

# YOU CANNOT DERIVE “OUGHT” FROM “IS”

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In his recent discussion, Robert V. Hannaford argues that we ought to derive “ought” from “is.”<sup>1</sup> In this response I shall argue that whether we ought to or not, we do not and can not derive “ought” from “is” and that in the procedure used by Hannaford he does not derive “ought” from “is” but does muddy the water concerning what is involved in generating moral rules.

Hannaford expresses his argument in several ways. He says that:

If “ought” typically implies “can,” “can be” and “must be” often lead normally and naturally to “ought.” Arguments which proceed from empirical accounts of human behavior and needs may be the most cogent and persuasive arguments which can be used for reaching moral and political agreement. I want to maintain that arguments based on empirically confirmed assertions about the conditions of human action can provide a common and objective basis for a commitment to uphold moral and political rights. [P. 155]

If we can establish that some conditions are necessary to any subsequent action, we can give good (hypothetically stated) reasons for wanting to preserve those conditions. In defining conditions which must be preserved for any subsequent action, we will thereby have formulated norms or principles to direct all subsequent action: and thus we, by this reasoning, would have reason to commit ourselves to upholding that norm on future occasions. From 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. [P. 156]

The pattern for extending such arguments is: If you want *a* (any human activity) then you ought to preserve *b* (the conditions or relationships shown to be essential to *a*). If you want to preserve *b*, then you ought to preserve *c* (the conditions essential to *b*), and so on. [P. 157]

If we can identify conditions that are necessary for subsequent human action, we will have identified conditions which everyone (who wants to engage in subsequent activity) *ought* to defend. [P. 162]

This reasoning is cogent and meaningful as far as it goes, but Hannaford is *not* thereby deriving an “ought” from an “is”: he is deriving an “ought” from an “ought,” like everyone else. He treats an “is” as a means to an end (what he calls the “conditions that are necessary for subsequent human action”), and his

1. Robert V. Hannaford, “You Ought to Derive ‘Ought’ from ‘Is,’” *Ethics* 82 (January 1972): 155–62. All page references in the text are to this article.

argument is that the "ought" is derived from the means taken as an "is" when in fact the "ought" depends upon (is derived from) the end, that is, the antecedent "ought," to which the means is instrumental and in terms of which the means is valued. The recommendatory force behind *b* (in his general formula) is a function not of *a* taken as an "is" but of the recommendatory force behind *a*, that is, *a* taken as an "ought." He is only saying that one ought to pursue the means to the chosen end to which the means is instrumental. He is not deriving the "ought" from the "is" statement of the means but from the antecedent "ought" on which the "is" (means) is itself predicated. An "ought" does not and can not come from an "is" alone; the "is" in Hannaford's procedure is itself based upon an "ought."

How far does Hannaford's reasoning, in fact, go? As he is aware, the range of extant human activities (say, in the status quo) is wide, heterogeneous, complex, and laden with conflicts, so that the problem of moral rules requires choice between alternatives. Similarly, there are heterogeneous and conflicting ends, so that again the problem of moral rules requires choice between alternatives. Clearly, we are more efficient if we choose the means to ends which are instrumentally most effective in pursuing or realizing those ends. The difficulty with Hannaford's procedure in this matter is that he neglects the fact that moral choice, including choice of moral rules, requires consideration of *all* consequences and *all* alternatives of a particular activity (or if not *all*, then *all relevant or feasible* alternatives). That one *can* do something does not mean that one *ought* to do something. One has to compare that something (as an end) with alternative ends and (as a means) with other means.

Hannaford, therefore, ignores, first, the problem of *who* is to determine *which* conditions are "necessary for community life" (p. 157) or for the realization of *which* subsequent human action. Different structures of decision making will yield very different definitions of the conditions "necessary" for life and action. Consumers and investors will typically differ as to the revenue "needs" of a public utility; and the social welfare function depends upon the structure of power, that is, of whose welfare is to count. Hannaford therefore ignores, second, both the constitutional problem of *who* is to make the rules and the practical problem of moral-rule making, namely, the problem of the distribution of costs and sacrifices and the distribution of opportunities and benefits. It is not enough to postulate that "we must defend and preserve the persons with whom we must act" (p. 156), for the primary problems of moral-rule making and application involve the determination of *who* is to make those rules and the *relations* between the acting persons. That there is widespread agreement about certain simple but precious essentials necessary (desirable, really) for human existence with dignity, and that Hitler, say, violated some or many of them, does not obviate the need to resolve either the more complex and immediate, even daily, problems of moral-rule making or the meaning of "dignity" in society, especially under conditions of inequality. Finally, Hannaford ignores the problem of trade-offs between moral rules, including the problem

of changing the application of the rules (the problems of sequence and specificity). He tells us that his procedure will give us norms to uphold on "future occasions" (p. 156), but what about other norms with which this norm is sure to come into conflict? This is the problem of conclusiveness to which I return below.

