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THE PROBLEM OF RELEVANT DESCRIPTIONS.
CITY UNIVERSITY OF NEW YORK, PH.D., 1979

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1979

THE PROBLEM OF RELEVANT DESCRIPTIONS

by

Kenneth Alan Milkman

A dissertation submitted to the Graduate
Faculty in Philosophy in partial fulfillment
of the requirements for the degree of Doctor
of Philosophy, The City University of New York.

1979

This manuscript has been read and accepted for the Graduate Faculty in Philosophy in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

THE PROBLEM OF RELEVANT DESCRIPTIONS

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The purpose of this paper is to show that universalizability is not adequate as a deontic assessment mechanism. This is so because no pure universalizability criterion can meet what is called the problem of relevant descriptions.

In Chapter 1, the idea of a decision procedure for deontic theory is introduced. It is argued that some of the great normative systems of the Western tradition, e.g. utilitarianism, can be seen as attempts to produce decision procedures. Benthamite utilitarianism is briefly explored as a theory which can meet the problem of relevant descriptions, which may be stated as follows: How are we to partition the set of all true descriptive attributes of an act into two mutually exclusive sets; (morally relevant attributes), (morally irrelevant attributes)? It is argued that any deontic procedure which cannot answer this question must be inadequate.

In Chapter 2, Kant's normative theory is set out as a deontic (rather than an areatic) theory. It is then argued that Kant's theory, although it does not constitute a decision procedure, may be plausibly interpreted as a constructive process, i.e. a non-mechanical procedure for

assigning deontic values (e.g. right, wrong) to acts via the universalizability criterion embedded in the Categorical Imperative. It is then shown that Kant's theory cannot meet the problem of relevance since universalizability by itself cannot determine what descriptive content should be part of an agent's maxim. This leads to situations in which the 'same act' may be judged to be both right and wrong by the Categorical Imperative.

Chapter 3 explores the notion of relevance itself. First, some structural aspects of the concept are investigated. Then, relevance is examined in a scientific context via the work of Goodman, Hempel and Kuhn. Finally, Kovesi's Moral Notions sets the stage for a discussion of relevance in a moral context.

In Chapter 4, Onora Nell's contention (in Acting on Principle: An Essay on Kantian Ethics) that Kant's formulations can meet the problem of relevance is critically examined. The author agrees with Nell that two of Kant's modern 'successors', Singer and Hare, have not produced universalization based theories which can cope with this problem. But on Nell's account, Kant's solution to the problem of relevance amounts to this: The descriptive content in the agent's maxim is to be judged morally relevant. It is argued that this Kantian 'solution' is inadequate, and that Nell's construal of the problem of relevance as a practical problem is incorrect. Kant's theory is inadequate because it cannot deal with the

theoretical problem of relevant descriptions. Finally, Nell's attempt to salvage Kant's theory by arguing that his theory of moral worth can meet the problem of relevance is taken up. It is shown that even if this claim is true it is not significant, since in the context of a theory of moral worth, the problem of relevance does not come up as a serious philosophical problem.

In Chapter 5, the following question is explored. If theories based on universalizability are inadequate because they lack a relevance criterion, could such a criterion be appended to these theories in a manner which would render them adequate as decision procedures or constructive processes? This question is taken up with respect to Kant's theory, and it is argued that augmenting the Categorical Imperative by a relevance criterion can be done only at the expense of universalizability becoming unworkable or redundant as a deontic criterion. This conclusion holds as well for any other theory whose sole deontic assessment mechanism is universalizability.

ACKNOWLEDGEMENTS

I am especially grateful to my dissertation adviser, Professor Bernard H. Baumrin, for his invaluable guidance in preparing this work and for his unflagging encouragement and support. I would also like to thank the members of my supervisory committee, Professor Charles Landesman and Professor Gerald E. Myers, for their many useful comments and suggestions.

I am grateful also to Onora Nell for reading and commenting on some of Chapter 2 and most of Chapter 4.

Finally, I want to thank my wife, Laurie. She has been a help to me in more ways than I can ever hope to adequately acknowledge.

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CHAPTER 1

DECISION PROCEDURES AND THE PROBLEM OF RELEVANT DESCRIPTIONS

The moral aspect of human nature has called forth great effort from philosophers of many different persuasions. But despite the varied fruit of this effort, philosophical ethics seems now to be as rife with controversy as it ever has been. In the normative field, we find modern teleologists still doing battle with all manner of deontologists, not to mention the existentialists and their scoffing at attempts to justify so-called ultimate value decisions. (In the meta-ethical arena, a plurality of 'isms' seem to be the main contenders- Intuitionism, Emotivism, Prescriptivism, Descriptivism, etc.) What is a student of moral theory to make of the lack of agreement which proliferates in his field? It is my opinion that it is this lack of agreement which is a key point to come to terms with in any effort at least to clarify, if not decide, some of the major controversies in ethical theory. For it is this lack of agreement which yields states of affairs in which two honest, reasonable persons can agree on the 'facts' yet seem able to disagree with respect to moral evaluation and possible action.

One way to express the position that it is possible for two reasonable persons to agree on the 'facts' and disagree with respect to moral evaluation is to say that in normative (ethical) deliberations there does not exist an effective decision procedure. If we restrict ourselves to the consideration of the moral status of acts, i.e. deontic theory,

then the idea of a decision procedure for deontic theory may be developed along lines similar to those in other areas, e.g., certain parts of logic. The idea of a decision procedure, or algorithm, may be set out in terms of what has been called the decision problem.

decision problem. The problem of finding an algorithm (a decision procedure) which enables one to arrive, in a finite number of steps, at an answer to any question belonging to a given class of questions. For a logistic system in particular, this is the problem of finding a decision procedure for determining, for any arbitrary well-formed formula of the system, whether or not it is a theorem of the system.¹

An algorithm is defined as, "...[a] mechanical procedure for carrying out, in a finite number of steps, a computation that leads from certain types of data to certain types of results."²

It may be that the demand for a mechanical procedure is too strong for ethical theory, and may have to be replaced by a notion like 'constructive process'. (See, on this point, David Lyons' claim that utilitarianism is not mechanical.)³ A constructive process may be looked on as a set of instructions which can be employed in answering a given set of questions, where we do not insist that each step in getting to the answer is mechanical and where we might allow that the number of steps required to generate an answer be indefinitely large. If this second proviso is allowed, then in order to apply a constructive process, certain practical assumptions would have to be invoked. Thus it may be that in order to calculate the future consequences of some act, an infinite number of calculations might be required. In practice, we could

avoid this by speaking of foreseeable consequences, or consequences up to a given time.⁴

With these ideas of decision procedure and algorithm in mind, just what would a decision procedure for ethical theory consist of, and how would it work? First of all, for the purpose of this essay, I am going to restrict my discussion to deontic theory, that branch of ethical theory which is concerned with the moral status of acts; i.e. whether such acts are right, wrong, permissible, etc. Once a deontic judgment has been made on an act, then normative theory is through with it. Of course, we may then want to judge the moral worth of the person who performs a given act, or the motive or characteristic from which it springs.

It may seem to some that the distinction I am drawing here between an act on the one hand, and the motive which produced it on the other, is an analytical device which does not do justice to the way things really are. These people tend to view the 'motive-intention-act-consequences' complex as an indivisible whole, with motive, intention, and consequences thereby becoming in some sense 'part of the act'. Now although this work is not primarily an essay in the philosophy of action, there are two very strong considerations which weigh against this position, from the perspective of normative theory.

First of all, the distinction I am making naturally allows us to consider deontic judgments and areatic judgments independently, so that we can conclude, for example, that although a person performed a wrong act, his motive was good,

so that his punishment might be mitigated. If the 'motive-intention-act-consequences' complex is looked at as an indivisible whole, it is not clear that this very desirable independent construal would be possible. Indeed, it is not clear how any normative theory could deal with this indivisible whole, or what kind of judgments such a theory might issue about it.

Second, this essay is going to deal with normative theories which involve universalizability, and problems these theories encounter with respect to individuating acts from the moral point of view. Whatever the virtues of viewing, say, motive or consequences as 'part of the act', they do not solve the individuation problem in the context of universalizability. For example, if motive is part of an act, what do we do in the case where an act is performed from two motives? Have two acts then been performed and not one? And if the consequences of an act are part of it, it would seem that any description of an act could be judged incomplete, since an act may have infinitely many consequences stretching indefinitely into the future. (I have not yet said anything about intention; the relationship between acts and intentions will be discussed in Chapters 2 and 4 via the discussion of maxims.)

Following Frankena, then, I am going to restrict judgments of moral worth or moral value to persons or traits of character, and consider these judgments to be part of a theory of virtue, not deontic theory.

We saw earlier, however, that there are other moral judgments besides deontic judgments in which we say of actions or kinds of action that they are right, wrong, or obligatory, namely areatic judgments in which we say of persons, traits of character, motives, intentions, etc.,..., that they are morally good or bad, responsible, blameworthy or praiseworthy, admirable or despicable, heroic or saintly, virtuous or vicious, etc.⁵

Persons, then, are good or bad, acts are right or wrong. To say of an act that it has moral worth will reduce to a claim that it is right or wrong, and hence the phrase, 'morally worthy (unworthy) act' will not be employed. What then, shall we make of the expression, 'good deed'?⁶ This is a common way of speaking which seems to blur the kind of distinction I am trying to build between the scope of deontic and areatic judgments. (I suppose a corresponding symmetrical phrase would be, 'right guy'.) When someone judges a person to have done a good deed, he may either mean that the act done was right or that, for example, the motive which produced the act was good, or possibly both. As long as a phrase such as 'good deed' is clearly reduced to one of the senses mentioned above, it does not threaten the separation between deontic theory and an ethics of virtue. (This distinction supports the view that rightness is not completely reducible to virtue, since it will be possible to consider right actions done from bad motives.)

In deontic theory, then, how would a decision procedure operate? Corresponding to the notion of a well-formed formula would be the concept of a correctly described act from the moral point of view. If we assume that the only deontic

values that an act may take are: right, wrong, neutral (permissible), then a decision procedure for deontic theory would be an algorithm which would confer on every correctly described act one of the deontic values listed above. (This assumption is made here only for the sake of simplicity. There are certainly other deontic values an act may take: e.g., obligatory, forbidden. This simplifying assumption does not materially affect what follows.)

Now while it would be best to have a decision procedure which would handle all correctly described acts, it would also be worthwhile if we could have such a procedure for a limited class of acts. (Recall that the decision problem involves an attempt to find an algorithm which answers any or a finite class of questions. The class might even be the unit class.) Still, if there exists one correctly described act (set of acts, class of acts) such that for this act we cannot determine its deontic status, then we may say that deontic theory lacks a decision procedure.

The idea of a decision procedure may be invoked in terms of the comparison of two acts from the moral point of view. For example, in situations in which there are only two open alternatives, A and B, if there exists at least one such situation, X, such that it is not possible to determine which of A or B is morally preferable or whether they are morally equivalent,⁷ then we may say that deontic theory lacks a decision procedure.⁸

The goal of deontic theory, then, may be taken to be that of producing a decision procedure for a part of ethical theory

as, for example, truth tables provide a decision procedure for the propositional calculus. It will then also be worthwhile if it can be shown why one or another deontic theory fails as a decision procedure,⁹ or why no such theory can be successful, on the model of Church's theorem for the first order functional calculus. (I don't mean to suggest that deontic theory consists solely of such a decision procedure. Another aspect of deontic theory concerns itself with the relations between the different values which an act may take; i.e. deontic logic.) The main goal of this essay will be to produce an argument to this effect for deontic theories which materially depend on the notion of universalizability as a deontic criterion. It will be argued that no theory of this type can be successful as a decision procedure because it cannot deal with what is called the problem of relevant descriptions. In particular, I will argue that the theories of Kant and his modern 'successors', e.g. Hare, Singer, and most lately Nell, all fall afoul of the problem of relevance.

I have said that a decision procedure for deontic theory may be taken to be an algorithm (or at least what I have called a constructive process; see pp. 2f.) which confers deontic status on correctly described acts. It may be asked whether this characterization reflects the intent of the great normative systems in the Western tradition. In some cases, e.g. Kant, it may not be obvious that the idea of decision procedure is appropriate. I will argue, however, in the Chapter on Kant, (Chapter 2), that it is. In other cases, the idea of a decision procedure seems to express perfectly the intent of the deontic

proposals. I would like briefly to consider such a case, the moral philosophy of Jeremy Bentham. In showing how the idea of a decision procedure applies to Bentham's theory, I will also show that Bentham's normative proposals constitute a procedure which is not defeated by the problem of relevant descriptions.

Bentham's philosophy is perhaps most often identified with the slogan, "The greatest good for the greatest number."¹⁰ This phrase, although it is the keystone of Benthamite doctrine, is also at the heart of one of the major criticisms of that doctrine, viz.; that Bentham never successfully demonstrates why one ought to take the public good as his goal, if it is assumed that each person has as a goal only his private welfare. That is, from Bentham's statement of the principle of utility,

... that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question...¹¹

how can it be demonstrated that one ought to promote the 'happiness of all'?

To this question Bentham nowhere attempts to give a complete answer in any treatise published by himself. In his earliest book he expressly admits that "the only interest which a man is at all times sure to find adequate motives for consulting are his own", and does not go on to affirm that a complete knowledge of consequences would show him always adequate motives for aiming at general happiness. And in many parts of his vast work, in the region of legislative and constitutional theory, he rather seems to assume that the interests of some men will continually conflict with those of their fellows...¹²

But beside the question of how Bentham derives his 'greatest happiness' principle from his egoistic assumption, there is also a question as to whether the principle itself, looked upon solely as a maximization criterion, can distinguish between two intuitively different distributions of happiness (i.e., whatever is taken to be valuable). Suppose, for example, that a given act or practice produces the same amount of utility, or balance of good over evil in the long run, as some other act or practice. Then Bentham's principle will not distinguish between these alternatives from the moral point of view. But it may be that such alternatives are clearly morally distinguishable for us, and hence constitute a serious objection to Bentham's theory.

It still may be, however, that they [the alternatives] distribute the balance of good over evil in rather different ways; one action, practice, or rule may, for example, give all the good to a relatively small group of people without any merit on their part, . . . , while the other may spread the good more equally over a larger segment of the population. In this case, it seems to me that we should and would say that the former is unjust and wrong and the latter morally preferable. If this is so, we must give up utilitarianism in all its forms.¹³

But let us for the moment ignore the problems Bentham's view has with respect to distributive justice and concentrate on determining whether his proposals are in conformity to the notion of a moral decision procedure. It is clear enough, first of all, that Bentham was a hedonist. For him, as for Mill, utility or happiness is identified as pleasure.

The creed which accepts as the foundation of morals "utility" or "the greatest happiness principle" holds that actions are right in proportion as they tend to produce happiness; wrong as they

tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure.¹⁴

Bentham must, then, give us a way of estimating the pleasure produced by a given course of action in order that we may compare it with other open alternatives and decide which one of them is right. Bentham offers a method of calculating the value of different states of pleasure (i.e., a hedonic calculus), the state of pleasure with highest value being preferable. When considering an action with consequences for oneself and for others, we must consider the pleasure produced with respect to its intensity, duration, certainty, propinquity, fecundity, purity, and extent.¹⁵ Bentham supposes that these aspects are measurable,¹⁶ and he proceeds to give explicit instructions about how to calculate the value (pleasure index) of states of affairs produced by acts or practices.¹⁷ These instructions may be summarized as follows. Bentham tells us that to "take an exact account of the general tendency of any act, by which the interests of a community are affected", we should start by selecting any one member of that community, and calculate for that person the value of each distinguishable pleasure which the act produces, and of each pain which the act produces, where the value of a pleasure may be taken to be directly proportional to some linear combination of its intensity, duration, certainty and propinquity. (The value of a pain is, presumably, inversely proportional to some linear combination of these elements.) Now these first distinguishable pleasures and pains may have as

their by-products other pleasures and other pains, and the values of these subsequent pleasures and/or pains are then to be calculated. We then sum the value of the pleasure and pain produced by the act for the individual in question, and take note of this value.¹⁸ We then are to repeat this process for every individual in the community.

Sum up the numbers expressive of the degrees of good tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is good upon the whole: do this again with respect to each individual, in regard to whom the tendency is bad upon the whole. Take the balance; which, if on the side of pleasure, will give the general good tendency of the act, with respect to the total number of community of individuals concerned; if on the side of pain, the general evil tendency, with respect to the same community.¹⁹

Bentham's calculus may be taken to be a decision procedure in the following manner. For each open alternative in a given situation, calculate its good and/or evil general tendency for the community affected. The act, or acts, with the highest good tendency for the community is (are) right; all other alternatives are not-right, i.e., wrong. (Bentham's proposals also allow us to order the set of available alternatives so that we may say of one act that it is 'more right' than some other, or that it is the 'lesser of two evils'.) So, upon each of a set of open alternatives, Bentham's theory confers the deontic status 'right' or 'not-right'; hence, it functions as a decision procedure. (See above, p. 3.)

Of course, there are many objections which may be raised with respect to the procedure put forth by Bentham. I have already mentioned two; that the greatest happiness principle

is not justified as a deontic criterion, (i.e., it does not follow from Bentham's egoistic assumption and may not follow from any suitable set of epistemological, logical, or metaphysical assumptions), and that the principle yields counter-intuitive results in some cases. Objections may also be raised in regard to whether the exact calculations which Bentham seems to rely on can in fact be made. Bentham is aware of this and seems to suggest that for moral deliberation, we do not require exactness and may rely on a more rough and ready computation.

It is not to be expected that this process should be strictly pursued previously to every moral judgment, or to every legislative or judicial operation. It may, however, be always kept in view; and as near as the process actually pursued on these occasions approaches to it, so near will such process approach the character of an exact one.²⁰

There are those, however, who argue that even a rough and ready application of the hedonic calculus cannot be made, not on technical grounds, but because the notions of pleasure and pain cannot be quantified in the way required by Bentham's theory. Thus it has been suggested that a hedonic calculus may never be possible since:

The impossibility is inherent and not technically remediable. Even if we were able to measure precisely the intensity of certain chemical-electrical currents passing through the cerebral cortex (those which appear to be connected to the experience of pleasure), we would have measured not the pleasure itself but only the strength of these currents. Pleasure, according to this view, is intrinsically unquantifiable, . . .²¹

There are, then, many kinds of criticism which might be effective in defeating Bentham's proposals. Since,

however, the main purpose of this brief excursion into Bentham's ideas was to illustrate the idea of a decision procedure, the deficiencies of Benthamite utilitarianism need not overly concern us. What will be of major importance is that despite whatever lacks Bentham's theory has, it is not troubled by what I have called the problem of relevant descriptions. So let me now introduce this problem, show how it is a problem which must be met by any deontic theory if such a theory is to be successful, and indicate in what sense Bentham's theory, and indeed, all forms of utilitarianism meet this problem.

It will be recalled that in the definition I gave of a decision procedure, I employed the notion of a correctly described act (from the moral point of view). This idea is important once it is understood that a deontic decision procedure is an assessment mechanism which operates on descriptions of acts. So how an act is described determines the input of a prospective decision procedure. We want to include in our description those descriptive elements which are morally relevant, and exclude all of the others. The problem of relevant descriptions challenges us to justify a given partition of descriptive elements into two mutually exclusive sets: (morally relevant descriptive elements), (morally irrelevant descriptive elements), in a given situation.

It is easy to see why it is important to determine some criterion of morally relevant descriptive elements. For if this cannot be done, our assessment procedure may be rendered ineffective by the following type of consideration. Suppose that for some assessment procedure, A, we are to determine

the deontic status of some act, X. Then into A we plug an act description of X, say X', where X' contains only true descriptive elements. Let us suppose that A yields that X is right. If we do not have a solution to the problem of relevant descriptions, it will always be possible to re-describe X as X", with X" containing, as X' did, only true descriptive elements, in such a way that A yields that X is not-right. Thus the 'same act' will be judged to be both right and not-right by the same assessment mechanism. (See also, on this point, the discussion in Chapter 5.)

To give a somewhat oversimplified example of how a lack of a solution to the problem of relevant descriptions can cause problems, suppose we have to consider whether it is permissible for a person to play his trumpet very loudly from 3:00 A.M. to 5:00 A.M., thereby keeping all his neighbors awake. If his action is described as 'developing one's musical ability', thus eliminating his neighbors' sleepless nights as a morally relevant factor, some very reputable assessment mechanisms would judge his action permissible. If his action is described as 'disturbing the peace', the opposite conclusion would be reached. In any case, we must have a way of justifiably deciding which descriptions (descriptive elements) are morally relevant and which are not.

Now, for all its other defects, Bentham's utilitarianism, as well as all other forms of utilitarianism, provide a solution to the problem of relevant descriptions in the following sense: utilitarianism, construed as a decision procedure

or a constructive process, implies a solution to the problem of relevant descriptions. That is, if one adopts some form of utilitarianism, the way acts are to be described from the moral point of view is determined. Just how act descriptions are determined by utilitarianism has been discussed by David Lyons in his, Forms and Limits of Utilitarianism. I will consider Lyons' views in Chapter 4. For now, let it suffice to say that for a utilitarian, the class of morally relevant descriptive properties is identical to the class of consequential properties, i.e. those properties that have effects.

Having a solution to the problem of relevance is, then, a necessary condition for the adequacy of any deontic decision procedure.²² The main burden of the rest of this essay will be to show that any deontic assessment mechanism which centrally depends only on universalizability cannot meet the problem of relevance and hence must be inadequate. Since for the student of normative ethics the notion of universalizability immediately calls to mind the philosophy of Kant, his doctrines are an appropriate starting point for our investigations.

Chapter 1

Notes

¹Baruch A. Brody, "Logical Terms, Glossary of," The Encyclopedia of Philosophy, ed., Paul Edwards, (New York: Macmillan Publishing Co. Inc., & The Free Press, 1967), vol. 5, p. 62.

²Ibid., p. 57.

³See David Lyons, Forms and Limits of Utilitarianism (Oxford: Clarendon Press, 1965), p. 60.

⁴For more on the idea of a constructive process, see Robert Paul Wolff, Understanding Rawls: A Reconstruction and Critique of "A Theory of Justice" (Princeton: Princeton University Press, 1977), p. 2.

⁵William K. Frankena, Ethics, 2d ed., (Englewood Cliffs, New Jersey: Prentice Hall Inc., 1973), p. 61. Onora Nell seems to be making the same kind of distinction as Frankena when she says;

"Acts will be spoken of as morally acceptable or morally unacceptable. These terms of assessment are still at a very general level, and many works concentrate on morally acceptable acts of one or another particular sort, such as right acts or obligatory acts. Persons will be spoken of as morally worthy, morally indifferent, or morally unworthy."

See Onora Nell, Acting on Principle: An Essay on Kantian Ethics (New York: Columbia University Press, 1975), p. 3. However, in my discussion of Nell, I will argue that part of the reason she thinks that Kant has a successful deontic theory is the confusion between deontic and areatic judgments.

⁶See Frankena, Ethics, p. 61.

⁷Two acts may be said to be morally equivalent if, given a normative theory, such a theory is neutral with respect to the two acts. Thus, if particular acts A and B both produce 10 units of utility, then they are morally equivalent for act-utilitarianism. Of course, a different normative theory may not judge them morally equivalent. See, on this point, what Frankena calls the Butler-Ross argument against some forms of utilitarianism in his Ethics, pp. 35-37.

⁸The view that what is needed in deontic theory is some sort of decision procedure was explicitly adopted by John Rawls in his, "Outline of a Decision Procedure for Ethics," Philosophical Review, 60 (1951), 177-197. In this paper, Rawls tries to outline a method by which to determine how competing interests should be adjudicated, at least in some cases. He hopes to base such a method on inductive logic, and uses the idea of a competent moral judge as the basis of this procedure, which is supposed to generate principles of justice. (Rawls, in A Theory of Justice, gives up on the inductive method and tries to show that the principles of justice can be deduced from the play of a certain bargaining game. See, on this point, Wolff, Understanding Rawls: A Reconstruction and Critique of "A Theory of Justice", p. 180, and Brian Barry, The Liberal Theory Of Justice: A critical examination of the principle doctrines in "A Theory of Justice" by John Rawls (Oxford: Clarendon Press, 1973), p. 11.)

Rawls' idea of a competent judge is reminiscent of Mill's competent judges, whose task it was to determine the qualitative differences between pleasures. See John Stuart Mill, Utilitarianism (New York: Library of Liberal Arts, 1957), pp. 11-15.

⁹We may take the claim that there does not exist a decision procedure for deontic theory to be substantiated if there exists at least one non-trivial moral situation in which it is impossible to decide between alternatives. An extreme view compatible with this formulation is that all moral situations are rationally irresolvable. Some existentialists have, alledgedly, adopted this view.

¹⁰John Bowring, ed., The Collected Works of Jeremy Bentham (New York: Russell & Russell, Inc., 1962), vol. 19, p. 79.

¹¹Jeremy Bentham, An Introduction to the Principles of Morals and Legislation in D.D. Raphael, ed., British Moralists: 1650-1800 (Oxford: Clarendon Press, 1969), vol. 2, p. 314. All references to this work will have page numbers from the Raphael edition.

¹²Henry Sidgwick, Outlines Of The History Of Ethics (London: Macmillan & Co., Ltd, 1962), p. 243. Sidgwick does not think that Mill's attempt to prove that an individual ought to, 'take the general happiness as his ultimate end', adequately fills the lacuna in Bentham's theory. See Outlines Of The History Of Ethics, pp. 245-247.

¹³Frankena, Ethics, p. 41.

¹⁴Mill, Utilitarianism, p. 10.

¹⁵Bentham, An Introduction to the Principles of Morals and Legislation, p. 327. For a discussion of the meaning of these aspects of pleasure, see John Hospers, Human Conduct: An Introduction to the Problems of Ethics (New York: Harcourt, Brace, & World, Inc., 1961), pp. 56-57.

¹⁶Hospers, among others, disagrees. See Human Conduct, p. 57.

¹⁷Bentham's calculations here are greatly simplified since he is a quantitative hedonist, and does not have to worry about whether certain pleasures are intrinsically superior to others. This is reflected in his saying that "pushpin is as good as poetry." Mill thought this a defect in Bentham's views and tried to remedy it by producing a method to rank pleasures qualitatively. See Mill, Utilitarianism, pp. 11-15. See also, on this point, Barry's discussion of Rawls' 'Aristotelian principle' in The Liberal Theory Of Justice, Chapter 3.

¹⁸If this number is positive, it represents the magnitude of the good tendency of the act; if negative, the bad or evil tendency, in Bentham's terminology, for each person.

¹⁹Bentham, An Introduction to the Principles of Morals and Legislation, p. 238.

²⁰Ibid.

²¹Hospers, Human Conduct, p. 58. There are those who think, however, that the kind of calculations Bentham talks about are not only possible but also indispensable.

"...it is...true that we cannot avoid, in some quasi-metaphysical sense, weighing pleasures against each other. It is not nonsensical to say that the uncle in our example asks himself whether his nephew's pleasure does or does not outweigh his own boredom, though it is nonsensical to take "outweigh" literally. Yet the notion of quantity is not entirely absent, since it makes a difference if the uncle is very, instead of slightly bored, and the nephew only slightly, instead of very, pleased."

See D.H. Munro, "Bentham, Jeremy," The Encyclopedia of Philosophy, vol. 1, p. 285.

²²Certainly not a sufficient condition, as our discussion of Bentham makes clear.

CHAPTER 2

KANT, UNIVERSALIZABILITY, AND THE PROBLEM OF RELEVANCE

A project whose purpose it is to show that a deontic theory is inadequate as a decision procedure (or as a constructive process) must be careful to restrict itself to those moral theories, or parts of moral theories, which can reasonably be construed as deontic theories. It must, that is, respect the distinction made above between deontic theories and theories of moral worth. It may seem that it should be quite clear whether or not a moral theory is a deontic theory, but this is not always the case. Indeed, with respect to Kant's ethics, there is some question as to whether he is presenting a theory of right action or a theory of what constitutes a virtuous person or motive. Any attempt, therefore, to show that Kant's proposals fail when construed as a deontic decision procedure or constructive process must start by making plausible the claim that Kant's ethics at least include a theory of what a morally right action is. This issue will be taken up in part 1 of the present chapter. Part 2 will outline just what Kant's deontic proposals come to, and in what sense these proposals may be looked at as a deontic decision procedure or constructive process. Finally, in part 3, it will be argued that Kant's proposals for a deontic decision procedure or constructive process fail to survive the problem of relevant descriptions.

(1)

The question as to whether or not Kant has a theory of what a morally right action is comes up mainly because it

seems as though Kant is claiming that what makes an action right is the motive which produces it. That is, it has often been claimed that for Kant, an action looked upon without reference to the motive which produced it cannot be the object of a moral (deontic) appraisal. There may be actions which can be obligatory independent of motive, but it has been thought that such actions should be looked at from the legal, rather than the moral, point of view. If this interpretation of Kant is correct, and it is true that for Kant the motive of an act is the only element which should be subject to moral appraisal, then Kant cannot be said to have produced a deontic theory which is distinguishable from a theory of moral worth. This is so because motives are the sort of thing which can be the object of judgments of moral worth, as these judgments have been defined in Chapter 1. We may say of a motive that it is a morally good motive or a morally bad one. If, for Kant, there is nothing more to saying that an act is right than saying that it was performed from the proper motive, then he has no independent deontic theory, since on this view the right will be entirely derived from the morally good. If rightness is completely analyzable in terms of goodness of motive, then once a given motive has been properly assessed, we will merely be repeating ourselves if we say that some action performed from such a motive is right or wrong. On this view of Kant, with deontic judgments being wholly analyzable as areatic judgments on motives, to say that an act is right, although it may sound as if we are saying something about the act over and above saying something about

a motive, is merely a way of expressing an areatic judgment on some motive or other. To make a moral judgment of an act independent of motive is, on this view, impossible.

It has been argued, however, that this interpretation of Kant is incorrect, and that Kant does indeed have a theory of morally right action independent of motive. Jeffrie Murphy has pointed out, for example, that unless Kant can produce a criterion of rightness independent of motive, it is hard to interpret some of his other key statements.

