Chapter Five

Searle's View of Fact-Value Dichotomy

Professor J. R. Searle in his paper "How to derive 'ought' from 'is'" has attempted to show in what sense an evaluative statement can be logically deduced from descriptive premises. His position is unique in nature because he advocates a different view which is very much dissimilar from Hume and Black. He does not agree with Hume's Guillotine nor does he agree with Black's position. Hume's *Treatise* tells us that one cannot derive 'ought' from 'is'. This has been developed as a principle in the form like: No set of statements of fact by themselves entails any statement of value. In more contemporary terminology it is stated as: No set of *descriptive* statements can entail an *evaluative* statement without the addition of at least one evaluative premise. Any attempt to think otherwise would commit the *naturalistic fallacy*. Here we particularly call upon the view of R. M. Hare who attempts to show that an evaluative (prescriptive) statement can be logically deduced from a limited number of premises of which at least one must be prescriptive or evaluative in nature.

Searle provides a counter-example against the philosophical view that no set of statements of fact by themselves entails any statement of value. Searle, however, does not think that a particular counter-example would not be enough to counter the modern philosophical thesis. He rather starts with a counter-example against the modern philosophical thesis and then in addition gives some account of explanation of how and why it is treated as counter-example. In this process if he can put forward a theory to back up the counter-example with which he started

with, then as a follow up theory there will generate an indefinite number of counter-examples. This would help us to cast light on the original thesis. Searle thinks that if we do all these things as we wish to do, we may ourselves to the view that the scope of the thesis was more restricted than we had originally supposed. With this philosophical background, Searle then gives rise to a counter-example which is purely factual and descriptive in nature even though they need not contain the word 'is'. Searle then goes on to show how they are logically related to a statement which a proponent of the thesis would regard as clearly evaluative containing an 'ought'. Let us consider the following series of statements given by Seale:

(1)   Jones uttered the words 'I hereby promise to pay you, Smith, five dollars'.

(2)   Jones promised to pay Smith five dollars.

(3)   Jones placed himself under (undertook) an obligation to pay Smith five dollars.

(4)   Jones is under an obligation to pay Smith five dollars.

(5)   Jones ought to pay Smith five dollars.

According to Searle careful study would reflect the fact that there remains a sort of relationship among these statements cited above. What type of relationship is it? Is it just a contingent relation? The answer perhaps is not to be the case. According to Searle even though such relation falls short of entailment relation, it would certainly not to be a contingent relation. Why does he suggest that the relation is fallen short of entailment relation? He thinks so because to make the entailment relation one has to add or presuppose some additional statements. However, the additional statements necessary to make the

relationship one of entailment do not need to involve any evaluative statements or moral principles or anything of this sort.

How is (1) related to (2)? According to Searle in some circumstances uttering the words within the quotation marks in (1) is the act of making a promise. That means there underlies a suppressed meaning of promising within the quotation marks of (1). For Searle the suppressed premise which lays bare in between (1) and (2) and by means of which the entailment relation between (1) and (2) is made clear would be like the following:

(1a) Under certain conditions C anyone who utters the words (sentence) ' I hereby promise to pay you, Smith, five dollars' promises to pay Smith five dollars.

We think the term 'under certain conditions' stated in (1a) deserves worthy of clarification. Are these conditions situational? Even though Searle does not make it clear what does he mean by these supposed conditions, but such conditions are associated with states of affairs for the utterance of the words to constitute the successful performance of the act of promising. Searle further contends that these conditions contain the view that both the speaker and the hearer are very much conscious about their moral commitment of promising and both speakers belong to the same language, i.e. English and finally what they speak of seriously. When the speaker is making a promise, he is very much aware of what he is doing, i.e. at the time of his promising he is not under the influence of drugs, he is not hypnotized or acting in a play, nor even telling a joke or reporting an even and so forth. According to Searle this list would be long listing and to be precise somewhat indefinite because just like there we do not any specific

boundaries of the most concepts in a natural language, there is no boundaries of the concept of promise. According to Hart the concept of promise 'is a member of a class of concepts which suffer from looseness of a peculiar kind, viz, defeasibility.' [67] Even though the conditions are a bit loose, indefinite in nature, but one thing is clear that the conditions under which a man who utters 'I hereby promise' can correctly be said to have made a promise are **straightforward empirical conditions** however loose the boundaries may be or however difficult it may be to decide marginal cases. Such empirical conditions have to be fulfilled in order to make an entailment relation between (1) and (2). In this regard, Seale assumes or adds an extra premise which states that these conditions obtain.

(1b) Conditions C obtain.

According to Searle from (1), (1a), and (1b), one can derive (2). That means (1), (1a), and (1b) jointly entails (2). In this sense the entailment relation between (1) and (2) can be established. Searle then proceeds on to formulates the following assertion:

If C then (if U then P)

In the above assertion 'U' stands for utterance, 'C' Stands for Conditions and 'P' stands for promise. Accordingly, it can be said that (2) is logically entailed from (1) if we add the premises U and C to the hypothetical. However, as far as logical derivation is concerned, Searle rules out any relevance of moral premise. After establishing the entailment relation between (1) and (2), Searle then goes on to make the same relation between (2) and (3).

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[67] Hart, H. L. A. ' The Ascription of Responsibility and Rights' included in *Logic and Language* edited by A. Flew, Oxford, 1951, p.32.

According to Searle the term 'promising' by definition means to *an act of placing oneself under an obligation*. To make a promise is to make an obligation under every normal situation. A promise would no longer be regarded as a promise if the person who makes a promise is committed to fulfill the promise. More succinctly, it can be said after Searle that no analysis of the concept of promising will be completed which does not incorporate the feature of the promiser placing himself undertaking or accepting or recognizing an obligation to the promise. A promisee on behalf of the promiser logically leads to a moral commitment towards the promisee under every normal situation. It leads us to assume that the promiser will perform some future course of action which would normally benefit the promisee. Accordingly, it would be very natural to assume that promising would lead some follow-up action which would be helpful to somebody in the course of time. Thus, one may be tempted to think that promising can be analyzed in terms of creating expectations in one's hearers. However, everything depends on the intention of the promiser or on the nature of degree of commitment or obligation undertaken in promising.

