JUSTIFICATION AND MORALS

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PREFACE

In moral philosophy, the justificatory problem is a crucial problem. In ordinary, non-philosophical moments, we sometimes wonder how (if at all) a deeply felt moral conviction can be justified. And, in our philosophical moments, we sometimes wonder if any moral judgments ever are in principle justifiable. Surely, we can find all sorts of reasons for taking one course of action rather than another. We can find reasons readily enough for the appraisals we make of types of action or attitudes. We frequently make judgments about the moral code of our own culture as well as those of other cultures. But, how do we decide if the reasons we offer for these appraisals are good reasons? And, what is the ground for our decision that some reasons are good reasons and others are not? When (if at all) can we say that these grounds are sufficient grounds for our moral decisions?

Some have said that moral judgments merely express prejudices. We are told that we can only guide people to attain

what they already desire, but that, apart from the moral habits of a given culture, there is no reasoning about the ends men seek. Reason, as Hume and Russell remark, not only is, but ought to be, the slave of the passions. But, others, of an equally analytical bent, have argued that certain facts are good reasons for a moral judgment quite apart from the desires, likes, wishes or passions of the people involved. There are good reasons in morals. We can give logical grounds for these good reasons rather than merely give reasons which are "exciting reasons." The former conclusion has for some (though not for others) given rise to sceptical moral conclusions. These sceptical philosophers have seemed to believe that the "subjectivist way" leads to nihilism and despair over the rational grounds for our moral appraisals. The choice between "Nazi morality" and "democratic-liberal morality" is ultimately just a choice. The Joadians, alarmed by the alleged conclusions of this "subjectivist way" or "emotivist way," have sought some more certain "metaphysical" or (in some instances) theological "moral ground" or "ground of life" to combat this "scepticism over the justifiability of moral judgments." Without directly taking sides in this partisan conflict and without adding my voice to the hue and cry, I shall attempt, in this essay, to examine the logic of moral reasoning. In a dispassionate and analytical manner, I shall try to gain some understanding of the interrelations between utterances expressing moral judgments and the statements of fact we offer in support of them. I shall seek to understand what John Wisdom would call the

"style of functioning" of these utterances.

While attempts to understand the logic of moral reasoning go way back into the history of philosophy, Stephen Toulmin's analysis is the first sustained effort on the part of the new analytical-linguistic movement in England to examine the problem of moral reasoning seriously and in detail. Toulmin studied with both Wittgenstein and John Wisdom and claims a deep indebtedness to them for his treatment of philosophical problems. It is my belief that any current effort to chart the moves made in moral reasoning would do well first to consider seriously Toulmin's theory. In this spirit, in attempting to get at the crucial philosophical problem of how some reasons are good reasons in ethics, I shall examine his theory of moral reasoning. Toulmin's theory has been roundly criticized. It has even been considered by many generally sympathetic to his point of view to be mistaken at certain key points. In the first section of this study, in giving an exposition and interpretation of Toulmin's theory of moral reasoning, I shall try to put his theory in as plausible a light as possible. In the second section, I shall examine these criticisms of Toulmin and indicate, on the one hand, how some of them are mistaken and, on the other hand, how Toulmin's theory could be developed to meet some of the others.

In the second section I shall be more concerned with the correctness of the kinds of argument I there develop than with whether I can or cannot establish whether the arguments made there are exactly what Toulmin would say if he were to try to

meet certain criticisms directed against his theory. I shall not hesitate to take moves made by other philosophers using a similar approach into consideration where I deem they are relevant. And, as Broad did with Sidgwick and as Price did with Hume, using Toulmin as a point of departure I shall try to develop certain philosophical ideas which I regard as having some intrinsic merit. My interest in historical exegesis is only incidental to my interest in the truth of the ideas advanced. However, Toulmin's "good reasons approach" will remain my point of departure.

Further, I might add that I shall not attempt a complete exposition of Toulmin's philosophy or even of his moral philosophy. I am primarily interested in the problem of good reasons and justification in ethics. I regard this as, if not the crucial problem in any moral theory, at least one of the most crucial problems. It is Toulmin's central problem and it will be my concern here. Toulmin develops detailed criticisms of types of moral theory. In many instances, they seem to me enlightening and interesting; but, in many instances they seem to me also definitely wrong. But, except where they affect some point in his own positive account of the logic of moral reasoning, I shall touch on these questions only briefly. My main concern is with an analysis of the problem of the place of reasons in morals.

I must also make my apologies to Dr. Vergil Dykstra for failure to consider his Doctoral Dissertation on Toulmin's moral philosophy. It only came to my attention after this

work was written. I can only refer the reader to his Dissertation and to his forthcoming discussion-review of The Place of Reason in Ethics in The Review of Metaphysics.

Lastly, I would like to indicate that throughout I have used one terminological innovation which Toulmin does not use and which he might even regard as smacking too much of the kind of formalism characteristic of Vienna school positivism. I shall talk of something called "meta-ethics" and something called "normative ethics" or morals. Here I do not wish to say very much about the distinction between normative ethics and meta-ethics. In the second section, when I ask the question: 'What is it that Toulmin is doing when he gives a "pure description" of moral discourse?', I shall explicate somewhat more fully what could be meant by 'meta-ethics.' Here I shall only say that meta-ethics is, in some sense or senses, discourse about morals rather than being itself moral discourse. In this very general sense, Toulmin intends to be doing meta-ethics for he clearly does not mean to be advocating a particular moral or normative ethical point of view. Toulmin wishes to describe morals, not to moralize. The question then arises: "What is he doing?". Is his "pure description of moral discourse" some kind of empirical study of linguistic behavior or is it something else? And, if it is something else, what else?'. Toulmin says very little about this aspect of his theory, but it is certainly an issue which must be faced squarely in assessing his theory. But, before doing that, I would like to set forth Toulmin's theory of morals. In doing that, I shall use the distinction

meta-ethics and normative ethics; but, I wish nothing more to be built into this distinction than the above consideration that meta-ethics is about normative ethics or morals while normative ethics, in turn, is an actual moral theory which advocates certain courses of action within morality. This advocation of certain ends to be achieved may be fairly concrete and specific, as in certain forms of casuistry, or it may be very general, as in stoic ethics. However, it is to be distinguished from theories about morals.

I should like to thank Professors Roger C. Buck, Romane Clark and Paul Welsh for their criticisms and comments on various versions of this study.

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K. E. N.

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JUSTIFICATION AND MORALS

SECTION ONE

INTERPRETATION OF STEPHEN TOULMIN'S THEORY OF MORALS

. . . it is dangerous, not only with men but also with concepts, to drag them out of the region where they originated and have matured.

Sigmund Freud

. . . the philosopher . . . knowing so well what people do do in chess . . . comes to know what they should do.

John Wisdom

Chapter I

INTRODUCTION

(A)

In everyday contexts we constantly face problems of decision. Even if we are led to say, with Hume, that value is "a chimera" or, with Freud, "that the judgments of value made by mankind" are "attempts to prop up their illusions with arguments," we still have to know what to do.[1] The "good reasons approach"[2] has given a "new look" to contemporary meta-ethical theory by taking this problem to be the central problem in meta-ethics.

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1. Stephen Edelston Toulmin, An Examination of the Place of Reason in Ethics (Cambridge, England: 1950), p. 2. Hereafter cited as The Place of Reason in Ethics.

2. I borrow the term from Abraham Edel. See his "Ethical Reasoning," Academic Freedom, Logic and Religion, American Philosophical Association, Eastern Division, M. J. White, editor, II, 133.

[redacted]s has frequently been noted, one of the most important moves in philosophy is to ask the right sort of questions. The good reasons approach in turning to the question of what reasons are good reasons for moral judgments has done just that. John Rawls perhaps exaggerates when he says of Stephen Toulmin's theory that taken in general (though not on specific points) it is the sort of view that anyone "who is acquainted with philosophical analysis is bound to hold,"[3] but Toulmin's view is at least a view that we can hardly avoid very seriously considering when we examine the nature of argument and justification in ethics.

"Good reasons" philosophers have, by their example, taught us to consider again the fundamental questions: 'What is the purpose of moral rules?', 'What is the function of morals?'. In the tradition of the later Wittgenstein, they have taught us to view moral discourse -- a form of life -- in its natural habitat where it is actually doing its typical work. Secondly we are to look for criteria for moral judgments in actual moral discourse rather than for inductive or deductive criteria imported from some other context. Thirdly, we should give up the formalist's dream that, if only we are careful enough, we can formalize the logic of moral discourse by translating moral utterances out of their ordinary idiom into a new, clear, deliberately constructed notation (say, the notation of Principia

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3. John Rawls, "Discussion-Review: An Examination of the Place of Reason in Ethics," The Philosophical Review, LX (October, 1951), 575.

Mathematica -- though, perhaps, adding some new notation for the imperatival function). We must give up the dream that, once formalized in this way, we can get a grip on fundamental moral problems and at last solve conflicts between rival moral theories (as well as moral perplexities) by calculation. The logic of moral discourse, in all its richness and subtlety, is just not formalizable in this manner. Instead Toulmin exhorts us -- if we are to understand moral argument -- to follow the advice of Tolstoy's character Platon Karataev and not look for the "significance of any word or deed taken separately" but only in their characteristic employments, in their living contexts.[4]

The good reasons approach should be contrasted with traditional meta-ethical theories. On the good reasons approach we do not even start by asking directly, as both the intuitionists and naturalists do, 'What is goodness?' or 'What is value?'. Rather on the good reasons approach we return ethical inquiry to the question 'Which kinds of reasons are good reasons in ethics?'. Constantly considering the function of ethics -- never forgetting that "the scope of ethical reasoning is limited by its function" -- we are directly to attack the problem of good reasons and justification in morals.

But the traditional theories have also considered this problem. Surely, as Broad remarks in his discussion of Toulmin's

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4. Toulmin, The Place of Reason in Ethics, p. 117.

book,[5] Sir David Ross and Ewing have not neglected the question of 'good reasons' in their analyses. The jargon has been different, but the question is asked and (particularly with Ross) answered in some detail. Yet it must be admitted that this question is secondary with Sir David while in Toulmin's practicalist approach it is primary. The typical non-practicalist is primarily concerned with the definition of basic ethical terms as the starting point in ethical theory. Only after we have answered these problems of definition which (according to them) enable us to know the "ultimate characteristics which make one action right and another wrong" can we satisfactorily take up and answer Toulmin's problem.[6]

Toulmin argues that we need not take up this problem about 'What is goodness?' to answer the problem about "good reasons." He further argues that the traditional theories do not really help us with the problem about good reasons. In substantiating this last claim he subjects traditional meta-ethical theories to a searching critique. He tries to show how these theories break down and how they do not help us at all in mapping the procedure we use in trying to decide which reasons are good reasons in ethics.

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5. C. D. Broad, "Critical Notice: An Examination of the Place of Reason in Ethics," Mind, LXI (January, 1952), 99.

6. See, for example, the preface to A. C. Ewing's The Definition of Good (New York: 1947).

There is a further consideration for taking the good reasons approach as central. Our usual puzzles about moral questions are puzzles about good reasons. Toulmin remarks about the central question of the "good reasons approach":

> Our question is at any rate one which we cannot help encountering in every ethical situation. Whenever we come to a moral decision, we weigh the considerations involved -- the relevant facts, that is, so far as we are acquainted with them -- and then have to make up our minds. In doing so, we pass from the factual reasons (R) to an ethical conclusion (E). At this moment, we can always ask ourselves, 'Now, is this the right decision? In view of what I know (R), ought I to choose in this way (E)? Is R a good reason for E?' When considering ethics in general, therefore, we shall naturally be interested in the question, 'What is it that makes a particular set of facts, R, a good reason for a particular ethical conclusion, E? What is "a good reason" in ethics?'; and this will interest us to a greater degree than questions like, 'What is the analysis of "right"?', and 'Is pleasure better than knowledge, or knowledge than pleasure?'.[7]

(B)

Toulmin's analysis is the most sustained attempt on the part of the good reasons approach to develop a meta-ethical theory. The Place of Reason in Ethics is divided into four main sections. In the first section, Toulmin criticizes the traditional approaches to philosophical ethics. In the second section, he gives an explanation of the nature and kinds (modes) of reasoning. This includes a discussion of scientific method and the nature of justification in science and in ordinary perceptual situations. Section three contains his own theory

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7. Toulmin, The Place of Reason in Ethics, p. 4.

of the nature of ethical reasoning. Here he discusses the function, nature and, even (though briefly and for illustrative purposes), the origin of moral ideas.[8] This section (specifically, Chapter Eleven) includes his basic considerations on the logic of moral reasoning. In the last section, Toulmin discusses the "boundaries of reason." In his explication of the logic of moral reasoning, Toulmin had tried to be quite literal, but in the last section he goes over (reconsidering the "traditional theories" briefly from this perspective) the shadowy land of metaphorical and figurative reasoning: the area of "limiting questions." Here he considers the relation of religion and ways of life to morals.

Toulmin's main problem is to indicate what kind of factual statements are good reasons or valid reasons for moral appraisals. As critics[9] have been quick to note, Toulmin gives us a generally normative utilitarian criterion as a final court of appeal. Toulmin attempts, however, to show that there is no

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8. Toulmin is quite aware that questions of origin are not strictly philosophical questions, but he tries (and, I think, on the whole with success) to make the point that an understanding of such social psychological or anthropological questions is helpful in understanding questions of the logic of morals. See Toulmin, The Place of Reason in Ethics, Chapter 10.

9. C. D. Broad, op. cit., pp. 94-95. Mackie points out how Toulmin argues (on the basis of linguistic analysis) to be ethics what John Austin argued for normatively. See John Mackie, "Critical Notice of An Examination of the Place of Reason in Ethics," The Australasian Journal of Philosophy, XXIX (August, 1951), 120; H. J. Paton, "Review of An Examination of the Place of Reason in Ethics," Philosophy, XXVII (January, 1952), 83.

conflict between the deontologists and the ideal utilitarians (teleologists) and that, on his theory, he can account both for the role of prima-facie obligations and the appeal to teleological considerations. In brief, Toulmin is saying that if one wants to know if a particular act is right, in an unambiguous case where there is no conflict of duties, one appeals to the moral rule current in one's community. If, however, there is a conflict of prima-facie duties among which one must make a choice or if no rule applies at all, or if we are questioning the rule or even the whole moral code itself, teleological considerations come to the fore. We test the moral rule or rules qua rules (or the social practice as a social practice) by the rather negatively stated principle: 'Preventable suffering is to be avoided.'[10] Toulmin himself puts it very succinctly: we distinguish good reasons from bad reasons "by applying to individual judgments the test of principle, and to principles the test of general fecundity."[11]

In discussing which reasons are good reasons in ethics, Toulmin is quite clear that he is doing a purely descriptive job. If we take Toulmin's theory to be a normative utilitarianism dressed up in modern linguistic idiom, we miss most of what Toulmin is trying to do. Toulmin is not trying to argue for utilitarianism as a normative ethical doctrine, but is trying to

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10. Toulmin, The Place of Reason in Ethics, pp. 149-50.

11. Ibid., p. 160.

show that the kind of criteria sketched above in virtue of which types of reasons are good reasons is part of the very logic of our moral talk. Though he rejects any ideal language method and regards the traditional meta-ethical theories as so many "disguised comparisons" or "beguiling analogies," he is aware that he himself is doing a purely descriptive job. As Toulmin puts it, he is giving "a descriptive account of the function of ethical concepts";[12] "what is wanted . . . is some device for bringing out the relation between the manner in which ethical sentences are used and the manner in which others are used -- so as to give their place on the language map."[13] Toulmin attempts to explicate ordinary moral discourse. He tests the accuracy of his pure description against ordinary usage. Toulmin makes it very clear that he will rest his case finally on ordinary language or usage. He puts it unequivocally when he says, "The only facts, upon which the truth of what we have to say will depend, are those more familiar, unquestionable facts of usage. . . ."[14]

But, his appeal to and his use of ordinary language immediately gives rise to a problem. The problem springs essentially from Toulmin's rejection of an ideal-language method with its device of the formal mode, etc. and from the systematic ambiguity of 'good reasons.' While Toulmin maintains that he is only

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12. Ibid., p. 193.

13. Ibid., pp. 194-95.

14. Ibid., p. 144.

describing moral talk, yet at many points, in talking about which reasons are good reasons in ethics or about validity, or about which reasons are "worthy of adoption," it is difficult to tell whether he is just giving a description or whether a normative (prescriptive) element sneaks in to determine his standards for deciding which reasons are good reasons.[15] At some points, it seems that he is not merely describing moral discourse as finally dependent on utilitarian standards but actually recommending (in effect) a liberal, secularist morality.[16] In emotivist jargon, Toulmin's "good reasons," stated in the way he states them, remain emotively unneutralized.[17] This point about a prescriptive element entering into

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15. Passmore, in discussing the Oxfordians rather generally, directs this kind of argument both against Toulmin and Paul Edward's account of induction. He remarks that they talk as if they were simply content to notice how 'good reasons' are used in ordinary life though they fluctuate between a descriptive and prescriptive use of good reasons. Passmore then comments that this is hardly meeting the issue with Mill, Hume and Russell, for the latter were anxious to show that science is better than superstition and that some reasons are better than others. See J. A. Passmore, "Reflections on Logic and Language," The Australasian Journal of Philosophy, XXX (December, 1952), 171. For a detailed criticism of Toulmin (I will later examine), on the same general point, see John Mackie, op. cit., pp. 114-24.

16. See (among others) Rossi-Landi's comments on this. Ferruccio Rossi-Landi, "Review of An Examination of the Place of Reason in Ethics," Methodos, III (1951), 129.

17. Note Aiken's remark: "I fancy that a subtle imperativist such as C. L. Stevenson would find something more to say about 'good' or 'relevant' reasons." Henry Aiken, "Commonsensical Ethics: An Examination of the Place of Reason in Ethics," The Kenyon Review, XIII (Summer, 1951), 525.

an allegedly pure description has been made in different ways by almost all his critics both sympathetic and unsympathetic. As this is a point of crucial importance, I shall examine it carefully when I criticize his theory.

(C)

Moral reasoning, for Toulmin, is a unique and irreducible mode of reasoning. Rejecting an empiricist program of logical reconstruction, Toulmin and the "neo-Wittgensteinians" or Oxfordians emphasize that there are modes of reasoning other than the scientific or empirical, and that these modes of reasoning have their own implicit standards of precision and relevance.[18] The job is to map the logic in the various language areas: morals, law, ritual, perception statements, etc. While assertive or indicative discourse is well mapped by formal logic, moral discourse is not. Toulmin in trying to map the language of morals is covering new territory. He is trying to map the unscheduled inferential powers of everyday expressions.[19] Language is a many leveled structure, each level having its own

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18. Henry Aiken, alone among the commentators on Toulmin's book, has brought this out sufficiently. See Aiken, op. cit., p. 521.

19. Though this does not keep them from examining the technical expressions of science, mysticism or para-psychology, though philosophers are concerned (unlike formal logicians) with expressions that are not topic — neutral. See Ryle's discussion of "Formal and Informal Logic" (Gilbert Ryle, Dilemmas [Cambridge 1954], Chapter VIII).

"mode of reasoning."[20] Each mode of reasoning has its own fabric, its own formal motifs, criteria of truth, relevance, verification and meaningfulness.[21] Trouble or perplexity arises when the context is neglected -- as it almost always is in philosophy -- or at the fracture points of the modes of reasoning where the threads of the fabric of one mode of reasoning lead into another.[22] We must give up searching for universally applicable answers to 'What is goodness?', 'What is truth?' or 'Which reasons are good reasons?';[23] we must develop a contextualistic analysis that will show that there is no need for despair or scepticism over this failure of philosophical theories to find universally applicable answers for the above "questions." This contextual analysis will indicate that there are natural criteria for each mode of reasoning that will be readily intelligible as soon as we examine its particular primary function.

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20. By 'modes of reasoning' Toulmin means to refer to 'different uses of speech' fitted for different activities. Each mode has its own 'logic.' See Toulmin, The Place of Reason in Ethics, pp. 102-03.

21. Toulmin puts it: ". . . we must expect that every mode of reasoning, every type of sentence, and (if one is particular) every single sentence will have its own logical criteria, to be discovered by examining its individual, peculiar uses." Ibid., p. 83, see also p. 74. This point of view is also typified in Kurt Baier's later bald assertion: ". . . moral questions also have a 'method of verification,' although it is not the sort of empirical verification which in recent years has been taken as the only type deserving the name." K. Baier, "The Point of View of Morality," The Australasian Journal of Philosophy, XXXII (August, 1954), 104-05.

22. Waismann's conception of language strata is usefully borne in mind here. See F. Waismann, "Language Strata," Logic and Language (Second Series), A. G. N. Flew, editor (Oxford: 1953), pp. 11-31.

23. Toulmin, The Place of Reason in Ethics, p. 74.

Toulmin's direct appeal to typically moral modes of reasoning rather than to inductive or deductive modes of reasoning, as models for moral reasoning, rests on his contention that the modes of reasoning are independent. We can, of course, find analogies between different modes of reasoning which, in some instances (and for some purposes), it is important to emphasize. But, these analogies can be misleading if we forget that they are just analogies. The choice of a particular mode of reasoning is a pragmatic one, i. e., a choice determined by the function of the activity we are interested in understanding.[24] If we keep the purpose of each unit of discourse in mind there will be no conflict between different modes of reasoning. There is no conflict between the artist who says that the sky seen through trees is really a deeper blue and the physicist who denies that it is really a deeper blue. There is no material difference, the only difference is in <u>their</u> modes of reasoning. The function of science (to state it very roughly) is to make predictively reliable statements or to correlate our experiences so that we know what to expect in the future.[25] The artist, however, is not (except incidentally) concerned about predictive reliability, but is concerned with our <u>present</u> experiences <u>as such</u>. He is concerned with the intensity of feeling of certain 'bright' colors and the 'sadness' of other colors and

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24. <u>Ibid</u>., p. 113.

25. <u>Ibid</u>., p. 184.

so on. "'Reality,' in any particular mode of reasoning, must be understood as 'what (for the purposes of this kind of argument) is relevant,' and 'mere appearance as what (for these purposes) is irrelevant.'"[26] Once we understand the point of the artist's and the scientist's statements, there is no genuine opposition between them. To say that the one and not the other is concerned with what is "Really Real" is to engage in the most metaphorical kind of goose chase.[27]

Of course to make this argument for independent modes of reasoning work, Toulmin must show that there is no general, universally applicable answer to the question, 'What is reasoning?' which will cover both moral reasoning and reasoning about matters of fact as species under a common genus. He must also rebut the claim of the extreme rationalists that the formal logical (deductive) mode of reasoning is the only really respectable mode of reasoning.

Now, Toulmin's arguments about the impotence of intuitionism, naturalism, and emotivism apply at this point as a criticism of any program to give a blanket answer to the question, 'What is reasoning?'. In other words, he will have to answer the subjectivist or naturalist argument that inductive arguments are sufficient to cover moral reasoning (moral talk is just a kind of empirical talk) and the objectivist's (intuitionist's) arguments that there are intuitable (non-natural)

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26. Ibid., p. 114.

27. Ibid., pp. 114-15.

moral properties that we just see or apprehend (intuit) in an a priori and yet synthetic manner. Toulmin devotes the first third of his book to an extensive criticism of these traditional theories.

Toulmin argues that, in terms of common sense and common usage, he has a yardstick with which to measure the traditional meta-ethical theories. All of the theories must be able to show us how some reasons are good reasons in ethics. If a theory runs rough-shod over this distinction or cannot explicate the distinction between good and bad reasons, the theory is simply not an adequate meta-ethical theory.[28] Toulmin concludes that none of the traditional theories help with this problem of good reasons. Subjectivism regards the question as trivial. Moral ideas are but subjective relations. Emotivism (imperativism) simply regards questions about validity in ethics as nonsense. Objectivism (intuitionism) gets lost in a lot of vague talk about a peculiar non-natural property ("invented by themselves"), and does not help us out with our question about good reasons any more than do subjectivism and emotivism.[29] While these "traditional" theories bring out, in a one-sided fashion, important aspects of our moral discourse, they do not help us out at all, Toulmin claims, with our central problem about good reasons.[30] All three traditional meta-ethical

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28. Ibid., pp. 63-64.

29. Ibid., p. 61.

30. Ibid., p. 63.

theories treat a contingent (though genuine) feature of moral discourse as if it were a necessary feature. The emotivists (for example) correctly note the moral judgments sometimes express attitudes, but wrongly conclude that they always do.

We can also see that moral reasoning cannot be reduced to other modes of reasoning if we try to answer the cramping general question, 'What is reasoning?'. Toulmin takes a typical series of arguments (arithmetical, scientific, ethical, and everyday) and asks what is there in common between them.[31] All he can discover is their dialectical form. But if this is all there is in common, this will not do for we can also have dialogues like the following which are "emphatically not instances of 'reasoning.'"[32]

A: 'You call me that again!'
B: 'Shan't!'
A: 'Go on! I don't believe you dare.'
B: 'Shan't.'
A: 'Oh, won't you? Cowardy-cowardy-custard! . . .'
B: 'All right; I shall then -- You're a beastly bully!'

Thus the dialectical form of an argument is not enough to distinguish a species of reasoning from emotive vituperation. But are there any other features common to reasoning? There are. Note the following: In scientific reasoning, moral reasoning, and aesthetic reasoning, we are concerned with distinguishing what 'seems yellow' and what 'really is yellow,' what

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31. Ibid., pp. 68-69.

32. Ibid., p. 70.

'seems obligatory' and what 'really is obligatory,' what 'seems beautiful' and what 'really is beautiful.' Nor is it enough -- according to Toulmin -- to appeal to "subjective relations" -- to this or that man finding so and so credible. Rather, for a moral act to be obligatory, it must be worthy of selection, for a proposition to be true, it must be worthy of credence, for something to be beautiful, it must be worthy of approval.[33] These concepts (logical, ethical and aesthetic alike) are classed by Toulmin as gerundives and are distinguished from property words and from "subjective relations" like "credibility." All gerundives can be analysed as "worthy of something-or-other."[34] To answer our question about good reasons, we started by asking vaguely about 'What is reasoning?'; but, to answer our question about 'good reasons,' we must find out which utterances in a dialectical pattern are worthy of acceptance. But to point out that we appeal to gerundive concepts in determining 'What is reasoning?', hardly gets us very far in our inquiry to determine which reasons are good reasons in ethics. The appeal to gerundives tells us only that we cannot accept arguments that appeal to "credibility" (subjective relations) alone.

There is a further consideration for the independence of the modes of reasoning. Toulmin makes it very clear that he is saying something sceptical about the very possibility of general philosophical solutions, i. e., "comprehensive verbal

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33. Ibid., p. 71.

34. Ibid.

formulae" that distill the essence of "truth," "goodness," "beauty" -- the scholastic transcendental attributes of being.[35] As he rejected the traditional meta-ethical theories that try to give us a universal answer to 'What is goodness?', so he rejects the traditional theories of truth as having universal application.[36] The search for "essences" in any form is mistaken. In ethics "each of the three lines of approach starts with the false assumption that something which is sometimes true of our ethical judgments is essential to them. . . ."[37] So too in theories of truth: the correspondence theory works very well in situations where we are making descriptions (i. e., as giving a description of an escaped criminal), but "if the 'correspondence' theory is assumed to be of universal application, its consequences are paradoxical and even nonsensical."[38] We have, Toulmin claims, a perfectly good usage in which we say ethical utterances are true, but because the correspondence theory of truth stipulates that the nature of truth must be (to state it crudely) the correspondence of a proposition with a state of affairs and such a situation does not obtain with our uses of ethical, juridical, and aesthetic terms (as well as others), we deny the appellation 'truth' to them. But this is sheer

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35. Ibid., p. 73.

36. Ibid., p. 74.

37. Ibid., p. 61.

38. Ibid., p. 77.

linguistic legislation.[39]

Toulmin shows that the correspondence theory works well in limited areas where one can produce an utterance which "corresponds" recognizably to whatever it describes. But this is a limited application only. Not only do we not have any general criteria for reasoning, we do not even have any general and universally applicable formula for 'truth,' 'goodness,' 'beauty,' etc.

The moral of the above arguments about the uniqueness of the modes of reasoning is that if we wish to discover the criteria for (the good reasons for) an ethical utterance, we must try to see how the utterance functions in a particular context. Once we see its use or employment its criteria become, without any mystery, readily intelligible. To find and describe the use in a given context is to solve our puzzle, even though we have not found any universally applicable criterion that would apply independently of context. We all have a good working acquaintance with these uses in practice. The problem is to reflect carefully on them and then to describe accurately these uses and their interrelations with different general types of utterances.[40]

However, to make this description is not at all an easy task and we may well make mistakes in describing what we know

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39. Ibid., p. 79.

40. John Wisdom, Philosophy and Psychoanalysis (Oxford: 1953), pp. 37-42.

how to handle perfectly well in practice.[41] To try to overcome this difficulty Toulmin uses a "neo-Wittgensteinian" approach. Utilizing this "neo-Wittgensteinian" technique, Toulmin attempts to give a pure description of the logic of moral reasoning with particular attention to the logical steps involved in questions concerning supports for moral judgments.

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41. "Knowing how to operate is not knowing how to tell how to operate." Gilbert Ryle, "Ordinary Language," The Philosophical Review, LXII (April, 1953), 176. ". . . it is possible and even usual, to be able to apply a word correctly in unselfconscious moments, without being able to discern its ratio applicandi." Antony G. N. Flew, "Philosophy and Language," The Philosophical Quarterly, V (January, 1955), 30.

Chapter II

THE PARADIGM CASE METHOD AND THE PRIMARY FUNCTION OF ETHICS

(A)

Without talking very much about it, Toulmin employs a technique (common to Oxfordians) that Urmson and Flew have dubbed an appeal to the standard example or paradigm case.[1] In any mode of reasoning, we can expose a philosophical doubt about whether X really is what it purports to be showing that the expression 'X' must be understood by reference to X if it is to be understood at all. Then, we can use the method of challenge and ask, "If this isn't a case of the kind you refer to, what would count as a case of that kind?". If (to use Flew's example)[2] a man, under no social compulsion, marries

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1. J. O. Urmson, "Some Questions Concerning Validity," Revue Internationale de Philosophie, XXV (September, 1953), 217. Antony G. N. Flew, "Philosophy and Language," op. cit., p. 35.

2. Flew, op. cit., p. 35.

the girl he wants to marry, it cannot be right to say that he did not marry her of his own free will, for it is only with reference to this kind of an example that we can know what 'free-will' means. It is with reference to applications like this, that the expression 'free-will' has a meaning or use. It must mean this if it is to mean anything at all and, if we deny that it does mean anything at all, we will have to invent a new expression to describe the above kind of situation where we normally would employ 'free-will.' Similarly, if someone denies that moral appraisals can be valid or invalid, he can be refuted by merely giving him a standard example of moral reasoning for this is just what is to count as moral reasoning.[3]

Let us take a simple example from completely non-ethical (non-valuational) context in which this paradigm case method works well in order to see a little more fully just how the argument works. Eddington, as a physicist with "philosophic obsessions," noted the vast difference between everyday modes of reasoning and concepts and the modes of reasoning and concepts of physics. Unless the physicist discards the everyday

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3. Kurt Baier does this in a very simple and direct fashion in two articles in Philosophical Studies. See K. Baier, "Good Reasons," Philosophical Studies, IV (January, 1953), 1-15; and K. Baier, "Proving a Moral Judgment," Philosophical Studies, IV (April, 1953), 33-43. I will not try here to point out the limitations of this method, but only (with Toulmin) try to indicate how far we can go with it. The dissatisfaction we feel with such examples is part and parcel of one of the major tensions in Toulmin's (and Baier's) approach. I will discuss this issue in detail later but, first, let us see how far we can go with the method.

notion of solidity, Eddington reasoned, he may believe mistakenly that nothing, "not even a beam of α rays, will go through" a table or chair. α rays, however, do go through chairs and tables. It must be, then, after all, that tables and chairs are not really solid. The ordinary conception of solidity is (after all) illusory. But, as Miss Stebbing and others were quick to note, if tables and chairs are not solid, then what is to count as solid? In our everyday way of talking, 'being solid' just means 'to be something like a table or a chair.' If they aren't solid, then what is? All Eddington has done is to bring out, in a dramatic but esoteric fashion, a difference between scientific and everyday description. Eddington and Miss Stebbing are not differing in any substantial or material way. Miss Stebbing's remarks are not intended as a denial of any of the experimental facts of physics (i. e., that α rays pass through tables, etc.) but only as a criticism of Eddington's whimsical notion "that the results of his experiments discredit the everyday concept of 'solidity.'"[4]

Take another non-ethical application of the paradigm case method. In an extended section, Toulmin develops a theory about the nature of scientific reasoning and an analogy between reasoning in science and ethics. Science is a unique irreducible mode of reasoning. It has its own criteria of justification, relevance, truth, etc. Certain predictions can be

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4. Toulmin, The Place of Reason in Ethics, p. 113, and Urmson, op. cit., pp. 218-19.

justified in terms of certain scientific laws and these laws themselves can be justified by other criteria. But, according to Toulmin, it makes no sense to ask for a justification of science itself. Activities or forms of life like science are self-contained; they are unique modes of reasoning that neither need nor can have any justification as a whole.[5] This does not mean that science, as an activity, explains everything, for each mode of reasoning imposes its own limitations; but, it does mean that it does not make sense, once we understand the function of science, to ask if any scientific explanations at all are ever correct.[6] To say that scientific theories are all fictions or that scientific statements can never be justified, makes no more sense than to say tables really are not solid. A study of some paradigm cases of scientific reasoning will fully restore our confidence in the justifiability of scientific reasoning.

Now, the interesting question for our purposes is: can we make a similar argument for morals? Is it as absurd to ask for a justification of ethics as it is to ask for a justification of science? Is it as absurd to deny validity to moral appraisals as it is to deny that tables are really solid?

Toulmin thinks we can apply this paradigm case method in morals with the same adequacy that we can apply it to non-valuational questions. Before pointing to what I (and others)

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5. Toulmin, The Place of Reason in Ethics, pp. 98-101.

6. Ibid., p. 99.

have regarded as difficulties in his account, let us see how he tries to make his case here. Toulmin takes certain standard examples of moral reasoning and shows the criteria implicit in these paradigm cases. Stated concisely, Toulmin's criteria are as follows: in an unambiguous case where a moral appraisal needs to be made, make it in accordance with the moral rule current in one's community. Where there is a conflict of duties, choose between them on the basis of which duty or duties will probably result in the least preventable suffering. If there is a question of choosing between two moral codes as a whole, again choose according to the principle: preventable suffering is to be avoided. For Toulmin, the "overall principle" that preventable suffering ought to be avoided, is bound up with the very idea of 'duty' and 'morality.' If this criterion is to be given up, we have abandoned the primary use (meaning) of 'duty' and 'morality.'[7] Considering the purpose of moral rules, certain criteria are so natural that we could hardly understand 'duty' without them.[8] In paradigm cases of moral reasoning, we use these prima-facie moral rules as a justificans for unambiguous particular obligations and, in turn, test these rules in terms

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7. Toulmin, The Place of Reason in Ethics, pp. 159-60, 153-56, 133-35.

8. This is vague and, as I shall show, indicates a possible difficulty in Toulmin's thought. It is well to note that Toulmin does not identify the meaning of a moral utterance with its criteria of application, though his talk at times certainly suggests that he does.

of the principle of least suffering. It is by reference to such criteria that we can understand what is to count as a justification of a moral appraisal.

(B)

By reflecting on the kind of job that these paradigm cases of moral reasoning do in their regular employments, we can get clear about the function of ethics. Increasing clarity about just what kind of an activity morality is will, in turn, shed further light on the criteria implicit in these paradigm cases. Clarity about the function of ethics will also make it clear why, with the least suffering principle, we have reached the limits of justification in ethics. At this point, Toulmin's theory depends very definitely on his conception of the independent modes of reasoning. He makes it very apparent that he thinks that, from an examination of the primary function of ethics, we can gain all we need to know or can know about good reasons in ethics. As Toulmin puts it, "the scope of ethical reasoning is limited as well as defined by the framework of activities in which it plays its part."[9] Once we clearly see what the primary function of ethics is, we will also understand why there are natural criteria (good reasons) in morals.

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9. The qualification 'primary' is my own. Toulmin just speaks of 'the function of ethics.' Ibid., p. 152. Sacksteder, in his review of Toulmin, has emphasized this point. William Sacksteder, "Review of An Examination of the Place of Reason in Ethics," Ethics, LXII (April, 1952), 217-19.

Toulmin makes several statements of the primary function of ethics.

1. The function of ethics (provisionally defined) is "to correlate our feelings and behaviour in such a way as to make the fulfilment of everyone's aims and desires as far as possible, compatible."[10]

2. "Ethics is concerned with the harmonious satisfaction of desires and interests."[11]

3. ". . . we can fairly characterize ethics as a part of the process whereby the desires and actions of the members of a community are harmonized."[12]

4. "The function of ethics is to reconcile the independent aims and wills of a community of people. . . ."[13]

5. "What makes us call a judgment 'ethical' is the fact that it is used to harmonize people's actions."[14]

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10. Ibid., p. 137.

11. Ibid., p. 223.

12. Ibid., p. 136.

13. Ibid., p. 170.

14. Ibid., p. 145. Kurt Baier, whose position is very like Toulmin's, also conceives of the function of ethics in the same general way. To take the moral point of view is to "regard the rules belonging to the morality of the group as designed to regulate the behaviour of people all of whom are to be treated as equally important 'centres' of cravings, impulses, desires, needs, aims, and aspirations; as people with ends of their own, all of which are entitled, prima facie, to be attained" (p. 123). A "genuine moral rule must be for the good of human beings" (p. 126). But all our desires are to count alike and all "centres" of desire, excepting definitely recognized and universalisable exceptions, are to be treated alike (pp. 123-26). Baier's treatment, to my mind, is an important further explication of the kind of conception Toulmin has initially stated. See Kurt Baier, "The Point of View of Morality," The Australasian Journal of Philosophy, XXXII (August, 1954), 104-35.