It is essential that Kant have some notion of a right or due action independent of the agent's motive in performing the action. For Kant makes it a necessary and sufficient condition of a morally good will that it is a will which acts in accordance with duty for the sake of duty. Indeed, Paton goes so far as to claim that the universal ethical command for Kant is "Act in accordance with duty for the sake of duty." From this it is obvious that he must be able to give some sense to 'right' and 'duty' independent of the good will. For unless 'duty' is independently describable, the rider 'for the sake of duty' will simply be redundant.¹

It is Murphy's opinion that Kant does have a notion of moral rightness which is independent of motive. Citing some pre-critical Kantian works,² he argues that Kant does distinguish the question of what the agent did from why the agent did it.

..., we can say that a right action is an action in accordance with what a given situation objectively requires—as the making of a promise requires the keeping of a promise. The morally good action, on the other hand, is the right action performed because it is the right action— I keep my promise because I respect the moral law that one always ought to keep one's promises.³

But if Murphy is right in claiming that Kant thinks the phrase, 'doing the right thing for the wrong reason' is

meaningful, we must be able to make sense of the notion, 'doing the right thing' independent of motive. Now in trying to come up with a characterization of 'right action' which is adequate in this sense, Murphy focusses on that Kantian notion which is central to the problem of act descriptions, the concept of a maxim. He distinguishes two senses of 'maxim' in a way which, I believe, justifiably makes plausible the view that Kant has a deontic theory independent of motive. In doing so, however, he makes a crucial error which leaves him unaware that Kant's deontic theory as he interprets it is vulnerable to the problem of relevant descriptions. Let us see how this is so.

Murphy contends that Kant uses the term 'maxim' in at least two different ways, which he labels maxim_1 and maxim_2 , as follows.

- (1) maxim_1 equals by definition the principle of the agent's action- i.e. the type of action of which the agent's particular action is an instance;
- (2) maxim_2 equals by definition the principle of the agent's action plus his motive in performing the action.⁴

As an example of maxim_1 , Murphy gives, "To neglect natural talents," while he suggests, "To neglect natural talents from laziness" as an example of a maxim_2 . The question now is, which sense of maxim, maxim_1 , or maxim_2 , is Kant operating with? Murphy's answer is that both of them have a place in the Kantian philosophy, depending upon which kind of moral judgment we are interested in making. If we are concerned with judging the rightness of an act, then maxim_1 is the appropriate formulation, since it tells us what it was the

agent did. However, if we are interested in judging the moral worth of the agent as well as the rightness of the action, maxim₂ is the proper formulation. In Kant's examples of the application of the Categorical Imperative in the Groundwork, it seems sometimes that he had maxim₂ in mind, as in the suicide example, and sometimes maxim₁, as in the 'natural talents' example. But Murphy argues that despite appearances one must, in order to make sense of Kant's first formulation of the Categorical Imperative, viz; 'Act only according to that maxim which you can at the same time will that it should become a universal law',⁵ take maxim to mean maxim₁, even in the case of the suicide example. He starts by illustrating Kant's use of the notion of a maxim in this example.

We consider the case of a man contemplating suicide. We have already noted that Kant takes to be the maxim of the proposed action: "His maxim...is: For love of myself, I make it my principle to shorten my life when by a longer duration it threatens more evil than satisfaction." In distinguishing between 'maxim' and 'principle' in this statement, Kant is making the distinction between maxims₁ and maxims₂. The 'principle' in this statement is a maxim₁. It is a type description of the proposed course of action- i.e. a case of suicide. 'Maxim' in this statement is a maxim₂, for it rationally connects an incentive (self-love) to the maxim or principle. Thus Kant is operating here with both concepts of 'maxim'.⁶

But even if Kant does employ two senses of 'maxim', Murphy contends that it must be a maxim₁ which is the proper formulation for the Categorical Imperative. He points out that in terms of what Kant is trying to do in this example, i.e., "to show,...that no system of nature could obtain in which suicide were universally practiced- whatever the reason

for committing suicide" (Murphy, p. 582), it is out of place to submit a maxim₂ to the Categorical Imperative. Murphy cites Harrison in order to support his contention that maxims₂ are not the proper input for the Categorical Imperative. With respect to the suicide maxim stated above, Harrison says;

The phrase, 'From self-love I make it my principle' has nothing to do with my maxim, but only with the motives which cause me to adopt my maxim. These words should be omitted, therefore, in which case my maxim will be simply 'to shorten my life if its continuance threatens more evil than it promises pleasure'.⁷

But Murphy has another, independent argument against submitting a maxim₂ to the Categorical Imperative, an argument based on the fact that the Categorical Imperative is a command. To accede to the Categorical Imperative is to accept a command as binding. It is, however, not possible to accept an impossible command as binding. It is Murphy's contention, however, that if some maxim₂ is submitted to the Categorical Imperative, the command that may issue forth will have the form: Do act X for reason Y, which entails the commands: Do act X and have reason Y. But Murphy believes that this is an impossible command to fulfill.

But (and this is the crucial point) it makes no sense to command me to have a certain reason or motive. The command could not possibly influence my future conduct, for the simple reason that it is not within my power to decide what reasons will move me to choose my motives..., it makes no sense, prior to action, to decide, not only what I am going to do, but, why I am going to do it... I cannot contemplate the act of 'having a reason' because having a reason is not a human action at all. I do, of course, have my reasons in acting. But I cannot decide prior to action which one will move me. Yet if 'maxim' in the Categorical Imperative is interpreted as maxim₂, such a decision is precisely what would be demanded of me.⁸

Thus, Murphy contends that Kant's basic formulation of the Categorical Imperative should read; "Act only according to that maxim₁ by which you can at the same time will that it should become a universal law,"⁹ and that if Kant did not intend 'maxim' to be used in this way, "... , it is the way he should have used it- at least when attempting to apply the Categorical Imperative."¹⁰ But if this is correct, Kant's theory must be seen as a deontic theory, i.e. as a vehicle for the assessment of actions, rather than persons or motives. There now remains one key question with which we must deal. It must be determined whether or not the judgments of the Categorical Imperative on maxims₁ are moral judgments, rather than legal judgments. That is, if we confine ourselves to judging maxims₁ via the Categorical Imperative, have we left the sphere of morality altogether?

In order to argue that Kant's concept of a right action, based on maxims₁, is a moral concept, Murphy begins by contending that in The Groundwork of the Metaphysics of Morals, Kant was primarily interested in developing a theory of personal virtue.

His primary goal, especially in the earlier sections, is to present a characterization or definition of the morally worthy man. And this man is, according to Kant, not one who merely performs right actions but one who performs these actions because he knows he ought to perform them. Kant is, in other words, giving us a philosophy not primarily of moral action, but of moral disposition.¹¹

If we judge an action independent of the motive which produced it, have we then barred ourselves from making a moral judgment on the action? Murphy thinks that an affirmative

answer to this question puts us in a position which conflicts with some basic moral insights.

To maintain that the keeping of a promise, or the returning of a loan, has no moral significance in itself does violence to the way we all ordinarily use the word 'moral' in making judgments on human conduct.¹²

If the position that moral judgments cannot be made on actions independent of motives is incorrect, then if Kant can be reasonably interpreted in a way which does not attribute such a position to him, this should be done. Although there are many passages in the Groundwork which support the view that Kant believed that only motive could confer moral value on an action, there are some which support another view. For example;

We have then to develop the concept of a will which is esteemed as good in itself without regard to anything else.... In the estimation of the total worth of our actions it always takes first place and is the condition of everything else.¹³

Of this passage Murphy says;

This sounds like at least a plausible doctrine. To say that an action has more moral worth if performed for the proper reason is not to say that the action, if not so performed, has no moral worth. Only this latter seems to me an untenable position.¹⁴

In order to strengthen the contention that Kant has a moral concept of right independent of motive, Murphy turns to The Metaphysics of Morals. What he wants to show is that actions which conform with the moral law independent of motives (pflichtmässig actions) are the proper object of a moral assessment, such assessments not being reserved just for actions done aus Pflicht; i.e. actions done for the sake

of the moral law. Kant says that when we hold an agent responsible for an action independent of motive, we are holding him legally responsible.¹⁵ Thus, what must be shown is that Kant's concept of legality is moral, and not to be interpreted as 'being in accord with (positive) state law'. The distinction Murphy points to in order to support this position is the one Kant draws between 'ethics' (Ethik) on the one hand, and 'morality' (Sitten or Moralität) on the other. Kant sets up what Murphy calls the technical usage of these terms (as opposed to the somewhat confused ordinary usage) as follows.

In ancient times "ethics" meant moral philosophy (philosophia moralis) in general, which was also called the doctrine of duties. Later on it seems better to reserve the name "ethics" for one part of moral philosophy, for the doctrine of those duties that do not come under external laws (in German the name doctrine of virtue was thought appropriate for this). Accordingly the system of the doctrine of duties in general is now divided into the system of the doctrine of Law(ius), which deal with duties that can be enjoined by external laws, and the system of the doctrine of virtue (ethica) which treats of duties that cannot be so prescribed; and this division may stand.¹⁶

Here Kant distinguishes between two types of moral obligation, one which can be externally compelled, the other which cannot. And it is clear that in making this distinction, he did not mean to exclude duties which can be externally compelled from the normative domain. If we let 'morality' be that part of the normative domain which applies to external performances only, and 'ethics' be that part of the normative sphere which applies to external performances and motive, then according to Kant's terminology indicated in

the passage above, external performances independent of motive are fit objects for moral evaluation, and the doctrine of law is a moral construct, not merely a legal one.

The relevant distinction here for my purposes is that between 'morality' and 'ethics'. It is sufficient to show that an action has moral worth if it can be shown that, as an external performance, it satisfies the objective moral demands of a given situation. An action has ethical worth if, in addition to satisfying the demands of the situation, it is performed for the proper motive. Thus merely juridical actions have moral, but not ethical, worth.¹⁷

Murphy thinks that Kant does not always strictly adhere to the technical distinction between 'ethics' and 'morality', and because he does not, certain passages, especially in the Groundwork, sound as if they are placing the evaluation of actions independent of motive outside the moral sphere altogether. But this is not the case, according to Murphy.

When Kant says that actions which are merely pflichtmässig have no moral worth, I submit that he means that they have no ethical worth-i.e. they tell us nothing about the inner principle or motive of the agent, nothing about his personal virtue. Pflichtmässig actions are determined solely with reference to maxims₁, and we must know something about an agent's maxims₂ before we are justified in having an opinion about his moral worth.¹⁸

Hence, ethics is that part of the normative domain which consists of judgments of character, in one way or another. But the moral sphere in general also includes making judgments of rightness independent of motive, and thus it can be argued that Kant does have a pure deontic theory.

In the Kritik der reinen Vernunft, Kant defines morality as follows: "Morality is the only code of laws applying to our actions which can be derived completely from a priori principles."

Morality thus does include pflichtmässig actions, for they are completely derivable from a priori principles. Both juridicial laws (laws determining pflichtmässig actions) and ethical laws are derivable from the Categorical Imperative, and it should thus come as no surprise that a doctrine of law (a doctrine of pflichtmässig actions) should be included in a metaphysics of morals. What is surprising is that Kant should have forgotten this in the Grundlegung.¹⁹

Now we may ask, if Kant meant to include external performances in the moral sphere, why does not this come out clearly in the Groundwork? With the evidence he has adduced from the Metaphysics of Morals, Murphy concludes that;

...., I think that we can be fairly certain that Kant's remarks in the Grundlegung that pflichtmässig actions have no moral worth are simply careless and not representative of his mature doctrine. Such actions are not necessarily virtuous or ethical, but moral they indisputably are.²⁰

These arguments of Murphy's are designed to make plausible the view that Kant has a deontic theory independent of motive. However, in so interpreting Kant, Murphy makes an error which allows him to miss a strong criticism which can be brought against Kant, a criticism which in fact defeats Murphy's attempts to render Kant's doctrines viable.

Let us recall that in trying to cast Kant as a deontic theorist, Murphy relies heavily on the distinction between maxims_1 and maxims_2 . In speaking of this distinction he says;

To present a man's maxim_2 , then, is to answer the question 'What did he do and why did he do it?' Thus the same human action could have had many different maxims_2 . This is not the case with a maxim_1 , however, for a maxim_1 defines the very character of the action itself.²¹ [My italics.]

This passage brings up the nature of the relationship between acts and maxims in the Kantian system. This

relationship is crucial since, as will be seen below, the mechanism which Kant gives to assess acts tests maxims in order to generate a deontic status for acts. Thus, if the relationship between acts and maxims is not one-to-one, as Murphy is correct in pointing out concerning maxims₂, we may have a problem determining just which maxim ought to be subjected to the Categorical Imperative. If Murphy were right in his claim that his maxims₁ are such that a given act could not have more than one maxim₁, his interpretation of Kant would not only have saved Kant's ethical theory from the difficulties it would have faced with respect to defining 'right' in terms of motive, but it would also have saved it from what I have called the problem of relevant descriptions. This is so in that a maxim₁ contains, for Kant, a description of the act under consideration; as Murphy says, it gives, '...the very character of the action itself'. So if there were no question about which maxim₁ (descriptive principle) was the proper one to assess (that is, which maxim₁ contained the morally relevant description of the act), Murphy's maxims₁/maxims₂ distinction would save his interpretation from the problem of relevant descriptions. But, and this will be argued in detail below, Murphy is incorrect in his assertion that a given act can have only one maxim₁.²² Maxims₁ are not any better off than maxims₂ in this regard; neither are correlated one-to-one with actions. To see what the effect of this fact is on Kant's deontic assessment procedure, let us first reconstruct this procedure, then put it forth as a

deontic decision procedure or constructive process, and finally show how such a decision procedure or constructive process is involved with the problem of relevant descriptions.

(2)

In The Groundwork of the Metaphysics of Morals, Kant sets it as his task to discover those principles of practical philosophy which are the contributions of pure reason; i.e. those principles which are, "... completely cleansed of everything that can only be empirical and appropriate to anthropology."²³ Kant is not interested in discovering such principles only because of his attraction to the problems of pure reason, but also because he thinks that morality as a whole rests on these principles.

Kant's first proposition concerning duty is usually stated: An action may be said to have moral worth if and only if it was duty which produced it. This formulation is adequate as long as it is recalled that judgments of moral worth reflect judgments on the motives of an agent, such motives being one of the proper objects of areatic judgments. Furthermore, this moral worth, independent as it is from consequences which an act might produce must depend on the principle of the will which dictated the act. It is in this sense that the idea of duty may be said to 'include' the idea of a morally good will.

An action done from duty has its moral worth not in the purpose to be attained by it, but in the maxim in accordance with which it is decided upon; it depends therefore, not on the realization of the object of the action, but solely on the principle

of volition in accordance with which, irrespective of all objects of the faculty of desire, the action has been performed.²⁴

Because material content is not essential to morality, moral (unconditioned) worth must lie in the formal principle of action which determines our duty. The question now becomes: What kind of force can it be that enjoins action not because the action has certain consequences, but unconditionally? (i.e. categorically, not hypothetically.) Kant answers: reverence for the (moral) law. That is, obeying the law solely because it is the law, not because one may get punished if one breaks the law, or rewarded if one obeys it. Thus, reverence for the law has the force required to be the ground of duty, and indeed, Kant defines duty as, "...the necessity to act out of reverence for the law."²⁵

But what sort of law can we be talking about here? It cannot be a particular law or a set of particular laws (since a good will operates independent of consequences and hence can have no inducements to act from these particular laws),²⁶ therefore law here must be construed as 'law as such'.

Therefore nothing but the idea of the law in itself, which admittedly is present only in a rational being- so far as it, and not an expected result, is the ground determining the will- can constitute that pre-eminent good which we call moral, a good which is already present in the person acting on this idea and has not to be awaited merely from the result.²⁷

Next, Kant fills out the notion of 'law as such' and in doing so states the first form of the Categorical Imperative.

Since I have robbed the will of every inducement that might arise for it as a consequence of obeying any particular law, nothing is left but the conformity of actions to universal law as such, and this alone must serve the will as its principle. That is to say, I ought never to act except in such a way that I can also will that my maxim should become universal law. Here bare conformity to universal law as such (without having as its base any law prescribing particular actions) is what serves the will as its principle, and must so serve if duty is not to be everywhere an empty delusion and a chimerical concept.²⁸

Kant later reformulates the Categorical Imperative in several ways, two of which will be central to what follows.

(a) The Formula of Universal Law: Act only on that maxim through which you can at the same time will that it should become a universal law.

(b) The Formula of the Law of Nature: Act as if the maxim of your action were to become, through your will, a universal law of nature.²⁹

Kant's supreme principle of morality may be plausibly interpreted as a decision procedure (algorithm) or a constructive process for moral right.³⁰ To do this, I will take up one of Kant's examples of the application of the Categorical Imperative, and then generalize the procedure implicit in this example.

In his second illustration of the Categorical Imperative, Kant considers the following situation. A man needs to borrow money, and he believes that the only way to get it is to make a promise that he does not intend to keep to the effect that he will pay the money back within a fixed time. Although this agent feels an attraction toward this course of

action, it is not an overwhelming one, and he still has the presence of mind to consider whether this proposed course of action is right or not. What procedure can he use to test the action under consideration? Kant offers the following proposal.

..., the maxim of his action would run thus: 'Whenever I believe myself short of money, I will borrow money and promise to pay it back, though I know that this will never be done.' Now this principle of self-love or personal advantage is perhaps quite compatible with my own entire future welfare; only there remains the question 'Is it right?' I therefore transform the demand of self-love into a universal law and frame my question thus: 'How would things stand if my maxim became a universal law?' I then see straight away that this maxim can never rank as a universal law of nature and be self-consistent, but must necessarily contradict itself. For the universality of a law that everyone believing himself to be in need can make any promise he pleases with the intention not to keep it would make promising, and the very purpose of promising, itself impossible, since no one would believe he was being promised anything, but would laugh at utterances of this kind as empty shams.³¹

Let us now reconstruct and generalize the procedure implicit in this account. A typical situation in which the Categorical Imperative is to be used is one in which an agent is considering a given course of action about which he has doubts with respect to its rightness. In order to determine whether or not the course of action under consideration is right or not, the agent must form the maxim of this given course of action. The idea of a maxim is crucial here. Kant defines a maxim as a, "...subjective principle of volition."³² From the false-promising example above, and others in the Groundwork, it is clear that a maxim is a device for expressing intentions to act by indicating the descriptive conditions

of both situation and proposed action which define the nature of the situation and action for the agent. Thus, in the false-promising example above, the maxim sets out an indefinitely large set of situations ('Whenever I believe myself....', etc.) in which a given action demarcated by a certain description ('I will borrow money and promise to pay it back', etc.) is being contemplated. On the view of 'maxim' now being presented, maxims do not, following Harrison, Murphy, and as we shall see later, R.P. Wolff, contain motives. That is, we are talking about Murphy's maxims₁ here. So in the discussion that follows, when I refer to a maxim, I will mean a maxim₁ in Murphy's sense.

Now, after a maxim has been formulated, what is the procedure? It is, evidently, to test the maxim arrived at against one version or other of the Categorical Imperative. Or more precisely, to test the maxim against the moral evaluation criterion embedded in the Categorical Imperative: universalizability. The procedure is as follows: Given a maxim, determine whether there arises any contradiction or inconsistency in the hypothetical situation in which you and everyone else acts on this maxim. If there does, the action under consideration is wrong. We are now ready to set down Kant's proposals as a decision procedure or constructive process for determining the rightness of acts, in the sense of providing a necessary condition for moral rightness.

(1) Formulate the proper maxim of the action under consideration.

(2) Determine whether this maxim is universalizable. i.e. - whether there is any contradiction or inconsistency involved in the hypothetical situation in which you act on this maxim, as does everyone else. If there is a contradiction, the maxim is not universalizable. If not, it is universalizable. There are now two cases to consider.

(3) -a If the maxim under consideration is not universalizable, the action to which it corresponds is wrong.

(3) -b If the maxim under consideration is universalizable, there is a question as to what deontic status this fact would confer on the corresponding action. Would it be right, obligatory, merely permissible, etc.? For now, I will not deal with this question. It will come up again in Nell's analysis of Kant in which she claims that the Categorical Imperative is fully action-guiding, i.e. is both a necessary and sufficient condition for moral rightness.

Let us, then, consider the procedure outlined above. Can it be plausibly viewed as an algorithm or decision procedure for moral rightness in so far as it gives a necessary condition (see n. 30) for moral rightness? It will be recalled that an algorithm was defined (see above, p. 2) as a "...mechanical procedure for carrying out, in a finite number of steps, a computation that leads from certain types of data to certain types of results." Is Kant's procedure, outlined above, an algorithm? Probably not. The notion of being mechanical seems too strong here. We cannot say that Kant's procedure is mechanical in the way that truth-tables

are for truth-functional logic. Arriving at a proper maxim, imagining a hypothetical situation, etc., seem not to be mechanical in this sense. But Kant has given us a definite road to follow. He has provided us with a procedure which we may call a constructive process. (See p. 2f.) That is, he has provided us with a finite set of instructions which, although not mechanical and hence not strictly speaking an algorithm, he claims can lead us to correct deontic judgments if our 'non-mechanical' mental processes, e.g. imagination, are functioning correctly. But just as Kant's procedure is not mechanical, neither is utilitarianism. (This will be discussed below when I consider Nell's arguments.) So neither Kant nor the utilitarians have, strictly speaking, produced an algorithm, and hence may both be thought of as having offered constructive processes. However, it is my contention that Kant's theory is seriously affected by the problem of relevant descriptions in a way in which utilitarianism, and other deontic procedures viewed as constructive processes, are not. So let us now consider how Kant's theory and the problem of relevance interact.

(3)

In order to understand how Kant's procedures are undermined by the problem of relevant descriptions, it must be noted that Kant has presented what is essentially a two-stage proposal. At the first stage, a maxim (Murphy's maxim_1) must be formulated. At the second stage, this maxim is tested by the Categorical Imperative and its universalizability

criterion. But even though universalizability is the criterion of the morality of maxims, a maxim is itself a general statement. As we have already noted, if we consider the following paraphrase of the maxim from Kant's second illustration of the Categorical Imperative, i.e. 'Whenever I believe myself short of money, I will borrow some and promise to pay it back, though I know this will not happen', the term 'whenever' indicates a potentially unlimited class of situations described by the rest of the sentence. Schematically, a maxim may be said to take the following form: Whenever I find myself in a situation marked by general characteristics X, Y, and Z, I will perform in a given way. Kant's system requires that we make a leap from the level of maxim to what he calls the level of practical law.

(a) Level of maxim: Particular individual W construes his situation as being truly describable in terms of general characteristics X, Y and Z, and acts in a given way as a function of this construal.

(b) Level of practical law: All rational beings can, without contradiction, act in a given way in situations truly describable by general characteristics X, Y, and Z. (That is, all rational beings can will, without contradiction, that all rational beings act in a given way in all situations marked by general characteristics X, Y, and Z.)

Kant's criterion of moral rightness involves deciding whether a given maxim on level(a) can or cannot be raised to the level of practical law [level(b)].

The argument against the admissibility of the shift from level (a) to level (b) starts by noting that the relationship between an act and a maxim₁ is analogous to that between an event and its description; in a sense, a maxim actually expresses the nature of an act by specifying an intention, general characteristics of situation, etc.³³ It is then claimed that Kant assumed that a given act uniquely determines one and only one proper maxim,³⁴ this assumption being crucial to his theory. (See below, n. 35.) However, it is then asserted that there exist, for a given act, indefinitely many maxims which could, with equal claim to objectivity, serve as subsumptive principles, depending upon which of the indefinitely many possible descriptive schemas happens to be operative. (A descriptive schema may be thought of as a theoretical construct which provides descriptive labels for determining general classes of situations by selectively eliminating all but a finite number of (preferred) situational characteristics. In other words, a descriptive schema functions by partitioning the set of all true descriptive attributes of an act into two mutually exclusive sets: (relevant descriptive attributes), (irrelevant descriptive attributes). Obviously, this can be done in many different ways, depending on what our 'principle of partition' is. For example; the set of relevant descriptive attributes that a behavioral psychologist might consider in trying to describe or predict a person's behavior would undoubtedly be different from the set considered by an Astrologer. [For more on this

example and others like it, see the discussion on Kuhn in Chapter 3. For examples of this sort in the normative domain, see Chapter 4, pp. 132-135.]

If it is the case that the act/maxim relationship is not one-to-one,³⁵ (the nature of this relationship will be discussed in Chapter 4), then it can be effectively argued that the Kantian theory is deficient. For consider if, in some situation, there exist two legitimate maxims (maxims_1) as candidates for universalization (i.e. in the sense of going from level (a) to level (b) above), which one shall we test by one of the forms of the Categorical Imperative? If we test both and they pass or fail in tandem, all is well. But suppose, as is possible, that one is universalizable and the other is not. What then? And what if we are faced with not just two, but indefinitely many descriptive maxims? This is one way of presenting the problem of relevant act descriptions in a Kantian context. It is based on the claim that the relationship between acts and maxims (maxims_1) is not one-to-one. If this claim can be made good, and I think that it can (see Chapter 4), then Murphy's $\text{maxims}_1/\text{maxims}_2$ distinction will not, although it might improve the chances of Kant's theory in some other ways, save it from the problem of relevant descriptions.

On this view of the problem of relevance in a Kantian context, questions of morality are pushed back from asking which maxims are universalizable to a search for criteria of acceptability for descriptive principles, which may then yield

a decision procedure or constructive process which, for all anyone knows, may be totally independent of universalization. If, however, no such criteria can be arrived at (e.g. if it is logically impossible to produce them), then the Kantian theory will be seen to be fatally deficient.

In order to illustrate the problem of relevant descriptions more concretely, let us consider the attempt of Marcus George Singer, in his Generalization in Ethics (New York: Alfred A. Knopf, Inc., 1961), to 'patch up' Kant's ethical theory. (Singer's views will be discussed more fully in Chapter 4.)

Kant is notorious for having affirmed that lying is wrong in any context. In his book, Singer has supported what he calls the generalization principle and the generalization argument as at least necessary conditions for morality,³⁶ and argued that they are very closely connected to the Categorical Imperative. (See Generalization in Ethics, p. 295.) However, Singer also believes lying to be justified in some cases. He therefore wishes to uphold the Categorical Imperative, or something very close to it, and yet deny its exceptionless prohibition against lying. The dilemma is skirted by Singer as follows: he uses what might be called a 'description shift' to distinguish between lying which saves a life and lying which enhances personal convenience. He then claims that these are two different types of action (p. 238) and that the Categorical Imperative condemns the latter, but not the former. Thence, by partitioning (describing)

experience in this way, Singer claims to have gone a long way toward saving the Categorical Imperative as the supreme principle of morality.

In terms of what has been said above, what Singer has done here is to claim that it is appropriate to ascribe two different maxims₁ to the two situations involving lying. So we have maxim_{1a} = I will lie whenever I can save a life, and maxim_{1b} = I will lie whenever I can enhance my personal convenience. (No mention is made here of motive, which is proper. For example, one's motive in telling a lie that saves a life might be to get his name in the paper, to save the life in question, to obey the moral law, etc.) To assign the two different maxims is to indicate that considerations like saving lives and enhancing personal convenience are morally relevant, and that they materially alter the nature of the situations under discussion from the moral point of view. There are four possibilities to consider. Either neither of these considerations is morally relevant (this is supposedly Kant's view, 'a lie is a lie is a lie'), saving lives is but enhancing personal convenience isn't, or vice versa, or they both are. The point is that a pure universalization criterion such as the Categorical Imperative does not tell us which of the possible maxims which might be presented to it contains the morally relevant descriptive attributes. And because this is the case, real trouble develops. The nature of this trouble may be illustrated if we consider a lie which results both in saving a life and enhancing one's personal convenience.

Without a theory of morally relevant attributes both maxim_{1a} and maxim_{1b} above are proper candidates for testing by the Categorical Imperative, since they include only true descriptive elements. But if Singer is right, when maxim_{1a} and maxim_{1b} are thus tested, the results will be different; viz., in one case the act will be judged at least morally permissible, in the other case it will be judged wrong. Thus, without a theory of morally relevant attributes, the 'same' act might be judged to have two mutually exclusive deontic designations.

So here, anyone who takes the problem of relevance seriously will ask: on what grounds is Singer's partitioning superior to Kant's? And why does Singer stop at partitioning lying into lying to save a life and lying for personal gain? Why not divide lying to save a life into lying to save a young life and lying to save an old life, or useful life and non-useful life, and so on? The argument from the problem of relevant descriptions challenges us to defeat the claim that there are, in fact, no objective criteria for the selection of descriptive characteristics; that is, that the only possible objective ideal seems to be the notion of a 'complete' description. The ideal of completeness, however, implies that we should aim at descriptions as particularized as possible, and that we should stop only when we have come as closely as possible to the complete specification of situation and agent. In fact, if the ideal of completeness were realized, classes of morally equivalent agents in any particular set of situations would be reduced to the unit

class, and moral questions would become independent of universalization.³⁷

Other writers have taken note of what I have called the problem of relevant descriptions in a Kantian context,³⁸ although there is disagreement among commentators concerning just how serious this problem is for Kant.³⁹ One commentator whose views are worth considering on this matter is Sir David Ross. In his book, Kant's Ethical Theory: A Commentary on the "Grundlegung zur Metaphysik der Sitten",⁴⁰ Ross discusses a problem which might be called the problem of the method of abstraction. This problem is closely related to the problem of relevant descriptions, and Ross' discussion of it will allow us to see how some other key problems in Kant's ethics, e.g. the problem of the conflict of obligation, are related to the problem of relevant descriptions.

Frankena⁴¹ has characterized the structural difference between Kant and Ross by referring to Ross as a pluralistic rule deontologist, while calling Kant a monistic rule deontologist. It is Kant's monism which Ross brings into question in formulating his criticism of Kant.

Kant is in fact trying to find a characteristic which all particular moral laws must have if they are to be moral laws, and which can be used as a criterion of the correctness of any general principle of action, and therefore of the rightness of the acts which conform to such a principle. The attempt to find a general criterion of rightness reminds us of the attempt to find a general criterion of truth. All such attempts fail, in the case of truth.... And the failure in the case of truth may make us sceptical in the case of rightness, and prepared to believe that there is no single reason which makes all right acts right, but that the promotion of the general good is right because it

is the promotion of the general good, and the keeping of promises right just because it is the keeping of promises.⁴²

But it is not only Kant's monistic principle which Ross believes to be incorrect. It is also that Kant's monistic principle does not offer any guidance with respect to how maxims are to be formulated, and without such guidance for forming descriptive principles, Kant's deontic theory breaks down.

