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Third objection

The derivation uses only a factual or inverted-commas sense of the evaluative terms employed. For example, an anthropologist observing the behaviour and attitudes of the Anglo-Saxons might well go through these derivations, but nothing evaluative would be included. Thus step (2) is equivalent to 'He did what they call promising' and step (5) to 'According to them he ought to pay Smith five dollars.' But since all of the steps (2) to (5) are in *oratio obliqua,* and hence disguised statements of fact, the fact-value distinction remains unaffected.

This objection fails to damage the derivation, for what it says is only that the steps *can* be reconstrued as in *oratio obliqua*, that we can construe them as a series of external statements, that we can construct a parallel (or at any rate related) proof about reported speech. But what I am arguing is that, taken quite literally, without any *oratio obliqua* additions or interpretations, the derivation is valid. That one can construct a similar argument which would fail to refute the fact-value distinction does not show that this proof fails to refute it. Indeed it is irrelevant.

Notes

Earlier versions of this paper were read before the Stanford Philosophy Colloquium and the Pacific Di-

vision of the American Philosophical Association. I am indebted to many people for helpful comments and criticisms, especially Hans Herzberger, Arnold Kaufmann, Benson Mates, A. I. Melden and Dagmar Searle.

1 In its modern version. I shall not be concerned with Hume's treatment of the problem.

2 If this enterprise succeeds, we shall have bridged the gap between 'evaluative' and 'descriptive' and consequently have demonstrated a weakness in this very terminology. At present, however, my strategy is to play along with the terminology, pretending that the notions of evaluative and descriptive are fairly clear. At the end of the paper I shall state in what respects I think they embody a muddle.

3 In addition the concept of a promise is a member of a class of concepts which suffer from looseness of a peculiar kind, viz. defeasibility. Cf. H. L. A. Hart, 'The Ascription of Responsibility and Rights', *Logic and Language*, first series, ed. A. Flew (Oxford, 1951).

4 The *ceteris paribus* clause in this step excludes somewhat different sorts of cases from those excluded in the previous step. In general we say, 'He undertook an obligation, but none the less he is not (now) under an obligation when the obligation has been *removed*, e.g. if the promisee says, 'I release you from your obligation.' But we say, 'He is under an obligation, but none the less ought not to fulfil it' in cases where the obligation is *overridden* by some other consideration, e.g. a prior obligation.

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5   On Not Deriving "Ought" from "Is"

Antony Flew

. . .

The word nevertheless seems to have gone round that the idea that there is a radical difference between *ought* and *is* is old hat, something which

though still perhaps cherished by out-group backwoodsmen has long since been seen through and discarded by all with-it mainstream philosophers. For instance, in a penetrating article on 'Do illocutionary forces exist?'[1] Mr L. Jonathan Cohen offers some provocative asides: 'the statement-evaluation dichotomy, whatever it may be,

is as erroneous on my view as on Austin's'; and 'Indeed there is a case for saying that Austin's recommendation about the word "good" is itself a hangover from the fact-value dichotomy.' Cohen gives no hint as to where and how this dichotomy was so decisively liquidated. But a recent paper by Mr John R. Searle, on 'How to derive "ought" from "is"' can perhaps be seen as an attempt to plug the gap. Searle's stated aim is to show that the Naturalistic Fallacy is not a fallacy, and he gives many signs of thinking of his aspirations in Austinian terms. My object is to show that Searle is entirely unsuccessful, and to suggest that anyone who hopes to succeed where he has failed will have to find other and more powerful arguments.

2. The first point to remark about Searle's article is that he chooses to start from his own characterization of what the Naturalistic Fallacy is supposed to consist in; and that he neither quotes nor gives precise references to any statements by the philosophers with whom he wishes to disagree. His characterization runs:

> It is often said that one cannot derive an 'ought' from an 'is'. This thesis, which comes from a famous passage in Hume's *Treatise*, while not as clear as it might be, is at least clear in broad outline: there is a class of statements of fact which is logically distinct from a class of statements of value. No set of statements of fact by themselves entails any statement of value. Put in more contemporary terminology, no set of *descriptive* statements can entail an *evaluative* statement without the addition of at least one evaluative premise. To believe otherwise is to commit . . . the naturalistic fallacy. (italics here and always as in original)

Let us consider alongside this paragraph from Searle some sentences written by a contemporary protagonist of the view which Searle is supposed to be challenging. These quotations come from K. R. Popper and – significantly – they come from *The Open Society* (1945):