The primary reference of moral concepts is not some sort of mysterious, non-natural property; rather, while remaining gerundive concepts, they refer to variable human dispositions, feelings, interests, desires and the like.[15] Ethical discourse is concerned with altering feelings and with guiding actions so that people can live together in harmony. Like the mythical "social contract" of the English and French philosophers of the Seventeenth and Eighteenth centuries, ethics serves to bring man's independent desires and needs into some manageable "peaceful coexistence."

However, it must not be thought, from the above account, that Toulmin regards ethics as an activity that seeks to attain social cohesion at any price. Surely it is the primary function of ethics to harmonize conflicting desires and interests; but, ethics seeks to harmonize desires and interests in a particular way. Ethics seeks to harmonize various interests in such a way that there will be no more suffering than is absolutely necessary for there to be social life. Ethical rules are intended to allow as many people as possible to achieve as much as possible of whatever it is that they want. Morality adjudicates between these desires and interests only in the sense that it insists that we only seek to achieve those desires which are compatible with our other desires or with the desires of other people. Thus, ethics is irreducibly social.[16]

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15. Toulmin, The Place of Reason in Ethics, pp. 125-29.

16. Ibid., Chapter 10.

The concept of 'duty' "is straightforwardly intelligible only in communal life."[17] 'Duty,' 'obligation,' etc., in their basic uses, do a job only where we have a situation where a choice is involved that will affect the interests of another member of a community.[18]

This may sound like a naturalism. But, Toulmin is not a naturalist in the usual sense. He makes it very clear in his chapter "Is Ethics a Science?" that, though there are important similarities between ethics and science (they both, for example, seek objectivity), there is this irreducible difference: science is predictive while ethical utterances serve to encourage hearers to feel and react differently, to make different choices and pursue different courses of action.[19] Toulmin further differs from traditional naturalists (descriptivists) in refusing to identify the meaning of ethical terms with the criteria of their application. To believe this, Toulmin argues, is to confuse facts and values: the reasons for the value-judgment with the value-judgment itself.[20]

While ethics has the overall function of harmonizing desires, the role which moral utterances play within the mode

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17. Ibid., p. 136.

18. Ibid., pp. 156-57.

19. It is interesting to note how close he comes at this point to an emotive theory. Ibid., pp. 125, 28.

20. Ibid., p. 95. Sometimes, however, he seems to come close to saying this when he says that certain criteria are so natural that we could hardly understand ethical terms without reference to them. See footnote 8, this chapter.

of moral reasoning varies with their context. Toulmin is what Aiken calls a "pluralist"[21] in ethics who, rather than focussing on one use of moral utterances, emphasizes the full spectrum of value predications.[22] While criticizing the emotivists, Toulmin admits that, in some contexts, moral utterances have an almost purely emotive function.[23] But, it is important to remember that this emotive function is not something necessary to moral utterances per se as the emotivists thought.[24] However, moral utterances, in their most characteristic forms, are objective in the sense that they do not apply exclusively to any given speaker or class of people but are meant to count for all people under like circumstances.[25] Moral utterances are universalisable; they must be so if they are to count as moral utterances. In their most characteristic forms, moral judgments are utterances in which the "rational element predominates";[26] full-fledged moral judgments are to be contrasted, as are full-fledged judgments of perception, with an immediate report or unconsidered

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21. Aiken, "Commonsensical Ethics," op. cit., p. 524.

22. Toulmin, The Place of Reason in Ethics, pp. 166-67.

23. Ibid., p. 185.

24. Ibid., p. 61.

25. Ibid., p. 168. It is worth noting that a subjectivist like Westermark emphasizes that moral appraisals are objective in the same sense as does Toulmin. See Edward Westermark, Ethical Relativity (New York: 1932), p. 141, passim.

26. Toulmin, The Place of Reason in Ethics, p. 129.

exclamation.[27]

In ethics, as in science, incorrigible but conflicting reports of personal experiences (sensible or emotional) are replaced by judgments aiming at universality and impartiality -- about the 'real value,' the 'real colour,' the 'real shape' of an object, rather than the shape, colour or value one would ascribe to it on the basis of immediate experience alone.[28]

Why typical moral utterances function objectively or disinterestedly is readily apparent when we consider the primary function of ethics. And, in terms of this function, we can see why certain paradigm cases of moral criteria must count as 'moral criteria' if anything is to count as 'moral criteria.' The rule of keeping promises is a paradigm case of a prima-facie obligation. Such a practice is quite essential if we are to have any social harmony at all. And, the way to test the value of a rule like this is to see whether or not it furthers the end which the function of ethics sets. Assume that a moral judgment is made in accordance with the rule of promise-keeping. Further, assume that this rule tends to further the ends of ethics. Should someone say that this moral judgment is not a justified moral judgment then we may ask: 'But, what would count as a "justified moral judgment," if this won't?'. If it be replied: 'Nothing will count as a justified moral judgment,' then it is evident that a person making this reply is making the verbal recommendation that we stop using the

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27. Ibid., p. 123.

28. Ibid., p. 125.

expression 'justified moral judgment.' He is, in effect, suggesting that we give some other name to 'justified moral judgment.' He is not differing from us on any substantive point. If, on the other hand, he is suggesting some other judgment than our paradigm example as a moral judgment, then he must show why our example is not adequate and why his example better exemplifies what we mean by a 'justified moral judgment.' But, it is difficult to envisage how this could be shown. If we are to call any judgment a 'justified moral judgment,' then a judgment such as 'Bill, you ought to return Betty's book as you promised!' ought to count, in its clear applications, as a justified moral judgment.

Chapter III

GOOD REASONS IN ETHICS: TWO KINDS OF MORAL REASONING

(A)

Remembering then that the primary function of ethics is to harmonize the interests of a community of people, let us see in some detail how Toulmin conceives of moral reasoning.

Let us assume A and B are arguing about what to do in a given practical situation. A proposes action x and B proposes action y. If, finally, after A and B discuss the issue, bringing forth considerations for and against x and y, B accepts A's argument that x really is the right thing to do, what sort of "considerations" are necessary before we will say this was a case of moral reasoning in which moral considerations were decisive?

In order to be a case of moral reasoning it is not sufficient that A just get B to do x. For there to be a case of moral reasoning, there must be the two types of consideration mentioned previously. Both of these considerations are criteria for our moral appraisals. They give these appraisals a

logical ground. The first criterion is "deontological" and the second "utilitarian." A and B would attempt to show that x and y were prima-facie obligations in the culture in which they both operate. If x were an unambiguous instance of a prima-facie duty and y were not (everything else being equal), it would be enough to point to the moral rule (the prima-facie obligation, "the thing done"). An appeal to an accepted rule in such a situation puts argument to an end. However, morality is not merely a matter of "my station and its duties"; for, in any "developed morality," there is a recognition that the members of the culture have a right to criticize existing social practices (prima-facie obligations, taboos, customs and commandments). This is merely a natural extension of the function of ethics to harmonize the interests of the community or culture in question. Justifiable prima-facie duties must tend to contribute to the satisfaction of as many independent centres of interest as possible. Otherwise, we have a mere appeal to authority as in "closed societies." We have a situation in which the purpose of morality is not fully realized.[1] Such an appeal to bare authority, because it is part of the connotation of moral utterances that they be universalisable, is, as a mere matter of the logic of morals, not a moral appeal.[2]

The utilitarian rule applies in the following manner.

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1. I trust I shall not be charged with "teleological" (metaphysical sense) thinking for the above rather metaphorical phrase.

2. Toulmin, The Place of Reason in Ethics, p. 171.

If the extant moral rules (standards laid down by the code) generally lead to frustration, suffering and deprivation of inclusive interests and desires and if these frustrations, etc. could be avoided by making a specific alteration in the practices of the community, then it is the best thing to do to make such changes. Further, where there is a conflict of moral rules (prima-facie obligations), we appeal to utilitarian principles to decide what we ought to do -- which rule ought to take precedence in this instance. This is also true where no moral rule clearly applies. Thus, there are two criteria for good reasons with their appropriate spheres of operation well marked out. One is deontological and the other utilitarian.[3] However, Toulmin argues, we need not worry about the "apparent duality of ethical arguments"; for, duties clearly function in a culture only to achieve the primary aim of ethics, that is, to harmonize the independent desires and actions of the members of the culture.[4]

I do not mean to imply by my remarks about 'culture'

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3. Since this was first written, John Rawls, with explicit indebtedness to Toulmin and retracting some of his earlier criticisms of him (see his second footnote), has stated this distinction with great clarity and has given an analysis of the status of the practices Toulmin calls prima-facie duties, rules of the road or social practices. Rawls specifically links this theory with classical utilitarianism (Bentham, Mill, Austin, Sidgwick, Hume), though he claims that the classical utilitarians did give a misleading analysis of the nature of moral rules by treating them as summaries of experience. See John Rawls, "Two Concepts of Rules," The Philosophical Review, LXIV (January, 1955), 3-32.

4. Toulmin, The Place of Reason in Ethics, p. 136.

(Toulmin usually says 'community') that Toulmin is offering us a kind of "cultural relativism" but merely that moral utterances only have a clear application within the mechanics of social life. Surely, he, and a good many other philosophical ethicists, would admit that the content of particular moral duties (prima-facie obligations) varies from culture to culture (e. g., 'Eating meat on Fridays is morally wrong,' 'Having more than four wives is morally wrong,' 'Stealing is wrong,' 'Mother-in-law avoidance is morally obligatory,' etc., etc.). Toulmin would argue only that all cultures have moral duties which function in the way that he indicated and that all cultures, in arbitrating conflicts over duties, etc. (whatever the duties may be), appeal to interests, to happiness, or (to put it negatively) to what will cause the least annoyance, suffering, inconvenience, etc. for the members of the community. This is true even though what exactly is to count as 'interest,' 'happiness,' 'suffering,' etc. may vary far more than we, as members of a given culture, can imagine.

(B)

To explicate further how these two criteria for good reasons function, Toulmin distinguishes two types of moral reasoning. Toulmin argues that it is essential in moral argument to separate these two types of reasoning.[5] Let us see how the distinction works out with respect to the time-worn question

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5. Ibid., p. 151.

between the deontologists and the ideal utilitarians concerning 'The obligation to keep a promise.' First, note that questions about promise-keeping are in some respects significantly parallel to questions about whether or not something is straight. To see this, first note the questions we could ask about 'Is this really straight?'. On the one hand, we could ask, 'Is this really straight?', in context within which the usual Euclidian criterion of straightness is accepted. On the other hand, we could ask this same question meaningfully by making it a test case of the Euclidian criterion of straightness. Similarly, with 'Must I keep this promise to return x's book?', if it is asked within a context in which 'Promise-keeping is morally obligatory' is accepted as a moral rule, it is a prima-facie obligation. And, if it does not conflict with any other prima-facie obligations in the same moral system, the question is answered merely by citing the rule. In this context, no further justification is needed or, indeed, possible. One cites the rule of the road and that is the end of it; and, even if keeping that promise turns out to have bad consequences, it still is the right thing to do just as it is right to drive (in America) on the right-hand side of the road even if someone whom we do not see, coming from the opposite direction, swings wide on a curve and kills us before we can get out of the way.[6]

The above is a paradigm case of the first type of moral reasoning. Questions on this level are similar to questions

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6. Ibid., pp. 145-46.

concerning whether something is straight when the Euclidian criterion of straightness is accepted. The first type of moral reasoning is concerned with the rightness of keeping individual promises, etc.[7] It is the typical moral agent's problem. To exhibit the nature and extent of justification of this first type of moral reasoning attend to the following dialogue:

A: (Answering his own introspective question "Must I keep this promise to return x's book?") "Yes, I feel that I ought to take this book and return it to x!"
B: "But, ought you really to do so?"
A: "Yes, I promised him I would return the book today."
B: "But, ought you really?"
A: "I ought to, because I promised to let him have it back."
B: "But, now, why ought you?"
A: "Because I ought to do whatever I promised him to do."
B: "Why?"
A: "Because I ought to do whatever I promise anyone to do."
B: "Why?"
A: "Because anyone ought to do whatever he promises anyone else he will do."
B: "Why?"
A: "Because it was a promise."[8]

Now, if A would have the patience (which he certainly wouldn't have in anything but the philosopher's closet) to follow B's parrot-like questioning he has reached, according to Toulmin, the limits of his justification of his obligation to keep a promise. In fact, the whole dialogue is a kind of rondo; for, we all understand perfectly well that when A merely says, 'I

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7. Ibid., p. 150.

8. This in substance is Toulmin's own dialogue. Ibid., p. 146.

promised him I would return the book today,' everything else being equal, he ought to do so. To say, "I promised him" directly expresses, by its more serious utterance, an obligation.[9] If there are no complicating circumstances, this is the end of it. It is in this respect like appealing to a standard dictionary for the spelling of a word. In this first type of moral reasoning, he can give no further general reason why he ought to keep his promise than to relate the action in question to an accepted social practice in accordance with which the action ought to be made. A cannot further justify his decision by arguing 'Because one must not inflict avoidable suffering by breaking promises.' This is the second kind of moral reasoning and is appropriate only "when discussing whether a social practice should be retained or changed," or when there is a conflict of duties.[10] We can only give the reasons A gave for justifying an unambiguous case of keeping one's promise.

(C)

The second type of moral reasoning comes into play when we challenge this social practice as a whole. A question concerning the justification of a social practice is the typical question for a moral critic though in certain contexts a moral agent can also ask if a social practice is indeed justified.

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9. See also A. I. Melden, "The Obligation to Keep a Promise," Proceedings of the XI International Congress of Philosophy (Amsterdam: 1953), pp. 153-58.

10. Toulmin, The Place of Reason in Ethics, pp. 146-47, 151.

At this level we are asking why ought we ever to accept the obligation to keep promises or why ought we to accept the moral rule (prima-facie obligation) at all? To ask this question is clearly not to ask about the correctness of individual actions, but to ask about the principle itself in accordance with which we perform individual actions. However, a rejection of the principle (social practice) ought to be followed by a change in individual actions in relevant situations.

These two types of moral reasoning are easy to confuse; but, they are quite distinct types of reasoning. As when we ask, of a particular stick, 'Is it really straight?', we cannot at the same time be asking about it qua particular stick and about it as a criterion of straightness, so too these two types of moral reasoning ought not be confused. In fact, we cannot logically, at the same time (for the same purposes), take something as a justificans and justificantia; although, certainly, what may be a justificans in one context may, in another context, itself demand justification (serve as the justificantia).[11] If we ask the first type of question about the obligation to keep a promise or about whether any given act is right, we must have at least some provisional standard or criterion in mind by which we could in theory answer our first type of question; otherwise, we could not even ask for a justification for such an act. But, there are times when

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11. For a discussion of the general logical principles involved, see Max Black, Language and Philosophy (Ithaca, New York: 1949), p. 64.

we want to question the justificans (the social practice) itself. Almost any critically minded person, at least sometimes, wants to question the moral standards of his culture. Are the prima-facie duties we find as part of our actual moral criteria genuine moral rules that ought to be followed?[12] But, in order to question our moral rules, provided we are expressing something more than our distress or irritation, we must have in mind something that could count as a standard for evaluating these prima-facie duties. Toulmin points out that when we ask this second type of question, as when we ask the first, we do indeed have a ready criterion. We estimate the probable consequences of retaining the present practice or of adopting the projected alternative. "If, as a matter of fact, there is a good reason to suppose that the sole consequences of making the proposed change would be to avoid some existing distresses, then, as a matter of ethics, there is certainly a good reason for making the change."[13] As a matter of fact, the justice of social practices like promise-keeping will always remain beyond question; but, as a matter of logic (meta-ethics), we can ask how they are justified.[14] The answer is, however, that they are

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12. See also Kurt Baier, "The Point of View of Morality," The Australasian Journal of Philosophy, XXXII (August, 1954), 119-20.

13. If I read Toulmin rightly here when he says, "as a matter of ethics," he means what I would call "a matter of meta-ethics." Ibid., p. 150, italics mine.

14. Ibid.

justified, as social practices, by their utility.

It is extremely important to keep in mind these two distinct types of moral reasoning. If we really are prepared to challenge the moral rule, everything is altered. The centrality of these moral rules can be seen from the reactions to any radical moral reform that challenges our usual norms. Moral critics or moral reformers (Shaw or Bertrand Russell qua moralist, for example) often seem immoral to many people. If it is not clearly understood that the moral critic is challenging the rule, as a social practice, his actions often will be thought to be unprincipled.[15] Thus, conscientious objectors are frequently misunderstood; for, it is not understood that they are challenging a moral principle or principles. Similarly, the religiously orthodox frequently misunderstand the unorthodox and secularist as, for example, the Irish faithful misunderstood the radical school teacher in Shadow and Substance.

The complicating question of test cases arises in situations like the one above. We might make the rejection of a particular moral duty a test case of a moral rule commonly accepted in our culture. Here, where the justification of a given action is made a "matter of principle," the second type of moral reasoning applies to a situation where the first type normally holds. But in doing this, we must make it very clear that we are treating this particular duty as a test case either for the total rejection of the moral rule or for a modification of the scope of

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15. Ibid., pp. 151-52.

the moral rule. If we do not make this clear, we may be thought to be acting on immoral or opportunist grounds.

(D)

The above discussion may be summarised as follows: The function of ethics defines the limits of moral reasoning. Within the mode of moral reasoning, there are two basic criteria for judging which reasons are good reasons in ethics. One of these criteria is deontological and the other utilitarian. The first type of moral reasoning is reasoning in accord with deontological criteria. Its appropriate function is to provide justifying reasons for individual acts. The second type of moral reasoning is reasoning in accord with a utilitarian criterion. Its typical function is to provide justifying reasons for deontological rules. But, this second type of moral reasoning serves also to provide justifying reasons for individual acts which are not subsumable under deontological rules or for acts which provide test cases for such rules.

Chapter IV

THE LIMITS OF MORAL JUSTIFICATION

(A)

Assuming that Toulmin's account of the function of ethics and the types of moral reasoning is correct, can we say that we have reached the limits of justification in ethics or is some further and more general justification needed? Toulmin says the criteria arising in the two types of moral reasoning exhaust the ways we can justify moral judgments. In the mode of moral reasoning, we can give no further justification for a moral judgment. But, many people have thought a more ultimate justification was needed. Some have thought that Toulmin's kind of justification was hardly a justification at all. Indeed, the moral sceptic will say that Toulmin has not given us any good reasons for being bound by moral considerations at all. Let us see what Toulmin says in reply to this type of criticism.

The crucial issues here center largely on Toulmin's conception that moral reasoning is a limited mode of reasoning. In Chapter I, we discussed briefly Toulmin's conception of ethical reasoning as a unique and irreducible mode of reasoning. We attempted to make plausible his contention that the moral mode of reasoning is, indeed, a unique mode of reasoning and that we could not derive our criteria for ethics from the criteria of any other mode of reasoning. Our major positive conclusion there was that for any reason to be a good reason in ethics it must be more than an accepted reason; it must be a reason that is worthy of acceptance. This, of course, is too general a conclusion to be very helpful. We then examined the function of ethics and we noted that there are certain very natural criteria for good reasons in ethics. But, what we have not noted sufficiently is how the mode of moral reasoning, like every other mode of reasoning, sets the limits of justification in ethics.

Let us now see how Toulmin argues for this. Toulmin's argument is as follows. As in all other modes of reasoning, the range in which it makes sense to ask for moral justification is limited. Perhaps we can best see the limited range in which we can ask for justification in a given mode of reasoning if we first take an example from the scientific mode of reasoning. For example, coincidences are not subject to scientific explanation because a part of what we mean by 'coincidence' is that such an event is external to the scientific mode of reasoning. If we are seeking an explanation in the

scientific mode of reasoning, we must answer that we cannot explain why it is that three brothers all died on their birthdays if this is, indeed, a coincidence. Indeed, we can explain why they died (that is, what caused them to die); but, we cannot explain why they all died on their birthdays. Rather, we call it 'coincidence'; and, it is simply not the function of science to explain something that cannot be predicted (i. e., coincidence). Surely, we may seek an "explanation"; but, this explanation is "outside" science in another mode of reasoning altogether. It is for these contexts that we have the ritual language of myth and religion as a distinct mode of reasoning. Moral discourse is likewise limited in scope.[1] 'Duty,' 'obligation' and all the various deontic utterances do a job only where "the conduct of one member of a community prejudices the interests of another."[2] If someone asks, 'But why ought I do what is right anyway?', we cannot answer him within the mode of moral reasoning. Being right entails being something that ought to be done. His question, as a literal moral question, is nonsense. The man asking the above question may simply be asking for a motive to do what is right. But, it is not the function of ethics to supply motives anymore than it is the function of science to explain coincidence. Such a "question" about 'Why ought I do what is right?' calls for a personal,

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1. Toulmin, The Place of Reason in Ethics, Chapter 14.
2. Ibid., p. 156.

not a moral decision. Thus, we see how a question which is superficially like a moral question is not really a moral question at all but is outside the mode of moral reasoning altogether.

The above considerations about personal versus moral decisions do not signify, however, that all personal decisions are less important than are moral decisions. Indeed, Toulmin argues quite to the contrary. He even suggests that some of these decisions about a personal code (a rule of life) are more important than moral decisions.[3] When he says this, Toulmin has in mind questions like 'What sort of person ought I to be?', 'Which way of life ought I choose: Christian or secularist or some other?', etc. These questions have a moral sound. But, these ought questions, according to Toulmin, are not moral ought questions; nor do they demand the objectivity or universality that moral oughts do. They are not "principles which can be formulated in terms independent of person and place."[4] By contrast, in deciding on these rules of life, "the agent's 'feeling' and 'attitudes' enter in, not as the cardboard creatures of philosophical theory, but as logically indispensible participants."[5]

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3. Ibid., pp. 153, 157-59. It must be this that H. J. Paton has in mind when he claims that, for Toulmin, ultimately morality is based on a personal decision (H. J. Paton, "Review of An Examination of the Place of Reason in Ethics," Philosophy, XXVII [January, 1952], 82).

4. Toulmin, The Place of Reason in Ethics, p. 168.

5. Ibid., p. 158, italics mine.

When viewed superficially, these non-moral (though evaluative) questions about rules of life often appear to be strictly moral questions if we ignore the primary function of moral discourse. The following example will make this point clear, and, in addition, will clarify the point that a question about a moral rule is a moral question, strictly speaking, only when it can present a clear possible alternative practice.

In popular discussions of "cultural relativism," such questions as the following one often appear:

> (1) "Is it really right to have only one wife, like the Christians, or would it be better to have anything up to four, according to the old Mohammedan practice?"[6]

If we ask such a question, what seems, at first glance, to be a plainly intelligible question becomes extremely difficult when we examine it. In fact, once we begin to consider it, as stated, it is scarcely intelligible at all. Toulmin points out that it appears as though there is a suggestion that we abandon one of these mores; but, the exact nature of the proposed change is not clear. If we are asking the question (1) as a question about an individual action for Americans (as part of an officially Christian culture), it is difficult to see what specific alternative is being suggested or how one would estimate its probable consequences. The different forms of marriage are so closely intertwined with the whole culture pattern that it is difficult to see how they can be compared as

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6. Ibid., p. 152.

alternatives at all.[7] Put as the second type of moral reasoning, (1) would be better stated as:

(2) "Is Christian marriage or Muslim marriage the better practice?"[8]

But again, because the institutions of marriage are so closely intertwined with other social structures in the cultural complex (the institutions of property, religion, caste, parenthood, etc.), it is, according to Toulmin, difficult to compare them as "instances of the 'same' institution at all."[9] Rather, questions (1) and (2) are more properly put as questions about the whole of Muslim and Christian cultural patterns or configurations. The question is better put as:

(3) "Is the Christian or the Muslim <u>way of life</u> the better?"[10]

When we see that (1) clearly intends to ask the sort of question asked in (3), we see, according to Toulmin, that (1), as (3), is not a moral question at all. This does not mean that (3) cannot be reasoned about; but, since there is no magic wand that will turn the English social system into a Muslim one overnight, the only practical use for the question, 'Which way of life is better?', is in the service of a <u>personal decision</u> -- for example, "Whether to remain here in our society, such as it is, or whether to go

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7. <u>Ibid.</u>
8. <u>Ibid.</u>, p. 153.
9. <u>Ibid.</u>
10. <u>Ibid.</u>

and live as an Arab tribesman in the desert?".[11] We have no way of applying our criterion for judging social practices (which alternative would prevent the most avoidable suffering). There are no genuine alternatives, for there are genuine alternatives only "when it would be practicable to change from one to the other within one society."[12] Reasoning about (3) is not moral reasoning, though we must not for that reason say it is unimportant; it is here that "you pays your money and you takes your choice" becomes relevant. Personal preferences come to the fore and "arguments," with their rhetorical force, express attitudes about the merits of the social systems. But, we are beyond moral good and evil. Moral judgments function to harmonize independent desires and interests within a community. Apart from this social context, moral utterances have no use. A decision about a rule of life, a choice between a culture or a community as a whole, simply cannot, for Toulmin, be a moral choice though, indeed, it is a valuational choice. Rules of life just do not demand (nor can they have) a moral justification.

(B)

Moral justification comes to an end prior to these purely personal decisions; but, this is not true of all justification.

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11. Ibid.

12. Ibid.

At this level, reflecting on our attitudes, we deliberate, seeking a personal decision, about a way of life. Asking ourselves: "What, at this moment, do you wish to do?", it is more reasonable to reject the Cyrennaic 'pleasure of the moment' and seek (as C. I. Lewis also urges), that which in the long run and over the whole span of life is most likely to bring "deeper and more lasting contentment."[13] Toulmin interprets Plato as saying there are two kinds of reasoning relevant to a choice of action. The first, reasoning on moral grounds, is concerned with the harmony of society. The second, the application of which comes when reasoning on moral grounds does not lead to a decision by itself, is reasoning about each man's pursuit of the Good.[14] This personal Good is concerned with happiness rather than social harmony. There are no moral imperatives or duties here. Yet, even on the level of social practices, when the ethos of a culture so functions that it causes no positive hardship, we still would not say that the culture was exempt from criticism.[15] We still can ask the valuational but not the specifically moral question: "If some specific change were made, would the members of our community lead fuller and happier lives?".[16] If such a change be suggested and it is reasonable

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13. Ibid., p. 157.
14. Ibid., p. 158.
15. Ibid., p. 159.
16. Ibid., p. 160.

to expect that the promised result would come to be, then we ought (in a non-moral sense of 'ought,' as a mere matter of how we use evaluative talk) to make the change. It is good that we do this though there is no moral obligation that we do it. The decision whether or not to do it remains a personal one.[17]

(C)

Toulmin further clarifies his distinction between non-moral valuational issues and strictly moral issues by distinguishing between hypothetical imperatives and categorical imperatives. The later kind of imperatives are the distinctively moral imperatives. He criticizes Hume and Hare for not realizing that besides the distinction between indicative and imperative uses of language there is the further logical difference between categorical and hypothetical imperatives.[18] Toulmin claims that we can get to distinctively moral considerations only by making this Kantian distinction. This distinction, he argues, is implicit in the logic of ordinary moral utterances. Compare, for example, the following uses of 'ought':

(1) You ought not to eat that ice-cream bar. It's not good for your figure.

(2) You ought to go to the violin concert tonight.

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17. Ibid., p. 159.

18. Toulmin, "Discussion of The Language of Morals," Philosophy, XXIX (January, 1954), 68.

(3) You ought to return that book to Jones today. You promised you would.[19]

Only (3) is paradigmatic of the primary use of 'ought.' Certainly there are all sorts of quite usual non-moral uses (i. e., (1) and (2)); but, they are all in varying degrees derivative or, at least, secondary to the primary use of 'ought' which is a categorical use. A foreigner totally uninitiated to moral language could never learn the typical use of 'ought' if (1) and (2) were taken as paradigms. (1) could be tolerably rendered as 'If you eat that ice-cream bar it will help you get fatter and you won't be happy about that'; and (2), as 'You'll enjoy his violin concerto if you hear it.' But, (3) could hardly be rendered 'If you return Jones his book today as you promised, you will aid in maximizing interests and you will feel happier about the whole affair.' (1) and (2) just do not fit into the same mode of reasoning as (3). (3) is paradigmatic of a moral judgment. And, (3) is categorical.

But, how does Toulmin's sharp distinction between non-moral evaluative uses and moral uses bear on our present central question about the limits of moral justification? The relation is precisely the following. There are evaluative non-moral appraisals which, if supportable at all, have quite different criteria than do moral appraisals. But, if we fail to note carefully their style of functioning, non-moral evaluative

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19. See Toulmin's own similar examples (The Place of Reason in Ethics, pp. 159-60).

appraisals can easily be confused with strictly moral appraisals. If we neglect the context of moral judgments and forget the primary function of ethics, we get confused by these non-moral appraisals and think the limits of moral justification are looser than they are. We may, to take an extreme example, note correctly that, in some contexts, to say something is good is to express a preference. Illicitly assimilating this use to moral contexts, we assert that moral judgments are matters of taste. But, if we note the criteria implicit in the moral mode of reasoning, we can see that this taste argument must be incorrect. Moral judgments are categorical and always have a social function. They just do not merely express matters of taste. To fail to note this is to be beguiled by misleading analogies with other types of utterance.

(D)

The philosopher, however, may wish some more general or unequivocal justificans for all moral judgments in all contexts. He may be asking for some sort of an "ontological justification" of ethics. He may ask: "Is it enough to show the limits of moral reasoning and the kinds of questions and answers that arise when we make moral judgments or must we, to answer the question, give some general overall justification of ethics as a whole?".[20] Toulmin's answer is that no such general justification of ethics is necessary, possible or even intelligible.[21]

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20. Ibid., p. 160.

21. Ibid., pp. 160-63.

In attempting to give any such general answer, we will stress, on the one hand, as have the philosophical ethicists, some one feature of moral discourse to such an extent that we distort our descriptive mapping of the logic of moral discourse as a whole. Or, on the other hand, we will give a "pragmatic justification" of ethics by arguing, as was arged about science, that ethics (but, not any particular moral code) is absolutely necessary to society or to mankind if we are to avoid a kind of Hobbesian "state of nature." Toulmin has not done either of these things. Toulmin has tried neither to add just another philosophical theory nor merely to contribute to the "flood of ethical writing"; rather he has attempted "to provide some kind of dam with which to control it."[22] He has attempted, that is, to give us a non-normative, non-traditional-philosophical, meta-ethical theory describing "the occasions, on which we are in fact prepared to call judgments 'ethical' and decisions 'moral,' and the part which reasoning plays on these occasions."[23] Good reasons are not merely causally related to the moral appraisals, they are good reasons for action.[24] A moral rule is a justificans for moral acts. The principle of least suffering is the justificans for the rule.

Now Toulmin argues that no further "ontological justification" is possible or even intelligible. To know what we ought

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22. Ibid., p. 3.

23. Ibid., p. 160, italics mine.

24. Ibid., p. 202.

to do and to understand the nature of justice, for example, we need not engage in "ontological analyses," going beyond "the confusions of ordinary usage" to find, as Tillich would put it, "the ground of life" (whatever that means).[25] Toulmin does, however, in an amazingly fresh and astute discussion of "Reason and Faith," go on to try to show why and how such questions about "ontological justification" can arise and in what ways they are perfectly legitimate logically. He is also aware, as H. J. Paton and William Sacksteder nicely confirm by example in their discussions of Toulmin's book,[26] that philosophers seeking this "ultimate kind" of "justification" will not be satisfied with the kind of pure description given in arguments of the above type. He further remarks that it will not be just a more accurate description (a better mapping of the logic of moral discourse) that will satisfy them.

No doubt those philosophers who search for more general rules will not be satisfied. No doubt they will still feel that they want an explicit and unique answer to our central question.

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25. I hope that I will not be accused of "secularist," "logical positivist" zeal if I remark on the fantastic conditions of argument in contemporary philosophical-theological discussions of ethics. Note the big words thrown around in Tillich's book and the equally big and puzzling words tossed around in Paul Ramsey's criticism without the slight effort on the part of either debator to explicate or analyze the meanings of these portentous and, to me, quite mystifying words. See Paul Tillich, Love, Power and Justice: Ontological Analyses and Ethical Applications (Oxford: 1954), and Paul Ramsey, "Review of Love, Power and Justice," The Philosophical Review, LXIV (January, 1955), 155-58.

26. Paton, op. cit., p. 83; Sacksteder, op. cit., p. 219.

And no doubt they will object that, in all this, I have not even 'justified' our using reason in ethics at all. It's all very well your laying down the law about particular types of ethical argument, they will say; 'but what is the justification for letting any reasoning effect how we decide to behave? Why ought one to do what is right, anyway?'[27]

In replying to this, Toulmin's appeal to the standard example method and to the finite scope of moral reasoning (in terms of the function of ethics) is very evident. Toulmin argues that within ethics we cannot ask the question 'Why ought one to do what is right?'.[28] To ask 'Why ought one to do what is right?' is to ask a senseless question of the same order as asking 'Why are all scarlet things red?'. We can only apply the method of challenge to questions like the above and ask 'What else could it be?' or 'What else "ought" one to do?'.[29]

If the philosopher is asking for a 'justification of ethics as a whole,' we are similarly in an Alice-in-Wonderland atmosphere. What alternatives have we in mind? What would it be like to stop making any moral judgments at all? What does it mean to say that all moral ideas, not just particular moral codes, are "superstitions," "magical ideas" or "illusions"? Is 'superstitious ethics' or 'illusory ethical ideas' a pleonasm? Or, what course of action can we oppose to ethics as a whole? Something very odd is going on here! Something is going on very much like when the Duchess told Alice that there is "a

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27. Toulmin, The Place of Reason in Ethics, p. 162.

28. Ibid.

29. Ibid.

mustard mine near here" and, then, said that the moral of that was "the more there is of mine, the less there is of yours." We hardly know what to do with either the Duchess's statement or the above claims about ethics being illusory. After we have exhibited the extent of literal justification in morals and pointed out the pragmatic indispensibility of morals as an activity, so-called further "ontological justifications of ethics" which are made (so some philosophers tell us) to "clinch the argument" are as illusive as the "reasoning" of the Duchess.

(E)

In indicating the pointlessness of these questions about some more "ultimate justification" there is the following further consideration. Toulmin, like many other practicalists, closely connects being moral with being reasonable.[30] Continuing his parallel between fully-fledged moral appraisals and scientific judgments, he points out how it is not sufficient for a hypothesis to be 'probable' that we have a degree of confidence in it or that we hold it with conviction or that we

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30. John Rawls (for example) sets down as a necessary criterion for a moral judge that he be a reasonable man("An Outline of a Decision Procedure for Ethics," The Philosophical Review, LX [April, 1951], 178-79). Or, Arthur E. Murphy, arguing that a scientific-empirical ethics is misconceived not just in detail but in principle, regards ethical reasons as practical and moral appraisals as intrinsically (if they are to 'count as moral appraisals') reasonable in a practicalistic sense of 'reasonable' ("Ducasse's Theory of Appraisals," Philosophy and Phenomenological Research, XIII [September, 1952], 12-14).

are willing to rely on it in practice or that we hold on to it tenaciously; rather, the hypothesis is acceptable as a probable hypothesis only if, in making it, we relate our beliefs to our observations in a rational way.[31] As a gerundive concept, it must be a concept that is worthy of credence. Likewise we cannot, like Hume and the subjectivists, make a moral principle a matter of commitment or the conviction which fully-informed people give to it; for, in addition, our moral appraisals must be related to our experience in a reasonable way. Ethical attitudes to be ethical must be reasonable attitudes.[32] It would be absurd to suppose that we must be able to produce a reasoned argument to convince the "wholly unreasonable." Yet those "despairing philosophers,"[33] who argue that the choice between an "ascetic morality" and a "master morality" or that the choice between democracy and intellectual aristocracy[34] is arbitrary, have so argued. Toulmin recounts that Russell once urged in conversation, as an objection to Toulmin's theory, that it "would not have convinced Hitler." Toulmin's reply was, "We do not prescribe logic as a treatment for lunacy or expect

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31. Toulmin, The Place of Reason in Ethics, p. 165.

32. Ibid.

33. I am indebted to Vincent Thomas for the very apt label. See his "Review The Language of Morals," The Philosophical Review, LXIV (January, 1955), 134.

34. See my discussion, Chapter II, sub-section (C).

philosophers to produce panaceas for psychopaths."[35] As Kant realized before him,[36] we can only put such an unreasonable man in the company of men of good will and hope that these men of good will can induce the unreasonable man to be reasonable. If he becomes 'reasonable,' he will also, as a mere matter of how we use moral language, become 'moral.'

To Hume's man, whose sense of self-love overpowers his sense of right, or Hagerstrom's "unmoved spectator of the actual," there is nothing we can finally say which will logically commit them to the moral point of view. "A man's ignoring all ethical arguments is just the kind of thing which would lead us to say that his self-love had overpowered his sense of right."[37] At this level, we can only use persuasive methods. Stevenson's emotive exhortations would be perfectly in place. If the man should give up his egoistic ways and become moral, we could not say that he was convinced by reasons, but only that reasoning beat down his self-love and restored his sense of moral obligation.[38] If the request for a "justification of ethics" is

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35. Toulmin, The Place of Reason in Ethics, p. 165, footnote 2.

36. Immanuel Kant, Religion Within the Limits of Reason Alone (Chicago: 1934), p. 42. I am indebted to Professor Glenn Negley for first suggesting this point in Kant to me. See Glenn Negley, "The Failure of Communication in Ethics," Symbols and Values, Lyman Bryson et al., editors (New York: 1954), p. 648.

37. Toulmin, The Place of Reason in Ethics, p. 163.

38. Ibid.

equivalent to the demand that he reason morally or be reasonable, then we can only point out that the philosopher asking for such "justifications" has misued 'justification'; for, in any literal sense there is no room left for justification. "Justification," in this context, can only express a demand.[39]

Toulmin, with his two types of moral reasoning, has given us the literal limits of justification in ethics. There is no further justification in ethics.