But it is time we came nearer to the root of Kant's mistake.... Kant's error seems to lie in this: Any individual act is an instance of a class of acts which is a species of a still wider class; we can set no limits to the degrees of specification which may intervene between the summum genus 'act' and the individual act. For example, if C tells a lie to the would-be murderer, this falls (i) under the sub-species 'lies told to murderous persons', (ii) under the species 'lies', (iii) under the genus 'statements'. Kant pitches, arbitrarily, on the middle one of these three classes, and since acts of this class are generally wrong, and indeed are always *prima facie* wrong, he says that the particular lie is wrong.⁴³

Ross sees that this 'arbitrary pitching' of Kant's will not do, since it is open to anyone to respond that his act can be described in another way with as much objective force as the description 'lie'.

But the man who tells the lie may well retort to Kant 'Why should the test of universalizability be applied to my act regarded in this very abstract way, simply as a lie? I admit that lying could not properly become a general law of human society. But why not apply the test of universalizability to my act considered more concretely, as a lie told to a would-be murderer, to prevent him from committing a murder? I am willing then to face the test of universalizability. I think that human society would be better conducted if people habitually told lies in such circumstances, than if they habitually told the truth and helped murderers to commit their murders.'⁴⁴

Ross, then, in these passages, has given a statement of the problem of relevant descriptions in terms of the concepts of 'specification' and 'abstractness of description'. And this statement of the problem leads naturally to the Kantian problem of conflict of obligation. For Kant believed that by applying the Categorical Imperative, we could get a series of moral laws which are absolutely binding without exception. But the problem arises: what if an act is subsumable under two maxims, α and β , such that when it is viewed in terms of α it is wrong (i.e. α is not universalized) and when it is viewed under β it is right or permissible? (i.e. β is universalizable.) Which obligation do we accede to? Thus it is seen that the problem of relevant descriptions leads directly to the problem of conflict of obligations, and Ross does not think much of the way Kant handles this problem. Kant's hope, in the 'should we tell the would-be murderer that his intended victim is in our home' situation that while we are telling the would-be murderer that his quarry is in our home, the intended victim might have escaped unobserved, does in fact sound like wishful thinking.⁴⁵

Ross takes the decision concerning which more or less abstract description of an act is appropriate for moral judgment to be part of a process which he calls the method of abstraction. And this method he thinks is misguided.

The whole method of abstraction, if relied upon, when used alone, to answer for us the question 'What ought I to do?', is a mistake. For the acts we have to choose between, say the telling of the truth or the saying of what is untrue, in some particular circumstances, or the keeping or the breaking of

a promise, are completely individual acts, and their rightness or wrongness will spring from their whole nature, and no element in their nature can safely be abstracted from.⁴⁶

But Ross realizes that an appeal to particularity or concrete wholeness, as he calls it, cannot be made by a Kantian or any pure universalist theory, since such an appeal renders the universalizability criterion redundant.

The only safe way of applying Kant's test of universalizability is to envisage the act in its whole concrete particularity, and then ask, 'Could I wish that everyone, when in exactly similar circumstances, should tell a lie exactly similar to that which I am thinking of telling?' But then universalizability, as a short cut to knowing what is right, has failed us. For it is just as hard to see whether a similar act by someone else, with all its concrete particularity, would be right, as it is to see whether our own proposed act would be right.⁴⁷

Although I believe that Ross is basically correct in the importance he assigns to the problem of relevant descriptions in a Kantian context, I think that his statement of the problem in terms of the notion of abstraction leaves something to be desired. Ross' paradigm for the problem (see above, n. 43 and n. 44) may be generalized as follows: For any given act X, there exist indefinitely many true descriptions of X, say A,B,C,....., such that when some of these descriptions are taken as part of the maxim of X, such maxims are not universalizable, while maxims based on the remaining descriptions are universalizable. But Ross also adds the rider that the set of descriptions involved may be ordered in terms of how abstract they are, in such a way that certain of these descriptions may be said to be on a higher or lower level of abstraction. Thus, in the trio of

descriptions of the act, 'tells a lie to a would-be murderer', which Ross gives as (i) lies told to murderous persons, (ii) lies, (iii) statements, he calls (i) a sub-species of (ii), and (ii) a sub-species of (iii) with respect to how abstract these descriptions are. What I object to in all of this is the following. Ross at least strongly suggests that the reason why some of these descriptions give different results when subjected to the Categorical Imperative is a function of their being on these so-called different levels of abstraction. It seems to me that this is just not true.⁴⁸ An example may suffice to show this.

Suppose a person does an act, X, which may truly be described as A: telling a lie, and B: helping out a friend. Now, using just these descriptions A and B to generate the two possible maxims of act X, the Categorical Imperative would, according to Kant, reject the maxim based on A as immoral⁴⁹, while not doing this to the maxim based on B. But this is certainly not because descriptions A and B are on different levels of abstraction. There seems nothing more or less abstract about A than about B, and it is certainly not the case that the description A denotes a class of acts which is a proper subset ('sub-species') of B, or vice-versa.

But if the problem of relevant descriptions is not to be explained in terms of levels of abstraction of competing descriptions, what is the correct account of this problem?

The essence of the problem of relevant descriptions in a Kantian context is as follows. For any act X, there

exist indefinitely many true descriptions of X. One of these descriptions must be incorporated into a maxim (Murphy's maxim₁) for the Categorical Imperative to test. The question is, which of the available true descriptions of X shall we use as the basis for a maxim? The answer is the description which contains the morally relevant descriptive elements of the situation. So the problem is one of partitioning the set of true descriptions which apply to a given act into two subsets, one which contains morally relevant elements, the other of which does not. The problem is one of partitioning (or selecting)⁵⁰ descriptive elements for these sets, no matter what so-called level of abstraction they happen to be on. (Sometimes, of course, the actual competing descriptions in a given case where universalization is concerned will have the sub-species, species, genus relationship that Ross talks about.)

Any ethical theory which does not specify morally relevant attributes⁵¹ must be inadequate. In the case of a universalization based theory such as Kant's, we have a two-stage process to contend with: form a maxim; test it with the Categorical Imperative. But which true description of the act shall we use? Here, I believe, universalizability theorists such as Kant have been silent, and this silence is the root of the ineffectiveness of these theories. As Ross puts it;

We seem, then, to be at an impasse. The test of universalizability applied at one level of abstractness condemns the act; applied at another level of abstractness it justifies it. And since

the principle itself (the Categorical Imperative) does not indicate at what level of abstractness it is to be applied, it does not furnish us with a criterion of the correctness of maxims, and of the acts that conform to them.⁵²

I would express Ross' point this way: Since the Categorical Imperative offers no guidance with respect to determining which of the indefinitely many true descriptions of an act is appropriate for generating a maxim for that act (i.e.- is made up of morally relevant descriptive elements), it cannot, "... furnish us with a criterion of the correctness of maxims, and of the rightness of acts which conform to them."

By now, I hope it has been made clear just what the problem of relevant descriptions is and how it affects normative theories which centrally employ a universalizability criterion, especially Kant's ethical theory. It is my belief that the problem of relevant descriptions defeats any ethical theory which employs universalizability as a deontic assessment mechanism. Be this as it may, ethical theories based on universalization have been fairly prevalent in recent years. For example, in the work of R.M. Hare⁵³ and Marcus George Singer,⁵⁴ we see two prominent ethical theorists who rely on the notion of universalizability in a way which is distinctly reminiscent of Kant. I will take up their views in Chapter 4 in order to demonstrate that their theories cannot cope with the problem of relevant descriptions. But the main thrust of this Chapter will be Onora Nell's recent book, Acting on Principle, which makes

the claim that although Kant's modern 'successors', such as Hare and Singer, have produced ethical theories based on universalizability which cannot cope with the problem of relevant descriptions, Kant's theory itself does not suffer from this defect. This claim of Nell's is important, for if she is correct, then there must be some element in Kant's theory, which is absent in the proposals of others, which makes it immune from the criticism to which they succumb. It will be the main burden of Chapter 4 to determine what Nell thinks this characteristic is (i.e. to determine the Kantian 'solution' to the problem of relevant descriptions, according to Nell) and to find out whether or not she is right in her claim that Kant himself has succeeded where his modern 'disciples' have failed.

But before turning to this, perhaps it might be worth discussing the concept of relevance itself. Up to now, relevance has been treated as a basic, unanalyzed concept, and used in such phrases as 'morally relevant descriptive attribute'. No doubt, most of us have a fairly good 'rough and ready' understanding of what it means to say that one thing is relevant to another, or irrelevant, but as in most cases of rough and ready understanding, we may be missing something about the concept which is significant, especially since we want to determine whether Kant does or does not have a viable account of moral relevance. So let us turn our attention now to the concept of relevance.

Chapter 2

Notes

¹Jeffrie G. Murphy, "Kant's Concept of a Right Action," The Monist, 51, no. 4 (Oct., 1967), 576. Murphy's statement that, "...unless 'duty' is independently describable, the rider 'for the sake of duty' will simply be redundant," is reminiscent of W.D. Ross' argument to the effect that it cannot be our duty to act from a certain motive, and the reductio ad absurdum argument he constructs against the view that 'right' means 'morally good'. See W.D. Ross, The Right and The Good (Oxford: Clarendon Press, 1930), pp. 4-6. It is also interesting to note that if anyone defines rightness in terms of motive, he may be attached for blurring the distinction between deontic and areatic theory in an unacceptable way, a way which Murphy says Kant would not accept. As he says on p. 576, "Kant quite obviously thinks that it is possible to act in accordance with duty from an improper motive. Otherwise he would not belabor the point that we ought to perform these acts from the motive of respect for duty." It is not defining 'right' in terms of another moral quality per se which is the problem here, but the consequences of this particular kind of definition which yields the difficulty. (We may for example, define 'right' to mean 'not-wrong' with no great problem.) Compare this to the general argument against defining 'right' as a natural, or metaphysical quality and the naturalistic or metaphysical 'fallacies' which are said to be a consequence of any such definition. See on this point William Frankena, "The Naturalistic Fallacy," Mind, 48 (1939), 103-114.

²See Immanuel Kant, Lectures on Ethics (New York: Harper Torchbooks, 1963), p. 36 and P.A. Schilpp, Kant's Pre-Critical Ethics (Evanston: Northwestern University Press, 1960), p. 125.

³Murphy, "Kant's Concept of a Right Action," p. 577. As I have indicated above, following Ross, I think that the phrase 'a good action' is misleading and ought not to be used.

⁴Ibid., p. 578.

⁵Immanuel Kant, Groundwork of the Metaphysics of Morals, ed. H.J. Paton (New York: Harper Torchbooks, 1964), p. 88.

⁶Murphy, "Kant's Concept of a Right Action," p. 581.

⁷Jonathan Harrison, "Kant's Examples of the First Formulation of the Categorical Imperative," Philosophical Quarterly, 7 (1951), 53. The view that the motivational component should not be part of a maxim submitted to the Categorical Imperative is also supported by Wolff, who makes a distinction between a maxim (or policy) proper, and the reason for adopting policies. See Robert Paul Wolff, The Autonomy of Reason: A Commentary on Kant's "Groundwork of the Metaphysics of Morals" (New York: Harper Torchbooks, 1973), p. 167. Wolff's views will be taken up again below in my discussion of Nell.

⁸Murphy, "Kant's Concept of a Right Action," p. 583.

⁹Ibid., p. 582.

¹⁰Ibid., p. 583. These views of Murphy's put him in conflict with some distinguished interpreters of Kant; e.g. H.J. Paton. For Murphy's criticisms of Paton, see pp. 583-587 of "Kant's Concept of a Right Action."

¹¹Ibid., p. 591.

¹²Ibid., p. 588.

¹³Immanuel Kant, Foundations of the Metaphysics of Morals, translated by Lewis White Beck (New York: Library of Liberal Arts, 1959), p. 13.

¹⁴Murphy, "Kant's Concept of a Right Action," p. 593.

¹⁵Kant, Lectures on Ethics, p. 58.

¹⁶Immanuel Kant, The Doctrine of Virtue: Part II of "The Metaphysics of Morals," ed. Mary J. Gregor, (Philadelphia: University of Pennsylvania Press, 1964), p. 36.

¹⁷Murphy, "Kant's Concept of a Right Action," p. 594. Murphy's distinction, moral worth (for actions) and ethical worth (for motives or persons), is the same one I drew above between deontic judgments (on actions) and judgments of moral worth (on motives or persons).

¹⁸Ibid.

¹⁹Ibid., p. 595. By way of arguing against the view that Kant's doctrine of law was to be identified with state

law (Paton), Murphy claims that on this view, "...Kant's supreme ethical command would reduce to the following:

Do your duty from a motive of duty equals
by definition Do what state law commands
because state law commands it." (p. 596.)

Murphy presents arguments that Kant did not hold this view. (p. 597.)

²⁰Ibid., p. 596. This remark of Murphy's that Kant, in the Groundwork, was careless when he claimed that external performances had no moral worth has been challenged by Peter Laska in his article, "Kant on Moral Worth: A Reply to Murphy," Kant-Studien, 59 Jahrgang, Heft 3 (1968), 374-383. Of this remark Laska says (p. 381), "There seems to me to be considerable evidence against any claim that Kant was simply careless in stating that actions which merely accord with the moral law are without moral worth. For Kant makes the same statement in all his major ethical writings, pre-critical as well as critical. In the Lectures on Ethics, for example, the same or essentially the same statement appears no less than six times. And essentially the same clear statement can be found in many places in the Critique of Practical Reason, Religion within the Limits of Reason Alone, and the "Introduction" to the Metaphysics of Morals."

Laska also disagrees with Murphy on whether or not the maxims₁, maxims₂ distinction can successfully support the view that Kant has a theory of moral right. (pp. 375-377.) Despite these disagreements, however, Laska does think that Kant has a theory of moral right, and also that although Murphy's distinction among maxims has some difficulties (specifically, is Murphy's account of maxims₂ tenable?; there seems to be no problem with maxims₁ which are crucial for the theory of right), his explanation of Kant's theory of right is on the right track.

"...I think Murphy has hit upon the correct course for resolving the problem of morally right action in Kant. In line with his general approach, but differing in detail, I shall develop and place emphasis on Kant's distinction between two kinds of acts. Using the distinction I think it can be shown that Kant does have a theory of morally right action in spite of his assertion that actions not done from duty have no true moral worth." (p. 377.)

Laska distinguishes two kinds of acts in Kant, acts which conform to the moral law in letter but not in spirit, and those which conform to the moral law in letter and in spirit. He then argues (pp. 381-383), in much the same way that Murphy argues that maxims₁ are the proper objects to subject to the Categorical Imperative, that actions which accord only with the letter of the moral law do have some sort of moral, not merely legal, status.

²¹Ibid., p. 579.

²²In a footnote to his claim that an act can have but one maxim, Murphy says, "But questions of intention are relevant." (p. 580.) This is certainly true, in that if a maxim is a descriptive principle of action, the agent's intention is directly connected to what 'the very character of the action is'. So a discussion of intentions and how they are connected to maxims might form the basis of an argument that maxims, and acts are correlated one-to-one. Murphy, however, does not take this path. His footnote on intention only concerns itself with the problem of acts which may be said to be unintentional and whether or not a person may be held responsible for such acts. Onora Nell, on the other hand, does make such an argument. I will discuss Nell's proposals, and argue that they are inadequate, in Chapter 4.

²³Kant, Groundwork, p. 57.

²⁴Ibid., p. 68. The idea of a maxim is crucially important to any interpretation of Kant as a deontic theorist. In my reconstruction of Kant's theory involving the idea of a decision procedure, I will argue that for Kant, an action is wrong if 'its maxim' does not pass a certain test. On this view, it is maxims, not actions, which are to be tested directly by the Kantian mechanism, and this leads to the problem of relevant descriptions. For now, however, we may agree with Kant that a maxim is a 'subjective principle of volition'.

²⁵Ibid.

²⁶Why does obeying any particular law involve inducements from consequences? Because, presumably, essential to a particular law are reasons for having framed them, and hence inducements for obeying them. (e.g. to provide for the common defense, ensure domestic tranquility, etc.)

²⁷Kant, Groundwork, p. 69.

²⁸Ibid., p. 70.

²⁹Ibid., pp. 88f. It is agreed by most commentators that although Kant gives other formulations of the Categorical Imperative which he claims are equivalent to the ones just mentioned, these formulations are in fact the fundamental ones. See on this point Nell, Acting on Principles, pp. 32f.,

and Sir David Ross, Kant's Ethical Theory: A Commentary on the "Grundlegung zur Metaphysik der Sitten," (Oxford: Oxford University Press, 1954) p. 62. For a different view emphasizing the Kantian notion of autonomy see J. Murphy, Kant: The Philosophy of Right (New York: Macmillan & Co., 1970) pp. 65-86. Murphy's ideas here do not, however, significantly weaken the role of universalizability in Kant's ethics. See, for example, pp. 87, 103.

³⁰In this example, I am going to contend that Kant offers a decision procedure or constructive process in the sense that the Categorical Imperative functions as a necessary condition for the moral rightness of an act. There is, of course, the possibility that Kant thought his criterion to be sufficient as well as necessary. If this was the case, he seems to have overlooked a large class of counter-examples. [See, for example, W.T. Jones, A History of Western Philosophy (New York: Harcourt, Brace & Co., 1952), vol. 2, p. 855.] There are many who believe that Kant's formulations are strongest when looked on as constituting a necessary condition; e.g. Singer in Generalization in Ethics, H.B. Action in Kant's Moral Philosophy, and R.P. Wolff in The Autonomy of Reason. Nell, however, in Acting on Principle, says that the Categorical Imperative can be used as a sufficient condition for moral rightness as well, based on the testing of the contrary of a given maxim. This contention will be discussed in Chapter 4.

³¹Kant, Groundwork, p. 90.

³²Ibid., p. 69.

³³It might seem that a maxim such as 'Never lie' does not make reference to what I have called general characteristics of situation. However, if we interpret 'Never lie' as the infinite conjunction: (Don't lie in situation A and Don't lie in situation B and Don't lie in situation C and....), we can say that implicit reference to situation is included in the maxim (incomplete) 'Never lie'. However, if we do so interpret 'Never lie' (as an infinite conjunction), exactly what kind of proposition it is comes into question. See, on this point, J.O. Urmson's discussion of F.P. Ramsey's position on infinite conjunctions in his Philosophical Analysis (London: Oxford University Press, 1956), pp. 64-67.

³⁴When the claim is made that Kant thought that a given act determined one proper maxim, it is not meant that he thought that everyone, in a given set of circumstances, would actually choose the proper maxim. That he

did not believe this is indicated by his remark, "Every immoral man has his maxims." (See Kant, Lectures on Ethics, p. 43.) What is entailed by the claim is that, among the set of maxims possible, one of the following configurations is the case.

(a) There exists for a given act A, one and only one proper descriptive maxim.

(b) There exists for a given act A, a possibly infinite set of proper maxims ($\alpha, \beta, \sigma, \dots$), where each member of this set is morally equivalent to every other member, with respect to the Categorical Imperative.

³⁵The question as to why Kant should have thought that there existed, for a given act, one and only one correct maxim (i.e. one and only one correct description) may be resolvable in terms of certain considerations set forth in The Critique of Pure Reason. In short, just as the categories of the understanding uniquely order the sensuous manifold, so a proper maxim uniquely determines (descriptively) a given act. (i.e. gives it its form, as it were.)

To say that more than one correct maxim was applicable to a given act (i.e. morally and descriptively non-equivalent maxims) would I think, for Kant, have been analogous to saying that for a given chunk of the sensuous manifold the mind could, with equal objective force, classify this chunk in more than one way. (e.g. either, say, in a Newtonian or a non-Newtonian way.) But this Kant would not have accepted.

What I am saying here is that in order for Kant to have been a good "Kantian" (according to the first Critique), the one:one relationship between acts and maxims (proper maxims, see n. 34) is the position he ought to have held. I do not see how he could have propounded his ethical theory as he did if he did not adhere to such a view, since his theory is clearly threatened very early on by the supposition that to a given act there corresponds more than one properly descriptive maxim, with at least two of such maxims being morally non-equivalent.

³⁶The generalization argument is as follows: For any act A, the moral question is- What would happen if everyone did that? If the consequences of everyone's doing A are undesirable, then not everyone ought to do A; hence no one ought to do A. This is clearly an invalid argument as it stands, but when it is mediated (as Singer puts it) by the generalization principle, it becomes valid. Generalization principle: An act right for one person must also be right for any similar person in similar circumstances.

³⁷The argument from the problem of relevant descriptions has been made so far with respect to descriptive labels for situations. It can be made with respect to agents in the following way. Kant speaks as if the only

qualifying characteristic for morality is rationality. (That is, for Kant, all rational beings may be said to be in the same moral equivalence class.) However, it is almost always the case that our, or someone else's appraisal of the kind of individual involved in a given situation is morally significant; e.g. we might excuse a blind person in cases where we would blame a sighted person. Thus, in practice, universalization is limited; we must place ourselves (be placed) in a moral equivalence class of individuals as a function of a selected, finite number of descriptive labels. But the argument against objectively valid classificatory principles with respect to general descriptive labels for situations is now applicable with respect to classificatory criteria for description of agents.

³⁸ See, for example, Jonathan Harrison, "Kant's Examples of the First Formulation of the Categorical Imperative," and J. Kemp, "Kant's Examples of the Categorical Imperative," Philosophical Quarterly, 8 (1958), 63-71.

³⁹ Nell, for example, sees the problem as crucial, and devotes much of her energy in Acting on Principle to trying to solve it. Singer, in Generalization in Ethics, takes note of the problem, but does not spend a great deal of time on it. Singer's views will be discussed in Chapter 4.

⁴⁰ See above, n. 29.

⁴¹ Frankena, Ethics, pp. 25-33.

⁴² Ross, Kant's Ethical Theory, pp. 28f.

⁴³ Ibid., pp. 32f.

⁴⁴ Ibid., p. 33.

⁴⁵ Although Ross is critical of the way Kant deals, or rather fails to deal, with conflict of obligation situations, the way he himself handles them has also drawn some criticism. Briefly, what Ross does is to claim that our obligations, such as the prohibition against lying, are not obligations of actual right and wrong, but only of prima facie right and wrong. The rules of prima facie duty tell us what considerations must always be taken into account in determining what we ought to do. But this, of course, does not solve the problem, since rules of prima facie duty can conflict as well as rules of actual duty. What we need, it would seem, are second order rules to adjudicate this conflict. But as Frankena says (Ethics, p. 27);

"Ross could clear even this hurdle if he could provide us with a ranking of our prima facie duties which would always tell us when one takes precedence over the others, but he does not believe this to be possible. It is at this point that he says, "C'est la vie," and refers us to Aristotle's dictum, "The decision rests with perception."

Then, of course, there is also the problem of how to determine just what the rules of prima facie duty are. How can we know if all the items on our list are exhaustive? Which all goes to prove, I suppose, that although Kant's monism may be inadequate, the problems of pluralism are not inconsiderable.

⁴⁶Ross, Kant's Ethical Theory, p. 33.

⁴⁷Ibid., p. 34.

⁴⁸If one does take the position that it is the level of abstraction two competing descriptions were on which produce differing results with respect to the Categorical Imperative, then one would like to have a way of specifying 'levels of abstraction' for such competing descriptions. But the prospects of generating something like a theory of types for such descriptions seem less than bright. Besides, if I am right, such a theory is not necessary.

⁴⁹On the point that, strictly speaking, it is the maxims that a person acts on, not the actions themselves, which are the appropriate objects of deontic judgment, see Jonathan Harrison, "Kant's Examples of the First Formulation of the Categorical Imperative."

⁵⁰Perhaps the difference between Ross' idea of 'abstraction', and my idea of 'partitioning' or 'selection' as the basis of the problem of relevant descriptions is not as great as I have indicated. See pp. 33f. of Kant's Ethical Theory where he says, "To abstract is to shut our eyes to the detail of the moral situation, and to deprive ourselves of the data for a true judgment about it."

⁵¹It should be noted here that in stating which elements of a situation are morally relevant, it is usually understood whether it is the presence or absence of that characteristic which is right-making or wrong-making. Hence, if it is claimed that lying to someone is a morally relevant aspect of a situation, it is understood that the presence of a lie is a prima facie wrong-making characteristic. And, if we merge, for simplicity's sake, the deontic categories 'not-right' and 'wrong', then we may conclude that if the presence of a descriptive element is prima facie right (wrong)-making, its absence is prima facie wrong (right)-making.

⁵²Ross, Kant's Ethical Theory, p. 33.

⁵³See R.M. Hare, The Language of Morals (New York: Oxford University Press (Galaxy), 1964), and Freedom and Reason (New York: Oxford University Press (Galaxy), 1963), along with numerous journal articles.

⁵⁴Singer, Generalization in Ethics.

CHAPTER 3

THE CONCEPT OF RELEVANCE

(1)

The concept of relevance is a relational concept. The phrase 'is relevant to' expresses a dyadic relation, and it is then proper to ask what sorts of elements are connected by this relation. Thus, if it is claimed that x is relevant to y , we want to know what sorts of things x and y may be.

A typical situation in which the relation 'is relevant to' occurs is that in which what is at issue is to determine whether some statement which describes a state of affairs is true or false. That is, a claim is made, say claim y , and it is open to question whether or not statement y is true. In general, in order to establish y 's truth or falsity, factors are adduced the truth or falsity of which are claimed to be relevant to y 's truth or falsity, either in that they support the view that y is true or that they support the view that y is false. (There may be other senses of 'is relevant to' which it might be worthwhile to investigate. See below, p. 63, on causal and moral relevance.) If x is a relevant factor which supports the view that y is true, we may say that x is positively relevant to y , and if x supports the view that y is false, we may say that x is negatively relevant to y . If x is neither positively nor negatively relevant to y , then x is irrelevant to y . (Instead of speaking of x and y as factors, or states of

affairs, we may view them, as indicated above, as statements which describe states of affairs. On this view, the relation of relevance would have as its arguments statements which may be true or false, rather than states of affairs themselves. I will, however, use the term 'factor' when no confusion results from this usage, in situations in which this usage is more convenient.)

On this account of the typical situation in which the concept of relevance finds its application, it is seen to be a reflexive relation; i.e. for any x , x is relevant to x . This may be symbolized as xRx , meaning that for any x , the truth or falsity of x is relevant to the truth or falsity of x . It is not immediately clear, however, whether the relation 'is relevant to' is symmetric and/or transitive, that is whether, for any x and y , if xRy then yRx , and for any x , y , and z , if xRy and yRz , then xRz . Although 'is relevant to' seems to be symmetric and transitive in many of its uses, it is possible to generate examples which at least throw doubt on the claim that 'is relevant to' is an equivalence relation.

Suppose, for example, that we want to determine whether $z =$ 'a certain patch of cloth is red', is true or false. Then $y =$ 'the patch appeared red to a certain observer' would, I think, be relevant to whether it was red. And $x =$ 'the observer wore red-tinted glasses' is relevant to whether the patch appeared red. So in this case we have xRy and yRz . But do we have xRz ? It appears that we may not; i.e. the

fact that our observer wore red-tinted glasses is not relevant to whether the patch of cloth is actually red. It may be argued against the viability of this counter-example, however, that we do not have yRz , because y has not been specified adequately. If we let $y =$ 'the patch appeared red to a certain observer wearing red-tinted glasses', then this counter-example loses some of its cogency.

Another example which might count against the claim that 'is relevant to' is transitive is as follows. Suppose it is claimed that (y) Jones committed a murder in Brooklyn at 6:00 P.M., and that in order for Jones to have been at the scene of the crime at the right time, he needed to have a car (x). Now let $z =$ Jones is morally blameworthy. In this case, it seems that we have xRy , and yRz , since whether or not Jones committed the murder is relevant to our moral assessment of him. But do we have xRz ? Is the fact that Jones has a car relevant, in itself, to our moral assessment of him? If not, then we have a counter-example to the claim that 'is relevant to' is transitive. There is, however, a problem with this example as well. It is that the 'R' in xRy may not be being used in the same sense as the 'R' in yRz . For when we claim xRy , R seems to mean something like 'is causally relevant to', while in yRz , R can be plausibly taken to mean 'is morally relevant to'. If R does not have the same sense in xRy as it does in yRz , this example will not do in its attempt to defeat the claim that 'is relevant to' is transitive, and it indicates

the need for a 'doctrine of respects' for all the possible senses of 'is relevant to'.

As for symmetry, it seems that our everyday concept of 'is relevant to' strongly suggests that the symmetry relation holds. This is indicated by the fact that, generally speaking, an alternate way of expressing that x is relevant to y is to say that x and y are relevant to each other; i.e. xRy and yRx . However, it is possible to construct a counter-example, albeit a somewhat artificial one, to the claim of symmetry for 'is relevant to'. Suppose that we want to know whether a given object, y has a certain property, ρ . Let y_ρ be the sentence that y has the property ρ . Suppose also that y has ρ if a given set of objects we observe has another property, θ , and suppose that there are n such possible sets. Let the sentence x_i be; set i was observed to have θ . But now suppose that all the possible sets of objects have the property θ . We have x_iRy_ρ , but do we have $y_\rho Rx_i$? That is, is the fact what y has ρ relevant to the claim that it was the i^{th} set which was seen to have had θ ? If we can plausibly answer no to this question, we have a counter-example to the claim that 'is relevant to' is symmetric. But answering no has its price. It would mean giving up the view that a condition which is necessary for another is relevant to that other. However, it may be that the relationship between necessity and sufficiency and the concept of relevance might be such that we could afford to pay this price. (See on this point, William K. Goosens, "Underlying Trait Terms" in Stephen P. Schwartz,

ed., Naming, Necessity, and Natural Kinds (Ithaca: Cornell University Press, 1977), pp. 133-154, especially pp. 133, 134, for the discussion of the relationship between semantic relevance (Achinstein) and sufficient and necessary conditions.)

But whatever the status of the relation 'is relevant to' looked upon from a formal point of view¹, this concept appears over and over again in all sorts of discussions, and plays a key role in directing such discussions. It might even be said that without a criterion of relevance, most serious discussion and/or argument would break down. Let us see how this is so.

