



Moral Judgments as Speech Acts: A Re-Evaluation

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Introduction

Elsewhere I tried to show that Nietzsche has a Human solution to “Is vs. Ought” problem [1]. His notion of causality as free will is Human causality, viz., habit; his picture of the mind is epiphenomenal, with clear Human traces as he rejected noumenal self and “I” as a given; he takes “Is” to be type-facts, facts about what character one is, and “Ought” to be the second-nature of human beings as build upon the type-facts. And the communal feeling of a natural being, viz. feeling of responsibility given the causality of free will, links “Is” with “Ought” just as Mounce claimed Hume meant them to do. At this point, it seems to be the case that Nietzsche is of the firm conviction that the problem can be traced back to a specific feeling of the moral subject, viz. the feeling that s/he is the cause of his/her own actions. Moral subjects achieve the causality in the second sense of the term Hume uses via socialization and they become moral subjects along the way. And the bridge between the I-sentences and the O-sentences are the inter-subjective constraints that train them into the moral feeling of responsibility. Indeed, this is the familiar process of moral education, punishment and reward. As for causality, Nietzsche believes that “[w]e has combined our feeling of will, our feeling of ‘freedom,’ our feeling of responsibility and our intention to perform an act, into the concept cause’...” [2]. It is just an explanatory schema human beings project on the chaos of events to satisfy their need for an answer, facing the unfamiliar and the unknown. The origin of the concept can be traced back to our belief that we cause things, that we have free will. Freedom as *causa sui*, however, is the power of things-in-themselves which, Nietzsche avers, are not nonexistent. It is not a metaphysically necessary relation, but a feeling that human beings are free in their actions.

Accordingly, the problem Nietzsche and Hume deals with can be seen as a question pertaining to account of free actions prescribed by the O-sentences, rather than the shift between the copula “is” and the modal operator “ought,” under the light of the belief that some facts, connected by causal links in the I-sentences, must justify free actions prescribed by the O-sentences. “Ought” as a performative, is to express *causa sui*, freedom in moral action, but when the expression of moral action prescribed by an O-sentence must express the moral freedom, the expression of the action is

free from “Is” as well. Since, if utterance of the O-sentences can be seen as a moral action, it is a free action too. Hence the problem of “Is vs. Ought.” Nietzsche seems to provide the answer in the I-sentences that express the type-facts, i.e., facts about the natural needs of diverse human beings. In the next part, I will elaborate on this suggestion.

The Rules of “Ought”

Hume, in the mainstream reading of the infamous passage in Treatise [3], seems to express his disavowal of any metaphysically necessary link between the two, i.e., the moral and the factual, sets of judgments. I tried to show that Nietzsche follows his footsteps too. Their analysis in fact remains worth of studying, since any argument that assumes a necessary relation between the I-sentences and the O-sentences must find a solution to the problem of freedom. The relation of causality may be replaced by some other relation assumed to be metaphysically necessary but if moral actions expressed by the O-sentences are subject to the necessity among the facts expressed by the I-sentences, the problem would persist. The unperceivable shift between the two set of judgments, therefore, cannot be accounted by the metaphysically necessary relations between the facts, since the actions then would lose the crucial character which renders them moral. Since their time, however, philosophers have come up with other alternative accounts of the O-sentences. More crucially, they offered some brand-new ways of conceiving the relation between the judgments and the facts, such as speech-acts who not only describe but also constitute actions.

“As Austin notes, what we have to study is not the sentence, but the issuing of an utterance in a speech situation. Our question is not, what does the sentence mean? but What happens? What does the speaker mean? or perhaps, how is the world altered by the occurrence of this utterance?” [4]. The world alters when somebody utters an O-sentence, since chances are there that one’s interlocutor may act as prescribed by the O-sentence. The O-sentence can then be taken as analogous to a command, then. “More frequently the point of an utterance is to evoke some particular action as a response ... When someone obeys a command, his action, of course,