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39. Ibid., p. 165.

Chapter V

LIMITING QUESTIONS: ETHICS AND RELIGION

(A)

So far, in determining the limits of justification of moral judgments, Toulmin has stuck to literal answers to the normative question, 'Why ought I do so and so?'. But, there are some contexts, the contexts in which Toulmin speaks of "limiting questions," in which we are not asking for any kind of a literal answer at all. Here the method of challenge applied to the question, 'Why ought one do anything which is right?', does not satisfy at all.

First, we must realize that here we are in a kind of "land of shadows" or in a "no-man's land" in which there is no definite informal logic of discourse, as we found in the moral mode of reasoning and the scientific mode of reasoning. Most of the limiting questions, relevant to ethics, occur at the boundaries between ethics proper and religion. Here, because the discourse is shiftier, we can expect no very definite criteria. Yet, with

"limiting questions," in contrast with the kind of "reasoning" in the poetry of Blake, T. S. Eliot, or Dylan Thomas, where the "reasoning" is clearly "extra-rational" in form, the surface grammar of the "limiting questions" is very much like that of rational questions in our workday modes of reasoning.[1] Only when we note what Wittgenstein has called the depth grammar of utterances expressing limiting questions, do we see their oddity and feel the kind of cramps they engender. 'What holds the earth up?' is superficially like 'What holds the peach tree up?'; but, the former, as a limiting question (in commonsensical contexts), has no definite criteria of application. Likewise, 'Why ought I do what is right?' and, 'Why ought I be kind to little children?' have the same superficial similarity; but, only the latter is a moral question. The former is a "limiting question" disguised as a rational question.

"Limiting questions" are "questions expressed in a form borrowed from a familiar mode of reasoning, but not doing the job which they normally do within that mode of reasoning."[2] They have the following characteristics:

1. A direct answer to the question that the surface grammar (the form of the question) seems to suggest, never satisfies the questioners. Like "answers" to the child's persistent "Why?", "answers" to limiting questions only succeed in

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1. Toulmin, The Place of Reason in Ethics, p. 206.

2. Ibid., p. 205.

regenerating the same question. The person attempting to answer a limiting question finds that he is damned no matter which road he takes. Any direct answer only regenerates the question and a refusal to answer seems like an evasion.[3]

2. It is characteristic of these questions that only a small change, either in the questions themselves or in their context, is necessary in order to make them regular questions in their apparent mode of reasoning.[4]

3. There is no standard interpretation for limiting questions sanctioned in our usage. There is no call to or possibility of applying the paradigm case method in explicating them.[5]

4. Limiting questions do not present us with any genuine alternatives from which to choose.[6]

The first characteristic (the only one that is at all hard to understand) can be seen by returning to our first simple non-ethical example. In common sense (though not in scientific quarters) the "question," 'What holds the earth up?', is a limiting question with no literal answer. Borrowing its apparent form from an unexceptional use, like 'What holds the pear tree up?', 'What holds the earth up?', seems to ask for some kind of literal answer. Yet, none is forthcoming within common sense and common usage. But, in ordinary contexts, this limiting question about what holds the earth up is easily generated by persisting in a quite ordinary question beyond a

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3. Ibid., pp. 205-07.

4. Ibid., p. 205.

5. Ibid.

6. Ibid., pp. 205-06.

certain limit. If someone asks, 'What holds the pear tree up?', it is naturally and completely intelligible to answer, 'Why, the earth, of course!'. Now, if our questioner then persists, in this practical context, and asks, 'What holds the earth up?', we have (unwittingly) got out of the everyday mode of reasoning and into an Alice-in-Wonderland context. For the "question," 'What holds the earth up?', there is no clear answer; nor is it even very clear what our questioner is asking. Can we conceive of the earth falling down like we can a pear tree? Can we conceive of anything holding it up? What kind of application would we give the question? If we answer, like Krishna, 'Three giant elephants,' and again, to the question, 'What holds them up?', answer, 'A great tortoise!', the natural question is 'What holds the tortoise up?'. What we are being asked to answer is quite mystifying. But, we cannot refuse to answer by saying, 'Nothing!'; for, then, our questioner will return, 'But something must hold the earth up!'. Must we finally answer, 'An ontological something, I know not what.'? And, if we do, using, in this final (admittedly mysterious) "ontological justification," an "ontological mode of explanation," are we any wiser than before? What kind of literal justification does this "ontological justification" give us? Or, how does "ontology" further "justify" the literal moral justification of a given act or moral rule?[7] How does "ontology" serve to "justify" 'Why ought I do what is right?'?

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7. Ibid., pp. 206-07.

Limiting questions are asked for two main reasons. First, the limiting question may signify only that a category mistake has been made. Now, if the questioner, in asking a limiting question, has merely made a "category mistake," pointing out to him that he is simply confusing logical cupboards will suffice. Secondly, a limiting question actually may express a "personal predicament."[8] A limiting question may express a "hysterical apprehensiveness about the future";[9] or, the person who insists on pressing the question, 'Why ought I do what is right?', after the category mistake has been shown up, may be expressing obliquely, in a pseudo-rational form, his rebellious id which does not want to accept the imperatives of his superego. Or, the person who really finds all ordinary valuations arbitrary and seeks an Absolute "ontological justification of morals," may just be expressing his own insecurity.[10] We may show this man that his promise to Jones can be unambiguously subsumed under a moral rule and the moral rule in turn justified in terms of social utility; but, if he continues to ask for a more certain "Absolute Reason" for keeping his promise to Jones,

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8. Ibid., p. 205.

9. Ibid., p. 207.

10. For astute psychological remarks on this, see David Riesman, Individualism Reconsidered (Glencoe, Illinois: 1954), p. 17. Note Weston LaBarre's remark (The Human Animal [Chicago: 1954], p. 229): "Values must from emotional necessity be viewed as absolute by those who use values as compulsive defenses against reality, rather than properly as tools for the exploration of reality."

Toulmin remarks that "the only type of reasoning likely to make any impression on him would be psychoanalytic reasoning."[11]

Limiting questions have no fixed literal meaning.[12] As a result there are no fixed literal ways of answering them. These points are extremely important to note for they indicate the kind of "reasoning" that is appropriate to "limiting questions." They have no definite style of functioning. We are not here dealing with questions for which we can find answers which are, in turn, based on justifying reasons. Often, "reasons" given as an answer to a limiting question are just any exciting reasons which will do the trick. There is no definite mode of discourse in which certain justificatory reasons are good reasons by virtue of being in accordance with certain quite definite evaluative rules of inference.

(B)

Questions which are "partly religious and partly moral" are frequently limiting questions. This is true of very many boundary questions. But, it is particularly noticeable between religion and morals. While not all limiting questions are religious or all religious questions limiting,[13] the religious mode of reasoning, which Toulmin, following Pascal, dubs the method of the heart rather than the method of the mind,[14] is

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11. Toulmin, The Place of Reason in Ethics, p. 207.
12. Ibid., p. 208.
13. Ibid., pp. 212-14.
14. Ibid., pp. 202, 217.

the most relevant to limiting questions arising in moral contexts. Behind these limiting questions, when they do not express just category-type blunders, there is a sense of urgency.

What is the primary function of religion and what is its relation to morals? The religious mode of reasoning has this primary function: it helps us to accept the world just as scientific explanations help us to understand it.[15] Here the questions we ask are limiting questions. And, the "answers" we expect are the kind of answers appropriate to limiting questions. We wonder at the world as we wonder at the marvels of nature and at coincidences. A ship crashes into the sea and kills all on board, including twelve refugee children who, after years of suffering, are being brought to secure homes for the first time. We ask, 'Why did the ship crash?'; and, we are not asking for the cause of its crash but, rather, are expressing our distress. We want a ritual answer which will "justify God's ways to man." This is primarily a bit of phatic communication. We are asking here for a "mythical," "spiritual" or "figurative" answer.[16] We do not want predictive knowledge about what happened; rather, we seek reassurance, consolation, and an acceptance that somehow, in spite of everything, "All's right with the world." This religious mode is a mode of reasoning quite distinct from the scientific or the moral; though,

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15. Ibid., p. 209.

16. Ibid., pp. 211-12.

in certain contexts, moral considerations naturally lead to these questions while remaining logically independent of them.

To see that these limiting questions are not puppet figures of a philosophic theory, we need only note the mode of reasoning in Mitya Karamazov's dream quoted in extenso by Toulmin.[17]

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17. "He was driving somewhere in the steppes. . . . Not far off was a village, he could see the black huts, and half the huts were burnt down, there were only the charred beams sticking up. As they drove in, there were peasant women drawn up along the road. . . .

'Why are they crying? Why are they crying?', Mitya (Dmitri) asked, as they dashed gaily by.

'It's the babe,' answered the driver, 'the babe weeping.'

And Mitya was struck by his saying, in his peasant way, 'the babe,' and he liked the peasant's calling it a 'babe.' There seemed more pity in it.

'But why is it weeping?' Mitya persisted stupidly, 'why are its little arms bare? Why don't they wrap it up?'

'The babe's cold, its little clothes are frozen and don't warm it.'

'But why is it? Why?' foolish Mitya still persisted.

'Why, they're poor people, burnt out. They've no bread. They're begging because they've been burnt out.'

'No, no,' Mitya, as it were, still did not understand. 'Tell me why it is those poor mothers stand there? Why are people poor? Why is the babe poor? Why is the steppe barren? Why don't they hug each other and kiss? Why don't they sing songs of joy? Why are they so dark from black misery? Why don't they feed the babe?'

And he felt that, though his questions were unreasonable and senseless, yet he wanted to ask just that, and he had to ask it just in that way. And he felt that a passion of pity, such as he had never known before, was rising in his heart, that he wanted to cry, that he wanted to do something for them all, so that the babe should weep no more, so that the dark-faced, dried-up mother should not weep, that no one should shed tears again from that moment. . . . 'I've had a good dream, gentlemen,' he said in a strange voice, with a new light, as of joy, in his face." Ibid., p. 210, citing Fydor Dostoevsky, The Brothers Karamazov, Constance Garnett, translator (London: 1912), pp. 546-48.

Mitya, with the peculiar psychological insight so characteristic of Dostoevsky's characters, realizes that his "questions are unreasonable"; yet, Mitya experiences, from these questions and the thoughts they evoke, a tremendous liberation.

Now, just because such a mode of reasoning deals with "figurative notions," we can have no reason, from a purely logical point of view, to cast them out as logically improper. Once we recognize that this religious mode of reasoning is not science and not ethics and that it is not competing with either of these modes of reasoning, it is a normative and not a meta-linguistic or even an empirical matter whether or not to reject this mode of reasoning as improper.[18] Only if we apply to this mode of reasoning, grounds appropriate to a scientific mode or to some other mode, can we conclude, with Ayer and Hagerstrom, that "'all utterances about the nature of God are nonsensical' or, (with Freud) that religion is 'an illusion.'"[19] As a meta-ethicist, Toulmin can examine the logic of religious talk, in a quite non-normative fashion. He is entitled to do this whatever his personal views about the importance of religion. The value of a mode of reasoning is a clear normative issue; the logical propriety of that mode of reasoning is quite another issue.[20] The latter issue is definitely divorced from the former.

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18. Toulmin, The Place of Reason in Ethics, p. 212.

19. Ibid.

20. Ibid., p. 221.

". . . you are, of course, at liberty to argue that, while religion and religious considerations may be of help to those who feel a need for them, they can be dispensed with by those who do not; that, though religion may help some people to put their hearts into virtue, many people can do so without religion; and that the more people who can, the better. But this last is an ethical reflection, not a logical one; and you are not entitled in consequence to rule out all religious and theological judgements as logically improper."[21]

The strands of the moral mode of reasoning lead out, in certain contexts, to religious modes of reasoning. In some instances, as in the obligation to keep a promise where there are no conflicting duties, we may <u>feel</u> the <u>need</u> of some further "justification" after we have made the judgment in accordance with the appropriate moral rule. As Huxley's character Anthony Beavis or as Mitya or as Dostoevsky's partly autobiographical "hero" in <u>The Gambler</u>, we often clearly recognize intellectually what we ought to do; but, our hearts are not in it and we frequently need some further <u>motive</u> to do what we know we ought to do.[22] In this context, the figurative <u>ritual</u>-answer of religion comes in and helps us resign ourselves to our duty by making us <u>feel</u> like accepting it.[23] However, while the motivating answer the religious mode of reasoning gives to our limiting question may be called "justification" <u>of a sort</u>, it cannot invalidate or add a justification to the good reasons for making the moral judgment. "Ethics provides the <u>reasons</u> for choosing

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21. <u>Ibid.</u>, p. 220.

22. <u>Ibid.</u>, p. 218.

23. <u>Ibid.</u>, pp. 218-19.

the 'right' course: religion helps us to put our hearts into it."[24] But, literal ethical justification comes to an end in the mode of ethical reasoning.

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24. Ibid., p. 219.

SECTION TWO

TOULMIN'S GOOD REASONS: A CRITIQUE AND FURTHER EXPLORATION

. . . we do not feel at all that it is meaningless to ask such questions as: "Why should we not lie?" We feel that such questions are meaningful because in all discussions of this kind some ethical premises are tacitly taken for granted. We then feel satisfied when we succeed in tracing back the ethical directive to these premises. In the case of lying this might perhaps be done in some way such as this: Lying destroys confidence in the statements of other people. Without such confidence, social co-operation is made impossible or at least difficult. Such co-operation, however, is essential in order to make human life possible and tolerable. This means that the rule "Thou shalt not lie" has been traced back to the demands: "Human life shall be preserved" and "Pain and sorrow shall be lessened as much as possible."

Albert Einstein

Chapter VI

INTRODUCTION

(A)

Most of the criticism of Toulmin's theory has centered around the claim that, in spite of his professed aim of giving a pure description of the function of moral judgments and the place of reason therein, he has confused prescription with description at crucial points in his argument.

Now, to make such a criticism cannot be to say that Toulmin is intentionally advocating a moral view. Toulmin's own statement that he intends to describe moral usage rather than to urge a particular moral view is enough to answer such a criticism. To accuse him of prescribing a moral view is rather to say that his description of the kinds of reasons that can be good reasons is an unduly restricted one in that his description of good reasons implicitly rules out certain reasons which could count as 'good reasons' in virtue of the logically possible uses of moral language.

However, to examine the above question intelligibly, that is, whether Toulmin's view is unintentionally prescriptive, we must first answer another question. That question is the following: "In what sense does Toulmin mean to be giving a description of moral language? Is he giving an empirical account of linguistic behavior? Is he explicating the logical powers of moral expressions? Or, is he doing some combination of the above?[1] Or, is he doing something quite different?". From Toulmin's characterizations of his own procedure it is quite impossible to be sure which of the above alternatives he means to be doing. He speaks about "the logic of moral reasoning";[2] but, 'the logic of' has no very clear use in his book. I have said his theory was a meta-ethical theory meaning only it is a theory about ethics or ethical discourse. Perhaps, if we now try to specify a little more precisely what a 'meta-ethics' is, as opposed to both a normative ethics and a sociology or psychology of morals, we can best clarify what Toulmin might mean and what he might not mean by 'a descriptive account of the language of morals.' The following discussion will also put us in a position to discuss the problem of whether Toulmin in his account of morals has gotten to a "proper meta-ethical level at all."

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1. I assume they are distinct activities.

2. Toulmin, The Place of Reason in Ethics, p. 145.

(B)

In the preface I said merely that meta-ethics is, in some sense or senses, discourse about morals rather than being itself moral discourse. I distinguished it from normative ethical discourse which is moral discourse proper. I wish now to clarify this distinction somewhat more fully and to distinguish both meta-ethics and normative ethics from other activities which sometimes go under the name 'ethics' in philosophy books and elsewhere.

Under the label 'ethics' or 'morals' a number of widely divergent activities have been included and often confusedly mingled. At least the following sorts of activities have often been subsumed, in a not very distinct fashion, under the heading 'moral philosophy.'

1. The making of actual moral decisions.
2. Preaching, advising or moralizing.
3. Searching for moral wisdom and ideals.
4. The attempt to justify or validate these ideals or ultimate standards.
5. The technology of the good life.
6. Descriptions and/or explanations of moral experience.
7. An examination of the logic of moral discourse.

Only 7 is what I call 'meta-ethics.' I want to emphasize, however, that I do not wish to take a stand, or to imply that Toulmin takes a stand, concerning the claim that 7 can be clearly distinguished, in all instances, from the other six sorts of activity. I do not wish to say nor do I wish not to say that normative ethical (moral) issues and meta-ethical issues are logically independent. I do not wish to argue for or against the thesis that meta-ethical theories are normatively neutral.

Attention to my above list will help clarify what is meant by meta-ethics and how it is distinguishable from other activities which are sometimes called ethics or morals. 1, 2, 3 and 4 fall under what I am going to call normative ethics or morals. 6 is a matter of science: in particular of the sciences of psychology, sociology and anthropology. 5 is more troublesome to classify. As a result, it needs a brief discussion. 5 is primarily a scientific question. It is a matter of discovering which means will most efficiently serve certain basic aims. If the aim is that of promoting the general happiness and if we know what is to count as 'happiness,' it is largely a scientific question of what means will contribute most efficiently to the furtherance of this aim. If we bring up our children very strictly, will they rebel or develop aggressive personalities which will tend to lower the general happiness; or, is it necessary to bring them up in such a fashion so that they will have a sufficiently strong sense of duty to be concerned to promote the general happiness? Questions of this kind are scientific questions and can be answered most accurately by child psychologists, cultural anthropologists and similar professionally trained people. Yet, these questions are of peculiar importance to the practical moralist. Often in discussing such problems of moral technology, hidden conflicts over aims arise. The issue then becomes, in part, a moral issue. Thus, 5 is not as exclusively a matter of science as is 6. 6 may be purely descriptive, as in a Boasian account of the moral attitudes of a given tribe. Or, it also may be explanatory, as in Freud's account of

the origin of moral consciousness or Svend Ranulf's account of moral indignation among the middle classes. 7 is properly and exclusively a part of philosophical analysis. 5, 6, 7 are, in turn, distinguishable from normative ethical or moral discourse (1, 2, 3, 4). Moral discourse or normative discourse is participant discourse, functioning directly or indirectly to guide action. Normative ethical utterances answer 'What shall I do?', or 'What ought he have done?', or 'What is my duty?'. They recommend or advise 'Do so and so!', or 'You ought to have avoided such and such.' They ask 'What is right?', or 'What is good?'. But, 'What is right?', or 'What is good?', is not asked in this context as a meta-ethical question, e. g., 'What is the meaning of "good"?', or 'What is the function of "right"?'. Rather, the function of normative ethical utterances is quite practical: they serve to alter behavior and solicit guidance. Given their usual context, (1), (2) and (3) below are examples of moral discourse:

(1) All men have the right to life, liberty and security of person.

(2) Jannie, it is wrong for you to pound on your dolly baby.

(3) Pleasure is the only thing that the really wise man ought to seek.

Meta-ethical statements are statements about the uses (meanings) of normative ethical words, utterances or arguments. They are about the uses of moral talk. They are second order statements explicative of the language of morals. Meta-ethics can be concerned with the full range of moral discourse: the logic of justification and moral reasoning as well as an

explication of the meanings (uses) of typically ethical words. Meta-ethicists are concerned to map what can be significantly (truly or falsely)[3] said in moral discourse. They are not concerned with whether this moral standard is better than that one; but, they are concerned with what, as a matter of the uses of moral discourse, can count, even as a moral possibility, as a moral pronouncement or as a good reason for a moral judgment. (4), (5) and (6) below are typical examples of meta-ethical statements:

(4) Moral utterances are cognitive and true or false.

(5) Moral utterances are non-descriptive and attitude-expressing.

(6) 'Good reasons' in morals are always 'persuasive reasons'.

Sloganwise, we might say that the basic distinction between meta-ethics and normative ethics is that between talk about morals and moral talk. As meta-talk or second order talk, meta-ethics is talk about moral talk. Though we must be careful to remember that not all talk about morals is meta-ethics lest psychological and sociological descriptions and explanations of morals be thought to be a part of meta-ethics. But, meta-ethics is not concerned, except as additional data, with (for example) descriptions of the sexual morality of the Trobriand Islanders, the French Catholics or the Arapesh but,

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3. Of course, one would have to modify this characterization for those meta-ethicists who do not speak of moral statements as ever being true-or-false but speak of them valid-or-invalid or valid-invalid-or-non-valid.

rather, with the logic of what is to count as 'moral talk' in any culture whatsoever. (This is not necessarily to claim that meta-ethicists have ever succeeded in giving anything more than an analysis of the logic of moral discourse in their own culture.)

But, as I have made my distinction between normative ethics and meta-ethics by insisting on the distinction between first order talk and second order talk, I may be able to make more precise the difference between the former notions by a brief statement of how I conceive the latter to be distinct.

The distinction between second order talk (meta-talk) and first order talk (object-language talk)[4] grew out of the general extension of the type paradoxes Russell found in the philosophy of mathematics. We learned that grammatically well-made sentences, utilizing quite ordinary vocabulary, might not say anything that, in any sense, was either true or false. They did not express commands, propositions, attitudes or anything intelligible at all. Russell's famous nonsense sentence, "Quadruplicity drinks procrastination," comes readily to mind. Thus, besides the dichotomy between 'x is true' or 'x is false,' a new philosophically significant logical dichotomy was elicited between 'x is true-or-false (significant)' or 'x is nonsensical.' If we are concerned with questions arising from this last dichotomy, the significance or non-significance (nonsensicality) of

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4. Hereafter, I shall simply refer to this distinction as 'second order' and 'first order' talk.

certain utterances, we are on the second order level of philosophical analysis. If we are trying to determine whether a given statement is true or false, we are on a first order level. While this distinction is difficult to express without being misleading in one way or another, the different kinds of approach may be seen from the following examples. Is 'Jones eats peas with his knife' a true statement? Here we can go out and investigate and find out if Jones does, in fact, eat peas with his knife. We can determine this by simple inspection. We are on an obvious first order level. But, then we may be puzzled to know what we mean by or how we analyze 'Jones eats peas with his knife.' We wonder (though in this case there is no real puzzle) if this is a significant utterance or just a stew of words like 'Cake downs masculine.' This last kind of question is a question asked on a second order level. In the above example, there is no real puzzle; but, if I state the distinction in terms of a live philosophical dilemma, both the distinction and the problem about some matters of analysis may be apparent. We may claim, in a quite ordinary sense, 'x is a good reason for y.' In one obvious sense, this can be determined empirically by a sociologist; the question is a clear first order question. But, as questions arising about the naturalistic fallacy indicate, this empirical sociological determination of "good reasons" satisfies neither the moralist nor the meta-ethicist (analyst). The meta-ethicist then may ask, because of the very puzzle engendered by the first order question: 'What are good reasons in ethics? Is x really a good reason for y?'. But, he

is asking this in a different spirit than the sociologist or moralist. He wants to know the analysis of 'What do we mean by a "good reason" in ethics?'. He may be perfectly satisfied both that, as a matter of sociological fact, x is a good reason for y and, as a matter of morals, x is a good reason for y. If he is puzzled in this way, he is puzzled about the logic of the expression 'x is a good reason for y.' How is it a significant expression? He is here asking a second order meta-ethical question about the significance of an utterance or, more accurately, of a type of utterance. His 'What are good reasons in ethics?' or 'Is x really a good reason for y?' is translatable, in his use, into 'What is meant by "good reason" in ethics"? Is "x really a "good reason" for "y"?'. Second order questions are of this type and are logically prior to first order questions though to say this is not necessarily to deny the autonomy of first order questions. The level of concern with whether utterances are meaningful or have a use is the second order level of philosophical analysis (including meta-ethics). It is quite distinct from the first order questions of empirical science or practical moral or prudential deliberation and argument.

Russell initially saw no more than a local importance to the above distinction, but Wittgenstein, in the period of the Tractatus, and Vienna School Positivism found this the leit motif for a distinction between philosophy and science.[5]

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5. Joergen Joergensen, The Development of Logical Empiricism, International Encyclopedia of Unified Science, XI (Chicago: 1951), 61.

As Ryle puts it:

But Wittgenstein, as I construe him, and the Vienna Circle saw in this dichotomy the general clue that they require for the difference between science and philosophy. Science produces true (and sometimes false) statements about the world; philosophy examines the rules or reasons that make some statements (like those of good scientists) true-or-false, and others (like metaphysician's statements) nonsensical. Science is concerned with what makes (significant) statements true or else false; philosophy is concerned with what makes them significant or nonsensical. So science talks about the world, while philosophy talks about talk about the world.[6]

First order talk is about the world and second order talk is talk about the talk about the world.[7] Normative ethics or morals is a species of the former and meta-ethics is a species of the latter. Meta-ethical talk is talk about the logic, uses or meanings of moral or normative ethical talk.

(C)

Now it is not clear that Toulmin would wish to call his theory a "meta-ethical theory" in the above, more precise sense. It is altogether possible that he would reject the dichotomy between second order and first order talk as a bit of unnecessarily perplexing "scholasticism." But, many philosophical analysts have regarded their proper job to be just this second order kind of task. They wished to say something (as difficult as it may be to say) about the logic of moral reasoning. They might well

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6. Gilbert Ryle, "Logic and Professor Anderson," The Australasian Journal of Philosophy, XXVIII (December, 1950), 150-51.

7. Ibid., p. 151.

feel that Toulmin never meets them on their own ground at all, but operates entirely on a first order level. On this first order level, he merely gives, without proper confirmation, an empirical account (such as a linguist might give) of moral talk. In fact, he only gives an account of English moral talk and perhaps only of the usage of English university dons and their peers. Toulmin tells us what some people in English do in fact say are good reasons for moral judgments. He tells us about "good reasons" but not about good reasons.[8] He does not achieve at all the proper meta-ethical level of saying what can be significantly called a 'good reason' in 'ethics.' He never really gets to the level of talking about the logical powers of the concept ethics at all, but merely talks about current usage.

Or, alternatively, it might be argued that Toulmin simply confuses second order and first order questions. Sometimes, he talks about one and, sometimes, he talks about the other; but, he swings back and forth between the levels so much that we cannot tell very well what he means to be doing with his description of moral discourse. As I have said, it is difficult to tell from Toulmin's actual statements what he thinks he is doing. In his chapter on "The Logic of Moral Reasoning" he describes what he attempted to do in the following way:

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8. The "good reasons" above is good reasons in what Hare has called the conventional sense. Wherever, in this chapter, I put 'good reasons' in double quotes I mean it in that sense. See R. M. Hare, The Language of Morals (Oxford: 1952), pp. 147-49.

In this chapter, I have not attempted to give a 'theory of ethics'; I have simply tried to describe the occasions, on which we are in fact prepared to call judgments 'ethical' and decisions 'moral,' and the part which reasoning plays on such occasions.[9]

This sounds much like a straightforward empirical account of how we, in fact, reason morally. But, in another place, in discussing the relation between reasoning and the making of moral decisions, he remarks definitely that he is not interested in how, historically or psychologically, reasoning has come to influence moral decisions but is interested only in the logic of the matter. He is interested in "the way in which reasoning must be designed to influence behaviour if it is to be called 'ethical'. . . ."[10] Here, Toulmin sounds as if he intends to engage in a second order meta-ethical analysis of the logic of moral reasoning. But, at other times, one gets the impression that Toulmin sometimes regards his job as a first order job. This second attitude seems to be present in the conclusion of his rather unsympathetic review of E. W. Hall's What Is Value?. Toulmin remarks there:

Some kinds of sentences he [Hall] is not worried about: "declarative" sentences, he feels, have good solid "facts" to authenticate them. The problem is to find something analogous for value-sentences. This is a problem indeed, but again an unnecessarily hard one: the respectability of "value sentences" demands, not tangible or visible verifiers, but rather that there should be some moral and aesthetic truisms, things which

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9. Toulmin, The Place of Reason in Ethics, p. 160, italics mine.

10. Ibid., p. 131, italics mine.

are, in the moral or aesthetic field, beyond serious question, things to be accepted as in fact so, and not just matters of opinion. And this, of course, is something which in practical life we never -- or hardly ever -- have occasion to doubt.[11]

Do we, in attacking the problem of "good reasons" in ethics, merely try to find certain criteria which are "beyond serious question" and cease to ask any more questions once we have found them? Or, in describing good reasons in ethics, do we seek, on a second order level, to try to discover which reasons in ethics might significantly count as good reasons?

Without insisting at all that Toulmin would interpret his own theory in this manner, I am going to try to take his theory as a second order (meta-ethical) theory. I am going to try to see how adequate Toulmin's theory is as a meta-ethical theory.

There is one immediate problem about Toulmin's theory taken as a meta-ethical theory. If one contrasts Toulmin's theory with a meta-ethics such as Stevenson's or Hall's there is certainly a considerable difference in their very approach. In fact, there is such a difference that one might wonder if they are doing the same sort of thing at all. Toulmin certainly approaches meta-ethical questions in quite a distinct way from the traditional meta-ethicists. But, I regard this as a difference in method rather than as being symptomatic that Toulmin

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11. Toulmin, "Review of What Is Value?", Philosophy, LXXVIII (April, 1953), 187, italics mine.

is not really concerned with second order questions. Instead of constructing an ideal language, like the "empiricist language" of the logical positivists with one definite criterion of meaning, Toulmin, using the paradigm case method, develops a contextualistic analysis.[12] We cannot understand the "nature of moral reasoning" apart from understanding the specific job that morality plays in life.[13] Moral words, like any other words (excepting "topic-neutral" words), only have a meaning and can only be understood in a specific context.[14] There is then this difference between Toulmin and the ideal language philosophers. But, at least one end is the same for both Toulmin and the ideal language philosopher, that is, the explication of the uses of moral discourse. Toulmin (as I shall read him) primarily is concerned to explicate the kinds of criteria that can count as 'moral criteria' in virtue of the employment of the expression 'ethics.'

However, Toulmin may have failed to achieve his meta-ethical goal; he may have claimed that certain types of reasons must be good reasons as a matter of logic when they are only good reasons as a matter of fact. If, indeed, he has failed to achieve his goal and has confused what are "good reasons" as a matter of fact with what are good reasons as a matter of meta-ethics (or logic), then his view is implicitly prescriptive in the sense in which he

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12. Note my exposition, particularly Chapters I and II.

13. Toulmin, The Place of Reason in Ethics, p. 102.

14. Ibid., p. 67.

is saying that only those reasons which in fact happen to be taken to be "good reasons" are good reasons. Other reasons which, as a matter of logic, might count as good reasons are not really good reasons. In other words, Toulmin has committed the naturalistic fallacy or has made a persuasive definition on the level of confusing a fact about moral usage with a logical use or meaning of language. Toulmin's view as to what are the uses of 'good reasons' would, then, cause a moralist who is asking what are good reasons for a proposed course of action to confuse good reasons with "good reasons." He would be led to believe that good reasons for moral appraisals must be just those reasons which are actually called "good reasons." And, this is just a subtle variety of the naturalistic fallacy. In this indirect sense, then, it can be argued that Toulmin's pure description is prescriptive.

Toulmin has frequently been charged with just such prescription. If Toulmin's theory is interpreted, as I have interpreted it, as a second order (meta-ethical) theory such a charge amounts to the following: Toulmin has confused a contingent fact about present usage with a use of moral language. What he has said are "moral criteria" are not necessarily moral criteria at all, but are only the criteria that some community or communities call "moral criteria." What is said to be good reasons in ethics is never equisignificant to good reasons in ethics. Toulmin's criteria, the charge would continue, make it logically impossible to challenge the criteria which are in fact accepted. But, as Moore's open question argument (in effect) indicates, we can

always challenge any criteria, no matter how stable.

(D)

In the chapters that follow, we will keep the above criticism as the central consideration as we examine the detailed criticisms which can be made of Toulmin's theory. In Chapter VII, we shall analyze critically his conception of the two types of moral reasoning. There the question of the naturalistic fallacy does not need to arise because Toulmin, having treated moral concepts as gerundive concepts, might be read as an ideal utilitarian who never identifies moral judgments with their criteria of application. However, if his view of the kinds of moral reasoning can be shown to be wrong, it can be said that his view is prescriptive in the sense that there are some logically possible moves we can make in justifying a moral judgment for which Toulmin's theory cannot account. Thus, a person who might wish to justify a moral argument by making one of these moves that Toulmin's meta-ethics could not account for would be ruled out from the beginning as not arguing ethically.[15] Following this discussion we shall discuss (in Chapters VIII and IX) the distinct but closely related question of whether Toulmin commits the naturalistic fallacy in distinguishing the kinds of reasons that are good reasons in ethics. Finally, in Chapter X,

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15. Thus, we can see that even here questions about the naturalistic fallacy are obliquely involved. But, though the issues I shall discuss in Chapter VII and Chapters VIII and IX are not unrelated, they deserve separate treatment.

we shall push the question of the naturalistic fallacy to another level and ask whether Toulmin, in specifying the primary function of ethics and its relation to good reasons in ethics, has in any sense committed the naturalistic fallacy or persuasively defined 'ethics.'

(E)

Here, I shall briefly state the conclusions which I shall reach in the next three Chapters about the question of how, if at all, Toulmin's theory is prescriptive. I shall argue that his theory, as it now stands, can be shown to be prescriptive in several ways. But, except for one way in which his theory is prescriptive, I shall argue that his theory can be so amended that it will not be prescriptive. The emendations necessary can be made without at all giving up his basic considerations about the primary function of ethics and about the distinction between the two kinds of moral reasoning. There is, however, one basic respect in which Toulmin commits the naturalistic fallacy which cannot be corrected without radically altering his theory. That respect is this: from a statement of the function[16] of ethics we can never derive, by logical steps alone, any value conclusion. If the primary function of ethics is to guide conduct so as to achieve the harmonious satisfaction of as many independent desires and wants as possible, it still is not possible to derive

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16. I am taking 'function' here to be itself non-evaluative.

any normative principle from this function. The harmonious satisfaction of as many independent desires and wants as possible as an end worthy to be achieved may be a basic principle of morality;[17] but, though it is obviously related to the primary function of ethics it is not derivable from that function. To maintain that it is, is to commit the naturalistic fallacy. However, I shall argue that it is still true that if Toulmin's conception of the function of ethics is correct, the above basic principle of morality, though indeed challengeable, is not challengeable from a moral point of view.

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17. This principle is the principle that I shall later call principle (J).

Chapter VII

TYPES OF MORAL REASONING: DIFFICULTIES

(A)

Toulmin's types of moral reasoning have been roundly criticized; but, most of these criticisms have been criticisms internal to the good reasons approach. Here, I consider these criticisms mainly because in asking one central question about Toulmin's moral theory (i. e., whether his "good reasons" really are good reasons only as a matter of sociological fact), it is important to know whether or not moral reasoning is as tidy as Toulmin takes it to be and if, in principle at least, his basic principle of least suffering could be challenged from a moral point of view.

Almost all his critics have agreed that Toulmin's account of moral reasoning is oversimplified. But, they have disagreed amongst themselves as to just how it is oversimplified. Rawls feels that Toulmin has treated moral rules too much like legal

rules.[1] Moral reasoning, he argues, is not that rigid. Aiken agrees with Rawls that Toulmin's account is too rigid; but, he believes that moral reasoning is somewhat more rule-governed than Rawls would admit. We will now examine some of these criticisms of Toulmin's account of the types of moral reasoning. We will turn to criticisms of his first type of moral reasoning first and, when we have critically examined questions arising about it, we shall then turn to his second type of moral reasoning.

(B)

We are now considering objections to Toulmin's first type of moral reasoning. It has been argued that Toulmin is wrong in believing that a particular act clearly subsumable under a moral rule cannot be further justified by an appeal to utilitarian considerations. This criticism is applicable to our discussion of the obligation to keep a promise. Critics have

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1. John Rawls, "Discussion-Review of An Examination of the Place of Reason in Ethics," The Philosophical Review, LX (October, 1951), 577. See for a fuller development John Rawls, "Outline of a Decision Procedure for Ethics," The Philosophical Review, LX (April, 1951), 177-97. Since this was first written Rawls has published an article in which he admits that Toulmin's conception of the relation of moral judgments to moral rules under which they are subsumed is correct, although -- as his last footnote indicates (footnote 27, p. 32) -- he still does not regard moral reasoning as a rigidly rule-governed sort of affair. All in all, his "new position" seems to be like the "middle" position taken by Aiken. The remarks made in my text, however, only take into consideration Rawls' "old position" stated in his critical notice of Toulmin and his earlier article. For Rawls' later position see his "Two Concepts of Rules," The Philosophical Review, LXIV (January, 1955), 3-32.

questioned Toulmin's claim, with respect to particular promises, like 'Ought I to return this book to Jones as I promised?', that, in justifying such a promise, we always appeal in clear cases to the prima-facie obligation to keep promises. As Rawls claims, even in the unambiguous case, we do not go on appealing to the moral rule, for it is quickly realized that this appeal has already been made in the initial move. In going on in rondo form, as I did and as Toulmin did, we have only made what we already knew from the first defense painfully and pedantically explicit.[2] People, in justifying their acts, do not always appeal to "the thing done." Rawls says that it would be quite natural to reply to a further question about why it is a duty to return a book as promised:

> "He needs the book because he is lecturing on a chapter in it tomorrow.", "He is studying for an examination tomorrow and this book contains the best account of the subject," and so on.

