

R. M. HARE AND NATURAL LAW

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## INTRODUCTION

The fundamental conviction governing this thesis is that moral reasoning, one kind of that mental activity we all engage in when trying to decide how we ought to act in any given situation, is a rational activity, and, therefore, governed by certain rules. Moral reasoning is classifiable into two sorts (although some would disagree with the first classification): (1) the kind of reasoning used to verify what I call the 'first principles of morals', and, (2) the moral reasoning process we engage in when we deduce a particular moral judgment from an evaluative premiss conjoined with a factual premiss (the practical syllogism), e.g. 'Stealing is wrong, and this is stealing; therefore, this is wrong.' The 'first principles of morals' are the standards we refer to if someone questions the evaluative premiss we have used in deducing a particular moral judgment. For example, if we argued from the premiss, 'Adultery is wrong', we could, if pressed, refer this principle to a more general principle, such as, 'Human sexual activity ought to be regulated,' and this in turn, could be verified (if I may anticipate my conclusion) by appealing to certain facts. My reason for separating the two kinds of reasoning is set out in detail in Chapter III, and I will only state it briefly here. Reasoning of type (2) involves a familiar pattern of inference in which we proceed from the premisses to a conclusion, and since the conclusion in moral reasoning is a demand for an action, we refer to this type of syllogism as the practical syllogism, and the normal rules of inference hold for it. When verifying a more general

moral principle, we are involved in a kind of reasoning analogous to the inductive model, in that we are setting forth certain facts as evidence for a certain moral principle. I will argue that there is a sense in which we can meaningfully speak of facts 'entailing' values, although not according to the strict logical use of 'entail' in which it means, 'logically deducible from'. When our moral reasoning takes the form of deductive reasoning, however, we can speak of the conclusion being strictly entailed by the conjunction of the premisses. The model I am proposing is an inductive-deductive one in which the 'first principles of morals', established by reference to the relevant facts, act as 'axioms' from which we can derive more specific moral principles capable of acting as premisses in practical syllogisms. It is only a model, however, and we must be careful not to confuse the ethical 'axioms' with the axioms of the mathematical and empirical sciences. They are not, to use Kantian language, synthetic a priori judgments because we can never be certain that we have set forth all the relevant facts used to verify them; the ethical 'axioms' have the kind of practical certitude (to use a more relevant analogy) that the legal judgment, 'This man is guilty beyond a reasonable doubt', has. My primary purpose in this thesis is to show that 'first principles of morals' or ethical 'axioms' are verifiable by reference to facts, and that, therefore, they are not purely a matter of choice (although, as we will see, there is a sense in which they are; for, every man must ultimately will to adopt a moral standard, rather than merely mentioning it). Although I use the term, 'verifiable', it would be wise, since we are dealing

with the contingent matters of human affairs, to add the caveat, 'beyond a reasonable doubt', for it is always logically possible for someone to point out facts which we have not considered and which could cause us to modify a moral principle or to reject it all together. It is useful to recall Aristotle's words regarding the kind of certitude we can have in ethics:

In studying this subject we must be content if we attain as high a degree of certainty as the matter of it admits. The same accuracy or finish is not to be looked for in all discussions any more than in all the productions of the studio and the workshop. .... It is a mark of the educated man and a proof of his culture that in every subject he looks for only so much precision as its nature permits. For example, it is absurd to demand logical demonstrations from a professional speaker; we might as well accept mere probabilities from a mathematician.<sup>1</sup>

Chapter I is an exposition of R. M. Hare's account of the logical properties of moral language, and I have chosen to begin with Hare for two reasons: (1) Hare recognizes that moral reasoning is a type of deductive reasoning for which the normal rules of inference hold, and (2) Hare's approach to ethics is a good example of the failure of ethics (when conceived as the study of moral language), to account for the first principles of morals beyond saying that each individual must decide which set of first principles he is going to adopt. While I agree with much of Hare's analysis of moral language, I disagree with him that the 'first principles of morals' are irreducible, unanalyzable, and unverifiable, beyond this or that individual's choice of them. I will show that Hare himself recognizes the weakness in his position, and that there is need for a sense in which we can say that the 'first principles of morals' are verifiable, and I would suggest that this is why he finds Utilitarianism

attractive and compatible with his own theory of 'universal prescriptivism':

We have, it is true, still to grapple with the 'maximization v. equalization problem alluded to above. But this does not destroy the interest for ethical theory of this link between universalizability on the one hand and utilitarian ideas on the other. It may point to a synthesis between two standpoints in ethics which have been though to be opposed (though Mill saw that they have an affinity).<sup>2</sup>

I also suggest that the feature which Hare finds so attractive about Utilitarianism, viz., its basic premiss that the 'first principles' are verifiable by reference to certain facts, is a feature of the natural law theory, and this points to a synthesis between 'universal prescriptivism' and natural law theory. This approach has been well-dubbed, 'the good-reasons approach', and it is an apt term for the synthesis of 'universal prescriptivism' and natural law:

While it shares the prescriptive emphasis with emotive theory, it refuses to abandon the conception of some sort of validity in ethical inference. It reminds us of the stubborn fact that we do offer factual statements as reasons for moral conclusions and regard some reasons as better than others.<sup>3</sup>

Chapter I, then, is a critical analysis of Hare's account of moral reasoning in which I try to establish that there is a need for more than a purely logical account of moral language, and I suggest that this 'something more' is supplied by that feature of the natural law theory which states that the 'first principles of morals' are verifiable by reference to the relevant facts, viz., those of human nature.

In Chapter II, I critically examine the concept of natural law as stated by Thomas Aquinas, beginning with his account of synderesis. Aquinas' account of moral reasoning resembles, in many



ways, that of Hare, but they are at variance on the matter of the verifiability of the 'first principles', or the 'indemonstrable principles' as Aquinas calls them. Aquinas holds that the 'first principles of morals', which provide the starting-point for the practical syllogism, are not a matter of choice, and a corollary of this is that there are certain moral principles which we ought to adopt. His account of how we do arrive at the 'first principles' is somewhat confusing, for he holds that (1) they are derived from a consideration of certain 'facts' of human nature, and (2) they are self-evident. I will argue that we cannot derive obligation from self-evidence, but that we can derive it from a consideration of facts. In Chapter II, I attempt to show what kind of difficulties we get into if we accept the thesis that there is a logical gap between facts and values.

The final Chapter of this thesis is concerned primarily with the more precise characterization of the relationship between facts and values, although its main import is negative, showing what this relationship cannot be rather than what it is. The question of the verifiability of moral principles centres about this question. I will define a sense of entailment which is relevant to the case of morals, and more useful than the strict logical sense in which that term is used. I will conclude that we can give a sense to the statement, 'Facts entail values' which obviates Hume's observation expressed in the aphorism, 'No oughts from ises'. If what I say about the informal sense of 'entail' is acceptable, then the path is cleared for a synthesis between universal prescriptivism and natural law. The importance of the natural law theory in ethics, I believe, lies in the prin-

principle governing it, viz., moral standards are related to facts of human nature and the world, so that there is no logical gulf between facts and values. The importance of universal prescriptivism lies in its insistence that moral reasoning is a rational activity, that any particular moral principle must always be capable (if we are to avoid an infinite regress in our moral reasoning) of reference to a more general moral standard, and, most importantly, that moral principles are prescriptive, meant to guide our conduct.

## CHAPTER I

According to Thomas Aquinas, moral reasoning begins with certain general principles, the "first principles of the practical reason", which are in some sense self-evident and derived from a consideration of man's natural inclinations. These principles comprise the natural law. Some serious criticisms have been made of the notion of a natural law, and the most powerful of these is that any ethics based on a conception of the natural law commits what G. E. Moore has labelled the "Naturalistic Fallacy". Another serious criticism, although less encompassing than the former, comes from the logician's quarters: there may well be a natural law but it is difficult to see in what sense it is self-evident. This observation, it seems to me, is an accurate one, and it will be discussed at length later. But even when we accept the criticisms of the logicians, which in the end help to clarify the concept of natural law, there remains a place in ethics for that concept. I have chosen to begin with R. M. Hare's discussion because it provides the necessary logical tools with which to clarify the concept of the natural law, and also because it suggests, if only implicitly, something like a natural law. In this Chapter, I propose to lay the foundations of an approach to the natural law, taking into account the logical considerations raised by Hare, and, therefore, my chief aim will be, for the present, to outline Hare's views on moral language, as expressed in The Language of Morals and Freedom and Reason.<sup>1</sup>

The basic premiss of Hare's ethical thinking is clearly stated in the Preface of Freedom and Reason:

The function of moral philosophy -- or at any rate the hope with which I study it -- is that of helping us to think better about moral questions by exposing the logical structure of the language in which this thought is expressed.<sup>2</sup>

Hare presents a systematic treatment of the logical properties of moral language, for it is, he thinks, due to confusion of the logical characteristics of moral language with those of descriptive language that many of the errors in ethics have cropped up. Moral language is essentially prescriptive, i.e. it is meant to guide our conduct, and thus it is properly expressed in imperative sentences.<sup>3</sup> Moral language is also partially descriptive, and it is because it has this dual character that its logic is more complex than that of purely descriptive language which is expressed, in English, in the indicative mood. Prescriptive language is properly expressed in the imperative mood, but this does not prevent there being certain logical similarities between imperative and indicative sentences. To show these similarities, Hare analyzes indicative and imperative sentences, utilizing two categories which he names the 'phrastic' and the 'neustic'. To use his examples, we may rephrase the sentences, 'You are going to shut the door.', and 'Shut the door!', into phrastics and neustics, and they then become, respectively, 'Your shutting the door in the immediate future, please' and 'Your shutting the door in the immediate future, yes.' The part of the two sentences which is common, i.e. 'Your shutting the door in the immediate future', is the phrastic, and the word 'please' or 'yes' the neustic. The difference between indicative and imperative sentences is found in the neustic:

Thus we may characterize provisionally the difference between statements and commands by saying that, whereas sincerely assenting to the former involves believing something, sincerely assenting to the latter involves (on the appropriate occasion and if it is within our power), doing something.<sup>4</sup>

By analyzing imperative and indicative sentences in this way, two facts become clear: (1) both kinds of sentences refer to possible states of affairs and thus, to use Hare's examples again, the two sentences, 'The Absolute is green' and 'Let the Absolute be made green' are meaningless for the same reason, i.e. we do not know to what possible states of affairs they refer, and (2) the ordinary logical connectives, e.g. 'if', 'and', 'or' etc., and the logical quantifiers, are operative in imperative sentences as well as indicative sentences. Commands, then, are governed by certain logical requirements, and study of the logic of commands or imperative sentences can provide us with certain rules governing the use of moral language.

A crucial problem connected with the logic of commands is that of how grammatical moods affect our inferences, and the chief finding of modern ethics, viz. one cannot derive 'values' from 'facts', has its roots in the logical point voiced by Hume in this celebrated passage:

I cannot forbear adding to these reasonings an observation, which may, perhaps, be found of some importance. In every system of morality, which I have hitherto met with, I have always remark'd, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surpriz'd to find, that instead of the usual copulations of propositions, is and is not, I meet with no proposition that is not connected with an ought, or an ought not. This change is imperceptible; but is, however, of the last consequence. For as this ought, or ought not, expresses some new relation, or affirmation, 't is necessary that it shou'd be observ'd and explain'd; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it.<sup>5</sup>

Hare does not challenge Hume's observation:

- (1) No indicative conclusion can be validly drawn from a set of premisses which cannot be validly drawn from the indicatives among them alone.
- (2) No imperative conclusion can be validly drawn from a set of premisses which does not contain at least one imperative.<sup>6</sup>

Hume's comment is an instance of the more general logical principle that any inference is invalid if there appears in the conclusion something which is not found in the premisses. As we will see, if the natural law is an attempt to derive certain moral imperatives from facts about human nature, then it commits the "Naturalistic Fallacy" and the inference from facts to values is an invalid one. It may be, however, that the doctrine of natural law does not represent an attempt to deduce, in the strict logical sense, moral imperatives from facts, and it remains to be seen what sense can be given to the relationship between facts and values.

The other logical problem connected with moral principles which I have mentioned is, 'What sense can we give to the concept of self-evidence when applied to moral principles?' Aquinas speaks of the first principles of the natural law as self-evident:

I answer that, As was stated above, the precepts of the natural law are to the practical reason what the first principles of demonstration are to the speculative reason, because both are self-evident principles.<sup>7</sup>

And he distinguishes two senses of 'self-evident': (1) 'self-evident to me' (intuitive) and (2) 'self-evident in itself' (analytic):

Any proposition is called self-evident in itself when its predicate belongs to the intelligible meaning of its subject. However, it is possible for such a proposition not to be evident to a person ignorant of the definition of the subject. Thus, this proposition, man is rational, is self-evident in its own nature, since to say man is to say rational; yet, for a person who is ignorant of what man is, this proposition is not self-evident. Consequently, as Boethius says (De Hebdomadibus),

there are some axioms or propositions that are in general self-evident to all. Of this type are those propositions whose terms are known to all; for example, every whole is greater than its part, and things equal to one and the same thing are equal to each other. But there are some propositions that are self-evident only to the wise, those who understand the meaning of the terms of these propositions.<sup>7</sup>

'Self-evident', in the sense of 'intuitive' i.e. 'self-evident to me', in conjunction with morality, suggests that man has a special faculty whereby he intuits the truth of the first principles. This precludes meaningful moral discussion; all arguments in morals would be reduced to accusations of blindness: either you see the truth of the first principles or you don't. 'Self-evident' in the second sense, i.e. 'self-evident in itself', cannot be usefully attributed to first principles, for an analytic principle (a principle 'self-evident in itself') cannot be of any assistance in determining how we ought to act. Definition does not impose obligation. An analytic principle states a formal requirement governing the use of a word, i.e. it is a statement about the meaning of words<sup>8</sup>, and, therefore, it has no 'content'. For example, the principle, 'Murder is wrong,' is 'self-evident' in virtue of the meaning of the word, 'murder' viz. an act of killing which is wrong, and, therefore, the principle 'Murder is wrong' is equivalent to, 'An act of killing which is wrong is wrong'. We are often in doubt about our particular moral obligations (if we were not, there would be no need for the science of ethics), and this could only indicate that we are in doubt concerning the first principles from which we have inferred our particular moral obligations:

Since I am in doubt, ex hypothesi, whether or not to make this false statement, I must be in doubt about assenting to the command 'Do not make this statement.' But if I am in doubt about this command, I must eo ipso be in doubt, either about the factual

premiss 'This statement is false' (and this alternative is ruled out ex hypothesi), or else, as must be the case, about the imperative premiss 'Never say what is false'. It follows that no general principle can be self-evident which is to be of assistance in deciding particular questions about which we are in doubt.<sup>9</sup>

The point is clear. There may be certain very general moral principles acting as premisses in arguments designed to show us how we ought to act but we cannot say that they are self-evident in any meaningful sense of that word. Using an example of Hare, we can see that if someone tells us that it is self-evident that we ought always to do what our conscience tells us to do, then we may reply that since, in fact, we are often confused as to whether or not to do something which our conscience tells us to do, it is not self-evident. It is clear from these logical considerations that any attempt to establish a system of morals on factual premisses alone, entangles one in the "Naturalistic Fallacy"; any attempt to establish a moral system on self-evident principles is doomed to failure because of the difficulties mentioned above surrounding the concept of self-evidence.