is a response to the command, not something caused by it." That is to say, one appeals to the feeling of *causa sui* in uttering an O-sentence, since one believes that one's interlocutor has freedom and control over his actions to change the course of the events as prescribed by it. Given that "[t]here must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances" [5], the use of the O-sentences must have such a conventional procedure as well. Supposing that utterance of an O-sentence is an "act of uttering a sentence which is a performative to perform an act (e.g. to give an order, or make a promise)" (Holdcroft, 1974, p. 3) the factual preconditions of uttering an O-sentence adumbrate the correct inferential procedure of a moral argument: like in "Jones ought to pay back, because he promised to do so." In this vein, "the way in which in entailment one proposition entails another is not unlike the way in which "I promise" entails "I ought": it is not the same, but it is parallel [6]."

It is parallel, since at the most basic level, there are factual preconditions of uttering any sentence, whether it is performative or not. If those preconditions are not satisfied, then the sentence is not functional and the speech-act unhappy. Since the O-sentences as performatives have a function, i.e., to indicate that the interlocutor has control over his/her actions, the preconditions for the fulfillment of the function may solve the way out of the "Is vs. Ought" problem. I shall not go into the question if those are the truth-conditions of the sentences, and the question about their truth values is irrelevant in this context since in the sense I take them to be as injunctions, they do not have truth values: "A moral judgment of and centrally serves as a kind of injunction, spoken aloud or in one's heart, to others or to oneself, to behave or not to behave in a certain way. As such, it has no truth value..." [7]. When they take on other functions, i.e., not taken as injunctions, they may or may not have truth values, but I shall not broach it in this discussion. Nietzsche tried to show how "Ought" to enter into our language in a quite complex history of a natural being. It was introduced, he speculated, to satisfy the socio-political needs in language games of responsibility, or more precisely to render a natural being moral. Thus "Ought" to be not only used to express the moral behavior of a life form, but it also constitutes the rules of moral behaviour, and it is the moral action par excellence. In my reading, the socio-political institutions induced the belief in the causality of free will, building a language game, and then playing on the specific needs of them by punishment (inducing pain) and reward (inducing pleasure). The issue is that "Ought" to find its preconditions for its function –to make interlocutors responsible from their actions–in the socio-political context of natural needs. That is the context that provides the constitutive rules of "Ought" as a speech-act which expresses a new form of behaviour, viz. moral behaviour. Searle [7] defines the notion of "constitutive rules" as describing new possibilities of behaviour. A critique of Searle, Ransdell [8] he claims Searle's definition does not consider the instances where one is not committed to the type of the behaviour. However, as I argued below, there is no exit-option in the moral language game. In the next part, I will put the conclusions I derived from the reading of Hume and Nietzsche into modern terms and explain further.

"Ought" Based on Constitutive Rules

To present some of the schemas and insights unavailable at the time of Nietzsche and Hume, I will present a review of the literature on the passage by Hume that formulated the problem for the first time. Dismissing some of the proposed accounts of the link in terms of "normal psychical function," [9], of "reductive definition of some moral term" [10], and many others, I shall focus on only some, such as that of Hanaford [11], of MacIntyre [12], and of Searle [13], and the reason why is because those authors, engaging fruitful debates and laying original analyses of the question, seem to be the best representatives of the views they hold. Hanaford [11], adopts the perspective of "human behavior and needs" as the standpoint from which the "imperceptible" connection between I-sentences and O-sentences can be perceived as generating norms for endorsement of the conditions for free. Practices of a community. It is a vain move on the side of philosophers such as Kant, to disparage hypothetical judgments, he implies, for possibility conditions of moral discourse are the necessary conditions for free action: that is to say, once the value of free action is taken for granted, the moral judgments to the effect that one ought to respect them set off automatically, and other moral judgments are derivable from those. In other words, "[f]rom the knowledge of what is necessary to human action in general we can derive judgments of what we ought to do if we are to continue to engage in that action". Such conditions, he further claims, are regulative functions of what it means to be a free member of a community of persons and yield, recursively on this quasi-axiomatic basis, particular O-sentences in particular situations that can be descriptively grasped by I-sentences.

