively loaded fact. The fact that a promise has been given belongs to the class of facts which have got the property that one cannot understand them without realizing their normative implications. One of the things which do not come to their right in Searle's account of the promising example is precisely this: it is impossible to establish normatively loaded facts without already being inside certain institutions, in the sense of being prepared to take on certain commitments.

The social anthropologist may stand outside the institutions he is trying to understand without seriously taking part in them. He may observe that someone utters the words "I promise to kill my son tomorrow" without accepting the moral obligations which would normally follow for the utterer and everybody else implied. The social anthropologist may stand outside the institutions he is studying in the sense that he does not consider himself committed to them. His lack of commitment will then be transferred to the conclusions of argumentative chains like Searle's promising example.

With the distinction between *understanding* an argument and accepting the statements of the argument as *binding* at hand, there is no longer any reason for saying that there is a passage from non-normative premisses to normative conclusions in Searle's three examples. Either you accept the premisses as binding, and then the conclusions are also binding on you, or else you regard the premisses non-committally as objects of understanding, and then the conclusions are also non-committal objects of understanding for you.

The basic distinction which is needed to handle Searle's examples is the distinction between understanding statements and accepting statements as binding. All statements, irrespective of whether they would traditionally be classified as descriptive or evaluative or normative, can be regarded non-committally as neutral objects of understanding. If one *has* to squeeze everything into the categories of descriptive and evaluative-normative, then one must describe the situation as Apel does: there are hidden evaluations and norms in Searle's examples. But Apel's own analysis shows that this is not the best way of handling the situation. The "normative" or "evaluative" elements which must be there for the conclusions to acquire binding force are not "norms" or "evaluations" in any pointed sense of those words. Rather, it is a question

of something which might be referred to as commitments, recognition, binding oneself.

The analysis of Searle's three examples leads to the following conclusion. It is misleading to say (like Searle) that there is a passage from "is" to "ought" in these examples. But it is also misleading to say (like Apel) that there is a passage from "ought" to "ought" in these examples. There is something in the logic of the examples which does not come to its right as long as you stick to the deductive model and the distinction between descriptive and evaluative-normative statements. To try to bring this out more clearly we shall have to have a look at the notion of normatively loaded or institutional facts.

Institutional facts

In the empiricist tradition from Locke and Hume to the analytic inheritors of the legacy of logical empiricism, one tends to think of the world as an assembly of empirical facts. Empirical facts one tends to think of as independent of human practices. But it is not easy to account for social facts in this perspective. In his *Tractatus Logico-Philosophicus* Wittgenstein declared that ethics and aesthetics are "transcendental", they lie outside the world.²⁰ But this is paradoxical. We all live in a social world, in which ethical and aesthetic facts have a central place.

This is the background for the distinction between brute facts and institutional facts which Searle makes in *Speech Acts*.²¹ That Jones promised to pay Smith five dollars is an example of an institutional fact, which necessarily presupposes the existence of an institution, defined by a set of constitutive rules (in this case, the promising institution). Searle has borrowed the distinction between brute and institutional facts from Miss Anscombe, and I think it will be clarifying to look at the promising example in the light of Anscombe's little paper "On Brute Facts".²²

"My grocer has delivered me a quarter of potatoes". If we follow Hume, we will have to say that this description has no normative implications, such as my owing the grocer a sum of money. But the fact that the delivery took place within the selling – and – buying institution implies that I do in fact owe the grocer a certain sum of money. My owing the grocer a certain sum of money is not a fact which comes in addition to the fact that he delivered me the potatoes. It is the same fact considered in the light of the institution in question. It is then possible to construct a hierarchy of descriptions of facts at different levels, such that the facts at one level are basic (brute) in relation to the facts at the

higher level which emerge as institutional in relation to those basic facts:

As compared with supplying me with a quarter of potatoes we might call carting a quarter of potatoes to my house and leaving them there a "brute fact". But as compared with the fact that I owe the grocer such-and-such a sum of money, that he supplied me with a quarter of potatoes is itself a brute fact.²³

Similarly, the fact that Jones ought to pay Smith five dollars can be regarded as identical with the fact that Jones uttered certain words (e.g. "I hereby promise to pay you, Smith, five dollars") in certain circumstances. In order for the description "Jones ought to pay Smith five dollars" to hold, the utterance of the relevant words must have taken place in a certain kind of context, which might be indicated by saying that there exists an institution which we can call "the promising institution" and by adding that the circumstances were "normal". As Professor Anscombe emphasizes, the meaning of "in normal circumstances" can only be indicated roughly by giving examples of exceptional circumstances in which the description does not hold.²⁴

The advantage of looking at the promising example in this way is, of course, that we can avoid traditional categories like "empirical statements", "evaluations", and "norms" in the analysis. Instead of feeling *forced* to search for hidden norms amongst the premisses in order to account for the binding force of the conclusion, we can talk of descriptions (or characterizations) at different levels, keeping in mind that any description at any level necessarily presupposes certain conditions which might be articulated when a need for doing so arises.