Since moral principles are neither factual nor self-evident, we must ask 'Where do moral principles come from?' and 'How do they function in moral reasoning?' It is in the answer that Hare provides to the first of these questions that we feel the need for something resembling a natural law. When we make a value-judgment, we are in effect making, what Hare calls, a "decision of principle"<sup>10</sup> i.e. we are deciding upon a principle which we will use for making a particular moral judgment. Moral principles are there to assist us in making decisions because they tell us, when we are confronted with one or more alternatives, which of them is more relevant to our case. It



is not always the case that we first decide upon a certain general principle, and then using this principle, form a particular moral judgment, for it is often the case that a decision to act in a certain way is constitutive of a moral principle. Sometimes, however, we start with certain general moral principles which we have been taught or assimilated and modify them to fit our particular needs, and these modifications constitute decisions of principle. Hare draws an interesting analogy with the art of driving an automobile. When we are first taught how to drive an automobile, we are taught very general rules. If we were incapable of learning in this way, we would never learn to drive, always requiring an instructor at our side to tell us what to do in each and every situation we found ourselves in. Fortunately, this is not necessary, since after we have been taught the general rules of driving, we may modify them at any time to meet our needs, and in modifying them we make "decisions of principle". When we employ a general rule, we imply that if we meet another situation like this one, we would utilize the same principle, and this is why the rule is a principle. We can do this because we are capable of classifying situations into certain kinds to which we react in roughly the same way. If we were unable to do this, then we would never learn to drive, and, analogously for the sphere of human conduct, we would never know how we should act:

The point is rather this, that to learn to do anything is never to learn to do an individual act; it is always to learn to do acts of a certain kind in a certain kind of situation; and this is to learn a principle. Thus, in learning to drive, I learn, not to change gear now, but to change gear when the engine makes a certain kind of noise.<sup>11</sup>

Hare mentions that the controversy between 'objectivists' or 'intuitionists' and the 'subjectivists' hovers about this point, for while the 'subjectivist' holds that we must constantly make decisions of principle, the 'objectivist' holds that we must merely learn principles which are fixed and unchangeable. We must, according to Hare, avoid both these extremes, while maintaining that to become "morally adult" we must learn to make decisions of principle. And whenever we use an 'ought', we must realize that we are referring to a set of principles which we have already decided to accept by using 'ought'. The question which I think must be raised here is, 'Granted we do make decisions of principle, and granted that we do often modify more general principles to suit our particular situations, is there any set of moral principles which I ought to adopt or which are, in other words, better than any other set of moral principles?' This itself is a value-question and part of Hare's answer, as we will see, is provided by the principle of universalizability<sup>12</sup>, but the other part of the answer, viz. why should we universalize our moral principles, is not answered directly. Hare does, however, suggest that there may be certain very general moral principles which are acceptable to most men, and in this, he seems to suggest the need for something resembling the traditional theory of natural law:

No doubt there are among these old principles certain very general ones, which will remain acceptable unless human nature and the state of the world undergo a most fundamental change.<sup>13</sup>

The logic of value-words is complex and this follows from the fact that they are 'Janus-faced' having both prescriptive and descriptive meaning. This can be seen from an analysis of the logical behaviour of the word 'good'. When we use the word 'good', we are not

only describing something; we are also commending: we are telling our hearers to choose, ceteris paribus, that to which we apply the word 'good'. The difference between a value-term and a descriptive term can be isolated by devising an artificial word, 'doog', equivalent to the descriptive meaning of our English word 'good' but without its prescriptive meaning. 'Doog', when attributed to an object of whatever class, would be equivalent to saying that that object possesses certain characteristics. For example, a 'doog' man would be a man exemplifying certain characteristics (which we will have specified), and because 'doog' is not prescriptive, we could no longer use it to commend, whereas 'good' is used to commend, i.e. a 'good' man is not only one possessing certain characteristics, but also one whom we should imitate.<sup>14</sup> To clarify the descriptive facet of 'good', Hare discusses what he calls the 'supervenient' or 'consequential' character of that word. If, for example, we are looking at two pictures which are, for our purposes, identical, i.e. painted by the same artist, of the same subject, having the same colour scheme etc., we could not say of the one 'A is a good painting' and then refuse to say 'B is a good painting'. Goodness is not something over and above the good-making characteristics. This is not to say, however, that a particular set of characteristics entail, in the strict logical sense, a thing being good, but only that once we have established a certain standard, then we are not entitled to call one object which meets with that standard 'good', and refuse to apply it to a second

object meeting the same standard. Naturalistic theories in ethics fail because they maintain that a certain set of characteristics entail a thing being good:

And so a natural response to the discovery that 'good' behaves as it does, is to suspect that there is a set of characteristics which together entail a thing being good, and to set out to discover what these characteristics are. This is the genesis of ethical theories which Professor Moore called 'naturalist' -- an unfortunate term, for as Moore says himself, substantially the same fallacy may be committed by choosing metaphysical or suprasensible characteristics for this purpose. Talking about the supernatural is no prophylactic against 'naturalism'.<sup>15</sup>

Not only does a naturalist ethical system logically bind the application of 'good' to a particular set of characteristics, but, by doing so, it also eliminates the prescriptive meaning of 'good', and this presents a more serious difficulty as we have mentioned. If we mean by 'A is a good painting,' 'A possesses the good-making characteristics, G', then we could never use the sentence 'A is a good painting' to commend good paintings, for we have made it an analytic sentence. 'A is a good painting' means only 'A is G, i.e. possesses certain good-making characteristics,' and therefore, to say 'Any A which is G is good' means only 'Any A which is G is G'. This would greatly impoverish our language for it would eliminate the commendatory function of value-words which is their distinguishing characteristic, and it is not satisfactory because we do need tools for commending.

Because 'good' is a prescriptive term, we cannot define it solely in terms of a set of descriptive characteristics and thus the relationship between 'good' and the 'good-making characteristics' is not the strict logical one of entailment. But since we cannot have values without facts, there is some sort of relationship between facts

and values. That there is some such relationship can be shown from the fact that we can learn the meaning of 'good' without knowing the criteria for its application, i.e. the standards upon which its use is based for any given class of objects. That is to say, we can learn what the 'good-making characteristics' for any given class of objects are from the prescriptive meaning of 'good', and this would not be the case if there were no relationship between facts and values.<sup>16</sup> To illustrate this point, Hare describes a fictional game, smashmak, played with a thing called a shmakum. If the person describing the game to me knows the meaning of the word 'choose', and I can get him to say what kind of shmakum he would choose, I could apply the adjective 'good' to a shmakum before he has described one to me. If he were to say that he would choose a shmakum with which he could make the most smashes, I would infer that a good shmakum is one with which one can make the most smashes, and my inference would be solely on the fact that that is the shmakum that he would choose:

The paradoxical feature of this explanation is, that it is conducted with reference to a class of objects (shmakums) the criteria for the goodness of which I do not know. This shows that to explain the meaning of 'good' is quite different from explaining any of the various criteria for its application.<sup>17</sup>

For any given class of objects, to apply the adjective 'good' to any member of that class, is to commend that member, and that is to say in effect that that is the one that we would choose or use (Utilitarianism). The reason why the evaluative meaning of 'good', and of most value-words, is primary, and the descriptive meaning is secondary is, as Hare points out, twofold. First, the commendatory function of 'good' is the same for all classes of objects, meaning,

as we have seen, that, ceteris paribus, that object is the one that we would choose. Secondly, the evaluative meaning of 'good' can be used to alter its descriptive meaning. For example, if we consistently chose strawberries which were partially decayed, even though firm strawberries were available, then part of what we would mean by a 'good strawberry' is that it be partially decayed.

A value-judgment, i.e. a judgment using value-words, may stand in different relations to the standards to which it refers. It is in virtue of their descriptive force that value-judgments refer to standards, and these are standards which we ourselves have established, and the value-judgment indicates that an object meeting these standards is the one that we would choose.<sup>18</sup> If the standard is generally accepted, e.g., if most people prefer firm strawberries to partially decayed strawberries, the value-judgment expresses the speaker's adherence to it. If the hearer is not aware of the standard, then the value-judgment can be used to teach it to him. Or it may be the case that we are using a value-judgment to set up an entirely new standard. Because value-words have descriptive force they always refer to some standard, and if we accept the standard being referred to, we are indicating that we will use this standard to guide our choices.

Moral principles as opposed to principles used for choosing strawberries or shmakums are principles purporting to tell us how we ought to act, and they are principles "for the conduct of men as men"<sup>19</sup>, and it is this notion of men qua men that brings Hare close to the position of Aquinas. This is brought out when he analyzes

the descriptive force of 'ought' in two sentences, 'You ought to give a second dose' (said to a would-be poisoner) and 'You ought to tell the truth':

As we have seen (9.2) we cannot get out of being men; and therefore moral principles, which are principles for the conduct of men as men -- and not as poisoners or architects or batsmen -- cannot be accepted without having a potential bearing upon the way that we conduct ourselves.<sup>19</sup>

This is similar to the position of Aquinas who holds that in order to establish the principles governing the conduct of men as men, we must examine the 'ontological propensities' of human nature, and perhaps one of the ways of doing this is to examine the moral standards that men do, in fact, hold. Thus, value-words have prescriptive as well as descriptive meaning, and it is in virtue of their descriptive meaning that they refer to certain standards. Moral judgments, since they typically, but not always, use value-words such as 'good' and 'ought' are value-judgments and they therefore, presuppose certain standards. The standards themselves are set forth as general moral principles, and this brings us to the central question, 'Where do these standards or general moral principles come from?' We have seen how Hare hedges on the point that general moral principles are derived from a consideration of human nature, and for a good reason. If we say that general moral principles are deduced from certain observations about human nature, then we have made the almost imperceptible transition from is to ought. The main task of Freedom and Reason is to answer the question, 'Where do general moral principles come from?' without committing the logical fallacy of inferring an ought from an is.

Although, on the one hand, we cannot deduce moral judgments

from statements of fact as a naturalist ethics supposes, on the other hand, the making of moral judgments is a rational activity, and, therefore, moral judgments need not be arbitrary. On the one hand, the 'subjectivist' or 'emotivist' emphasizes man's freedom at the expense of his rationality and, on the other hand, the 'objectivist' or 'naturalist' emphasizes the rationality of morals at the expense of man's freedom. This antinomy "is the source of nearly all the central controversies of moral philosophy"<sup>20</sup> and it is the task of moral philosophy to resolve it. Three premisses must be kept in mind: (1) moral judgments are prescriptive, (2) moral judgments are distinguishable from other prescriptive judgments, e.g., singular imperatives, in virtue of their universalizability, and (3) there can be logical relations between prescriptive judgments.<sup>21</sup> Moral judgments also have descriptive meaning, and in The Language of Morals this was taken to mean that certain standards are presupposed when we make a moral judgment. Thus, if one says 'X is good', this means, among other things, that X possesses certain 'good-making characteristics', or if one says, 'I ought to do X', this presupposes a principle such as, 'Anyone, finding themselves in similar circumstances, ought to do X.' In Freedom and Reason, Hare discusses the descriptivity of moral judgments from another viewpoint.

He begins by asking what it is for a term to have descriptive meaning. One of the elements of descriptive meaning is the use of a term in accordance with some rule(s).<sup>22</sup> For example, the meaning-rule governing the use of the descriptive term, 'red', is roughly, that 'red' is applied to any object possessing the 'pertinent characteristic', and it cannot, therefore, be applied correctly to any object whatsoever.