The distinguished point here is that if promising is taken in its natural or usual sense as discussed above following Searle, then there is nothing wrong to claim that (2) entails (3) straight off. Here the very meaning of (3) is contained in the very meaning of (2). If one understands the implication of the term 'promising', he would be in a position to assert (3) without hesitation. Having said this, there would be nothing wrong if one wishes to add a tautological premise for formal neatness and clarity. The supposed premise is like the following:

(2a)   All promises are acts of placing oneself under (undertaking) an obligation to do the thing promised.

Once the very meaning of promise as stated in (2) is amplified in the form of (2a), then it would be obvious that (3) is neatly entailed from (2). Thus, the entailment relation between (2) and (3) holds good.

The question then is: How is (3) related to (4)? According to Searle the relationship between (3) and (4) is tautological in nature. It is tautological in the sense that the very meaning of (3) is similar to (4). Here he defends himself by saying that if one has placed himself under an obligation, then, if other things remain the same or equal, one is under an obligation. In this sense the concept of tautology holds good. We think that nothing would be fulfilled if other things will not remain the same. Even though it has been claimed by many that moral principles are universalizable in nature but the concept of universalizability holds good on the condition whether 'other things remain the same or not'. There is no question of doubt that the implication of moral rules would be different if there are different situations. How can we deny the implication of moral luck as conceived by Nagel? It would be the case that the promiser makes a promise under certain obligation in a particular situation and the promiser is honest towards his promise. But in course of time it may happen that the condition or situation has changed and the promiser unfortunately facing some adverse situation and in consequence he is no longer in a position to retain his promise. In a situation like this there is a moral possibility of violating the promise on behalf of the promiser. In this regard the phrase 'other things being equal' is very important. Even though Kant does not put up with any kind of moral violation, but

there are many moral philosophers who adhere to the view that the application of moral rules and principles are situationally evoked. The concept of 'Moral Luck' of Nagel is a case in point. Therefore, in the context of moral philosophy in general and the present context is particular, the phrase 'others things remain equal' has paramount importance. Accordingly, to ensure the entailment relation between (3) and (4) we need the following qualifying statement to the effect:

(3a) *other things are equal.*

According to Searle (3a) is known as *ceteris paribus.*

Now in anticipating (3a), we can, following Searle, establish the entailment relation between (2) and (3) with the help of the following tautological premise:

(3b) *all those who place themselves under an obligation are, other things being equal, under an obligation.*

Searle then claims that the move from (3) to (4) is very mush similar to the move from (1) to (2) as stated above. It is like the following hypothetical:

If E then (if PUO then UO)

(Where E stands for 'other things are equal', PUO jointly stands for 'place under obligation' and 'UO' stands for 'under obligation').

. Searle own understanding is that by addition the two premises, such as, E and PUO, we can logically derive UO. He further contends that the relation between (4) and (5) is also tautological in nature and is similar to the relation between (3) and (4). Accordingly, following Searle, we can say that if other things being equal, one ought to do what one is under an obligation to do. Thus, to find out the entailment relation

between (4) and (5), we have to put in, opines Searle, the *ceteris paribus* clause such as:

(4a) *other things are equal*

According to Searle the *ceteris paribus* clause is essential for moral action. It actually helps us to eliminate something extraneous to the relation of obligation to ought. The genesis of morality is to make moral judgments universalisable. It has been attempted by Kant and Hare as well. The first requirement that needs to be fulfilled in this regard is to establish the principle of *ceteris paribus*. We think that the argument stated by Searle is *enthymematic* in nature because there are some hidden premises which must be amplified for making this argument clear. When Searle has made an attempt to show the relationship amongst (1) to (5) as stated above, he has in mind the logical background known as *enthymeme*. Now the point that needs to be addressed here: Are the hidden premises evaluative or factual in nature? If they are evaluative in nature, there is no point of claiming that *ought statement* can be logically deduced from *is-statement* or an evaluative statement can be logically deduced from *factual statements*. Fortunately, Searle himself senses this issue. He anticipates the possibility of its evaluative implications as he thinks that such clause frequently involves evaluative considerations. Keeping this issue in mind, Searle introduces *ceteris paribus* clause in order to get rid of the possibility that 'something extraneous to the relation of 'obligation' to 'ought' might interfere'.[68] We think that irrespective of the nature of hidden premises underlying in the Searlian *is-ought* argument, the *ceteris paribus* clause is a must for morality. Ethical laws are by no

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[68] Searle, John. 'How to derive 'ought' from 'is'', included in *The Is-Ought Question*, edited by W. D. Hudson, Macmillan, 1969, p.121.

means subjective in nature. One has to maintain its objectivity. Ethical law runs with the principle: *what is good to x would equally be good to everyone if other things remain the same or equal.* Accordingly, it can be said that if something would remain good in John's case, it will remain good in other than John cases a well if the principles of *ceteris paribus* holds good. Accordingly, the argument from (4) to (5) stands as:

'If E then (if UO then O)'

Or,' if (E and UO) then O'.

Where E for 'other things are equal', UO for under obligation, O for ought. According to Searle by adding the premises E and UO we derive O. The linguistic interpretation would be like this: If Jones is under an obligation to pay Smith five dollars (UO) and at the same time 'other things remain equal' (E), then certainly Jones ought to pay Smith five dollars.

According to Searle in normal course of action the phrase 'other things being equal' would be retained. He was very much concern about the employment of this phrase in his argument. Even though it would be very difficult, Searle opines, to show its application, but he was very much specific in saying that the 'satisfaction of the condition does not necessarily involve anything evaluative'.[69] If the hidden premise by any means would be evaluative in nature, then his whole program would be devoid of significance. Searle says that we have some reason or we are actually prepared to give some reason for supposing the obligation is void or the agent ought not to keep the promise or he was conscious at the time of his promising that he would not fulfill the promise eventually, then the obligation holds and he ought to keep the promise.