This is what is happening in Searle's examples. Some of the conditions of validity of the descriptions which occur as conclusions of the three arguments are spelled out, and the descriptions of the conditions of validity are set out as premisses of deductive arguments. In the first example, some of the conditions for the possibility of attributing validity to arguments are spelled out. In the second example, some of the conditions for the possibility of grading apples in a certain way are spelled out. In the third example, some of the conditions for the possibility of making promises are spelled out. Given the relevant institutions (that is, granted that the conditions for the possibility of doing those things are fulfilled), one can do a number of things with the statements which figure as conclusions in the three examples. One can, e.g.,

say that a certain apple is Extra Fancy Grade in order to recommend it to a customer or to correct the apprentice who has put it in the wrong box; one can say that Jones ought to pay Smith five dollars in order to remind him of an obligation which he has in fact imposed upon himself or in order to remind oneself that the circumstances in which Jones uttered the word were in fact normal; and so on.

It is not necessary to spell out the conditions of validity of promises, arguments, and grading apples in the form of deductive arguments. In any case, the spelling out of the conditions of validity in the form of deductive arguments presupposes that those conditions, including the commitment loads of the activities concerned have been *articulated*. And considering how different the conditions are to which our attention is drawn in the three examples, it is certainly misleading to present deductive arrangements of articulations of such conditions as passages from "is" to "ought" or as passages from "ought" to "ought".

Conclusion

Searle has tried to show that statements which would usually be referred to as "evaluations" or "norms" can be derived deductively from premisses which would usually be referred to as "descriptive". Apel has objected that the commitments which are necessarily included in all speech act situations can be formulated in the form of norms and added to the premisses, which he interprets as an argument in favour of the traditional doctrine that an "ought" cannot be derived from an "is". My basic objection against the procedures of both authors is that the distinction between committing oneself through saying something and understanding something non-committally cuts across the distinction between descriptions and factual statements, on the one hand, and evaluations and norms on the other hand.

Apel's own way of presenting the transcendental-pragmatic project²⁵ tends to be misleading for this very reason. Sticking to a traditional Humean and Kantian distinction between descriptive and normative statements, he presents the enterprise as an attempt to derive the categorical imperative and all other norms of ethics from the fundamental norms which must necessarily be presupposed by all of us as communicating and arguing creatures. In the name of clarity, one should add first, that the derivation envisaged is not a deduction in the logical sense (as Apel has emphasized in a critique of Hans Albert), but consists rather in the spelling out of some of the necessary conditions for the possibility of doing vari-

ous things; second, that the norms in question are not statements which belong to the class of statements which we usually call “norms” *in contradistinction to*, say, descriptions; rather, we have to do with something which is characteristic of *both* norms and descriptions and all other types of utterances, viz. the commitments which are necessarily included in the corresponding speech-act situations; and thirdly, that spelling out the “norms” necessarily presupposed by all of us when we communicate and argue with ourselves and others can be no substitute for considering the competence which a communicating and arguing creature is bound to have. For (as Wittgenstein has put it), rules must be followed blindly. We must learn to wield the rules of communication, and this cannot be effected by learning other rules, but only by learning to handle examples (“paradigms” in Wittgenstein’s sense).

Against this background, I think it would be better to describe the attempt to uncover the necessary foundations of ethics as an attempt to reconstruct the ethical competence which is a necessary condition for doing the right kind of things, rather than presenting it as the task of deriving the norms of ethics from the transcendental-pragmatic norms to which all communicating and arguing persons must subscribe.²⁶ And to handle the traditional “is”–“ought”-problem in this way would, I think, be another step in the direction of a pragmatic transformation of philosophy.

NOTES

- 1 Hume 1888, p. 469.
- 2 Moore 1903, pp. 9ff.
- 3 Cf. Albert 1975 and 1972.
- 4 Cf. Albert 1972; and Tranøy 1972/1975.
- 5 Searle 1969.
- 6 Apel 1976, pp. 11–173; also Apel 1973, particularly Vol. II.
- 7 Searle 1969, pp. 132ff.
- 8 For Searle’s own formulation see *ibid.*, p. 133.
- 9 Apel 1975, p. 57.
- 10 Searle 1969, pp. 133–34.
- 11 *Ibid.*, p. 134.
- 12 For Searle’s own formulation see Searle 1969, p. 135.
- 13 Apel 1976, p. 60.
- 14 Searle 1969, ch. 8. Cf. Searle 1964.
- 15 Searle 1969, p. 177.
- 16 Cf. Sundby 1974, p. 409.
- 17 Apel 1976, pp. 71–72.
- 18 Cf. Skjervheim 1976.

- 19 Apel 1976, pp. 72ff.
 20 Wittgenstein 1922, 6.421.
 21 Searle 1970, pp. 50–53.
 22 Anscombe 1958, pp. 69–72.
 23 *Ibid.*, p. 71.
 24 *Ibid.*, p. 72.
 25 In Apel 1976, Apel 1973 and elsewhere.
 26 Nordenstam 1980, Nordenstam 1979, and Nordenstam 1984.

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