What the 'pertinent characteristic' is can be learned in the end, if we wish to "exit from the maze of words"<sup>23</sup>, by means of an ostensive definition. A person would misuse the term 'red' if he applied it to an object which is black, meaning to convey that it is red. A descriptive judgment is one in which the predicate(s) is(are) a descriptive term(s)<sup>24</sup> and which is in the indicative mood. Because there are rules governing the use of descriptive terms, descriptive judgments are universalizable. If I say, 'This is red', then implicit in this particular judgment is the universal judgment, 'Anything, like this<sup>24</sup> one in the relevant aspect, is also red'. If I were confronted with two objects alike in the relevant aspect, and I were to say of the one, 'A is red' and of the other, 'B is not red', then I would be guilty of misusing the term 'red':

For the moment, however, let us merely observe that in an apparently trivial, but at any rate unobjectionable, sense, any singular descriptive judgement is universalizable: viz. in the sense that it commits the speaker to the further proposition that anything exactly like the subject of the first judgement, or like it in the relevant respects, possesses the property attributed to it in the first judgement.<sup>25</sup>

The universalizability of singular descriptive judgments follows from the fact that the meaning-rules governing the application of descriptive terms are general. Because value-terms are partially descriptive, moral judgments are also universalizable, and the difficulty we find in formulating the general rule governing a value-term is the same difficulty we experience when we try to formulate the general rule governing the use of a descriptive term.<sup>26</sup> In an evaluative judgment,<sup>27</sup> the meaning-rules governing the use of the evaluative terms are different, in some sense, from the meaning-rules governing the use of purely

descriptive terms. This is so because value-terms are "Janus-faced", as we have seen, unless we hold with the naturalist-descriptivist that they are only a kind of descriptive term, or with the non-naturalist that they are descriptive terms, but unique in that one cannot substitute other descriptive terms for them (they are sui generis). Because there are meaning-rules governing the use of value-terms, moral judgments are universalizable. If I say 'I ought to do X', then I am implying that anyone in like circumstances also 'ought' to do X. The universal rules governing the use of moral terms are "moral principles of substance"<sup>28</sup> but the thesis that moral judgments are universalizable is not, as Hare indicates, itself a moral principle but rather a logical principle, i.e. about the nature of general terms. Since this is the case, the principle of universalizability cannot assist us in determining which moral principles we should adopt:

Offences against the thesis of universalizability are logical, not moral. If a person says 'I ought to act in a certain way, but nobody else ought to act in that way in relevantly similar circumstances', then on my thesis, he is abusing the word 'ought'; he is implicitly contradicting himself. But the logical offence here lies in the conjunction of two moral judgments, not in either one of them by itself.<sup>29</sup>

The thesis of universalizability only forbids a man to make different moral judgments about actions which he considers similar. The principles that one ought always to act according to some universal rule or that one ought not to make exceptions in one's own case, if they are analytic, are other ways of stating the principle that moral judgments are universalizable. If they are synthetic, i.e. moral principles meant to guide our conduct, they are not the same as the logical doctrine of universalizability. Hare remarks that the principle of universal-

izability is the same as Kant's categorical imperative<sup>30</sup>, if Kant's thesis is interpreted as a logical one:

If Kant is interpreted as meaning that a man who says that he ought to act in a certain way, but says 'Let others not act in this same way', is guilty of an implicit contradiction, then the Kantian principle is a way of stating a consequence of the logical thesis of universalizability.<sup>31</sup>

The principle of universalizability is not, therefore, a sufficient criterion for verifying moral principles. That this is the case can be seen from a consideration of fanaticism, e.g. racial prejudice. A fanatic, for example, a Nazi, may hold that all Jews should be killed, and if he is consistent, he will allow this principle to be universalized so that, even if the roles were reversed, and he himself were a Jew, that he ought to be killed. His principle, 'All Jews ought to be killed', has been universalized, and so it meets the logical criterion of universalizability, and yet this is a principle that we might want to consider as one we should not adopt. It is in dealing with cases such as the Nazi that the need for something more than 'universal prescriptivism' is felt, and as I have mentioned, this 'something more' might be supplied by a natural law theory. Hare recognizes this himself:

Later, I shall try to show that, though the thesis is not a substantial moral principle but a logical one, and though, therefore, nothing moral follows from it by itself, it is capable of very powerful employment in moral argument when combined with other premisses.<sup>32</sup>

Later, we will have to see what these "other premisses" might be.

The thesis of universalizability does not mean that there must be certain very general moral principles, although there could be, which we can use to infer a particular moral judgment. If we analyze

any particular moral difficulty, we find that the solution is not always, indeed only rarely, obvious. Moral principles, of the very general sort we are talking about, do not always exist prior to a particular moral difficulty whose solution they are meant to provide. Hare uses Sartre's example of the young Frenchman torn between joining the Free French Forces or remaining at home to care for his widowed mother. The solution is not clear, but once we have decided what we ought to do, then we are making a decision of principle, and this implies that the principle we have decided upon has a bearing on cases outside the particular one we are trying to solve.<sup>33</sup> Secondly, the thesis of universalizability does not mean that the moral principle in question is accepted by all men in virtue of its universality, e.g. we do not all accept the principle, 'All Jews ought to be killed':

If he is the sort of universalist that I am, he will realize that our moral opinions are liable to change in the light of our experience and our discussion of moral questions with other people; therefore, if another person disagrees with us, what is called for is not the suppression of his opinions but the discussion of them, in the hope that, when he has told us the reasons for his, and we for ours, we may reach agreement.<sup>34</sup>

Universalizability, then, is a logical doctrine providing us with one sort of criterion for verifying moral judgments.

The principles of universalizability and prescriptivity are derived from an analysis of the logical properties of value-terms, and they are useful for settling moral disputes of a certain kind:

Thus ethics, the study of the logical properties of the moral words, remains morally neutral (its conclusions neither are substantial moral judgements, nor entail them, even in conjunction with factual premisses); its bearing upon moral questions lies in this, that it makes logically impossible certain combinations of moral and other prescriptions. Two people who are using the word 'ought' in the same way may yet disagree about what ought to be done in a certain sit-

uation, either because they differ about the facts, or because one or other of them lacks imagination, or because their different inclinations make one reject some singular prescription which the other can accept. For all that, ethics (i.e. the study of the logic of moral language) is an immensely powerful engine for producing moral agreement; for if two people are willing to use the moral word 'ought' and to use it in the same way (viz. the way that I have been describing), the other possible sources of moral disagreement are eliminable.<sup>35</sup>

The following cases illustrate the way in which the principles of universalizability and prescriptivity can be used effectively in moral disputes<sup>36</sup>. If a man refrains altogether from making moral judgments, or if he makes none but judgments of indifference, there is no argument we can use, based on the two logical theses, that could alter such a man's views, for, as Hare puts it, if a man will not make a move in a game of chess, we cannot play the game with him:

Such a person is not entering the arena of moral dispute, and therefore it is impossible to contest with him.<sup>37</sup>

If a man differentiates between his own case and others, or if he makes no moral judgments at all with regard to some of his own actions and those of other people, but makes moral judgments in the normal way about others, we are entitled to ask on what principle he differentiates between his own case and others, or between some of his actions and others, and this "is a particular application of the demand for universalizability":

He must either produce (or at least admit the existence of) some principle which makes him hold different moral opinions about apparently similar cases, or else admit that the judgments he is making are not moral ones. But in the latter case, he is in the same position, in the present dispute, as the man who will not make any moral judgements at all; he has resigned from the contest.<sup>38</sup>

Another way of utilizing the principle of universalizability in moral

disputes is by means of the hypothetical case. If a certain person is about to act on a particular moral principle, then we can ask whether or not he would be willing to have someone act towards him, if the roles were reversed, according to the same principle. The point is not that we are deducing a particular moral principle from a person's inclinations to act in a certain way, but rather, that if he is unwilling to universalize his practical maxim, then he is misusing the word 'ought':

It is not a question of a factual statement about a person's inclinations being inconsistent with a moral judgement; rather, his inclinations being what they are, he cannot assent sincerely to a certain singular prescription, and if he cannot do this, he cannot assent to a certain universal prescription which entails it, when conjoined with factual statements about the circumstances whose truth he admits. Because of this entailment, if he assented to the factual statement and to the universal prescription, but refused (as he must, his inclinations being what they are) to assent to the singular prescription, he would be guilty of a logical inconsistency.<sup>39</sup>

So far Hare has succeeded in showing us how to win moral arguments on logical grounds alone, but the difficult cases of moral dispute in which our opponent is acting upon a moral principle which we cannot accept, e.g., 'All Jews ought to be killed', cannot be settled on logical grounds alone.

We are still left with the problem of verifying the 'content' of a moral principle, i.e. a way of determining whether or not any specific moral principle ought to be adopted or rejected. As we have seen, Hare, in attempting to resolve this problem, comes close to the natural law, i.e. certain moral principles are incompatible with human nature. We can, states Aquinas, derive certain general moral

principles from a consideration of certain facts. He does not see an impassable gulf between fact and value:

Now a certain order is to be found in those things that are apprehended by men. For that which first falls under apprehension is being, the understanding of which is included in all things whatsoever a man apprehends. Therefore the first indemonstrable principle is that the same thing cannot be affirmed and denied at the same time, which is based on the notion of being and not-being: and on this principle all others are based, as is stated in Metaphysics IV. Now as being is the first thing that falls under the apprehension absolutely, so good is the first thing that falls under the apprehension of the practical reason, which is directed to action (since every agent acts for an end, which has the nature of good). Consequently, the first principle in the practical reason is one founded on the nature of good, viz., that good is that which all things seek after. Hence this is the first precept of law, that good is to be done and promoted, and evil is to be avoided. All other precepts of the natural law are based upon this; so that all the things which the practical reason naturally apprehends as man's good belong to the precepts of the natural law under the form of things to be done or avoided. 40

Although the direction of Hare's thought is towards a natural law, he is unable to state explicitly that he holds such a view because he has accepted the criticism against the "Naturalistic Fallacy". But he does come close to it on occasion:

People's inclinations about most of the important matters in life tend to be the same (very few people, for example, like being starved or run over by motor-cars); and, even, when they are not, there is a way of generalizing the argument ... which enables us to make allowance for differences in inclinations.<sup>41</sup>

The major difficulty with a natural law theory is that it seems to fall within that class of ethical theories described as 'naturalism':

The method of naturalism is to characterize the meanings of the moral terms that, given certain factual premisses, not themselves moral judgments, moral conclusions can be deduced from them.<sup>42</sup>

Whether or not the natural law, as Aquinas understood it, does embody

this logical fallacy is another question (it may be the case that fact and value coincide). Hare, however, does look upon the natural law as a type of naturalism<sup>43</sup>, and he suggests a way out of the Humean cul-de-sac. His suggestion is that we describe the logical relationship between facts and values in some other, less rigorous, way:

It may be that moral reasoning is not, typically, any kind of 'straight-line' or 'linear' reasoning from premisses to conclusion.<sup>44</sup>

Moral reasoning is analogous to the sort of reasoning a scientist does when he suggests an hypothesis. Although we cannot deduce (and this 'cannot' is a logical one) moral principles in the way that naturalism indicates, perhaps a consideration of man's "nature" or "inclinations" can lead us to formulate certain moral principles as hypotheses in much the same way, as Popper remarks, scientists formulate scientific hypotheses. We would then see whether or not, using the criteria of universalizability and prescriptivity, we can accept the conclusions entailed by the moral principle in question:

I want to suggest that it (i.e. moral reasoning) too is a kind of exploration, and not a kind of linear inference, and that the only inferences which take place in it are deductive. What we are doing in moral reasoning is to look for moral judgments and moral principles which, when we have considered their logical consequences and the facts of the case, we can still accept.<sup>45</sup>

Hare wishes to ground moral principles on something more than the "logical framework provided by the meaning of the word 'ought' (i.e. prescriptivity and universalizability)"<sup>46</sup> while at the same time, he wishes to circumvent the "Naturalistic Fallacy". He has suggested one way of avoiding the logical error of inferring values from facts



with his discussion of moral reasoning as a type of 'non-linear' reasoning, and this is a suggestion which will have to be considered more carefully later.

It is difficult to see on what grounds one can distinguish Hare's ethics from a "situation ethics":

Situation ethics goes part of the way with natural law, by accepting reason as the instrument of moral judgment, while rejecting the notion that good is "given" in the nature of things objectively.<sup>47</sup>

It is necessary to insist that situation ethics is willing to make full and respectful use of principles, to be treated as maxims but not as laws or precepts. We might call it "principled relativism". To repeat the term used above, principles or maxims or general rules are illuminators. But they are not directors.<sup>48</sup>

There are usually two rules of reason used in moral inquiry. One is "internal consistency", and nobody has any quarrel with it -- a proposition ought not to contradict itself. The other is "external consistency" (analogy), the principle that what applies in one case should apply in all similar cases. It is around this second canon that the differences arise. Antinomians reject analogy altogether, with their doctrine of radical particularity. Situationists ask, very seriously, if there are ever enough cases enough alike to validate a law or to support anything more than a cautious generalization.<sup>49</sup>

Yet, Hare does not wish to accept a "situation ethics":

Another, and less laudable, way of achieving generality in our moral principles is to treat them as a set of general maxims to which, in some sense (perhaps only verbally) we subscribe; we may as often as not, in our particular moral judgements, depart from them, but they form the background of our moral thinking (its mythology, we might almost say). Perhaps, though, a man whose moral 'principles' are like this is freed from the charge of hypocrisy (at the cost of incurring another charge of woolly thinking) by the fact that his principles are expressed in very vague terms, so that by judicious interpretation of them he can square his set of moral principles as a whole with any moral judgement that he finds himself making. As a practical guide to action such a set of principles has small value, because, at any rate in difficult cases, a wide variety of actions can be called conformable to them.<sup>50</sup>

The important questions, such as, 'Where do we derive moral principles from ultimately?' and 'Is any one set of moral principles which I choose to adopt better than any other set?', must be answered if we wish to be able to argue against someone who has adopted a moral principle which we consider ought not to be adopted, and these are questions which cannot be tackled merely by stating the logical requirements of moral language. Surely it would seem that the principle 'All Jews ought to be killed', even if the person who utters it is willing that it be universalized, ought not to be adopted. It is here that Hare runs into difficulties, and it is here that he differs from Aquinas:

Where Aquinas and Hare differ, of course, is in the account of that major. For both of them, "Stealing is wrong" will not serve as a "given" initial premiss; some further argument is needed to establish that, and this will require a new major. For St. Thomas, there are a number of general moral principles which, as we shall soon see him hold, are readily grasped by all adults, so that all men begin moral arguments from common premisses. But for Hare, each man is forced back to a number of principles which he simply chooses for himself. Though Hare will maintain, quite consistently, that it is a function of value-judgements to guide choices, none the less one's first value-judgements are a matter of choice. This choice is not the recognition of several principles which are in some way self-evident; it is an individual decision to base one's conduct on these values rather than those, not capriciously made, but in the context of "a complete specification of the way of life of which it is a part". In practice, Hare thinks, such a complete specification cannot be given, the best attempts to do so having been made by the great religions. Still, if one imagines it to have been given, and an inquirer persists in asking "But why should I live like that?": "We can only ask him to make up his own mind which way he ought to live; for in the end everything rests upon such a decision of principle."<sup>51</sup>

Hare has been led to this position by allowing himself to become overwhelmed by the logical point first made by Hume. For Thomas