These are just samples of the many kinds of answer we do give. Further, these reasons seem to be offered in accordance with the principle of utility. Nor, Rawls argues, would it do for Toulmin to reply that these other justifications were really an effort to justify the rule rather than the particular obligation; for, the reasons refer to the special circumstances of the

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2. Rawls, "Discussion-Review of An Examination of the Place of Reason in Ethics," op. cit., p. 577.

particular obligation in question.[3]

Yet, I do not think Rawls' criticism will do, initially plausible though it may seem. Its plausibility results from confusing the clear, unambiguous case which Toulmin has in mind, when he speaks of justifying an action subsumed under the practice of promise-keeping, either with cases of deliberating about what to do when practices conflict or (more importantly here) with cases of deliberating about whether or not this action is one of the exceptions allowed by the practice. Actually, Rawls' considerations are usually used in trying to decide whether this case is or is not a legitimate exception allowed by the practice. Because this last question is so easy to confuse with Toulmin's clear case, we find Rawls' example convincing. But, in a clear case, we cannot further justify an act of promise-keeping by an appeal to utilitarian considerations. Indeed, it is of the utmost utility for the practice that we cannot make this utilitarian defense for an act clearly subsumed under it. The very raison d'etre of such a practice is to make such an appeal unnecessary. Because it is a clear case of an act subsumable under the practice of promise-keeping, such a defense

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3. Ibid. For further criticisms of this first type of moral reasoning see R. Peters, "Nature and Convention in Morality," Aristotelian Society Proceedings, LI (1950-51), 229-32. See also John Mackie, "Critical Notice of The Place of Reason in Ethics," The Australasian Journal of Philosophy, XXIX (August, 1951), 117-19.

cannot be made.[4]

The difficult moral problems and the interesting moral problems (from a practical point of view) are, of course, not these clear cases. Rather, they are cases in which we have conflicting rules or are not sure of the application of the rule. In such instances, we must weigh the various considerations and, then, decide what to do. In fact, clear cases are "trivial as moral problems." Jones lends me a book and I say, 'I'll bring it back Tuesday.' Unless complicating circumstances arise, in which event the above case, by definition, is not a clear case, we know perfectly well what we ought to do and why we ought to do it.

There is a second objection to Toulmin's first type of moral reasoning. This objection has been made by Rawls, Peters and Mackie. This objection is that moral reasoning is not as rule-governed as Toulmin takes it to be. Frequently, and not just when there is a conflict between rules, we appeal directly to utilitarian considerations to justify particular actions; or, we appeal to a "vaguer" notion of equity or universalisability; or, at times, we simply appeal to what a reasonable man would do.

Now, this objection must be accepted. Moral reasoning about particular acts is much less rule-governed than Toulmin

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4. Ironically enough, perhaps the clearest statement of this position is made by Rawls himself in his later article where he repudiates his old position expressed above. See his "Two Concepts of Rules," op. cit., subsection 11 and most particularly pp. 16-18.

seems to imply. Note the following example: A law student is studying for a bar exam. About a week before the exam he receives an urgent long distance call from his sister asking him to drop everything and come to help her. Suppose that his sister is a chronic alcoholic and is likely to be in dire circumstances. Assume further that there is no one else to help her. But, suppose also that the law student's leaving school at this time might cause him to fail his exam. The moral decision which has to be made here is not a matter of doing something in accordance with a prima-facie obligation. Yet, there is no clear conflict over prima-facie duties. He has, indeed, a prima-facie duty to help his sister. But, there seems to be no conflicting prima-facie duty that we could oppose to it. It is obvious enough, without analyzing the situation exhaustively, that considerations here do not so much turn upon a conflict of prima-facie duties as upon considerations of equity and utility. The principle of least suffering directly weighs here for a particular moral decision. Is his prima-facie duty to help his sister overbalanced by the personal suffering and hardship attendant on failing the bar exam? Questions of equity are definitely raised here. He must weigh these none-too-precise considerations and, then, decide. But, this is hardly a matter of a quasi-legal subsumption of a given act under a prima-facie obligation in the fashion of Toulmin's paradigms of moral reasoning about specific acts. These last criticisms of Toulmin are well taken. If Toulmin's theory is not amended here it is implicitly prescriptive. It is clear that, though we sometimes justify a moral act by showing that it is in accord with

a prima-facie obligation, we often justify a given act directly by an appeal to utilitarian considerations or, even, where the probable felicific consequences are not now discoverable, by an appeal to some vaguer notion of what a "reasonable man would do." Toulmin's theory would make it logically impossible to make these moves in moral discourse. But, in a pre-analytic sense of 'know,' we know that we can make these moves in moral reasoning. Hence, Toulmin's theory cannot be right as an explication of ordinary moral reasoning.

However, I believe Toulmin's theory could be amended here without his needing to give up his basic contention that, in the first type of moral reasoning, we cannot further justify a moral act clearly subsumed under a moral rule by an appeal beyond the moral rule itself. One would have to go on to say only that there are different situations in which we appeal to utilitarian considerations or to what "a reasonable man would do" in justifying an act. One would have to specify these situations so that we could say in what general types of situation we must make one move rather than the other.

There is also the following further consideration: People differ and cultures differ in the weight they give to rules and the weight they give to utilitarian considerations. But, the recognition of this difference still does not upset Toulmin's logical consideration that, when the rule is accepted by the person making a decision to act in a given fashion and the act is clearly subsumable under the rule, we cannot further justify this act by an appeal to utilitarian considerations. The above

modification of Toulmin's theory does not indicate there is something wrong with his bifurcation of moral reasoning into two kinds. Rather, it proves that the situations in which the first kind of reasoning applies are less typical than Toulmin implied. Toulmin should have gone on to talk about the "logic of" those moral acts which are not subsumed under moral rules. But, such a consideration does not at all invalidate his remarks about the "logic of" moral acts clearly subsumable under moral rules. To amend Toulmin's theory so that it will account for the other situations requires no radical innovations, much less an abandonment of Toulmin's distinction of the two kinds of moral reasoning.

(C)

We will now turn to criticisms of his second type of moral reasoning. These criticisms if correct will have more serious implications for Toulmin's approach as a whole.

Note the following criticism made of Toulmin's second type of moral reasoning. Peters points out, against Toulmin's second type of moral reasoning, that conservatives frequently appeal not to utilitarian considerations, but simply to tradition to justify prima-facie obligations. We may debate morally, defending a normative utilitarianism, with the Catholic who appeals to the "Wisdom of the Holy Mother Church" or with Sir Edward Coke (or, in our time, with a Peter Vierick) who advocates a return to tradition to amend the "moral chaos" of our "secularist culture"; but, we can hardly accuse such people of utter-

ing logical nonsense in their basic arguments.[6] In fact, the principle of least suffering, or the principle that traditional ways are the best are themselves just social practices which we oppose to other social practices. Or, perhaps the principle of least suffering is a higher level social practice with which we justify lower level social practices including the social practices of appealing to tradition. Or, is tradition a social practice in virtue of which we justify an appeal to the principle of least suffering? Reasoning at this second level is more complicated than Toulmin has made it out to be.

Peters, however, unwittingly provides Toulmin with at least a partial answer to the above criticism. The appeal to tradition qua tradition or to authority qua authority is not (as a mere matter of how we use moral language)[7] regarded as a good moral reason to justify a social practice.[8] Peters points out that Edmund Burke, who was perhaps the most subtle of the conservative-traditionalists, based his appeal to tradition on a "sophisticated kind of social utility."[9] Burke points out to radical and eager social and moral reformers that our

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6. Peters, op. cit., p. 232.

7. Note Toulmin's remark here (The Place of Reason in Ethics, p. 171).

8. It is natural, at this point, to ask, "Would Coke care? What could you say if he said, 'So what?' What is the justification of appealing to how we use moral discourse anyway?". This is certainly a most important point and we will give it a thorough discussion later in the dissertation.

9. Peters, op. cit., p. 321.

social practices are the product of a long cultural history and that moral and political conventions represent compromises reached by competing interests. In terms of pure utility, these normative conventions cannot be put aside lightly.[10] But, an appeal to authority or tradition as such is clearly recognized not to be a moral appeal. And, to make this last statement is not (as Peters suggests)[11] to make a moral statement, but is to make a logical statement about the use of 'moral appeal.'

There is, however, a further argument that can be made against Toulmin's second type of moral reasoning. Suppose we grant that an appeal to tradition itself, if it is to be a moral appeal, must be based on a higher order principle, is it clear that, as a mere matter of logic, the legitimacy of an appeal to tradition is always and necessarily based on the principle of utility or the principle of least suffering? That this is so does not seem self-evidently clear. I agree with Paton[12] that Toulmin surely ought to have considered some of the arguments directed against ideal utilitarianism. Certainly, everybody accepts the relevancy of the principle of least suffering. But, is it the only principle which can be appealed to in order to justify lower-order moral rules and is it the final court of appeal? Even a Kantian, like Paton,

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10. Ibid., pp. 231-32.

11. Ibid., p. 232.

12. Paton, op. cit., p. 83.

admits that any "sane morality must accept these utilitarian principles."[13] The intuitionists, in one form or another, have admitted the principle. The point is: is it the only principle or are there competing basic normative principles? Rawls has put this difficulty very nicely:

> Toulmin speaks vaguely of the appeal to consequences, the avoidance of unnecessary suffering, and the like. Now all British moralists with whom I am acquainted admit the principle of utilitarianism in some form, even intuitionists, e. g. Butler, Price, and Ross. The main question is whether it is the only principle involved in reasoning about the worth of social practices (waiving for the present the matter of specific actions). Even the utilitarians themselves seem to admit that it is not. Bentham had his principle about every man to count for one and no more than one, and Sidgwick admitted certain rational intuitions, e. g., that of benevolence. Since Toulmin's view is a kind of utilitarianism, one would expect, even in a small-scale map, some discussion of this crucial question.[14]

Is it so clear, from an appeal to usage, that we must appeal to the principle of least suffering to justify promise-keeping (the moral rule)? Could the rule not just as well be made in accordance with C. I. Lewis's Law of Justice? Lewis's principle is: each is to act in his relations with his fellow men so that he will recognize as right, in his human associations, only what he recognizes as similarly sanctioned in their conduct toward himself.[15] This rather Kantian reformulation of

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13. Ibid.

14. Rawls, "Discussion-Review of An Examination of the Place of Reason in Ethics," op. cit., pp. 572-80.

15. C. I. Lewis, "The Meaning of Liberty," Revue Internationale de Philosophie (August, 1948), p. 17.

the Golden Rule would seem to serve just as well as a principle in accordance with which lower-order moral rules are justified as does Toulmin's basic principle.

Further, if this possibility is admitted, is the Law of Justice to take precedence or is the principle of least suffering to take precedence? Or are both principles on the same level? Do we just have a plurality of "a priori first principles" as the pluralistic deontologists think? Toulmin, as he has worked out his position, must maintain that the principle of least suffering takes precedence; but, he nowhere argues for it.[16] It does not seem clear that it is so.

Now, I am not claiming that Toulmin might not solve these puzzles about the principle of least suffering. The frequency with which eudaemoneanistic theories have arisen, in both ancient and modern times, and the seeming common-sensicalness of the utilitarian theory, particularly when a notion of just distribution is built into it, would seem to indicate that utilitarianism (taken broadly) is more than our present dominant criterion. But, Toulmin has not shown that his criterion is more than the present dominant one; and, above all, he has not shown that his criterion must hold if we are to talk morally at all. He must show, to make his theory stick, that if we are to talk ethically at all, we must use just his utilitarian

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16. It is no doubt this that Broad had in mind when he remarked that Toulmin, in comparison with Sidgwick, had an unsubtle utilitarianism, for Sidgwick has certainly thrashed through these problems.

standards and no others as the final court of appeal. If Toulmin is correct, it would be impossible for a man to dispute about the least suffering principle. But, it is argued, this is precisely what we do, at least in our philosophic moments. Even the classical utilitarians, when they argued for their position, thought they were arguing for it morally.

Toulmin, to avoid the criticism that he has confused a factual (empirical) issue with a logical (meta-ethical) one, must show that 'preventable suffering is to be avoided' is not merely in fact a universally accepted criterion for judging prima-facie duties (answering the question: why do we have the moral rules we do?), but that it is also a logically necessary criterion which follows from the very logic of moral talk so that it would be absurd or senseless (unintelligible) to offer any other criterion (like Lewis's Law of Justice) as a moral criterion for judging prima-facie duties.

Here again, Toulmin's theory is not adequate as it stands and is implicitly prescriptive. Lewis's "Law of Justice" in one sense could well serve as a criterion for judging social practices (prima-facie duties). This would be merely the step Broad speaks of (though critically) as the step from a pluralistic to a monistic deontology.[17] It is not clear how Toulmin, on logical grounds alone, could reject such an alternative principle.

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17. C. D. Broad, Five Types of Ethical Theory (London: 1930), pp. 206-07.

The following is a simple way one might try to amend Toulmin's theory so as to avoid these difficulties. We would have to say there are three kinds of moral reasoning: First, moral reasoning about specific acts which are clearly subsumable under determinate prima-facie duties; Second, moral reasoning about specific acts and about prima-facie duties subsumable under general moral principles like Lewis's "Law of Justice"; Third, moral reasoning about specific acts, prima-facie duties and general moral principles like Lewis's "Law of Justice" testable by utilitarian considerations. General principles like the "Law of Justice," though they indeed are criteria for judging the moral worth of social practices, must themselves be justified in terms of the principle of least suffering (i. e., utilitarian considerations). Though there is, indeed, this "extra kind" of moral reasoning, the crucial point is that the principle of least suffering is the ultimate criterion for moral rules, whether prima-facie duties or the moral general "Law of Justice."

Yet, this amendment of Toulmin's theory is itself hardly adequate; for, 'Preventable suffering is to be avoided' can, depending on how we understand 'preventable,' be regarded quite naturally, as can Bentham's principle of utility, as implicitly containing the Law of Justice or as containing a principle of just distribution.[18] This claim is particularly clear when we

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18. Note the long quote from Rawls, footnote 13, this chapter. I do not necessarily equate Lewis's "Law of Justice" and a principle of just distribution.

consider the principle of least suffering in relation to the primary function of morals. What is to count as 'preventable suffering' is determined by which suffering could be dispensed with in the effort to harmonize as many independent desires and needs as possible.[19] Bound up in Toulmin's very principle of least suffering is Lewis's "Law of Justice." The principles, then, do not form a neat hierarchy and are not so distinct as they seemed at first.

I shall now try to make clear what I am contending for in the preceding paragraph. In doing this, I will make quite explicit the principle of universalisability at work in Toulmin's own criteria. In doing that, I shall first make clear what is meant by saying that all moral utterances must be universalisable and how Lewis's "Law of Justice" expresses that requirement. Secondly, I will analyze the role of 'preventable' in 'Preventable suffering is to be avoided.' I will show that there are two ways 'preventable' in its above context might be taken. One of these interpretations of 'preventable' involves the notion of universalisability. I will argue that the most plausible way to understand 'preventable' as Toulmin uses it is to take it in the sense in which it involves the notion of universalisability. If his principle of least suffering is given this last interpretation of 'preventable' it implicitly

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19. Note again the appeal to 'as possible.' What considerations control 'as possible'? Are they not considerations of equity?

contains, as I will show, Lewis's "Law of Justice" and similar Kantian principles while still being more than a purely formal principle.

For an act to be moral or for an attitude to be moral, it must be <u>universalisable</u>. By this is meant the following. If A is morally right for x, it is similarly morally right for anyone else in like circumstances. For something to be morally right or good, it must be such that its moral rightness or goodness does not depend upon <u>who</u> does the act or who has the experience. The notion of <u>universalisability</u> is expressed in the adage: "What's good for the goose is good for the gander." One must, of course, add that there are special circumstances which make a reference to the person involved essential in judgments about the rightness of an act. Thus, children (but not adults) have a right to protection by their parents and the mentally ill (but not sane people) have the right to care by the state. But, in turn, to be able to modify our moral appraisals on the basis of these special circumstances, we must be able to apply the <u>universalisability</u> principle to the acts or attitudes which would probably ensue if we recognized these special circumstances. It is not just one's first child but any of one's children who has the right to protection. It is not just patient x or s that has a right to protection in the community but any mentally ill person in the community. The same <u>universalisability</u> principle applies even to moral judgments based on very peculiar and unique circumstances. If we excuse someone from moral blame for a given act because of peculiar

circumstances in his life history, we do not excuse him because he is the particular person he is but would morally grade anyone else in the same fashion in like circumstances who had similar peculiarities of life history. When we morally grade conduct, we always use the universalisability test.

Lewis's "Law of Justice" expresses the Kantian notion of universalisability. Each is to act in his relations with his fellow men so that he will recognize as right in his human associations only what he recognizes as similarly sanctioned in their conduct toward himself. Lewis is saying that, if A in certain circumstances deems it morally permissible to break a promise to B, he must, if he is reasoning morally, realize that, in like circumstances, it is morally permissible for B to break a promise to him. If one is reasoning morally one always asks of any proposed moral action: "Is it universalisable?".

Now, the interesting question for our purposes is whether or not the principle of universalisability is built into the use Toulmin gives to 'preventable.' It is not obvious, by any means, that this is so.

Let us first look to the use of 'preventable' in 'Preventable suffering is to be avoided.' Here 'preventable' like Mill's use of 'desirable' is subject to at least two quite different interpretations. 'Preventable' can mean (1) that which can in fact be prevented and it can mean (2) that which ought to be prevented. I shall call them respectively the first and second senses of 'preventable.'

Now, the first sense of 'preventable' will not do in certain

quite ordinary moral contexts. I shall argue that it is the second interpretation of 'preventable' that is the morally relevant interpretation. If we do not read 'Preventable suffering is to be avoided' with this second interpretation, it will not do the job Toulmin wants it to do. In trying to establish my point, I will first examine four moral paradigms; then, I will examine one special kind of paradigm that I think is quite crucial if we are to understand the kind of a job which the least suffering principle is intended to do on Toulmin's theory.

Note first two quite ordinary moral paradigms in which suffering that can in fact be prevented is not prevented and is regarded, in terms of the morality of the situation, as unpreventable. Many people judge that a soldier is morally obligated to lay down his life, if necessary, for his country. Men, under certain circumstances, are sent into situations in which they will almost certainly be killed or taken prisoner. Now, this suffering is in a straightforward empirical sense preventable. It is preventable suffering in the first sense. But, in terms of the moral notions governing the situation, it is unpreventable suffering. Similarly, the suffering a criminal must undergo in being imprisoned is certainly 'preventable' in the first sense of 'preventable' but nonetheless, if it is necessary that he be imprisoned for the common good, it is not preventable suffering in the second sense of 'preventable.' Things being as they in fact are, this suffering ought not to be prevented. It is again the second sense of 'preventable'

that is the ethically relevant sense in this situation as it is in the first situation.

Note now the uses of 'preventable' in the following somewhat different moral contexts. Before Queen Victoria's pattern making act, many people in England thought it was morally wrong for mothers to take any anesthetics at childbirth. '"Sinful man" ought to suffer.' Such suffering is obviously preventable in the first empirical sense (i. e., it could have in fact been prevented). But, in the second sense it is again unpreventable. Note a second example of the same general kind. Recently a priest suffering from cancer refused to take any drugs to relieve his suffering. Rather, he felt he ought to just accept his suffering for it was "God's Will." While morally we may disagree very much with his moral judgment there is nothing linguistically improper about it such that we could say that it could not count as a moral judgment. Again, we have a clear case of suffering that is preventable in the first sense but not preventable in the second morally relevant sense.

If we take Toulmin to be using 'preventable' in the first sense only then it hardly can be maintained that his principle of least suffering, functioning as it does for him, is based on purely linguistic considerations about how we use moral language. We have in the above four paradigms of moral reasoning moral appraisals which his principle cannot account for.[20] He

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20. It will not do in any of the above paradigms to say we were really talking about an act clearly subsumable under a definite prima-facie obligation, for in the above cases we are either talking about the practice or there are obvious conflicts of prima-facie rules that will call for the second level of moral reasoning.

would merely have to rule them out as moral considerations; but, to do this would quite obviously be to engage in moral argument rather than to do the meta-ethicist's task of examining the kinds of argument that can count as moral arguments. If he sticks to his meta-ethicist's job, he cannot rule out the above considerations as not moral. If his theory is to work at all, we must understand 'preventable' in the second sense.

There is, however, a further consideration which complicates matters in that it leads us to wonder whether, after all, these four paradigms can serve to bring out and make clear the particular sense of 'preventable' which is relevant to Toulmin's least suffering principle. This can be brought out by the following considerations. Given the ends sought in the four examples noted above, it is empirically the case that suffering is a necessary means to those ends. In this way, the suffering is unpreventable in the first empirical sense of 'preventable' though, if we neglect the moral goals sought, the suffering is quite preventable in the same first empirical sense of 'preventable.' Thus, taking into consideration means-ends relationships, we must qualify our statement in the preceding paragraphs that the suffering in the four paradigms was preventable suffering in the first sense of 'preventable.' Rather, we must say that it is only preventable if we do not accept the limitations set up by the moral goals of our moral paradigms. If we do accept them, then the suffering is unpreventable in the first sense as well as in the second sense. But, it is in terms of the "moral necessity" inherent in the

does not decide my

second sense, that the suffering is unpreventable in the first sense. Otherwise, in the first sense, the suffering is quite preventable in the above four paradigms.

Because of this feature of the four paradigms, we feel that there is "no real choice" about the suffering and that we do not have the moral situation we need in order to bring out the moral force of an utterance like 'Preventable suffering is to be avoided.' We might clarify what we meant by this last statement a little more fully. When these paradigms are used to explain the sense of 'preventable' in 'Preventable suffering is to be avoided,' we feel cheated; for, in those examples, there is never really any "choice" involved at all. Given certain moral ends, the suffering is quite necessary. What we want is a situation in which choices about courses of action involve or, at least, seem to involve choices about whether to seek preventable suffering as an <u>end</u>. We want a situation in which "suffering is sought for its own sake." In other words, we want a situation in which the suffering is quite preventable in an empirical sense but where we nonetheless just <u>choose</u> to seek suffering for its own sake. Now, I do not believe we can give a pure paradigm for that; for, I do not think we can say meaningfully that suffering may be sought for its own sake. One cannot enjoy, seek or desire suffering as an <u>end</u>.[21] The very meaning of 'suffering' signifies

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21. We must also separate this question from the question of whether pain can be sought for its own sake. 'Pain' is a word for a definite sensation. But, 'suffering' is not equisignificant to 'pain.' We ask where it pains but not where it suffers. Surely, if one is in pain, we normally assume that he is suffering; but, one may suffer without being in pain at all and masochists may be in pain without suffering. Pain is a sensation but 'suffering' does not denote any kind of sensation at all.

a state one cannot desire or enjoy. One cannot seek out suffering; rather, one seeks to avoid suffering. Suffering is just the sort of thing that cannot be sought for its own sake. This is not an empirical matter but follows from the very use of 'suffering.'

However, we do have a secondary sense in which we might say, though rather metaphorically, 'Suffering is sought for its own sake.' A paradigm case in which this use is at play will give us the sort of example we need for explicating the second sense of 'preventable' in the way I believe it functions in Toulmin's criterion. The paradigm I have in mind is the one in which a man, for no purpose at all other than for his own enjoyment, willfully inflicts suffering on others. This, from a moral point of view, is the sort of thing which we are likely to say is "unqualifiedly evil." In the other four paradigms, the suffering was unpreventable in a morally relevant sense. But, here we have a situation in which someone inflicts suffering on another person when it is both empirically possible to prevent the suffering and morally possible to do so. The man, of course, does not seek suffering for its own sake but seeks others' suffering because it gives him pleasure. But, in this metaphorical sense, we can say that he seeks suffering (i. e., the suffering of others) for its own sake. And, to put it this way brings out an important feature in which this paradigm differs from the other four. Here there is no question of the suffering being sought as a necessary means to a "higher end"; for, it is sought merely because the sadist likes to see people

suffer. He just chooses to inflict suffering on others. Now, what I wish to get at is the sense in which a moralist looking at that situation would say that the suffering is 'preventable.' Certainly, in one quite ordinary empirical sense, it is preventable (i. e., it can be prevented) and certainly, in another way, it is unpreventable (i. e., it is a necessary means to the sadist's ends) in the same empirical sense.

But, what is the sense of 'preventable' relevant to the moralist? In terms of the sadist's ends, the suffering is quite as unpreventable as in the first four paradigm cases in which we agreed that, in a morally relevant sense, the suffering was unpreventable. But, in this last case, we say the satisfaction of the sadist's ends are ruled out by moral considerations. They are so ruled out because the sadist's ends cannot possibly be moral because they are not universalisable. That is, he cannot wish that in like circumstances suffering be inflicted on him though he may wish (assuming he is also a masochist) that pain be inflicted on him. This is so because the very meaning of the suffering is such that it is just the sort of thing that one avoids unless it is necessary for some higher end. Because of this, we can regard the sadist's ends as morally irrelevant. By contrast, the priest's ends are universalisable and we regard them as ends which can count as moral ends even though we, as moralists, may violently disagree with his ends.

It is the notion of universalisability as governing what we may say can count as a moral consideration which is the

crucial conception in the above argument that such suffering is unpreventable. The operative sense of 'preventable,' in the above paradigm, is not the first empirical sense of 'preventable' though indeed the suffering is also preventable in that sense. This is so because it is the moral sense of 'preventable,' involving the notion of universalisability, and not the empirical sense of it which can be used in rebutting the sadist's argument that the suffering is unpreventable suffering. It is preventable suffering because the sadist's ends are morally irrelevant. His considerations are morally irrelevant because they are not universalisable. In other words, they are morally irrelevant not because the suffering is preventable suffering, in the first sense, but because the sadist's claims ought to be prevented. The suffering he inflicts is preventable in the sense that it ought to be prevented. And, it ought to be prevented not because it is an empirically necessary means to a given moral end, but because the sadist's aims are morally irrelevant, that is, not universalisable.

Thus, we may conclude there is a crucial sense for 'Preventable suffering is to be avoided' in which 'preventable' has the use 'ought to be prevented' and in which notions of universalisability and Lewis's "Law of Justice" are built into the very meaning of 'preventable.'

However, this second interpretation of 'preventable,' involving a notion of 'ought' and the principle of universalisability, causes trouble for Toulmin; for, what are the criteria for the ought in 'ought to be prevented'? Toulmin's 'Preventa-

ble suffering is to be avoided' would read, after we made the appropriate substitutions, 'Suffering which ought to be prevented is to be avoided.' Suffering which 'ought to be prevented' is 'suffering which is preventable.' But, the only sense of 'preventable' which is relevant here is the second sense of it, in which to say that something is preventable is to say that it ought to be prevented. All we can do, if we say nothing more about the 'ought' in 'ought to be prevented,' is to continue on the merry-go-round.

It is natural to appeal here to the principle of universalisability as governing the use of the above 'ought' and delimiting the limits of what can count as moral considerations. We would have built into our ultimate principle 'Preventable suffering is to be avoided' via the use of 'preventable' the very formal requirement of universalisability. But, we would also have something specific (i. e., the reference to suffering) that the formal principle of universalisability does not have. Thus, in our ultimate principle, we would have at the same time both the notion of universalisability and a very specific point of reference from which to criticize individual acts and social practices. We directly ask: 'Does it cause suffering?' and to this we can, at least sometimes, get a definite, empirical answer. But, we also have built into the very same principle the vaguer but equally necessary requirement of universalisability. With such a requirement, we can make a little more explicit what might be meant by appealing to what a reasonable man would do under the circumstances.

However, the very recognition of this formal principle of universalisability built into the very notion of preventable in 'Preventable suffering is to be avoided,' while it saves Toulmin from the above difficulties, makes other and, perhaps, more serious difficulties for him. Is not the principle of universalisability or Lewis's "Law of Justice," in effect, a more ultimate principle than Toulmin's utilitarian one? Might it not be, at least in some Alice in Wonderland world, consistently thinkable that someone might give up the principle of least suffering and offer in its stead another universalisable but quite different "ultimate" principle? Has Toulmin here not confused a psychological or sociological consideration with a logical one? The principle of universalisability and not the principle of least suffering is the ultimate principle which finally delimits what considerations are to count as moral considerations. What is to count as preventable suffering is suffering that ought to be prevented and suffering that ought to be prevented is suffering which is inflicted for no just cause, that is, suffering which an individual must suffer just because he is that individual and not because of anything in the circumstances or because of anything which he did which would distinguish him from other individuals in like circumstances. Surely, as we have interpreted the principle of least suffering, the principle of universalisability is contained in it. But, need the principle of least suffering be contained in the principle of universalisability? Could not someone, who would not accept the former, still reason in accord with the

latter? He might offer an alternative principle to the principle of least suffering. But, in such an event, the test of both principles would be in terms of their universalisability. It seems as if the principle of universalisability is a higher principle with which we test principles like the principle of least suffering.

There is, however, a difficulty in the above considerations. The two principles, that is, the principle of universalisability and the principle of least suffering, hardly seem to be of the same kind or on the same scale. The principle of universalisability is formal while, in some respects, the least suffering principle is quite specific. Knowing what is to count as 'preventable,' we can know quite empirically what kind of acts tend to cause suffering. We can say quite definitely with such a principle what kind of behavior not to follow once we know what, in a given situation, will count as preventable suffering. But, the principle of universalisability does not seem to be directive in this direct manner. It does not say: 'The practice of promise keeping is morally obligatory.' Rather, it says: 'If the practice of promise keeping is morally obligatory, then, if a promise is binding on Jones in a certain circumstance, it is binding on all persons in like circumstances.'[22] The two

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22. In making this remark I am not talking about Kant's application of such a principle. Kant's own "rigorism" often does not follow or is inconsistent with his own principle of universalisability. For an astute analysis of this see Marcus G. Singer, "The Categorical Imperative," The Philosophical Review, LXIII (October, 1954), 577-91.

principles are not directly comparable at all. It is misleading to describe either of them as more ultimate. Rather, to the extent that the principle of least suffering because of its non-formal reference is distinct from the principle of universalisability, they compliment each other in performing their quite different roles. In one way, it might be said that the principle of universalisability is more ultimate, for it carves out just what considerations can count as moral considerations. In another way, however, it might equally well be said that the least suffering principle is more ultimate; for, unlike the principle of universalisability, it provides a definite criterion for which reasons are good reasons in ethics. Only if it can be shown that there may be another principle of the same kind as the principle of least suffering, which is equally ultimate and clearly alternative, will Toulmin's theory be upset.

Now, one likely candidate as an alternate principle is the basic criterion of a self-realizationist theory. Treated as a criterion on a par with the utilitarian criterion in Toulmin's theory, the self-realizationist criterion might be stated as follows: 'Only those practices which tend to further people's self-realization ought to be continued.' Now no doubt this criterion could be improved on without much difficulty by a determined self-realizationist; but still, cannot the following simple Moorean consideration always be brought against the self-realizationist? Can we not always ask: 'But ought we to seek self-realization?' Or, if someone, from a theological

point of view, says: 'Only those practices which are sanctioned by God ought to be continued,' can we not always ask: 'But ought we to follow the sanctions of God?' Toulmin's principle of least suffering, however, does not have this same difficulty. These can be seen from the following considerations. If we ask: 'But, ought preventable suffering be avoided?', we can, in terms of the role 'preventable' plays in the above criteria, put the same question as 'Ought suffering that ought to be prevented be avoided?'. But, stated in this last way we realize what is being asked for is a logical absurdity. If suffering ought to be prevented, then it ought to be avoided. The first 'ought' doesn't change at all any of the things we ought to do or any of the considerations which might be given for doing them. The principle of least suffering doesn't seem to be capable of being questioned on moral grounds in the direct ways the other criteria are questionable.

Nor does the directly opposed criterion: 'Preventable suffering ought to be sought' make sense logically. This is so because, again treating 'preventable' as 'ought to be prevented,' we would get 'Suffering that ought to be prevented ought to be sought.'

There does not then seem to be any alternative ultimate principle to the principle of least suffering. We have examined several basic moral criteria and they clearly are not ultimate in the fashion that Toulmin's criterion is ultimate. Of course, this does not logically prove that some principle cannot be formulated which is equally ultimate or even more ultimate.

Toulmin's method cannot give anyone that final kind of proof at all. But, I have taken some principles which have often been thought to be ultimate principles of morality and have tried to show either that they were principles which we could question quite meaningfully or that they were quite compatible with Toulmin's least suffering principle. I have also tried to show how the principle of least suffering itself cannot be challenged meaningfully if we are to square our meta-ethical theories with the ordinary moral language. Finally, if some one insists that there must be some more ultimate criterion or that we may have "alternative moral geometries" in which there are other quite independent ultimate moral criteria, I can only appeal to the method of challenge and ask him to give me an example of such a "more ultimate" or "equally ultimate but logically distinct" moral criterion. Until some such examples are produced and shown to be either more ultimate than Toulmin's or clearly alternative to Toulmin's, I can only conclude that Toulmin's utilitarian criterion, interpreted as I have just interpreted it, governs the literal limits of justification in ethics.

(D)

Finally, it might be argued, however, that Toulmin's principle of least suffering, interpreted in the way I have interpreted it, is indeed true but utterly trivial. Given my interpretation of 'preventable,' to say 'Preventable suffering ought to be avoided' is merely to say 'Suffering which ought to be

prevented ought to be avoided'; and, if this is not strictly a tautology, it is very close to it. Interpreted in such a way, a principle which seems to say something significant turns out to be a trivial truism. It is true, it cannot be questioned meaningfully but this is because it is so utterly trivial. One can only save Toulmin's criterion as one which must hold for any moral view by making it trivially true.

Such a criticism raises a very basic question about philosophical analysis which I shall not pursue here. It may be that all philosophical theses, if correct, are "trivially true" in the above sense. In doing philosophy, one is engaging in a logical inquiry in which one points out logical connections which were not noted before. Once the connection is explicated it is obvious that it is quite trivial (i. e., is merely a matter of analytic relationships); but, to point out the connection in the first place is not at all easy. Sometimes connections which <u>seem</u> to be contingent can be seen to be necessary, once an analysis is carried out.[23] Toulmin's own argument is a case in point. People have thought that one could debate about the principle of utility <u>morally</u>. Some have argued vehemently for it and some against it, calling utilitarianism a "pig philosophy." But, in one form or another utilitarianism crops up throughout the history of philosophy. It is also ingredient in the actual moral codes of radically different cultures. Such considerations do

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23. The converse is also true.

not, of course, prove that the principle of utility rests on anything more than a consensus gentium but facts such as those mentioned above do cause one at least to pause in making the judgment that a utilitarian principle is just one principle among others. In view of a quite natural reluctance to make such a judgment, it would hardly be a "trivial matter" if Toulmin, by his careful descriptive account of the "logic of morals" and the primary function of ethics, has enabled us to say just where the principle of utility must fit in any moral system and where it is inappropriate. By his explanation of the role such a principle plays, he would have led us to see how such a principle, if applied to all kinds of moral reasoning, could give rise reasonably to the remark that utilitarianism was "obviously false to our moral experience." But, once we see the sort of mode of reasoning moral reasoning is, we could likewise see where the principle of utility fits and that the principle of utility is a truism (trivial, if you like) rather than a principle we may morally debate. That people have felt they needed to so debate the principle of utility was due to the fact that they mislocated its range of application. If Toulmin's analyses are correct, we also can see how we can dissolve the great philosophic debate between the deontologists and ideal utilitarians. More generally, we can see how certain logical conflicts set up by philosophic theories, riding particular analogies, might be resolved. If Toulmin's account is correct, logical conflicts which harrass us can be settled by attention to his analyses. To bring these worries to the light and to show how one can

resolve them, though perhaps only indirectly, is certainly far from a trivial matter, though Toulmin's conclusions stated as theses may be trivial enough.[24]

If one regards philosophy as a set of theses and counter theses, one might say that Toulmin's theory is trivial, taking 'trivial' both as a logical distinction and as a grading label with a "boo" intent. But, one could also say that Toulmin's theory is hardly trivial in another sense. If his theory is correct, in the main, Toulmin has made it quite impossible for "despairing philosophers" to reasonably argue that moral judgments are merely "standardized prejudices." He has also met the meta-ethicist on his own ground and has explicated correctly the logic of moral reasoning about acts clearly subsumable under prima-facie duties and about the kind of moves we can make in ultimately justifying prima-facie duties.

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24. For a more general statement of the conceptions I have in mind here see D. A. G. Gasking, "The Philosophy of John Wisdom," The Australasian Journal of Philosophy, XXXII (August, 1954), 156.

Chapter VIII

TOULMIN AND THE NATURALISTIC FALLACY: PART ONE

(A)

It has been argued that Toulmin commits the naturalistic fallacy.[1] In this chapter and in the next two chapters, I am going to examine that charge. I am also going to examine how this issue bears on the issue of Toulmin's alleged implicit prescription.

It might be thought that, in discussing Toulmin's conception of the kinds of moral reasoning, I have already discussed implicitly the question of the naturalistic fallacy. It might

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1. I might remark that I use 'naturalistic fallacy' in quite a broad fashion to signify the confusion at any level of a factual proposition of any kind, with a value utterance of any kind. To commit the naturalistic fallacy is to attempt to derive evaluative statements from non-evaluative statements of any kind. A. G. N. Flew uses 'naturalistic fallacy' in the same way. See his "Philosophy and Language," The Philosophical Quarterly, V (January, 1955), 35.

be maintained that if Toulmin gives an adequate descriptive account of the "logic of morals," then he has not committed the naturalistic fallacy and if his account is inadequate and, therefore, implicitly prescriptive, then he has committed the naturalistic fallacy. As I have remarked, the issues raised in Chapter VII and the issues I shall raise about the naturalistic fallacy are not, of course, unrelated. Perhaps, if we draw out the implications of the position taken in either chapter, we would have an answer to the problems set by the other chapter; but, we would first have to draw out the implications; for, prima facie, the issues involved are distinct. It might, for example, be claimed quite plausibly that Toulmin really is an "Objectivist" in ethics; for, there is, for him, at least one value-term which is indefinable. Ethical concepts, for Toulmin, are gerundive concepts and these gerundive concepts themselves have an irreducible reference to worthiness. Or again, if my interpretation of Toulmin's use of 'preventable' in his least suffering principle is correct, there is an irreducible ought in Toulmin's conception. Such considerations would lead one to deny that Toulmin does commit the naturalistic fallacy even if his conception of the "logic of" ethical reasoning are incorrect. But, other considerations lead us to believe that he does commit the naturalistic fallacy. Somehow, our criteria for good reasons in ethics are "based on" the function of ethics and, for Toulmin, "the only facts upon which the truth of what he has to say" about good reasons "will depend

are those more familiar, unquestionable facts of usage. . . ."[2] Such remarks incline us to say that in some sense Toulmin does commit the naturalistic fallacy. They even incline us to believe that such a fallacy is involved in his very conception of what is to count as ethical reasoning. However, this puzzle and the fact that the problems are at least prima facie different call for a separate discussion of "Toulmin and the Naturalistic Fallacy" from the discussion of his kinds of moral reasoning given in the last chapter.