> The breakdown of magic tribalism is closely connected with the realization that taboos are different in various tribes, that they are imposed and enforced by man, and that they may be broken without unpleasant repercussions if one can only escape the sanctions imposed by one's fellow-men. . . . These experiences may lead to a conscious differentiation between the man-enforced normative laws or conventions, and the natural regularities which are beyond his power. . . . In spite of the fact that this position was reached a long time ago by the Sophist Protagoras . . . it is still so little understood that it seems necessary to explain it in some detail. . . . It is we who impose our standards upon nature, and who introduce in this way morals into the natural world, in spite of the fact that we are part of this world. . . . It is important for the understanding of this attitude to realize that decisions can never be derived from facts (or statements of facts), although they pertain to facts. The decision, for instance to oppose slavery does not depend upon the fact that all men are born free and equal, and no man is born in chains . . . even if they were born in chains, many of us might demand the removal of these chains. . . . The making of a decision, the adoption of a standard, is a fact. But the norm which has been adopted, is not. That most people agree with the norm 'Thou shalt not steal' is a sociological fact. But the norm 'Thou shalt not steal' is not a fact; and it can never be inferred from sentences describing facts. . . . *It is impossible to derive a sentence stating a norm or a decision from a sentence stating a fact;* this is only another way of saying that it is impossible to derive norms or decisions from facts. (vol. I, pp. 50–3)

Popper's account, even in this abbreviated form, is of course much fuller than that given by Searle; and, partly for that reason, it says or suggests many things which are not comprised in Searle's short paragraph. It presents the idea of the Naturalistic Fallacy as involved in the clash of world-outlooks and personal commitments; and it is governed throughout by the notion that 'we are free to form our own moral opinions in a much stronger sense than we are free to form our own opinions as to what the facts are'.[2] But the most relevant and important difference is that Popper at least suggests, what is true, that the fundamental discrimination in terms of which the Naturalistic Fallacy is being characterized is not, and does not have to be thought to be, a clearcut

feature of all actual disc⸢ which you cannot fail ⸢ already there and given what to look for. Ther⸢ tion which has to be ⸢ and the distinction is ⸢ which may go against ⸢ powerful inclinations. ⸢ is not at all like that ⸢ chapter of the book ⸢ presents to Adam the ⸢ fowl of the air, leaving ⸢ names for each natura⸢

Searle's account of t⸢ to suggest, what his l⸢ assuming, that its mis⸢ committed to the n⸢ chotomy is something ⸢ torian of utterances ⸢ somehow already giv⸢ can either combine, o⸢ these two sorts of c⸢ Popper, and allow hi⸢ find in his account n⸢ commitment to the ⸢ utterances which are ⸢ be clearly and unam⸢ of fact or expression⸢ tual utterance is eith⸢ or purely normative ⸢ is, rather, the epoch⸢ development of this ⸢ need to insist upon ⸢ preciating fully what ⸢ imply.

It is perhaps poss⸢ many others elsew⸢ Hume's irony; notw⸢ self disclaims conce⸢ of the problem'. Fo⸢ if he was quite mo⸢ noticed, and to hav⸢ importance of, a dis⸢ wittingly, everyone ⸢ making already:[3]

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feature of all actual discourse. It is not something which you cannot fail to observe everywhere as already there and given, if once you have learnt what to look for. There is, rather, a differentiation which has to be made and insisted upon; and the distinction is one the development of which may go against the grain of set habits and powerful inclinations. Our situation in this case is not at all like that represented in the second chapter of the book of *Genesis*, where God presents to Adam the beasts of the field and the fowl of the air, leaving it to him merely to supply names for each natural kind.

Searle's account of the opposing position seems to suggest, what his later criticism appears to be assuming, that its misguided spokesmen must be committed to the notion: that an *is/ought* dichotomy is something which the alert natural historian of utterances could not fail to notice, as somehow already given; and that no utterances can either combine, or be ambiguous as between, these two sorts of claim. Yet when we turn to Popper, and allow him to speak for himself, we find in his account nothing at all to suggest any commitment to the erroneous ideas: that all the utterances which are actually made must already be clearly and unambiguously either statements of fact or expressions of value; or that every actual utterance is either purely a statement of fact or purely normative. What Popper emphasizes is, rather, the epoch-marking importance of the development of this sort of distinction, the great need to insist upon it, and the difficulty of appreciating fully what it does and what it does not imply.