(2)

In situations in which investigation, conversation or argumentation is embarked upon in order to determine whether something is or is not the case, or is right or wrong, there is operative a concept of relevance which limits the factors which may legitimately be appealed to in support of one view or another. Everyone, it may be said, has a sense of what is or is not relevant to what, as we have a sense of what is similar to what, a sense, according to Webster's Third New International Dictionary, of what is, "Germane, Material, Pertinent, Apposite, Applicable, Apropos; can signify, in common, having a relation to or a bearing upon a matter in hand or present circumstances." (p. 1917.) From a psychological point of view, an investigation of this sense of relevance would include a descriptive account of what differences and similarities exist in the way different people determine

what is and what is not relevant to a given issue, as well as an explanation of how these similarities and differences have come about. That differences would be uncovered seems beyond question; we may just think of the countless times one participant in a dispute characterizes a factor brought up by his opponent as worthless by reason of being irrelevant.

Another thing which might be brought to light in such an investigation is that judgments of relevance are defeasible. (This may be taken as a psychological assessment of the concept, but it is true from a logical point of view as well.) That is, it is possible that a judgment that x is relevant to y may be withdrawn in favor of the view that x is irrelevant to y as a function, say, of some new evidence or a shift in point of view. Many other relations do not share the property of defeasibility with 'is relevant to'. Thus, it is hard to imagine under what circumstances the judgment, '7 belongs to the set of odd numbers', would be withdrawn. (That is, certain claims of set membership seem to be so invulnerable to new evidence that they can be looked on as indefeasible.)

Beside a psychological study of the concept of relevance, which pertains to questions concerning how this notion in fact operates, we might also undertake to find out how it ought to operate in a given class of situations. We may, that is, seek to discover and justify a criterion of relevance whose function it is to rule in relevant information with respect to a given issue, and to rule out the irrelevant.

Such a criterion would allow us to decide which of two incompatible claims of relevance was correct.

Now I have indicated that all of us have a concept (sense) of relevance which manifests itself when we try to decide a given issue. But our notions of relevance are almost never formally explicit.² Our ideas of relevance seem to be generated as a response (a non-logical response) to some situation which we find ourselves in. So, most of the time, our criterion of relevance is implicit and informal, and hence non-justified. But non-justified or no, implicit or explicit, formal or informal, the operation of some concept of relevance is a necessary condition for meaningful discussion and inquiry. For consider what the absence of such a criterion would lead to. It would mean, for one thing, that we could not rule out any statement whatsoever as irrelevant, no matter what the issue under consideration was. Hence if we are trying to determine whether or not 'Ottawa is the capital of Canada' is true, we could not rule out 'Grant was buried in Grant's tomb' as a relevant consideration unless we had some sort of notion of relevance which could accomplish this. The absence of such a concept puts us in the position of one who accepts the Baconian dictum, 'Observe' as his only guide in trying to determine what is or is not the case in the world.

Fortunately, as I have indicated, it is the rare individual indeed who is possessed of no concept or sense of relevance, although this might not be the case in the presentation of some theory or other, as we shall see in Chapter 4. (Although

it is possible to imagine such an individual, there may not exist anyone, as a matter of fact, who can correctly be said to possess no sense of relevance.)

However, another serious and common problem this concept may yield has to do with situations in which two different notions of relevance conflict. Suppose we are in a situation in which whether a statement, x , is true or false is at issue. And suppose also that two disputants in such situations have two different concepts of relevance, R_1 and R_2 . It may happen that R_1 admits the set of statements (S_1, S_2, S_3, S_4) as relevant, while R_2 admits only the set of statements (S_5, S_6) . It may be the case that the set of statements (S_1, S_2, S_3, S_4) supports the view that x is true, while (S_5, S_6) does not. Thus, which of R_1 or R_2 is justified in this situation is crucial to the direction our investigations might take, and to the subsequent judgments we might make. Hence, the problem of the complete lack of a criterion of relevance, which leads to what might be called intellectual anarchy, and the problem of the conflict between incompatible notions of relevance, are seen to be the major problems to be faced with respect to the concept of relevance.

There are two points of view, as I have indicated, (p. 66), from which we could try to learn something about the notion of relevance so that we might be able to deal with these problems adequately. One might be called the logical point of view, in which an attempt is made to unearth and clarify the formal, objective properties of the concept of

relevance. The other is the psychological point of view, where an attempt can be made to describe how, in fact, this notion operates in different individuals. I will now take up some examples of these approaches.

(3)

A- It may be that for the most part, our ordinary sense of relevance will suffice as a guide to discussion and investigation. However, reliance on such a concept would not seem to be sufficient for science, and the absence of a well developed and justifiable concept of relevance would certainly be thought serious in a philosophy of science. The importance of such a concept was pointed out by Nelson Goodman in Fact, Fiction, and Forecast.³

Goodman brings up what he calls the problem of relevant conditions in trying to give an analysis of the counterfactual conditional as it appears in scientific contexts. He is interested in counterfactuals on their own account, and also because, "... , a solution to the problem of counterfactuals would give us the answer to critical questions about law, confirmation, and the meaning of potentiality." (p. 3.) Goodman states the difficulty with counterfactuals as follows.

Let us confine ourselves to those (counterfactuals) in which antecedent and consequent are inalterably false-as, for example, when I say of a piece of butter that was eaten yesterday and that had never been heated, If that piece of butter had been heated to 150°F., it would have melted. Considered as truth-functional compounds, all counterfactuals are of course true, since their antecedents are false. Hence, If that piece of butter had been heated to 150°F., it would not have melted, would hold also. Obviously

something different is intended, and the problem is to define circumstances under which a given counterfactual holds while the opposing conditional with the contradictory consequent fails to hold.⁴

Since a truth-functional analysis is inadequate to explain properly the connection between antecedent and consequent in a counterfactual, some other approach is needed. Goodman takes up the following proposal.

Thus the connection we affirm may be regarded as joining the consequent with the conjunction of the antecedent and other statements which truly describe relevant conditions.... The first major problem is to define the relevant conditions: to specify what sentences are meant to be taken in conjunction with an antecedent as a basis for inferring the consequent.⁵

It may be thought that this problem of specifying a set S of relevant conditions such that the conjunction of S and the antecedent A implies the consequent C , but not \bar{C} , may be easily handled by merely letting S be the set of all true statements. But Goodman shows that this approach is inadequate.

But if we say that the consequent follows by law from the antecedent and all true statements, we encounter an immediate difficulty:- among true sentences is the negate of the antecedent, so that from the antecedent and all true sentences everything follows. Certainly this gives us no way of distinguishing true from false counterfactuals.⁶

So Goodman sets out to try and determine the set S which will denote a set of relevant conditions such that $A \& S$ imply C , $A \& S$ does not imply \bar{C} , and such that the set S meets a number of other plausibility conditions. After listing some of these conditions, Goodman states a further key condition for membership in the relevance set S ; cotenability.

..., S, in addition to satisfying the other requirements already laid down, must not be merely compatible with A but "jointly tenable" or cotenable with A. A is cotenable with S, and the conjunction A.S self-cotenable, if it is not the case that S would not be true if A were.⁷

Cotenability, however, does not turn out to be very much help in dealing with the problem of counterfactuals, since it seems that in order to understand the cotenability condition we must have an adequate analysis of counterfactuals.

In order to determine the truth of a given counterfactual it seems that we have to determine, among other things, whether there is a suitable set S that is cotenable with A and meets certain further requirements. But in order to determine whether or not a given S is cotenable with A, we have to determine whether or not the counterfactual "If A were true, then S would not be true" is itself true. But this means determining whether or not there is a suitable S_1 , cotenable with A, that leads to S and so on. Thus we find ourselves involved in a infinite regressus or a circle; for cotenability is defined in terms of counterfactuals, yet the meaning of counterfactuals is defined in terms of cotenability.⁸

Thus, for lack of a suitable criterion of relevant conditions, a rigorous analysis of an important kind of scientific statement, the counterfactual, seems to elude us. And since the counterfactual is connected to the notions of law and confirmation, the absence of a criterion or relevance is seen to have far-reaching consequences.

But perhaps other avenues are open to us in the scientific realm in terms of trying to generate a formal criterion of relevance with suitable logical properties. One possibility would be to define relevance not in terms of, among other things, cotenability, but in terms of confirmation. This was the program of Carl Hempel, and from this program, many instructive points emerge.

Hempel, in his article, "Studies in the Logic of Confirmation,"⁹ begins by stating what he means by a testable statement, i.e. a statement whose truth or falsity is open to question and upon which evidence may be brought to bear.

To call a statement of this kind testable in principle means that it is possible to state just what experimental findings, if they were actually obtained, would constitute favourable evidence for it, and what findings or "data", as we shall say for brevity, would constitute unfavourable evidence; in other words, a statement is called testable in principle if it is possible to describe the kind of data which would confirm or disconfirm it.¹⁰

So for a statement to be testable it must be confirmable by evidence. This immediately creates the need for a rigorous concept of confirmation which, in turn, must involve a concept of relevant evidence. Hempel says that, "...a precise analysis of the concept of confirmation is a necessary condition to an adequate solution to various fundamental problems concerning the logical structure of scientific procedure." (p. 146), and then goes on to try and deal with the concept of relevant evidence and how it may be defined.

In the discussion of the scientific method, the concept of relevant evidence plays an important part. And while certain "inductivist" accounts of scientific procedure seem to assume that relevant evidence, or relevant data, can be collected in the context of an inquiry prior to the formulation of any hypothesis, it should be clear upon brief reflection that relevance is a relative concept; experiential data can be said to be relevant or irrelevant only with respect to a given hypothesis; and it is the hypothesis which determines what kind of data or evidence are relevant for it. Indeed, an empirical finding is relevant for a hypothesis if and only if it constitutes either favourable or unfavourable evidence for it; in other words, if it either confirms or disconfirms the hypothesis. Thus, a precise definition of relevance presupposes an analysis of confirmation and disconfirmation.¹¹

Therefore, for Hempel, in order to define relevance, we need an analysis of statements such as "E confirms H" and "E disconfirms H", where E is some evidence and H a hypothesis. If E does not stand in the relation of confirmation or disconfirmation to H, then E is irrelevant to H. ("When E neither confirms nor disconfirms H, we shall say that E is neutral, or irrelevant, with respect to H.", p. 149.) So, for Hempel, if a satisfactory definition of confirmation can be arrived at, the concept of relevance in the scientific domain will be well-defined.

Now Hempel says that, "...it is the hypothesis which determines what kind of data or evidence is relevant for it." But the question arises just how a given hypothesis does this. Consider the sentence, 'All ravens are black'. i.e. $(x)(\text{Raven}(x) \supset \text{Black}(x))$. Suppose we agree that an adequate notion of confirmation should count as a confirming (positively relevant) instance of this sentence the report, $(\text{Raven}(a), \text{Black}(a))$, and should count as a disconfirming (negatively relevant) instance the report, $(\text{Raven}(a), \sim \text{Black}(a))$. This is essentially Nicod's criterion of confirmation, to which Hempel adds that a report is neutral to the sentence under discussion if the object described does not satisfy the antecedent, i.e. is not a raven. The real problem comes up when we add to Nicod's criterion the very plausible Equivalence Condition: Whatever confirms (disconfirms) one of two equivalent sentences also confirms (disconfirms) the other. The conjoining of Nicod's criterion and the

equivalence condition yields the following paradoxical result. Since the statement, ' $(x)(\text{Raven}(x) \supset \text{Black}(x))$ ' is logically equivalent to the statement, ' $(x)(\sim \text{Black}(x) \supset \sim \text{Raven}(x))$ ', then anything which confirms the latter will confirm the former. But this means that any non-black non-raven (e.g. a white shirt) must be counted as confirming 'All ravens are black', and this seems intuitively unacceptable.

At this point, we might wish to say that the sentence, 'All ravens are black' is about ravens, and that this fact should direct the search for confirming instances. If Hempel is right when he claims that it is the hypothesis itself which determines relevant data, perhaps each hypothesis can be made to yield a relevance class of objects which is to be examined with respect to whether or not these objects confirm or disconfirm the hypothesis. This would be one reasonable way of interpreting the claim that the hypothesis determines relevant evidence, and Hempel does consider it.

The idea suggests itself of representing a general hypothesis by the customary universal conditional, supplemented by the indication of the specific "field of application" of the hypothesis; thus we might represent the hypothesis that all ravens are black by the sentence ' $(x)(\text{Raven}(x) \supset \text{Black}(x))$ (or any of its equivalents)', plus the indication "Class of ravens" characterizing the field of application; and we might then require that every confirming instance belong to the field of application.¹²

Although the move to a field of application to eliminate the paradoxical results which come from Nicod's criterion and the equivalence condition seems reasonable, Hempel rejects it for two reasons. To begin with, he claims that the way general hypotheses are actually used in science never

involves a field of application, so that, "...the choice of the latter in a symbolic formulation of a given hypothesis thus introduces... a considerable measure or arbitrariness." (p. 158.) And secondly, Hempel claims that the device of a field of application does not reflect actual theoretical procedure in science.

..., the consistent use of a domain of application ...would have no counterpart in the theoretical procedure of science, where hypotheses are subjected to various kinds of logical transformation and inference without any consideration that might be regarded as referring to changes in the fields of application.¹³

Thus, Hempel concludes that the introduction of a domain of application is essentially, "...an ad hoc device which cannot be justified by reference to actual scientific procedure." (p. 158.)

But in rejecting the addition of a field of application to general hypotheses, we are still left with the paradoxes of confirmation, and we are still no closer to determining how a given hypothesis determines, as Hempel says that they do, what is to count as confirming and disconfirming (i.e. relevant) evidence. With respect to the paradoxes, Hempel presents considerations which he thinks shows that they are, in fact, psychological illusions. These factors point to what Hempel calls the violation of a certain methodological fiction which characterizes confirmation theory.

In the seemingly paradoxical cases of confirmation, we are often not actually judging the relation of the given evidence, E alone to the hypothesis H (we fail to observe the "methodological fiction", characteristic of every case of confirmation, that we have no relevant evidence for H other than that

included in E); instead, we tacitly introduce a comparison of H with a body of evidence which consists of E in conjunction with an additional amount of information which we happen to have at our disposal; ...¹⁴

But whatever the force of these proposals, it is clear that Hempel's statement that it is the hypothesis itself which determines what is to count as relevant evidence is not as straight-forward as it might have appeared. Apparently, argument is necessary in order to show that an initially implausible set of relevant data is acceptable, and that certain initially strongly paradoxical considerations must be viewed as psychological illusions.

Despite these difficulties, Hempel goes on to give a criterion of confirmation which satisfies certain conditions of adequacy (including the equivalence condition) and which allows, for example, that the observation report, Raven(a) & Black(a) confirms the hypothesis. 'All ravens are black'. Hempel calls this the 'satisfaction criterion' of confirmation, which Goodman describes as stating that, "...what is asserted to be true for the narrow universe of evidence statements is confirmed for the whole universe of discourse."¹⁵ But whatever virtues Hempel's criterion might have, he has himself come to the conclusion that it is inadequate.

Even with refinements the (satisfaction criterion) concept of confirmation cannot be adequately defined in purely formal or syntactical terms. This has become especially clear through Nelson Goodman's studies of induction, which show that some hypotheses of the form "All P are Q" cannot derive any evidential support at all from information of the type "i is P and i is Q."¹⁶

Hence, if we recall that Hempel defined relevance in terms of the concept of confirmation, we must conclude that he has not provided an adequate criterion of relevance for the sciences. But perhaps the search for a criterion of relevance does not have to be confined to a search for a 'formal or syntactical' criterion. We may be able to find what we are looking for in an account of science which is not totally absorbed with what might be called the logical structure of science. An interesting account of this sort has been offered by Thomas S. Kuhn.¹⁷

Kuhn's approach¹⁸ to understanding science may be characterized as an attempt to lay bare the nature of science, logical or otherwise, from a historical or sociological point of view. Using this technique, he tries to isolate key aspects of the scientific undertaking by analyzing how scientists and scientific communities actually have operated and developed.¹⁹ The most important concept that Kuhn employs in this analysis is that of a paradigm.²⁰

I will now discuss Kuhn's views in order to show that a concept of relevance can be seen to be part of the concept of a paradigm or, as Kuhn sometimes calls it, an exemplar. Along the way, I will compare Kuhn's notion of relevance with Hempel's, and it will be seen that Kuhn is much closer to expressing the idea of a 'sense of relevance' than is Hempel.

Kuhn starts by giving a definition of normal science; that is, the activity in which most scientists spend most of their working lives.

In this essay, 'normal science' means research firmly based upon one or more scientific achievements, achievements that some particular scientific community acknowledges for a time as supplying the foundation for further practice. Today, such achievements are recounted, though seldom in their original form, by science text books, elementary and advanced.²¹

The achievements which become the basis for normal science have, according to Kuhn, two defining characteristics.

Their achievement was sufficiently unprecedented to attract an enduring group of adherents away from competing modes of scientific activity. Simultaneously, it was sufficiently open-ended to leave all sorts of problems for the redefined group of practitioners to resolve.

Achievements that share these two characteristics I shall henceforth refer to as 'paradigms', a term that relates closely to normal science. By choosing it, I mean to suggest that some accepted examples of scientific practice- examples which include law, theory, application and instrumentation together- provide models from which spring particular coherent traditions of scientific research.²²

Kuhn distinguishes three phases in the development of science. One could be called a pre-paradigm phase. In such a phase, no one paradigm dominates scientific practice. This does not mean, however, that the groups of people practicing science at this stage do not operate through paradigms. It is only that there are many different paradigms competing through different schools for the allegiance of the particular scientific community defined by a given field.²³

Usually, as a function of one paradigm's ability to define and solve significant problems, it becomes the dominant force in its field, and sets up the procedures of what Kuhn calls normal science. (Phase 2.) According to Kuhn, normal science is essentially a puzzle solving activity, the puzzles being generated by the paradigm. The replacing of one

paradigm of a normal science by another is called by Kuhn a scientific revolution. (Phase 3.) Such a revolution is usually precipitated by anomalies that the received paradigm cannot adequately deal with, and the crises that these anomalies sometimes give rise to.²⁴

But now it is time to consider the question which motivated the introducing of Kuhn's work into this essay. What is the relationship between operating through a paradigm and the possession of a concept of relevance? Perhaps the best way to start to answer this question is to investigate Kuhn's characterization of 'paradigm' to see what place there is for locating a concept of relevance within the structure of a paradigm. Let us, then, consider some of Kuhn's statements concerning the operation of a paradigm.

Kuhn says, concerning physical optics in its pre-paradigm period in which many different paradigms were competing;

Each of the corresponding schools derived strength from its relation to some particular metaphysic, and each emphasized, as paradigmatic observations, the particular cluster of optical phenomena that its own theory could do most to explain....Being able to take no common body of belief for granted, each writer on physical optics felt forced to build his field anew from its foundations. In doing so, his choice of supporting observation was relatively free, for there was no standard set of methods or of phenomena that every optical writer felt forced to employ or explain.²⁵

In this passage, Kuhn seems to be saying that when paradigms compete in a pre-paradigm period, part of the mechanism of that competition has to do with each paradigm's selection of a set of phenomena which it takes as peculiarly relevant, where this selection is made as a function of a

relevance criterion embedded in some metaphysic which informs the paradigm. Also, if no paradigm has a strong claim on the scientists in a given field, then what constitutes the relevant material for a particular field remains an open question.

("...his choice of supporting observation was relatively free,...") All of this supports the view that for Kuhn, a paradigm contains a relevance criterion. This is made more clear by the following passage, which also happens to relate to a pre-paradigm period.

In the absence of a paradigm or some candidate for paradigm, all of the facts that could possibly pertain to the development of a given science are likely to seem equally relevant. (My italics.) As a result, early fact gathering is a far more nearly random activity than the one that scientific developments makes familiar.²⁶

If it is the absence of a paradigm which makes fact gathering random, then may we not conclude that it is the presence of a relevance criterion, embedded in a paradigm, which effects the partition between relevant and irrelevant information?

We can learn more about how such a relevance criterion operates if we investigate a stage in science in which a single paradigm dominates; i.e. normal science. In normal science there are, according to Kuhn, three main directions of scientific investigation. He elaborates them as follows.

First is that class of facts that the paradigm has shown to be particularly revealing of the nature of things. By employing them in solving problems, the paradigm has made them worth determining both with more precision and in a larger variety of situations....

A second usual but smaller class of factual determinations is directed to those facts that,

though often without much intrinsic interest, can be compared directly with paradigm theory....

[A third class of experiments and observations] consists of empirical work undertaken to articulate the paradigm theory, resolving some of its residual ambiguities and permitting the solution of problems to which it had previously only drawn attention.²⁷

So a paradigm selects those facts and aspects of nature which it takes as revealing basic structures, and which can be employed in solving problems and making predictions. It determines, that is, the class of relevant facts and aspects for scientific investigation, all other facts being classed as mere facts, or irrelevant. Perhaps an example might be in order here to show just how different the sets of relevant facts as determined by two different paradigms may be. Suppose, then, that we are interested in making a prediction about a given individual's future. One paradigm we might adopt to do this might be Freudian Psychology, another might be Astrology.²⁸ The relevant facts for one would differ from those selected by the other. And if we turned to Behavioral Psychology instead of Astrology, the same result would follow. Thus, while the positions of the stars on an individual's date of birth is relevant for Astrology, it is irrelevant, in itself, for Freudian and Behavioral Psychology. And the class of relevant facts is surely not the same for a Freudian and a Behaviorist.²⁹

When one entrenched paradigm gives way to another, we have what Kuhn calls a scientific revolution. This type of theory abandonment is never, as Popper would have us believe, a function purely of a given paradigm's failure to deal with anomalous situations; i.e. its being falsified.

No process yet disclosed by historical study of scientific development at all resembles the methodological stereotype of falsification by direct comparison with nature....The decision to reject one paradigm is always simultaneously the decision to accept another, and the judgment leading to that decision involves the comparison of both paradigms with nature and with each other.³⁰

An entrenched paradigm is learned by the would-be practitioner of a science from models, or exemplars. Because this is true, no explicit set of rules is required to guide scientific research. These models provide much of the substance of a paradigm, and we can learn something about the nature of paradigms by examining exactly what is involved in a paradigm shift (or scientific revolution). Let us first consider a general comment from Kuhn on this matter.

When the transition (between paradigms) is complete, the profession will have changed its view of the field, its methods and its goals. One perceptive historian, viewing a classic case of a science's re-orientation by paradigm change recently described it as "picking up the other end of the stick", a process that involves "handling the same bundle of data as before, but placing them in a new system of relations with one another by giving them a different framework." Others who have noted this aspect of scientific advance have emphasized its similarity to a change in visual gestalt:...³¹

Part of what the transition alluded to above consists in has to do with modifications with respect to criteria of relevance. That Kuhn thinks this is so is made quite clear when he takes up specific examples of paradigm shifts.

Archimedes' work on falling bodies made the medium non-essential; the impetus theory rendered the motion symmetrical and enduring; and Neoplatonism directed Galileo's attention to the motion's circular form....Contemplating a falling stone, Aristotle saw a change of state rather than a process. For him the relevant measures of a motion were therefore total distance covered and total time

elapsed,...Similarly, because the stone was impelled by its nature to reach its final resting point, Aristotle saw the relevant distance parameter at any instant during the motion as the distance to the final end point rather than as from the origin of motion.³²

Perhaps Kuhn's most forceful statement on the relationship between a paradigm and a concept of relevance is as follows.

The operations and measurements that a scientist undertakes in the laboratory are not "the given" of experience but rather "the collected with difficulty." They are not what the scientist sees- at least not before his research is well advanced and his attention focussed....Science does not deal in all possible laboratory manipulations. Instead, it selects those relevant to the juxtaposition of a paradigm with the immediate experience that the paradigm has partially determined. As a result, scientists with different paradigms engage in different concrete laboratory manipulations.³³

And so, after a scientific revolution, "... many old measurements and manipulations become irrelevant and are replaced by others instead."³⁴

Let us now summarize what a paradigm does and how it operates. Through its commitment to a paradigm, a given group determines what aspects of nature are worthy of study, what type of experiments are worth doing, what counts as a solution to an unsolved problem, and which data are to be counted as relevant to the problem at hand. Such paradigms are imparted to the members of a scientific discipline through what Kuhn calls models or exemplars (shared examples). These can guide coherent research even in the absence of universally agreed upon rules of science; e.g. a concept of confirmation in Hempel's sense. Kuhn gives the following definition of an exemplar.

By it I mean, initially, the concrete problem solutions that students encounter from the start of their scientific education, whether in laboratories, on examinations, or at the end of chapters in science texts. To these shared examples should, however, be added at least some of the technical problem-solutions found in the periodical literature that scientists encounter during their post-educational research careers, and that also show them by example how their job is to be done.³⁵

In a time of normal scientific research, the dominant paradigm provides the scientific practitioner with a set of expectations and methods which allow him to pursue the puzzle-solving activity which Kuhn takes science to be. And the fact that a paradigm can help solve puzzles gives the practitioner of a science confidence that his paradigm is in fact worthy of his allegiance. I have tried to argue that part of the matrix of expectations and methods which a paradigm provides is a criterion of relevance, and that this concept may change when a paradigm does. Thus, part of the struggle between different paradigms (which characterizes a scientific revolution) often involves the conflict between incommensurate relevance criteria. (e.g. Is the exact date of birth of an individual in itself relevant in making predictions about his/her future? Astrology: yes; Behavioral Psychology: no.) The difference between two competing paradigms and the world-views that they embody may be so radical that Kuhn says we can think of their adherents as inhabiting two different worlds.

Examining the record of past research from the vantage point of contemporary historiography, the historian of science may be tempted to exclaim that when paradigms change the world itself changes with them.... Paradigm changes do cause scientists to see

the world of their research engagement differently. In so far as their only recourse to that world is through what they see and do, we may want to say that after revolution scientists are responding to a different world.³⁶

If paradigm divergence can be so radical, we may expect that the adherents of incommensurate paradigms might have a hard time communicating with each other and also that the attempts of one group to convert the other would meet with strong resistance. (Since, for example, what seems important to one group may seem utterly beside the point to the other.) In both these expectations we would be right, according to Kuhn. (See pp. 144-159, especially pp. 153-154 on the role of so-called "crucial experiments" as paradigm discriminators.) And so, techniques of persuasion must be employed in order to try and convert the followers of one paradigm to another.

We must therefore ask how conversion is induced and how resisted....

Just because it is asked about techniques of persuasion, or about argument and counter-argument in a situation in which there can be no proof, our question is a new one, demanding a sort of study that has not previously been undertaken.³⁷

But paradigm debates are not really about relative problem solving ability, though for good reasons they are usually couched in these terms.... A decision between alternate ways of practicing science is called for, and in the circumstances that decision must be based less on past achievement than on future promise.... Something must make at least a few scientists feel that the new proposal is on the right track, and sometimes it is only personal and inarticulate aesthetic considerations that can do that.³⁸

The picture that Kuhn offers with respect to how relevance criteria are internalized via models or exemplars seems to be close to Quine's claim that our sense of

similarity is at first honed by ostension.³⁹ And just as Quine has claimed that our sense of similarity is innate, the criterion of relevance one operates with as a function of a paradigm choice is usually not explicitly defined; that is, the acceptance of a paradigm implicitly shapes our capacity for determining what is relevant to what, and thereby helps direct scientific research. All of this leads to the view that Kuhn's account of science may in one crucial respect be taken as construing science as an extension of common sense. For it must be remembered that although most persons in most situations are not possessed of an explicit criterion of relevance, they nevertheless have the capacity to communicate and deliberate reasonably on what they take to be important issues. Earlier, I used the phrase, 'sense of relevance' to explain this capacity. This sense of relevance of ours does not, of course, forestall all disagreement, since one person's sense of relevance may pick out a different set of data as relevant than someone else's. But our shared experience seems to allow a common ground at least to begin discussion on some important issues, and through such discussion one's sense of relevance may be altered (i.e. it is defeasible.) Now Kuhn's scientist accepts a criterion of relevance when he or she accepts a paradigm. And the acceptance of this criterion is usually implicit, the relevance criterion not being explicitly spelled out. And the relevance criterion embedded in a paradigm may change. This can happen in the course of paradigm articulation; i.e. solving some of

the puzzles which the paradigm yields, and also when one paradigm is under severe 'revolutionary' pressure from another. And when adherents of two different paradigms find themselves operating with two radically different relevance criteria, communication between them may break down. Indeed, when Kuhn talks about how the methods of persuasion may be needed in order to convert a person from one paradigm to another, it sounds as if he is recounting a popular moral theory (emotivism) rather than a scientific issue.

There are, of course, differences between how one's sense of relevance is shaped in everyday life and how it is developed in science. For one thing, since scientific training is more formal, its exemplars are more precise as they are communicated through such vehicles as textbooks. So it may not be appropriate to speak of ordinary shared commitments, expectations, and modes of discussion as paradigm determined in a strictly Kuhnian sense. Nevertheless, there is a striking similarity between's Kuhn's idea of an implicitly given, paradigm-determined, defeasible relevance criterion, and what I have called our sense of relevance, in so far as a shared sense of relevance allows communication and deliberation to go forward. Perhaps here, then, it is time to briefly consider a characterization of how this sense of relevance operates in a non-scientific domain.

B- Julius Kovesi, in his book, Moral Notions,⁴⁰ sets himself the task of analyzing the structure of certain typical moral and non-moral judgments. In the course of this analysis, the concept of supervenience becomes important, and it is

through this concept that Kovesi's work can be taken as a characterization of a concept of relevance as it operates in ordinary experience.

Kovesi believes that Hare's position that supervenience is a defining characteristic only of value words is mistaken. The following short summary of Hare's view is a good account of what Kovesi wishes to argue against.

Value words, i.e., words such as "good," "right," and "ought," have, according to Hare, a "supervenient character."... The justification, or ground, of goodness, rightness, or oughtness respectively lies in certain non-evaluative characteristics of the thing being judged. To take another, closely related feature of the ordinary use of "good," "right," and "ought," there is something which it is never logically legitimate to say. You would puzzle your hearers if you said that two things, A and B, are alike in every respect except that A is good and B is not, or if you said that two actions, C and D, were exactly the same except that C was right or obligatory, and D was not. They would insist that there must be some other difference to account for this one. But if you said, for instance, "this book is exactly like that one except that this has a red cover," no such insistence would be forthcoming. Differences in value have to be accounted for by differences of another kind as other sorts of differences don't. (My italics.)⁴¹

Kovesi believes that the reason why someone might think that moral judgments have a supervenient character while non-evaluative judgments do not is that the most usual terms taken as illustrating the difference between evaluative and descriptive judgments have been ill chosen. Thus because Moore and others leaned so hard on the distinction between 'good' and 'yellow' (despite their similarities; they both are simple and unanalyzable according to Moore) they have come to be thought of as the paradigmatic case which illustrates the difference between descriptive terms and evaluative terms. But this, according to Kovesi, is a mistake.