We might state flatly, in the beginning, that Toulmin does not intend to commit the naturalistic fallacy and definitely regards it as a fallacy. He maintains that it is quite impossible to derive an ought from an is.[3] Hume, he feels, established this beyond reasonable doubt.[4] His basic contention here is not at all altered by his rejection of the descriptive non-descriptive dichotomy.

If it can be established that Toulmin's view definitely commits the naturalistic fallacy, then it can be established that Toulmin's view is implicitly prescriptive. This is more evident when we consider what the naturalistic fallacy comes to in terms of an emotive theory like C. L. Stevenson's. Stevenson remarks that wherever Moore points to a naturalistic

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2. Toulmin, The Place of Reason in Ethics, p. 144.

3. Toulmin, "Discussion: The Language of Morals," Philosophy, XXIX (January, 1954), 68.

4. Ibid.

fallacy, he would point to a persuasive definition.[5] To make a persuasive definition is to take an evaluational term and to alter its descriptive meaning while holding its non-descriptive or evaluative function constant.[6] A persuasive definition is used, according to Stevenson, "consciously or unconsciously" to re-direct attitudes.[7]

Let us take a highly artificial, yet very simple, example to illustrate Stevenson's conception. Suppose someone maintains that something is right if it is in the Bible. Suppose this turns out for him not to be merely a "contingent truth" but an "absolute truth" such that he would be willing to assert that 'x is right' = df. 'x is in the Bible.' Note in the following dialogue how his definitions serve to prescribe a given course of action which would not be obligatory from another moral point of view.

(Assume that for A 'x is right' = 'x is in the Bible.')

A. If you want to do what is right you will go to Church on Sundays.
B. What's right about going to Church on Sundays?
A. The Bible says we ought to.
B. So what?
A. It is right to do what is said in the Bible.
B. But why? What is right about it?
A. It's just right because it is in the Bible. Whatever the Bible tells us to do is always the right thing to do.

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5. C. L. Stevenson, Ethics and Language (New Haven, Conn.: 1945), p. 273.

6. Ibid., p. 210.

7. Ibid.

Here A, having persuasively defined 'right', though, perhaps, unwittingly, prescribes a particular moral view as entailed by the very meaning of 'right.' Having committed the naturalistic fallacy he can allow only certain very limited considerations as to what is right. I am going to ask whether, on any more subtle level, Toulmin commits the naturalistic fallacy and, in some manner, prescribes a limited moral view.

If Toulmin commits the naturalistic fallacy at all, he does not commit it in any very obvious manner. One of my main problems will be to make clear the sense or senses, if any, in which Toulmin does commit the naturalistic fallacy. I think there are three major ways that the question about committing the naturalistic fallacy can be asked about Toulmin:

1. Does Toulmin identify value statements with factual statements?

2. What is the status of Toulmin's good reasons? Does Toulmin, in saying what makes some reasons good reasons, commit the naturalistic fallacy or make a persuasive definition on the criteriological level?

3. Does Toulmin's very conception of the primary function of ethics operate persuasively? Does Toulmin so limit what is to count as 'ethics' or 'morals' that considerations which, in ordinary usage, would be regarded as moral considerations are ruled out by definition?

Toulmin does not commit the naturalistic fallacy in the first sense. Toulmin, at several points, repeats emphatically that values are not a kind of fact and that the reasons for a value-judgment, which are statements of fact, must always be distinguished from the value-judgment itself.[8] 'X is right'

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8. Toulmin, The Place of Reason in Ethics, pp. 4, 55, 154, 223-24; Toulmin and Baier, "On Describing," Mind, LXI (January, 1952), 34.

does not mean 'x is a prima-facie obligation' or 'x is the alternative which of all those open to us is likely to have the best results.' Rather, 'x is right' means 'x is the thing to do in these circumstances, etc., etc.'[9] I believe that even this is misleading; for, Toulmin says, immediately following the above remark, that if we try to define ethical words in terms of some factual statement, we are trapped into the naturalistic fallacy.[10] No doubt if he were pushed, though he does not say just this, he would agree that we must just finally assert, at some point, that a moral utterance is a moral utterance and nothing else.

But while Toulmin, quite obviously, does not commit the naturalistic fallacy anymore than does Hare or Stevenson in this first sense, it can be reasonably claimed that he does in either sense 2 or sense 3. Let us look into that claim. I shall look into 2 in this chapter and the next and, then, I shall examine 3 in Chapter X.

In asking questions about 2, I am simply assuming the correctness of Toulmin's conception of the primary function of ethics. I am not unaware that, if Toulmin's conception of the primary function of ethics is persuasive, it will be true that his criteria for good reasons will also be persuasive. But, it could be that his criteria are persuasive without its

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9. Toulmin, The Place of Reason in Ethics, p. 154.

10. Ibid.

being the case that his conception of the function of ethics is persuasive. I want now merely to ask questions about the persuasiveness of his criteria for *good reasons*, assuming *at this point* the correctness of his conception of the primary function of ethics.

(B)

Let us first see whether Toulmin commits the *naturalistic fallacy* on the criteriological level (sense 2). Does Toulmin identify good reasons with what are *called* good reasons? This issue is made difficult because of the following consideration. Toulmin speaks repeatedly and in an emotively unneutralized manner of "good reasons" or "valid reasons" for a moral judgment. Disavowing such "scholastic techniques," he does not throw "good reasons" into the *formal mode* to make certain he is mentioning it. Because of this emotively unneutralized use of "good reasons" the exact status of his "good reasons" has been questioned. Does Toulmin's "good reasons" function prescriptively or persuasively to recommend surreptitiously certain generally held criteria? One can see from his remarks about Keynes and others that Toulmin is a liberal, in his political and practical-moral point of view.[11] He is against authoritarianism and the "closed society." He seems to be in favor of the same kind of practical political morality that Bertrand

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11. Toulmin, *ibid.*, pp. 180-81.

Russell and John Dewey advocate. Yet, Mackie argues that Toulmin's identification of good reasons with the reasons currently generally held to be "good reasons" tends to commit him to conformism.[12] I have tried to show how Toulmin's conception of moral reasoning does not lead him into conformism or, for that matter, into non-conformism either; but, Mackie's criticism with respect to identifying a 'good reason' with the 'criteria held for good reasons' without the explicit recognition that a 'good reason' or 'valid reason,' like a moral judgment, is also always a recommendation or commendation, has a different bearing. This is a crucial consideration. Mackie puts the general kind of problem raised here by Toulmin's analysis very well:

> Is Toulmin's statement that such-and-such are good reasons for acting to be taken descriptively or prescriptively? Is he merely saying that reasons of this sort are generally taken to be good ones, that this reasoning is in accord with the generally recognized criteria for ethical reasoning? Or is he, in addition to this, using "good" with its ordinary prescriptive force, and so telling us to reason in this way in the ethical field and in consequence to act in the way to which such reasoning directs us? Is he simply analysing rules of ethical argument in a sense similar to that in which we speak of rules of grammar, or is he doing something more?[13]

As Mackie points out, in spite of Toulmin's meta-ethical aim, Toulmin's constant use of "good reasons" in an emotively unneutralized manner cannot but have a prescriptive effect in practice. His appeal to gerundives (those reasons worthy of

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12. Mackie, op. cit., pp. 123-24.

13. Ibid., p. 115.

acceptance) certainly has a normative flavor. Mackie remarks, probably not unfairly, that "Toulmin does seem to expect an ethical theory to tell him, though only indirectly, what to do."[14] So, the status and role of Toulmin's "good reasons" are left in considerable doubt and confusion.

Toulmin, in his introductory remarks, anticipates this objection but seems to attach little importance to it; for, he summarily dismisses it. To the objection (put in a slightly different form from the way I have put it), "Is not any argument from 'good reasons' to 'good deeds' bound to be circular?", Toulmin brusquely replies:

> This last objection is quickly answered. To begin with, in talking about 'a good reason,' I am not talking about ethics: we can equally well (and frequently do) talk of 'a valid argument' instead, and this has far less of an ethical sound -- so that, even if there were a kind of circularity here, it would be a harmless one.[15]

Toulmin does go on to argue that it is mere rationalisation to think that we can assume that X is a good reason in order to prove Y a good deed and then accept the identical argument as a proof that X is a good reason. But, Toulmin nowhere does that; and, he argues that it is quite in order to try to discover

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14. Ibid. Baier clearly indicates that he expects a moral theory to guide as well as to explain. Baier remarks ("Good Reasons," Philosophical Studies, IV [January, 1953], 2): "Philosophy can hope to improve our knowledge of what are considerations and what in general are better reasons."

15. Toulmin, The Place of Reason in Ethics, pp. 3-4.

some further considerations (like his principle of least suffering) for both X and Y.

No doubt Toulmin had his conception of "evaluative rules of inference" in mind when he made the above defense. The prima-facie moral rules and the principle of least suffering, which I have treated as normative principles in my development of Toulmin's "good reasons approach," are viewed by Toulmin himself, not as normative principles themselves, but as non-analytic evaluative rules of inference. Thus, Toulmin can say (though, I believe, misleadingly) that his grading criteria are not moral judgments themselves, but are "evaluative rules of inference."

In The Place of Reason in Ethics, these 'evaluative inferences,' at least explicity, do not play a large role. Toulmin only mentions them rather tangentially on several cocasions.[16] In fact, of all his critics, Hare alone mentions them and brings them to the fore. But, since then, in his criticism of Hare and in his The Philosophy of Science, Toulmin has brought forward quite explicitly a kind of non-analytic inference (substantive inference). In these later works, Toulmin speaks of rules (moral principles, laws of nature, legal rules and statutes and

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16. Toulmin remarks about 'evaluative inferences': "An ethical argument, consisting partly of logical (demonstrative) inferences, partly of scientific (inductive) inferences, and partly of that form of inference peculiar to ethical arguments, by which we pass from factual reasons to an ethical conclusion -- what we may naturally call 'evaluative' inference." See The Place of Reason in Ethics, p. 38; also pp. 55-56.

aesthetic standards)[17] "which hold good in virtue of non-linguistic considerations."[18] The central thesis of his Philosophy of Science might be stated without too much unfairness as follows: laws of nature are not empirical generalizations nor are they just a matter of linguistic convention. These laws of nature do not serve as premises from which deductions to observational matters are made. They are best understood as a substantive kind of rule of inference, a technique, in accordance with which conclusions concerning empirical facts may be drawn from other empirical facts.[19]

This answer, however, will not do for the uses of inference still are evaluative and, in a plain sense, normative. We may even allow Toulmin his peculiar evaluative rule of inference and admit that his "good reasons" or "valid reasons" or "relevant reasons" are not moral judgments. But, we may still be puzzled over the function of such valuational terms as 'good,' 'valid,' 'relevant' in 'good reasons,' etc. Certainly, in appealing to an evaluative rule of inference, we are talking about ethics in the sense that we are asserting that these are the rules of inference in accordance with which particular first level moral conclusions are to be drawn. Similarly, for a given ordinary argument to be a valid argument, it must be subsumable under

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17. Toulmin, "Discussion of The Language of Morals," Philosophy, XXIX (January, 1954), 68.

18. Ibid.

19. Toulmin, The Philosophy of Science.

certain logical rules. There is a de jure quality about the 'to be' and 'must be' in the preceding sentences. It is not enough to say that moral judgments or valid arguments are subsumable under these rules. Rather, we say they must be if these particular utterances are to count as instances of valid arguments or of moral judgments. We have clear cases of prescription as well as description and classification.

Further, even if we do not utilize, as I do not, Toulmin's notion of a non-analytic evaluative rule of inference, the status of his "good reasons" or "valid reasons" is still troublesome.[20] It may be quite correct to argue that to say x is a good reason or a valid reason for doing a moral act z is not itself to make a moral judgment; but, in saying it is a good or a valid reason, are we not at least always making a value-judgment or grading it as a reason for whatever it is a reason for? Does not 'good' function here as it does elsewhere? And, if 'good' functions this way are not Toulmin's criteria, based as they are on ordinary usage, persuasive?

Let me try to bring out the range of these difficulties about the "evaluative element" in Toulmin's "good reasons" a little more fully.

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20. Though I question Hare's argument that Toulmin's least suffering principle is a moral judgment, I quite agree with his argument that Toulmin's "rules of evaluative inference" are but thinly disguised value judgments. See Hare's "Review of An Examination of the Place of Reason in Ethics," Philosophical Quarterly, I (July, 1951), 374.

The role of the evaluative element in 'good reasons' or 'valid reasons' is further clarified by Urmson. In criticizing an uncritical appeal to the paradigm case method in determining questions of validity in logic, induction or ethics, Urmson points out how 'valid' as well as 'good' is an evaluative expression.[21] When we have said of an argument or a reason that it is a 'good argument' or a 'valid argument' (note how they can be interchanged),[22] we have done something more than classify it; we have graded it or evaluated it. Now, it is true that Quine, for example, in discussing validity for truth-functional or for quantificational schema, is only concerned with classification and quite properly (for his purposes) ignores the non-descriptive, commending aspect of 'valid reasoning' when explicating validity for certain specified areas of logic.[23] We say, to put it roughly, that a truth-functional schema is valid or a quantificational schema is valid when true under every interpretation. In saying this, we don't get into a sweat about naturalistic fallacies, persuasive definitions and the like. Yet, though Quine, like any mathematical logician, may ignore

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21. J. O. Urmson, "Some Questions Concerning Validity," Revue Internationale de Philosophie, XXV (Sept. 3, 1953), 223.

22. I do not mean to imply here that 'good argument' or 'good reason' and 'valid argument' and 'valid reason' are equisignificant, but only that in many contexts we can substitute one for the other without loss.

23. Willard van Orman Quine, Methods of Logic (New York: 1950), pp. 94-101.

this non-descriptive aspect when he says of any schema that it is valid, it remains true that 'valid,' if allowed to function as it usually functions in ordinary discourse, also has a commending aspect. It is literally an appraisal word. To say of an argument that it is valid is a way of commending it, that is, a way of saying that, everything else being equal, we ought to make this bit of reasoning in like circumstances. That a formal logician can rightly ignore this non-descriptive aspect only attests to the special nature of his task and doesn't at all invalidate Urmson's argument.[24]

Criteria, no matter how stable, are challengeable. We may have very precise grading criteria for apples or sewage effluent (Hare's example); but, in theory, as Moore indicated, we can always challenge the criteria and ask whether those which obtain are good criteria. To claim that the criteria used, the standard criteria, are identical with what we mean by good criteria is to commit the naturalistic fallacy on the criteriological level. Moore's open-question argument and non-contradiction argument apply to any value utterance appraising criteria as well as to any particular moral judgment made in

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24. It is natural here to say also that the meta-ethicist's special task allows him rightly to ignore this non-descriptive factor in discussing criteria. I think this is indeed true, if he is just explicating the "logic of justification" in ethics. Yet, to say this just so flatly is terribly misleading though until I have brought out arguments about the naturalistic fallacy and about Toulmin's conception of the primary function of ethics, I will not be in a position to say why it is misleading. For the justification of the above statement about non-descriptivism and "the logic of justification" see my discussion, Chapter XI, section (B).

accordance with these criteria.[25] Indeed, our criteria are what they are. However, in saying they are good criteria or valid criteria, we also always commend them as criteria.

Toulmin seems to forget that moral rules are themselves value-judgments, albeit high order ones, in their own right. They are, at least indirectly, rules of action. X feels that he ought to do y rather than z. He asks himself, 'But ought I really do y? Are there good reasons for doing y rather than z?'. He deliberates and then decides there are good reasons S and P for doing y. He then reflects again: 'But are S and P really good reasons for doing y?'. He decides again, after reflection, that S and P are good reasons for y because S and P are in accord with principle T. He then decides (this is usually automatic with the above decision about S and P), if he is willing to reason in accord with T, that he really ought to do y. T thus has served as a rule of action, though only indirectly.

Aiken puts the same general type of objection to identifying good reasons with their criteria of application as follows:

> On all levels ethical terms have a normative aspect which cannot be adequately explicated in terms of their descriptive meanings. This is true also of the processes of justification in ethics; they too are normative in intention and in use. Such terms as 'valid' and 'invalid,' 'relevant' and 'irrelevant,' 'ethical,' or 'unethical,' and finally 'rational' and 'irrational' are themselves normative. They are used to commend or condemn

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25. A. G. N. Flew, "Philosophy and Language," The Philosophical Quarterly, V (January, 1955), 35.

supporting arguments and, indirectly through them, the choices or decisions which may depend upon them.[26]

This goes a good bit farther than Urmson or Hare go explicitly, though it would seem that Hare and Urmson, recognizing that in certain contexts almost any word in our language can be a value word,[27] would recognize that 'rational' and 'irrational' are notoriously used to commend or condemn as well as to classify. Toulmin, in saying that certain reasons are good reasons for an ethical judgment, is, in effect, laying down a persuasive definition. To say of any reason that it is a good reason is to commend it or recommend it as a reason. Toulmin specifies certain particular statements of fact that fall under the range of certain moral rules as good reasons. But, by leaving 'good' "emotively unneutralized" (used not mentioned) in 'good reasons,' Toulmin surreptitiously retains the prescriptive element while making a selection from possible descriptive criteria. Yet, Toulmin claims that in saying which reasons are good reasons in ethics, he is giving a pure description (explication) of moral discourse.

However, Toulmin has a way out of the above difficulties; but, it is a way out which plays into the hands of those "epistemologists dressed up as psychologists,"[28] the intuitionists, in a

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26. Henry Aiken, "Moral Reasoning," Ethics, LXIX (October, 1953), 34.

27. Hare, The Language of Morals, p. 79.

28. Toulmin, "Knowledge of Right and Wrong," Aristotelian Society Proceedings, L (1949-50), 155-56.

fashion that Toulmin might not like. Toulmin or a "Toulminite" might reply to the above arguments: "But you have neglected my gerundive concepts. You have insisted on forcing my 'good reasons' either into property-word categories or subjective relations; but, we need not be so stingy as this with our logical categories. There are gerundive concepts, concepts that must be "analyzed as 'worthy of something-or-other,'[29] which do not fit your narrow, scholastic set of categories. In viewing moral discourse, we need not assume any scholastic-like "decalogue of categories" which insists that evaluative utterances are either statements of fact or expressions of attitudes. We need not be that "stingy" at all with our categories.[30] To say of a proposition that it is true, it is not enough to say "that this or that man finds it 'credible' or 'plausible'; rather, it must be worthy of credence or worthy of belief. Similarly, as my criticism of subjectivism indicated, to know that a course of action is 'right,' it is not enough to know that we are psychologically disposed to the deed; the proposed course of action must be

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29. Toulmin, The Place of Reason in Ethics, p. 71.

30. Ryle remarks: "Scholasticism is the belief in some decalogue of categories, but I know of no grounds for this belief." Gilbert Ryle, "Categories," Logic and Language (Second series), A. G. N. Flew, editor (Oxford: 1953), p. 75. Morris Weitz, summarizing Oxford philosophy of ethics, remarks about the dichotomy descriptive and emotive: "All these Oxford philosophers agree that a simple division of the uses of language into descriptive and emotive does not do justice to the many different sorts of utterance there are." Morris Weitz, "Oxford Philosophy," The Philosophical Review, LXII (April, 1953), 206.

worthy of approval or worthy of selection. Concepts like 'correct,' 'valid,' 'relevant' etc. are gerundives. In logic, ethics, and aesthetics alike, we are not concerned with subjective relations alone but with gerundive concepts."[31]

But these gerundive concepts, which cannot be identified wholly with de facto subjective relations, like "the return of the repressed" (and, apparently, just as unconsciously present) come to haunt Toulmin. C. D. Broad appropriately remarks:

> Mr. Toulmin states definitely that gerundive concepts cannot be identified with or defined wholly in terms of de facto subjective attitudes. To think that they can is the typical 'naturalistic fallacy.' There is nothing particularly new or startling in this aspect of the theory. It has been very fully developed by, e. g., Sir W. D. Ross and by Dr. Ewing. 'Worthiness to be treated in a certain way' is in fact our old friend 'fittingness,' and as such, I have no quarrel with it.[32]

Thus, Toulmin seems to be back with the intuitionist. He has an irreducible and unanalyzed notion of "worthiness" as an integral part of this theory. Toulmin's "way out" from the naturalistic fallacy, then, has its own difficulties. But, he can escape this way. With his irreducible notion of worthiness, Toulmin can always parry any charge that he is committing the naturalistic fallacy by pointing out his good reasons are always reasons that are "worthy to be achieved."

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31. Toulmin, The Place of Reason in Ethics, p. 71.

32. C.D. Broad, "Critical Notice of An Examination of the Place of Reason in Ethics," Mind, LXI (January, 1952), 100.

But, then, like the intuitionist whom he so severely criticizes,[33] he has one indefinable value term in his "system."[34] But, such a way out brings up once more the traditional difficulties in forms of intuitionism.

Now, Toulmin has offered a detailed criticism of the intuitionist treatment of moral concepts as denoting some peculiar kind of "non-natural property." He has shown that this notion of "non-natural property" is a quite mistifying notion itself and has argued that it is quite necessary.[35] We could teach someone the meaning of words like 'good' and 'right' without even making such an assumption about "non-natural properties." The traditional intuitionists were misled into believing a concept is meaningful only if it refers. When they could find no tangible verifiers for moral concepts, they had to invent one. But, Toulmin argues that concepts can be meaningful without referring and moral judgments can be properly called "true," even if they are not true in the correspondence sense of truth. Moral reasoning, like every other mode of reasoning, has its own unique criteria of truth and meaningfulness. One need not assimilate moral concepts to property concepts as the intuitionists have done and, then, worry over what kind of a property

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33. Toulmin, The Place of Reason in Ethics, chapter 11.

34. It again is not clear in what sense Toulmin would regard 'worthiness' as indefinable. But, he makes it clear it cannot be reduced to an empirical concept. It also functions as a primitive concept in his system. In fact it seems to be a basic "category" in his thought. Ibid., pp. 71-72.

35. Ibid., pp. 21-25.

good is or how it is known. There is no need to assume some peculiar faculty of knowledge (moral perceptions, intuitions and the like)[36] simply because moral concepts are not the same as property concepts or concepts of "subjective relations." Moral concepts simply belong to another category: they are gerundive concepts.

Now, while this is a reasonable reply, Broad's remarks about "our old friend fittingness" do bring up a question which the general reply above does not dispose of completely. We still wish to know what the status and function of these non-referring gerundive concepts is; and, if we are worried about the status of moral concepts, it does not help us to be told that they are gerundives and are supported by other gerundives when we find out that a gerundive concept is a concept signifying that something is worthy to be something or other.[37]

Toulmin cannot take a non-descriptivist way out and say that good reasons, in addition to their descriptive criteria, function as performatory utterances or have emotive meaning; for, this would commit him to the "Great Divide," i. e., the division between non-descriptive and descriptive uses of

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36. Toulmin, "Knowledge of Right and Wrong," Aristotelian Society Proceedings, L (1949-50), 155-56.

37. Miss MacDonald, who accepts a "theory of meaning" similar to Toulmin's expresses this worry of the "philosophically puzzled" very well. See Margaret MacDonald, "Ethics and the Ceremonial Use of Language," Philosophical Analysis, Max Black, editor (Ithaca, N. Y.: 1950), pp. 211-12.

language. As he makes clear in his article (written with Kurt Baier) "On Describing"[38] and in his discussion of Hare,[39] he does not accept this division.

For Toulmin and Baier, moral utterances and descriptions do not belong to mutually exclusive categories. Certainly (as Baier pointed out in his paper on "Decisions and Descriptions"),[40] a moving description is not a contradiction in terms. There are moral descriptions. As moralists, we may describe a man's moral character as Dostoyevsky did old man Karamazov's. Dickens' description of little Nell's death-bed scene is no less a description for being emotion evoking. Toulmin and Baier claim that the philosophers, starting with Mach and Pearson, and moving, by gradual changes through Russell, Moore, Richards, the emotivists, to Hart, Hare and Austin,[41] have rather unconsciously distorted the usual use of 'description' until they have, *via* this gradual *linguistic legislation*, made for themselves "The Great Divide."

But the above argument will not help Toulmin rebut the charge that his good reasons are *persuasive*, apart from some

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38. Toulmin and Baier, "On Describing," *Mind*, LXI (January, 1952), 13-38.

39. Toulmin, "Discussion of *The Language of Morals*," *Philosophy*, XXIX (January, 1954), 68-69.

40. Kurt Baier, "Decisions and Descriptions," *Mind*, LX (1951), 204.

41. Toulmin and Baier, *op. cit.*, pp. 28-38.

ad hoc reference to "worthiness." Now, even if it is granted that Toulmin and Baier are quite right about 'descriptions,' nonetheless, they both refuse to identify 'facts' and 'norms'; and, both seek to avoid the naturalistic fallacy.[42] They argue, rather unconvincingly, that we cannot replace the descriptive/non-descriptive division by any other labels and avoid their argument. The only evidence they offer is that there are several issues (they list ten)[43] involved in questions around "The Great Divide" and that sometimes these issues cut across one another. Yet, they clearly agree with Ayer that "as we ordinarily use the words, a valuation is indeed one thing and a description another."[44] No doubt, Toulmin and Baier are right in claiming that the descriptive/non-descriptive division is more complex than it has been thought to be. I do not see, however, how Toulmin's remarks about 'descriptions' help him to avoid the charge that his "good reasons" are persuasive as well as descriptive in, if you will, the philosopher's purely technical sense of 'descriptive.' To avoid this charge he would have to show how Moore's open-question argument was illegitimate either in general or, specifically, as applied to his 'good reasons.'

Toulmin can only save himself from Moore's kind of charge by going over to Moore's own ground and appealing to gerundive

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42. Ibid., p. 34.
43. Ibid., p. 33.
44. Ibid., p. 34.

concepts. But then, as Broad says, our old friend "fittingness" still haunts the scene. And, for those empirically oriented philosophers[45] who tend to be suspicious of any evaluative utterance at all which is not specifiable, as Russell puts it,[46] in "the language of the human passions," Toulmin's appeal to gerundives will remain worrisome. He can, indeed, escape the naturalistic fallacy by assuming them; but, then he has a very strange and quite unanalyzed concept on his hands.

If, in developing the "good reasons approach," we appeal to these gerundive concepts to save our analysis, our theory (as Broad points out) loses a lot of its seeming originality; and, more importantly, it loses its initial common sense appeal. Let us see if there is some other way of saving a theory like Toulmin's from the kind of difficulties involved in the naturalistic fallacy than by appealing to an unanalyzed notion of "worthiness."

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45. Soren Hallden, Emotive Propositions: A Study of Value (Upsala: 1954), p. 27.

46. Bertrand Russell, Human Society in Ethics and Politics (New York: 1955), passim.

Chapter IX

TOULMIN AND THE NATURALISTIC FALLACY: PART TWO

(A)

Now, if Toulmin's argument about gerundives and "The Great Divide" is regarded, as I have argued, as a kind of dodge, is there any way in which Toulmin can show that his "good reasons" are not persuasive; that is, do not commit the naturalistic fallacy? In the final analysis, I do not think there is if we read Toulmin's contention that the scope of ethical reasoning is set by the function of ethics in any straightforward sense. Lest I be misunderstood, let me qualify this remark immediately by saying that I believe Toulmin, because of the very casualness of his analysis, can always escape any definite charge that he has committed the naturalistic fallacy. But, I believe that a good case can be made that Toulmin has committed the naturalistic fallacy in arguing that, in terms of the function of ethics, certain reasons are good reasons in ethics. Toulmin ought to have brought out that, from a description of the way

ethics functions, we can never derive any normative principle, not even the principle of least suffering. He should have added that his arguments about good reasons only follow if we are committed to the moral point of view. However, in defense of Toulmin, it ought to be brought out that if we, as moral agents or moralists, are reasoning within a moral context we just start on the assumption that we are committed to a moral point of view; or, if we are explicating moral reasoning, we assume this moral ought context as part of our explicandum. Toulmin's view, I shall argue, is only persuasive in the sense that it implicitly recommends that we reason morally rather than non-morally. It is not prescriptive in the sense that it recommends a limited pattern of ethical reasoning as "ethical reasoning." I know of no way to establish this point one way or another except by analyzing various bits of ethical and alleged ethical reasoning to see if there are bits of discourse which we clearly know pre-analytically to be ethical reasoning which will not fit with Toulmin's conceptions. This sort of analysis should be carried out, not only for his criteria, but also for his very conception of the function of ethics.

I shall start my analysis with an examination of some facets of the discussion between Hare and Toulmin; for, Hare believes that there are some paradigms of moral reasoning for which Toulmin's theory cannot account. I am not convinced by Hare's arguments and I shall try to show why I am not convinced.

I must also admit candidly that there is one question begging feature about this chapter. I assume the correctness

of the primary function of ethics in establishing my point against Hare. But, part of the very issue between Toulmin and Hare over whether Toulmin's criteria for good reasons are themselves moral judgments is bound up in divergent conceptions of the function of morals. If Toulmin's definition of the primary function of ethics is inadequate, then his criteria are inadequate. Furthermore, I must not, of course, assume Toulmin's definition and, then, in turn, assume his criteria to prove his definition. However, I do not do that but only assume provisionally, in this chapter, his definition of the primary function of ethics in order to point out the contextual nature of moral arguments. In the next chapter, I shall try to argue independently for the adequacy of his general conception of the primary function of ethics. Thus, the adequacy of my conclusions in this chapter is not independent of those in the next chapter. But I know of no other way to treat the problem than by proceeding in this piece-meal fashion. Of course, in another sense, my arguments in both chapters are question begging; for, finally, I check the adequacy of my results against ordinary language. But, I know of no way of escaping this last predicament.

In mentioning the Hare-Toulmin controversy,[1] I will mention

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1. The controversy takes place in the following publications. Hare's specific criticisms of Toulmin are in his review of Toulmin's book. He also makes some general criticisms of the "good reasons approach" in The Language of Morals, though he remarks that Toulmin avoids the crudest of the errors he brings out there. Toulmin's reply to Hare is directed ostensibly only

the issue about Toulmin's peculiar kind of non-analytic 'evaluative inference' only to dispose of it; for, while it looms large in the argument between Toulmin and Hare, it does not seem to be fundamental to the present question about Toulmin's good reasons and the naturalistic fallacy. In fact, I believe that, even if Toulmin's reply to Hare about this kind of inference were perfectly adequate, it still would not answer what I regard as the fundamental point at issue in the present discussion. The issue I regard as fundamental in the present context is the issue of whether or not these so-called rules of evaluative inference or, as I prefer to call them, normative principles are themselves specifically moral principles.[2]

I will turn directly now to Hare's criticism that Toulmin's good reasons are themselves moral judgments. Hare tries

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to the arguments in The Language of Morals, but the issue between Hare and Toulmin seems fairly joined in these discussions. I shall use Hare's remarks from The Language of Morals when I deem they apply. See R. M. Hare, "Review of An Examination of the Place of Reason in Ethics," Philosophical Quarterly, I (July, 1951), 372-75; R. M. Hare, The Language of Morals, pp. 44-55; S. E. Toulmin, "Discussion: The Language of Morals," Philosophy, XXIX (January, 1954), 65-69.

2. I do not mean by the above to equate evaluative rules of inference with normative principles. Toulmin does not regard them as so equated though he does say that there is a formal possibility of stating evaluative rules of inference as major premises of practical syllogisms, though to put them in this fashion, Toulmin argues, misrepresents the role they play in moral practice. My major point is that, whether we treat them as rules of inference or as premises of practical syllogisms, they are normative principles or value judgments in their own right. In this discussion, I shall ignore the controversy between Hare and Toulmin about this issue. Rather, I shall treat the principles as premises. This procedure, I think, is quite justified; for in The Place of Reason in Ethics, such a conception of evaluative rules of inference is only briefly mentioned and never developed, much less argued for.

to establish his point obliquely by posing a dilemma for Toulmin. The dilemma centers around the interpretation to be given to a crucial passage in Toulmin's concluding remarks. The crucial passage is the following:

> Our discussion of the function of ethics led us on to a critique of moral judgement, but the two remained clearly distinguishable. And, by preserving this distinction, which our self-appointed guides tended to overlook, we were able to keep the chief problem in the centre of our vision. Of course, 'This practice would involve the least conflict of interests attainable under the circumstances' does not *mean* the same as 'This would be the right practice'; nor does 'This way of life would be more harmoniously satisfying' *mean* the same as 'This would be better.' But in each case, the first statement is *a good reason* for the second: the 'ethically neutral' fact is *a good reason* for the 'gerundive' moral judgement. If the adoption of the practice would genuinely reduce conflicts of interests, it is a practice *worthy of adoption*, and if the way of life would genuinely lead to a deeper and more consistent happiness, it is one *worthy of pursuit*. And this seems so natural and intelligible, when one bears in mind the function of ethical judgements, that if anyone asks me *why* they are 'good reasons,' I can only reply by asking in return, 'What better kinds of reason could you want?'[3]

Hare correctly notes that Toulmin does not think that to declare something is a good reason for a moral conclusion is *itself* a moral judgment. Hare thinks that to make such a claim is to make a moral judgment; but, whether it is or not, Hare now presents the following dilemma to Toulmin. To see the dilemma, note A and B below taken from the above long quote from Toulmin.

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3. Toulmin, *The Place of Reason in Ethics*, p. 224.

[A]
Of course, 'This practice would involve the least conflict of interests attainable under the circumstances' does not mean the same as 'This would be the right practice'; nor does 'This way of life would be more harmoniously satisfying' mean the same as 'This would be better.' But in each case, the first statement is a good reason for the second: the 'ethically neutral' fact is a good reason for the 'gerundive' moral judgement.

[B]
If the adoption of the practice would genuinely reduce conflicts of interests, it is a practice worthy of adoption, and if the way of life would genuinely lead to a deeper and more consistent happiness, it is one worthy of pursuit.

If A, as Toulmin thinks, is not a moral judgment then what is its relation to B, which Hare contends is clearly an elaboration of A? B, Hare argues, is "unambiguously the expression of a moral judgment."[4] But, since B is a moral judgment and a further spelling out of A, it seems strange to say that A is not itself a moral judgment.[5] However, if A is a moral judgment, "then it would seem impossible to reach it by any other means than the making of a moral decision -- and this Mr. Toulmin does not seem to think he is doing."[6] And, Hare concludes, "it certainly, if it [A] is a moral judgment, cannot be established by an appeal to usage."[7] Whichever way Toulmin moves, he is trapped. If he denies A is a moral judgment,

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4. Hare, "Review of An Examination of the Place of Reason in Ethics," op. cit., p. 374.

5. Ibid.

6. Ibid.

7. Ibid.

then how can B be an elaboration of A; and, if A is a moral judgment, how can we establish it by appealing to the way people use words?

Hare goes on to illustrate how this is a normative ethical conflict by the following example:

> Suppose, for instance, that we were maintaining that 'this practice would involve the least conflict of interests attainable under the circumstances,' was a good reason for 'This would be the right practice'; and suppose that someone were disputing this, by saying 'without conflict the full development of manhood is impossible; therefore it is a bad reason for calling a practice right to say that it would involve the least conflict of interests.' We might reply as Mr. Toulmin does here, "This seems so natural and intelligible . . . what better kinds of reason could you want?" And if we said this, and the other man replied, "I don't find it natural or intelligible at all; it seems to me that the development of manhood is a cause superior to all others, and provides the only good reason for any moral conclusion," then it would be clear that what was dividing us was a moral difference. To say that all we were differing about was the meaning of the word 'ethics' would be un-plausible.[8]

I shall now try to show how Toulmin might escape Hare's dilemma.

Hare's example is plausible at first reading precisely because it is subject to at least two interpretations. On the most plausible of these interpretations, there is really no conflict at all between Toulmin and his supposed critic. On the other and less plausible interpretation, however, while Toulmin and his critic are indeed in conflict, I shall argue that they are not in moral conflict. In either event Hare does not get the results he seeks.

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8. Ibid.

I shall now try to show why, on the first mentioned interpretation of Hare's example, Toulmin and his Nietzschian critic (as I shall call him) are not in conflict. The argument is as follows. Toulmin maintains that the function of ethics is to insure the harmonious co-existence of as many individual interests as possible. In terms of this function, 'this practice would involve the least conflict of interests attainable under the circumstances' is a good reason for doing y. But, suppose someone were to rebut this reason for doing y by saying, "No! It is a bad reason. Without conflict the full development of manhood is impossible!"? Toulmin, if he were shown that the Nietzschian's factual claim did in fact obtain, could admit that the Nietzschian's reason was a good reason but still continue to hold that his own reason was also a good reason because he had talked about the interests 'attainable under the circumstances.' The recognized circumstances have changed; that is, it is now granted that mankind cannot be fully developed without conflict. Toulmin could say, on the basis of this new information, 'Conflict is necessary for the full development of interests and thus, since we ought to develop our interests as much as possible, we ought to value conflict. Still, we ought not to allow any more conflict of interests than is necessary for the full development of mankind (i. e., "than is attainable under the circumstances")'. In his example, Hare retains the qualification "attainable under the circumstances" in his first statement of the Toulmin type of argument, but he drops it his second statement (i. e., "it is a bad reason

for calling a practice right, to say that it would involve the least conflict of interests"). Toulmin would not necessarily have to deny the Nietzschian's moral claim "that the development of manhood is a cause superior to all others. . . ." In fact he might argue that his own conception of the function of ethics as seeking to realize the harmonious compossibility of as many desires as possible seeks to realize that end. As Hare has set them up, the initial "moral differences" between the "two advisaries" are reconcilable without either party giving up their claim that their respective reasons are good reasons. Toulmin's theory covers such a situation. Hare has traded on an ambiguity to make his example work and because of this ambiguity his criticism of Toulmin on this point seems more plausible than it is in fact.