Aquinas, the first principles of morals are not a matter of choice, but are based on a consideration of the natural inclinations of man, and in places, as we have seen, Hare tends to agree with him:

The principles given by synderesis are rather like axioms from which, theorem-like, moral precepts are deduced with greater or less facility. But here we must be careful. For Aquinas at least, the first moral principles are like the axioms only in their logical primacy -- not in the way that they are self-evident. They are not analytic propositions seen to be true simply by studying the meaning of their subject and predicate. In St. Thomas' theory, the clue to the evidence of the ethical "axioms" lies in natural inclination. A full-scale study of his theory would have to work this out thoroughly, showing just what it is that St. Thomas means by "natural inclination": not the psychological impulses of this or that individual, but the ontological propensities or tendencies of human nature in general. ... Here it is enough to distinguish St. Thomas' view from those ethical theories which Hare calls "Cartesian", which try to deduce particular duties from some self-evident first principle; a procedure which he thinks (as would St. Thomas) as illusory in morals as it is in science. The Thomist first principles are immediately evident in some sense, since they are to be the premisses from which moral syllogisms begin; but not in the sense that they are analytic. They are evident only in the sense that a person who reflects upon his nature will soon see that certain things are good for him and certain things are bad. .... all those things towards which human nature has a natural inclination are recognized by the practical reason as good. The propositions that express these are not immediate, therefore, in the sense that the subject is a portmanteau term in the course of whose unpacking the predicate will emerge. They are immediate in the sense that they have no logical intermediary, no middle term by means of which the predicate is inferred to belong to the subject; this is seen by means of reflecting on one's natural inclinations.<sup>52</sup>

The view that moral principles can be given content by a consideration of the inclinations of the majority of men (not the Thomistic position) is Utilitarianism:

The substance of the moral judgements of a utilitarian comes from a consideration of the substantial inclinations and interests that people actually have, together with the formal requirement that the prescriptions which they prompt have to be universalizable before moral judgements can be made out of them.<sup>53</sup>

And, although Hare recognizes the difficulties inherent in Utilitarianism, he allies himself with that particular ethical system because he feels the need for some way of grounding moral principles:

The kind of argument which I have been recommending is rather a kind of exploration. We are to go about looking for moral judgements which we can both accept for our own conduct and universalize to cover the conduct of other actual or hypothetical people. What prevents us from accepting certain moral judgements which are perfectly formulable in the language is not logic alone, but the fact that they have certain logical consequences which we cannot accept -- namely certain singular prescriptions to other people in hypothetical situations. And the 'cannot' here is not a logical 'cannot'. It would not be self-contradictory to accept these prescriptions; but all the same we cannot accept them except on one condition which is most unlikely to be fulfilled -- namely that we should become what I have called 'fanatics'.<sup>54</sup>

What circumscribes the moral prescriptions that the non-fanatics can accept is, on my theory, not (as is the case with naturalism) a verbal restriction on the content of moral judgements; it is rather the desires and inclinations of the human race (my italics). On my view, there is absolutely no content for a moral prescription that is ruled out by logic or by the definition of terms. Another feature of my position, allied to this one, is that there is no statement of fact that a moral prescription, taken singly, can be inconsistent with other prescriptions, or with prescriptions of other kinds.<sup>55</sup>

There are three aspects to moral reasoning according to Hare:

(1) moral judgments are prescriptive, i.e., they are meant to guide our conduct, (2) moral judgments, because they are partially descriptive, i.e. presuppose certain standard(s), are universalizable, and (3) the standards we adopt are a matter of choice. The difference between Aquinas and Hare is found in (3), and, as we have seen, Hare himself has difficulty over this third point. If the standards we adopt are merely a matter of choice, then we cannot deal with moral disagreement on a rational level, and it does not help to say that the fanatic is not entering the arena of moral dispute, and therefore,

we should not mind if we cannot argue with him. A more serious criticism of (3) is that since our decisions, if they are to be rational, and not arbitrary, must be made according to some principle, then we may ask, 'What principle(s) guides us when we are trying to decide which standards we are going to adopt?'. Hare does not answer this question although he leans in the direction of the answer given by Utilitarianism. He does not whole-heartedly accept the position of the natural law proponents, and his objection to it is based on a logical point, viz. one cannot derive moral imperatives from statements of facts. On the other hand, Hare does suggest a way out of this logical difficulty when he remarks that moral reasoning is a kind of non-linear reasoning analogous to the kind of thinking a scientist does when he establishes an hypothesis. The conclusion is clear: Hare is not completely satisfied with logical criteria, and yet, he is not certain as to how one can overcome the "Naturalistic Fallacy". Logical considerations by themselves are not enough, for we must find a way of answering the question, 'On what are the first principles of morals grounded?'. There is one avenue open to us, and it has been suggested by D'Arcy. The ethical 'axioms' or first principles of morals are derived, in some sense, from a consideration of the inclinations of man and "not the psychological impulses of this or that individual, but the ontological tendencies or propensities of human nature in general".<sup>56</sup> We are, then, faced with the "Naturalistic Fallacy" and there seem to be two alternatives here. First, we can accept the logical point in question, and then go on to show that moral reasoning is non-linear or we can circumvent the logical

criticism by saying that when we derive first principles from an analysis of the "ontological tendencies or propensities of human nature in general", we are not deducing, in the strict logical sense, imperatives from facts, but rather recognizing that certain moral principles are compatible with our human nature, and certain others incompatible. In other words, by accepting the latter alternative, we are saying that there is no rigid dichotomy between fact and value, and this is the position of Aquinas. It remains to be seen which of these alternatives is the more viable.

## CHAPTER II

The refusal of some modern ethical thinkers, e.g. R. M. Hare, C. L. Stevenson, P.H. Nowell-Smith, to account for the first principles of morals is evident from an examination of their works. They have been primarily concerned with the logical properties of moral language, and the interrelatedness of moral concepts. Such work is extremely valuable and has shed light on many ethical problems, but it does not answer the fundamental question of ethics, 'Where do the first principles of morals come from?'. Overwhelmed by Hume's observation that many writers on the subject of morals more often than not make the transition from statements of fact to moral imperatives without explanation, and by G. E. Moore's utilization of this observation in his attack on what he dubbed the "Naturalistic Fallacy", Hare and Nowell-Smith both conclude that the first principles of morals are matters of choice:

If the inquirer still goes on asking 'But why should I live like that?' then there is no further answer to give him, because we have already, ex hypothesi, said everything that could be included in this further answer. We can only ask him to make up his own mind which way he ought to live; for in the end everything rests upon such a decision of principle.<sup>1</sup>

My purpose has been the less ambitious one of showing how the concepts that we use in practical discourse, in deciding, choosing, advising, appraising, praising and blaming, and selecting and rejecting moral principles are related to each other. The question 'What shall I do?' and 'What moral principles should I adopt?' must be answered by each man for himself; that at least is part of the connotation of the word 'moral'.<sup>2</sup>

C. L. Stevenson's position on this matter is basically the same, as can be seen from the following passage:

Suppose that a theorist should tabulate the "valid" inferences

from R's to E's.<sup>3</sup> It is difficult to see how he could be doing anything more than specify what R's he thereby resolves to accept as supporting the various E's. He would maintain, "The inferences from these R's to these corresponding E's are valid because if the R's are true, the E's will be true." Now "true", as he predicates it of any E, will only testify (for the nonscientific sense in question) to the attitudes that lead him to maintain E; hence his recognition of any R as "validly" leading to the E will reflect the sort of consideration (R) that has a potential bearing on his attitudes. Under the name of "validity" he will be selecting those inferences to which he is psychologically disposed to give assent, and perhaps inducing others to give a similar assent to them. This might be of interest, but would seem to be different from the more impersonal study in which students of validity in science and logic -- so at least they usually insist -- are engaged.<sup>4</sup>

The conclusion that our first moral principles are a matter of choice in the sense of 'arbitrariness' or of 'psychological disposition', since they cannot be derived from statements of fact according to these men, is open to criticism. P. Foot does criticize<sup>5</sup> the fact-value dichotomy and her criticisms will be examined in greater detail later in this Chapter. The moral cul-de-sac into which these moral linguists have worked themselves has been well described by J. H. Jacques<sup>6</sup>:

Their concern is with the structure and interconnection of those judgements rather than with what the judgements say. In this sense, their work in addition to being descriptive is also formal. Like logicians they are concerned with the form and interrelatedness of these ethical statements rather than with their content. It is up to people to put their own content into the forms. It is good to have had our attention drawn to the forms of these ethical statements in this way. But it simply will not do to stop there. How do we give content to these statements? "That", says the linguistic moralist, "is up to you." But this is perhaps the most important question of all, for upon the content of our ethical judgements the whole pattern of our behaviour depends.

It is not my purpose to criticize the rigorous work which men like Hare, Nowell-Smith, and Stevenson have put into their considerations of the logic of moral language, but rather to point out the short-



comings of ethics conceived as the study of the logical properties of moral language. This work is peripheral to resolving the central problem of ethics which I have expressed in the sentence, 'Where do the first principles of morals come from?', or, in other words, 'How do we give content to moral principles?'. The theory of natural law is an attempt to give content to moral principles.

The elements which go to make up the theory of natural law can be traced back to the ancient Greek and Roman philosophers<sup>7</sup>, and its importance for jurisprudence can be seen from the fact that it is the foundation of Roman law; one of the world's great systems of law.<sup>8</sup> Cicero presents a classic formulation of the natural law theory:

True law is right reason in agreement with Nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrong-doing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect on the wicked. It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and for all times ...<sup>9</sup>

That this view of the natural law has not changed substantially can be seen from this statement by a more recent writer on the subject:

Fundamentally, the idea of natural law (also traditionally called the unwritten law) is based on a belief that there exists a moral order which every normal person can discover by using his reason and of which he must take account if he is to attune himself to his necessary ends as a human being. Three propositions, then, are included in the definition: 1) there is a nature common to all men -- something uniquely human makes all of us men rather than either beasts or angels; 2) because that "something" is rationality, we are capable of

learning what the general ends of human nature are; and 3) by taking thought we can relate our moral choices to these ends.<sup>10</sup>

I will examine (1) the theory of the natural law as expressed by Thomas Aquinas, (2) the criticism that the natural law theory commits the "Naturalistic Fallacy", and finally, (3) make some criticisms of (2). My reason for selecting Thomas Aquinas' account of the natural law is twofold: (1) Aquinas gives a systematic account of the natural law, and (2) it is far easier to concentrate on the philosophical problems connected with the theory of natural law by examining one well-formulated statement of it, rather than trying to piece the theory together by historical exegesis.

A useful place to begin with a description of Aquinas' account of the natural law is with his contribution to the mediaeval debate over synderesis.<sup>11</sup> This debate took place within the accepted framework of mediaeval rational psychology, which was that branch of philosophy concerned with the human soul, its division into different faculties or powers, and the functioning of those faculties. Some of what the mediaeval philosopher studied under the heading, 'Rational Psychology', has passed into modern philosophy under the heading, 'Philosophy of Mind', and a large portion of it to psychology. It will be helpful, therefore, to clear up some of the difficulties involved in the use of mediaeval terms drawn from rational psychology. The methodological canon governing the mediaeval division of the soul into faculties and habits was the Scholastic thesis that distinct operations of the soul require different faculties or habits<sup>12</sup>, and their procedure was that of inferring from various psychological

phenomena, viz. thinking, wishing, intending, willing, remembering, etc., mental structures to explain them. This is alien to modern philosophers who prefer to analyze the various mental activities themselves, and the logical properties of the terms used to express them, while leaving the postulation of mental structures to the psychologists. The judgements of the intellect are of two kinds: (1) those meant to guide our actions (as Aristotle puts it, the conclusion of the practical syllogism will normally be an action, if it is within our psychological and physical power to do it)<sup>13</sup>, and (2) those which are not. Consequently, Aquinas distinguishes two aspects of the intellect corresponding to these two different kinds of judgement:

The speculative and practical intellects are not distinct powers ... . Now, to a thing apprehended by the intellect, it is accidental whether it be directed to operation or not; but it is according to this that the speculative and practical intellects differ. For it is the speculative intellect which directs what it apprehends, not to operation, but to the sole consideration of the truth; while the practical intellect is that which directs what it apprehends to operation. And this is what the Philosopher says, namely, that the speculative differs from the practical in its end. Whence each is named from its end: the one speculative, the other practical -- i.e. operative.<sup>14</sup>

The term, 'practical reason', occurs often in Aquinas' discussion of ethics, and it does not denote a distinct faculty of the soul, but rather, it refers to the kind of judgement generated by the intellect. Another term which Aquinas uses is habitus, and as D'Arcy remarks,<sup>15</sup> it is a difficult term to render in English. He suggests the word 'skill' as a reasonable translation, with the caveat that we understand it as something abiding rather than transient, giving as examples, such

'skills' as understanding a language and knowing how to speak it. 'Skill' also conveys "the note of, not bare capability, but facility and readiness in performance".<sup>15</sup> According to the mediaeval philosophers, a habitus is distinguished from a faculty in that although there is a formal distinction between, say, an act of willing, and an act of remembering, there is no such distinction between acts performed by means of a habitus and acts not so performed; the difference is one of performance rather than kind. An example is the difference between the performance of a skilled automobile driver and an unskilled one, or a skilled linguist and an unskilled one. There is a further distinction which is relevant here, and that is the distinction made between an 'acquired' habitus and an 'innate' or 'natural' habitus. An 'acquired' habitus, as the adjective suggests, is one that we acquire by the repetition of an act, and it is similar in meaning to the English word, 'habit' and its cognates, as when we say, 'He is an habitual drinker'. An 'innate' habitus, however, is not acquired solely by repetition of an act, although it is a disposition to act readily and with facility. Aquinas says of an innate habitus that it owes its existence "partly to nature and partly to some extrinsic principle"<sup>16</sup>, and by this he means that although an innate habitus is not a faculty, any particular innate habitus, such as the understanding of first principles requires as its subject a faculty, which in this example, is the speculative intellect. Aristotle makes a similar distinction when he speaks of 'moral' virtues as opposed to 'intellectual' virtues.<sup>17</sup> Here are Aquinas' words on the matter:

There are, therefore, in man certain natural habits, owing their existence partly to nature, and partly to some extrinsic principle. They exist in one way, indeed, in the apprehensive powers; in another, in the appetitive powers. For in the apprehensive powers there may be a natural habit by way of beginning, both in respect of the specific nature and in respect of the individual nature. This happens with regard to the specific nature, on the part of the soul itself. Thus the understanding of principles is called a natural habit. For it is owing to the very nature of the intellectual soul that man, having once grasped what is a whole and what is a part, should at once perceive that every whole is larger than its part. And the same is the case in like manner with regard to other such instances. Yet what is a whole, and what is a part, this he cannot know except through the intelligible species which he has received from phantasms.<sup>18</sup>

Having detailed some of the terminological matters, we may proceed to examine synderesis.