In addition, if the "ought" that flows from Hannaford's *can* is tied to *what is*, there is a built-in bias in favor of the status quo, a bias which enters, of course, in all positivist analysis which presumes the status quo as the object of knowledge and which casts luster upon it through providing an explanation of it just as the status quo casts luster upon the theory which explains it. Thus there is a tendency to comprehend "necessary" in terms of those conditions "that permit people to act in accord with some community practices" (p. 157), though, as Hannaford appears to recognize, that is *not necessarily* the case, however much the scale of imagination is weighted in favor of the status quo (p. 160).

Moral rules, generally speaking, derive out of experience and the contemplation of experience and ideals into which empirical data surely enter as one factor and in which process of value clarification, juxtaposition, and selection arguments, whatever their merit, may be as important as "hard" knowledge. At one point, all that Hannaford appears to argue is that "arguments which proceed from empirical accounts of human behavior and needs may be *the most cogent and persuasive arguments* which can be used for reaching moral and political agreement" (p. 155; emphasis added). That is certainly true insofar as we are talking about *arguments*. People may believe or act upon anything; what is often most important for analysis is not what people should believe (because it is right or true) but what they do believe and act upon. But that line of reasoning by Hannaford will not do to support his thesis that we ought to derive "ought" from "is": because Alpha convinces Beta that Beta should treat Alpha's means as an "ought" does not mean that Alpha (or the society of Alpha and Beta) has derived an "ought" from an "is." All that has been done is to operate on the implicit, antecedent "ought" on which Alpha's means (his "is") rests. The perceived cogency or persuasiveness of Alpha's means does not obviate the existence of that antecedent "ought." Similarly with Hannaford's notion of what often leads "normally and naturally to 'ought'" (p. 155): "normally and naturally" are so only because of an implicit acceptance of the antecedent "ought." The same consideration also applies to Hannaford's statement that proceeds from conditions to commitment: "In defining conditions which must be preserved for any subsequent action, we will thereby have formulated norms or principles to direct all subsequent action: and thus we, by this reasoning, would have reason to commit ourselves to upholding that norm on future occasions" (p. 156). Here, too, this is logically possible only on the basis of an antecedent "ought" and not on the conditions alone, whose mere iteration or identification carries no recommendatory force or moral suasion independent of that "ought."

Hannaford says, however, that his approach works only for general rules and not for specific actions:

The argument (being a support for general norms) does not, of itself, indicate what specific actions are to be undertaken in any given circumstances. Its conclusions will be relevant to such determinations in that the conclusion will justify those specific actions which uphold the general norms under the given circumstances and the conclusion will condemn those actions which fail to do so. . . . The situation and conditions in which we must act are continually changing so that we could never extend the argument for moral norms to the point where we could derive specific moral rules or instructions for action for each situation. [P. 158]

Perhaps Hannaford and I differ only over the matter of the conclusiveness of the results of his procedure and its importance. He qualifies his argument, as just seen, so that the "ought" is very general indeed. But such "oughts" are misleadingly unconvincing: an "ought" that is a "maybe" is hardly an "ought"—which gets us back to the problems which his procedures neglect concerning the derivation and application of, and trade-offs between, moral rules. But the basic difference is that his procedure does not and can not derive "ought" from "is." Whatever "ought" there results is, as he acknowledges, very limited; but it is not derived from an "is" alone.

Hannaford goes on to pose the question, "How does one choose between conflicting claims? While I do not propose this method of derivation as a method of resolving all ethical questions, I do think it reasonable to hope that such investigation will help us solve this one" (p. 158). If Hannaford is able to do this, then he will have accomplished a great feat and I will be the first to commemorate it. But it would be my guess that any "oughts" which he derives, any specific rules which he generates, and any conflict-resolving solutions he specifies, will each involve not the deriving of an "ought" from an "is" but from an antecedent "ought" which gives the "is" its status, that is, the end to which the means is valued as a means. The connection between "is" and "ought" is vastly more complicated than Hannaford's procedure recognizes, and it does *not* include the derivation of an "ought" from an "is" *alone*. We must pay attention to the "ought" implicit in the "is" with which we are working if we follow his procedure. It may turn out that the "ought" which we think we are deriving is only tautological with (or simply instrumental to) the "ought" on which the "is" itself is based. Any simple "is" proposition requires an additional moral premise in order for it to have recommendatory force, that is, in order for an "ought" to be derived. I am, of course, not saying that we ought not attend to the complexities of ends-means relations or that most if not all relevant statements are not admixtures of "facts" and "norms," that is, of elements of "is" and "ought." I am only saying that we cannot derive "ought" from "is" alone, and that when we think we are, we are presuming some antecedent "ought."