We may conclude then that, on the first interpretation of Hare's example, Toulmin and his imagined advisary are not divided by a moral difference that could only be resolved by treating Toulmin's criteria for good reasons in ethics as moral judgments and by arguing for them morally. Hare has not got the kind of conflict he needs to make his point. However, since Hare could amend his example in such a way so as to set up the sort of situation he wants, I shall assume that the second interpretation of Hare's passage is the correct one.

I shall now try to show why, on the second mentioned interpretation of Hare's example, Hare still does not make his case that Toulmin's criteria are themselves moral judgments. It will be remembered that, according to Hare, Toulmin and his Nietzschian

critic are divided by a moral difference. I shall argue (assuming the correctness of Toulmin's conception of the primary function of ethics) that what divides them is not, strictly speaking, a moral difference, but a non-moral valuational difference.

My argument can best be brought out if we reflect on the part of the '. . .' in Hare's quote from Toulmin;[9] the relevant part that Hare left out (and this may be symptomatic?) is "when one bears in mind the function of ethics . . . .".[10] This is important because Toulmin is giving an analysis of the place of reason in ethics and insists, throughout, on the finite scope of all reasoning and on the autonomy of the mode of moral reasoning. If we bear in mind Toulmin's argument to the effect that the primary function of ethics is to harmonize people's actions in such a way as to satisfy as many independent desires and interests as are compossible or compatible,[11] we can see that B is not "unambiguously an expression of a moral judgement"; but, rather, in terms of Toulmin's conception of the function of ethics, it is a statement which could readily be interpreted in the context in which Toulmin uses it as an explication of what we

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9. See previous footnote and internal quote from Toulmin in Hare's statement.

10. Toulmin, The Place of Reason in Ethics, p. 224. This remark occurs in the crucial summary passage Hare refers to. See our quote in extenso, footnote 3, italics mine.

11. For Toulmin's statement of the primary function of ethics, see Chapter II, p. 28.

mean by saying an utterance belongs to the mode of moral reasoning. Certainly, Hare's "Nietzschian critic" of Toulmin, who urges the value of conflict for the full development of mankind, is disputing normatively and valuationally with Toulmin; but, he is not differing morally with him because the Nietzschian has by his very arguments gone beyond any distinctively moral considerations altogether. If we are taking a moral point of view, we have no alternative but to oppose the Nietzschian. If we have no alternative in morals but to oppose the Nietzschian, we can hardly say that we are morally differing from him. How could it be said that we ought to follow another course of action when there can be, within morals, no other course of action to follow?[12] Hare forgets that moral reasoning like any other mode of reasoning is a limited mode of reasoning with its own peculiar criteria and range of application. He seems just to assume that any valuational question or any question about conduct is a moral question. He does not argue directly against Toulmin's conception of the function of ethics or against his contextualism, but seems just to take for granted that any question about what is to be done is a moral question.

Assuming the adequacy of Toulmin's conception of the function of ethics, I believe, the following contention is justified. Hare neglects the contextual presuppositions of the mode

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12. I am assuming that within moral discourse 'ought' implies 'can.'

of reasoning in assuming that B (i. e., "if the adoption of the practice would genuinely reduce conflicts of interest, it is a practice worthy of adoption, and if the way of life would genuinely lead to a deeper and more consistent happiness, it is one worthy of pursuit.") is clearly a moral judgment. Hare's argument seems persuasive because B, not placed in context, does seem to be a moral judgment; and, Toulmin and the Nietzschian do dispute normatively, but not morally. If, as we are now assuming, Toulmin is right about the primary function of ethics and right about asking 'Why be moral?', then B, as Toulmin uses it, is not "unambiguously" (or ambiguously) a moral appraisal.

Since, because of the ambiguity I noted, Hare's example is not a good one to bring out how moral questions are limited in scope and do not cover all valuational questions, let me give a simple example of my own. This example will put in a more plausible light Toulmin's contention that moral reasoning has a limited context and that many questions about what should be done are just beyond the scope of moral reasoning altogether. Note the following dialogue between a "Toulminite" and Jones, a confirmed esthete, preaching "Art for Art's sake."

(T = the "Toulminite"; J = Jones)

T: If a social practice tends to contribute to the deeper and more consistent happiness of mankind, we have a good reason for accepting the practice.

J: No, that's a bad reason.

T: Why, what better reason could you want?

J: Why, the practice ought to be rejected because it leads to too much happiness. Only if people suffer can they really appreciate art.

T: But, preventable suffering is bad.

J: But, this suffering isn't preventable. It's necessary in order that people appreciate art.

T: You mean <u>you</u> would accept suffering for the sake of art.

J: I'm not talking about myself. I just happen to like art; but, I say that other people ought to suffer so they could learn to appreciate art. The cultivation of esthetic taste is the only end <u>worthy</u> of attainment.

T: But, if you were those "other people" you would agree you ought to suffer, wouldn't you?

J: I said that I wasn't talking about myself. I mean those <u>other</u> people ought to suffer so that they would learn to appreciate art.

T: But, why is the cultivation of esthetic taste the only end worthy of attainment?

Now, in a quite plain sense, Jones' ends could not count as moral ends. True, he uses certain grading words like 'worthy,' 'ought' and 'bad'; but, he uses them in senses which are not ordinarily taken to be moral senses. No one would say, unless they were trying to defend some philosophic theory at any cost, that Jones' considerations were moral considerations though, certainly, they are valuational considerations about possible lines of conduct. If we are attempting to explicate in a meta-ethical sense the nature of ordinary moral reasoning, we must simply start here. We must say simply that Jones' reasoning does not count as moral reasoning. If we are meta-ethicists, it is our task, of course, to say <u>why</u> Jones' considerations are not ethical considerations; and, if some example, as the one above or as Hare's example, turns out, after all, upon analysis, to have had the features that we know pre-analytically to be

features which count as moral features, then we can say that our first pre-analytic judgment that it was not a moral example was mistaken. If we think, for the moment, of our meta-ethical analysis as an "ideal language," we must recognize, as E. W. Hall so well puts it, "the ideal language is not reared in a vacuum nor are its foundations laid in the clouds," rather it is tested against our everyday language.[13] But, we must start somewhere and the starting point for Toulmin's analysis as well as Hare's is ordinary language.[14] Ordinary language is their basic analyzandum. In terms of ordinary language, 'morality' has a certain limited function. And in terms of this function, Jones' considerations are beyond the scope of considerations that could be called 'moral considerations.' Hare's own example, especially if it is given the second interpretation so as to make it clearly alternative to Toulmin's criteria, does not seem to be a moral example. Perhaps, Hare could give an analysis of his Nietzschian's argument which would prove my own pre-analytic judgment about it wrong. But, this would take showing and Hare does not show it but merely points out that the Nietzschian uses value words or grading words meaningfully. But, are all uses of 'good,' 'bad' and 'right' and 'wrong' moral uses?

Back of Hare's criticism lies his own conviction that there is no logical difference between general valuational questions and moral questions. Morals seem more august, etc.,

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13. E. W. Hall, What Is Value?, p. 196.

14. Hare, The Language of Morals, p. 92.

than other valuational questions because morality is so indispensible to us; but, logically, moral considerations differ from general value considerations only psychologically and in their class of comparison.[15] In point of logic, the relation between a good moral act and a good car is the same as between a good car and a good candy bar. Surely their criteria are different because they deal with a different class of comparison; but, this is true of 'good car' and 'good candy bar' too. Toulmin rightly criticizes Hare for neglecting to note that moral utterances function like categorical imperatives, while other value utterances function like hypothetical imperatives and for not giving enough attention to the peculiarities of moral criteria.[16]

Neglect of the above logical peculiarities of moral utterances has the following effect on Hare's criticism of Toulmin. Within the mode of moral reasoning, Hare's questions simply cannot arise. Hare's Nietzschian, as the esthete, has declared himself "beyond moral good and evil"; by his proclamations, he has made himself, in effect, "impervious to the kinds of reason which morality acknowledges."[17] In Aiken's

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15. Hare, himself, admits a great deal of work needs to be done. Hare, The Language of Morals, pp. 143-44.

16. Toulmin, "Discussion of The Language of Morals," op. cit., p. 68.

17. See Henry Aiken, "Commonsensical Ethics: An Examination of the Place of Reason in Ethics," Kenyon Review, XIII (Summer, 1951), 525.

way of speaking, value words like 'good' and 'ought' and 'right' have a spectrum of meanings (uses), some moral and some non-moral. If we do not constantly pay attention to the context of these utterances, we are led into confusion. Toulmin has deliberately limited himself to the mode of moral reasoning. And, he has indicated how this mode is an independent mode of reasoning. More than that, he indicates that he is not answering and points out that one cannot answer all the valuational questions at once without regard to context. Hare seems to press a meaningful question about moral discourse only because he has forgotten Toulmin's injunction that we can only understand the uses of words in their contexts and we can only trust logic so long as it keeps in touch with life.[18] Unless we are doing philosophy, we never ask if a way of life that would genuinely lead to a deeper and more lasting happiness for all is a practice worthy of achievement. Such a question just does not arise either for a moral agent or for a practical (non-philosophical) moral critic. As meta-ethicists, we must simply accept this as a fact and try to explain why it is so and what there is about morality which makes it so.

Now, there is a rebuttal to the above line of reply implicit in Hare's criticism of Toulmin. Hare remarks that to say we are only differing about the use of the word 'ethics' or 'morals' would be quite implausible.[19] Certainly considerations

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18. Toulmin, The Place of Reason in Ethics, p. 117.

19. Hare, "Review of The Place of Reason in Ethics," op. cit., p. 374.

here do turn on the use of 'morals' or 'ethics.' But, need we say that we are merely disagreeing about the use or meaning of these words? Could we not say just as well, if we wished to talk that way, that we were differing about something "extra-linguistic," i. e., about the kind of activity or form of life we call morality? Indeed, the above kind of "Toulminite" is saying 'morality' rather means such and such;but, it is not clear that they are just differing about word usage. Rather, they are differing about the ordinary use of 'morality' and, as Ryle has shown, it is misleading to classify such a question as a linguistic question or as a non-linguistic question.[20] Now, it seems that, in terms of the ordinary (stock) use of 'morals' or 'ethics,' Toulmin's conception of the function of ethics is far more adequate than that of Hare's Nietzschian critic. To say this does not rule out the Nietzschian's normative program; but, it does show its irrelevancy to an explication of the place of reason in ethics ('ethics' now in its ordinary use). Toulmin set out merely to explicate this. He did not attempt to explicate the place of reason in the "special morality" of a moral iconoclast who, in terms of the ordinary use of 'morality,' is

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20. Gilbert Ryle," Ordinary Language," The Philosophical Review, LXII (April, 1953), 172. Ryle also significantly remarks: "The phrase 'the ordinary (i. e., stock) use of the expression ". . ."' is often so spoken that the stress is made to fall on the word 'expression' or else on the word 'ordinary' and the word 'use' is slurred over. The reverse ought to be the case. The operative word is 'use.'" Or again (p. 171), "Hume's question was not about the word 'cause'; it was about the use of 'cause.'"

beyond the pale of moral considerations.

Toulmin could further rebut Hare's argument in the following manner. The conflict Hare brings out in his example is a practical valuational conflict but not a moral conflict. Surely, the Nietzschian's problem is a practical problem about what is to be done; and, the issue cannot be settled between the Nietzschian, in Hare's example, and Toulmin by an appeal to word usage, but only by making a practical (normative) decision concerning what is to be done or what should have been done. But their conflict, in terms of the normal extension of the word 'morality,' is beyond moral good and evil. But, this is not to say their disagreement is any the less real or any the less over what course of action to follow, but only to point out that if we are committed to a moral point of view, their issue is already decided in Toulmin's favor.

The above point may be further clarified by the following considerations. Toulmin does not attempt, as Hare thinks he does, to derive an 'ought' from an 'is' of the word usage of 'ethics.' Toulmin is saying that in terms of the primary function of ethics such and such are good reasons in ethics. Ethics itself is a normative discipline; but, in specifying the place of reason in ethics, we are not asking for a justification of ethical reasoning as an activity. Rather, we are trying to explicate the logic of ethical reasoning. The context we seek to explicate is itself an ought-context. To answer Toulmin's question about good reasons is to say: Given this context, given the kind of activity that morality is, these are our criteria of moral reasoning.

I have tried to show that Toulmin escapes from Hare's dilemma. Toulmin's criteria were not shown by Hare to be moral judgments themselves. My main argument was that B (i. e., "If the adoption of the practice would genuinely reduce conflicts of interest, it is a practice worthy of adoption, and if the way of life would genuinely lead to deeper and more consistent happiness, it is one worthy of pursuit."), when taken in the moral mode of reasoning, is not itself a moral judgment. I tried to do justice to Hare's contention by pointing out that B and Toulmin's criteria are themselves value-judgments. Hare is quite right in contending that, finally, their acceptance or rejection rests on a decision or commitment. My point here against Hare is that in arguing about Toulmin's good reasons this need to appeal to a decision or commitment comes very late. If one is already committed to the moral point of view, one need not make any further "moral decision" to accept Toulmin's criteria for good reasons. On the good reasons approach: seeking to explicate the kinds of reasons that can count as good reasons in ethics, we can quite properly ignore these questions of decision or commitment.

(B)

I have tried to indicate how Toulmin might escape from Hare's dilemma without simply identifying good reasons in ethics with what are currently held to be good reasons in ethics. I have tried to defend Toulmin from Hare's criticism by pointing out that Hare has not sufficiently noted the context in which

moral reasoning operates and has given, in effect, a "low redefinition"[21] of 'ethics.'

I want now to show the sense in which Toulmin's theory does commit the naturalistic fallacy. I have pointed out places where Toulmin's kinds of moral reasoning are persuasive, if not corrected; but, at the following juncture, his theory is persuasive in a way that could not be corrected without radically altering it. I shall only question if the fact that Toulmin's theory commits the naturalistic fallacy at the point I shall mark has the kind of prescriptive consequences which many of his critics have taken his theory to have. To put it bluntly, Toulmin commits the naturalistic fallacy in implying that we can derive our criteria for good reasons from the function of ethics. If we take 'function' to mean merely what something does and not what it ought to do, then one must say that from a descriptive statement of the function of ethics, no ought conclusion at all can be derived. No doubt, there is a close connection between the function of ethics and what criteria we do accept or do commit ourselves to; but, the relation is not and cannot be a deductive one. Toulmin, by implying that it is, commits the naturalistic fallacy.

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21. I borrow the label "low redefinition" from Paul Edwards. We make a low redefinition of a word when we use it with some but not all of its ordinary senses as, for example, if we were to say that a doctor was a person capable of giving first aid. See Paul Edwards, "Bertrand Russell's Doubts About Induction," Logic and Language (First series), A. G. N. Flew, editor (Oxford: 1952), pp. 60-61.

Toulmin does not say very much in a general way about how moral rules are dependent on the function of ethics but only that they are dependent on the function of ethics. The connection between the criteria for an ethical judgment and the function of ethics is, for Toulmin, an intimate one. "The scope of ethical reasoning is limited by its function."[22] In fact, Toulmin argues, if the kinds of criteria which make some reasons good reasons in ethics were altered, the very nature of the activity we call 'ethics' would be altered. Yet, though Toulmin again and again emphasizes this point, he says very little in a general way about how moral principles and the function of ethics are connected. We know that the criteria for good reasons are determined by or are based on (in some unspecified sense of 'based on') the function of ethics. In fact, the relation is so intimate that we could even say conversely that what we call "ethics" is determined by its criteria.

It is integral to Toulmin's method that he can say and will say very little in general about this relationship. Rather, if we examine in detail the actual employments of ethical reasoning, we will come to see the relationship.[23]

However, at the risk of distorting the kind of analysis that Toulmin makes, I will state generally the relationships between a definition of the function of ethics and Toulmin's

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22. Toulmin, The Place of Reason in Ethics, p. 154.

23. Ibid.

basic moral criterion for judging social practices. Even if this more formal statement has no other value, it will at least show quite plainly where the naturalistic fallacy occurs in Toulmin.

Toulmin's conception of the primary function of ethics might be defined as follows.[24]

> (W) The primary function of ethics is to guide conduct so as to achieve the harmonious satisfaction of as many independent desires and wants as possible.

(W) is a straightforward description saying what sort of an activity ethics is. It is not intended to exhort anyone to be ethical or to take the moral point of view or anything of that nature. It only points out that morals or, if you will, moral discourse serves to guide conduct in the above fashion. Whether conduct should be guided in that fashion or ought to be guided in that fashion is something which cannot be determined from viewing it as an activity. Because 'ethics' occurs in (W) and because we normally assume that people should be ethical, there is, of course, upon reading (W), a normal tendency to think that (W) is something we ought to do. But, (W) is intended here as a purely descriptive statement. Further, when I speak of the function of ethics I mean to be using the word quite descriptively and not also as a grading label that would suggest the function of ethics is an end we ought to

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24. (W) is based on the various statements Toulmin himself has made about the function of ethics. For Toulmin's own statements see Chapter II, section (C).

seek.

In discussing Hare, I spoke of "the moral point of view." In terms of (W), we might make the following statement of what it is to take "the moral point of view."

> (Z) People who take a moral point of view seek to reason and act so as to achieve the harmonious satisfaction of as many independent desires and wants as possible.

(Z) is again intended to be purely descriptive and not to exhort ot recommend, even indirectly, that people seek to take the moral point of view. Rather, it is intended as a description of the kind of behavior in which people who are committed to the moral point of view engage. I might add that (Z) is not meant as a selection of any one particular moral point of view in terms of one particular moral code (like that of a humanist morality); rather, it is intended to be descriptive of what it is anyone, in any morality, does if he takes the moral point of view.

It is important to note that from (W) and (Z) we <u>cannot</u> derive any imperatives or any obligations at all. We are purely on the level of the <u>is</u>. Now, if we wished to exhort someone to take the moral point of view, we might put (Z) in the form of an imperative (T).

> (T) Reason and act so as to achieve the harmonious satisfaction of as many independent desires and wants as possible.

But, though we would quite naturally say that (T) is based on (Z) and (W), we could <u>not</u> mean by (T)'s being 'based on' (Z) and (W) that (T) was <u>derived</u> from (Z) and (W). (T) is

no more derived or derivable from (Z) or (W) than 'Shut the door' is derivable from 'Doors may be shut.' Rather, the indicative and imperative uses of speech evident in our example and in (Z) and (W) and in (T) respectively are different forms of speech which serve different purposes. They cannot be assimilated, without distortion of the uses of our language.

Now, in discussing the Toulmin-Hare controversy, I also spoke of being committed to the moral point of view; that is, of having decided to take the moral point of view and of being willing to reason in accord with it. That morality is the sort of thing one can take or leave, at least in theory, can be seen if we weaken (T) into the hypothetical imperative (H).

> (H) If you wish to be moral, reason and act so as to achieve the harmonious satisfaction of as many independent desires and wants as possible.

(H) brings out the choice involved in being willing to take the moral point of view. In the last analysis, reasoning about the value or good of a whole activity rests on a choice or decision.[25] While, because of the role that morality plays in life, it is hardly thinkable, in any practical sense, to give it up, it is logically possible that someone might simply choose not to be moved by moral considerations. There is, finally, no purely logical or inductive arguments which would commit such an "unmoved spectator of the actual" to taking the moral point of view. He might admit freely that act n was clearly subsumable under accepted practice N in his community and that practice N tends to provide a greater balance of happiness than it does of suffering and unhappiness amongst the greatest number of people.

25. Toulmin, The Place of Reason in Ethics, pp. 113-14, 165.

But still, if he did not wish to reason in accord with (T), there would be no logical reason we could give him to do so though we could say, as a mere matter of logic, that failure to reason in accord with (T) meant failure to reason in accord with (Z) (i. e., "the moral point of view"). This is true even though it is likewise true that (T) is not derivable from (Z). What we could not do on the basis of logic alone is to say that failure to reason in accord with (T) or with (Z) was bad. Nor could we derive an imperative exhorting us to take the moral point of view from merely noting that a failure to reason in accord with the exhortation (T) was a failure to take the moral point of view.

Finally, taking a factual statement like (W), we might make (but not derive) a normative or value principle (J).[26]

(J) The harmonious satisfaction of as many desires and wants as possible is an end worthy to be achieved.

Now, (J) is not derivable from (W) or from (Z). To think that it is, is to commit the naturalistic fallacy. Nor can we derive it from (T) or (H) unless we assume that value judgments and imperatives are equisignificant; but, at least prima facie, they are distinct. Our gerundive statement (J) is in a logical class by itself though, as Hare and others have shown, it

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26. I take (J) to be the positive formulation of what I have called the least suffering principle. See also ibid., p. 142.

certainly has many of the same features as (T) and (H).[27]

To say, then, that normative principle (J) is derivable from (W) is to commit the naturalistic fallacy. It is my contention that it is at this point that the charge of the naturalistic fallacy can be best brought against Toulmin. I say 'best brought' for the very informal nature of his analysis makes it possible for him to escape from almost any logical trap. As we noted in the last chapter, he could always revert, if pressed, to his gerundives and "our old friend fittingness." Or, he could take the tack that, when he said moral rules were based on or determined by the function of ethics, he was using 'based on' and 'determined by' rather metaphorically to mean that it is most natural and intelligible to appeal to the kind of activity that morality is in deciding what we ought to do. But, he might add, he never meant that we could derive value statements from the function of ethics as a matter of logic alone or, as we have put, derive (J) from (W). But, while still

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27. R. M. Hare, The Language of Morals. I might add that I have not in the above passages tried to show how imperatives cannot be derived from indicates and how value judgments at least on the surface seem to be distinct, though very like imperatives. The former task certainly seems to me to have been done so well by others that it hardly needs repeating. Rather, depending on our pre-analytic or intuitive acquaintance with the differences between indicatives and imperatives, I have sought to display, perhaps rather pedantically, statements with roughly the same descriptive components that do quite different tasks and in Toulmin's approach -- I believe mainly because of his non-formal way of putting things -- get, or at least seem to get, blurred.

maintaining that one can never derive an ought from an is, Toulmin has seemed to say that one can go from (W) to (J) logically without making any specifically valuational commitments and, to say this, is surely to commit the naturalistic fallacy. To this extent, I agree with Hare's argument. Toulmin and the Nietzschian are not just differing over the way that we shall use words; and, Smith and Jones, in my example, are not just differing over how they shall use words. In both instances, there is a definite conflict over values and over what each party is committed to.

My point in defending Toulmin against Hare was not to deny that Toulmin does commit the naturalistic fallacy at this level but to point out indirectly the peculiar level at which he does commit it. Now, committing the naturalistic fallacy does make Toulmin's view prescriptive in the sense that it advises us and exhorts us to reason ethically rather than non-ethically; that is, Toulmin not only describes the function of morals but in effect says that, from descriptions of the function of morals, we can know what we ought to do as a matter of logic. What Toulmin should have said is that, in seeing just how morals function and how, if we accept that function, certain criteria follow, we can say as moralists that, if we are willing to reason morally, certain kinds of reasons are good reasons in ethics. My essential point is that, though Hare, Mackie and others have rightly brought to our attention that we could never go logically from (W) to (J), they have made unwarranted assumptions on the basis of this. Their main mistake

was in assuming that this made Toulmin's view prescriptive in the sense that it was prescribing moral criteria that were quite narrow in scope and prescriptive of a particular kind of morality. But, this reads Toulmin's naturalistic fallacy at the wrong level as if he was like our friend in our earlier example[28] who defined 'x is right' = df. 'x is in the Bible' and, then, by his persuasive definition, unwittingly ruled out "as a matter of logic" considerations which common sense and ordinary language clearly recognize to be ethical considerations. But, Toulmin's theory is not at all "capriciously persuasive"[29] in that sense and does not rule out, as Hare and Mackie imply, any considerations which, in ordinary speech, could be taken to be moral considerations. Rather, in explicating the place of reason in ethics, Toulmin does not even need to ask if we are committed to the moral point of view. Rather, he already starts with an ought-context which he needs merely to explicate in showing which reasons are good reasons in (J).

In the remainder of this chapter, let me try to bring out a little more fully what I mean by the above statement.

Toulmin is quite literally concerned with indicating the place of reason in ethics. (J) is just the starting point

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28. Chapter VIII, section (A).

29. Note C. L. Stevenson's similar remarks about R. B. Perry's theory. Stevenson, Ethics and Language, p. 270.

for his analysis. As a norm (J) just states what it is to be committed to reasoning from a moral point of view. Moral judgments must be made in accord with (J). (J) itself is normative and directs us to reason in a certain way. Yet, we cannot properly say that (J) is just a very general moral principle among others because there can be no alternatives to (J) if we assume the correctness of Toulmin's descriptive account of the function of ethics. While it is difficult to put this so as not to get embroiled in the descriptive/non-descriptive controversy, (J) is a norm while (W) is a fact; but, unless we wish to speak of some peculiar "ethical facts," the factual content of (J) and (W) are roughly identical. They differ, rather, in that (J) is normative while (W) is not. But, it still remains true that, if (W) and (Z) accurately describe the function of ethics and what it is to take the moral point of view, there could be no alternatives to (J). If we are reasoning ethically we must reason in accord with (J). As (H) indicates we can always choose not to reason ethically. But, this does not at all indicate that there might be some further ethical principle we might appeal to beyond (J) but only that we are not motivated to reason morally. And, it does not indicate there is any moral alternative to reasoning in accord with (J). There is no principle which we could offer as an alternative to (J). It seems odd, then, to call (J) a moral judgment. There are no moral alternatives. It is not like arguing about whether birth control is good or bad or whether gambling should be legalized or not legalized or whether communism is evil or good. To argue

about (J) is to argue about whether we should or should not argue morally; but, as Kant before Toulmin indicated clearly, such an argument is not itself a moral argument for, in arguing morally, we must already assume a moral point of view. Assuming that we will reason morally, then we may argue about various moves within morality. Toulmin with his argument for independent and irreducible modes of reasoning is driving home the same point.

If being in an ethical mode of reasoning means, as Toulmin argues it does, that one is committed to (J), then Hare is also quite wrong in saying that B (i. e., "If the adoption of the practice would genuinely reduce conflicts of interest, it is a practice worthy of adoption, and if the way of life would genuinely lead to deeper and more consistent happiness, it is one worthy of pursuit.") is a moral judgment. B, no more than (J), is a moral judgment; but, assuming certain empirical truths, it is trivially derivable from (J).

This can be shown in the following manner.

(J) (our normative premise), together with the empirical statements of fact (1),reductions of conflicts of interests tend to further the harmonious satisfaction of interests,and (2),a way of life leading to a deeper and more consistent happiness tends to further the harmonious satisfaction of as many independent desires as possible, entails B. If (1) and (2) are true and if we are committed (as we are from a moral point of view) to (J), then we must accept B. In fact, because (1) and (2) are such empirical truisms, the contingent connection

between (B) and (J) becomes "enshrined in the logic of the language."[30] Thus, ignoring the question of whether, as a matter of fact, (1) and (2) are true (that they are true is taken for granted), we say directly that (J) contextually implies (B) or that (B) presupposes (J). But, we can take a more formal logical position; and, assuming (J), (1) and (2),we can say that (B) is entailed by them. And, it is obvious (and this is hardly a philosophical point) that (1) and (2) are true. Thus, we go without any legerdemain from (J) to (B). And, (J) is just a "given" for Toulmin or for anyone who seeks to know how we validate moral judgments in ethics. To challenge this we must challenge (J).

It may be replied to the kind of argument made above that the "really fundamental question for morals" is whether we are indeed rationally justified in taking this moral point of view.[31] Perhaps so. But, if we are careful how we speak, we will not call this question a moral question, though we may well call it a question concerning morality and, perhaps, even the most crucial problem about morality for a philosopher seeking an

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30. P. H. Nowell-Smith, Ethics, p. 99.

31. This seems to be the justification that Blanshard is asking Russell to give us after Russell, rather in the fashion of Toulmin, has offered something very like (J) as a basic criterion. Blanshard seems to feel that without a justification of this criterion, we can have no rational basis for ethics. See Brand Blanshard, "Review of Human Society in Ethics and Politics," Saturday Review of Literature (January 29, 1955), p. 13.

ultimate justification of the moral point of view. But the essential consideration here is that an answer one way or another about this "fundamental question," will not at all upset Toulmin's arguments about good reasons in ethics if he sticks literally to explicating the place of reason in ethics. (J) is a "given" and in terms of this we describe how we validate our moral appraisals. Ordinary usage being what it is (or, just morality being the kind of activity it in fact is), Toulmin has explicated the criteria which we must use in reasoning morally, i. e., in deciding which reasons are good reasons in ethics. This is not to recommend that we reason in accord with these criteria (or not to recommend it); nor is it to recommend that we reason morally, immorally or, even, amorally. It is not to make any recommendations at all, but merely to show what is to count as reasoning morally. Yet, starting his theory as he did by neglecting the non-descriptive functions of evaluative terms, Toulmin has given the impression that he is, at some level, recommending, and so has caused Mackie's and Hare's worries.

By way of summary, we can say that Toulmin does not commit the naturalistic fallacy in the sense of identifying moral judgments with their descriptive criteria and he does not commit the naturalistic fallacy in the sense of identifying good reasons with the reasons in fact given as good reasons. He does seem to commit the naturalistic fallacy in assuming that, somehow, we can derive a normative principle from noting the kind of activity morality is and the job morality does. I add the 'seem to' merely because Toulmin has (1) a notion of "worthiness" to

which he might appeal to save him from any charge of confusing an 'is' with an 'ought'; and, (2) his casual or informal kind of analysis makes it very difficult to "pin" such a charge on him definitely. But, surely his talk about determining which reasons are good reasons from observing the function of ethics strongly implies that he is committing such a fallacy.

However, that Toulmin commits the naturalistic fallacy in this sense does not in itself give us a sufficient basis for saying, as many have said, that he is "implicitely committed" to a conformism, non-conformism or a kind of "secular humanist" morality. One might say that he was "implicitly committed" to a conformism only if one meant by a conformism a commitment to reason from a moral point of view (though not from any one particular moral code). Toulmin's theory, because of the way he commits the naturalistic fallacy, is "implicitly prescriptive" only in the sense that, in describing the moral mode of reasoning, he is also, in effect, recommending that we reason in accord with it. But, this is hardly to say his view is prescriptive in the sense in which his critics have implied that it is; namely, that, depending on the critic, it either prescribes a "liberal utilitarian morality" or "a doing of the thing done" in a way that would be quite congenial to Hitler. In order to establish anything remotely like either of those two claims, his critics would have to show not only that Toulmin commits the naturalistic fallacy in the sense in which I have shown that he probably does but also that his conception of the primary function of ethics is too narrow and excludes

considerations which, in our ordinary unphilosophical moments, we would readily grant are moral considerations. We will turn to that issue in the next chapter.

Chapter X

AN EXAMINATION OF TOULMIN'S CONCEPTION OF THE FUNCTION OF ETHICS

(A)

In this chapter, I want to ask whether Toulmin has persuasively defined 'ethics'. I want to ask whether his conception of the primary of function of ethics or morality is adequate or whether, by minor changes, it could be made adequate or, whether his conception of the function of ethics is not just another "philosopher's game" rather than a correct explication of what we plain men (that is, all of us when we are not doing philosophy) mean by saying that anything is "ethical" or "moral."

If Toulmin has persuasively defined 'ethics,' then he has committed the naturalistic fallacy in an additional fashion to the way we noted in the last chapter. And, if

he has committed the naturalistic fallacy by persuasively defining 'ethics,' then his view is not only prescriptive in the picayune fashion noted in the last chapter (i.e., it surreptitiously recommends we ought to reason morally rather than non-morally) but also in the sense that it, in effect, recommends a "limited kind of morality" which, perhaps, is no more than the morality of some English University dons and their peers. If Toulmin's "definition" of the primary function of ethics is persuasive, it will have prescriptive effects down to the lowest "object level." If his conception of morals is persuasive, then his criteria are persuasive; and, his good reasons, in turn, are persuasive, then the very judgments he can allow to count as moral judgments will be restricted in terms of these persuasive definitions. Thus, if it can be established that Toulmin has persuasively defined ethics, those charges made by people like Hare and Mackie, which we noted and, for the most part, rejected, come flocking back in like waifs to a free movie. Even the charges that Toulmin's view unwittingly supports a conformism or non-conformism as the case may be come trouping back in. Thus, Toulmin's conception of the primary function of ethics is crucial for his theory and we must examine it with care.

Now, no doubt, one common initial reaction, upon seeing Toulmin's definitions and my definition (based on Toulmin's) with all their talk about "harmonious satisfaction of desires and interests" and the like, is to say, It can't possibly be

right. It is probably true that "plain men" would be shocked if not just amused, at being told that what he meant by ethics was what Toulmin says he means. If he read Toulmin's

1. The function of ethics (provisionally defined) is "to correlate our feelings and behaviour in such a way as to make the fulfilment of everyone's aims and desires as far as possible, compatible."[1]

2. "What makes us call a judgment 'ethical' is the fact that it is used to harmonize people's actions."[2]

Or, if he were to read my(M):

(M) The function of ethics is to guide conduct so as to achieve the harmonious satisfaction of as many independent desires and wants as possible.

he would no doubt be shocked. He might even add, "This is monsterous. When I say something is ethical, I mean it is the right thing to do. Ethics or morals pertains to right conduct. It's the activity that is concerned with advising and counseling us in what we ought to do and how we ought to live. It has nothing to do with all your fiddle-faddle about interests, harmonious satisfactions and the like. It deals with what is right."

Such a reaction, though quite natural, misses the point of Toulmin's remarks about the function of ethics. The following two considerations are crucial here.

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1. Stephen Toulmin, The Place of Reason in Ethics, p. 137.

2. Ibid., p. 145. See my exposition of Toulmin Chapter II, section C.

First, 'ethics' itself, like 'good,' 'right,' 'beautiful,' 'neat,' and 'honest,' is normally a "hurrah-word." Taking the ethical point of view is the thing we ought to do; if something is ethical it is commendatory, something that ought to be done. Thus, assuming the point about the naturalistic fallacy is well taken, we can never define 'ethics' anymore than any other evaluative term in completely naturalistic or empirical terms. The plain man upon seeing our "definitions" misses precisely the normative element in them. He wants to say, 'Ethics does not harmonize people's actions; it tells them what they ought to do.' But his objection is not to the point. Toulmin is not trying to define 'ethics' in the sense that R. B. Perry tries to define 'value.' Rather, Toulmin is concerned to define the function of ethics. Reflecting on the jobs that ethical utterances are used to do, Toulmin is trying to describe for us the function of ethics. He is not trying to define what we mean by 'ethics' in a purified "empiricist language" or any other "ideal language." Rather, he is trying to describe or characterize what sort of place the activity ethics has in life. He is asking: How does it fit in with the other forms of life? What sort of job does morals do? Concerned with this task, Toulmin can speak in terms of satisfactions and social harmony and the like and, without the slightest inconsistency, admit that a term like 'ethics' is not definable in wholly naturalistic terms.

Second, our plain man's "definitions" are unenlightening. To be told that ethics pertains to right conduct doesn't help

us out at all in understanding the function of ethics, for we only ask, 'But, what is right conduct?' Toulmin is trying to push aside that "surface grammar" in order to see how moral utterances really operate. He is trying to find out what kind of job they do. He is concerned to give what he has called a "functional analysis" of ethics as an activity. He makes the same general point about a "functional analysis" very explicitly when he is discussing: 'What is Science?'[3] But, I believe it is readily applicable to his remarks about the function of ethics. Toulmin remarks that, in describing the function of science, he does not wish so much to contradict or to compete with the man who says that 'Science is organised common sense' or the man who says 'Science is systematic and formulated knowledge' as to elucidate such unenlightening remarks by an analysis of the function of science.[4] I think that he would say the same thing of the man who said that 'Ethics is concerned with right conduct' or that 'Morals is a practical science that gives us the rational basis for our actions.' We are, with those last definitions of ethics, only back where we started: 'What is the right thing to do?' And what do we mean by 'the rational basis for our actions?' Toulmin's method is radically different. He tries to describe the role morality plays in our

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3. Toulmin, The Place of Reason in Ethics, p. 104.

4. Ibid., p. 105.

lives. Though his manner of putting it may be at first shocking to the ordinary man, I see nothing about it, once we see what he is trying to do, which would allow us to say that Toulmin's view of the primary function of ethics is plainly wrong as an explication of what we could mean by the function of ethics in common sense or common usage.

Rather, to establish whether Toulmin's conception of the function of ethics is or is not persuasive we must see if there are some commonly admitted ethical situations which his "definition" of the function of ethics would rule out as being unethical. If it can be established that there are some such situations for which Toulmin's conception cannot account then we must admit that it is inadequate and implicitly prescriptive.

In what follows, I am going to examine some of the various ways that his critics have thought Toulmin's view to be prescriptive. Among those criticisms I find two criticisms of Toulmin which hold. They make his actual view as it now stands implicitly prescriptive. However, I am going to argue that, in these cases, Toulmin himself has made incorrect or unnecessary applications of his own basic conceptions of the function of ethics (the notion I have expressed in (W). But, these applications of his own conception of the primary function of ethics can be rejected without rejecting his primary function of ethics. Taking (W) itself, I can find no moral situations for which it cannot account. That none can be

found does not, of course, prove that there might not be some or that there might not be some as yet undiscovered way in which Toulmin's view is implicitly prescriptive. Thus, we can have no "final proof" that Toulmin's view of ethics is not persuasive. I can at best go over the grounds which have led people, and, at times, led me to think that his conception is persuasive. If I can show that their various criticisms do not show that Toulmin's conception of the primary function of ethics is wrong, but only that Toulmin's detailed applications of it are sometimes wrong, I do not, of course, establish logically that Toulmin's conception of the function of ethics is right. It still may be that there are some situations for which his theory could not account and it might be true that some alternative conception would account for them simpler and better. But, it would throw the burden of proof back on his critics. In what way is Toulmin's view of the function of ethics overrestrictive? Where does he persuasively define 'ethics' in such a way that it excludes considerations which are normally taken to be ethical considerations from being ethical?