'Yellow' is not a typical descriptive word. It is a typical colour-word and colour-words have special features of their own. Neither is 'good' a typical evaluative word, it is the most general word of commendation. Not only the word 'good', but practically every other word in our language is unlike simple colour-words. And not only the word 'yellow' but practically every other word in our language including evaluative terms, is unlike the most general term of commendation.⁴²

Hence, because terms such as 'good' and 'yellow' are not typical examples of evaluative and descriptive terms, they are not able to make evident the correct criteria for distinguishing such terms. What we need to accomplish this are terms from the two categories which are typical. On the descriptive side, it turns out that the kind of term we are looking for is a term such as 'table', and it is Kovesi's claim that so-called descriptive judgments such as 'X is a table' have a supervenient character, just as typical evaluative judgments have. Let us see how this is so.

How and on what basis, then, do we distinguish between tables and the other furniture of the universe? When is it a true description of an object X to say of it, 'X is a table'? To answer this question, Kovesi relies on a kind of physiological/psychological explanation.

Owing to the construction of our body, and due to some social conventions, we find it convenient to sit by bending our knees at something like a right angle. So sitting, our bodies are at a certain height. If we want to write or place cups and other objects within our reach, we need to have flat surfaces at a convenient height relative to our position when sitting. So we manufacture pieces of furniture to meet these needs. These pieces of furniture which we call tables may have different shapes and may be constructed in various ways, but as long as they meet these needs in an accepted way we are entitled to call them tables.⁴³

In order for a sentence such as 'X is a table' to be true, X must satisfy certain human needs. But not only must X satisfy these needs, it must do so in certain conventionally prescribed ways else if, for example, someone built a tall toy chest which happened to fulfill all the needs tables were meant to fulfill, we would be entitled to call it a table as well. In this case what Kovesi would want to say is that what we have is a toy chest which could be used as a table because the toy chest design inadvertently fulfills the same set of needs as do tables.⁴⁴

Tables are tables, then, by virtue of the functions they perform, and since the set of functions tables are meant to perform can be executed by many different types of physical objects, it is no wonder that there many different kinds of tables.

Certain qualities must be present in a piece of furniture in order that we should be able to call it a 'table', but there is no strict rule as to what these qualities must be. There are various ways of making tables, and we can use various materials. On the other hand not just anything will qualify as a table. Our reasons for having tables constitute, as it were, the guiding principle for deciding what are tables and what are not, or what new constructions will be accepted as tables.⁴⁵

So there are many things which can count as tables (amount to tables) but not just anything will do. This fact is expressed by Kovesi via the Aristotelian distinction between matter and form. By the matter of a table is meant, "... not only the various materials out of which we may construct tables but any characteristics in which the object may vary without ceasing to be a table." (p. 4.) Hence, the shape of

a table would, on this definition, count as part of its material make-up. However, since the matter of a table is so variable, the complementary notion of form is required.

The very fact that the material elements are unspecified and may vary, calls for the introduction of the term form. An answer to the question why we call a large variety of objects 'tables' and refuse the word to other objects gives what I want to call the form of a table.⁴⁶

The distinction between form and matter as introduced here by Kovesi serves two purposes. First, it allows him to analyze human action in essentially the same manner as in the table example. Thus murder, wrongful killing (surely an example of a designation with evaluative force) very neatly conforms to the matter/form dichotomy.

We can commit murder in a great variety of ways. It is the material element of an act of murder that someone drives a knife into his victim's heart, or administers poison, or strangles him, or pushes him off a cliff. Human ingenuity may increase the list, and we may never be able to give a complete enumeration of the ways one can murder someone. What makes all these pieces of behavior into acts of murder is what I call the form of murder; i.e.; that we intentionally take the life of someone who is innocent, with the aim of personal gain or satisfaction.⁴⁷

The matter/form distinction, then, is employable in terms such as 'murder', and hence in the analysis of moral notions.⁴⁸

But also, secondly, the matter/form dichotomy allows us to see clearly that the distinction between 'yellow' and 'good' is not the same as the distinction between description and evaluation, since the self-same distinction obtains between, for example, 'yellow' and 'table', two descriptive

terms. This is so because both 'good' (evaluative) and 'table' (descriptive) have a supervenient character, as opposed to 'yellow' which does not.

The important point is that in order for us to judge something to be yellow, that very quality has to be present that we have agreed to call by the word 'yellow'. But for us to judge something to be a table, an unspecified group of properties and qualities have to be present, none of which is that property or quality that we have agreed to call a 'table'.... When this difference between colour-words and 'table' which I am now pointing to was noticed as between colour-words and 'good', the term 'supervenient quality (or property)' or 'consequential quality (or property)' was suggested to characterize goodness. But this means that goodness is not a property at all - for the same sort of reason that table is not a quality or property.... By showing this difference between 'good' and 'yellow', we have not at the same time contrived to throw some light upon a characteristic feature of evaluative terms. It is equally impossible to say that two pieces of furniture are exactly the same in every respect except in this, that one is a table, and the other is not.⁴⁹

We may ask, now, just what the relationship is between the material and formal elements of typical descriptive and evaluative terms. Here, Kovesi contends that there exists a lack of entailment between formal and material elements in both the descriptive and evaluative domains.

The reason why we cannot define what a thing or act is in terms of their material elements, or why we cannot make valid deductive arguments where the premises contain only material elements and the conclusion tells us what a thing or act is, is not a special characteristic of evaluative arguments. It has to do with the fact that the sort of things that can constitute a thing or act, their material elements, cannot be enumerated in a final list. It is their formal element which will determine what they are, not a list of their material elements.⁵⁰

Kovesi gives the following as his assessment of how the logic of supervenience operates in both the moral and descriptive domains.

Whether we make a judgment by using a descriptive term or a moral term; i.e., whether we make a judgment like 'this is a table' or 'this is murder', the justification of our judgment lies in the presence or absence of certain relevant facts. (My italics.)⁵¹

Kovesi's picture of how typical evaluative and descriptive judgments are ordinarily justified can be seen to be directly connected to a concept of relevance, and also to have striking similarities to some of Kuhn's pronouncements. Let us see how this is so.

Kovesi's view is that when we wish to justify a judgment such as, 'This is a table' or 'This is a case of murder', we do so by appealing to a set of factors (material elements) upon which such judgments are supervenient. The status of this set of factors is as follows. Although we cannot deduce that something is a table just because an object has some of the characteristics in this set (say set R), still R contains those factors or elements to which it is proper to appeal. It seems to me that the most natural way to describe R is to say that it is the set consisting of elements which are relevant to the judgment under consideration; i.e. those elements which can legitimately be appealed to with respect to justifying the judgment in question. From a psychological point of view, it may be said that we all have some set R_i available to us when we make most of our evaluative and descriptive judgments. Since there is usually very little disagreement about what constitutes a table in ordinary experience, we may conclude that the majority of people have sets R_i which largely coincide with respect to the judgment 'This is a table'. But this need not be, and indeed is not,

the case with other notions. Thus, with respect to the judgment 'X is good', different moral points of view may determine radically different sets R_i . Thus, R_1 might include the element: produced the greatest happiness for the greatest number; while R_2 might include: commanded by God. If these were the only elements in R_1 and R_2 , then a discussion between two persons, whose moral judgments were supervenient upon R_1 and R_2 , might break down, since they would mutually reject as irrelevant the only factor which their opponent considers to be worth mentioning. In this case, it would seem to be in order that one person might try to convert the other to his point of view; i.e. to give up, say, R_1 for R_2 , somewhat in the way subscribers to one Kuhnian paradigm might try to convert adherents of another.

And speaking of paradigms, in those situations where there is little disagreement about how judgments are to be justified, e.g. in the case of tables, we can say that the fact that the set of relevant material elements coincides for most people indicates that they have a shared 'paradigm' of table, with such a paradigm determining the set R of relevant material elements. Since the 'paradigm' of table is adopted informally by most of us, it will seem that we have a shared 'sense' of relevant descriptive elements in situations like this. And what is more, the fact that relevance sets R_i are open-ended would suggest that our sense or relevance is defeasible, since new elements can be added to the set and old ones might be discarded. So Kovesi's analysis may

be looked at as a psychological application in everyday life of the Kuhnian notion of a paradigm and its embedded relevance criterion, although the analogy between a scientific paradigm and something like 'paradigm of a table' breaks down at certain points. (e.g. as far as I know, there are not graduate seminars on tables.) It seems to me, then, fair to say that what Kuhn and Kovesi may be taken as trying to do is explicate what I have called our (defeasible) sense of relevance, Kuhn in the scientific realm, Kovesi in ordinary experience.

It has already been indicated what Kuhn thinks happens when paradigms clash. A battle for adherents begins, with techniques of persuasion becoming very important. Now suppose two people are arguing over the moral judgment 'X is good', and suppose also that the source of their disagreements is that their respective relevance sets, R_1 and R_2 , differ. Would they, in this situation, have to resort to trying to persuade each other to abandon their respective relevance sets? Can there be no objective way of determining which of R_1 or R_2 is the proper set? If we had the correct assessment of what Kovesi calls the moral point of view, this might be accomplished, since this point of view would, among other things, partition the set of true descriptive elements about X into two mutually exclusive subsets: (morally relevant descriptive elements), (morally irrelevant descriptive elements). Given this partition, we could judge the different candidates R_1 , and choose, or create, the proper relevance set. Unfortunately, this moral point of view is hard to come by, and Kovesi does not claim to have produced it.

What I have to emphasize is not that questions like: 'What is the foundation of morality?' or 'What is the moral point of view?' and many others have not been treated in the preceding pages, but that what I had to say in these pages should not be regarded as answers to these questions. It might be argued that I should have discussed or at least indicated what the moral point of view is (my italics), besides discussing some of the logical features of those notions that are formed from this point of view. But I am anxious that what I had to say about the logical features of these notions should not be mistaken for an answer to the question 'What is the moral point of view.'⁵²

In the absence of a moral point of view, we seem to be left with competing 'moral points of view' (leading to vigorous argument in the moral domain), and this is true on the theoretical level as well. In Chapter 4 it will be shown how some major normative positions represent different moral points of view which entail relevance criteria which partition true descriptive attributes of an act into morally relevant and irrelevant elements. The battle between these positions can then be conceptualized as the battle between different relevance criteria.

But the main thrust of Chapter 4 will be to reinforce the view, already argued for in Chapter 2, that Kantianism, viewed as a deontic theory based on pure universalism, cannot succeed because it does not entail a relevance criterion. The lack of such a relevance criterion defeats Kant's theory because without such a criterion it cannot deal with the claim that the theory judges the same act to be both right and not-right. The theory, that is, leads to absurdity (intellectual anarchy, see above, pp. 67-68) without the relevance criterion.⁵³

We now take up Nell's claim, in Acting on Principle, that although (as I agree) Kant's universalist 'successors', Hare and Singer, fail to deal adequately with the problem of relevant descriptions, Kant's theory itself can cope with this problem.

Chapter 3

Notes

¹Although it may be possible to say something important about the notion of relevance from a formal or logical point of view, it may be that the most fruitful attempt to understand this concept does not lie in this direction. Relevance may be one of our basic concepts which, as Quine puts it, has 'something logically repugnant' about it. See W.V. Quine's discussion of similarity in his "Natural Kinds" in Nicholas Rescher, ed., Essays in Honor of Carl G. Hempel reprinted in Stephen P. Schwartz, ed., Naming, Necessity, and Natural Kinds, pp. 155-175.

²There are exceptions. Thus, in a mathematical or technical discussion, it may be set out before hand what sort of considerations are to be considered relevant. But sometimes even these sorts of proposals are changed as a function of some new intuitive judgment of relevance.

³Nelson Goodman, Fact, Fiction, and Forecast, 2d ed., (New York: Bobbs-Merrill Co., Inc., 1965.)

⁴Ibid., p. 4.

⁵Ibid., p. 8.

⁶Ibid., p. 9.

⁷Ibid., p. 15.

⁸Ibid., p. 16.

⁹Carl G. Hempel, "Studies in the Logic of Confirmation," Mind, 54 (1945), 1-28, 97-121. Reprinted in Foster and Martin, eds., Probability, Confirmation, and Simplicity (New York: The Odyssey Press, Inc., 1966), pp. 145-183.

¹⁰Ibid., p. 145.

¹¹Ibid., pp. 146-147.

¹²Ibid., p. 158.

¹³Ibid.

¹⁴Ibid., p. 160.

¹⁵Goodman, Fact, Fiction, and Forecast, p. 72.

¹⁶Carl G. Hempel, "Confirmation: Qualitative Aspects," in The Encyclopedia of Philosophy, vol. 2, p. 186.

¹⁷It should be noted here that the problem of relevance comes up not only in the attempt to define a qualitative notion of confirmation. As Schick points out;

"An obvious course is to point out that we ought to think it likely to be cold next winter because we know that winters have usually been cold. Elaborating on this truism, we might go on to maintain that on evidence reporting that m out of n X's have been Y's, the objective degree of confirmation of X being a Y is m/n What often concerns us, however, is how likely a particular X is to be a Y. A man considering some specific course of conduct will ask himself how likely it is to succeed. It may appear that all he need do is determine the relative frequency in the appropriate reference class. But what reference class would be appropriate? (My italics.) The class of all courses of conduct ever pursued would be too inclusive, and each of the countless narrower classes of courses of conduct to which the project he is contemplating belongs may have yielded a different relative frequency of successes....

An analogous difficulty arises if we ask for the degree of confirmation of some specific unrestricted generalization."

See Frederic Schick, "Confirmation: Quantitative Aspects," in The Encyclopedia of Philosophy, vol. 2, p. 187.

¹⁸Thomas S. Kuhn, The Structure of Scientific Revolutions, 2d ed., (Chicago: The University of Chicago Press, 1970.)

¹⁹Some commentators have questioned whether Kuhn is really offering a descriptive, rather than a prescriptive, account of science, with the criticism that if Kuhn's view is prescriptive, this entails some unhappy consequences. See, for example, Paul Feyerabend, "Consolation for the Specialist," in Imre Lakatos and Alan Musgrave, eds., Criticism and the Growth of Knowledge (Cambridge: Cambridge University Press, 1970), pp. 197-230. It seems to me, however, that viewing Kuhn as giving an analytical descriptive

account of science is the more reasonable interpretation, even if Kuhn's account deals at times with the so-called values that scientists do in fact hold.

²⁰Kuhn has been criticized for having used the term 'paradigm' in many different ways, and for not always distinguishing these usages. See Margaret Masterman, "The Nature of a Paradigm," in Criticism and the Growth of Knowledge, pp. 59-89. Kuhn has responded to criticisms such as this by distinguishing between some of the major sense of 'paradigm' which he employs. See, for example, the Postscript in the second edition of The Structure of Scientific Revolutions, where the term 'exemplar' is introduced.

²¹Kuhn, The Structure of Scientific Revolutions, p. 10.

²²Ibid.

²³One striking difference between Kuhn and Hempel is that in reading Hempel, one gets the feeling that he thinks that science is a monolithic structure with one set of rules which characterize the totality of the scientific enterprise. Kuhn's view is just the opposite. He points out more than once that even sub-groups of the same discipline might successfully operate through different paradigms at the same time.

²⁴The fact that anomalies don't always give rise to paradigm or theory rejection is one of the main differences between Kuhn and Popper, with his falsification criterion. On this point see Kuhn, "Logic of Discovery or Psychology of Research?," in Criticism and the Growth of Knowledge, pp. 1-23.

²⁵Kuhn, The Structure of Scientific Revolutions, p. 13.

²⁶Ibid., p. 15.

²⁷Ibid., pp. 25, 26, 27.

²⁸Although Kuhn believes that Astrology is not a science, it is not because the 'astrology paradigm' lacks a relevance criterion, but rather that the astrologer hasn't got puzzles of a certain kind to solve. See Kuhn, "Logic of Discovery or Psychology of Research?," pp. 7-10.

²⁹For a good summary of what facts a Freudian and a Behaviorist are likely to see as relevant, see Adelaide

Bry, A Primer of Behavioral Psychology, (New York: The New American Library (Mentor), 1975), pp. 11-15.

³⁰Kuhn, The Structure of Scientific Revolutions, p. 77.

³¹Ibid., p. 85.

³²Ibid., pp. 123f.

³³Ibid., p. 126.

³⁴Kuhn's view that relevance is paradigm dependent can be used to criticize Hempel's account of confirmation. It will be recalled that Hempel identified confirmation with relevance and tried to define a confirmation relation which would be the same across all scientific endeavors. In order to do this, he had to try and explain away the so-called paradoxes of confirmation and reject a 'relevance class' approach to the problem. But if relevance is paradigm dependent as Kuhn's view indicates, then why should we expect that all scientific endeavors will have the same rules of confirmation and relevance? (For Kuhn, paradigms, and not explicit rules, guide scientific research. He calls this the priority of paradigms.) Kuhn's view also makes the 'relevance class' approach to the paradoxes of confirmation seem more reasonable, despite Hempel's theoretical objections. On Kuhn's view, the absorption of a paradigm determines what experiments are to be done on what objects in order to test a given hypothesis. Thus, it may be the case that one paradigm would indicate that tests should be done on a certain class of objects only (e.g., ravens) while another would focus on a different class.

³⁵Kuhn, The Structure of Scientific Revolutions, p. 187.

³⁶Ibid., p. 111.

³⁷Ibid., p. 152.

³⁸Ibid., pp. 157f.

³⁹Quine, "Natural Kinds," p. 161.

⁴⁰Julius Kovesi, Moral Notions (New York: Humanities Press, 1971.)

⁴¹W.D. Hudson, Modern Moral Philosophy (London: Macmillan and Co. Ltd., 1970) pp. 164f.

⁴²Kovesi, Moral Notions, pp. 1f.

⁴³Ibid., p. 3.

⁴⁴When Kovesi says that we are entitled to call something a table if it meets certain human needs in a prescribed way, he may be taken to mean that meeting the needs in the conventionally prescribed manner is a necessary and sufficient condition for correctly designating an object as a table, while merely meeting the needs is a necessary, but not a sufficient condition for correctly designating an object as a table. This is made clear by the toy chest example.

⁴⁵Kovesi, Moral Notions, p. 3.

⁴⁶Ibid., p. 4.

⁴⁷Ibid.

⁴⁸It may appear that Kovesi's definition of murder (the form of murder) does not contain an evaluative component. But I would maintain that his use of the term 'innocent' in this context is such a component, connoting something like, 'not deserving ill-fortune of a given type'.

⁴⁹Kovesi, Moral Notions, pp. 6f. It is Kovesi's contention, then, that it is not the logic of moral notions which sets them apart from descriptive notions, since in both the 'logic of supervenience' is seen to be operative, so that the move from material elements to what a thing is cannot constitute the difference between evaluative and descriptive terms. But, of course, evaluative and descriptive terms do differ, and Kovesi locates the differences as follows. For descriptive terms, the factors which motivate the formation of these terms (human wants and needs) and the factors that these terms are supervenient upon are of different types, while for moral notions, these factors are what might be called type-identical. See on this point, Moral Notions, pp. 53f.

⁵⁰Kovesi, Moral Notions, p. 8. Kovesi realizes that there are terms in the language which do allow the construction of deductive arguments which he says typical evaluative and descriptive terms do not. As an example, he gives the term 'triangle', whose material elements might be given as, 'closed, two-dimensional three sided figure, with angle sum = 180°.' If an object is truly characterized by

these material elements, then we can conclude that it is a triangle. Terms such as 'triangle' have closed textures, according to Kovesi, while terms like 'table' and 'good' have open textures; i.e. an indeterminate and open ended list of material elements. For more on the idea of open texture, see Friedrich Waismann, "Verifiability," in Antony Flew, ed. Logic and Language (New York: Anchor Books, 1965), pp. 122-151.

⁵¹Kovesi, Moral Notions, p. 63.

⁵²Ibid., p. 145. With this remark, Kovesi seems to see himself more in the company of meta-ethicists like Hare as opposed to normative theorists, even though his work sometimes sounds very much as if he is doing normative theory; again, like Hare.

⁵³In Chapter 5, it will be argued that Kant's deontic theory cannot be supplemented by a relevance criterion and still remain a pure universalism.

CHAPTER 4

UNIVERSALIZATION AND KANT'S ETHICS: A DEFENCE -
 ONORA NELL'S ACTING ON PRINCIPLE: AN ESSAY ON KANTIAN ETHICS

(1)

In her book's preface, Nell indicates that she took up the serious study of Kantian ethics on the rebound, so to speak, from an attachment to utilitarianism. In studying Kant and ethical theories clearly involving Kantian elements (e.g. Baier, Hare, Singer), the centrality of the notion of universalizability is evident. But the presentations of Baier, Hare and Singer are all inadequate, according to Nell, in that they are not action guiding.

Even though they might show which principles were moral principles,¹ they did not show how to determine which acts a person ought or might do. Most of these theories lacked any account of the connection between principles and acts. They could not determine which of the many principles that apply to a given act it was relevant to assess, and without a solution to the problem of relevance universality tests of principles are impotent.²

We have here a statement of the problem of relevant descriptions along with the claim that Baier, Hare and Singer fail to deal with it successfully. One might assume that if Kant's 'successors' have failed in handling this problem, Kant himself could not have dealt with it adequately. But this, Nell tells us, is not the case.

A main purpose of this book is to show that Kant has a solution to the problem of relevance, that the Categorical Imperative can therefore guide action, and does so with considerable precision.³

The remark above contains a major substantive claim about the Categorical Imperative and the universalizability test which is its core. If Nell's claim is true, then if the Categorical Imperative can be justified⁴ as well, the position that the Kantian system provides us with a viable ethical theory becomes formidable. Let us, then, try to make out Nell's arguments to substantiate this claim, and assess their force.

If it is the case that we need to have moral principles in order to identify and then perform right actions, then the key problem of normative ethics involves the problem of relevant descriptions; that is, the problem "... how principles should be selected and how acts can be aligned with principles."⁵ Nell takes Kant's discussion of the Categorical Imperative as an attempt to reveal both whether or not an agent has acted on principle, and what the moral status of his act is. She finds the Categorical Imperative attractive as a function of what she terms its formality and its fertility. By formality is meant that the Categorical Imperative is pre-suppositionless, or close to it; i.e., a wholly logical (formal) principle. By fertility is meant the capacity of the Categorical Imperative (if, indeed, it has this capacity) to guide action; i.e., to determine morally acceptable acts. It is Nell's position that Kant's 'followers' shared his desire to produce a formal and fertile necessary condition for the moral rightness of acts (but see n. 14 below). In studying Kant, or any system in which the key concept is

universalizability, Nell states that she is interested in the following sorts of questions:

Does a particular universality test provide a decision procedure for picking morally acceptable principles? Or, if not morally acceptable principles in general, then perhaps for some subset of these, such as acceptable principles of right? Does a particular universality test state a necessary condition either on morally acceptable principles, or on some subset of them? What exactly is the procedure for applying the universality test to principles of action? Does it provide a decision procedure (or a necessary condition) for the moral acceptability (or some types of moral acceptability) of acts? Is the universality test equally useful when we assess our own or others' acts?⁶

Since the problem of relevant descriptions as it comes up with respect to universality tests involves trying to determine which practical principles are morally acceptable,⁷ Nell offers an account of the structure of such principles. She claims that (action-guiding) practical principles may be rendered schematically as:

(1) All (none, some) who verb ---- (p. 5).

(2) Any (all, none, some) ought to (may, deserve to, etc.) do/omit ---- if (p. 9), where "...." stands for an agent description and "----" stands for an act description. In (2), the form "---- if", combining the agent and act description is called a composite act description. (One important point to keep in mind concerning the agent and act descriptions is that they are necessarily incomplete; that is, they specify only some of the indefinitely many features which (truly) characterize acts and agents.) The most common verbs appearing in practical principles are: "is

obliged to do"; "is permitted to refrain from"; "is praiseworthy for doing"; "ought to do"; "may omit"; "is allowed to"; etc. (Nell, p. 5.) Nell states that, as a function of which type of verb is employed, there exist eight non-equivalent practical principles of right, moral worth, desert, etc.,⁸ and that the function of a universality test, with respect to practical principles of action, is to select from the set of logically independent moral principles (of right, desert, etc.) which embody agent and act descriptions, morally acceptable (or morally sound) subsets.

The problem of relevant descriptions, as far as practical principles are concerned, may be viewed as arising from the necessarily incomplete agent and act descriptions which these principles include. For any instantiation of a practical principle is compatible with indefinitely many other practical principles involving true, but different, agent and act descriptions. (A practical principle is instantiated, according to Nell, when agent descriptions are replaced by names or pronouns. See Acting on Principle, p. 9.) That is, any instantiation of a principle is an instantiation of many principles. Since any principle has many instantiations,⁹ we see that practical principles and particular instantiations are 'correlated' many-many. (I will allow myself, following Nell, to speak of a 'many-many' correlation relation.)

To illustrate this, consider for example, the practical principle: Any United States citizen ought to have the right to vote in any Federal election. An instantiation of

this principle would be: Citizen X (or Y, or Z, or ...) ought to have the right to vote in the presidential election of 1976 (or 1980, or 1984, or ...). So principles and instantiations are seen to have at least a one-many correlation. But it is also true that a particular sentence, such as: Citizen X ought to have the right to vote in the presidential election of 1976, instantiates not only our original practical principle but also, given that Mr. X is a white, drunken, bricklayer, the principle: Any white, drunken bricklayer ought to have the right to vote in any Federal election. (Notice that no mention of citizenship is made by this latter principle.) So, this sentence instantiates the indefinitely large class of practical principles which contain true act and agent descriptions. Hence, practical principles and instantiations are seen to be correlated many-many. (For another example of this type, see Acting on Principle, pp. 10f.)

This many-many correlation, however, leads to the problem of relevant descriptions as it affects universality tests. For although such tests are tests of principles, when we want to know what we ought to do, we typically examine instantiated principles: e.g. what ought I (or a person of a given type) to do in this (this kind) of situation? However, since instantiations and practical principles are correlated many-many, how are we to know just which practical principle is to be subjected to whatever universality criterion we are considering?

Any given act exemplifies many principles. (Let us recall that we are discussing principles of action analogous

to maxims₁ which do not contain a motivational component. See the discussion in Chapter 2.) We need some method of selecting morally relevant act and agent descriptions which will then unambiguously indicate that practical principle which it is appropriate for a universality criterion to assess. This is the problem of relevant descriptions.

It is Nell's contention that the universalizability test embedded in the Categorical Imperative contains a solution to the problem of relevant descriptions. But before she offers this solution, she considers why the universality criteria of two philosophers in the Kantian tradition, Hare and Singer, fail when, Nell is going to argue, Kant's own criterion, properly understood, is adequate. (Cf. n. 3.)

(2)

A- R.M. Hare- Universal Prescriptivism

Hare's moral theory concentrates on moral judgments as those entities which are to be subsumed under principles, with these principles then to be assessed by a universality criterion. One distinctive feature about moral judgments for Hare (judgments which typically include terms such as "good," "right," "ought," etc.) is that they are of a supervenient character. (But see the discussion on Kovesi and Hare in Chapter 3.) When someone asserts a moral judgment, it is never logically odd to ask "Why?" (as in "Why ought I to give back the money I took from the bank?"). This demand for reasons which may justify our moral judgments is answerable in terms of non-evaluative (descriptive) characteristics of whatever is being judged (e.g., object, person, etc.). So, since the

reasons which justify our moral judgments are supervenient upon descriptive characteristics, it cannot be the case, on logical grounds, that two objects are exactly alike, while one is praiseworthy and the other blameworthy.

Suppose that there is another picture next to P in the gallery (I will call it Q). Suppose that either P is a replica of Q or Q of P, and we do not know which, but do know that both were painted by the same artist at about the same time. Now there is one thing we cannot say: we cannot say 'P is exactly like Q in all respects save this one, that P is a good picture and Q not.' If we were to say this, we would invite the comment, 'But how can one be good, and the other not, if they are exactly alike? There must be some further difference between them to make one good and the other not.'¹⁰

For Hare, value words (judgments) have a descriptive content (the job they do is prescriptive; i.e., they help to guide choices, etc.). But if a descriptive predicate is applied correctly to a given object, it will also correctly apply to all relevantly similar objects. Hence, if it is correct to say "X has the property p," then this implies that it is also correct to say "Anything relevantly similar to X has the property p."¹¹ (This means that for Hare, in the moral sphere, we cannot have principles which yield different judgments for persons who have no morally relevant differences.)¹²

Given that moral judgments have a descriptive core, then anyone who assents to a particular moral judgment must also (logically) assent to its minimal universal form, or else be open to the charge of irrationality. This is part of what Hare means when he claims that anyone who supports a moral

judgment but not its minimally universalized form, simply does not understand what the word 'moral' means. (As in the conversation between the Kantian and the Existentialist in Hare, "Universalizability," Proceedings of the Aristotelian Society, 55 [1954-55], 304-305.)

Given, following Nell, this sketchy formulation of some of Hare's key ideas, Nell has two criticisms to make. The first reflects Nell's antipathetic view of meta-ethics: she thinks Hare's preoccupation with characterizing moral judgment (as opposed to producing a criterion for morally acceptable judgments) is misplaced (cf. n. 4). She points out that on Hare's account, it may be necessary to admit that a convinced fanatic, for example a Nazi, is operating with a morality, which universal prescriptivism is powerless to condemn.

Universal prescriptivism cannot show that when a fanatic acts in the name of his ideal his judgment or his act is morally unacceptable. Fanatics may be universal prescriptivists, and the theory has no method of showing some ideal perverted.¹³

If Hare at this point retreats to meta-ethics and the claim that, from a meta-ethical standpoint, neutrality with respect to the normative domain is in order,¹⁴ Nell counters with her second criticism to the effect that any ethical theory, if it is worthy of the name, must be action-guiding, and that Hare's theory cannot guide action because it provides no solution to the problem of relevant descriptions. This is the case because, in universal prescriptivism, an agent is required to take his particular moral judgment, generate its minimal universal form, and see whether he would be willing

to assent to this (i.e., universally prescribe it). If not, he should give up his judgment. But, for a given act, there are indefinitely many judgments which may be made about it, based on some true descriptive characteristic of the act. Which of these judgments should we subject to the test of universal prescriptivism? No answer is forthcoming from Hare.