As for the obvious objection that what Hanaford suggests is not a logical derivation in the strict sense of the term, he dismisses it on the ground that as "a normal and natural kind of derivation", it does its job without having recourse to formal intricacies and being neutral against them. His implicit assumption that human beings, capable of moral action and consistent thought, can arrive at moral judgments by other means than strictly logical operations, given the conceptual relation between "Ought" as a prerequisite of moral action and the social-communal context of the action. Only and all moral agents capable of action can raise the question of what ought to be done, thus he claims, and only in the context of preceding moral dispute can agents make moral sense of an action, for, as in a Kantian understanding, the shift between the two sets of sentences are made possible by the universalized conditions of action in the community of free equals.

However, two objections could be raised at this point:

a) What philosophers have been pursuing for ages does not seem to be the Hanaford's "natural derivation" of O-sentences via hypothetical judgment: Indeed, most would argue against him that judgments of this type, ones that establishes the means to do X given that one wills X, presupposes the value of moral action in a community. Hypothetical judgments may take off once it is presupposed that human beings value taking part in the socio-moral game but does not account for why they ought to take part. Indeed, that seems to be what is called "technical," rather than purely moral, sense of 'Ought' that enables the natural derivation [14].

b) It is quite ambiguous to re-frame the question in terms of conditions of moral action that would emerge in communal debate, without having settled first the conditions of idealized moral debate: indeed, this may prove the foundationalist approach to the question as regressive, as some still other moral premises may be needed to do so, yet the I-sentences as they enter into Hanaford's theoretical picture, provide no defensive strategy against it.

The vices aside, Hanaford's analysis has virtues:

a) The derivation of O-sentences from I-sentences, he thus avers, may be achieved by extra-logical, yet semantical, operations on contextual, rather than sentential, level. Therefore, most of the philosophers perhaps looked for a strictly necessary relation on the propositional level in vain since Hume and Nietzsche.

b) Therefore, the objection (i) may indeed lose its force, provided that there is no exit-option in moral game: one may simply remind the famous remark of Aristotle and insist that one who is not in the game would be either a beast, or a god. Is it a water-proof argument? Hardly so, for one may believe that free conditions of actions are not realized in actual games of actual communities and cannot be reached by moral debate of the agents, but to be sure, burden of the proof lies not with the defender.

Interpreted as such, the riddle of Hume and Nietzsche has no formal solution, but like the renowned Gordian knot, it can be cut loose by recourse to the preconditions of free action which is the basis of moral causality and responsibility as the function of "Ought" implies. But as for the exact character of those conditions that render human agents capable of moral action and responsibility, Hanaford is silent, but MacIntyre [12] is not: such an approach to moral judgments discover, or ought to discover, as its focal point, he takes Hume to suggest, "a foundation in human needs, interests, desires, and happiness". Hudson [15], in criticizing MacIntyre's exegesis of the passage by Hume, claims: "it is undoubtedly the case that moral judgments are made in situations where we want, need, etc., and Hume is aware of this ; but it does not follow that he was, or thought he was, deducing ought from is. To say that a game is played in certain circumstances is not to say that the circumstances are part of the game." But it seems obvious that rules are responses to the circumstances of a life form, a natural form of life that is subject to the constraints of the circumstances in moral action.

Austin's [5] introduction of "performatives" is the following:

a) They do not 'describe' or 'report' or constare anything at all, are not 'true or false'; and

b) The uttering of the sentence is, or is a part of, the doing of an action, which again would not normally be described as saying something.

Searle [13], following him, elaborates upon the rules of the performatives. He takes the so-called pejorative sense of 'Ought' as tautological with that of 'obligation' under the institutional facts therein, and therefore establishing a connection between the I-sentences and the O-sentences as the sup-species of the former. Therefore, he claims, if one acceded to play in the game of "obligation," one has to play by the rules of the game, which is constitutive of it. In other words, a moral game like "obligation"