It is perhaps possible that Searle here, like so many others elsewhere, has been misled by Hume's irony; notwithstanding that Searle himself disclaims concern with 'Hume's treatment of the problem'. For Hume does indeed write as if he was quite modestly claiming only to have noticed, and to have become seized by the vast importance of, a distinction which, however unwittingly, everyone was always and systematically making already:³

> 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 remarked, 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 surprised 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*.

3.   After this somewhat protracted introduction, designed to refresh memories about what is and is not involved in the position which Searle is supposed to be attacking, we can now at last turn to his arguments. He works with the example of promising: 'The proof unfolds the connection between the utterance of certain words and the speech act of promising and then in turn unfolds promising into obligation and moves from obligation to "ought".' The idea is to start with a purely descriptive premise such as 'Jones uttered the words "I hereby promise to pay you, Smith, five dollars"', or that Jones uttered the corresponding phonetic sequence, and to proceed by a series of deductive moves to the purely normative conclusion 'Jones ought to pay Smith five dollars'. Considerable elaboration is necessary, and is provided, in the attempt to deal with the complications arising: because the utterance of such words or sounds will not always rate as a making of the promise; and because the prima facie obligation to keep a promise can be nullified or overridden.

It will, in the light of what has been said in section 2, be sufficiently obvious what sort of moves the critic must make if he hopes to drive a wedge into such a proposed proof. He has to distinguish normative and descriptive elements in the meaning of words like *promise*; and to insist that, however willing we may be to accept the package deal in this particular uncontentious case of promising, it is nevertheless still not possible to deduce the normative from the descriptive part of the combination. The best place to insert the wedge in Searle's argument seems to be where he maintains: 'one thing is clear; however loose the boundaries may be, and however difficult it may be to decide marginal cases, the

conditions under which a man who utters 'I hereby promise' can correctly be said to have made a promise are straightforwardly empirical conditions'. The weakness becomes glaring if we summon for comparison some obnoxious contentions of the same form. Terms such as *nigger* or *Jew-boy*, *apostate* or *infidel*, *colonialist* or *kulak* no doubt carry, at least when employed in certain circles, both normative and descriptive meanings; and, presumably, the descriptive element of that meaning can correctly be said to apply whenever the appropriate 'straightforwardly empirical conditions' are satisfied. But in these parallel cases most of us, I imagine, would be careful to use one of the several linguistic devices for indicating that we do not commit ourselves to the norms involved, or that we positively repudiate them. Thus, to revert to Searle's example, one could, without any logical impropriety, say of the man who had in suitable circumstances uttered the words 'I hereby promise . . .' that he had done what is called (by those who accept the social institution of promising) promising. The oddity of this non-committal piece of pure description would lie simply in the perversity of suggesting a policy of non-involvement in an institution which is surely essential to any tolerable human social life.

4. It remains to ask either why these moves do not impinge on Searle as considerable objections or how he thinks to dispose of them. We have already in section 2 offered suggestions bearing on these questions. But more light is to be found by considering in the second part of his article his discussion of 'three possible objections to the derivation'.

(a) The first of these objections consists in simply asserting that 'Since the first premise is descriptive and the conclusion evaluative, there must be a concealed evaluative premise in the description of the conditions. . . .' To which Searle replies that as it stands this objection just begs the question: it requires to be supplemented with some account of the precise location and nature of the concealed evaluative premise. So far, so unexceptionable. The crunch comes when he continues: 'Uttering certain words in certain conditions just *is* promising and the description

of these conditions needs no evaluative element.' For, as we have been urging in section 3, the normative element enters: not with the neutral description of the conditions in which those who accept the social institution of promise-making and promise-keeping would say that someone had made what they call a promise; but at the moment when, by using the word *promise* without reservation, we commit ourselves to that institution.

(b) The second objection considered runs: 'Ultimately the derivation rests on the principle that one ought to keep one's promises and that is a moral principle, hence evaluative.' To this Searle responds that, whether or not this is a moral principle, 'it is also tautological'. He then proceeds to offer three suggestions to explain 'why so many philosophers have failed to see the tautological character of this principle'. This is, perhaps, to go rather too fast. For the sentence 'One ought to keep one's promises' is not in itself and unequivocally either tautological or not. It could without too much strain be given either tautological or substantial or even equivocal employments. If the user is prepared to accept that the absence of obligation is a sufficient reason for withdrawing the word *promise*, then the employment is clearly tautological. But if he is to be taken to be referring to certain specific descriptive conditions, and maintaining that, granted those, certain specific things ought to be done, then, surely, the employment is substantial. And if he is insisting that, granted these specific descriptive conditions, then necessarily those things ought to be done; then he would seem to be equivocating between a substantial and a tautological employment.