Of the many particular judgments which may be made about a particular act we need to know which one should be universally prescribed. If this test is to yield action guiding results, we must pick one particular judgment: perhaps the agent's, perhaps that of some qualified other, perhaps that most commonly agreed to. Otherwise, universal prescriptivism will not be action-guiding. . . . Its capacity to resolve moral disagreements is therefore dependent upon the extent to which everyone - agents and spectators alike - can be brought to agree in their particular judgments about an act. It is possible that an agent and other persons might, while meeting the demands of universal prescriptivism, make conflicting judgments about a certain act.¹⁵

It seems to me that Nell's criticism concerning Hare's inability to produce an action-guiding system is well taken, and that this might be illustrated by the following example: Suppose that a student is faced with an examination which is critically important to his future. Suppose also that, before the examination, he is offered a copy of the examination, obtained for him by his best friend who tells him that he (the friend) will be hurt terribly if our student does not avail himself of the purloined examination. Our student may consider two construals of the situation which lead him to consider the two particular moral judgments: (a) I, in this situation, being the kind of person I am, ought not insult my

friend; and (b) I, in this situation, being the kind of person I am, ought not cheat on examinations; which yield minimal forms: (a) Anyone relevantly similar to me in relevantly similar situations ought not insult their friends; and (b) Anyone relevantly similar to me in relevantly similar situations ought not to cheat on examinations. The rub here is, of course, that in this not uncommon kind of situation, our hapless student cannot both not insult his friend and not cheat on his examination. He therefore cannot (logically) assent to both minimal universal forms. Whatever the student does, he will be faced with a choice between two true, but (presumably) morally incompatible (by the test of universal prescriptivism) descriptions [i.e. (cheat on examination, do not insult friends) and (do not cheat on examination, insult friends)]. (Prescriptions are not, of course, true or false. We have here a case, however, in which two true descriptions yield incompatible prescriptions, according to the dictates of universal prescriptism.) If our student cheats on the examination, what stops him from justifying his action as a case of acting well towards friends, which is a true (incomplete) description of the situation (if he cheats)? Since whatever the student does, his action may be described by two (necessarily) incomplete descriptions of the situation, each of which (presumably) gives a different result when the test of universal prescriptivism is applied, the question becomes which descriptive account should be considered by universal prescriptivism.

In situations such as the above, some theory of relevant descriptions is needed to decide which judgment (embodying descriptive content) should be subject to a universality test. It may be that in the context of universal prescriptivism, appeals to imagination, interest and the "facts" (relevant facts?)¹⁶ will decide which description is appropriate, but there is no guarantee that this will always happen; indeed there is no guarantee that it will ever happen! Since this is the case, Hare's procedure is not adequate as a decision procedure or constructive process in the normative domain (it may be radically inadequate, it might never work!) because of not providing a solution to the problem of relevant descriptions.

Now Hare might reply here that he does not consider it a failing of his system that it does not provide a decision procedure for the normative domain (in the context of universalizability) because he never set out to do this. He might claim that as a meta-ethicist, his consideration of normative questions (such as his analysis of fanaticism) is merely a vehicle to the main task of analyzing moral terms and their logical relations, elucidating universalizability, etc. If this is the case, it could be argued that Nell has been hammering away at a straw man. Be this as it may, it is fair to conclude, I think, that if anyone thinks that Hare's universal prescriptivism is adequate as a decision procedure in the normative domain, he is mistaken. (i.e., Hare's procedure does not avoid the possibility that the 'same act' might be judged to be right and wrong.)

The particular judgments of different persons about an act commonly differ, and he [Hare] has no method for singling out one judgment as relevant for the test of universal prescriptivism. . . . Even when moral disagreement happens to be absent, we have no grounds for supposing that the results are morally preferable to other positions which are rejected, for even a consensus may be iniquitous. . . . Universal prescriptivism delineates a formal condition on moral judgment, but it is a barren theory.¹⁷

Nell thinks, then, that Hare's position fails because the problem of relevant descriptions has not adequately been dealt with (" . . . he [Hare] has no method for singling out one judgment as relevant for the test of universal prescriptivism"), and she has indicated that she thinks Kant has an adequate solution for this problem. So Nell must think that Kant has a "singling-out method" which Hare (and everyone else?) lacks.

Here we have the first hint of Kant's solution, according to Nell, of the problem of relevant descriptions. It is that Kant does say which judgment (or instantiation) is to be put to the test of universalization, in that he gives a preferred status to one of them.

But before investigating this further, let us turn to another philosopher in the Kantian mold whose system Nell considers to be inadequate.¹⁸

B- Singer and Generalization

Let us recall the main elements of Singer's presentation (see n. 17, Ch. 1, above). We have four elements to consider: (i) Generalization Principle (G.P.) - What is right (or wrong) for one person must be right (or wrong) for any similar person in similar circumstances.

(ii) Principle of Consequences (P.C.) - If the consequences of A's doing x would be undesirable, then A has no right to do x.

(iii) Generalized Principle of Consequences (G.C.) - If the consequences of everyone's doing x would be undesirable, then it is not the case that everyone has the right to do x.

(iv) Generalization Argument (G.A.) - If everyone were to do x, the consequences would be disastrous (significantly undesirable); therefore, no one has the right to do x. (i-iv follow the terminology of Singer and Nell; see Acting on Principle, pp. 22-24. G.P. is analogous to minimal universal form as discussed above, since it rules out principles of right of the form, "some, but not all, relevantly similar persons [similarly situated] ought . . .").

Singer's system purports to guide action in the following way: When faced with a moral choice, consider some available course of action, say x. Ask the moral (for Singer) question, "What would happen (be the consequences) if everyone (similarly situated) acted as I am contemplating?" If the consequences of everyone so acting are undesirable then, according to G.C., not everyone ought to do x. But applying G.P., from not everyone ought to do x we may conclude that no one ought to do x. That is, using G.P., P.C., and G.C., we get G.A.

The first question one might want to ask concerning Singer's system is why the principles he sets down are appropriate in the normative domain. As Nell points out, Singer tries to justify appeals to his principles by claiming that

the term 'moral' logically points to these principles as the ones which must be used in moral judgment.

The generalization principle, . . . , is involved in or presupposed by every genuine moral judgment, for it is an essential part of the meaning of such distinctively moral terms as "right," "wrong," and "ought," in their distinctively moral senses. It is also a feature of moral reasoning, for it is presupposed in every attempt to give a reason for a moral judgment.¹⁹

The principle of consequences is a necessary ethical or moral principle. It is necessary not only in the sense that its denial involves self-contradiction, it is necessary also in the sense that like the generalization principle, it is a necessary presupposition of moral reasoning. . . . We might say that like the generalization principle, it is both necessary and fundamental.²⁰

Now, aside from the difficulty of supporting Singer's principles by an appeal to what is supposedly involved in the definition of the term 'moral' (some act-deontologists, for example, may strongly dispute Singer here), and also leaving aside Singer's claims concerning the logical connections between his principles,²¹ the attempt which could be made to use Singer's presentation as an action-guiding mechanism in the normative domain²² falls afoul of the problem of relevant descriptions.

Singer is aware that the problem of relevant descriptions is an important one and, as such, must be met by his theory.

The first problem to be dealt with is one that often has been supposed to constitute an insuperable objection to the generalization argument, The objection arises out of the fact that an act can be described in many different ways, that it can be, in other words, an instance of more than one kind of act. It follows from this, so it is argued, that depending on the way an act is described, the generalization argument will lead to incompatible results, and hence can

be used to show both that the act is right, and that it is wrong. If this were so, then it would clearly be invalid.²³

Can Singer's theory deal with this problem? He sets out to defend his formulations by trying, first, to eliminate some types of proposed counter-examples.

The problems with which Singer's theory must deal come as a function of what to substitute for "that" in the morally relevant (for Singer) question "What would happen if everyone did that?" The consequences of everyone's "doing that" must be assessed in order that Singer's theory be action-guiding. G.A. tells us that if everyone's doing a given act produces significantly undesirable consequences, then no one ought to do the act. But it turns out that when certain acts are considered under Singer's proposals, peculiar results ensue.

For example, if everyone were to become a food producer, the results would be disastrous in that, presumably, many other important undertakings would be neglected. Therefore, according to G.A., no one ought to become a food producer. But if everyone did not become a food producer, the results would also be disastrous. So G.A. condemns, in this case, doing x, and also condemns doing not-x. This is a case in which the generalization argument is invertible.

In a case in which the consequences of everyone's acting in a certain way would be undesirable, while the consequences of no one acting in that way would also be undesirable, I shall say that the argument can be inverted.²⁴

Hence, it seems as if we have come across a class of counter-examples in which G.A. yields anomalous results. But there is really, according to Singer, nothing to worry about.

Now in order for the generalization argument to have a valid application with respect to some action it is necessary that it not be invertible with respect to that action.²⁵

We are told, then, that G.A. is not significantly affected by invertible situations because it is not appropriate even to consider using G.A. in such situations. Why not?

This condition on the validity of the generalization argument is not something ad hoc, devised to meet this kind of case, though even if it were (my italics) this would be no objection to it. It is another of those conditions implicitly understood but not explicitly stated . . .²⁶

One might object here to Singer's willingness to defend himself by resorting to ad hoc arguments (save the theory at any cost?) and also his dependence, once again, on so-called "implicit conditions" inherent in moral concepts.²⁷ But when Singer tries to give us the reason that this potentially embarrassing class of counter-examples can be generated at all, he appeals to the notion of an incorrect or inappropriate act description.

The reason the generalization argument is invertible with respect to such actions as producing food is that the description 'producing food' as well as 'making clothes' and 'building houses' is indeterminate for moral purposes. The action, whatever it is - and a whole host of quite different actions can answer to this description - is described in too general a way.²⁸

Thus, the potentially bothersome class of invertible (with respect to G.A.) situations is asserted to be a function of mis-describing situations and/or actions. But Singer has not given us a criterion of morally relevant act descriptions so on just what grounds "producing food," for example, as an

act description is a mistake (except that G.A. cannot naturally accomodate it) is not clear.

If we have followed Singer up to this point, so that we are alive to the danger of act descriptions which are "too general," we might then suppose that the correct way to describe acts so that G.A. might scrutinize them would be to load the description with as many particular details as possible. But this as well, according to Singer, may get us into trouble.

Consider someone who is contemplating eating at Joe's at six o'clock. He asks himself, "What would happen if everyone ate at Joe's at six o'clock?" If everyone so acted, undesirable consequences would result (no one getting fed, for example); so according to G.A., no one ought to eat at Joe's at six o'clock. This is certainly a counter-intuitive result to which the generalization argument has led us. So Singer must find some way around this second class of possible counter-examples to his proposals. He does this in much the same way as in the case of invertibility situations; i.e., he characterizes the class of possible counter-examples in a certain way (in this case he tells us we are dealing with reiterability), and claims that in situations which are reiterable G.A. cannot be appropriately applied (and hence not be taken to task), and finally that reiterability is a function of mis-describing acts in much the same way as invertibility was claimed to be.

Thus the [generalization] argument is reiterable whenever it is applied to some action arbitrarily specified, as part of its description, as taking

place at some particular time, or at some particular place, or by some particular person, or in relation to some particular place of thing.²⁹

In talking about a restaurant example essentially similar to the one sketched above, Singer shows what G.A. leads to when applied in reiterable contexts, and shows a logical connection between reiterability and invertibility.

The reference to this restaurant is not essential (my italics) here; the same argument would apply to that one, and to any other one. The argument can obviously be reiterated for every restaurant and its consequences would be not just that no one ought to eat at this or that restaurant but that no one ought to eat at any restaurant and the same argument would apply not only to restaurants but to any place or location whatsoever. Hence, in this case also the implication would be that no one ought to eat. . . . Any instance of the generalization argument that is reiterable is invalid, for any instance of the generalization argument that is reiterable is also invertible.³⁰

So, since G.A. cannot, according to Singer, be appropriately applied in reiterable context, it cannot be fairly criticized for failing in these contexts.

Reiterable contexts, we are told, seem threatening as counter-examples as a function of embodying "arbitrarily specified," "non-essential" act descriptions. But, since Singer does not give criteria for relevant act descriptions, it is not clear just how he can label certain descriptions arbitrary or non-essential (except on the question-begging ground that his theory cannot naturally deal with them).

However, even if we accept Singer's seemingly ad hoc attempts to eliminate reiterable and invertible contexts as counter-examples to his theory, he still fails to answer the main thrust of the problem of relevant descriptions as he

himself states it. (See above, pp. 117f.) For, given the elimination of the problems of invertibility and reiterability, the general problem still remains which of the indefinitely many true descriptions which characterize any given act (correctly) should be subjected to some form of the test, "What would happen if everyone did that?" (Or, if some set of descriptions is morally relevant, which of these "outweighs" the others, and so has a claim to be the one which is most appropriate for moral assessment by Singer's version of a universality test.)

Interestingly enough, after his struggle with reiterability and invertibility, Singer is aware that he has not provided a general solution to the problem. And in admitting this he makes a point which will be important for us later on, with respect to trying to deal with the problem of relevant descriptions and a method of classifying moral theories.

One and the same act can be of a kind which is generally right and also of a kind which is generally wrong. . . . To describe the act in such a way as to obscure this fact about it is a mistake, and if it is not made honestly, is itself morally wrong. For it is to conceal an essential element in the situation. . . .

The possibility of competing descriptions, therefore, shows no more than that difficulties can arise in the application of the generalization argument. But this we knew, or should have known, already. And it is worth remarking that this sort of objection, if taken as valid against the generalization argument as a moral criterion, would be valid against any moral criterion whatever.³¹ (My italics.)

In saying that there are difficulties involved in applying the generalization argument, Singer may want to have us believe that the kind of difficulties involved are

essentially practical; that is, difficulties which should not have any weight against the generalization argument's status as an appropriate moral criterion.

The problem of how the act is to be described is the problem of determining the relevant facts about it. All that can be said in general is that the way the act is to be described is determined by the conditions which generate the problem.³²

But we must now ask, just how do the conditions which generate the problem (the context of moral assessment) determine how a given act is to be described? Singer has no answer for us on this score; he has not provided a solution to the theoretical problem of relevant descriptions. As Nell observes:

G.A. could be a fruitful guide to action only if some criterion were available to decide which of the remaining³³ true descriptions of an act are the ones under which it may be enjoined or forbidden on a given class of agents. While this problem is unsolved the argument may classify some acts as both right and wrong³⁴ and may lead to intuitively unacceptable conclusions. It still remains open to countless counter-arguments of reductio ad absurdum form.³⁵

Singer's remark, however, that if the problem of relevant descriptions is taken as a successful attempt to undermine the generalization argument, then it would also be valid against any other moral criterion, gives rise to some interesting considerations with respect to how the problem of relevant descriptions may be related to any and all moral theories, not just those in which universalization plays a key role. For Singer is claiming here that the problem of relevant descriptions may invalidate all moral theories if it turns to be

intractable, not only universalization-dependent theories. So if Singer is right in his claim that if the problem of relevant descriptions is taken seriously, and a solution to it is a necessary condition on the viability of any moral criterion, then if such a solution is not forthcoming, there can be no successful normative decision procedure. Singer is saying that if his theory fails just because the problem of relevant descriptions cannot be handled by it, he won't be worse off than anyone else with a proposal in the normative domain, with the possible exception of certain varieties of existentialist ethical proposals. For an existentialist could, instead of appealing to man's radical freedom and/or the absurdity of the universe to ground his contention that moral decision-making is not a rationally ordered activity, point to the problem of relevance (if indeed it cannot be overcome) as an insurmountable stumbling block to producing a rationally grounded ethics.

But although the problem of relevant descriptions poses a serious problem for establishing a rationally grounded normative theory, it may be the case that some (or all) normative theories presuppose (logically), or at least indicate some method (rationally justifiable or not) of dealing with this problem. If this were so, we might be able to generate a classificatory scheme for normative ethical theories at least partially as a function of what stance a theory took with respect to the problem of relevant descriptions.³⁶

To illustrate what is meant here, let us consider a suggestion which Nell makes concerning a position Singer might

have taken to clear up some of the difficulties his theory faces with respect to the problem of relevant descriptions. Since Singer's method involves appeals to principles which direct the assessing of consequences of a generally performed action, Nell indicates that Singer's theory could, very naturally, adopt the 'solution' to the problem of relevance given by D. Lyons in his Forms and Limits of Utilitarianism.³⁷

In his book, which deals with problems of utilitarian generalization (and ultimately the claim that there exists extensional equivalence, given correct act descriptions, between utilitarian theories based on the question "What would happen if everyone did that?" and others based on "What would happen if this particular act were performed?"³⁸), Lyons (in Chapter 2: Describing an Action) is keenly aware of the problem of relevant descriptions with respect to how it affects utilitarian theories which rely on what he calls generalization, (i.e., problems of relevance in theories which take questions such as "What would happen if everyone did that?" as morally significant).

In applying utilitarian generalization we view an act as an act of a certain kind. But of which kind? - for any act admits of innumerable characterizations. Which features of acts should we consider? This is the problem of relevance, a solution to which is required before we can hope to apply such a principle.³⁹

Lyons claims that the description of an act given by the (moral) agent involved in moral assessment does not have an over-riding claim to superiority. (This claim will be important when we get around to Nell's defence of Kant.)

One might think that the selection of descriptions, the actual specification, is up to him who employs the test or applies such a principle. Indeed, with respect to an initial specification, this must in a sense be so. But any specification is selective, and this gives rise to the question, whether there are grounds for the assessment, whether some descriptions are better or more adequate than others.⁴⁰

So, Lyons tells us that we need a ". . . criterion of relevance" with which ". . . we could select some descriptions and ignore others" (p. 33). But then there follows an interesting proviso:

. . . it would be erroneous to view our quest as one for a criterion of moral relevance in general, or for a criterion of relevance for the application of utilitarian generalization which must be morally acceptable. Suppose we could, somehow, arrive at a general criterion of moral relevance for the description of an action. Suppose, also, however, that we can determine a criterion of moral relevance which is peculiarly suited to the application of a form of utilitarian generalization. These two criteria may not be identical; they may conflict. If we wish to understand utilitarian generalization, to grasp its peculiar import, we should apply such a principle with a criterion of relevance which is implied by the principle itself (my italics), whether or not such a criterion agrees with our notion of 'moral relevance'. I shall argue, . . . that we can discover such a criterion, and I shall provide a sketch of what it involves.⁴¹

I have stated above the contention that a solution to the problem of relevance is a necessary condition for the viability of normative theories which rely on some kind of universalizability test (and perhaps others as well). And it may have seemed that Lyons agreed ("This is the problem of relevance, a solution of which is required before we can hope to apply such a principle"). But (cf. n. 41) the

task Lyons is setting himself is not the one we may have thought.

A search for a solution to the problem of relevant descriptions may be thought to be independent of any particular normative principle, or set of principles. That is, the method of search may take the form: determine those descriptive properties of actions which are morally significant; then, to generate a decision procedure in the normative domain, subject open alternatives to principles of moral assessment (under the correct descriptions), such principles of assessment being justified independently of the manner in which act descriptions are determined as morally relevant. But it is clear that Lyons is not following this procedure. He is looking for a solution to the problem of relevance which fits principles of utilitarian generalization and, given his claim of extensional equivalence, a solution which presupposes some form of act-utilitarianism (" . . . we should apply such a principle with a criterion of relevance implied by the principle itself").

Hence, Lyons is trying to determine what solution to the problem of relevance is implied by some variant of act-utilitarianism. Now why would anyone engage in such a task? Lyons indicates that it is because he wishes to understand the "peculiar import" of utilitarian generalization. But certainly, an enterprise like this will be much more important to someone committed to some form of utilitarianism. For if utilitarianism can be justified as a normative theory, then this adequacy along with the conditional: If act-utilitarianism

is assumed as a normative theory, then X is the case (where X is a proposed solution to the problem of relevance), together comprise a decision procedure in the normative domain.

So Lyons' approach to the problem of relevance is somewhat restricted. If whatever proposal he comes up with is, as he puts it, peculiarly suited to utilitarianism (even to the point that it ought to be adopted even if it conflicts with our intuitive notions of moral relevance), then, since the proposed solution is tailored to utilitarianism, attacks on utilitarianism would count also against the proposed solution, whatever it is.⁴²

Lyons' task, then, is the conditional one: Given some form of utilitarianism, what procedure for describing acts is appropriate? Although this is a weaker procedure than the one I indicated above (see pp. 126f.) as involving two independent activities, it gives a hint as to how the problem of relevant descriptions may enter into the classification of moral theories. After sketching Lyons' proposal, I will return to this.

First, we must consider what Lyons means when he says that utilitarian principles imply a solution to the problem of relevant descriptions.

Utilitarianism, in all of its forms, is universal in scope. This is to say that whether we are considering act, general, or some form of rule utilitarianism, the consequences of actions are considered (at least theoretically) as they affect all persons (sentient beings) in the universe. Given

that all forms of utilitarianism embody universal teleology, Lyons gives the following argument to show that some stance concerning the problem of relevance is implied if some form of utilitarianism (Lyons considers general utilitarianism) is assumed.

Pure teleological principles are concerned, ultimately, only with the values of the consequences of actions. Thus, when pure teleological principles are applied, particular actions may be viewed only with respect to their teleologically significant properties, that is, those properties in virtue of which actions produce utilities or disutilities. The forms of utilitarian generalization are pure teleological principles. Therefore, the only legitimate candidates for inclusion in the description of an action for the application of a form of utilitarian generalization are causal or consequentially significant properties in virtue of which actions have effects. Thus, general utilitarian properties - those properties that are relevant for the application of utilitarian generalization - are causal properties in virtue of which the universal performance of acts of that kind would produce some utility.⁴³

What is being suggested here is something like this: If we accept general utilitarianism (a pure, general teleology), and we then ask our morally significant question, "What would happen if everyone did that?", then in describing the contemplated action ("that") we may only include true descriptive properties of the act which have causal relevance (i.e., produce consequences) and, if it is possible, all such properties should be included. Thus if it could be demonstrated, for example, that the property of an act that it was falsehood made absolutely no difference in terms of consequences, Lyon's claim is that a utilitarian could classify "falsehood" as a morally irrelevant property of this act.

On Lyons' proposal, any true description of an act which did not refer to causally efficacious properties can be dismissed as morally irrelevant. Thus, if it cannot be made out that the time and place of an action are consequentially significant, a true description, such as 'Done on Tuesday in a sleazy hotel in Peoria', may be dismissed as morally irrelevant.

Lyons' reliance on causal properties allows him to claim that his proposal for act descriptions in the context of utilitarianism is not mechanical. It would be mechanical if the utilitarian were forced to list, exhaustively (if this is possible), all true properties of actions. Instead, the utilitarian must include in his description only those properties which are causally significant, and to determine these properties involves appeals to experience. (Thus it may be claimed that the utilitarian's relevance criterion is defeasible since, for example, new properties may always be discovered which are causally significant.) Not only this, an axiology must be available so that we may be in a position to determine the value of states of affairs (as they affect everyone) which are causally induced by the consequentially significant properties of a given act (e.g., hedonism).

There is, therefore, no simple formula for determining relevance for the application of a form of utilitarian generalization. Reference must be made to our scientific knowledge and view of the world. Moreover, the class of general utilitarian properties will be determined, not only by the content of this body of knowledge and theory, but also by value criteria; that is, the criteria which can be applied in determining the value of states of

affairs. The determination of relevance is therefore, in principle, a highly complex matter.⁴⁴

Lyons' procedure allows us to handle the problem in which two descriptions of an act seem morally contradictory.⁴⁵ For example, consider a revolutionary who kills the president of his country, and claims that his act amounts to saving the country (or the world) for democracy. Let us assume that this act does have the effects claimed by the revolutionary (e.g., election reform, land reform, etc.). Under Lyons' proposal for a utilitarian context, we do not have to choose between competing descriptions (as we would have to following Singer, for example). All we would have to do is say that the two properties of the act involved (i.e., it is a case of murder and a case of advancing democracy) are both morally relevant since they are both causally efficacious. In order to evaluate morally the act of the revolutionary we must weigh, given some operative axiology, the effects which the act produces insofar as it can be described as a political assassination, versus the effects it produces insofar as it can be described as an act which advances democratic reform. The result of this weighing will yield a moral evaluation of this act.

Now although there are some obvious practical problems which Lyons' proposal must face (e.g., Are there indefinitely many consequentially significant properties which must be considered? How far into the future must we calculate consequences?), the main theoretical idea behind it, that

there is a (logical) connection between the normative principles one adopts and the kind of description of acts deemed morally relevant is an interesting one. I would like to follow it up by looking at some other moral theories to see if these proposals delimit descriptions in a manner similar to the way Lyons claims that universal teleology does.

First, let us consider ethical egoism, whose first principle may be written: An individual's one and only moral obligation is to promote for himself the greatest possible ratio of good consequences over evil consequences.⁴⁶ Someone who adopts egoism may claim more than this, but it does not seem that anyone who adopted egoism could claim less.

Given this rendering of egoism, is there connected with this formulation a stance towards the problem of relevant descriptions? This is to ask whether someone who adopts the principle that those acts, and only those acts, are right which maximize the ratio of good to evil consequences for him/her will have some criterion with which to eliminate certain act descriptions as morally irrelevant? It seems that, just as in the case of universal teleology, the answer is yes. Since egoism here is stated as an individualistic teleology, then given an operative axiology which can measure the value of consequences, Lyons' suggestion that only properties which produce effects are morally significant holds again. But now we may add another proviso: For the egoist, only a proper subset of consequentially significant properties are morally relevant as descriptions, viz., those properties which yield effects for the egoist. Therefore, for example, if the

description of an act presented to the ethical egoist has three elements: (a) the act will produce good consequences for the egoist; (b) the act will produce good consequences for the residents of Three Rivers, Quebec, such good consequences having no effect at all on the egoist; and (c) the act involves telling a lie, the fact that the act involves telling the lie in question having no effect whatever on anyone, including the egoist then, obviously, (a) is morally relevant to the egoist. But to (b) the egoist will say, "So what? Since my moral stance only takes consequences into effect as they affect me, then given my moral principles, the descriptive content of (b) is morally irrelevant." As for (c), it may be rejected by the egoist on the grounds outlined for (b); also as a function of the fact that egoism is a pure teleology, and since (c) as stated does not involve a consequentially significant property (i.e. the fact that the act involves a lie has no effect on anyone), Lyons' analysis also shows (c) to be morally irrelevant. The same kind of investigation may be made with respect to all the many variants of teleology (e.g. altruism - consequences significant only as they affect everyone else but me; familism - consequences significant only as they affect my family; nationalism, racism, etc.) so that the connection between these teleological principles and possible solutions to the problem of relevant descriptions could be laid bare as well.

But now let us see whether the same sort of connection can be found in the case of a deontological theory. Consider the following proposal: Suppose that the only three

characteristics of actions which are right-making (prima facie right-making, in Ross' sense) are fidelity, reparation, and justice. If this were the case, an act description which made reference to the fact that a given act (a) was a case of paying back a debt, and (b) would produce good consequences for everyone, could, by anyone who adopted our proposed deontological theory, be said to contain a morally irrelevant description, namely (b); since (b), presumably, does not have anything to do with the criteria put forth in stating our normative position. In this case, i.e., a rule-deontology which makes no appeal to universalization, in stating the normative principles of the position we are, at the same time, virtually explicitly (in contrast to Lyons' use of implicit: see n. 41), stating a possible solution to the problem or relevant descriptions. (Notice that in the case of a pure rule-deontology which does appeal to universalizability, this is not the case. For example, in Kant, stating the normative criterion, "Act only so that the maxim of your action can at the same time be willed by you to be a universal law," the description of the act is crucial with respect to whether or not the maxim can be universalized, but Kant's criterion by itself gives us no help in eliminating certain descriptions as morally irrelevant, as my artificial Ross-like example provides. Kant's rule deontology sets the problem of relevant descriptions in crucial relief, rather than explicitly (or otherwise) providing a solution to it. But Nell may have something to say on this in connection with her claim that Kant has a solution to the problem.)

The upshot of the above investigation of Lyons' procedure concerning the problem of relevance is as follows. Stating normative principles and citing descriptive criteria (for acts) may be looked on as independent activities. However, if a normative theory is justifiable as correct, then the descriptive criteria it suggests gain credence as also being correct. Furthermore, if a possible solution to the problem of relevance can be established as in some sense adequate or correct, then the normative criteria suggested by this solution gains credibility. For example, if it could be shown on grounds independent of normative considerations that the only morally relevant features of acts were their consequentially significant properties, could anyone gainsay some form of utilitarianism? And finally, the connection between normative theories and stances towards the problem of relevance (where the connection exists) might yield correlations which could generate a classificatory schema of one in terms of the other. (If a normative theory does not suggest or imply (Lyons) a solution to the problem of relevance, and no independent solution is possible, this constitutes good grounds for dismissing such a theory as a decision procedure or constructive process. If a normative theory does take a stance with respect to the problem of relevance, it still must be determined, of course, whether the indicated solution is adequate.)

Nell suggests that perhaps Singer ought to follow Lyons' proposal with respect to the problem of relevance. But now that the conditional nature of Lyons' formulation has been brought forward, it is easy to understand why the Singer of

Generalization in Ethics could not accept Lyons' solution. The reason is that Lyons' solution presupposes a utilitarian context⁴⁷ and that Singer, even though some of his key concepts make reference to consequences, is not a utilitarian. Singer's fondness for the Categorical Imperative and some explicit statements (see especially Chapter 7 of Generalization in Ethics, "Moral Principles and the Principle of Utility") make this quite clear. Hence, since Lyons-like 'solutions' involve a utilitarian context, unless other factors could be cited which independently support what we might call descriptive consequentialism (Lyons' conditional solution to the problem of relevance), someone with deontological leanings, such as Singer, could not accept descriptive consequentialism. As a matter of fact, this is precisely why Nell rejects Lyons' conditional proposals, as she suggests Singer would be likely to as well.