is none other than its rules that constitutes it, i.e., institutional/ constitutional facts. Some believed all of this is irreparably wrong, as "Searle's confusion, then, arises from his having conflated a question of entailment with a question of entitlement," in the sense that the obdurate gap retains between the I-sentences and the O-sentences. Indeed, the objection would have a point to the effect that the institutional facts would always be divorced from the facts simpliciter, had the divorce could be rendered intelligible without recourse to the institutional facts of other speech-acts. "I suppose this amount to saying that judging, acknowledging, classifying someone else's act as an 'institutional act' comprise themselves a distinct group of institutional acts [16]." Yet individuation of such facts must again resort to other language games or presume the preconditions of free action in order to account for the moral character of the action at stake-freedom. And the preconditions of free action for a form of life, viz., human form of life are quite well-established in terms of needs and interests. "That is not agreement in opinions but in form of life [17]."

"Is" in "Ought"

As I attempted to show above, Hanaford following the Kantian tradition finds the solution to the problem in preconditions of free action human beings feel that they are capable of. MacIntyre elaborated and specified these conditions as needs, interests, desires and happiness as facts to be expressed by I-sentences. On the other hand, Austin and Searle held the mirror to the judgment side of the problem and gave some hints that moral judgments as expressed by O-sentences can be seen as speech-acts. That is to say, the O-sentences not only express those facts, but building upon them as the ineluctable preconditions of what they aim at, viz., free action, they constitute the moral facts. In fact, that is what my Human reading of Nietzsche implied as well. Conditions of free action, to be sure, relates to free will and causality of will as an inexplicable feeling that enters into the moral picture. If morality be intelligible and moral actions be possible after all, one may presume freedom of action in metaphysical terms as a necessary relation, too. Yet that is not to say that freedom will is to be taken as a tangible and observable causal relation that makes itself manifest in the action as Hume and Nietzsche put it. And if that relation is not possibly observable, it cannot be expressed by the I-sentences. If it cannot be expressed by them, then the formal gap between them and the O-sentences opens up. At this point, following Searle, I argue that the O-sentences comprise a sub-set of speech-acts. They do not only express moral facts, but also constitute them as moral. I believe Hume's second definition of causality must come into the picture to account for freedom of action that enables the use of speech-acts as capable of articulating moral facts. Human beings feel that they are the cause of their actions. Indeed, as compatibilists argue, causality of free will and physical causality may be co-operating on human actions, though the former is not demonstrable by any means, since it is not observable, ostensible and determinable. In fact, to put it brashly, it makes no difference to the argument from free will at all that causa sui is indemonstrable. The gist of the matter is that unless one is willing to give up the whole edifice of morality and related institutions, which is Nietzsche's point and aim, one is compelled to presume causality in the second sense.

Moreover, given the naturalistic fallacy, one cannot demonstrate moral properties and actions by the I-sentences. Thus, human beings need a second set of judgments, viz., the O-sentences, to express them. But then the problem is that, given that causality of will is indemonstrable as well, the odds are against the attempts to establish the necessary semantic connection between the I-sentences and the O-sentences, as the rules of the speech-game are centered on freedom, i.e., freedom from the factual constraints. It is in fact not a paradoxical situation where one is supposed to establish the necessity imposed by factual restraints when the game is designed to illustrate that one can get rid of them in free action. That a necessary connection is indemonstrable does not boil down to the conclusion that there is no such connection. The semantic necessity in question seems to be established by fixing the referent of the moral terms, though we may not demonstrate their semantic content. The notion of "fixing the referent" goes back to Kripke [18], who distinguished between the two functions of Sinn, viz. that of determining the semantic content and that of determining the referent. People in the past referred to the same natural object as we do to as a piece of gold but did not know the factual restrictions on the speech-act at stake before they discovered physical properties of the element described by the semantic content of the term "gold." Even then the necessary relation between the factual restrictions and the speech-act did hold. Analogously, we may never point to the necessary relation between the semantic content of the moral terms and operators and that of amoral ones, but that is no reason to deny that there may be necessary relations between the moral speech-acts and the amoral facts [19-25].