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[69] Ibid. p. 124.

According to Searle the intention of the speaker of not fulfilling the promise is no longer associated with the phrase 'other things being equal'. Morality is all about of honesty. There is no place of deception. Thus, in the moral environment when somebody is making a promise, it is usually assumed that he is committed to his moral obligation. In negative universal statement it can be said after Searle that "no reason could ever be given by anyone for supposing the agent is not under an obligation or ought not to keep the promise. That would be impossible and would render the phrase useless. It is sufficient to satisfy the condition that no reason to the contrary can in fact be given."[70]

Searle further contends that even if we assume that the obligation is void or the promiser ought not to keep the promise then in such a situation the question of calling for an evaluation arises. It may happen at times that the promiser acts wrongly even though we grant that the promiser did undertake an obligation. In such a case ought he to keep the promise? There is no established procedure at out hand to arrive at an objective decision in advance in a case like this. One has to take, Searle opines, an evaluative procedure. Searle's point here is that so long we have some reason to the contrary; the *ceteris paribus* conditioned is satisfied. No evaluation in this regard is necessary. However, Searle reminds us that it would always be an open possibility that we may have to make an evaluation in order to derive 'he ought' from 'he promised'. Even though evaluation is a welcoming philosophical concept, but an evaluation is not *logically necessary* in every case. There are some cases where evaluation does not give rise to counter-examples. In normal situation when we derive the conclusion

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[70] Ibid. p.124.

'Therefore he ought to do...' from the premise 'He promised to do ...', there is no point of evaluation because it does not produce any counter-example. Therefore, Searle point of observation is that there is nothing necessarily evaluative about the *ceteris paribus* condition even though "deciding whether it is satisfied will frequently involve evaluations." [71] According to Searle the *ceteris paribus* clause is a must for moral decision. According to Searle even if there is a possibility of cognizing *ceteris paribus* in terms of evaluation, but in the strict sense of *derive*, we can have an evaluative statement from a descriptive statement. He conceives that such extra premise which make entailment relation possible are by no means moral or evaluative in nature; rather they are closely associated with 'empirical assumptions, tautologies, and descriptions of word usage. Searle classifies 'ought' into *tautological* and categorical. Accordingly, when Searle assumes that an *ought* can logically entailed by *is*, his understanding of *ought* is categorical. Accordingly, (5) does not say that Jones ought to pay up if he wants such and such (hypothetical ought), rather it says he ought to pay up, period. The other most notable issue here is that the steps of derivation are carried on in the third person. According to Searle, here we are not concluding ' I ought' from ' I said " I promise"' , but ' he ought' from 'he said " I promise"'.[72]

Careful study, however, would reflect that there underlies a lot of things in the Searle's proposed derivation of *ought* from *is*. In fact, the speech act mechanism of Austin would help us to assess Searlian position in this regard. Austin in his Speech-acts theory tells us that language can be revolved in a constant fashion. In the course of the use

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[71] Ibid. p.124.
[72] Ibid. p.125.

of language, a sentence may take different forms and also may be used in different contexts. Even though Austin at the earlier stage of his theory of speech-acts makes a distinction between *performatives* and *constrative,* but eventually he rules out this classification because of the transference of our language in daily use. According to Austin every meaningful utterance is performative and *constratives* are those utterances having descriptive or assertive or logical contents and accordingly can be interpreted in terms of truth and falsity. However, Austin then rules out this distinction because he realizes that such distinction cannot be retained ultimately. Language is so complicated and so flexible in its use that any performative utterance can be expressed differently in different situation. We think that the logical derivation Searle has proposed actually hinges on different follow up orders. The proof unfolds the connection between the utterance of certain words and the speech act of promising and then in turn unfolds promising into obligation and then moves obligation to 'ought'. However, the step from (1) to (2) is radically different from the others and requires special comment. According to Searle, in (1) we interpret 'I hereby promise...' as an English phrase having a certain meaning. It is a consequence of that meaning that the utterance of that phrase under certain condition is the act of promising. Accordingly, by presenting the quoted expressions in (1) and by describing their use in (1a), one can invoke institution of promising.

We think even though Searle conceives an entailment relation in the case of deducing *an-ought* statement (evaluative statement) from *is-statement* (factual or descriptive statement), but his understanding of the concept of *entailment* is somehow different from the logical concept of

entailment. In Modal logic, the concept of entailment is defined as: 'P entails Q' equally means 'it is impossible that P is true but Q is false'. In other words, it can be said that 'P entails Q' means 'it is necessary that if P then Q'. Thus, in Modal logic, the concept of *entailment* can equally be interpreted in terms of *necessity*. Is Searlian concept of entailment similar to the concept of entailment of Modal logic? If not, then in what sense it differs? In this regard, we may distinguish between two types of entailment or necessity, namely, logical entailment or logical necessity and theoretical entailment or theoretical necessity. In the case of logical necessity, there is no exception. Logical necessity rules out any exception. The denial of logical necessity leads into contradiction. In contrast, when Searle claims that an evaluative statement can be deduced from a set of descriptive statements or more precisely, when he adheres to the view that an evaluative statement is entailed from a set of descriptive statements, his interpretation is not *at par* with the logical interpretation of the term entailment. Where the logical necessity rules out exception, Searlian interpretation of entailment seeks to find out *at least a case* where the derivation between set of factual statements and an evaluative conclusion is made possible. Thus, Searle's attempt is not to establish the entailment relation between factual premises and an evaluative conclusion, rather he attempts to deny the view of the earlier philosophers who have committed to the view that the gap or gulf between factual statement (i.e. is-statement) and evaluative statement (i.e. ought-statement) is permanent and no set of evaluative statement can be logically deduced from descriptive statement. We think that the title of his paper' How to derive 'ought' from 'is'' actually makes the distinction clear. Here an attempt has been made in what sense an

evaluative statement can be entailed from a set of descriptive statements. The other important distinction is that in the case of logical entailment there is no scope of criticism regarding the logical derivation, whereas in the case of moral entailment there always remains the scope of moral scrutiny or moral inspection. Thus, unlike the moral entailment, modal entailment stands beyond criticism. Thirdly and more importantly, in the case of modal entailment there is no scope of *entailment failure* whereas in the case of moral entailment there always remains a distinct possibility of moral *entailment failure.* Even though Searle introduces *ceteris paribus* clause in the case of moral entailment, but it would no be so effective as there is no hard and distinct criterion by means of which such clause can be established.