(B)

But leaving aside such purely logical possibilities let us see briefly how the case has been made against Toulmin. John Mackie has most adamantly and searchingly criticized

Toulmin's conception of the function of ethics.[5] Mackie contends that there is a vacillation throughout Toulmin's analysis between, on the one hand, Toulmin's official contention that he is describing and, on the other, an unrecognized prescription on Toulmin's part. This vacilation, Mackie argues, even shows up in Toulmin's very conception of the function of ethics.[6] Mackie remarks that when Toulmin speaks of the "'functions' of science and ethics....it is not clear whether a function is what a thing does or what the speaker in telling it to do."[7] Mackie points out the point at which Toulmin commits the naturalistic fallacy. We find out the function of something by observation (including observation of linguistic behavior); but, in finding out what the function

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5. Mackie, "Critical Notice: An Examination of the Place of Reason in Ethics," The Australasian Journal of Philosophy, vol. XXIX (August, 1951), pp. 114-24.

6. Ibid., p. 116.

7. Ibid., p. 115. Hare notes this same vacilation with the word 'function.' Hare remarks: "In order to discover how, by reason, to answer questions of the form 'which of these courses shall I choose?' we first discover what ethics is by seeing how the word is used; to discover what ethics is, is at the same time to discover what its function is; to discover what its function is, is at the same time to discover what are good reasons in ethics, (note here the passage from a descriptive to an evaluative use of the word function - we find out what the function is by observation, but to discover the function is to discover what are good reasons)...." Hare, "Review of An Examination of the Place of Reason in Ethics," The Philosophical Quarterly, vol. 1 (July, 1951), p. 373.

is we somehow (for some undisclosed reason) also find out that we ought to do it. Toulmin seems to be arguing, according to Mackie, that if you don't accept the generally recognized ethical criteria you are simply not arguing ethically.[8] But, this is "the long-discredited" method of saying "since everyone does so-and-so, therefore you ought to do it."[9]

Mackie agrees that Toulmin's contention would be true if "a single set of criteria in each case were not merely universally accepted but even necessitated by the nature of the activity itself....."[10] Mackie is arguing here, if I understand him correctly, that there is actual radical conflict and disagreement among people both about the criteria (good reasons) and about the very primary function of ethics. This conflict among people over the very primary function of ethics seems to be conceived by Mackie, not merely as a logical possibility, but as a factual reality.

Mackie makes the following specific criticisms of Toulmin. First, he wisely criticizes Toulmin's remarks that decisions about a way of life or a personal code are only ethical decisions in an extended sense of 'ethical.' Mackie points out that we often let "our personal rules of life weigh along

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8. Mackie, loc. cit., p. 116. Toulmin, The Place of Reason in Ethics, p. 161.

9. Mackie, loc. cit., p. 116.

10. Mackie, "Critical Notice: The Place of Reason in Ethics," The Australasian Journal of Philosophy, vol. XXIX (August, 1951), p. 115.

with and against the social rules."[11] Stephen Dedalus, James Joyce's partly autobiographical character, decides "that quite apart from any moral reforms that he may support and quite apart from any happiness that he may produce, he is right in sacrificing social and family obligations to his artistic development."[12] Mackie further claims that people differ in the relative weights they assign to deontology and teleology, to social demands and personal decisions, etc.[13] Finally, Mackie claims that it is not clear that the principle of least suffering is the only ultimate principle. Sometimes, there is conflict over ultimate principles. We have no fixed answers for the above kinds of problem but actually differ morally.

....If we study the works of ethical theorists like Plato.... Aristotle...we find that they are very much concerned with this ethics of the individual: as Toulmin himself records, (p. 158), Plato is even more interested in the pursuit of the Good than in the harmony of society. There seems to be no justification for this view (p. 159), that this is "ethics" only in an extended sense. Certainly the notion of obligation is fully developed only on a compulsive morality such as a morality of social demands, but why assume that ethics is primarily a matter of obligations, that non-compulsive "values" can come in only after obligations have been met? Toulmin is surely not here describing the recognized criteria but advocating a particular, selected pattern of ethical reasoning."[14]

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11. Mackie. "Critical Notice: The Place of Reason in Ethics," The Australasian Journal of Philosophy, vol. XXIX (August, 1951), p. 119.

12. Ibid., p. 119.

13. Ibid.

14. Ibid.

(C)

I am going to argue, as against Mackie, that Toulmin is correct in his overall statement of the primary function of ethics. Rather, I am going to maintain that, at times, Toulmin has misapplied his own conception of the primary function of ethics; that is, he has misapplied what I have called (W). Thus, his conception, as it now stands, is indeed persuasive. In discussing the criticisms made by Mackie, I am going to try to show how a theory taking Toulmin's overall conception of the function of ethics (i.e., W), but not the way Toulmin has worked it out, could avoid the difficulties Mackie (as well as others) has brought up.

In the discussion that follows about Mackie's kind of criticisms, I shall start with the criticisms which strike me as being the least important and proceed to those I think are the most important.

Some philosophers have used 'ethics' in a much wider fashion than has Toulmin. Toulmin can be criticized for failing to note this. Mackie is quite correct in remarking that traditional philosophical ethical theorists (Plato and Aristotle, for example) have used 'ethics' in a much broader fashion than has Toulmin. (Such different theorists as Kant, Pritchard, Westermark, and Hagerstrom, on the other hand, stick to a use similar to Toulmin's.) The traditional utilitarians also have used 'ethics' in this wider fashion. And, the emotivists (excepting Hagerstrom and his followers) have also used 'ethics' in this broader sense.

But certainly, what redefinitions philosophical ethicists have made of the word 'ethics' is not a crucial consideration. Toulmin is trying to explicate the logic of the language of morals: the uses of moral language in its everyday contexts, not philosopher's peculiar uses. Philosophers have often mixed many problems together and have forgotten that words like 'ought' and 'good' have a whole spectrum of uses; these words, in different contexts, do different jobs and serve different purposes.[15] With the usual neglect of context, in order to reach the "essential," philosophers, in talking about 'good,' have sometimes been talking about general theory of value or the language of conduct when they have said that they were talking about morals or ethics. One may note this without implying that what these philosophers said was nonsense. Toulmin records that the search for the personal highest good (Plato's "The Good") may be of more importance than are moral considerations. But, Toulmin argues, these questions about strictly personal goods must not be confused with moral questions. The test for which questions are strictly moral questions is ordinary usage, not the philosopher's usage.

Toulmin is also wrong in denying there can be strictly personal or individual moral problems. We have duties to ourselves as well as to other people. Obligations could obtain

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15. Henry Aiken has brought out this aspect very well. See particularly Henry Aiken, "The Spectrum of Value Predications," Philosophy and Phenomenological Research, vol. XIV (September, 1953), pp. 97-104.

on a desert island or for Robinson Crusoe, even without his man Friday or anyone else being on hand. Morals guide conduct toward the personally harmonious life and not just to social harmony. But, there is no incompatibility between maintaining this and at the same time asserting (W). Ethics is concerned to guide conduct so as to achieve the harmonious satisfaction of as many independent desires and wants as possible.

Someone might defend Toulmin here by saying that 'duties' and 'obligations' only have a use in a social context. Surely, this is right in the sense that our paradigm cases of 'duties' and 'obligations' are social uses and that uses like 'a duty to oneself' or an 'obligation to promote ones own well being' are <u>derivative</u> uses. Indeed, we could only teach a foreigner what we mean by 'duties' and 'obligations' by an appeal to their uses in social contexts. But, to note rightly, as Toulmin does, this standard use, does not give us license, without further argument, to say that these derivative uses are mere "figurative" or "metaphorical" uses. We might say to a doctor who had buried himself in work during an epidemic, 'You <u>owe</u> it to yourself to take a vacation.' We would not necessarily mean that he owes it to anyone else, but to <u>himself</u>. Nor do we necessarily use the above utterance in only a prudential context. It is true that, ordinarily, we would not regard the doctor as <u>morally blameworthy</u> if he did not take the vacation; but, we do regard a person who fails radically to tend to his own well-being as morally blameworthy.

This is reflected in our moral language when we say, in a tone of moral disapprobation, 'Get a hold on yourself, man.' And, we are not merely telling the person to whom we address this remark to order his life because he has duties to others, but because we believe that a man has a duty to "tend to his own soul." One cannot just do anything to oneself and escape moral disapproval.

It remains the case, however, that our paradigm uses of 'duty' and 'obligation' are social. If 'duties to oneself' conflict with 'social duties' and if they cannot be made compossible with 'social duties,' these 'duties to oneself' (except in rare cases) are superseded by 'social duties.' Even the rare and well marked exceptions like one's right to life which even Hobbes recognized are themselves, qua social practices, justified on the basis of their utility. As Nowell-Smith, who also urges the above distinction, remarks:

> But the achievement of co-ordination between a man's own aims is clearly an unimportant reason for having moral rules compared with the need for co-ordinating the aims of different people. Indeed, until we mention this, we hardly seem to have touched on moral rules at all; for, although we do sometimes talk about duties to ourselves, most of our duties are duties to others.[16]

In our moral talk, we unhesitatingly condemn putting one's duty to oneself, except in well demarcated and socially recognized situations, before one's duty to others.

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16. P. H. Nowell-Smith, Ethics, p. 100.

The above two emendations are not serious and, when the proper qualifications are made, they serve to support rather than detract from Toulmin's thesis about the primary function of ethics.

But in line with the above kinds of objections, a more serious objection can be made to Toulmin's theory about the primary function of morals. Granted that morality, in its basic functions, is irreducibly social, why must we go on to say it is primarily a matter of social obligations? Why must the non-obligatory values come in only after obligations have been met? Isn't morality likewise concerned with the maximizing of whatever it is that is taken as the basic value or as the summum bonum by the members of society? Surely, some culture patterns emphasize a puritanical Kantian "Super-ego morality";[17] but, others do not. Unless we want to confuse what a particular culture pattern at a particular period says is morality with morality, then we must be wary of Toulmin's conception of the primary function of morality.[18]

Again, I think Toulmin's conception of the function of ethics needs amendment here. Toulmin admits that the concern for the happiness, not only of oneself but of one's fellows,

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17. Label used by Abraham Edel in a lecture.

18. See general remarks by Edel on this subject. Abraham Edel, "Some Relations of Philosophy and Anthropology." American Anthropologist, vol. 55 (December, 1953), pp. 649-60.

is not a mere matter of personal decision. In criticising communities, we not only apply the negative criterion 'Preventable suffering is to be avoided," we also apply the positive criterion that the best community is the community that provides as much happiness as possible for as many people as possible.[19] Now there is no question that this last notion is a grading criterion, but there is some question that it is a moral grading criterion. Toulmin, as we have seen, argues only that, because we can have no moral obligation in the fullest sense to promote the happiness of our fellow man when they are suffering no positive hardship, we can only call the above considerations "moral considerations" in an extended sense of 'moral considerations'. Toulmin, however, softens this considerably by admitting that it is a familiar and natural extension of 'ethics' to regard a concern for the happiness of mankind, beyond definite questions of moral obligation, to be called 'ethical considerations'. But, he does continue to insist that this use is an extension of the primary use of 'ethics'.[20]

Now, I think we can agree with Mackie and say there is no justification for saying that considerations about whether a given act or a given rule or set of moral rules may or may not lead to fuller and happier lives for the members of a

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19. Toulmin, The Place of Reason in Ethics, p. 159.

20. Ibid., pp. 159-60.

community is ethics only in an extended sense. Toulmin's claim that this latter sense of 'ethics' is ethics only in an extended sense, as much as Stevenson's denial of validity to moral appraisals, is linguistic legislation.

Now, if Toulmin's theory is not modified on this point, it is prescriptive and his criteria for good reasons will be a limited criteria rather than just those criteria which can count as criteria for good reasons in ethics. The point of Toulmin's linguistic legislation is to bring out strikingly the difference between moral questions and prudential or aesthetic questions. And, it is true that our characteristic moral problems are not problems of promoting the general happiness where no existing inequity obtains but, rather, problems of righting present inequities. But, I believe, the other problem is also a moral problem and can be shown to be a moral problem on Toulmin's own overall conception of the primary function of ethics. If Toulmin had said that morality is concerned characteristically with obligations but is also (though, less characteristically) concerned with the furthering of human happiness, his theory would have been far more satisfactory. Nor does the emendation I have just suggested run counter to Toulmin's frequently expressed statement that the primary function of ethics is to further the harmonious satisfaction of as many individual desires and interests as possible. On the contrary, it is in accord with it where Toulmin's own theory is not. In some Utopian society in which there were no existing inequities, it still might be

possible to further maximise satisfactions. Because of the artificiality or "desert island" nature of the example, it is difficult to be sure what we would say. But, if we carry out an "experiment in imagination", I think that we would say that it is "a right and proper thing" that happiness be increased wherever possible and that we would not say that whether happiness should or should not be increased in such a situation is merely a matter of how we happened to feel about it.

My most serious objection to Toulmin's remarks about the primary function of ethics is to his statement that basic questions about a way of life are just personal and not moral. Toulmin argues, (as we have seen) that questions like whether the Christian way of life or the Moslem way of life is better are not moral questions. As "the scope of ethical reasoning is limited as well as defined by the framework of activities in which it plays its part," Toulmin argues that such questions about ways of life have no moral application. They have value only as rhetoric. About such "questions" we can only make a personal decision.[21]

Now, certainly Toulmin would be correct in arguing that a question about a way of life is not as common and as readily answered a moral question as a question about 'Whether it is bad for women to stand at bars?'. If, to this latter question,

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21. Toulmin, The Place of Reason in Ethics, p. 153.

we say, 'No, it's perfectly all right!', the change we are suggesting and the alternatives involved are perfectly clear; but, in a case about the way of life of two separate cultures, the alternatives proposed are not so clear. Large scale and overall moral reforms are not easily made; contemporary anthropologists have made this sufficiently evident. Yet, after all this is admitted, I still think it is not unfair to say that Toulmin has here confused a problem of practical moral engineering with a theoretical normative ethical problem.[22] The moral nature of the question about ways of life is evident, if we reflect seriously on the question: 'How ought we to bring up our children?'. In asking such a question we are asking: 'What sort of human beings ought they become? What way of life ought they to follow or to commit themselves to?' With our increasing knowledge of different cultures, we are slowly becoming cognizant that we have a vast number of ways of life, "experiments in living",[23] from which to choose. Now, it is practically impossible to throw off an old culture and assume another; but, with our increasing knowledge of human nature and our knowledge of different ways of life, a moral critic can use this material as data in answering the

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22. Toulmin can even be read here in a manner that absolves him of the difficulty. He seems to have in mind, the rather unreal situation in which a change from one culture to another would make no difference to the felicific consequences on the whole. But his remarks are certainly misleading. Ibid., p. 153.

23. The title of a book by Macbeath on anthropology and ethics.

question: 'What sort of human beings ought we to become?'.[24] Clearly, we cannot make wholesale changes overnight; but, in thinking about how we ought to bring up our children, we can certainly consider various "experiments in living" in deciding on the moral value of our social practices. Even if changes that would be required are vastly more difficult than we now think, the moral reformer advocating or discussing possible changes in our social practices is certainly not uttering logical nonsense or going beyond moral good and evil when he considers the relative advantages of alternative ways of life. The moral reformer and the moral critic in considering such a question are still concerned with social harmony even if his considerations are less definite than those Toulmin brings forth. A way of life, a culture itself, is a moral attitude;

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24. I do not, of course, mean to imply that the moral critic (a normative ethicist) take up the "spectator point of view" or what Christopher Blake has well described as the morally neutral "spectator language" of the anthropologist instead of the "player language" of the moral agent or moral critic (moralist). (pp. 292-3). Blake has clarified admirably the logically different points of view of the social scientist's theory of morality and the normative ethicist's though he has done little (in my opinion) to solve the more crucial problem of how anthropological information about the moral choices of other cultures bears, for the moral critic and the moral agent, on their own deliberations in appraising a system of morality, a social practice, or a particular problem of conduct. See Christopher Blake, "Anthropology and Moral Philosophy," The Philosophical Quarterly, vol. 4 (October, 1954), pp. 290-301.

a way of life is quite literally an ethos.[25] Nor is this to use 'morals' in a dangerously over-extended sense; for, a culture (an ethos) is a particular way of harmonizing individual wants, needs and desires. As the anthropologist Weston LaBarre has recently put it:

> In the last analysis, every culture is ultimately a moral stance or a system of ethical choices; and man is free biologically to make alternative choices of his future evolution.[26]

LaBarre (who, after all, is not writing in a philosophical context), uses 'morals' and 'values' interchangably, but it is clear from his context that he is talking about moral decisions carrying obligations. He points out that in asking the crucial moral question: 'What sort of human beings do we wish to be?' or 'How ought we to bring up our children?', we have a "whole menagerie of cultural choices" from which to choose.[27] To the extent that we can modify or transcend, to some degree, our ethnocentric (blindly traditional) ways of thinking and behaving, we are free to choose from these "moral stances." Theoretically, the moral reformer (especially if

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25. With my remark about the culture itself having a moral attitude, I do not at all mean to reincarnate "the social mind." The above façon de parler is only meant to serve as a short-hand way of pointing out that a goodly number of our attitudes are cultural, intersubjective or have a social setting.

26. Weston LaBarre, "Wanted: A More Adequate Culture," in Sociology: A Book of Readings, Samuel Koenig et al, (editors), (New York: 1953), p. 61. See also Weston LaBarre, The Human Animal, (Chicago: 1954), pp. 321-32.

27. Ibid., p. 60.

his purpose is very long range) can consider these various "systems of ethical choices" and ask which choice is the most adequate. Certainly, the moral critic can ask: Does way of life B or C maximize to the greatest extent the harmonious satisfaction of as many independent desires and wants as possible. Nor is it evident as both LaBarre and Toulmin seem to think,[28] that a choice here is merely a matter of preference or personal decision for these "experiments in living" are all concerned to harmonize interests and desires. In terms of the primary function of ethics, it is quite possible theoretically (though, perhaps, not at the moment or even ever practically) to rank these "systems of ethical choices".

That questions about whole ways of life can be moral questions is further supported by the following consideration. "International moral questions" arise when two cultures come in contact and conflict. On Toulmin's own conception of the primary function of ethics, it is clear that when two distinct cultures with conflicting social practices meet and intermingle and must perforce get on together definite moral questions arise about the alternative ways of life of these cultures. Even where there is no actual contact, it is always quite intelligible, if not so practically urgent, to ask which

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28. Ibid., p. 81. Toulmin, The Place of Reason in Ethics, p. 153.

way of life would cause the least suffering and hardship. This last question is less easy to gauge than questions about more limited social practices within a given culture pattern; but, this consideration does not make such questions cease to be meaningful and meaningful on Toulmin's own conception of ethics as concerned with the harmonious satisfaction of as many desires and interests as possible.[29]

I have, in the preceding pages, noted that several details in Toulmin's conception of the primary function of ethics seems to be wrong. The most important of these ways in which Toulmin seems mistaken are 1) that ethical questions can never be strictly individual and 2) that questions about ways of life are not ethical questions. I have argued that both 1) and 2) can be moral questions. But, I have argued that the truth of 1) and 2) is compatible with Toulmin's primary function of ethics as concerned with the harmonious

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29. Stephen Toulmin, The Place of Reason in Ethics, p. 223. Bidney and Linton have pointed out that 'morality' is a universal category of culture. Linton remarks "There is no society on record which does not have an ethical system. Apparent exceptions are due to the observer's failure to recognize the social limits within which the system is expected to apply." (p. 658). Linton defines what he means by an 'ethical system' in the following way. Loose as Linton's definition is, it is to be noted that it fits in very well with Toulmin's conceptions. "By an ethical system we mean definite ideas regarding what constitutes right or wrong behavior in most situations involving social interaction with a high degree of consistency in the values which these ideas reflect." Ralph Linton, "Universal Ethical Principles: An Anthropological View," Moral Principles of Action, R. Anshen ed. (New York: 1952), p. 658.

satisfaction of as many individual wants and desires as possible. Toulmin himself has simply made mistakes in drawing out the implications of his conception of the primary function of ethics.

Mackie makes a further quite distinct kind of criticism of Toulmin's conception of the primary function of ethics. It is a criticism that deserves separate treatment from the kind of criticisms discussed above. Mackie argues that there is no common measure of happiness; rather, 'happiness refers to the sort of life one and one's peers prefer.[30] Similarly, there is no cross cultural measure for what is to count as the maximum harmonious satisfaction of relevant interests and the like. "Every adjustment is to some extent a biased one, and any ethical judgment will promote not harmony in itself, but a particular sort of harmony, so that one function of ethical judgments will always be to advance some interests against others."[31] Ethics functions always to harmonize the interests of some dominant group. The wants and desires that are "harmoniously satisfied" are always satisfied in accord with the prejudices and biases of some limited social group.

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30. Mackie, "Critical Notice: The Place of Reason in Ethics," The Australasian Journal of Philosophy, vol. XXIX (August, 1951), p. 118.

31. Ibid., p. 121.

I will make the following reply to this sort of criticism. First, certainly what will count (the descriptive criteria of) as "harmony" and "satisfaction" to a Dobuman and what will count as "harmony" and "satisfaction" to a Samoan are not, to put it mildly, identical. Toulmin, as I understand him, is not denying this common sense core of relativism.[32] Toulmin is saying rather, that a principle like the least suffering principle or like (J) functions in the following way: for whatever is to count as a harmonious satisfaction of interests in any culture reason and act in that culture so as to further the harmonious satisfaction of as many independent desires and wants as are compossible. Second, in terms of the way 'ethical' and 'ethical judgment' are employed, if a moral agent or moral critic recognizes that a judgment or an appraisal of his is a biased one or advances unjustifiably his interests or the interests of a particular group or class at the expense of more general interests, he knows that his appraisal or judgment is not a

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32. Nowell-Smith puts this general kind of consideration nicely: "Anthropologists are nowdays suspicious of attempts to explain moral rules in terms of their value to society. It is, for example, impossible to explain the ancient Hebrew taboo on the eating of pork as due to the unwholesomeness of the Palestinian pig. But the mistake of the older anthropologists was that of assuming that the ideas of all societies as to what constitutes the interest of society must have been the same as our own: they were not mistaken in thinking that the rules are promulgated and enforced because they are believed to be in the interests of society, or of some class." P. H. Nowell-Smith, op. cit., p. 235. Italics mine.

moral appraisal or judgment. He knows from the very use of 'moral' that it ought not to be made. This does not mean that in fact our appraisals are not often biased and limited by our own tribal attitudes. But assuming we are committed to a moral point of view if we recognise that our appraisals are thus arbitrarily limited and biased, we must retract them. As Hume, Adam Smith and Westermark have taught us: moral attitudes are disinterested and impartial attitudes; or, as Toulmin says, moral appraisals are intended to apply independently of person and place.

Now, there are two further and quite different criticisms of Toulmin's conception of the primary function of ethics which I would like to discuss. I might add that these criticisms are of a very basic nature and challenge not only his conception of ethics but also his whole basic procedure in ethics and, implicitly, his whole way of doing philosophy. Both of these criticisms refer back to my way of disposing of Hare's Nietzschian's arguments as being simply not moral because they were beyond the scope of morality. If the following kind of criticism is correct then my procedure there was quite illicit.

The first criticism might best be brought out by presenting Toulmin with the following reductio. If the kind of argument which has been used by Toulmin and by me for what is to count as ethical is legitimate, might not a "Toulminite" then make the following kind of argument in science. The

Toulminite might argue: "Given Newtonian mechanics, given the inferences made in physics, given the laws of physics[33], a particle, to count as a particle, must have an orbit." Yet, certainly, no philosopher of science would rule out quantum mechanics as physical science because the notion of an orbit is lacking in the conception of a particle in that area of physics. Nor would he say that the conception of a particle is mistaken in quantum mechanics simply because for a particle to be a particle it must have an orbit. If Toulmin, in his account of moral reasoning, is committed to anything analogous to that, he indeed is wrong. However, I think the analogy is misplaced; for, if it were proper, we would have to say that Toulmin was making the following kind of argument in his meta-ethics. "Given Catholic Christian ethics, given the moral rules and the logical relations between the moral rules of this ethics, just what is to count as wrong-doing is failing to go to Church on Sunday, practicing birth control, advocating atheistic communism, etc." But, Toulmin nowhere argues like this at all. Surely he, as any meta-ethicist, would say that these are particular moral judgments made in terms of a particular morality. If Toulmin was committed to something like the above argument, he would be ruling out, by mere definition, actual competing moral views

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33. Toulmin regards these laws as "rules of inference".

(which everyone, including the Catholic, takes to be competing moral views) as simply not moral because what "we" mean by 'being moral' would not cover them. He would have to say that the Humanist who said that there was nothing wrong with birth control and that there was no moral obligation to go to Church on Sunday was contradicting himself and not really making a moral judgment at all.

But, Toulmin is not arguing anything like that at all. Nor can I see that he is implicitly committed on his theory to sanctioning such an argument. In saying that what is to count as a good reason in ethics is determined by the moral mode of reasoning or the primary function of ethics, Toulmin has something quite different in mind than to display the logical relations between the basic moral premises and the particular moral rules on a given morality. Nor can I see that there are any valid grounds for saying that he does in fact do that. Toulmin's own analogy between ethics and the scientific mode of reasoning is more apropos.

Let me briefly try to bring out the point of Toulmin's own analogy. If we can say that the primary function of science is to correlate our experiences in different fields so that we know what to expect in the future,[34] then, in terms of that function, there are certain very natural criteria for what are to count as good reasons in science.[35]

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34. Toulmin, The Place of Reason in Ethics, p. 104.

35. Ibid., p. 101.

If we are trying to choose which scientific explanation, in any given field, is the best explanation among the available alternatives, we choose the explanation which has the most predictive reliability and coherence with theories established in adjacent scientific fields and is the most convenient.[36] If a scientific explanation meets all these tests and someone still persists in asking if it is a good scientific explanation, there would be no literal further justification which we could give the questioner. Rather, we would be completely puzzled as to what he wanted. And, if, in explaining what he wanted, he said: 'But, you see, your scientific explanation is no good, for it doesn't explain coincidences or why Beethoven's symphonies are great symphonies', we would simply say to him that it is not the job of science and cannot be the job of science to explain such questions. We would say that his question is simply not a scientific question at all. It is outside the mode of scientific reasoning.[37]

Toulmin's argument about good reasons in ethics is analogous to the above argument about science and not to the argument about Newtonian mechanics. Toulmin's essential point (stated

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36. I can do little more than sketch very roughly here the analogous argument in science. Such a rough sketch is, of course, bound to be misleading in one way or another. I only hope it will do for the purposes of the analogy. I would like to add that Toulmin develops the above argument with considerable care and elaboration. See Toulmin, The Place of Reason in Ethics, Chapters 7 and 8.

37. Ibid., p. 101.

generally) is that the nature of the activity, whatever the activity may be e.g., science, morality, chess, aesthetics and the like, determines the valid moves we can make in that activity.[38] If we understand the purpose of that activity, then and only then can we fully understand what makes a reason a good reason within that activity. Or, to put it as Urmson might, unless we understand why we grade, we cannot fully understand why certain grading criteria rather than other possible criteria are good grading criteria.

The second criticism might naturally be pressed at this point. The objection might run as follows. There is nothing necessary about ethics or science being just the sort of activity we have described except in the peculiar and trivial sense of 'necessary' in which it is necessary that everything be what it is and nothing else or else it wouldn't be that thing which it is. In fact, ethics may well do the job that Toulmin says it does; but, except in the above peculiar sense, there is no necessity that it do just that job and no other. In some Leibnitzian world, ethics might have a quite different function and, hence, have quite different criteria, etc. Toulmin, the argument might continue, by not concerning himself with these possible "Leibnitzian realms" has not risen to a second order level and done meta-ethics at all.

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38. I have already criticised Toulmin for illusiveness about the sense of 'determines' here. But I do not see how this weighs against Toulmin in this context. See Chapter IX, section B.

Now, all of the above criticism, except the final conclusion, must be accepted. It is "consistently thinkable," in some vague sense of that vague concept, that ethics might function quite differently than it does. It might be the sort of activity which functions so that the strong may subdue the weak, or it might function to afford curiosity to the idle, or to harmonize the desires of monkeys rather than men or in any number of ways that one might pick at random. If it had such different primary functions, then the criteria for good reasons would be quite different than they are. But this hardly proves that Toulmin is not doing a second order job. What determines whether one does or does not do a second order job is determined not by one's subject matter but by the way one treats one's subject matter. I have admitted that it is not clear that Toulmin himself is clear about this distinction of levels or that, if he is clear about it, would accept this distinction.[39] However, to admit this is one thing while to say that his theory is not a meta-ethical theory because it starts with a contingent matter (i.e., the function of ethics) is quite another. Surely, Toulmin starts with something which he takes to be just in fact so; but, his job is to analyze the place of reason in ethics. Taking (as a bit of pre-analytic knowledge) ethics to be a certain kind of activity, he tries to explain (as a

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39. See my remarks in Chapter VI.

bit of analysis) the scope of that activity and to discover what can count as good reasons within that activity. This can be handled in a meta-ethical fashion just as much as the activity of the meta-ethicist (if, indeed, such a meta-ethicist exists) who starts at another point by saying: Let us mean by 'ethics' y or z or v and then let us see what are the criteria for good reasons in y or z or v (filling in the variables with any values one chooses.) Both activities are quite possible and the results in one do not invalidate the results in the other. And, which activity is "best" or the "least trivial" depends on the purposes or ends we have in mind.

(D)

In this chapter, I have tried to present considerations[40] which would make it very doubtful that Toulmin's overall conception of the function of ethics is persuasive and therefore implicitly prescriptive of some particular moral point of view. I have maintained, however, that his own extended statements of the function of ethics are persuasive because of certain misapplications he makes of his overall conception of the primary function of ethics. But, I have tried to show how these misapplications can be rejected without giving up his overall conception that the primary function of ethics

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40. I say 'considerations' advisedly, for they do not amount to a formal deductive proof; nor, do I believe that, in such a situation, one could obtain such a proof one way or another.

is to guide conduct so as to achieve the harmonious satisfaction of as many independent desires and wants as possible. This being true, we have no good reason to say, if my modifications of Toulmin are accepted, that Toulmin's criteria for good reasons are prescriptive of a particular moral point of view and that he recommends a particular normative ethics under the guise of analysis.

Chapter XI

GOOD REASONS AND "ONTOLOGICAL JUSTIFICATIONS" OF MORALITY

In Chapter Seven I indicated a way in which Toulmin's conceptions of moral reasoning might be modified so that they would account for all the logical moves we could make in justifying a moral judgment. I argued that from within the mode of moral reasoning there is no further or more ultimate criterion for moral judgments than the principle of least suffering. I argued further that Toulmin's criteria (if corrected in the ways I have corrected them) and his very conception of the primary function of ethics do not commit him to a particular normative ethical position. His considerations about good reasons follow from the very logic of moral talk.

Yet, critics have persisted in asking for a "more ultimate justification" of morals. It has even been implied that we need to make some "excursion into ontology" to "really justify our

moral judgments."[1] Critics have wanted to ask: "Is it enough to know how we do <u>in fact</u> reason morally? Are Toulmin's considerations sufficient or do we need a 'deeper,' 'surer,' 'moral-rational foundation' on which to base our moral appraisals?

Let us briefly recall Toulmin's position on the limits of moral justification. Toulmin has specified the primary function of ethics and has described the kinds of moves we make in justifying moral appraisals. Moral activity being the kind of activity it is, we finally justify moral rules on the basis of their felicific consequences. Using the principle of least suffering as a basic normative premise we can give logical grounds for accepting some moral rules and rejecting others. Beyond this justification, always keeping in mind the <u>finite</u> scope of moral reasoning, there is and can be, argues Toulmin, no further literal justification. If we pursue questions of justification beyond a certain natural limit, we only raise "limiting questions" with their purely supererogatory "whys."

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1. In speaking about the question of "ontological justifications of morality," I do <u>not</u> mean to be speaking of those metaethicists, like E. W. Hall, who develop philosophical analyses of the ontology of value. Surely, they may give justifications of their ontologies of value. But a justification of an ontology of value is one thing and an ontological justification of morality is another. Hall, for example, makes it very clear that in analyzing the ontology of value he is leaving aside such questions as "how can value be known" and "how are normative sentences justified." E. W. Hall, <u>What is Value?</u> (New York: 1952), p. 249. I rather have in mind in this chapter those traditional philosophers who tell us that to really justify our moral decisions we must find some "metaphysical or ontological basis for them."

Yet, some would maintain that, just at this point the "real philosophical problems arise."[2] The really crucial philosophic problems arise precisely where we attempt to give a proof of rather than a proof in a methical system. The former question is the "fundamental problem of morality." It is at this level, if Professor Hall's interpretation of Bentham and Mill is correct, that the classical utilitarians could only use persuasive arguments appealing to the "intellectual honesty of reasonable men."[3] At least some philosophers have wanted to ask of a principle like Toulmin's least suffering principle: "How does he justify that? Can he only exhort us to reason in accord with it or appeal persuasively to our sentiments as "reasonable men?" Philosopher's asking questions about the "justification of ultimate principles" have wanted Toulmin to give "some account of" these ultimate principles for which, as Paton puts it, it is impossible to give any more reasons, but principles which are nonetheless universally binding on all men insofar as they are rational.[4]

Toulmin has, I believe, indicated the literal limits of

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2. Hackstaeder, "Review of An Examination of the Place of Reason in Ethics," Ethics, LXII (April, 1952), 219, and Paton, "Review of An Examination of the Place of Reason in Ethics," Philosophy, XXVII (January, 1952), 83.

3. E. W. Hall, "The 'Proof' of Utility in Bentham and Mill," Ethics, LX (October, 1949), 8.

4. Paton, loc. cit., p. 83.

moral justification.[5] The principle of least suffering or (J) is the basic normative criterion for the justification of moral appraisals in ethics. Further, if my defense and modification of Toulmin's argument is correct and the "scope of ethical reasoning is limited by its function," it does not make sense to ask for a moral proof of (J) itself. Rather, if we are reasoning morally, (J) just is the ultimate principle to which we must appeal. If the request for a "proof of" (J) is taken as a request for a moral proof of (J), it is impossible to satisfy even in principle, for one can only challenge (J) or prove (J) from outside the moral mode of reasoning. It is not, if my interpretation of the role of (J) is correct, just a matter of giving a proof of a determinate moral code rather than giving a proof in that system; for, (J) is quite different in its function than the basic principles of morality in, for example, a Catholic or Humanist or Hindu moral code. (J), rather, sets the limits of the kinds of considerations which could, in principle, count as moral considerations. There cannot then be any further moral considerations, assuming morality continues to have the function it does have, which would rebut (J). Now, in the preceding chapters, I have tried to show how such a general view of justification in ethics could be defended. I shall not

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5. I am using 'justification' here to mean 'logical ground.' If certain empirical conditions obtain and certain moral appraisals are subsumable under (J) then in a straightforward logical sense we can say these moral appraisals are justified.

try, in this chapter, to defend this view further, but I shall try briefly to explicate one of the reasons why it is so natural to be dissatisfied with such a view and why it is so natural to think that there must be some "deeper ontological justification of morality" when, in fact, there can be no further literal moral justification of moral appraisals than the kind I have indicated. In the next chapter, I shall argue that, though we cannot argue for any further moral justification of ethics, it makes sense to ask for a non-moral justification of ethics. This last consideration, together with the factors I shall bring out in this chapter, makes us tend to be uneasy with Toulmin's kind of conception of moral reasoning and to seek for some further though quite mysterious kind of "justification" for morals.

B

Toulmin's talk about "limiting questions" and the role of the religious mode of reasoning gives us part of this explanation; but, I believe that a meta-ethics which takes into account the non-descriptive functions of evaluative discourse can explain this aspect more neatly and satisfactorily.

Considerations here turn on how far and in what manner we can apply the standard example or paradigm case method in explicating valuational problems.[6] With this question, the

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6. See my discussion of this technique in Chapter II, section B.

problem about prescription versus description in Toulmin's theory reappears. The trouble comes from the systematic ambiguity in the following types of utterance: 'What are good reasons in ethics?' and 'Which "good reasons" really are good reasons in ethics?' Depending upon how they are employed, these questions may require sociological, normative ethical or meta-ethical answers. As sociological questions they ask, 'What reasons do people take to be good reasons for their ordinary criteria for moral appraisals?' As normative ethical questions they ask, 'What reasons (everything else being equal) ought to be accepted in making moral judgments or appraisals?' or (as in the second utterance) 'Which of the "good reasons" offered for moral judgments really ought to be accepted as criteria for moral judgments?' As meta-ethical questions, our two initial systematically ambigious questions ask, 'What do we mean by "good reasons" for moral appraisals?' or (as in the second utterance), 'What do we mean by "good reasons" for good reasons in ethics?' Apart from being employed in a specific context, 'What reasons are good reasons in ethics?' and 'Which "good reasons" really are good reasons in ethics?' admit of any of the above interpretations. Not meeting them on the job, we cannot say which way they are being used. But, Toulmin, if I have understood him correctly, is asking the last (meta-ethical) sort of a question. However, at times in his analysis, he has confused facts about usage with the uses of moral language.

But, for either a sociological description or for a meta-ethical analysis of the uses of moral reasoning, the following

problem arises about justification: would not a traditionalist like Paton be inclined to feel that where the sociologist's and/or meta-ethicist's task has ended, his task has just begun; for, once we have analyzed what we mean by our moral terms and even what counts as 'justification' in ethics, would not a philosopher like Paton want to say, 'Yes, I see this is what is meant by 'good reasons' and this is what justification in ethics means; but, why should I accept these good reasons or why should I accept this justification?'