In order to understand what Aquinas means by synderesis, let us examine a moral principle, 'Murder is wrong'. This principle, as was pointed out earlier, is analytically true, since 'murder' is, by definition, an act of killing which is wrong. Since the truth of an analytic principle is self-evident, and because the mind operates in a different fashion when it 'sees' the truth of an analytic principle, than when it verifies a synthetic principle, Aquinas holds that there is a distinct mental structure by means of which we 'see' the truth of an analytic principle in the practical order. This mental structure is synderesis, and by means of it we readily grasp the truth of the first principles of morals, e.g. 'Murder is wrong'. Such analytic principles are the "indemonstrable principles" from which the chain of reasoning begins:

Synderesis is not a power, but a habit. ... In order to make this question clear, we must observe, as we have said above, that man's act of reasoning, since it is a kind of movement from the understanding of certain things (namely, those which are naturally known without any investigation on the part of reason)

as from an immovable principle; it also terminates in the understanding, inasmuch as, by means of those naturally known principles, we judge of those things which we have discovered by reasoning. Now it is clear that, as the speculative reason reasons about speculative matters, so the practical reason reasons about practical matters. Therefore we must be naturally endowed with not only speculative principles but also practical principles. Now the first speculative principles bestowed on us by nature do not belong to a special power, but to a special habit, which is called the understanding of principles, as the Philosopher explains. Hence, the first practical principles, bestowed on us by nature, do not belong to a special power, but to a special habit, which we call synderesis. Whence synderesis is said to incline to good, and to murmur at evil, inasmuch as through first principles we proceed to discover, and judge of what we have discovered.<sup>19</sup>

Synderesis, then, is an innate habitus by means of which we readily grasp the first principles of morals, and if we were to eliminate mediaeval terminology, we could say that the mind grasps the truth of analytic principles without a logical intermediary, i.e. in virtue of the definition of terms.

The first difficulty which must be resolved is the claim that "the precepts of the natural law are to the practical reason what the first principles of demonstration are to the speculative reason, because both are self-evident principles."<sup>20</sup> I pointed out earlier that 'self-evidence' is an elusive concept, particularly when applied to moral principles. I argued that moral principles, since they cannot be analytic if they are meant to guide our conduct, cannot be self-evident, and yet, moral principles, e.g. 'Murder is wrong' are self-evident. An analytic principle, e.g. 'Murder is wrong' becomes a moral principle only when it has been given 'content'; in other words, 'Murder is wrong', can only become a moral principle when we have determined which acts of killing are wrong. Although synderesis, according to the mediaeval philosophers, is an innate habitus by means of which the mind

grasps the truth of analytic principles in the practical order, these principles are given 'content' by reflection on the 'ontological propensities' of human nature:

Moral principles are not a number of theorems rigidly deduced from a single axiom; they are the product of rational reflection on our natural inclinations. Of course, Aquinas does not mean that synderesis presents us with a number of cut-and-dried statements which we can chant at will as a schoolboy recites Newton's three laws of motion; rather, it refers to the ability to recognize or elicit the truth and falsity of general ethical propositions when confronted with them, and make sound moral judgements which could not have been made if those initial principles were not available in readily manipulable form.<sup>21</sup>

It is clear from the texts of Aquinas that he never rigidly separated 'fact' from 'value', and so his approach has been called the 'ontological approach' because it welds together the realms of fact and value:

The ontological approach welds together being and oughtness, and maintains that the very notion of natural law stands and falls on that identification.<sup>22</sup>

There is no denying that St. Thomas Aquinas' doctrine of natural law still represents the most carefully thought out presentation of the ontological view, the most complete and thoroughgoing development both of its assumptions and implications.<sup>23</sup>

The cement which welds together fact and value is found in Aquinas' concept of 'good', which leads him to propose the first candidate for the natural law:

Now a certain order is to be found in those things that are apprehended by men. For that which first falls under apprehension is being, the understanding of which is included in all things whatsoever a man apprehends. Therefore the first indemonstrable principle is that the same thing can not be affirmed and denied at the same time, which is based on the notion of being and not-being: and on this principle all others are based, as is stated in Meta. IV. Now as being is the first thing that falls under apprehension absolutely, so good is the first thing that falls under the apprehension of the

practical reason, which is directed to action (since every agent acts for an end, which has the nature of good). Consequently, the first principle in the practical reason is one founded on the nature of good, viz., that good is that which all things seek after. Hence this is the first precept of law, that good is to be done and promoted, and evil is to be avoided. All other precepts of the natural law are based upon this; so that all the things which the practical reason naturally apprehends as man's good belong to the precepts of the natural law under the form of things to be done or avoided.<sup>24</sup>

'Good is to be done and promoted, and evil avoided', Aquinas remarks, is the first precept of the natural law, and therefore, the first principle enunciated by synderesis. If it is meant as a general moral principle of substance, from which, along with a factual minor premiss, we can deduce a particular moral judgment, it becomes evident that it cannot be used as a major premiss in any practical syllogism, since the analytic principle, 'Good is to be done and promoted, and evil avoided', cannot tell us whether the act described in the minor premiss is in fact 'good', and therefore, to be 'done', or 'evil' and therefore, to be 'avoided'. This first precept of the natural law states a formal requirement of all moral language, viz. its prescriptivity, i.e. it says that if something is 'good' it ought to be done, and, as Hare suggests, "I find it much more credible to say that the only kind of necessity here is a logical necessity; in so far as, and in the sense that, it is true at all that everything seeks the good, it is true in virtue of the meanings of 'good' and 'seek'."<sup>25</sup> 'Good is to be done and promoted and evil avoided' is an analytic principle, analogous to the principle of non-contradiction in the speculative order, and it governs all our moral reasoning:

We are led, then, to reject the candidature of "Good should be done and evil shunned" as the major of a practical syllogism provided by synderesis. What, then, is its role? It seems to be a purely formal principle, providing the rule that governs all our moral reasoning, rather than its universal



premiss. For, though analytic and necessary, it is by no means meaningless. It can be quite meaningfully translated, "It makes no sense to say, 'X is good, but do not desire or pursue X'. It is therefore in similar logical case in the practical order to the principle of non-contradiction in the speculative; each is a purely formal principle.<sup>26</sup>

A difficulty which we must discuss occurs in Aquinas' statement that "all other precepts of the natural law are based upon this". This could only mean, since an analytic principle cannot provide us with synthetic moral principles meant to guide our actions that it is a principle governing all our moral reasoning; 'based upon' cannot mean 'logically entail':

In his metaphysical writings he often speaks of "referring" self-evident principles to the principle of non-contradiction, or says that they are all "founded" upon it. But it is a mistake to think that he is claiming they are all deduced from it; he is merely saying that to deny these propositions will involve one in contradiction. The principle of non-contradiction is the formal principle that governs all our speculative reasoning. I think the same is true of the principle "Good should be done and evil avoided" in St. Thomas' ethical system. Of it he uses the same phrases; more particular moral precepts are "founded" on it, or "referred" to it. It is self-evident in the strict sense; if someone says "X is good", it is nonsense to agree that it is, and to ask whether it is something that should be desired or pursued. This is the principle that runs through and controls all our moral reasoning; but it is not the initial premise from which all the rest are deduced.<sup>27</sup>

Thus, from 'Good is to be done and promoted, and evil avoided', one cannot deduce, 'Stealing is wrong', or 'Adultery is wrong', etc., for the first precept of the natural law is a logical thesis governing the logic of our moral language, telling us only that once we know that a particular act is 'good', then it should be performed, so that it would be odd to claim that an act is 'good', and then to ask, 'But ought I to do it?'. By establishing the prescriptivity of moral language, one precludes the possibility of inserting a logical wedge

between 'X is good' and 'Ought I to perform it?'. The first principle of the natural law, then, is an analytic principle, but Aquinas also claims that there are other principles belonging to the natural law which are not only 'self-evident', but also have 'content'. They are made true in the process of being given 'content' by reflection on certain ontological structures of man. As substance, Aquinas remarks, man has a fundamental inclination towards self-preservation; as a living substance, man has a fundamental inclination towards preservation of his kind, and finally, as a rational substance, man has a fundamental desire to know:

Since, however, good has the nature of an end, and evil, the nature of the contrary, hence it is that all those things to which man has a natural inclination are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries are evil, and objects of avoidance. Therefore, the order of the precepts of the natural law is according to the order of natural inclinations. For there is in man, first of all, an inclination to good in accordance with the nature which he has in common with all substances, inasmuch namely, as every substance seeks the preservation of its own being, according to its nature; and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals; and in virtue of this inclination, those things are said to belong to the natural law which nature has taught to all animals, such as sexual intercourse, the education of offspring and so forth. Thirdly, there is in man an inclination to good according to the nature of his reason, which nature is proper to him. Thus man has a natural inclination to know the truth about God, and to live in society; and in this respect, whatever pertains to this inclination belongs to the natural law: e.g., to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.<sup>28</sup>

We must now examine the claim that the first principles of morals are made true by being given 'content'. A moral principle must have 'content' so that we can apply it to factual situations, e.g. the

principle, 'Murder is wrong' has 'content' if, and only if, we have specified those acts of killing which are to be considered 'murder'. Not all analytic principles are made true by being given 'content'. For example, 'Man is rational' is analytically true, but can be shown to be experientially false, viz. if we point to an offspring of human parents, who, because of a deformed brain, is not 'rational'. The problem, then, is 'How can an analytic principle, e.g. 'Murder is wrong', be made true by being given 'content'?'. Unless we are Intuitionists, who hold that 'wrongness' is a non-natural property of certain kinds of acts, then we must establish a criterion by means of which moral principles can be given 'content'. According to the natural law theory, moral principles are given 'content' by reflection upon certain basic human inclinations -- not inclinations in the sense of this or that individual's desires or whims, but in the sense of certain propensities of human nature itself. By claiming that moral principles are founded upon factual considerations, Aquinas is claiming that certain facts will, and certain facts will not, count as evidence for them and "that a man can no more decide for himself what is evidence for rightness and wrongness than he can decide what is evidence for monetary inflation or a tumour on the brain."<sup>29</sup> Although Aquinas sometimes speaks as if all the precepts of the natural law were self-evident in the sense in which an analytic principle is self-evident, he cannot mean that the first principles of morals are purely analytic principles, for moral principles must have 'content' if they are to be used to guide our conduct. If he does hold this, then he is guilty of attributing a property of one category of judgments to another altogether dissimilar

category of judgments. But even if we grant that the first principles of morals, the 'common precepts of the natural law', are given 'content' by reflection upon certain facts of human nature, we are faced with a more crucial problem, for Aquinas, critics of the natural law will say, commits the "Naturalistic Fallacy".

The heart of the matter is, then, whether or not one can deduce moral imperatives from statements of fact: "Moore is arguing that when we say that the moral judgement, "This course of action is right" means the same as, "This course of action is an expression of the true nature of man", we are falling into exactly the same naturalist fallacy as the hedonist who equates the sentence, "This course of action is right", with "This course of action gives the most pleasure", or the subjectivist who equates it with "This is the course of action which wins my approval."<sup>30</sup> R. M. Hare, as we have seen, recognizes that there is a relationship between facts and values, although this is not the relationship of logical entailment.<sup>31</sup> Hare is willing to say only that the relationship is set within the framework of choice. In other words, a man is free to choose his own moral standards, and a corollary of this is that he is free to choose the facts which he will count as reasons for holding them. The bond between facts and values is, for Hare, the choice of this or that individual. The logic of moral language demands that there be a moral standard which moral terms presuppose, but it does not demand, according to Hare, any logical relationship between moral terms and the standards which they presuppose; there is, he says, echoing Hume and Moore, a logical gap between facts and values. This line of argument, as Foot has remarked in two articles which we will examine, entails certain

unacceptable propositions. Hare does remark, however, that there are certain moral standards which remain constant for all men, although this is in spite of, rather than, because of his own arguments:

No doubt there are among these old principles certain very general ones, which will remain acceptable unless human nature and the state of the world undergo a most fundamental change.<sup>32</sup>

People's inclinations about most of the important matters in life tend to be the same (very few people, for example, like being starved or run over by motor-cars); and, even when they are not, there is a way of generalizing the argument ... which enables us to make allowance for differences in inclinations.<sup>33</sup>

As far as I can tell, Aquinas and Hare are at one on this point, and whereas Aquinas is willing to consider such first principles of morals as precepts of the natural law, Hare, constrained by his logical considerations, is unwilling to do so. Hare does make one suggestion about the way in which facts and values are connected, and his suggestion has to do with the way in which "moral principles of substance" are established. He remarks that moral reasoning is more typically "non-linear"<sup>34</sup>, rather than a strictly deductive process, in which one would deduce certain moral standards from the relevant facts. The first principles of morals are like hypothetical principles which are established by factual considerations. The model Hare is using is that of scientific explanation in which one suggests a certain hypothesis in order to account for a certain number of facts, always leaving open the possibility that the hypothesis might never be established, since a counter-example(s) could force its modification, or falsify it altogether.<sup>35</sup> This suggests an argument of the following form. We observe that generally brothers do not have sexual intercourse with their sisters, and from this fact, we might propose a moral principle, 'I

ought not to have sexual intercourse with my sister'. If we universalize this principle, according to Hare's thesis that the logic of 'ought' demands that we universalize a singular imperative, we generate the following moral principle, 'Brothers ought not to have sexual intercourse with their sisters'. This moral principle satisfies Hare's criteria of prescriptivity (since it entails the singular imperative, 'I ought not to have sexual intercourse with my sister') and universalizability, and it is founded on certain factual considerations, although 'founded on' does not mean 'entailed by'. The difficulty, of course, comes in deciding how far we are to press the analogy with scientific reasoning. Whereas the scientist can accept the law-like character of his hypothesis until counter-example(s) modifies or falsifies it, no such procedure is open to the moralist. If a counter-example is brought before us in our present case, viz. 'A regularly has sexual intercourse with his sister', then, by conceiving the relationship between facts and values in the way Hare proposes, we can no longer hold the moral principle in question, for it has been falsified by A's case. Yet the principle is meant to guide the conduct of people such as A by pointing out to them that what they in fact are doing ought not to be done. If we wish to modify the general principle, 'Brothers ought not to have sexual intercourse with their sisters', to take into account the case of A who does as a matter of fact have sexual intercourse with his sister, we are entitled to apply the principle of universalizability, and ask, 'On what grounds do you distinguish the case of A from that of other brothers and their sisters?'. If we then say that the fact that A does regularly have sexual intercourse

with his sister entitles us to modify the general principle, then we are guilty of committing the same logical fallacy of inferring values from facts which we are trying to avoid. If the fact of A having sexual intercourse with his sister falsifies the general principle, 'Brothers ought not to have sexual intercourse with their sisters', then we are inferring the moral judgment, 'A ought to have sexual intercourse with his sister' from the fact that he does, and if this singular imperative is to become a moral principle, then it would have to be generalized, and we would have a new contradictory moral principle, 'Brothers ought to have sexual intercourse with their sisters'. It would seem, then, that Hare's suggestion that moral reasoning is "non-linear" or "exploratory" is untenable because it always leaves open the possibility that anyone may reject a moral principle on the grounds that he does not count the facts used to establish the moral principle as evidence for it at all, and this makes moral reasoning unlike analogous activities called 'reasoning'. But are we to say that there is no relationship at all between facts and values? A theory of natural law stands or falls on this point.