It thus reveals that the so-called moral entailment as suggested by Searle is far more different from the modal entailment as far as its application is concerned. The question then arises: What then rest to look after moral entailment? In this regard, we can say that speech- act strategy holds the key of defending of the so-called derivation as expounded by Searle. According to Searle speech-act or linguistic-act is all about of doing philosophy. If philosophy is all about of the clarification and analysis of language, then there is no point of departing from speech – act strategy. In this regard, Searle was highly influenced by J. L. Austin. It is true to say that language has its dispositional power. Language in its own form remains passive. However, language is activated and acts as a sharp tool when it has been used by to communicate thoughts. Thus, when language is used by a person in order to communicate his or her thoughts, then in this processes language is activated and thereby generates a force, i.e.

illocutionary force, as used by Austin. Through the dispositional power of language, i.e. illocutionary force, the intention of the speaker is being manifested. Accordingly, it can be said that to make a promise one has placed himself under an obligation which eventually prompted one to fulfill what he has been promised.

Objections raised against Searle

There is no question of doubt that the is-ought dichotomy is an ever ending debate and so long moral philosophy survives as an independent branch of philosophy, this issue remains standstill. There is nothing wrong to suggest that moral philosophy is all about of evaluation of moral action. Moral action is manifested through evaluative judgment. Therefore, assessing moral judgment is at par with assessing or evaluating moral action. One can evaluate moral judgment in valuing them. They are valued in terms of good or bad, right or wrong. We can also evaluate logical proposition by valuing them. But unlike moral judgment, here we give different types of value to logical proposition. Logical proposition is valued in terms of truth and falsity. Thus, as far as valuing is concerned, there remains a classic distinction between factual statement, i.e. logical proposition and moral judgment, i.e. evaluative judgment. The nature of these two types of judgment is completely different. Their formation in the language is different, their valuing is different and their function is different. Therefore, deriving one type from another type is an astounding task. Most philosophers in the past have ruled out any sort of distinct possibility of deducing one from the other. However, those who have attempted to do so have fallen into a severe criticism. Searle senses this.

Accordingly, he presumes some possible objections that can be raised against him and accordingly he gives answers of these questions.

In the first place it has been objected by saying that in the Searlian argument, the first premise is descriptive and the conclusion is evaluative and the concealed premise, namely, (1b) is again evaluative. Accordingly, there remains a distinctive gulf between (1) and (2) and therefore (2) cannot be entailed from (1). In order to overcome this possible objection, Searle then goes on to make a distinction between two types of evaluation, namely, *categorical evaluation* and *other than categorical evaluation* . When Searle inclines to say that (2) is entailed from (1), he interprets it in terms of *categorical evaluation*. According to Searle when the concept of entailment is used in moral philosophy or in any other descriptive discipline, it would be interpreted in terms of *categorical sense*. We agree with Searle in this regard, because there is no point of claiming that the concept of entailment as claimed in the derivation of 'is- ought' argument is at par with the concept of entailment used in Modal logic. According to Searle the categorical sense of evaluative judgment actually turns an evaluative statement into a descriptive statement in the weak sense. Thus, we can say there are two senses of descriptive statements, such as, *Strong* and *weak* sense. The descriptive statements that we normally talk in developing logical propositions are called strong. But those statements or judgments which are prima-facially evaluative in nature, but could be turned into descriptive statement are called weak descriptive statements. Therefore, weak descriptive statements are disguised in nature. They are disguised in the sense that even though they look like evaluative statements, but in true sense of the term there are descriptive contents in such

judgments. That is why Searle has rightly pointed out by saying, "Uttering certain words in certain conditions just is promising and the description of these conditions needs no evaluative content."[73] According to Searle to move from (1) to (2) is just a move from the specification of a certain utterance of words to the specification of certain speech act. One can legitimately have this move because here the speech act is a conventional act. Accordingly, the utterance of the words, as per as conventional act is concerned, constitutes the performance of just that speech act.

The upshot of the above can alternative be stated. It states that all we can say and show is that *promise* is an evaluative, but not a descriptive content. However, Searle inclines to say that such objection again begs question and at the end it leads to end that it will prove disastrous to the original distinction between descriptive and evaluative. Searle's point in this regard is that when a man uttered certain words meaningfully, this would assure us that they do have *objective facts*. If this so happens, then the descriptive facts *plus* a description of the conditions of the utterance is sufficient to entail the statement (2) which the objector alleges to be an evaluative statement (Jones promised to pay Smith five dollars). In as situation like this an evaluative conclusion is derived from descriptive premises.

In the second place, it has been objected by saying that the principle that *one ought to keep one's promises* is purely a moral principle and hence it is evaluative in nature. In responding to this objection, Searle has inclined to say that he does not know whether 'one ought to keep one's premise' is a 'moral principle'. However, what he demands is that it is

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[73] Ibid. p.126.

certainly tautological as it is nothing more than a derivation from the two tautologies:

All promises are obligations and one ought to keep one's obligations.