Hence, this [Lyons'] solution to the problem of relevant descriptions is open only to those theorists who are prepared to adopt a utilitarian principle. And there are various reasons for not doing that.⁴⁸

So, for reasons already commented on, Nell has rejected the proposals of Hare and Singer, whom she takes to be in the Kantian tradition because they fail to deal adequately with the problem of relevant descriptions, and also Lyons' proposal because it presupposes a (presumably inadequate) utilitarian context. Along with this, she claims that Kant's system provides a solution to the problem of relevance (Chapter 3 of Acting on Principle is entitled "A Solution to the Problem of Relevant Descriptions"). Let us now turn to Nell's

consideration of what she takes to be Kant's solution, keeping in mind that Nell claims that Kant's system provides a solution, not the solution, to the problem of relevance, and also whether or not Kant is claimed to have given an independent or a conditional (in Lyon's sense) solution to the problem.

(3)

Nell on Kant's Solution to the Problem of Relevance

A- In presenting what she considers to be Kant's solution to the problem of relevant descriptions, Nell restricts her attention to two forms of the Categorical Imperative:

1. Act only on that maxim through which you can at the same time will that it should be a universal law.

1. (a). Act as if the maxim of your action were to become through your will a universal law of nature.⁴⁹

As far as a possible solution to the problem or relevance is concerned, the key word in both of these formulations is maxim. Nell's contention is that Kant's solution to the problem of relevance consists in his specifying the agent's maxim, and the descriptive content within it, as that act description appropriate for moral assessment via the universalizability test embedded in the Categorical Imperative.

A maxim, according to Nell, is a practical principle "... differentiated from other practical principles by the fact that it is the principle of a particular rational agent at a particular time."⁵⁰ (This is what Kant means by saying that maxims are subjective principles of action, as compared to principles which hold for all rational beings, which Kant calls practical laws. See above, p. 38.)

Given that Kant takes all human action to be purposive, and using the example of Kant's suicide maxim, "From self-love to shorten my life....," Nell concludes that all maxims contain (implicitly or explicitly) what she calls a purposive component, and hence that maxims may be schematically rendered: To ---- if in order to —, where — gives the agent's purpose (or motive) for acting.⁵¹ (Kant's suicide maxim stated in full is: From self-love I make it my principle to shorten my life if its continuance threatens more evil than it promises pleasure. (Kant, Groundwork, p. 89.) The phrase, 'From self-love' is the purposive component in this case.) Nell calls the form: To ---- if in order to —, an amplified act description, and, in accordance with this form, renders Kant's suicide example as "To shorten my life if its continuance threatens more evil than it promises pleasure in order to achieve what I want" (p. 37). Nell claims that "... any maxim may be stated in sufficient detail to fit into schematic form (4)" (i.e., the amplified act description form),⁵² and following Kant, she calls maxims with explicitly stated purposive content maxims of ends, and maxims without such explicit reference maxims of action.⁵³

Given her account of what a maxim is and how it can be schematically rendered, Nell is ready to give us Kant's solution to the problem of relevant descriptions.

Kant's solution to the problem of relevant descriptions is to claim that any voluntary act has a maxim to which the Categorical Imperative should be applied.⁵⁴

Hence, Kant's solution to the problem of relevant descriptions, according to Nell, amounts to this: In order to assess the rightness of acts, the universalizability criterion of the Categorical Imperative is to be applied to act descriptions specified in the agent's subjective principle of action (maxim).

The force of 'solution' here must be 'proposed solution', since immediately after stating Kant's 'solution', Nell gives two conditions the solution must meet in order, presumably, for it to be successful:

This solution is adequate only if there is a one-one correlation between maxims and acts and if we have reason for thinking that a maxim is the appropriate principle for moral assessment.⁵⁵

When Nell follows this statement of objections which might be made to Kant's proposal (in a chapter called "A Solution to the Problem of Relevant Descriptions") with the words, "But it seems that neither of these claims holds" (p. 41), the attentive reader must experience a letdown. We seem to be back to square one. Maxims are statements of intentions to act. But as Nell admits, the 'same' act may be intended under morally, mutually incompatible descriptions in the context of a universalizability criterion; e.g. playing a trumpet loudly very late at night, thereby keeping everyone in the neighborhood awake versus developing one's talents, or shooting a gun versus killing someone. (In general, two true act descriptions of the same act, x and y, can be said to be morally incompatible if, given an assessment mechanism C, C yields that, e.g. x is right and y is wrong.) Nell knows that

if this consideration cannot be met, Kant's solution must be given up. But she claims, in a passage reminiscent of Lyons, that the Kantian position can deal with many descriptions of an act corresponding to its different aspects (parts) by including all of them.

We want to be able to assess all aspects and phases of what we do. Hence, none of the maxims on which an agent acts is irrelevant to assessing the moral status of his acts. In the above objection it appeared that intending an act under various descriptions destroyed the one-many correlation between maxims and acts because 'raising a gun, firing it, and killing an enemy' was construed as a single act, while the corresponding maxims were construed as three separate maxims. But the criteria for individuation of acts and maxims do not demand this construction. We may break down acts into components and phases, to each of which a relatively specific maxim corresponds, or compound acts into sequences to each of which a compound or an abstract maxim corresponds. It is one of the merits of Kant's solution to the problem of relevant descriptions that it does not preclude us from assessing morally either small but intended components of our actions such as firing a gun or large intended sequences of actions such as 'committing murder' or 'betraying the cause'.⁵⁶

Now, it may be an advantage over having to choose one of a set of competing descriptions to include the entire set as the argument of one's assessment mechanism,⁵⁷ but there are certainly other 'solutions' to the problem of relevance which share this advantage (e.g. utilitarianism). Also, what if an act has indefinitely many aspects with a claim to inclusion? (This brings into question the very possibility of morality, not merely its difficulty.)

But there are other difficulties with Nell's suggestion as well. For example, consider an act X which may be intended

under maxims m, n, or o. This breaks down, as Nell puts it, the one-many relationship between maxims and acts setting up an obstacle for the Kantian system. In the case where m, n, or o correspond to parts of acts we may, Nell tells us, consider m, n, o as maxims not corresponding to X but to M, N, O, where M, N and O, are parts (or aspects, or are constituent) of X. If we do this, the one-many relationship between maxims and acts is saved. There are, however, two major problems with this approach. First, how is one to justify the partitioning of 'macro-act' X into 'micro-acts' M, N, O instead of one of the indefinitely many other possible sets of 'micro-acts'? Second, what if the 'macro-act' is obligatory on Kant's criterion, and all or some of the 'micro-acts' which must be done in order to 'achieve commission' of the 'macro-act' are judged impermissible on the same criterion? When Nell tells us that it is a merit of what she calls Kant's solution to the problem of relevant descriptions that it, "...does not preclude us from assessing morally either small but intended components of our actions... or large intended sequences of actions..." just why she thinks of this as a merit is not clear to me. For to say that Kant's system leaves unanswered the question: How ought we to construe (describe) acts in order to subject them to moral evaluation?, is virtually to say that Kant does not have an adequate solution to the problem of relevance. It is precisely the lack of a set of guidelines that offer instructions on act construal which renders Kant's system vulnerable to the problem of relevant descriptions.

But this part/whole analysis is somewhat beside the point in the light of the second objection, which does not put the question "Which aspect of an act should my maxim include?" but whatever aspect of an act generates whatever maxim "... may not some of the maxims ascribed to agents incorporate false, idiosyncratic or otherwise 'inappropriate' descriptions of their act and policies?" (Nell, p. 41.) This simply is the problem of relevance, and we have as yet heard no clear advice on how it is to be dealt with in a Kantian context. However, in the context of a discussion of whether or not the Categorical Imperative is action-guiding, Nell has some other things to say about the problem of relevance which are worth considering at this point.

B- To start, let us consider a case in which Nell considers the Categorical Imperative to be successfully action-guiding, in order that this case may stand as a paradigm in which Kant has negotiated the problem of relevance. In any such example we must, of course, state our maxim. Nell, in her Chapter 5, deals first with what she calls a maxim of action. Such maxims may be schematically rendered: To ---- if, where ---- is an act description and is an agent description.⁵⁸ We must consider whether or not such a maxim is universalizable; i.e., can it be willed as a universal law (law of nature) without contradiction. However, if we universalize a maxim of action, we get the form: Everybody to ---- if, a form which Nell does not think is appropriate in trying to generate a contradiction using the Categorical Imperative. This is so for the following reason.

A universalized maxim is not a statement. Hence, the question of whether it contains a contradiction does not arise. Only if the composite act description of the original maxim was incoherent would it make sense to speak of a universalized maxim as containing a contradiction.⁵⁹

So, instead of considering universalized maxims, Nell, taking the law of nature formulation of the Categorical Imperative as a model, considers not the universalized maxim itself, but an analogous natural law or, as Kant might put it, a type of the would-be moral law. The typified practical principle in the case we are dealing with takes the form: Everybody will ---- if, and this form Nell calls the universalized typified counterpart of a given maxim of action, or UTC for short. Nell deals with two types of test in which maxims and their UTC's can generate contradictions. One test is called the contradiction in conception test; the other the contradiction in the will test.⁶⁰ (In the contradiction in the will test, the type of maxim considered differs in kind from a maxim of action. This is important and will be taken up later.)

Let us consider as our first examples ones which employ the contradiction in conception test. Nell gives the following statement about how the contradiction in conception test works.

. . . the method [of the contradiction in conception test] is . . . relatively clear and definite. It asks whether we can simultaneously intend to do X (assuming that we must intend some set of conditions sufficient for the successful carrying out of our intentions and the normal and predictable results of successful execution) and intend everyone else to do X (assuming again that we must intend some conditions sufficient for the successful execution of their intentions and the normal and predictable results of such

execution). No appeal is made in this interpretation of the test to particular desires or inclinations or to particular empirical situations. Naturally, an agent who is working out what his intentions commit him to must take certain facts into account. But a limit is placed on the sort of empirical material which may be adduced in testing a maxim by the relevance of the empirical material to the coherence of the agents intentions (my italics). There are still good reasons for calling the contradictions which may be derived from applications of the test "inner responsibilities." They mark an incoherence within the intentions of a particular agent.⁶¹

Something which strikes one immediately concerning Nell's rendering of how the Categorical Imperative functions is her emphasis on how empirical considerations must be taken into account if the test is to work ("Only given a certain background of empirical facts can an agent's intention to do an act be determinate" [Nell, p. 73]). Nell cites the failure of other writers to invoke true empirical premises as a reason why they (e.g., Kemp, Dietrichson) fail to generate contradictions using UTC's in the contradiction in conception test.⁶² Given that an agent must appeal to some empirical considerations in formulating maxims (e.g. assume that the laws of nature are operative), Nell must, as anyone else dealing with the problem of relevance, specify which empirical factors, among the indefinitely many one might cite, are morally relevant. And here her answer is that whatever factors are cited, it must be assumed that these factors will be operative for everyone else as well.

Is it, for instance, permissible for an agent testing the maxim of embezzlement to assume as an empirical fact that he will not be apprehended? . . . The answer in such cases is that he may do so only if he assumes also that, if everyone else embezzles, they will not be

apprehended. . . . Appeal cannot be made to empirical facts such as that not everyone will do likewise or that this act will (or will not) serve as a bad example. For the hypothesis against which a maxim is tested in precisely that others do the same.⁶³

As perhaps somewhat of a digression, it is interesting to note that while Nell is claiming that in a context of Kantian universalization (which involves the question of everyone acting in a given way), we cannot appeal to propositions which claim that in fact not everyone will act as an agent's maxim in its UTC form supposes, it is just this appeal which Lyons cites as a vehicle to support his contention that act-utilitarianism and forms of general utilitarianism are extensionally equivalent. Lyons' key notion of threshold effect depends on reckoning whether or not other people's behavior patterns have or have not been realistically assessed in asking "What would happen if everyone did that?" (See Lyons, Forms and Limits of Utilitarianism, especially Chapter 3, in which Lyons argues that the fact [putative] that not everyone will do a given act must be taken into account in the context of utilitarian generalization, and that this fact is morally relevant.)

But now let us see, given Nell's contentions concerning appeal to empirical facts and how this appeal circumscribes the descriptive content of maxims, how the Categorical Imperative is supposed to guide action in particular cases, and whether, in such cases, the problem of relevant descriptions has been adequately dealt with.

a- Robbing Banks: Let us assume that someone intends to rob a bank, on a maxim such as "I will rob a bank, whenever I want some money." Nell has claimed that to intend an end (robbing the bank, in this case) is also to intend ". . . some sufficient set of conditions to realize my ends and the normal predictable results of the success of my intended action" (p. 70). (This is on the model of Kant's contention that to will an end analytically entails willing some means sufficient to generate that end. See on this point Wolff's Autonomy of Reason, pp. 143f.) Now what kinds of things must one intend given that one intends robbing a bank? Nell gives as examples that if I intend to rob a bank, I must intend as well that the bank does not disappear (the continued existence of the bank), that the robbery is a success, and that I enjoy the fruits of the effort. What is more, these other intentions are not to be looked at as separate from my intention to rob the bank.

These are not separate intentions which a person who intends to rob a bank may or may not have, they are part and parcel of normal intentions to rob banks.⁶⁴

This statement, taken literally, has a strange ring to it. Is it really the case that 'normal' bank-robbers intend, in their deliberations, that the target bank continues to exist? Or is this supposed to be a special unconscious intention? Clearly, the continued existence of the target bank is a necessary condition which must obtain if someone is even to have a chance at robbing it, but do we want to say that bank-robbers intend (unconsciously) all necessary conditions

which must hold if they are to rob a bank? It might be said that if someone were intending to rob a bank, he would be assuming that a certain set of conditions obtain, but to say that he intends them all (an infinite set) seems to be clearly false.

It so happens that in the example before us, Nell focuses on the intention of a robber not to be interrupted or discovered during the theft as central to yielding a contradiction, so let us assume that this intention is somehow 'part and parcel' of the intention to rob a bank, and see what role it plays in the context of universalizability.

So, here I am intending to rob a bank and hence, according to Nell, also intending not to be discovered or interrupted during the theft. If I intend the UTC of my maxim, that is, that everyone should rob a bank (whenever they need money), I must also, Nell tells us, intend that all persons who rob banks also go through the exercise without being interrupted or discovered. But if I did intend this, and through my will as a universal legislator it came to pass, what would happen? Since a large number of persons are stealing from banks and by my will doing quite well, the banks will eventually take precautions and make bank-robbing more and more difficult. Hence, in willing my maxim to be a universal law, I should be able to see that I am, in effect, willing that bank robbery become difficult and dangerous. But this is contrary to my private intention to rob a bank without being discovered or interrupted. Hence, we have a contradiction: we cannot simultaneously intend

our private maxim of bank-robbing and its UTC, for in intending the UTC we will against our private maxim.

This derivation of a contradiction, depending as it does on Nell's notion of intentions and how they involve other intentions, stands or falls on whether or not it can be made out that intentions are connected in the way Nell says that they are. But in the context of our discussion, this is not the main problem. For what we are considering is this: Given that, if the maxim⁶⁵ of bank robbery and its UTC are formulated as above we can legitimately (on Nell's analysis or some other) generate a contradiction, what if someone who intends to rob a bank intends to do so under a different (true) description from which a contradiction cannot be derived? That is to say, what if it is possible to produce a maxim of robbing a bank involving descriptive content of a sort which yields a UTC such that no contradiction between the maxim and the UTC ensues? If this can be done, then the fact that a contradiction can be produced by some maxim of bank robbing and its UTC becomes less important from the moral point of view. For now the crucial question becomes: Which maxim, the one which generates a contradiction or the one which doesn't, should we subject to our moral criterion? This is the problem of relevant descriptions in the context of universalizability.

Now Nell is certainly alive to this problem, but the way she attempts to handle it shows something significant about the kind of problem she takes the problem of relevance to be.

The derivation of a contradiction from the intentions of an agent trying to universalize his maxim of bank robbing depends on the generality of that maxim. (My italics). But each bank robbery can be described and may be intended much more specifically. Suppose a person with red hair named Ignatz MacGillycuddy... intends to rob a bank exactly northeast of his house at 5 P.M. on Thursday. He discovers that he can without contradiction intend a system of nature in which any red-headed person named Ignatz MacGillycuddy who has a bank exactly northeast of his house robs that bank at 5 P.M. on Thursday, and that his own robbery take place in such a system of nature. Is this robbery then not forbidden?⁶⁶

But Nell thinks that Kant's formulations can avoid this problem, presumably in a way superior to Singer's ad hoc handling of situations in which descriptions are 'too' specific (reiterable contexts).

A person cannot simply claim a highly specific maxim...He must, in fact, intend his act to be contingent on those restrictions and not merely pursued by these means if he is to hold his maxim is specific and so universalizable. . . . On the whole, I believe, agents who are honest will not claim to have highly specific maxims. They know that when they claim that they will rob a bank of a specified sort in a specified way, etc., their project is not really contingent upon these specifications.⁶⁷

Hence, Nell believes that agents who use highly specific maxims are prime candidates for being judged dishonest (by virtue of this specificity) and that honest and careful persons will not cite highly specific details as central to the descriptive content of their maxims. But it must be objected here, even if Nell's claims about the relationship between honesty, care and specificity are true, solving the problem of relevance is not a matter of honesty or care. Given that acts may be truly described in many ways, we want to give agents assumed to be honest and careful some criterion

by which they can, in framing their maxims, include in the descriptive content of these maxims only morally relevant factors. An honest man may genuinely believe that his circumstances, given in minute specificity, constitute a special case. (As in cases such as Nell's Ignatz MacGillicuddy example. In cases like this, a universalizability criterion is seen to be inadequate as a deontic discriminator.) If he is wrong, it will take a criterion of relevant descriptions to show this; calling him dishonest misses the point. Being honest and careful are practical virtues; but the problem of relevance is essentially theoretical. Hence, Nell's allusion to these qualities is somewhat puzzling, and a possible indication that she has misconstrued the problem.

b- Making False Promises: In the famous and much discussed example of false promising (Kant's second example of how the Categorical Imperative works in the Groundwork of the Metaphysics of Morals), Nell considers the individual maxim "I will make false promises" (given, presumably, some specifiable set of circumstances such as a need for money) and its UTC "Everyone will promise falsely." Nell then tells us why making false promises is wrong.

No agent can consistently intend the latter (UTC) to hold as a law of nature of a system of nature of which he is a part and in which he intends to promise falsely. In promising falsely, he intends the normal, predictable result of successfully doing the act - successful deception. He intends that there be a level of general confidence which will lead to his promise being believed. But if the UTC were a law of nature, then . . . successful deception would be an increasingly unlikely result of false promising, since public

confidence would diminish and eventually vanish. (My italics.) The predictable result of the UTC of this maxim being a law of nature in the system of nature to which men belong would be that there would be no means by which the agent could succeed in acting on this maxim. . . . With slight changes this argument can show why specific sorts of promise breaking and deception are forbidden.⁶⁸

Once again, Nell places emphasis on intentions being determinate as a function of citing reasonable and predictable outcomes of the intended action. So, on this score, the comments made in the bank robbery case apply here as well. But in Nell's argument concerning false promising, the use of terms such as "increasingly unlikely" and "eventually vanish" indicates that she thinks the substance of the contradiction runs something on the order of saying to our potential false promiser, "Don't you see that if you universalize your maxim, after a while (in the long run) you won't be able to make successful false promises?" Now what is the potential false promiser to say to this? Could he not respond, "I am not interested in future false promises and how difficult they may be to carry off. I am interested in just this false promise. What I want to know is whether or not there is any contradiction in intending this one false promise (given the circumstances) and intending that everyone make false promises." The problem here is determining which maxim corresponds to the UTC "Everyone will promise falsely." Although, clearly, the private maxim under consideration is "I will make false promises," just how to interpret this maxim is not obvious. If we take it to mean "I will make false promises whenever I get a chance," Nell's explanation of the contradiction seems

plausible. But what if we take the maxim to indicate an intention to make one false promise, i.e., as equivalent to "I will make a false promise just (this) once in my life." The UTC of this maxim certainly can be universalized without weakening the practice of promise-keeping to the extent that one would find oneself, as Kant might put it, willing against oneself. In fact, the situation envisioned by the universalization of the one false promise per customer per lifetime would seem to be a distinct improvement, with respect to our promise-keeping conventions, over what the promise-keeping practice has to struggle with in reality. (It is interesting to note here that in The Autonomy of Reason, Wolff claims to generate a contradiction in the false-promise situation without relying on notions such as that promising would become increasingly difficult, although he is in agreement with Nell that some practice of promise-keeping must be assumed to generate the contradiction. Wolff's claim is something like this: Given that the practice of promise-keeping we are dealing with involves ruling out, say, borrowing money one knows one cannot repay, and that the potential false-promiser has endorsed such a practice, then a contradiction ensues concerning this particular false promise, independent of people's reaction to future promises on the part of the agent. Wolff says,

Under those assumptions, his policies are contradictory, for the policy embodied in the practice of promising conflicts with the policy on the basis of which he attempts to borrow money. The irrationality lies in the internal inconsistency of the policies themselves, not in the danger that he will be laughed at when next he tries to borrow money [p. 167]).

Policies and maxims must be precisely and clearly stated so that we can properly apply universalizability tests in a Kantian context. But when Nell tells us that, "With slight changes, this argument can show why specific sorts of promise-breaking and deception are forbidden," does she again want to have this claim depend upon considerations such as, "The derivation of a contradiction from the intentions of an agent trying to universalize his maxim . . . depends upon the generality of that maxim," and, "On the whole, I believe, agents who are honest will not claim to have highly specific maxims," as she did in the bank robbery situation? If this is the case, I would argue that in the false-promising example, just as in the bank robbery case, Nell's approach does not come to grips with the problem of relevant descriptions. For how is one to determine when a maxim includes descriptive content which is morally relevant in the context of a universalizability criterion?

We need a solution to the problem of relevance to save the Kantian system from the charge that the contradictions it generates, and the moral judgments it makes on acts based on these contradictions, are based on inappropriate descriptive maxims in such a way that if other maxims with equal claim to descriptive objectivity are substituted into the Kantian machinery, the contradictions evaporate and the moral judgments change. Thus, an agent may intend an act under many different descriptions, and his actual intention may involve descriptive elements which are not morally relevant. Using such a description, the agent's maxim may not yield a

contradiction when subjected to the Categorical Imperative, while a description which includes the morally relevant factors may very well produce a contradiction. It is this that must be avoided if the Kantian system in particular, and all systems based on universalization as well, are to be saved from failing as a function of the problem of relevance, and this can be accomplished only if we can generate a concept of moral relevance.

What is the substance, so far, of Nell's contention that in Kant's system, a solution to the problem of relevance is to be found? It seems to be this: "Kant assumes that the composite act description of the agent's maxim is in all cases the act description under which moral assessment is to be made up" (p. 77). (Notice here that, on Nell's interpretation of Kant, morally relevant descriptive attributes are not implied or determined by the Categorical Imperative. Thus, on Nell's view, Kant's 'solution' to the problem of relevance is not a conditional one on the model of Lyons' account of how utilitarianism provides a solution to the problem; see above, pp. 126-129.) But why should anyone agree to this Kantian assumption? Certainly not, one hopes, on the grounds of some 'deontic egoism'; it is my maxim, so it must be appropriate. Now it may be claimed that the sort of deontic egoism I have in mind here, which amounts to the claim that because a maxim is mine, its descriptive content is to be judged morally relevant, survives the problem of relevance. For by adopting such a position we are in effect giving a rule for determining morally relevant descriptions. The rule is

that the agent's construal of the situation is always to be regarded as correct from the moral point of view. Now this way of avoiding the problem of relevance seems to me clearly unacceptable. For if the question, 'Which descriptive content is morally relevant?' is answered, 'Whichever content is designated by the agent', moral assessment would become an activity which could not claim to be rationally ordered. This is so because if deontic egoism were operative, then any agent could choose any true description he liked as the morally relevant description, and hence the one to be plugged into some assessment mechanism. This would mean that, for example, if a person committed a murder on Sunday at 3:00 P.M., he could claim that the morally relevant description of his act was, 'Done at 3 P.M.'. And another murderer who committed his crime on this day and time could claim that, 'Done on a Sunday' was the morally relevant description. Given deontic egoism, there would be no way to refute either of these claims, and hence moral assessment would be rendered meaningless. Of course, it might be argued that the agent is in some sense in a privileged position, so that his construal is the one which should be accepted as correct. Now while this is doubtless sometimes the case, it is often times true that the agent is in the worst position to come up with an adequate construal. He may be 'too close' to the situation, or peculiarly prejudiced, or drunk, etc. And since this is so, there seems to be no good reason why the agent's construal ought always to be judged as containing morally relevant descriptive content except that this procedure circumvents the problem of

relevance. But there are indefinitely many such circumventions; e.g., pick any person at random and let his construal count as being the morally relevant one. So while deontic egoism avoids the problem of relevance, it and other procedures like it cannot be acceptable, since they destroy the rational character of the moral domain that a solution to the problem of relevance was supposed to sustain. We must recall here Lyons' statement (see n. 40, p. 126) to the effect that the actual specification of descriptive content might seem to be up to "... him who employs the test...." But Lyons goes on to remind us that this initial specification of descriptive content ought not, merely by virtue of its favorable position of being in some sense first, have claim to being objectively correct. ("But any specification is selective, and this gives rise to the question, whether there are grounds for the assessment, whether some descriptions are better than others" [Forms and Limits of Utilitarianism, p. 32]).

This is the problem of relevance, and so far Nell and Kant have not provided much help in coming up with a satisfactory solution. But in Chapters 6 and 7 of Acting on Principle, Nell reconsiders Kant's ability to deal with the issues discussed above. Let us see, then, if the Kantian position can be strengthened.

C- We are trying to determine whether or not Kant's theory of right action provides a solution to the problem of relevance. At the beginning of Chapter 6, Nell tells us:

The interpretation of the Categorical Imperative presented . . . shows that Kant's ethical theory can effectively classify acts under two headings.

It can determine whether they are obligatory, merely permissible or forbidden, and whether they are morally worthy, lacking in moral worth, or morally unworthy. Kant, it seems, has both a theory of right action and a theory of morally worthy action.⁶⁹

It is going to be Nell's contention that, with respect to the problem of relevant descriptions, at least Kant's theory of morally worthy action is adequate. (Morally worthy actions, according to Nell, are ". . . those obligatory acts and omissions which are done in order to do obligatory acts and omissions, and those acts and omissions the contrary of whose maxims of ends do not meet the requirement of the moral law" [p. 102].) Notice that Nell thinks that Kant's theory of moral worth involves assessing maxims of ends and their UTC's, and also the idea of obligatory (or necessary) ends. Given Nell's claim that in Kant's system there are two mechanisms of moral assessment, we proceed as follows: First, to complete the discussion of Kant's theory of right action and its efficacy in handling the problem of relevance; second, to take up Nell's contention that Kant's theory of moral worth adequately handles the problem and, if it does, whether or not the success of the theory in this area is surprising or significant.

a- Nell sees Kant's theory of right action as concerning duties of justice ("Duties of justice are duties because of the sorts of acts they enjoin" [p. 57]) and duties of virtue (" . . . duties of virtue are duties because of the sort of ends they require us to pursue" [p. 57]). She wants to isolate Kant's theory of right action from his theory of moral

worth because this will allow Kant's theory of moral worth to be, as she puts it, uninfected by whatever defects plague Kant's theory of right as it concerns duties of justice. Let us see what these defects are and how they involve the problem of relevance.

Kant's theory, as it materially concerns duties of justice, involves the application of a universalizability criterion (the Categorical Imperative) to maxims of given agents. If it can be shown that the maxim of an agent is somehow inappropriate for moral assessment, Kant's procedure breaks down. Nell gives an impressive list of the way inappropriate maxims may be generated: the maxim may be based on ignorance, it may be "biased," agents may have more than one maxim, etc. The case where an agent has two different maxims of duty yields the classic Kantian formulation of the conflict of duties situation. Hence, if an act is at once a case of telling a lie and saving a life, the status it has with respect to the Categorical Imperative will depend on which aspect of the act is incorporated into the agent's maxim (i.e., which ground of obligation is considered stronger). If no procedure is available for picking out morally relevant descriptions, Kant's formulations fall victim to the problem of relevance. After giving an imposing work-up of how the problem of relevance is a stumbling block to the Kantian system, Nell sums up as follows.

Where an agent does not match his maxim to the situation or his act to his maxim, where he acts on an erroneous means/end judgment, and where he faces conflicting grounds of obligation, it seems that Kant's theory of right might give unacceptable guidance, or none at all. . . .

These conclusions are surprising and, at first glance, disappointing. . . .

Before accepting this gloomy conclusion, it is worth remembering that only some applications of Kant's theory of right ran into difficulties. As the sample derivations of Chapter 5 showed, the contradiction in conception test leads to intuitively acceptable results if it is applied only to "appropriate" principles. Kant's solution to the problem of relevant descriptions seems adequate except for this minority of cases. The problems arise when agents have difficulty in choosing a maxim of action and when the maxims chosen are inappropriate to the situation or the act done.⁷⁰

With respect to this passage, there are a number of things which have to be said. First, if all of these problems cannot be cleared up, if only one or a finite class of these problems cannot be dealt with, Kant's formulation fails as a decision procedure.⁷¹ Second, what does Nell mean when she tells us that the contradiction in conception test (having to do with duties of justice) leads to intuitively acceptable results when applied to appropriate principles? Let us remember that the 'successful' applications of the Categorical Imperative referred to include the bank robbery and false promising examples already discussed. If the points raised in these discussions are correct, these applications of the Categorical Imperative fail as a function of not coming to grips with the problem of relevant descriptions. But, more generally, what can "appropriate principles" be taken to designate? When the so-called successful applications of the Categorical Imperative were carried out, Nell ruled out certain principles (maxims) as inappropriate in terms of properties of agents (e.g., their dishonesty) which may yield maxims which are too specific. It was argued above that this way of judging

the appropriateness of maxims misconceives the problem of relevance as a practical problem, when it is essentially a theoretical one. To call a maxim appropriate presupposes a solution to the theoretical problem of relevant descriptions. But this has not been produced by Kant or Nell. So it is not at all clear here what "appropriate principles" means in this context, except for the happy coincidence that the "appropriate principles" in the bank robbery and false promising cases happen, when subjected to the Categorical Imperative, to yield results which are "intuitively acceptable." Finally, although Nell may be right that the class of cases in which Kant's solution to the problem of relevance seems to be wanting constitutes only a minority of cases, what guarantees this, and how does she know it? Is it the logic of the situation which Nell feels accounts for this, or some practical aspect of the nature of making moral judgments? I can see no logical guarantee that agents will, in a "majority of cases" (such as the false promising and bank robbery cases), match their maxims to their actions appropriately. As for practical considerations, we must recall here that one of the factors which might account for a mismatched maxim-act pair is ignorance. And since it is difficult to overestimate the extent of human ignorance, Nell's optimistic claim that in all but a minority of cases, Kant's treatment of the problem of relevance is adequate, may not be well founded. In fact, ad hoc empirical claims about agents notwithstanding, it is possible that maxim-act pairs are never appropriately matched. (And without a solution to what I have called the theoretical problem of relevance, it is hard

to know how one could ever establish that such a maxim-act pair is appropriately matched.) This is why it is so crucial to find a criterion which can discriminate between those pairs which are, from the point of view of moral assessment, appropriately matched, versus those which are not. But this is merely restating the importance of coming up with an adequate solution to the problem of relevance. This said, let us consider Nell's claim (see n. 71) that a partial solution to some of Kant's difficulties with duties of justice (which stem from the problem of relevance) is possible.