J. H. Jacques presents another way of circumventing the logical problem we have encountered. His suggestion is that when we derive certain moral principles from an examination of human nature, we mean by 'human nature', not human nature as it is, but human nature as it ought to be:

To defend himself from this attack, the believer in Natural Law can say that he is not concerned with living according to human nature as it is but with human nature as it ought to be. His statement that life is to be lived according to nature is actually an ethical statement, although at first sight it seems like a non-ethical one. This is because the meaning that

he gives to the word "nature" in this human context looks, not to man as he is, but to the perfect (almost ideal) man as he is intended to be.<sup>36</sup>

Jacques attempts to avoid the "Naturalistic Fallacy" by defining certain facts, viz. those constituting human nature, as values rather than by defining facts in terms of their exclusion from the class of values, and this indicates that there is something fundamentally wrong with Moore's definition of 'fact'. The difficulty with Jacques' solution is, as Hare remarks (instead of 'human nature' Hare uses the term, 'person'), that if by 'human nature' we mean 'human nature as it ought to be', we are left with no criterion for determining what human nature actually is:

One way that might be suggested for getting out of this difficulty is to write into the notion of person some moral content. By calling a being a person we should then imply, as part of what we are saying, that he ought to be treated in a certain way. This will validate the step from 'X is a person' to 'X ought to be treated in a certain way'. But now we are left without a determinate and morally neutral criterion for finding out whether he is a person. In order to be sure that he is a person, we shall first have to satisfy ourselves that he ought to be treated in a certain way and no basis has yet been established for making this moral judgement.<sup>37</sup>

Jacques may be right in pointing to the fallacy of defining facts by exclusion from the category of values, and then going on to say that no value can be deduced from a fact, for this has been made true solely by definition, but this does not mean that facts and values are coincident classes, although there could not be the logical gap between them that Moore's analysis suggests. The only path open to us is to assert that there is no logical gap between facts and values, as Aquinas does, and this is the alternative which P. Foot argues for in two articles which we must now consider.<sup>38</sup>



The motivation behind Foot's arguments is clear: if we say that there is a logical gap between facts and values, then it is difficult to see how we could ever give 'content' to moral principles. If we say that each person must give his own 'content' to moral principles, or, in other words, that each individual is free to choose the facts which he will count as reasons for a particular moral principle, then moral reasoning becomes the expression of this or that individual's attitudes:

The fact that moral judgements need defence seems to distinguish the impact of one man's moral views upon others from mere persuasion or coercion, and the judgements themselves from mere expressions of likes and dislikes. Yet the version of arguments in morals currently accepted seems to say that, while reasons must be given, no one need accept them unless he happens to hold particular moral views. It follows that disputes about what is right and wrong can be resolved only if certain contingent conditions are fulfilled; if they are not fulfilled, the argument breaks down, and the disputants are left face to face in an opposition which is merely the expression of attitude and will.<sup>39</sup>

An evaluation is not connected logically with the factual statements on which it is based. One man may say that a thing is good because of some fact about it, and another may refuse to take that fact as any evidence at all, for nothing is laid down in the meaning of 'good' which connects it with one piece of 'evidence' rather than another. It follows that a moral eccentric could argue to moral conclusions from quite idiosyncratic premisses; he could say, for instance, that a man was a good man because he clasped and unclasped his hands, and never turned N.N.E. after turning S.S.W. He could also reject someone else's evaluation simply by denying that his evidence was evidence at all.<sup>40</sup>

Furthermore, it has "not even been proved that moral conclusions cannot be entailed by factual or descriptive premisses."<sup>41</sup> All that has been shown is that it is analytically true that facts cannot entail values, if we define a fact by exclusion from the realm of values, and, by saying that a fact cannot entail values:

What was needed to give the attack on naturalism new life was the identification of some deficiency common to the whole range of definitions rejected by Moore, a reason why they all failed. This was provided by the theory that value terms in general, and moral terms in particular, were used for a special function -- variously identified as expressing feelings, expressing and inducing attitudes, or commending. Now it was said that words with emotive or commendatory force, such as "good", were not to be defined by the use of words whose meaning was merely "descriptive". This discovery tended to appear greater than it was, because it looked as if the two categories of fact and value had been identified separately and found never to coincide, whereas actually the factual or descriptive was defined by exclusion from the realm of value.<sup>41</sup>

Indeed, if we are all free to choose the facts which we will count as reasons for any particular moral principle, then moral reasoning is an odd sort of activity:

It is suggested, for instance, that anyone who has considered all the facts which could bear on his moral decision has ipso facto produced a 'well-founded' moral judgement; in spite of the fact that anyone else who has considered the same facts may well come to the opposite conclusion. How 'x is good' can be a well-founded moral judgement when 'x is bad' can be equally well-founded it is not easy to see.<sup>42</sup>

Miss Foot suggests that the relationship between facts and values could be either of two kinds: (1) a relationship of logical entailment, or (2) a relationship in which facts would count as evidence for moral principles. Using the evaluative term, 'rude', she tries to show that there is a logical relationship of entailment between an act being of a certain kind (which she characterizes generally as an act which 'causes offence') and its being 'rude':

I conclude that whether a man is speaking of behaviour as rude or not rude, he must use the same criteria as anyone else, and that since the criteria are satisfied if O (i.e. 'causes offence') is true, it is impossible for him to assert O while denying R (i.e. 'is rude'). It follows that if it is a sufficient condition of P's entailing Q that the assertion of P is inconsistent with the denial of Q, we have here an example of a non-evaluative premise from which an evaluative conclusion can be deduced.<sup>43</sup>

Unfortunately, Miss Foot has chosen a poor example to make her case. The term, 'offence' is itself a value-term, not a descriptive term, presupposing certain standards, viz. standards which tell us what kinds of acts 'cause offence'. Since we have defined a 'rude' act as one which 'causes offence' ( and the definition is itself deficient since there are many acts which are not 'rude' but which 'cause offence') it is analytically true that if an act 'causes offence' it is a 'rude' act. Since 'offence' is a value-term, the inference from 'causes offence' to 'rude' is not an inference from a description to an evaluative conclusion. Miss Foot would have to show that an act 'causes offence' because of some other facts; for example, she might have said that people being what they are, certain acts necessarily 'cause offence' and certain other acts do not.

Although the example of 'rude' is deficient, the point of Miss Foot's articles is well taken. The giving of 'content' to moral principles cannot be a matter of choice. Even if we grant that facts cannot logically entail values, this does not in turn entail that there is no relationship between facts and values. We do give 'content' to moral principles; otherwise, they would remain purely analytic principles incapable of being used to guide our conduct. For example, the principle, 'Murder is wrong', cannot be of any help to us until we have specified which kinds of killing are 'murder'. If we say that there is no relationship between facts and values, then we are saying that if, for example, someone holds that killing brown cats or white cows is murder, there is no way in which we could show him that these acts are not murder. In point of fact, people do not generally hold that the principle, 'Murder is wrong', applies to the

killing of brown cats or white cows which indicates that only certain kinds of killing are considered murder. The criterion for determining which acts of killing are murder, and therefore, the criterion for giving 'content' to the principle, 'Murder is wrong', is supplied, according to the theory of natural law, by a consideration of the 'ontological propensities' of human nature. The theory of natural law, as stated by Thomas Aquinas, does resolve the problem of how the first principles of morals are given 'content' by arguing that there is no logical gap between facts and values, and, contrary to Hume and G. E. Moore, that the first principles of morals are, therefore, founded upon a consideration of human nature. The problem which remains is that of characterizing the relationship between facts and values, and in Chapter III, I will try to show what this relationship is like, although most of what I will say will show what it is not rather than what it is.

### CHAPTER III

My purpose has been that of elucidating the role that moral principles play in an ethical system, although, so far, this thesis has largely been negative, pointing out the failure of the moral linguists in establishing or verifying the first principles of morals. I have suggested, as well, that the theory of natural law has this much to be said in its favour, namely, that ultimate moral principles are founded upon, or given 'content', by factual considerations, and therefore, they are not left to the individual to decide, since one can adduce perfectly valid reasons supporting them. These 'reasons' are facts, and by accepting the principle that certain relevant facts count as evidence for the validity or non-validity of moral principles, we are rejecting the Moorean model. This, however, is not to say that moral principles are of the 'copy-book-heading' type, and that the resolving of our moral problems is simply a matter of following the correct rules of inference in order to arrive at the moral conclusion, 'This is what I ought to do'. Moral reasoning is a complex activity, and as Hare remarks, a "Cartesian procedure in morals is as illusory as it is in science."<sup>1</sup> Sometimes, moral principles are not easily formulable in words, and as Hare points out, this is the same difficulty as that encountered when we try to formulate the meaning-rules governing our use of descriptive terms:

Thus ... the alleged difficulty of formulating the universal rule which is implied in any value-judgement is simply the same sort of difficulty which is encountered when we try to explain the meaning of a descriptive term as used on a particular occasion.<sup>2</sup>

The logical properties of moral language indicate that whenever we make a value-judgment, viz. 'X is good' or 'X is right', our hearer is entitled to ask, 'Why?', and this question is answered satisfactorily when we have elucidated the moral principle governing our value-judgment. We may be asked to verify the moral principle itself, and in this event, we could either refer it to a more general moral principle, or enumerate the facts supporting the principle. There is no gainsaying the fact, however, that sooner or later we must end the chain of questions by appealing to the relevant facts; otherwise, it would go on ad infinitum. If our hearer persists in inquiring, 'But why do you hold that particular moral principle?', even after we have pointed out to him the relevant facts which we count as sufficient evidence for them, then we must conclude that either (a) our hearer does not count the facts we have given as sufficient evidence for our moral principle, in which case there is room for more discussion in order to reach agreement about matters of fact, or else, (b) he may agree with us about matters of fact, but still refuse to adopt the moral principle in question, and in this event, he is in the position of the man in Hare's example who refuses to make a move in a game of chess.

The conclusion that there could not be the logical gap between facts and values suggested by Moore's analysis, does not mean that in cases of moral disagreement, once we have supported our moral principle with the relevant facts, we can accuse our 'opponent' of logical inconsistency, in the strict sense, if he still does not accept the moral principle in question. He would be guilty of logical inconsistency only if he, while admitting that this set of factual premisses(F)

entails this moral principle (M), asserted the truth of F and denied the truth of M. But this is not our present concern since we are considering the case of a person who would hold that no set of factual premisses could ever 'entail'<sup>3</sup> a moral principle. Stuart Hampshire<sup>4</sup> remarks that post-Kantian philosophers have been concerned with moral judgments from the point of view of a spectator passing judgment of moral praise or blame, rather than from the point of view of the moral agent who is deliberating on which course of action he ought to follow. Concentrating on the judgments of the moral critic rather than the judgments of the moral agent can be misleading because it may lead to the assimilation of moral judgments to descriptive judgments. As Hampshire remarks, for Aristotle, the relevant analogy with moral reasoning was the kind of deliberation used by the craftsman, whereas for many modern writers on ethics it is the analogy with the judgments of the aesthetic critic, and as, "aesthetics has become the study of the logic and language of aesthetic criticism, so moral philosophy has become largely the study of the logic and language of moral criticism."<sup>5</sup> The difficulty with the descriptive model is that it has no place for the imperative mood, one of the most important properties of moral language. As a result, the moral philosopher has explained the patterns of inferences involving the imperative mood by assimilating them to the patterns of valid inferences of descriptive language, and this has led to the present impasse over the relationship between facts and values. Since the relationship, on the descriptive model, cannot be that of logical entailment, there must be, it is said, a logical gap between facts and values. But it is the

descriptive model which is misleading here:

If the procedure of practical deliberation does not conform, either in its intermediate steps or in the form of its conclusions, with any forms of argument acknowledged as respectable in logical text-books, this is a deficiency of the logical text-books. Or rather it is a mistake in the interpretation of text-books of logic to assume that they provide, or that they are intended to provide, patterns of all forms of reasoning or argument which can properly be described as rational argument. Arguments may be, in the ordinary and wider sense, rational without being included among the types of argument which are ordinarily studied by the logicians, since logicians are generally concerned exclusively with the types of argument which are characteristic of the a priori and empirical sciences. There are patterns of argument habitually used outside the sciences, which may be described as more or less rational in the sense that they are more or less strictly governed by recognized (though not necessarily formulated) rules of relevance.<sup>6</sup>