According to Searle unfortunately many thinkers and philosophers have failed to grasp the tautological nature of such principle. In this regard, he has claimed that there are at least three things which have concealed its character from them. **The first** is the failure to distinguish external questions about institution of promising from internal questions asked within the framework of the institution. According to Searle, questions such as, 'Why do we have such an institution as promising? 'Ought we do have such institutionalized forms of obligation as promising?' etc are external question that has been raised not within the institution of promising, but they are asked about the institution. Searle further contends that the question 'Ought one to keep one's promise?' can be confused with or can be taken as an external question presumably expressible as 'Ought one to accept the institution of promising?' Unlike an external question, an internal question is about promise and not about the institution of promising. Accordingly, the question 'Ought one to keep one's promise?' is as empty as the question 'Are triangles three sided?' To recognize something as a promise is to recognize in equal that it ought to be kept if *other things being equal.*

The second fact which has fogged up this issue is that there are many situations, real and imaginable, where one ought to keep a promise and where the obligation to keep a promise is overridden by some further considerations. That is why, Searle has introduced the principle of *ceteris paribus* clause in his derivation. In fact, the introduction of such clause in the derivation actually rules out alternative sort of proposal

that would hamper the genesis of the principle of moral universality. However, Searle at the same time draws out attention to the fact that 'obligation can be overridden does not show that there were no obligations in the first place'. Rather he thinks the other way round as for him the original obligations are all that would be required to make the proof workable. **Thirdly and more importantly,** many philosophers, according to Searle, actually fail to realize the full force of saying 'I hereby promise' as a performative expression. In fact, by uttering such sentence one performs but does not describe the act of promising. Now Searle's point is that if promising is conceived as a speech act of a different kind from describing, then it is easier to see that one of the features of the act is the undertaking of an obligation. However, if one thinks that the utterance 'I hereby promise' is a peculiar kind of description, for example, one's mental state, then the relation between promising and obligation would entangle in the unfathomable of horizon.

In the third place, it may be objected by saying that the fact-value distinction remains intake even though an attempt has been made by Searle by incorporating some hidden premises. It has been claimed that here the derivation uses only a factual sense of the evaluative terms, but nothing evaluative would be included. The step (2) is equivalent to 'He did what they call promising' and step (5) to 'According to them he ought to pay Smith five dollars'. As all the steps are in *oratio oblique* and disguised statements of fact, the fact-value distinction remains unaffected. Searle, however, denies this charge. According to Searle this objection fails to smash up the derivation. What it says is that the steps can be constructed as in *oratio obliqua*. We can take to mean them as a

series of external statements. We can construct parallel a similar argument that would fail to refute the fact-value distinction does not show that this proof fails to refute it. For Searle the argument raised against the fact-value derivation does not deserve accuracy.

Thus, Searle himself presents three possible counter-examples on the basis of which it may be claimed that one cannot derive an 'ought' from an 'is'. He then considers three possible objections separately and at the end nullifies their legitimacy. Having said this, Searle admits that still there we do not find any concrete resolution. He even conceives that there remains certain scope of uneasiness even though we claim that an 'ought' can be derived from an 'is'. He, therefore, feels that there must be some hoax somewhere. The problematic area is that: how can we grant a mere fact about a man, such as the fact that he uttered certain words or that he made a promise , commit me to the view that he ought to do something? This is the most vulnerable area of this theory and one must be cautious about it. Let us find a resolute way out in this regard following Searle.

Searle in this regard gives due importance on the boarder philosophical significance and eventually tries to make a philosophical basis or foundation from which he claims that an 'ought' can be deduced from an 'is'. According to Searle in the *strict sense of the term* there remains a considerable distinction between descriptive and evaluative statements. There is no point of taking it away. There is no point of disputing that the descriptive and evaluative statements represent the picture of the world in different ways and their approach of representation would completely be different. Even though they represent the world differently, but in a *complicated and in extricated ways* that it is not

entirely to what extent the sheer presentation of counter-examples can challenged it. However, according to Searle the point that needs to be taken care of is that how and why this classical empiricist's picture fails to deal with such counter-examples. One reason for this is that the nature of descriptive statement is completely different from the nature of evaluative statement. Let us contrast after Searle a few descriptive statements with their corresponding evaluative statements.

(a) my car goes eight miles an hour

(a') my car is a good car

(b) Jones is six feet tall

(b') Jones ought to pay Smith five dollars.

In the above (a) and (b) are descriptive statements and (a') and (b') are evaluative statements. Anyone can see the distinction here between (a) and (a') and (b) and (b'). According to Seale barring so many other distinctions the most notable one is that in the case of descriptive statements the question of truth and falsity is **decided objectively** because to know the meaning of the descriptive expressions is to know under what *objective ascertainable conditions* the statements which contain them are true or false. However, this is completely unfamiliar in the case of evaluative statements. To know the meaning of the evaluative expressions is *not by itself sufficient* for knowing under what conditions the statements containing them are true or false. The meaning of evaluative expressions, Searle opines, is such that the statements are not capable of objective or factual truth or falsity at all. Evaluative statements, of course, we think, do have meaning on the basis of which they can be judged, but the meaning an evaluative statement possesses is by no means descriptive meaning. The unique feature of descriptive

meaning is that it has cognitive assertability. It can be ascertained in terms of truth and falsity. Unlike the descriptive meaning, the evaluative meaning can not be ascertained in terms of truth and falsity. By uttering or saying an evaluative statement, i.e. an 'ought statement', the speaker essentially involves in some moral attitudes, such as, requesting, pleading, appealing, commanding etc. That means the evaluative statement of a speaker essentially involve some 'appeal to attitude, he holds, to criteria of assessment he has adopted, to moral principles by which he has chosen to live and judge other people'.[74] Thus, Searle finds the distinction between descriptive and evaluative statement in the following ways:

(a) Descriptive statement has cognitive values; whereas evaluative statement lacks cognitive values.

(b) Descriptive statement can be ascertained in terms of truth and falsity; whereas evaluative statement cannot be ascertained in terms of truth and falsity.