The first of Searle's suggestions is that some of his opponents have failed 'to distinguish external questions about the institution of promising from internal questions asked within the framework of the institution'. No doubt some have: though it would be slightly surprising and wholly deplorable to find that many philosophers in an Humean tradition had neglected a distinction of a kind for which one of the classical sources is to be found in the third appendix of the second *Inquiry*. Even so this particular

charge rings very badl[...] For, as we were urging [...] ness of Searle's attemp[...] cisely in the refusal to a[...] of a social institution [...] statement of the purel[...] for saying that a pron[...] drawing of the normati[...] thing ought to be don[...]

A more subtle versio[...] seen in Searle's reply to [...] posed objection, whic[...] have shown is that "p[...] not a descriptive, co[...] claims, 'in the end wil[...] original distinction b[...] evaluative. For that a n[...] and that these words h[...] do are surely objective [...] of these two objective [...] the conditions of the [...] entail the statement .[...] leges to be an evaluati[...] evaluative conclusion i[...] premises . . .'. But her[...] and decisive to insist o[...] a detached report on [...] social group gives to [...] the unreserved emplo[...] an engaged participa[...] former and the latter [...] that commitment to [...] which alone warrants [...] conclusions.

Searle's other two [...] peculiarities which ma[...] pecially tricky to hanc[...] difficulties which aris[...] obligation to keep a [...] times properly be over[...] the third takes cogni[...] first person present t[...] mative. It is not perha[...] ure to take the measur[...] again a classical sourc[...] is supposed to enco[...] ought to keep one's [...] cal. What Searle says [...]

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charge rings very badly in the present context. For, as we were urging in section 3, the weakness of Searle's attempted derivation lies precisely in the refusal to allow that the acceptance of a social institution must come between any statement of the purely descriptive conditions for saying that a promise was made, and the drawing of the normative conclusion that something ought to be done.

A more subtle version of the same fault can be seen in Searle's reply to a variant of his first proposed objection, which would protest: 'all you have shown is that "promise" is an evaluative, not a descriptive, concept.' This variant, he claims, 'in the end will prove disastrous to the original distinction between descriptive and evaluative. For that a man uttered certain words and that these words have the meaning that they do are surely objective facts. And if the statement of these two objective facts plus a description of the conditions of the utterance is sufficient to entail the statement . . . which the objector alleges to be an evaluative statement . . . then an evaluative conclusion is derived from descriptive premises . . .'. But here again it is both necessary and decisive to insist on distinguishing: between a detached report on the meanings which some social group gives to certain value words; and the unreserved employment of those words by an engaged participant. For it is between the former and the latter that there comes exactly that commitment to the incapsulated values which alone warrants us to draw the normative conclusions.

Searle's other two suggestions both refer to peculiarities which make his chosen example especially tricky to handle: the second notices the difficulties which arise because the prima facie obligation to keep a promise made may sometimes properly be overridden by other claims: and the third takes cognizance of the fact that the first person present tense 'I promise' is performative. It is not perhaps altogether clear why failure to take the measure of this insight – for which again a classical source can be found in Hume[4] – is supposed to encourage the idea that 'One ought to keep one's promises' is not tautological. What Searle says is: 'If one thinks the utter-

ance of "I promise" or "I hereby promise" is a peculiar kind of description . . . then the relation between promising and obligation is going to seem very mysterious.' Certainly if one thinks that, then there will be a mystery as to why the utterance of these words is construed, by anyone who accepts the institution of promising, as involving the incurring of an obligation. But this is no reason at all for saying that the same misguided person must also by the same token find something mysterious about the notion that, supposing that someone has promised, it follows necessarily that he is obliged.

This is a good occasion to say that where we have spoken of a descriptive element in the meaning of *promise*, we were, of course, intending to include only uses other than the first person present performative. Fortunately the complications connected with that use can for present purposes be largely ignored. For in Searle's candidate proof 'I promise' is mentioned, not used; and so our criticism insists that the normative premise is to be found at the point where the performance is characterized, unreservedly, as a promise.