We can see what an impossible "question" the above sort is when we try to see what alternatives a Paton might bring forth. If, in the above question, we tried to make 'why should I accept these good reasons' clearer by adding immediately after it 'rather than some other good reasons', we begin to see the impossibility of the "question"; for, we cannot add 'rather than some other good reasons' because the reasons already elicited by the meta-ethicist (and accepted as such by our ~~traditionalist~~), are just the reasons that are to count as 'good reasons' in this context. The same argument could be made for the above use of 'justification.' Our traditional philosopher speaks as if he had some alternative in mind; but, when we examine his "question" we discover there is no literal alternative. My discussion of the Hare-Toulmin controversy[7] should have made it clear why a Paton cannot escape by saying, 'But they are only "good reasons"

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7. See Chapter X.

in virtue of being in accord with the conventions of current moral usage.' Yet, somehow, we all want to be able to ask the Paton-type question. We feel cheated by so direct an application of the paradigm case method.

What does Paton's worry come to? Why do we feel cheated? I think the basic consideration involved comes to just this: neither standard examples nor any other examples of moral reasoning will ever in themselves establish any appraisal simply because an appraisal is never equivalent to the criteria of its application. In addition to the descriptive aspect of an appraisal, there is always its non-descriptive aspect.[8] As these last remarks so compactly put may not be entirely clear, I shall explain a little more fully what I mean by them by a simple example. I further hope in the pages that follow gradually to make my above idea clearer. We normally mean by a good easy chair, a chair that is comfortable, durable, attractive, etc. X might say to y, as he points out a chair in a furniture store, 'That's a good one. It's comfortable, attractive, durable. And, I think it will match the room.' Now, while the question here is odd, y can quite meaningfully ask, even after accepting x's description as true, 'But, is it a good chair, really?' And if x supplies some more reasons y can always, as Moore has shown, challenge them. An appraisal or an evaluation is never equivalent to its descriptive criteria. Besides its criteria there

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8. See R. M. Hare, The Language of Morals, part II.

is always a commendatory force to an evaluative word, unless that word is being used conventionally. No matter how standard the grading criteria may be the same logical considerations apply and these logical features of evaluatives limit the application of the standard example method in value theory. Flew has precisely indicated the limits of the standard example method: "one cannot derive any sort of value proposition: from either a factual proposition about what people value: or from definitions however disguised of the value terms which people as a matter of fact employ.[9]

Yet, neither Flew nor Urmson (Urmson, particularly, makes this very clear[10]) reject the standard example method en toto or, even, in the main. They only wish to point out (as above) its limitations. By the standard example method, we can determine what in fact are good reasons in ethics in the sociological sense of 'what are good reasons.' Further, ordinary usage is the final check for the correctness of our meta-ethical analyses.[11] What we cannot determine by this method is why we use the criteria for good reasons which we do in fact use. By his method, Toulmin can determine what are the good reasons we,

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9. Antony G. N. Flew, "Philosophy and Language," The Philosophical Quarterly, 5 (January, 1955), 35.

10. J. O. Urmson, "Some Questions Concerning Validity," Revue Internationale de Philosophie, 25 (September, 1953), 217-8, 225, 228-9.

11. This is not directly asserted by Urmson, but is my interpolation.

in fact, do use and what, in fact, are the criteria for the good reasons; but, he cannot (so the Urmson-Flew type of argument would run) determine why we use the sort of criteria we do use to determine which reasons are good reasons. If we push this question up one step and point out what in fact are the criteria for the criteria we have, we can again make the same challenge as above for these criteria for criteria and so on indefinitely. But, remaining at the level of questioning the justifiability of criteria for ordinary moral appraisals, Urmson points out we may ask this question about standards in two quite different spirits:

> We may ask in a spirit of genuine doubt whether there are any good reasons for doing so, or we may be quite happy in the employment of these standards but ask why we employ them in a spirit of philosophical enquiry.[12]

Urmson contrasts a "genuine doubt" about why we should accept the standards we do with both "bogus doubts" stated by misleading philosophical analyses and with questions (he does not say doubts) about validity or about good reasons for a given criteria asked in the spirit of "methodical philosophical research."[13]

But what would these philosophical "questions" about good reasons in ethics come to? In this spirit of "methodical philosophical research," Urmson, with his critique of Toulmin's

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12. Urmson, "Some Questions Concerning Validity," Revue Internationale de Philosophie, 25 (September, 1953), 226.

13. Ibid., pp. 226-9.

kind of application of the paradigm case method, has made two major points: 1) evaluative utterances of any kind can never be derived from factual statements and 2) there is always a commendatory non-descriptive force to moral appraisals. Toulmin, as we have seen, also asserts 1) I have argued that Toulmin was wrong in not making room for 2) in his meta-ethical scheme. But, I have also implied that we can ignore 2) in setting forth the literal limits of moral justification. In the passages that follow in this chapter I wish to establish two points: 1) the correctness of my belief that in setting forth the kinds of justification it is possible to give in morals, we can exclude non-descriptive factors; 2) it is these non-descriptive factors that cause us to ask for a "deeper justification" after all literal justification has been given.

The following considerations are offered in support of my first point. When there is any literal doubt about the legitimacy of passing, in moral reasoning, from a factual statement to a moral conclusion, what further justificatory, general reasons could we conceivably give for making this move than those Toulmin has described? Doesn't Urmson tip us off that he does not really believe there are any "further considerations" when he calls the ordinary first order sceptical questions the "genuine doubts" (= df. "literal doubts")? Urmson insists on the autonomy of first order questions.[14] To settle such questions

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14. Ibid., p. 249.

we do not have to raise second order questions at all. At one point, he contrasts the genuine doubt engendered at a first order level with a bogus doubt arising on a second order level. But, then, in speaking of this further why asked at a second order level when we ask questions about why we use the criteria we do, Urmson seems to imply that a genuine doubt can also arise on this second order level. But, this is puzzling: a doubt about what? What kind of a doubt is this philosophical doubt? Do we actually doubt if our normative principles (the principle of least suffering, etc.) are justified? Toulmin has explained why we use the moral grading criteria we do in terms of the kind of job they do. Is there any conceivable alternative to the principle of least suffering?

Beyond Toulmin's kind of consideration, Urmson has only shown us, in effect, that we can have real doubts about the analysis of our criteria of validity. But it is important to note the respect in which we can have doubts about the analysis of the criteria. Urmson has not shown that Toulmin is wrong in his analysis of the sort of criteria that can count as moral criteria. Rather, Urmson has brought out that any grading criterion always has a commendatory or non-descriptive aspect. If we say of anything that it is a good reason we always grade it as well as classify it. This applies to the criteria themselves when we say they are good grading criteria. As Moore's open-question and non-contradiction argument in effect show, we can always challenge any grading criterion no matter how stable. We can always ask of the criterion: 'But is it a good one?'

'Good' always has a non-descriptive or commendatory force, unless it is being used in a purely conventional sense. It is never identical with its descriptive criteria. Toulmin's analysis was, indeed, faulty in not noting this. But, the crucial point I wish to make is that the recognition of this non-descriptive aspect makes no difference to the criteria that can count as moral grading criteria. Surely, because of this non-descriptive force of evaluative words, we can always challenge any grading criteria; but, it is also true that we can only ask for a justifying reason for something when we can, in principle, specify what could count as a reason for or against it. But, Urmson's kind of argument does not at all show what it would be like to give justifying reasons for a principle like (J). Rather, all his argument shows is that we can always ask of any grading principle whatsoever: 'Is it a good one?' But this shows too much; for, this would always be true and we would just push along for a reason for a reason for a reason ad infinitum. We could not in principle specify what would count as an ultimate criterion or an ultimate justification of moral judgments. One might say of (J) then that it will do as an ultimate criterion until this ultimate criterion which cannot in principle be specified, comes along. Does not Urmson's question here seem suspiciously like one of Toulmin's "limiting questions" with their purely supererogatory "whys?" Urmson has, indeed, accounted for a logical feature of evaluatives in a simpler manner than has Toulmin; for, with a logical analysis of their commendatory force, Urmson has explained the same feature that Toulmin only more vaguely accounts for with his

talk about "limiting questions" and with his talk about gerundives. Yet, it remains the case that Urmson has not at all indicated with his questions concerning validity that there might be some further criteria for moral judgments than those that Toulmin has described. Urmson's analysis does not at all upset Toulmin's analysis of the "logic of justification" in ethics.

There is one further closely related feature that needs to be noted. The feature I have in mind is the necessary appeal to decisions or commitments in morals and the claim that all moral rules, even a principle like the principle of least suffering, are defeasible and open-textured. It is the sort of feature that Antony Flew brings out by his remark that "in our limitlessly complicated and permanently changing world, there will always be situations which provide exceptions to even the best of ethical rules."[15] In any particular case, where we have a moral dilemma, we must decide whether the rule applies in this case or whether, by a decision of principle, to make a new rule or a modification of the old rule. Flew quite rightly remarks that "in the end every man has to make not merely deductions from or applications of the already given rules, but fresh decisions as to what is right; each man deciding for himself."[16] As I have interpreted the least suffering principle, this very requirement is built into Toulmin's basic principle and into its

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15. Antony G. N. Flew, "Conscious Use of Models in Ethical Analysis," ETC: A Review of General Semantics, XI (Summer, 1954), 288-9.

16. Ibid., p. 289, italics mine.

alternative formulation in (J). We speak of 'preventable suffering' (i.e., suffering which ought to be prevented) or of the 'harmonious satisfaction of as many wants and desires as possible' where the 'as possible' is governed by the same basic ought requirement as 'preventable' in the least suffering principle.[17] Both with 'preventable' and with 'as possible' we apply the test of universalisability. But, the test of universalisability itself involves these ineradicable factors of decision. A asks himself if he should tell a certain unpleasant truth to B. Certainly his telling the truth to B will cause B to suffer, but not telling it may cause B greater suffering later. The consequences in terms of the amount of suffering, at present at least, are vague and A must make a decision. He must decide, in the ethically relevant sense of 'preventable,' which suffering is preventable. He applies the universalisability principle: what would he have B do to him if he were in B's position? But, what would he have him do? He knows nothing more about what he would have him do than that whatever it is he would have him do it must be universalisable. It is clear that in the end he must himself just decide. He must weigh the considerations and then finally decide. Further, in an evaluative situation no one can, as a matter of logic, make the decision for him, for if he decides to appeal to someone as a moral

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17. We must not just satisfy those desires and wants that can be desired but we must satisfy those desires and wants that can justly be desired (e.g., can met the requirements of the universalisability principle).

authority for what he should do, he still decides. In morals there cannot be a system of "air-tight rules,"[18] that would make this final appeal to a decision unnecessary. I would only demur at Flew's remark that this "decisional factor" makes it true that "there will always be situations which provide exceptions to even the best of ethical rules."[19] The above factors do not function as exceptions to the principle of least suffering. This principle always applies and is always the ultimate criterion that we must appeal to in making moral appraisals. The notion of 'preventable' in the principle itself allows for this quite necessary "decisional factor." In a moral situation we must finally just decide if the suffering involved is indeed to count as 'preventable suffering.' But, this does not prove that the principle is ever inoperative or that there is, or can be, a more ultimate principle than Toulmin's.

What is the relevance of my above arguments that there is an irreducible non-descriptive and decisional feature to moral discourse to the question of some "ontological justification of morality?" It is just the following. It is this non-descriptive force and decisional factor which harrasses us when we consider the problem of justification in ethics. If we are unaware of the above logical features of moral discourse, all sorts of

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18. Note Nowell-Smith's brief, but suggestive, remarks here. P. H. Nowell-Smith, Ethics (London: 1954), pp. 19-20.

19. Flew, "Conscious Use of Models in Ethical Analysis," ETC: A Review of General Semantics, XI (Summer, 1954), 288-9.

logical conflicts arise to worry us when we regard moral discourse. We seemed forced to postulate odd "moral entities" and then we worry about them.[20] Such logical conflicts can well cause us to believe there is some peculiar "ontic realm of value"[21] in addition to the "natural realm." But, then we worry about how we could ever know there was such a "realm" or how we could prove to others that there was. Yet, this peculiar "value realm," in some never very clear sense, is supposed to give us some further more ultimate "ontological justification of morality" beyond the "mere subjective maxims" which Toulmin has offered. But, is not this search for some "realm of value" caused merely by the logical peculiarities of evaluative discourse (i.e., that evaluatives have an irreducible non-descriptive function)? Even Toulmin has his gerundives ("our old friend 'fittingness' in disguise") and the 'preventable' in his least suffering principle has an irreducible ought bound up within it. If we do not recognize these logical features of evaluative discourse for what they are we may well go off like Vivas and Jordan searching the heavens for some "ontological justification of morality." But, if we note that, in addition to the descriptive criteria of evaluatives, there is always this

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20. One, of course, can be an "Objectivist" in value (accept one indefinable value term) without taking any such stand at all on the locus of value. See E. W. Hall, What is Value?, pp. 1-3.

21. Lest I be thought to be creating a straw man, I appeal to the kind of arguments used about "a realm of value" in the moral philosophies of Eliseo Vivas and E. Jordan.

non-descriptive and decisional feature, we will realize that there is no need to engage in this further quite puzzling quest for justification. And, Toulmin's kind of criteria which seemed so common sensically compelling and, yet, somehow "not quite right" will now seem quite natural and unquestionable.

To sum up. To the extent that the Urmson-Flew kind of criticisms have implied that there are some further principles we might appeal to or some more certain basic criteria beyond Toulmin's criteria for good reasons, these criticisms are misguided. Rather than revealing a need to look for a further justification, perhaps in some "noumenal realm" or peculiar "realm of the ought," have not the criticisms of these non-descriptive rationalists brought out that we need to leave a place, in any account of moral reasoning, for decisions, commitments and the like? To the extent that they imply, with their criticisms of Toulmin's good reasons, that there are some further more certain or more basic good reasons (perhaps of an "ontological sort"), they have (with H. J. Paton) raised a limiting question that will only send us off on an endless stutter. I think we might best clear the air by simply asserting: Toulmin's arguments have indicated the literal limits of moral justification and that the continued possibility of asking "why" of any criterion attests to the non-descriptive functions (however varied they may be), of evaluative terms.

Chapter XII

WHY SHOULD I BE MORAL?

A

There remains the other question which we suppressed in discussing Toulmin's criteria for good reasons. Can we ask, if we are clear that we are not asking for a moral justification, for a justification of ethics or morals as an activity? Or, to put it differently, is 'Why should I be moral?' a meaningful question in any context? I wish to argue here, against Toulmin that 'Why should I be moral?' is an intelligible (logically non-absurd) question.[1] We can always ask for a justification for taking a moral point of view at all. This is so because not all questions about conduct (about what is to be done or about what should have been done, etc.) are moral ques-

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1. My arguments here also apply against the argument used by Melden. See A. I. Melden, "Why Be Moral?" The Journal of Philosophy, XLV (August 12, 1948), 449-56.

tions. Ethics, though a unique mode of reasoning, belongs to a larger mode of reasoning: practical reasoning (reasoning about conduct).

In treating this problem in this chapter, I shall be content merely to indicate that Toulmin has not succeeded in establishing that this question is a logically absurd question.

In examining the question of the justification of morals, we must be careful to separate this question from questions about the justification of any particular system of morals or ethics. Rather, we are concerned here with the justification of ethics (any ethics) as an activity or as a mode of reasoning. Secondly, we must be quite clear that in asking for a justification of ethics we are not asking for a moral justification of ethics, for to ask this latter question (as Kant pointed out to us long before Toulmin), is to ask for the absurd; for, in asking for a justification of morality, one has already put oneself beyond moral considerations altogether.[2] I am asking here if one can intelligibly ask for a justification of ethics itself as a rational activity? In asking this question, I am asking a question about morality for which morality itself cannot supply

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2. For my exposition of Toulmin's position on "the justification of ethics" see Chapter IV, Subsection C, pp.252-254. For Toulmin's own presentation of the argument see Toulmin, The Place of Reason in Ethics, pp. 160-5. For comments that, in many respects, parallel mine (though not made with explicit reference to Toulmin), see Henry Aiken, "The Levels of Moral Discourse," Ethics, LXII (July, 1952), 245-7.

the answer.[3] In other words, this question is just not the sort of question we can ask from a moral point of view. Yet, may we not ask, in the manner of Bentham, "Well, now what's the good of all this business of morality anyway?"[4] If we recognize that 'good' may have many uses (including non-moral ones), there seems to be no linguistic impropriety in Bentham's level of question.

In talking about the relation of religion to ethics, Toulmin claims that one can challenge normatively the propriety of the whole religious mode of reasoning.[5] Now could we not say the same thing about the mode of moral reasoning? And, if not, why not? I am suggesting that it is just as possible, though perhaps not practically as feasible to challenge any moral appeal normatively. The "ultimacy of the moral appeal" can be challenged either in the name of a higher authority (God, the State) or just on the grounds of expediency or personal inclination.

Toulmin seems to regard utterances that I allege are questioning the good of morality as such as being logically absurd. He takes the question, 'Why ought one to do what is right anyway?' to be a logically absurd one (taking 'right' and 'ought' in their "simplest senses") because 'ought' and 'right' originate

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3. Aiken, "The Levels of Moral Discourse," Ethics, LXII (July, 1952), 246.

4. Ibid., p. 247.

5. Toulmin, The Place of Reason in Ethics, pp. 219-21.

in the same situations and serve the same purposes. In fact, Toulmin argues that such a suggestion is just as unintelligible as the suggestion "that some emerald objects might not be green." For Toulmin, "it is a self-contradiction . . . to suggest that we 'ought' to do anything but what is 'right'."[6]

Now, I have indicated in my discussion of the standard example method, how, for the evaluative utterance, Toulmin's answer needs qualification because of the evaluative meaning of 'ought' and 'right'; but, Toulmin's contention about 'Why ought one to do what is right' also needs qualification in another way, and in this respect Toulmin's contention is even more seriously misleading. A moral sceptic asking, 'Why ought one to do what is right, anyway?' might well be questioning the good or the value of the whole activity of morals; the 'ought' in, 'Why ought one to do what is right anyway?' and the 'should' in 'Why should I be moral?' are evaluative expressions but they are not moral expressions.[7] Understood in this fashion, 'Why should I be moral?' or 'Why ought one to do what is right, anyway?' are not unintelligible or logically absurd. Nor does it help Toulmin to argue, in this context, that the evaluative terms are to be taken in their simplest senses. They have many senses and if we are interested in understanding the full scope of the logic of justification in human conduct, we have no right to

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6. Ibid., p. 162.

7. Aiken, "The Levels of Moral Discourse," Ethics, LXII (July, 1952), 245-7.

exclude any one of these natural uses as irrelevant. As Aiken points out:

> In emphasizing the limits of moral reasoning which govern the strictly "ethical" applications of "ought" or "right," they [certain linguistic analysts] forget that such limits are themselves man-made and that the autonomy which, as social beings, we normally grant to moral rules can itself be transcended by the raising of questions which require the whole enterprise of morality to justify itself before some other court of appeal. Finally, they forget that "justification" is a many-sided process and that what, from one point of view, is an adequate justification is, from another standpoint, no more than the posing of a problem.[8]

However, if Toulmin is careful to remain true to his own arguments, he can still reply to such a question as this, although I doubt that his reply would put an end to the questions of the moral sceptic or "despairing philosopher." His reply runs as follows:

> . . . if those who call for a 'justification' want 'the case of morality,' as opposed to 'the case for expediency,' etc., then they are giving philosophy a job which is not its own. To show that you ought to choose certain actions is one thing; to make you want to do what you ought to do is another, and not a philosopher's task.[9]

I am not certain that I understand Toulmin's point here; but, if it is to point out the distinction between guiding and goading, between offering a justification for a moral judgment and supplying a motive to make a person behave morally, I agree with

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8. Ibid., p. 246, italics mine.

9. Toulmin, The Place of Reason in Ethics, p. 163.

Toulmin that, at the level we are now discussing, the distinction between guiding and goading is essential. But, I do not think such a distinction will help Toulmin in rejecting the above "post-ethical questions" as absurd. For, in demanding a justification of morality we are not asking for a motive to behave morally, but are asking a justificatory question about morality as an activity. We want to know what justifying reasons (if any) are there for taking the moral point of view rather than appraising actions on the basis of whether they will serve our own self-interest.[10] The moral sceptic need not be just asking for a motive in asking, 'Is any justification of ethics needed?'[11] He may be asking why he ought (in some non-moral sense of 'ought') to do what he ought (moral sense of 'ought') to do? To think there is something logically absurd in the last question, is to forget that 'ought' has a variety of uses. Forgetting 'ought' has these multiple functions in different contexts, 'ought' is treated as if it had only one use or meaning. A somewhat different error is arbitrarily to take 'ought' only in its full moral sense and to ignore other uses as illegitimate uses. But, if we take the full spectrum of uses of

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10. I am assuming here that ethical egoism is not a possible ethical view. I have tried to offer some arguments in support of this contention in my article "Egoism in Ethics," See Kai K. Nielsen, "Egoism in Ethics," Ideas, II (August-October, 1953), 23-8.

11. I am using 'justification' in the above context in the same sense that I have used it elsewhere. I am not using it in the extended sense of "pragmatic justification" or "vindication."

'ought,' 'good,' 'right,' etc., as our basic explicandum, we can not make the defense Toulmin suggests; that is, we cannot rule out Aiken's "post-ethical" question. And, in asking for a 'justification of ethics' these various uses, at different points, all become relevant.

However, it is difficult to make any positive comments about the odd question, 'Is any justification of ethics needed?' Toulmin has certainly gone a long way toward showing what a queer sort of question it is even though he has not shown it to be logically absurd. I will only try here to point out a couple of contexts in which this admittedly odd question can arise.

B

Let us first take a fictional example from a completely non-philosophical context. Huck Finn's moral crisis (Chapter XVI of Huckleberry Finn) arises around his relation with the runaway slave, Jim. Huck Finn is a sensitive youth. Though he is an "outcast," he is deeply, but yet ambivalently, involved in the southern society of the middle of the last century. He feels that slavery is perfectly justifiable and hates abolitionists. He does not question this part of the moral code of his society at all, at least not consciously. When a steamboat boiler explodes and he is asked if anyone is hurt, he replies, "No'm, killed a nigger," and, of course, finds nothing wrong in the response, "Well, its lucky because sometimes people do get

hurt."[12] By chance, Huck Finn travels with Jim in his flight to free territory. Huck, as the voyage progresses, begins to suffer pangs of conscience and resolves to turn Jim in; but, at the last moment, he cannot bring himself to do what he regards as unquestionably right and, by a neat trick, helps Jim escape. But, Huck feels guilt rather than exaltation in doing this; and, it would be a blatant ethnocentrism to assume that Huck, behind the facade of a conventionalized moral code, dimly discerned the true light of "the Natural Moral Law." Huck feels he did wrong and is conscience stricken; but, he feels the sanctions of non-moral dictates are simply stronger. He remarks just after he had set the men off Jim's trail:

> They went off and I got aboard the raft, feeling bad and low, because I knowed very well I had done wrong, but I see it warn't no use for me to try to learn to do right; a body that don't get started right when he's little ain't got no show - when the pinch comes there ain't nothing to back him up and keep him to his work, and so he gets beat. Then I thought a minute, and says to myself, hold on; s'pose you'd 'a' done right and give Jim up, would you felt better than what you do now? No, says I, I'd feel bad - I'd feel just the same way I do now. Well, then, says I, what's the use of you learning to do right when it's troublesome to do right and ain't no trouble to do wrong, and the wages is just the same? I was stuck. I couldn't answer that. So I reckoned I wouldn't bother no more about it, but says after this always do whichever come handiest at the time.[13]

The rationalization here is obvious and so also is the realiza-

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12. Requoted with Lionel Trilling's comment in Lionel Trilling, The Liberal Imagination (New York: 1953), p. 114. I might add that my interpretation here of Huck Finn's moral crisis is in a large measure indebted to Trilling.

13. Mark Twain, The Adventures of Huckleberry Finn (New York: 1912), pp. 128-9.

tion by Huck that, in the words of Lionel Trilling, he will never "be again certain that what he considers the clear dictates of moral reason are not merely the engrained customary beliefs of his time and place."[14] Of course, Huck's decision to do "whichever come handiest at the time" could be plausibly read not as a rejection of morality as an activity but only as the inarticulate rejection of a particular morality. If this is indeed the case, I do not have the case I want. On this last interpretation, 'right' and 'wrong' are being used in the passage quoted from Huckleberry Finn in a conventional or inverted comma sense. I am not concerned to dispute this interpretation, but only to point out that both psychologically and logically, the above passage could be given the interpretation that I have given it.

Let us now look at an odd kind of rejection of the ultimacy of a strictly moral appeal. Crisis Theologians (Barth, Tillich et al), following Kierkegaard, give us a lot of vague talk about the "teleological suspension of the ethical."[15] Kierkegaard, in Fear and Trembling, discusses with sympathy the biblical episode of Abraham sacrificing his son Isaac willingly at God's command, but not questioning that his act was immoral (i.e., not in accord with a moral point of view). Abraham sacrificed

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14. Trilling, op. cit., p. 114.

15. Soren Kierkegaard, Fear and Trembling (Princeton: 1941). Martin Buber, "The Suspension of Ethics," The Moral Principles of Action, Anshen ed. (New York: 1952), pp. 223-7.

Isaac merely because it was God's command. He reasoned that our basic loyalty is to God and that God can, if he chooses, suspend the laws of ethics. Now, of course, here I am only interested in the logic of the situation and not in the obvious psychological senses such a "stand" involves. Let us put ourselves in the context of a Kierkegaard*-** discussing Abraham's act with a rationalist like A. C. Ewing*** or H. J. Paton**** (K = Kierkegaard*-** and P = Paton****):

K: It was Abraham's Absolute Duty to sacrifice Isaac to God.
P: But how could he know it was the voice of God speaking rather than the commands of the devil or the promptings of his own id.
K: It was directly revealed to him.
P: But how so? How does he know 'it was directly revealed?'
K: It is self-evident.
P: Perhaps? But it is less clear to me that this "paradox of faith" is self-evident than it is self-evidently certain that to sacrifice one's son in this fashion is morally wrong.16 15
K: As a moral truth yes, but the validity of even a certain moral duty can at times be suspended by a higher Duty and Purpose - God's Purpose - the Highest Duty.
P: But first one must know that God is a just God. We can make no conclusions from Theology until we have the power of moral discernment to intuit what is Good.17 16

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15 16. H. J. Paton actually remarks in criticizing Kierkegaard on this point: "If we look at this incident unhistorically, as Kierkegaard does himself, I sympathize with Kant's common-sense attitude - Abraham could not be sure that it was God who told him to kill Isaac, but he could be sure that to do so was wrong." Paton, In Defense of Reason, p. 220. See his whole article "Existentialism as an Attitude to Life," in In Defense of Reason, pp. 213-28.

16 17. A. C. Ewing, "Some Meanings of 'Good' and 'Ought,'" Readings in Ethical Theory, p. 224. The above argument (a paraphrase of Ewing's argument) is the traditional argument accepted (taking into account variants in the idiom), by most all "secular philosophers," empiricists and rationalists alike, against such an "irrationalist position."

K: You're talking like "the Professor." You are only thinking in terms of "moral justice." God prescribes Duties that surpass our understanding - surpass our own weak power of moral discernment.
P: But that just isn't reasonable or rational!
K: No, of course not, it is a part of the absurdity of faith - the blind leap in the dark of the troubled human heart: the leap of faith that alone will save one from despair. But accepting this absurdity unquestioningly is just what it is to have faith. A "knight of faith" must just accept this absurd paradox.
P: But religion has no monopoly on absurdity. One can take a "leap in the dark" to National Socialism too, a la Heidigger and Scheler.
K: Precisely so! That is the paradox of faith. One can only have faith one hasn't a false Absolute.[18]

Now, this is indeed an odd argument. I will not deny that it is nonsense of a kind; but, it is not logical nonsense. Kierkegaard's "religious talk" (Toulmin's and Pascal's talk of the heart)[19] must be accepted in its own mode of reasoning although of course, it is not empirical talk or even moral talk. Further, it is clear that, in that context, Kierkegaard is rejecting the autonomy and ultimacy of an "ethical appeal" without challenging in the slightest that, in terms of an ethical mode of reasoning, Abraham had the best of reasons for not killing Isaac. Now, whatever we think of this Kierkegaardian argument, we have no right to reject contexts like the above one and contexts like the one about Huck Finn as unintelligible or logically absurd. We can, however, as logicians, point out their esoteric nature. But, it does not deductively follow that because they

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18. Martin Buber, op. cit., pp. 226-7.

19. See my exposition in Chapter V. See also Toulmin, The Place of Reason in Ethics, Chapter 14.

are esoteric we must grade them down.

C

My basic argument here against Toulmin is that there are contexts in which we can ask meaningfully for a justification of morals as an activity. Toulmin's analysis has not met that sort of case nor do I see how Toulmin can rule out such cases as irrelevant to morals even though Toulmin has shown they are not moral questions. The determined philosophical, moral sceptic either has something like the above considerations in mind or, because of the non-descriptive functions of evaluative terms, is unwittingly asking for justification where there can be no literal justification. In any event, an adequate meta-ethical theory must account for either situation.

Chapter XIII

GENERAL CONCLUSION

"But now Scepticism by its extremity begins to reveal its absurdity."

John Wisdom

In contemporary life and in contemporary moral theory there is a good deal of scepticism about the "rational basis of morality." We are told by some philosophers that morality rests on "The Arbitrary" or that our basic moral principles are but "pure postulates." It is sometimes said, that in seeking a ground for our moral judgments, we find, in the last analysis, only preferences. Our moral choices, as the existentialists never tire of telling us, are just choices and upon this "arbitrary choice" everything else depends. Thus, there is a sense of urgency about moral questions that we do not find about many other questions that philosopher's discuss. As human beings we can hardly avoid making moral judgments, but often, at least when we reflect, we feel very confused about the basis of some

or perhaps all of our moral judgments. There is a reasonably strong feeling among many philosophers that the traditional contemporary moral theories, that is, intuitionism, naturalism, and emotivism do not help us out of our confusion. In fact if anything they seem to add to it. We find, perhaps as a result, a re-surgence of "natural law theories" on the one hand and of a kind of anti-rationalist theological ethics on the other. We even hear a few dim cries, here and there, of "Back to Kant." But, none of these theories have even begun to win general acceptance among philosophers. The war of philosophic ethics still goes on. Thus, both in practical life and in philosophy, there is considerable perplexity about how, if at all, moral judgments can be justified and about the place of reason in ethics.

Onto this strange and perplexing stage has now come a fresh common-sensical approach that I called the "good reason approach." In Stephen Toulmin's The Place of Reason in Ethics we have the most fully argued statement of this approach. He directly attacks the problem of justification in ethics, and attempts to undercut the kind of scepticism about morality that I have just sketched. But his own statement has itself not been too well received. Many of his critics have felt that Toulmin has not resolved the problem of good reasons in ethics, but has actually added a new twist to it by leading us to believe that somehow we can discover what are good reasons by seeing how people actually reason and by noting the logical peculiarities of moral usage.

Feeling convinced myself that Toulmin has made a much stronger case than that, for his kind of theory, I have tried to attack anew the problems of justification in ethics by going over the ground that Toulmin has covered, giving him always as plausible an interpretation as possible and defending him by modifying and developing his theory so that it can meet the principal attacks that have been made against it.

Rather than give a chapter by chapter summary I shall try briefly to say what conclusions I think we can draw from my development of Toulmin's view and the "good reasons approach" and to note the places where such an approach runs into difficulties and needs further clarification and analysis.

First, I think that Toulmin's theory has made it quite plain that any general scepticism over the nature of moral judgments is simply absurd. I believe that he has established beyond any reasonable doubt that, as he puts it, in practical life there are certain "moral truisms" that are beyond "serious question." Faced with a question about what we ought to do we can for a large number of the problems cite moral rules. And, when we must weigh the "relative stringency" of various moral rules we have a more ultimate utilitarian criterion to which we can appeal. My main modification of Toulmin's analysis, at this point, is to point out, as he does not sufficiently, that in other instances we must appeal to a less definite notion of what a "reasonable man would do." Both in saying what is meant by 'a reasonable moral' man and in explicating his least suffering principle Toulmin could have made a stronger and less misleading

analysis if he had brought out explicitly that what always in part governs what is to count as preventable suffering or what governs what a reasonable man will do is the requirement of universalisability. I have also tried to argue that beyond Toulmin's utilitarian principle of least suffering there is and can be no further justification in morals. Nor does his ultimate norm seem at all arbitrary or like a "pure postulate" when we consider the primary function of morality. That we sometimes want to ask for a justification for this principle itself attests either to the fact that we are asking for a motive to reason morally or to the fact that we are simply failing to reason from the moral point of view at all. However, I believe that in discussing both of these last mentioned points Toulmin's analysis is confused. His conception of "limiting questions" and the role of religious discourse explains to a certain extent why we can ask for justification when there is no literal justification but it is not inclusive enough. I have tried alternatively to suggest that the reason why we always feel that we can question even the best justified moral judgment is due to the fact that evaluatives always have a non-descriptive force as well as a descriptive force. But, I have also argued that recognition of this does not mean that the criteria that Toulmin offers for good reasons are changed one whit. Rather, we can now explain why that this repeated request for a "further justification" can not really be a request for a reason at all. Sometimes, however, we can be doing something quite different. We can simply be refusing to reason from a moral point of view. In

asking "Why Be Moral?" we are sometimes not just asking for a motive in reasoning morally but are asking a justificatory question about the whole mode of morality. I have argued that Toulmin is wrong in seeming to treat this demand for a justification for reasoning morally as a meaningless problem. But, I have argued that once we realize that we are asking for a justification for the activity of ethics itself we see that though our question is not meaningless it is easily recognized as being practically trivial, since there is no reasonable alternative.

Although a number of meta-ethicists would readily grant my point that Toulmin has made it clear that any general "value scepticism" is patently absurd, they would argue that Toulmin has hardly given an adequate analysis of the logic of moral reasoning. His analysis, it has been contended, hardly gets to a proper second order meta-ethical level at all.

I have tried to give some defense of Toulmin's "good reason approach" interpreted as a meta-ethical theory. But, I have also made the point that it is not at all clear that Toulmin would regard his own theory as a "meta-ethics" or would even accept, in any overall fashion, the division between second-order and first-order talk. He says some unkind and sceptical things about the traditional meta-ethical theories. He regards such theories as little games which amuse some people but still as games that hardly say anything helpful about the place of reason in ethics. It is his general position that one can solve problems about good reasons in ethics without taking any position at all about the logical status of moral concepts. How-

ever, it is worthy of note that Toulmin himself claims that moral concepts are gerundive concepts. Though he is not sufficiently explicit about this, he seems to treat gerundives as a basic category in his system. Yet, it can be pointed out, in Toulmin's defense, that it is not the fact that moral concepts are gerundive concepts that enables us to tell good moral reasoning from bad moral reasoning. Rather, we determine what makes some reasons in ethics good reasons and what makes some reasons bad reasons by noting the function of moral discourse. Though it is not clear that Toulmin means to be doing metaethics, it is clear that he only intends to describe moral discourse and not himself to moralize. Toulmin speaks of giving a pure description of moral discourse and makes it quite clear that he does not mean to be offering a kind of a normative ethics. yet, Toulmin says very little about what he means by giving a "description of moral discourse." And, it is very difficult from seeing what he actually does in The Place of Reason in Ethics to be sure we understand correctly what he intends by saying he is describing moral discourse. Some people have taken his talk about pure description to indicate that he is making some kind of empirical study of moral usage. These same critics have pointed out how Toulmin vacillates between prescription and description. It has been argued that he commits the naturalistic fallacy. It has been claimed that he has persuasively defined 'ethics' and that his good reasons are disguised normative ethical recommendations.

I have examined these charges at some length. Toulmin

himself explicitly states that we can never derive an ought from an is and that a moral judgment is never equivalent to its criteria of application. Yet somehow, he argues, we can bridge the gap between fact and value. But just how this is accomplished is never sufficiently clear in Toulmin's analysis. He, rightly, I believe, emphasizes that moral reasoning is a unique and irreducible mode of reasoning and that we determine what are good reasons in ethics in terms of the kind of activity that morality is. But, what he fails to make clear is how from a descriptive statement of the function of ethics we derive adequate criteria for good reasons. To the extent that he claims he can derive them he certainly does commit the naturalistic fallacy. To the extent that he thinks he avoids this error, he does not show how he does so. It is at this point that Toulmin's theory needs the most clarification and development. While I think Toulmin is quite right in arguing that we cannot, apart from considering the actual functioning of moral discourse, determine how certain reasons are good reasons in ethics, I do think it is necessary to stand back and say a little more generally just what factors are involved in moral reasoning. We need a more explicit and formal statement of the relationship between the function of ethics and ethical criteria than we have in Toulmin's casualist analysis. I do not wish to imply by this that I think we can analyze moral discourse successfully without repeated reference to actual moral contexts. But, we do need to stand back and say a little more clearly what we are doing or our crucial steps will be obscured like Toulmin's

crucial step from the function of ethics to the criteria for good reasons is obscured.

But, while I do believe Toulmin has committed the naturalistic fallacy by implying, at least in places, that we can derive criteria for good reasons from noting the function of moral discourse, I have argued that from this alone we can conclude only that Toulmin's view implicitly recommends that we reason morally rather than non-morally. I have argued that only if it can be proven that he persuasively defines the function of ethics or that his criteria of moral reasoning are so limited that he cannot account for the distinctions we ordinarily make in moral reasoning can we say (as many of his critics have said) that his theory is prescriptive in the sense that it surreptitiously recommends a particular normative ethical point of view. I have argued that Toulmin's theory as it stands is in fact prescriptive; but, I have also tried to show that with comparatively minor modifications which I have carried out a theory developed along Toulmin's lines can be so formulated that it describes adequately the various moves we can make in justifying moral judgments without even implicitly recommending any one kind of normative ethics.

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