To conclude, my reading of Nietzsche via Hume put in sharp relief three points: the subjective feeling of human causality gives a sense of the necessary connection between the O-sentences and I-sentences. Human beings feel, after a long history of moral education, that they are the cause of their own actions and they act, on the beliefs expressed by the I-sentences and as prescribed by the O-sentences [26-32]. It is necessary for them to assume causality of will as natural and social beings in order to satisfy their needs, pursue their interests, and aim at happiness in the context of socio-political institutions. That in turn assumes they can cause the facts to change accordingly if these preconditions of free action are satisfied. The I-sentences in a moral argument thus can be seen as expressing the facts about their interest, needs, and happiness as the preconditions of free action [33-42]. However, causality of free will also implies freedom from factual constraints, whether in causal relations, or in any other metaphysically necessary relation, and that is why constitution of a distinct speech-act in the form of the O-sentences is inevitable, since the action of uttering an O-sentence is a moral one too [43-55]. Given that causality of free will is not demonstrable on the factual level, the factual speech-acts, i.e., the I-sentences cannot convey the autonomy presumed in moral actions. The O-sentences on the other hand, given the shift of the logical operator from the copula "is" to "ought," give a sense that moral action is divorced from the factual constraints. However, all that they demonstrate is the feeling that human beings cause their own actions. It is not a formal epistemological ground from which the O-sentences can be derived from the I-sentences. Yet,

they act on the belief that they ought to cause the action prescribed by an O-sentence when it contributes to their interest, needs, and happiness [56-60].

Thus, in the feeling of *causa sui*, there is no gap to be bridged. It seems obvious that there are only amoral facts to form beliefs and act upon. The shift from the I-sentences to the O-sentences, however, is based on a selective interpretation of some facts. Minimally, those facts must, in principle, relate to the rules of the moral speech-act, viz., necessary conditions of free action. Once expressed by a moral speech-act, those facts are constituted as moral. Thus, the feeling of *causa sui*, which divorces the O-sentences from the I-sentences, re-connects them since some of the I-sentences express the factual preconditions of this feeling. It seems obvious that human beings must satisfy some of their needs and pursue their interests to enjoy freedom of action. Therefore, the I-sentences that express those needs and interests which are the prerequisites of enjoyment of freedom of action can be seen as expressing the facts which are evaluative in themselves. Some of the facts Nietzsche calls type-facts seem to be promising in this context. The facts relating to biological-physiological and psychological needs are no doubt cut out for the job of the inferential shift between the I-sentences and the O-sentences as such needs must be met so freedom of action must be enjoyed. To clarify the conclusion, the rules of the moral speech-act in the O-sentences serve to express the feeling of causality in the second sense of the term Hume uses. Moral action must be caused freely, and the feeling of moral freedom finds its expression in the modal shift from "Is" to "Ought." As it is the case, some of the I-sentences express the preconditions of the enjoyment of freedom in the action prescribed by an O-sentence, and as such, they can be used to close the gap opened up by the feeling of moral freedom. Even if free will is not indemonstrable, then, provided that free will is to be possible at all, if morality is to be possible at all, one should be able to demonstrate what makes its factual enjoyment possible. All human beings need food, sleep, shelter, recognition, education, social interaction and context, among many other things, so they can enjoy their moral freedom implied in the moral speech-act [61,62]. The previous sentence above can be taken as an instance of the conjunction of the basic I-sentences that makes use of the O-sentences possible. That is to say, in order for the gap to be possible, in order for the problem of "Is vs. Ought" to be intelligible, the factual preconditions and implications of the problem must be possible and finally in order to close up the gap and solve the problem, one should inquire into what makes its expression possible. Moral freedom expressed on the linguistic level, thus, must be traced back to the preconditions of its enjoyment on the factual level [63,64]. Further study is required to dig deeper into the litany of the basic needs and preconditions that would make freedom of action possible. I believe it would be wise to pursue the naturalist strand of thought in Hume and Nietzsche to pursue the question at stake [65].

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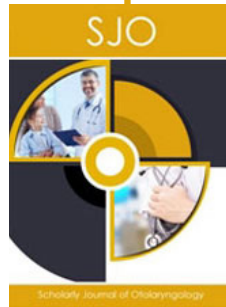
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