(c) The standard of a descriptive statement is judged by means of truth and falsity; whereas the standard of an evaluative statement is judged by means of moral assessment.

(d) The value of a descriptive statement does not rest on the valuer, whereas the value of an evaluative statement is determined on the basis of the action of the moral agent.

All these underlying assumptions so far analyzed and examined have impelled us to make a clear cut inlet between descriptive and evaluative statements. It seems clear to us that the job a descriptive statement performs is completely different from the job an evaluative statement

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[74] Ibid. p.129

performs. Their nature is completely different. In the language there are many types of sentences. However, only assertive sentences with some modification fall under the category of descriptive statement. Statements of fact or factual statements are descriptive in nature. Emotive statements, prescriptive statements, imperative statements and statements associated with value ridden terms are called evaluative statements. As the cognitive values of descriptive statements are objectively determined, descriptive statements, according to Searle are objective in nature. On the contrary, evaluative statements are subjective in nature. They are subjective in the sense that they can be evaluated in terms of situations. If the situations under which an evaluative judgment is evaluated are different, the judgment would be different. In this sense evaluative judgments are subjective in nature.

On the basis of the above observation, we can say, after Searle, that the job of descriptive statement is different from the job of evaluative statement. Unlike a descriptive statement an evaluative statement expresses the speaker's emotions, attitudes. Thus, the job of an evaluative statement is to praise or condemn, to laud or insult, to command, to recommend, to advice and so forth. Thus, there is no point of ignoring the bay between descriptive and evaluative statement. Metaphorically, it can be said that the value that we are talking of in evaluative statement is a kind of value which cannot lie in the world, because if they lie in the world of facts they would cease to be values and would just be another part of the world. One cannot define an evaluative word in terms of descriptive words. The problem is that if one defines then one would no longer be able to use the evaluative word to commend, but only to describe. Thus, there remains a strong

conviction as it is usually to be case that it would be a waste of time in attempting to derive an 'ought statement' from an 'is' statement. Even if it does then there would remain some obscurity either in 'ought' or in 'is'. In such a case the 'ought' or the 'is' or both would be disguised. Searle says, "...even if it succeeded would be that the 'is' was not a real 'is' but only a disguised 'ought', alternatively, that the 'ought' was not a real 'ought' but only a disguised 'is'."[75]

The problem with traditional empirical view

Even though Searle thinks that the traditional empirical view deserves worthy of philosophical consideration and it has a point to guard against the logical derivation of 'ought' from 'is', but it has been very brief. According to Searle, the traditional empirical view is wrong as it eventually fails to give us any *coherent account* of such notions as commitment, responsibility and obligation. The traditional empirical view in fact fails to account for the different types of 'descriptive' statements .According to Searle those who adhere to the view that it would be impossible to derive an evaluative statement from a descriptive statement would conceive descriptive statement in the *brute sense* of the term. For them the so-called descriptive statements are those which are associated with empirical matters of facts. Statements which are mere empirical or relating to brute facts are called non-institutional form of descriptive statements. Searle agrees that if the descriptive statements are non-institutional, then there definitely remains an unbridgeable gulf between descriptive and evaluative statements. In such a case there is no possibility of having or deriving an evaluative

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[75] Ibid. p.130.

statement from a descriptive statement. However, Searle notices another kind of descriptive statement what he calls *institutional fact*.

Let us explain the distinction between these two kinds of facts, such as, *institutional fact* and *non-institutional fact* with example. According to Searle, the statements 'My car goes eight miles an hour', 'Jones is six feet tall' are non-institutional. They are non-institutional in the sense that they describe mere or brute facts, i.e. facts having no institutional requisite. However, statements like 'Jones got married', 'Smith made a promise' etc are institutional descriptive statements, because here whether or not someone got married, made a promise etc. is as much a matter of objective fact. Thus, the fact that is associated with an institutional descriptive statement is objective and the fact that is associated with a non-institutional descriptive statement is not objective. According to Searle, it would be quite reasonable to claim that a man gets married or makes a promise only within the institutions of marriage and promising. Without an institution, all he does, Searle opines, is utter words or make gestures. Thus, Searle has characterized such facts as institutionalized facts, and then makes contrast them with brute facts or non-institutional facts. Searle then claims that the traditional empirical theory or the classical picture actually fails to account for the difference between statements of brute fact and statements of institutional fact.

What does Searle mean by the term institution? What sort of institutions facts are these? In responding to these questions, Searle goes on to distinguish between two different kinds of rules or conventions, namely, **regulative rules** and **constitutive rules.** To make the distinction between regulative and constitutive rules, Searle says,

"Regulative rules regulative activities whose existence is independent of the rules; constitutive rules constitute (and also regulate) forms of activity whose existence is logically dependent on the rules."[76] Let us make this distinction clear with the help of example. For example the rules of polite table behaviour regulate eating, but eating exists independently of these rules. In this sense, it can be said, after Searle, that regulative rules are those kinds of rules which regulate antecedently existing forms of behaviour. On the other hand, there are some rules which do not merely regulate but create or define new forms of behaviour. For example, the rules of chess do not merely regulate an antecedently existing activity called playing chess; they also create the possibility of or define that activity. Thus, the activity of playing chess is constituted by action in accordance with these rules. The game of chess has no independent existence apart from the rules of chess. Like the chess, any other games are rule following and the rules of a particular game actually constitute the games.