(c) The third objection considered is that: 'The derivation uses only a factual or inverted-commas sense of the evaluative terms employed.' This discussion is the most interesting for us. It is here that Searle comes nearest to recognizing, and to trying to deal with, the rather obvious sort of criticism which we have been deploying. In formulating this objection Searle recognizes the distinction: between the employment of a term like *promise* in a detached anthropological description of a social practice; and the use of the same term, without reservation, by a committed participant. His reply is: 'This objection fails to damage the derivation, for what it says is only that the steps *can* be reconstrued as in *oratio obliqua*. . . . That one can construct a similar argument which would fail to refute the fact-value distinction does not show that this proof fails to refute it. Indeed it is irrelevant.'

This, of course, is true. And if all spokesmen for the opposition were such men of straw it would be a very easy matter to consign them to the garbage dump. What is so extraordinary is

that, having apparently allowed the crucial distinction, Searle fails to notice the decisive objection: that his step from (1), 'Jones uttered the words "I hereby promise to pay you, Smith, five dollars"' to (2), 'Jones promised to pay Smith five dollars' is fallacious; unless, that is, we are supposed, as we are not, to construe (2) as being purely descriptive, as being, as it were, in *oratio obliqua*.

To explain Searle's oversight the only philosophically relevant suggestions we can offer are those indicated in section 2. Yet it really is extremely hard to believe that he is attributing to his opponents the assumptions: that all our discourse is already divided into elements which are either purely normative or exclusively descriptive; and that no legitimate expression could combine in its meaning both normative and descriptive components. For, though such misconceptions could conceivably be derived from a wooden and unsophisticated reading of some of those sentences in the *Treatise*, such a construction must at once make a mystery of any claim that attention to this distinction 'would subvert all the vulgar systems of morality'. This sort of thing could scarcely even be thought – as quite clearly it has been thought by many of the most distinguished protagonists of the idea of the Naturalistic Fallacy – if what was at stake really was just a matter of noticing a division already clearly and universally obtaining; rather than, as of course it is, a matter of insisting on making discriminations where often there is every sort of combination and confusion. . . .

Notes

1 *Philosophical Quarterly*, 14 (1964).
2 R. M. Hare, *Freedom and Reason* (Oxford, 1963), p. 2. The same author's *The Language of Morals* (Oxford, 1952) is another excellent source for the sophisticated and flexible handling of the idea of the Naturalistic Fallacy; and Hare is, of course, perfectly well aware that the same terms and expressions may combine both descriptive and normative meanings – and hence that normative standards are incapsulated in certain uses of such terms.
3 D. Hume, *Treatise*, III. i. I.
4 *Treatise*, III. ii. 5, 'Of the obligation of promises'.

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6 Moral Beliefs

Philippa Foot

I

To many people it seems that the most notable advance in moral philosophy during the past fifty years or so has been the refutation of naturalism; and they are a little shocked that at this late date such an issue should be reopened. It is easy to understand their attitude: given certain apparently unquestionable assumptions, it would be about as sensible to try to reintroduce naturalism as to try to square the circle. Those who see it like this have satisfied themselves that they know in advance that any naturalistic theory must have a catch in it somewhere, and are put out at having to waste more time exposing an old fallacy. This paper is an attempt to persuade them to look critically at the premises on which their arguments are based.

It would not be an exaggeration to say that the whole of moral philosophy, as it is now widely taught, rests on a contra[st] of fact and evaluations, [...] like this: 'The truth or [...] fact is shown by means [...] counts as evidence is lai[d] of the expressions occurr[ing in a] fact. (For instance, the m[eaning of] "flat" made Magellan's v[...] roundness rather than th[...] someone who went on c[...] evidence was evidence co[...] to have made some lingu[istic...] that no two people can m[...] and count completely dif[...] in the end one at least [...] victed of linguistic ignor[ance...] if a man is given good ev[idence...] clusion he cannot just r[...] clusion on the ground th[at...] this evidence is not evic[...] tions, however, it is di[...] not connected logicall[y...] ments on which it is b[...] that a thing is good be[...] it; and another may refi[...] evidence at all, for no[...] meaning of "good" wl[...] piece of "evidence" ra[...] lows that a moral eccer[...] conclusions from quite [...] could say, for instance [...] man because he claspe[d...] and never turned NN[...] could also reject some[...] ply by denying that hi[...] all.

'The fact about "go[od...] centric still to use this [...] morass of meaningles[s...] ing" or "practical" fu[...] like everyone else he c[...] choose the things he [...] those he calls "bad". [...] he uses "good" in co[...] attitude"; it is only tl[...] quite different things [...] good.'

There are here two [...]