This is a point not sufficiently considered by Hare, for while admitting that moral judgments are prescriptive (and this is the only way one can accord a role to the imperative mood on the descriptive model), the patterns of inference are those of the descriptive model, and, indeed, it is only because moral language is partially descriptive, according to Hare, that the normal rules of inference hold. If Hampshire's observations are correct, and I believe they are, then facts can 'entail' values, without this relationship being exactly the same as the relationship of entailment exemplified in arguments drawn from the "a priori and empirical sciences". The relationship between facts and values would seem to be closer to that sort of relationship which exists between facts and the legal judgment of 'guilty' or 'not guilty' passed on a person in the courts of law. The facts count as evidence for the judgment of 'guilty' or 'not guilty', but they do not entail that judgment in the strict logical sense of 'entail'. One has only to consider the case of a man condemned on the grounds of circumstantial



evidence alone, a case in point being that of Steven Truscott. Because there is no strict deductive relationship between facts and, in this case, the legal judgment of guilt, there is always the possibility that the judgment is incorrect, even though it is established 'beyond a reasonable doubt'. The analogy with the processes of thought occurring daily in our law courts is more relevant to the kind of mental activity used in establishing a moral principle, and there always exists the possibility that the moral principle in question is not valid either because we have failed to recognize all the relevant facts, or because we have mis-interpreted some of them. This does not mean, however, that we must throw up our hands in despair, for the situation in morals is similar to that of medicine: "You do not stop treating the sick just because there is controversy about basic concepts and underlying theories, even about individual diagnoses. You do your best and keep going. Sometimes you succeed without knowing quite why. You know that theory is concerned with the frontier, and if it has its own problems and controversies, the only remedy is to push on."<sup>7</sup> As long as we have moral problems, we will continue to resolve them according to our best lights, and this means that we will adopt moral principles established 'beyond a reasonable doubt' by reference to the relevant facts, although we will always be ready to modify our moral principles upon being presented with new evidence, i.e. relevant facts which we have not considered.

There are cases of inference from factual premisses to value-judgments which exemplify the less rigorous relationship of entailment which I am arguing for, and which are recognized as

valid inferences, and these form the class of hypothetical imperatives.

Hare, investigating how grammatical mood affects inferences, adopts the following rules:

- (1) No indicative conclusion can be validly drawn from a set of premisses which cannot be validly drawn from the indicatives among them alone.
- (2) No imperative conclusion can be validly drawn from a set of premisses which does not contain at least one imperative.<sup>8</sup>

These two rules are themselves instances of the more general logical rule that "nothing can appear in the conclusion of a valid deductive inference which is not, from their very meaning, implicit in the conjunction of the premisses."<sup>9</sup> Because he has adopted these logical rules, Hare is forced to modify them slightly in order to account for the class of hypothetical imperatives:

We have, therefore, to say that there must be nothing said in the conclusion which is not said implicitly or explicitly in the premisses, except what can be added solely on the strength of definitions of terms. This qualification is important for the logic of imperatives; for, as I have already warned the reader, there is one kind of imperative conclusion which can be entailed by a set of purely indicative premisses. This is the so-called 'hypothetical' imperative.<sup>10</sup>

The effect of the caveat, "except what can be added solely on the strength of definitions of terms", is to loosen the relationship of entailment holding between the factual premisses and the imperative conclusions, and it would seem that Hare has perhaps not paid sufficient attention to this conclusion. The pattern of inference exemplified by hypothetical imperatives is an example of the kind of inference occurring in arguments establishing moral principles which I have been arguing for. The factual premisses assert the facts which we count as evidence for the moral principle we wish to establish, and if our hearer disagrees with

the conclusion, then he will have to disagree with the facts we have enumerated as justifying it. The point is not that the inference from certain facts to values is invalid, but that perhaps the facts which we have enumerated are irrelevant to this particular moral conclusion, or false, or not sufficient. A further point arising out of Hare's treatment of hypothetical imperatives concerns the way in which the imperative mood affects the inference. At least for the class of hypothetical imperatives, Hare holds that the imperative mood does not affect the inference, but only indicates the kind of response demanded by the conclusion. The indicative mood is used when we demand of our hearer intellectual assent, whereas the imperative mood is used either by the moral agent himself when deliberating on a possible course of action, or by someone giving advice, to indicate that the conclusion demands an action:

Thus we may characterize provisionally the difference between statements and commands by saying that, whereas sincerely assenting to the former involves believing something, sincerely assenting to the latter involves (on the appropriate occasion and if it is within our power), doing something.<sup>11</sup>

It would seem that the imperative verb-forms are added "solely on the strength of definitions of terms" to indicate the kind of response demanded by the conclusion; therefore, the use of the imperative does not invalidate the inference from facts to values, at least for the class of hypothetical imperatives:

It would probably be misleading to say that hypothetical imperatives are 'really indicatives'. They have indeed descriptive force, and are entailed by indicatives; but ' $x^2=4$ ' is entailed by ' $x=2$ ', and yet we should not say that the former was not really a quadratic equation. It would not, for one thing, be intelligible to someone who did not know the meaning of the 'squared' symbol. This symbol, moreover, does not have here a special meaning different from its other uses. In somewhat

the same way, 'If you want to go to the largest grocer in Oxford, go to Grimbly Hughes' is not an indicative; it would not be intelligible to someone who had learnt the meaning of indicative verb-forms but not that of imperative verb-forms; and the latter do not have in it a special meaning.<sup>12</sup>

The class of hypothetical imperatives is one example of how factual premisses can 'entail', in a less rigorous sense, an imperative conclusion, and I would suggest that moral reasoning is more closely modeled on hypothetical imperatives than it is on arguments drawn from the empirical and a priori sciences which use descriptive language and the indicative mood. This is not to say, however, that all moral judgments belong to the class of hypothetical imperatives, but only that the pattern of inference is similar. Just as, ' $x=2$ ' entails ' $x^2=4$ ', in the less rigorous sense of 'entail', since the function, ' $( )^2$ ' is added, "solely on the strength of definitions of terms", so too, factual premisses can entail moral imperatives. The difficulty, as we have seen, with the conclusion that factual premisses can, and do, entail moral principles hovers about the sense in which 'entail' is used. The logical equivalent of 'entail' in the strict sense would be 'logically deducible from', and in this sense, just as ' $x^2=4$ ' is not logically deducible from ' $x=2$ ', since the conclusion includes the additional feature, ' $( )^2$ ', so too, moral principles are not logically deducible from factual premisses since the conclusion, i.e. the moral principle, includes the additional feature of 'ought'. In the second, less rigorous, sense of 'entail', moral principles are entailed by factual premisses or are given content by the facts, where we mean by 'entail' that the facts count as sufficient evidence for the moral principles, and also that they are relevant to the particular moral

principle in question. This sense of 'entail' precludes the possibility of someone choosing to reject a moral principle because he does not count as evidence the facts which have been used to establish it, since there are rules of relevancy here, as in other arguments, as Hampshire reminds us:

It is only in limiting cases that, in describing the logic of any class of sentences of ordinary discourse, one can reasonably expect to find another class of sentences from which the problem-sentences are logically deducible. Statements about physical things cannot be deduced, or logically derived, from statements about sensations; statements about people's character or dispositions cannot be deduced, or logically derived from statements about their behaviour; yet in both cases the truth of the first kind of statement is established exclusively by reference to the second kind. In general, one kind of sentence may be established and defended exclusively by reference to another kind, without the first kind being deducible, or logically derivable, from the second. .... So we may properly elucidate moral or practical judgments by saying that they are established and supported by arguments consisting of factual judgments of a particular range, while admitting that they are never strictly deducible, or in this sense logically derivable, from any set of factual judgments.<sup>13</sup>

Factual premisses, that is to say, are used to establish moral principles, but this is not to say that the factual premisses are analogous to Pandora's box, 'containing' moral imperatives which we simply discover by 'opening the box'. But we must not conclude that moral principles are, therefore, "removed from the sphere of rational discussion" since they are not logically deducible from any set of factual premisses: "all argument is not deduction, and giving reasons in support of a judgment or statement is not necessarily, or even generally, giving logically conclusive reasons."<sup>14</sup>

At this point I would like to clarify one point concerning what I have said so far. The less rigorous sense of 'entail' of which I have been speaking is not the only sense in which entailment

occurs in moral reasoning. In some types of moral argument, as Hare has pointed out, we can speak of the premisses entailing, in the strict sense, the conclusion, and this occurs in the practical syllogism when we reason from the conjunction of a major premiss, which is a moral principle, and a minor premiss, which is a statement of fact, to a moral conclusion, e.g. 'Stealing is wrong, and this is stealing; therefore, this act is wrong'. But when we argue from an act being of a certain kind, to a moral principle, 'X ought not to be performed', then we are justifying a moral principle by appealing to the relevant facts, and it is this type of argument in which the entailment is of the less rigorous sort. The first principles of morals are given content by reference to the relevant facts, but once they have been accepted they can be used in deductive-type arguments to infer particular moral judgments entailing imperatives of the form, 'Do this!'. Sometimes our decision to act in a certain way is justified by appealing to the relevant facts, and the decision itself constitutes a moral principle, or a modification of a moral principle. On other occasions, our decision to act in a certain way is referred to a more general moral principle which, in turn, could be substantiated by certain facts. But, whichever is the case, the chain of reasoning comes to an end with the injunction, 'Look to the facts'.

The thesis that facts can 'entail', in the sense of counting as evidence for, moral principles does not mean that moral reasoning is not a complex process, or that moral disputes can be easily resolved (although in principle they are resolvable since moral principles must be given content by reference to the facts). The complexity of moral reasoning is well-known to anyone who has been faced with a difficult moral problem,

and this complexity stems from the fact that practical problems, concerned as they are with the contingent matters of human affairs, are sometimes blurred around the edges. The term, 'facts' is a difficult one to define precisely, and it can be misleading. It is misleading because it suggests that the 'facts' relevant to a particular moral argument are quite easily asserted in a closed set of sentences, when in reality, the set is an open one:

It is misleading to speak of the 'facts of a situation' in such a way as to suggest that there must be a closed set of propositions which, once established, precisely determine the situation. The situations in which we must act or abstain from acting, are 'open' in the sense that they cannot be uniquely described and finally circumscribed. Situations do not present themselves with their labels attached to them; if they did, practical problems would be a conclusively soluble theoretical problems, the philosopher's dream.<sup>15</sup>

Furthermore, as Hampshire remarks, the word, 'fact', is "treacherous, involving the old confusion between the actual situation and the description of it; the situation is given, but not 'the facts of the situation'; to state the facts is to analyse and interpret the situation. And just this is the characteristic difficulty of actual practical decisions, which disappears in the text-book cases, where the 'relevant facts' are pre-selected."<sup>16</sup> Anyone doubting this need only examine Robert Browning's The Ring and the Book, or the Japanese movie, Rashomon, both of which are artistic attempts to show the difficulty encountered in discovering the situation from reports of the 'facts of the situation'. The difficulty with the natural law theory is not the difficulty of bridging the logical gap between facts and values, but the difficulty of setting forth all the relevant facts about human nature (which would include facts about the world, since man is

a 'Being-in-the-world', to use Heidegger's category) counting as evidence for a particular moral principle. An example would be the recent controversy in the Roman Catholic Church concerning birth-control, for this controversy centres about which facts are relevant to the case of birth-control. The traditional Catholic view on birth-control is that it is morally wrong to use methods of birth-control (with the exception of the Rhythm Method) because they are 'unnatural' or 'against the natural law'. If we inquire further, we are told that it is against the natural law because it frustrates the 'natural' function of procreation. But this is a simple, almost naive, answer based on an extremely narrow view of human nature, as if the set of sentences setting forth the facts of human nature were a closed set. The moralist opposed to birth-control on the grounds that it is against the natural law has chosen a certain fact about human nature, viz. the function of procreation entailed by man's sexual instinct, as the only one which is relevant and it is a good example of a mis-conceived notion of the natural law. There are complex inter-personal relationships involved in human sexual activity which must be considered when examining the problem of birth-control, as well as medical, and sociologico-economical factors, e.g. over-population. The facts relevant to the case of birth-control are much more complex than the narrow-minded natural law theorist would lead us to believe, and if they are allowed their proper influence the whole complexion of the problem changes. I have mentioned this controversy because it points out that the 'facts of human nature' which count as evidence for any particular moral principle are complex and require the patient investigation of the psychologist, biologist, sociologist, economist,



as well as the philosopher. There are other manifestations of human nature in addition to the natural inclinations that Aquinas has singled out:

There are, undoubtedly, great difficulties involved in the objective description and analysis of these specifically human traits, which are not susceptible to quantitative techniques. But these problems of the investigator do not invalidate either the reality of these attributes or their "natural" character. The "morally relevant nature of man" cannot be delineated unless we reckon with the entire complex of human nature, as well as we can know it. We must include its physical, intellectual, esthetic, and spiritual aspects, without which human nature is not human.<sup>17</sup>

The difficulty of ascertaining all the relevant facts is behind Aristotle's remark that when studying ethics "we must be content if we attain as high a degree of certainty as the matter of it admits."<sup>18</sup>

The two properties of moral judgments derived from a consideration of the logical properties of moral language, viz. prescriptivity and universalizability are important because they prohibit certain moves in moral reasoning. If, for example, two parties are involved in a moral dispute are we to say that once the relevant facts have been agreed upon, that the dispute will be at an end? This is to ignore the prescriptivity of moral judgments which means, as Hare remarks, that we must not only assent to a moral principle, but we must also act upon it. Thus, a person may always refuse to adopt a moral principle even after he has been convinced that the facts being what they are, he ought to adopt it:

There are two stages in the process of universalization. the first is passed when we have found a universal principle, not containing proper names or other singular terms, from which the moral judgements which we want to make follows, given the facts of our particular situation. ... But the next stage is more difficult. It is necessary not merely to quote a

maxim, but (in Kantian language) to will it to be a universal law. It is here that prescriptivity, the second main logical feature of moral judgements, makes its most decisive appearance. For willing it to be a universal law involves it to apply even when the roles played by the parties are reversed.<sup>19</sup>

This strengthens the conclusion arrived at earlier that when we say moral principles are entailed by factual premisses, we are not using 'entail' in the sense of 'logically deducible from', for if this were the case then we are involved in a kind of Socratic paradox, viz. once a man asserts the truth of certain factual premisses then he is logically constrained to adopt the moral principle in question, and by 'adopt' we mean that given the appropriate circumstances he will act upon it. Prescriptivity points, then, to the problem of free will in two ways: (1) we are always free to reject a moral principle, even one that has been well-founded on the relevant facts, and although this would be logically odd, we would not be guilty of logical inconsistency in the strict sense; by 'logically odd' I mean that if someone asks us to substantiate a particular moral principle, and we do so by referring to the relevant facts, and if after agreeing upon the matters of fact, our questioner still refuses to adopt the moral principle in question, and persists in asking, 'Why should I adopt it?', his refusal to adopt it would be 'logically odd' in the sense that we should not know what else to say to him. It is always the case that we cannot force anyone to adopt a moral principle, i.e. to choose **freely** to act upon that moral principle, without abusing his freedom. (2) Even though we have willed to adopt a particular moral principle, we may still be unable to act upon it because of some psychological or moral flaw, and this is the problem referred to by Aristotle as

akrasia, 'weakness of will'. Thus, it is because moral principles, and the moral judgments inferred from them are prescriptive that the relationship between facts and values is not the strict logical one of entailment, and if this were not the case, then "practical problems would be conclusively soluble theoretical problems, the philosopher's dream". By holding that moral principles are prescriptive, we are prevented from saying that factual premisses entail in the strict logical sense moral principles, although it does not prevent us from describing the relationship as one of 'entailment' in the looser sense.