Now the distinction between *regulative* and *constitutive* rules is made clear. Constitute rules actually constitute the game. Thus, constitutive rules are primary and regulative rules are secondary. Or alternatively, it can be said that constitutive rules are defining rules; regulative rules are so to speak accompanying rules. When Searle is talking about institutional facts, his understanding of institution is about the systems of constitutive rules. For example, the institutions of marriage, money and promising are like the institutions of chess in that they are systems of such constitutive rules or conventions. Thus, according to Searle institutional facts are those kinds of facts which have taken for granted

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[76] Ibid. p.132.

such institutions. Searle further contends that as soon as we are in a position to be familiar with the existence of such facts and also be in a position to take hold of the nature of such institutional facts, we as a follow up step further notice that many forms of obligations, commitments, rights, and responsibilities are similarly institutionalized. According to Searle, it is often a matter of fact that one has certain obligations, commitments, rights and responsibilities, but it is a matter of institutional fact. We have to examine two things here. Why according to Searle the term 'obligation' is fact and why is it institutional? When somebody says that he has obligations towards his parents, what does he actually mean? Under what conditions are we in position to say that he has fulfilled his obligations? We can say that the term 'obligation' is relevant only in the context of an institution or a society or a community or in *a form of life* and more importantly there underlies a conceiving point of measurement through which one can say that he has fulfilled his obligation. Thus, when Searle inclines to say that an 'ought' is deduced from an 'is', he conceives an 'is' not in terms of non-institutional fact or brute fact, rather he understands an 'is' in terms of institutional fact – a fact at par with constitutive rules. Searle says, "It is one such institutionalized form of obligation, promising which I invoked above to derive an 'ought' from an 'is'."[77] What Searle has proposed here is that he has started with a brute fact and then invoked the institution in such a way so that he can create institutional facts. He eventually arrives at the institutional fact. The whole proof he has presented before us actually hinges on an appeal to the constitutive rules that to make a promise is to undertake an obligation.

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[77] Ibid. p. 131.

The ingenuity of Searle is that he has made a successful attempt of deriving an ought-statement from an is-statement by making a careful distinction between institutional fact and other than institutional fact. We think that Searle's view can be judged and defended to some extent with regard to the very concept of speech-act theory or the theory of language-act that has been developed by Austin and many others. There is no point of departure that Searle was an ardent follower of Austin as far as the development of speech act theory is concerned. Within the form of life or conventions or social customs there we notice an infinite series of speech-acts performed in many different ways. In the course of interpersonal communication between the members of the community, language has been used as a tool, an instrument, incorporating human feeling, sentiment and what not. In this sense, language should be counted as the threads of communication and in this process of communication one sentence can be transformed into another sentence. However, from this it does not follow that everything can be expressed in terms of everything else. If it were to be the case, then there would not be different forms of sentences. In fact factual sentences or statements of facts have a different cognitive status which is unlikely common in other statements. Truth and falsity are the marks of descriptive statements and evaluative statement cannot have such property. This was the main point of departure between descriptive and evaluative statement. Searle was careful while deriving an evaluative statement from a descriptive statement. He does not think that any form of evaluative statement can be logically deduced from any form of descriptive statement. In this sense his enterprise of deriving an evaluative statement from a descriptive statement is conditional or

partial in nature. However, the important point is that if Searle's view holds then the general perception that has been addressed by the classical view that' no set of evaluative statement can be logically deduced from any set of descriptive statement' can be ruled out.

On the basis of the above consideration, Searle then draws our attention to the question how does an evaluative statement such as, 'one ought to keep one's promise' would be tautologous if one would be in a position to conceive it in an institutionalized form of obligation? For example, 'one ought not to steal', can be taken as saying that to recognize something as someone else's property necessarily involves recognizing his right to dispose of it. According to Searle, this is a constitutive rule of the institution of private property. If one denies such promise, it eventually gets its paradox and its force by using terms which are internal to the institution in order to attack the institution. To deny such promise would lead us to anticipate the views, according to Proudhon, "Truth is a lie, marriage is infidelity, language is uncommunicative, law is a crime', and so on with every possible institution." [78] Thus, according to Searle, the evaluative statement 'one ought not to tell lies', can be taken as saying that to make an assertion necessarily involves commission an obligation to speak truthfully. Likewise, 'one ought to pay one's debts' can be construed as saying that to recognize something as a debt is necessarily to recognize an obligation to pay it. Thus, according to Searle there underlies necessarily moral commitment to evaluative statement which eventually makes such statements as institutional form of factual statements. In such a case, there is no point

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[78] Ibid. p.132.

of ruling out the view that some evaluative statements can be logically deduced from descriptive statements.

Considering all these things put into perspectives, Searle then makes a tentative conclusion in the following ways:

(i) The classical picture fails to account for institutional facts,

(ii) Institutional facts exist within systems of constitutive rules.

(iii) Some systems of constitutive rules involve obligations, commitments and responsibilities.

(iv) Within those systems we can derive 'ought' from 'is' on the model of the first derivation.

Now we are in a position to assess Searle's position of deriving an 'ought-statement' from an 'is-statement'. Unlike the classical interpretation, Searle makes a subtle distinction between *institutional facts* and *brute facts*. He then states that in case of brute facts, there is no point of deducing an ought- statement from an is-statement. In this sense, Searle shares the same view with the classical interpretation. However, Searle radically differs from the classical interpretation in the sense that unlike the classical interpretation, Searle not only finds the concept of institutional fact, but at the same time he shows that in case of institutional fact, an ought-statement can be deduced from an is-statement. In this sense, Searle denies the general classical statement that no set of ought- statement can be logically deduced from any set of is - statement.

One can however begin to raise a question by saying that how does a promise commit me to view about what he ought to do? A plausible answer would perhaps be like this: to state such an institutional fact is already to invoke the constitutive rules of the institution. In fact, it

is those rules that give the word *promise* its meaning. Searle claims that the word *promise* has two senses of implication, namely, it is an evaluative word and it would also be purely descriptive. Classical thinkers have considered the word *promise* as purely evaluative word. For them the word *promise* does not have descriptive implication. However, as we have noticed above that Searle thinks the other way round. Our assessment regarding Searle is that he is not a blind thinker while deriving an ought-statement from an is-statement. He is very careful regarding the distinction between an ought-statement and an is-statement. In this regard, he distinctively has cited two important distinctions between an ought-statement and an is-statement. In the first place it can be said that they belong to different speech-acts, one family of speech acts including evaluations and another family of speech acts including descriptions. In this regard, it can be said that they are distinct as they have different *illocutionary force*. Secondly, the statements of facts are objectively determined as true or false, but evaluative statements are not objectively determined as either true or false. Such statements are matter of *personal decision* or *matters of opinion*. Accordingly, it can be said that the first form of diction is a special case of the latter *and* what is more important to note here is that if something has the illocutionary force of an evaluation, it cannot be entailed by factual premises.