I have argued throughout this thesis that it does matter which set of moral principles we adopt as the starting-point of all our moral reasoning designed to tell us how we ought to act. And the question, 'Is any one set of moral principles better than any other?', is in principle unanswerable by the moral linguists because they assert that there is an unbridgeable gulf between facts and values. I have attempted to show that the gulf is bridgeable, and that there is a relationship between facts and values which can help us give content to moral principles. If I have shown this satisfactorily, then all I have shown is that in principle disagreements about ultimate moral standards are resolvable, because we have a criterion for giving content to moral principles which rises above individual attitudes or idiosyncracies. I have also tried to show that the theory of natural law is a valid attempt to derive moral principles i.e. to give them content, from a consideration of human nature, and as long as we understand that human nature is constantly evolving, since we are continually discovering new facts about it, we cannot be accused of woolly thinking.

The natural law is not a code-book of moral principles, which we can somehow discover by reflecting within ourselves, and which would make all our moral reasoning a matter of logical deduction; its importance lies rather in the principle governing it, i.e. moral principles are given content by a patient investigation of the relationship between certain facts of human nature and moral values. For the most part, there is never absolute certainty regarding the moral principles which we have adopted, and which we utilize in resolving our day-to-day moral problems, although we can have a certain amount of practical certitude, as Hare points out:

... we can never be logically certain that we have arrived at a moral principle which nothing could give us cause to modify (LM 3.3, 3.6), though we can sometimes be practically certain that nothing will happen which would give us cause. It is for this reason alone that we can legitimately (for practical purposes) make it 'a matter of principle to act in a certain way'.<sup>20</sup>

When we are faced with difficult moral problems for which we have no guide-lines, or with disputes between fanatics (rare as they are), there is nothing for it but a patient investigation of all the relevant facts. And for those "whose desires and actions have a rational basis knowledge of these principles of morals must be of great advantage"<sup>21</sup> no matter what the obstacles are which must be overcome in order to arrive at them.

FOOTNOTES \*

Introduction

- 1(p.3). Aristotle, The Nichomachean Ethics, I, iii, trans. J.A.K. Thomson, Penguin Books, 1963, pp.27-28.
- 2(p.4). R.M. Hare, Freedom and Reason, Oxford University Press, New York, 1965; hereafter referred to as 'FR', pp.123-124.
- 3(p.4). Abraham Edel, Method in Ethical Theory, London, 1963, p.145.

Chapter I

- 1(p.7). R.M. Hare, The Language of Morals, Oxford Paperbacks, 1964; hereafter referred to as 'LM'.
- 2(p.8). FR, Preface, v.
- 3(p.8). "An indicative sentence is used for telling someone that something is the case; an imperative is not -- it is used for telling someone to make something the case." LM, p.5.
- 4(p.9). LM, p.20.
- 5(p.9). David Hume, Treatise of Human Nature, III, Part I, Section I, ed. L.A. Selby-Bigge, Oxford, 1965, p.469.
- 6(p.10). LM, p.28.
- 7(p.10). Thomas Aquinas, Summa Theologiae, I-II, 94, ii; the translation used for all the texts of Aquinas is that of Anton C. Pegis: Basic Writings of St. Thomas Aquinas, vol. 1 and 2, Random House, New York, 1945.
- 8(p.11). "A sentence is analytic if, and only if, either (1) the fact that a person dissents from it is a sufficient criterion for saying that he has misunderstood the speaker's meaning or (2) it is entailed by some sentence which is analytic in sense (1)." LM, p.42.
- 9(p.12). LM, p.41.

\* The number appearing in brackets after the number of the footnote refers to the pagination of the text of this thesis.

- 10(p.12). LM, pp.56-78.
- 11(p.13). LM, p.60.
- 12(p.14). This will be discussed at greater length; for the moment, it will suffice to say that the principle of universalizability is the thesis that any moral principle must be universalizable, if it is to be a principle and not a singular imperative.
- 13(p.14). LM, p.72.
- 14(p.15). FR, p.23.
- 15(p.16). LM, pp.81-82.
- 16(p.17). "The argument of the preceding chapter establishes that 'good', being a word used for commending, is not to be defined in terms of a set of characteristics whose names are not used for commending. This does not mean that there is no relation between what has been called 'good-making' characteristics and 'good'; it means only that this relation is not one of entailment." LM, p.94.
- 17(p.17). LM, p.105.
- 18(p.18). The importance of choice in Hare's ethics indicates the need for something like a natural law theory in order to ground moral principles.
- 19(p.18). LM, p.162.
- 20(p.20). FR, p.3.
- 21(p.20). FR, p.5.
- 22(p.20). "... by 'rules' I do not mean very simple general rules which can be formulated in words (3.4), but, rather, that consistency of practice in the use of an expression, which is the condition of its intelligibility." FR, p.7.
- 23(p.21). D.F. Pears, "Universals", in Logic and Language, ed. Antony Flew, Anchor Books, New York, 1965, pp.267-282.
- 24(p.21). "... when a singular term is governed by the word 'like' or its equivalent, it has the property of being turnable into a universal term by substituting for 'like this' a term which describes the respects in which the thing in question is being said to be like this." FR, p.11.
- 25(p.21). FR, p.12.

- 26(p.21). FR, p.14.
- 27(p.21). "An expression which, in a certain context, has descriptive meaning and no other, I call a descriptive term, word, or expression, as used in that context; one which has prescriptive meaning (whether or not it also has descriptive meaning) I call an evaluative term. A value-judgement or evaluative judgement is a judgement in which such a term is used." FR, p.26. Hare also uses the expressions 'value-judgment' or 'evaluative judgment' to refer to both what some writers have called normative judgments and value-judgments (cf. FR, p.27, footnote 1).
- 28(p.22). FR, p.30.
- 29(p.22). FR, p.34.
- 30(p.23). "I ought never to act except in such a way that I can also will that my maxim should become a universal law."
- 31(p.23). FR, p.34.
- 32(p.23). FR, p.35.
- 33(p.24). "Nevertheless, when we do make up our minds it is about a matter of principle which has a bearing outside the particular case. Sartre himself is as much of a universalist as I am." FR, p.38.
- 34(p.24). FR, p.50.
- 35(p.25). FR, p.97.
- 36(p.25). FR, p.101.
- 37(p.25). FR, p.101.
- 38(p.25). FR, p.102.
- 39(p.26). FR, p.109.
- 40(p.27). Summa Theologiae, I-II, 94, ii.
- 41(p.27). FR, p.97.
- 42(p.27). FR, p.86.
- 43(p.28). "For a certain kind of descriptivist, indeed, the existence of 'moral weakness' will still present a problem -- namely any descriptivist who approaches these questions in a way

which goes back to Aristotle and beyond, but has been associated especially (how justly, I do not know) with the name of Aquinas. This is to say that there is a 'law of nature' (a true but synthetic universal proposition) that all things do as a matter of fact seek the good and eschew the evil." FR, p.69.

44(p.28). FR, p.87.

45(p.28). FR, p.88.

46(p.28). FR, pp.92-93.

47(p.29). Joseph Fletcher, Situation Ethics: the New Morality, Philadelphia, 1966, p.26.

48(p.29). Ibid., p.31.

49(p.29). Ibid., p.32.

50(p.29). FR, pp.45-46.

51(p.30). Eric d'Arcy, Conscience and its Right to Freedom, Sheed and Ward, New York, 1961, p.57.

52(p.31). Ibid., pp.60-61.

53(p.31). FR, p.118.

54(p.32). FR, p.193.

55(p.32). FR, p.195.

56(p.33). See #52.

#### Chapter II

1(p.35). LM, p.69.

2(p.35). P. H. Nowell-Smith, Ethics, Penguin Books, 1964, p.320.

3(p.36). For Stevenson, an 'R' is a reason for accepting a particular ethical conclusion, 'E'.

4(p.36). C. L. Stevenson, Ethics and Language, Yale University Press, 1958, pp.170-171.

5(p.36). Philippa Foot, "Moral Beliefs," Proceedings of the Aristotelian Society, 1958-59, vol.59, pp.83-104; "Moral Arguments", Mind, October 1958, vol. 67, pp.502-513.

6(p.36). J. H. Jacques, The Right and the Wrong, London, 1965, p.25.

7(p.37). Ibid., pp.58-59.



- 8(p.37). "The first great achievement of natural law lies in the legal field proper, in the foundation, that is, of a system of laws of universal validity. That system was embodied and transmitted to posterity in the law-books of Justinian." A. P. d'Entrèves, Natural Law: an Introduction to Legal Philosophy, London, 1964, p.17.
- 9(p.37). Cicero, De Republica, III, xxii, 33, quoted by d'Entrèves, op. cit., p.21.
- 10(p.38). Natural Law and Modern Society, ed. John Cogley, Meridian Books, p.20.
- 11(p.38). For a discussion of this debate, see d'Arcy, op. cit., Chapter II.
- 12(p.38). This was expressed in the aphorism, 'Operatio sequitur esse.'
- 13(p.39). "When the two premisses combined to form the syllogism, we have a result analogous to what we have in pure ratiocination. As in the latter the mind is forced to affirm the conclusion, so in the practical syllogism we are forced straightway to do it." Aristotle, op. cit., p.200.
- 14(p.39). Summa Theologiae, I, 79, ii.
- 15(p.39). D'Arcy, op. cit., pp.34-35.
- 16(p.40). Summa Theologiae, I-II, 51, i.
- 17(p.40). Aristotle, op. cit., pp.55-56.
- 18(p.41). Summa Theologiae, I-II, 51, i.
- 19(p.42). Ibid., I, 79, xii.
- 20(p.42). Ibid., I-II, 94, ii.
- 21(p.43). D'Arcy, op. cit., pp.67-68.
- 22(p.43). A. P. d'Entrèves, "Three Conceptions of Natural Law," in The Nature of Law: Readings in Legal Philosophy, ed. M. P. Golding, Columbia University, 1966, p.42.
- 23(p.43). Ibid., p.43.
- 24(p.44). Summa Theologiae, I-II, 94, ii.
- 25(p.44). FR, p.70.
- 26(p.45). D'Arcy, op. cit., p.52.
- 27(p.45). D'Arcy, op. cit., p.53.

- 28(p.46). Summa Theologiae, I-II, 94, iii.
- 29(p.47). P. Foot, "Moral Arguments", Mind, 1958, vol. 67, p.505.
- 30(p.48). J. H. Jacques, op. cit., p.82.
- 31(p.48). LM, p.94.
- 32(p.49). LM, p.72.
- 33(p.49). FR, p.97.
- 34(p.49). FR, p.87.
- 35(p.49). FR, pp.87ff.
- 36(p.52). J. H. Jacques, op. cit., p.82.
- 37(p.52). FR, p.213.
- 38(p.52). See #29(p.47).
- 39(p.53). P. Foot, "Moral Arguments", op. cit., p.502.
- 40(p.53). P. Foot, "Moral Beliefs", op. cit., p.84.
- 41(p.54). P. Foot, "Moral Arguments", op. cit., p.505.
- 42(p.54). Ibid., p. 502.
- 43(p.54). Ibid., p.509.

### Chapter III

- 1(p.57). LM, p.39.
- 2(p.57). FR, p.14.
- 3(p.59). We will consider momentarily what sense can be given to the word, 'entail', in moral contexts.
- 4(p.59). Stuart Hampshire, "Fallacies in Moral Philosophy," Mind, 1949, vol. 58, pp.466-482.
- 5(p.59). Ibid., p.467.
- 6(p.60). Ibid., p.471.
- 7(p.61). Abraham Edel, op. cit., p. 3.
- 8(p.62). LM, p.28.

- 9(p.62). LM, p.32.
- 10(p.62). LM, p.33.
- 11(p.63). LM, p.20.
- 12(p.64). LM, pp.36-37.
- 13(p.65). Stuart Hampshire, op. cit., p.473.
- 14(p.65). Ibid., p.473.
- 15(p.67). Ibid., p.476.
- 16(p.67). Ibid., p.476.
- 17(p.69). Robert Gordis, "Natural Law and Religion", in Natural Law and Modern Society, op. cit., p.253.
- 18(p.69). Aristotle, op. cit., p.27.
- 19(p.70). FR, p.219.
- 20(p.72). FR, p.136.
- 21(p.72). Aristotle, op. cit., p.28.

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