However, Searle, as we have seen, has established that the above mentioned contention is false. For him factual premises can entail evaluative conclusions. Searle then claims that if he is right in his assertion, then the alleged distinction between descriptive and

evaluative utterances holds good only in the case that both kinds of statements have different illocutionary force. However, Searle's anxiety here is that if such standpoint is taken into account then 'they are only two among hundreds kinds of illocutionary force'. But this would not tenable.

Critical observations

There is no question of doubt that Searle has given an important insight of how one can deduce an ought-statement from an is-statement- an attempt which has been nullified or boiled-down by most of the classical and traditional thinkers. There is no question of doubt that Searle has attempted to bridge the gap between descriptive and evaluative statements. Searle in this process actually overlooks the *naturalistic fallacy* as advocated by Moore. According to Searle naturalistic fallacy is no longer a fallacy and in this regard he has given many signs of thinking of his aspirations in Austinian terms. However, his theory is no longer free from bagging questions. Anthony Flew in his article "On not deriving 'ought' from 'is'" criticizes Searle on many accounts. According to Flew, Searle's interpretation of naturalistic fallacy does not match up with the characterization of the naturalistic fallacy as developed by the classical thinkers. Secondly, Searle has never cited, nor even quoted any precise references to any statements by the philosophers with whom he wishes to disagree. What he wishes to say is that 'no set of descriptive statements can entail an evaluative statement without the addition of at least one evaluative premise' and to believe otherwise is to commit naturalistic fallacy.

Moreover, moral obligation is based on moral decision and moral decision is no longer a fact. Making of a decision is a fact, the adoption of a standard is a fact, but the norm which has been adopted is not a fact. In fact, most people agree with the norm "Thou shalt not steal "is a sociological fact, but the norm "Thou shalt not steal" is not *a fact* and in fact it can never be inferred from sentences describing facts. It is impossible to derive a sentence stating a norm or a decision from a sentence stating a fact. This is only another way of saying that it is impossible to derive norms or decisions from facts. For Flew, it involves the idea of the *Naturalistic fallacy* on which the clash of world-outlooks and personal commitments actually hinges on. It governs the notion that 'we are free to form our own moral opinions in a much stronger sense than we are free to form our own moral opinions as to what the facts are'. Following Popper, Flew criticizes Searle on the point that the classical thinkers fail to understand the distinction between different kinds of facts. Popper, at least, suggests that the fundamental discrimination in terms of which the *Naturalistic Fallacy* is being characterized is not a clear cut feature of all actual discourse. In fact, it is not something, Popper opines, which one cannot fail to observe everywhere as already there and given, if once one has learnt what to look for. There is rather a differentiation which has to be made and insisted upon and the distinction is one the development of which may go again the grain of the set of habits and powerful inclinations. Searle inclines to say that a misguided spokesman is committed to the *is-ought dichotomy* which the alert natural historian of utterances could not fail to notice. However, if we carefully examine Popper's position, we find

that there is nothing at all to suggest any commitment to the erroneous ideas as Searle desires to state. Unlike Searle, Popper inclines to say that there remains nothing ambiguous between statements of fact and statement of value. According to Popper every actual utterance is either purely a statement of fact or purely normative. According to Flew, what Popper emphasizes is "the epoch-making importance of the development of this sort of distinction, the great need to insist upon it, and the difficulty of appreciating fully what it does and what it does not imply." [79] Searle here perhaps is misled by Hume's mockery even though Searle himself disclaims concern 'with Hume's treatment of the problem'.

According to Flew, Searle works with the example of promising where the proof unfolds the connection between the utterance of certain words and the speech act of promising. He then in turn opens up promising into obligation and eventually moves from obligation to 'ought'. He has started with a purely descriptive premise such as 'Jones uttered the words "I hereby promise to pay you, Smith, five dollars." He then proceeds by a series of deductive moves to the purely normative conclusion 'Jones ought to pay Smith five dollars'. Flew's anxiety is that Searle here does not give due attention while deriving an evaluative conclusion from a series of descriptive statements. For Flew considerable elaboration is necessary in the attempt to deal with the impediments arising from is-ought dichotomy because the utterances of such words will not always rate as a making of the promise and the prima facie obligation to keep a promise can be nullified or overridden. Searle

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[79] Flwe, Anthony. "On not deriving 'ought' from 'is'" included in *The Is-Ought Questions* edited by W. D. Hudson, op cit. p.138.

has to distinguish normative and descriptive elements in the meaning of words like *promise*. According to Flew whatever the meaning Searle adopts, it would still not be possible to deduce the normative from the descriptive part of the combination. Flew in this regard comments: "The best place to insert the wedge in Searle's argument seems to be where he maintains: 'one thing is clear; however loose the boundaries may be, and however difficulty it may be to decide marginal cases, the conditions under which a man who utters "I hereby promise" can correctly be said to have made a promise are straightforwardly empirical conditions."[80] For Flew the weakness becomes obtrusive if we summon for comparison some obnoxious contentions of the same form. There are some terms such as nigger, few-boy, colonialist etc. when employed in certain circles do carry both normative and descriptive meanings. Accordingly, in Searle's assessment it would presumably be the case that the descriptive element of that meaning can correctly be said to apply whenever the appropriate 'straight-forwardly empirical conditions' are satisfied. According to Flew 'the oddity of this non-committal price of pure description would lie simply in the perversity of suggesting a policy of non-involvement in an institution which is surely essential to any tolerate human social life.'[81]

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[80] Ibid. p.139.
[81] Ibid. p.139.