The main move which Nell makes to try to strengthen Kant's formulations is to introduce the distinction between what she terms contexts of action and contexts of assessment. By a context of action, Nell is referring to those situations in which an agent must, in a given span of time, formulate a maxim and perform (or omit) an act, as a function of how the maxim (presumably in the context of some universalizability test procedure) confers some deontic status onto the act. In a context of action, if an agent doubts whether or not the maxim he has formulated is appropriate for moral assessment, what may he do to resolve this question, one way or the other? Nell gives the following advice:

He should exercise caution and judgment, reviewing his knowledge of the facts and the credentials of his informants. In acting, he should proceed attentively, and with forethought - and so on. . . . The qualities of character necessary to proceed in this way are repeatedly emphasized by Kant.⁷²

But once this care has been exercised in a context of action, nothing else can be done to ensure that an agent's maxim is appropriate for moral assessment.

Once all reasonable care has been taken to avoid ignorance, bias or self-deception, an agent can do nothing more to determine that his maxim does not match his situation. Once an agent has acted on his maxim attentively, he can do no more to ensure that his act lives up to his maxim. . . . Agents are not simultaneously their own spectators. In contexts of action they cannot go behind their own maxims and beliefs. We can make right decisions, but not guarantee right acts.⁷³

Hence, in a context of action our carefully considered beliefs place a limit on our ability to scrutinize the moral appropriateness of the descriptive content of our maxims. This is not the case, however, in a context of assessment. In such a context, other steps (as compared with contexts of action) are available to help us decide whether or not our maxims are morally appropriate.

In the latter context [of assessment] further steps can often be taken to see whether there is not some sort of hiatus between maxim and situation, between means/ends judgments and the probable causal sequences, or between maxims and acts. The question we can now raise is whether an ethical theory - in particular a theory of right - should be designed to function in a context of action or a context of assessment, or in both.⁷⁴

In a context of action we are concerned as engaged moral agents; in a context of assessment we try to approximate the stance of some sort of ideal spectator and, as such, we may have access to information which better equips us to assess the moral appropriateness of maxims. (After having acted, agents become, in effect, ideal spectators of their own maxims and behavior.)

Now, Nell wants now to claim that although Kant's solution to the problem of relevant descriptions is not adequate in a context of assessment, it is adequate in a context of

action. That is, although Nell is now admitting that Kant's solution to the problem of relevant descriptions combined with the rest of his system is not up to the task of picking out right acts, she is putting forth the claim that Kant's theory is valuable to moral agents nonetheless.

But in contexts of decision Kant's theory does provide adequate guidance. Agents cannot do better than to act on carefully vetted maxims. If their act conforms to a maxim which can be shown to be obligatory or permissible, . . . then they can do no more to ensure that their act is obligatory or permissible. Others may discover the inappropriateness of the maxim; the agent cannot and so cannot be required to make this discovery. Kant's theory of right is not in fact open to the sorts of counter-example which arise from agents' ignorance, bias, or self-deception. But it is a theory which tells us how to decide rightly rather than whether acts are right.⁷⁵

The kind of shift involved between contexts of action and assessment might be captured by the terms of subjective duty and objective duty. It is our objective duty to do what is actually right; it is our subjective duty to do what we think is right, whether it is actually right or not, given that the utmost care and conscientiousness has been exercised in arriving at that act which we think is right. (See, on the notions of an objectively right act and a subjectively right act, W.D. Ross, Foundations of Ethics (Oxford:

Clarendon Press, 1939), p. 148, and H.A. Pritchard, Moral Obligation (Oxford: Clarendon Press, 1949), pp. 18-29.)

When Nell tells us that in a context of action Kant's theory is adequate, this amounts to the claim that the Kantian system tells us how to arrive at our subjective duty via the Categorical Imperative. The claim is that Kant is advising us to

carefully and honestly choose our maxims, test them by the Categorical Imperative, and act in accordance with the outcome of this test. So, on some practical level, Kant's solution to the problem of relevant descriptions is said to be adequate.

But this view of Nell's, it seems to me, gives up most of what Kant's theory seems to be aimed at; that is, the determination of which acts are right, rather than generating a method one may appeal to in order to gainsay the charge of moral laziness or some such. The problem of relevant descriptions is a problem, in universalizability contexts, because it impedes tests such as the one contained in the Categorical Imperative from determining right action, at least in some cases. It is true enough, of course, that if we no longer demand of a theory of right that it discriminate between right and wrong action, but only that it lay out ground rules for what constitutes an honest assessment of a situation, the problem of relevance is no longer an overwhelming difficulty, if it is any difficulty at all. That is, if all we demand of a deontic theory is that it set down canons of honest assessment, the problem of relevance no longer is a challenge, since what it asks us to do, i.e. justify descriptions as correct from the moral point of view, is no longer an appropriate demand. If we give up the quest for correctness and substitute for it a criterion of honesty, then any description honestly arrived at will be as 'good' as any other; i.e. what elements make up the description will not matter as long as they were chosen honestly, i.e. the problem of relevance will evaporate.

Such a theory will make judgments such as: 'He decided rightly (honestly) to do act X', not; 'Act X is right'. Clearly, a theory which makes judgments like the former may correctly make such judgments no matter how X is described. The problem of relevance is not an important consideration for such a theory. (See on this point, Nell, Acting on Principle, p. 129.)

In her move to contexts of action from contexts of assessment, Nell again shows her predilection for looking at the problem of relevance as a practical, rather than a theoretical problem. But this, as I have shown before, (see above, pp. 149f.) is mistaken.

To claim that Kant has even a partially successful approach to the problem of relevant descriptions, which is essentially a search for a criterion which can distinguish between descriptive content which is morally relevant and that which is not, by appealing to a concept such as context of action cannot be successful for, in a context of action, the problem of relevance cannot come up as a crucial issue. So, when Nell says, "Kant's theory of right does not provide any method for determining the relevant composite act description under which to assess an act when we take the bird's eye view of the context of assessment" (p. 132), it seems to me that this is tantamount to admitting that the Kantian approach to the problem of relevance is a total failure, since the problem of relevance is philosophically a vexing and interesting problem in the context of assessment, not in a context of action.

Given Nell's statement (on p. 132, in Chapter 7), one can only wonder that the title of Chapter 3 is "A Solution to the Problem of Relevant Descriptions," with the Kantian approach obviously in mind. For, given the nature of the problem of relevance, it can be argued that Kant's approach is not so much a defective solution, as that it cannot count even as a possible solution! It is notoriously difficult to decide in some contexts, for example, whether a given object is a bad piece of art or not a work of art at all. But in some situations it may be quite clear that an object is not a work of art; e.g., if there is a contest to decide which musical composition is best, and someone enters a paper clip, it seems apparent that this entry is not a work of art in the requisite sense, given the context, even if someone or some machine could "sing" (say) the paper clip. Another example is this: if the solution to a given mathematical equation must be an N -tuple (X_1, X_2, \dots, X_N) , and someone puts forward as a possible solution an M -tuple (X_1, X_2, \dots, X_M) , with $N \neq M$, then we might say that this 'possible solution' is no solution at all; it is logically impossible (formally impossible) that the M -tuple be a correct solution. (An N -tuple where at least one of X_1, X_2, \dots, X_N is wrong is a bad solution, but at least it meets the formal requirements of the problem so it can count as a possible solution.) Now, the form of the solution to the problem of relevance is as follows: it must consist of a criterion which tells us how to distinguish morally relevant descriptive content from the morally irrelevant variety. Any proposal which does not

provide such a criterion may be said to be ruled out formally as a solution. What does the Kantian proposal concerning the problem of relevance amount to? No more than that in the context of the universalizability test embedded in the Categorical Imperative, the agent's maxim is to be tested. But maxims are neutral with respect to descriptive content; just because a maxim is mine, no limit is put on the descriptive content it may contain. Unless one is willing to say that since (and because) a maxim is mine, it must contain morally relevant descriptive content, then Kant's pointing to the agent's maxim does not and cannot count as a solution to the problem of relevant descriptions. In fact, the concept of a maxim itself yields the problem of relevance; one might say that the problem of relevance is logically internal to (or embedded in) the idea of a maxim. Since maxims are neutral with respect to descriptive content (i.e., to decide to formulate a maxim in a given situation does not by itself have any effect on what descriptive content ought to be included in the maxim,) then designating maxims cannot alone be adequate as a method for handling the problem. Thus, by pointing to an agent's maxim, Kant merely sets the stage to illustrate the problem. Hence, the Kantian approach cannot constitute a successful solution.

It is not crucial whether or not one calls the Kantian approach an inadequate solution, or considers it to be inapplicable on formal grounds (i.e., no solution at all). What is important is that the Kantian formulation offers no guidance for determining the morally relevant description

under which to assess an act. It may be true, as Nell contends, that the attempts of Anscombe (in her Intention) and D'Arcy (in Human Acts) to generate criteria for picking out morally relevant descriptions for acts fail, but it seems to me that at least they are trying to come to grips with the problem on its own terms (i.e., the way the problem is viewed by, for example, Singer and Lyons).

At the end of her book, Nell makes the following statement concerning the problem of relevant descriptions:

Any adequate solution must state an effective criterion of selection that is generally applicable and yields plausible results. I cannot offer any solution which meets these standards. But this is a lack which I regard with some detachment. Kant's theory of right can at least be used in contexts of decision and action. And it is these contexts which are of most importance for the moral life.⁷⁶

What Nell seems to be saying here is that she does not take in to be a crucial defect in the Kantian approach that it cannot discriminate right acts from wrong! Since the aim of a rationally based ethics has traditionally been taken by many to be to accomplish just this task, Nell's 'detachment' with respect to the defects of the Kantian system might seem to some a bit surprising. But we have not as yet examined the meaning and significance of Nell's claim that Kant has a theory of moral worth which is adequate.⁷⁷

b- In taking up Nell's discussion of Kant's theory of moral worth, it must be noted that she seems to be looking at moral worth as a property of acts (but see n. 7). She repeatedly uses the phrase, for example, "morally worthy acts." Other commentators on moral worth, however, take it to be

something which attaches not to acts, or to classes of acts, but more properly to other kinds of entities - for example, persons. Let us briefly recall Frankena's view of the matter.

. . . there are other moral judgments besides deontic judgments in which we say of actions or kinds of actions that they are right, wrong, or obligatory, namely, . . . , judgments in which we say of persons, traits of character, motives, intentions, . . . that they are morally good or bad, . . . virtuous or vicious, etc.⁷⁸

But Nell seems herself to vacillate on the proper objects of judgments of moral worth. In a passage elucidating the important features which the notion of moral worth contains (which, by the way, she thinks Kant's theory can accommodate), she says, "Finally, moral worth is something agents can choose to have or to lack. It is not attributable to agents in virtue of circumstances beyond their control" (p. 119). But if moral worth is not attributable to agents for one reason, is it not reasonable to conclude, given Nell's statement above, that it is attributable to agents on some other grounds?

What accounts for this seeming vacillation is something like the following. If Kant can be said to have produced an axiology, it rests upon the principle that the only intrinsic good is a good will. But what is a good will? A good will is one which wills the right because, and only because, it is the right. To determine, then, whether a person is morally worthy, we must be able to tell whether or not he acted from the motive of duty, or from some sense of duty. But this determination is quite difficult (perhaps impossible), and one reason for this is that just what sense a notion such as 'sense of duty' might take is hard to make precise. Nell

wants to give the notion 'sense of duty' some sort of meaning by introducing the concept of objective end (or obligatory end). She wants to say that the connection between pure motives of duty and so-called objective ends can be made clear via an analogy with their subjective counterparts.

Can this connection between empirical motives and subjective ends be used to illuminate the connection between the pure moral motive and objective ends? If it can, we may be able to elucidate further phrases such as "reverence for the law" and "sense of duty." If it cannot, these terms will remain an idle and mysterious part of Kant's ethical theory, serving only to raise puzzles about what he means by calling a motive pure and what the psychological status of such motives can be.⁷⁹

If moral worth is a function of motive, then the natural objects of judgments of moral worth are persons. However, if moral worth can be formulated in terms of ends, we may be able to claim that, in some sense, there are morally worthy acts. These would be acts which ". . . aim at objective ends because they are such ends" (Nell, p. 117). So there may be at least two ways of expressing judgments of moral worth, one in which the objects of such judgments are persons, the other in which the objects are acts.

Before we go on to consider the idea of an objective or obligatory end, let us take up whether or not the application of the Categorical Imperative in concrete cases supports the idea of an objective end. To do this, we must consider what Nell calls contradiction in the will tests of the Categorical Imperative. To apply this test, we must deal with maxims of ends, not maxims of action. ("But purposes as such are not involved in the contradiction in conception test, while they

are essential in the contradiction in the will test for duties of virtue" [Nell, p. 82].) So let us consider the incomplete maxim of ends:⁸⁰ "To neglect everything needed to help the needy," and its corresponding UTC, "Everyone will neglect everything needed to help the needy." Although the UTC in this case could, without contradiction, be willed as a universal law of nature (i.e., the contradiction in conception test will not work here), Nell gives an argument to show that helping the needy (sometimes) is obligatory (an obligatory end).

If men have ends, they must, by the Principle of Hypothetical Imperatives (which Kant thinks of as analytic) will some sufficient means to those ends. But if I will whatever means are needed to achieve whatever end I may have, then I must will that, should I be unable to achieve my ends by unaided efforts, I should be given assistance. I must will to be helped in need. But if I will this in my private capacity, I cannot also will 2 [the corresponding UTC].⁸¹

This argument is supposed to establish that helping some others in need is an obligatory end. (A similar argument is given to support the view that developing some of one's talents is an obligatory end.) It is supposed to help make plausible the claim that moral worth can be defined in terms of ends, and not necessarily in terms of motive. Nell wants to do this because if one can give a notion of moral worth in terms of obligatory ends, it is possible (she claims) to produce a criterion of moral worth independent of the notion of obligatory act. And if this could be done, Kant's theory of moral worth would not be infected by the difficulties besetting his theory of right.

All of this must be investigated, but first it may be doubted whether the application of the Categorical Imperative directed towards establishing 'helping others in need' as an obligatory end will hold up, even considered just as a plausibility argument to establish the possibility of an obligatory end. Even though the incomplete maxim of ends, "I will neglect everything needed to help the needy," and its UTC seem to yield a contradiction, Wolff presents a strong counter-argument to this claim. After going through much the same argument as Nell to illustrate how one might try to sustain the contradiction, Wolff says:

I must confess that when I first expounded this interpretation, . . . I thought it was (within the framework of Kant's philosophy) a valid argument. However, a graduate student, whose name I unfortunately do not know, raised the following counter-argument: Suppose an individual adopts it as his policy never to set for himself an end whose achievement appears to require the cooperation of others and to forswear any ends he has adopted as soon as it turns out that such cooperation is needed. Under these circumstances, he could consistently will that his maxim of selfishness should be a universal law of nature, for he could be certain a priori that he would never find himself willing an end which the natural law obstructed. This curious policy, which in the ancient world was espoused by such stoic philosophers as Epictetus, is perfectly consonant with the Categorical Imperative in both its first and second formulations.⁸²

So, even on the level of producing plausible applications of the Categorical Imperative to sustain the idea of obligatory ends, difficulties are encountered. But now we must try to understand what Nell can mean when she contents that " . . . Kant's theory of ends and his theory of motives were two sides of the same coin" (p. 102), and hence, that the

notion of moral worth is independent from the idea of obligatory act in Kant's theory.

To start, Nell gives two provisional definitions, one of obligatory acts and one of morally worthy acts (already cited on p. 157 above) on p. 102 as follows:

- A. Obligatory acts and omissions are those the contrary of whose maxim of action does not meet the requirement of the moral law, and those which are required in all circumstances by some policy the contrary of whose maxim of ends does not meet the requirements of the moral law.
- B. Morally worthy acts and omissions are those obligatory acts and omissions which are done in order to do obligatory acts and omissions and those acts and omissions the contrary of whose maxims of ends do not meet the requirement of the moral law.

From these two definitions, it seems as though moral worth and moral obligation are interdependent for Kant. Nell wants to replace B with some B' in order to obviate this interdependence. To do this, Nell begins by claiming that in the realm of subjective ends and empirical motives, there is a logical connection between motives and ends.

The connection between motives and ends is logical. If an agent desires some state of affairs X, we may attribute to him either the motive "desire for X"... or state that X is one of his ends.⁸³

In the Groundwork, Kant claims that an action has moral worth if and only if it is done from the motive of duty, and almost makes it seem that morally worthy action has no end in view at all. But, Nell claims, morally worthy action, like all other action (as opposed, say, to happenings) for Kant, must have some end. (Here Nell is in agreement with Wolff;

see The Autonomy of Reason, pp. 149-150.) But what can this end be? Nell tells us, as follows.

If an agent does a morally worthy act we can attribute to him both a specific motive and a specific end. The end is that of exemplifying a will determined by the moral law, the motive is that of doing what the moral law requires. Like empirical motives, the pure motive is logically connected to a certain sort of end.⁸⁴

In the Metaphysics of Morals, however, Kant's account of moral worth depends on the idea of obligatory ends which do not seem very closely connected with the idea of a good will. (Kant, when he introduces the notion of a substantive, rather than a merely formal ethics also introduces the idea of objective or obligatory ends which are described as "ends which are also duties," "duties which others cannot compel us... to fulfill," etc. The connection between these descriptions and a good will is not, however, made explicit. See Kant, The Doctrine of Virtue: Part II of "The Metaphysics of Morals," pp. 38-39, 48-49.) So now the problem can be presented in this way:

If morally worthy acts are those done for the sake of the moral law, why should acts done to treat other rational natures as ends, to perfect ourselves, or to make others happy be considered morally worthy? Why should one suppose that acts done for these ends are done with the moral motive? Why should there be more than one objective end - the good will - corresponding to the single moral motive?⁸⁵

Here is Nell's argument: if there exists one objective end, the good will, then rational nature as such is also an objective end, since rational nature is the only possible possessor of a good will. (Objective ends are obligatory for beings who are not totally rational; e.g. human beings. See Acting on Principle, p. 105, on these terms.)

If good willing is an end which it is a duty to have, then the maintenance and cultivation or promotion of rational natures, at least in those respects that are necessary or helpful for them to have good wills is also an end which it is a duty to have.⁸⁶

But what is meant by "maintenance and cultivation or promotion of rational natures?" According to Nell, if rational natures (beings) are objective ends, then any essential part of a rational nature is also an objective end. Such an essential attribute is the capacity to set ends. Hence, if good willing is an objective end, a rational nature using the capacity to set ends in order to select objective ends is also an objective end. ("If the existence of good willing is an objective end, so is the pursuit of objective ends by rational beings," - Nell, p. 109). However, on the Principle of Hypothetical Imperatives (that if we intend some end, we must also intend some means sufficient to produce that end), if we grant that rational natures selecting objective ends is an objective end, then since we must intend any intermediate end necessary to achieve this, all such intermediary or subsidiary ends will also have the status of objective ends, by virtue of their relationship with an end given (presumably) as objective; i.e., good willing. Now, what are these 'subsidiary objective ends'? They turn out to be, on Nell's account, the development of some natural capacities, and the happiness of others. The arguments to establish this are as follows.

1. If we lack all capacities to pursue ends then, necessarily, we lack the capacity to pursue objective ends. But since the pursuit of objective ends is an objective end,

then we must develop the talents necessary to pursue ends. Therefore, "Given the varied circumstances of human life, this means that some natural talents and abilities and the one moral talent - strength of will - must be objective ends" (Nell, p. 109).

2. It is not always possible to achieve objective ends single-handedly. Human beings sometimes need help in this undertaking and, the world being what it is, it is not possible to predict what kind of help will be required. But, if we must cooperate with others in the achieving of an objective end, this cooperation may be characterized as having the objective end of ". . . sharing others' objective ends," where these ends are known not to be forbidden. Nell then tells us: "But if we do this, then we have made their happiness, . . . an end. If the pursuit of objective ends is an objective end, then so must be the happiness of others" (p. 110).

What is one to say of these arguments? On the notion of objective ends (obligatory ends for all not wholly rational natures), Nell is claiming that if the good will is an objective end, then the happiness of others (presumably only sometimes) and developing some of our talents are also objective ends, given some set of contingent statements about the world, such as that cooperation is necessary to achieve certain objective ends, and that it is necessary to develop some of our talents to achieve certain objective ends.

But some strange consequences come from this. For example, in the case of the supposed objective end of others' happiness, suppose there were a person who possessed such great

gifts that he never needed anyone's help to achieve any end at all, including objective ends (if there are any). Our intuition about such a person is that he or she should conceive it as a duty to care for the happiness of others. However, on Nell's account, such a person is not morally compelled to conceive of the happiness of others as an objective end, since for Nell, this objective end status depends (logically) on the necessity of a kind of cooperation which is ruled out in my counter-example ex hypothesi. The upshot of this is that, on Nell's analysis, the kind of person whom we would most want to recognize the happiness of others as an objective end would never, on logical grounds, be compelled to take others' happiness as an objective end, without being open to the charge of irrationality, since cooperation with others is never necessary for such a person. (See on this point p. 172 above for Wolff's discussion of a similar example.) If Nell must rely on empirical premises (e.g., the world being what it is, etc.) in order to establish which ends are objective, she will be open to examples which yield counter-intuitive results which can be generated from a manipulation on what are, after all, contingent claims.⁸⁷

But whatever the strength of Nell's arguments, we must recall the purpose for which they were put forward, which was to replace the definition of moral worth B, above, with some B' which does not depend on the notion of an obligatory act. Nell offers:

B': Morally worthy acts and omissions are those which are done on a maxim of ends whose contrary does not meet the requirements of the moral law (p. 110).

B yields B' on the supposition that Nell's account of ends and motives is adequate, so that the "in order to" phrase in B, which indicates a motive (the pure moral motive) can be subsumed as an objective end in a maxim of ends.

In the application of the contradiction in the will test already considered, the kind of maxim tested is what Nell terms an incomplete maxim of ends (p. 38), since no act description appears in such a maxim - it is suppressed.⁸⁸ Only what is being aimed at, or sought after is apparent in incomplete maxims of ends. So Nell tells us:

For an act to be morally worthy, it is not necessary or sufficient that it result in the promotion of an objective end. The objective end must be aimed for, but it need not be realized. Morally worthy acts need only strive for objective ends in the knowledge that they are such ends.⁸⁹

The upshot of all this is the following: If, for Kant, the notion of moral worth is independent of moral obligation, then Kant's theory of moral worth is not necessarily susceptible to the pitfalls which the problem of relevant descriptions produced for duties of justice. Hence, Kant may have an adequate moral theory (albeit, of moral worth) after all, which is immune from the criticisms generated by the problem of relevance. Let us now see whether this is so, and if it is, whether it consists of a material solution to the problem of relevance.

Kant's 'solution' to the problem of relevant descriptions is the same in the realm of judgments of moral worth as it is for deontic judgments.

In his theory of moral worth, as in his theory of right, Kant solves the problem of relevant descriptions by taking the agent's maxim as the principle relevant to assess in all cases.⁹⁰

On what grounds may one assess an act as morally worthy?

Although this is usually done as a function of the motive from which the act was done, given Nell's argument concerning the logical relationship between motive and end, it is possible to characterize an act as morally worthy in terms of the notion of obligatory end, as well as the idea of motive.

Morally worthy acts must be done to realize a good will, to preserve or promote rational natures, or more restrictedly, to make ourselves more nearly perfect or others happier. They must aim (my italics) at objective ends, because they are such ends, and so be done with the motive of doing one's duty.⁹¹

How is one to know whether one is really being moved by the recognition of an end as obligatory (i.e., doing one's duty purely for the sake of doing one's duty) or whether one is, in actuality, being impelled to act by some inclination, perhaps unconscious, which is unknown to us? The answer, according to Nell, is that we cannot know, but the fact that we cannot know is not a problem for Kant's theory of moral worth.

Yet the theory does not demand of men that they do the impossible. They do not have to know whether particular acts of their own or others were morally worthy. They simply have to strive to make their acts so. Such striving is within human capacities, even though it may be beyond human capacities to know when the striving is successful.⁹²

Kant's theory of moral worth may be deemed successful, other things equal, given that it can come to grips with the problem of relevance adequately (which as we have seen, his

theory of right fails to do). We will, then, want an answer to the following:

Are there situations where it seems that the agent's maxim of ends is not the principle which it is relevant and appropriate to assess in judging the moral worth of an act? Can maxims of ends be ignorant, biased, or self-deceiving? Can agents slip, bungle, or make other sorts of mistakes in acting on their maxims of ends?⁹³

Nell wants to claim that the answer to the above questions is 'no,' based on the distinction between complete and incomplete maxims of ends. A complete maxim of ends takes the form: To ---- if in order to _____, where "----" stands for some act description, and "...." stands for some agent description. An incomplete maxim of ends takes the form: To do/omit what is needed in order to _____, where "_____" stands for, as it does also in the complete maxim, a purposive component. In order to act, Nell tells us, we require a complete maxim of ends. However, in order to assess moral worth, we will be in a position to make judgments if we know only an agent's incomplete maxim of ends.

But in assessing the moral worth or lack thereof of acts according to Kant's ethical theory, it is incomplete maxims of ends which must be considered. It is not relevant to the moral worth of an agent's act that he chooses a maxim of action which will not or cannot lead to the end which *he* (my italics) aims, or which is biased or self-deceiving. Provided the agent's maxim of ends is known, everything needed to assess the moral worth of his act is available.⁹⁴

This is so because moral worth is a function purely of the agent's striving for ends which are obligatory.

The moral worth of acts is independent of agents' success either in acting on their maxims of action or in realizing their aim. Provided

these aims are morally worthy, . . . and are genuinely the aims of the agents, their acts are morally worthy. Striving for morally worthy ends, not achieving them, is the criterion of morally worthy action.⁹⁵

And so Nell concludes that "Kant's solution to the problem of relevant descriptions seems to cause no difficulties for his theory of moral worth" (p. 124).

There are a number of things which must be said here. First, moral worth is something which is most naturally ascribed to agents, not acts. Even Nell, who wants to construe Kant's theory of moral worth as a theory about acts, as can be seen from her definitions B and B' (pp. 102, 110), often herself lapses into speaking as if it were agents, not acts, which can properly possess moral worth. (See also n. 7.) For example, (cf. n.94), Nell indicates that it is persons, not acts, which can aim at ends, so that if moral worth is a function of aiming or striving, it must be persons, not acts, which are the proper objects of judgments of moral worth. Also, on p. 119, Nell says, ". . . moral worth is something agents can choose to have or lack." This kind of statement strongly indicates that in places where Nell speaks of acts as having or lacking moral worth, these statements should be understood as referring elliptically to agents. Therefore, (cf. n. 91) we must interpret Nell's view that acts aim at something or other as a way of expressing that persons have purposes (aims) which they try to achieve through action.

Now the question arises why Nell should want to construe Kant's theory of moral worth as a theory about acts? Why not say, as seems natural, that once you have determined

whether an act is right or wrong, then, as far as the act is concerned, our moral investigation is at an end, and that we may then proceed to consider questions of moral worth with respect to the agent involved? Why does Nell consider it important to give the argument logically connecting motives and ends, which makes it appear plausible that judgments of moral worth, usually made of agents in virtue of their motives, can be made of an act in virtue of its 'aim'? The answer, I think, lies in this. Nell is trying to make a case for the view that some chunk of Kant's moral theory can survive the problem of relevant descriptions, which his theory of right in a context of assessment cannot do. But the problem of relevant descriptions has to do with the problems of correctly describing acts (or situations), so if moral worth is purely a function of motives, then logically speaking, Kant's theory of moral worth survives the problem of relevance because any theory of moral worth is safe from this problem. Therefore, if moral worth is purely a function of motive, to say that Kant's theory of moral worth is immune to the problem of relevance is to make a very weak substantive claim about Kant's system. Hence, in order to make a significant claim concerning Kant's theory of moral worth and the problem of relevance, Kant's theory of moral worth must be construed as being about acts. Nell's translation from B to B' above seeks to accomplish this, for in B' morally worthy acts are defined as being independent of motive (i.e., it is construed as a theory of moral worth based on the idea of an objective end, rather than the idea of a pure moral motive). Notice also that in B', when

Nell eliminates the pure moral motive as stated in B, she makes Kant's theory of moral worth independent of the notion of obligatory act. Given that Nell has admitted that Kant's theory of right is inadequate with respect to the problem of relevance, this gives hope that Kant's theory of moral worth will not be infected by the problems besetting his theory of right.

Technically speaking, the central notion which allows Nell to claim that Kant's theory of moral worth is adequate with respect to the problem of relevance is the idea of an incomplete maxim of ends: To do/omit what is needed in order to —, which she takes as the kind of principle to assess in making judgments of moral worth upon acts (cf. n. 94). But as Nell tells us on p. 38, incomplete maxims of ends are principles in which the composite act description has been suppressed. But clearly, a principle with no descriptive content at all cannot be susceptible to the problem of relevant descriptions.

Now some might consider the foregoing a plus for Nell's analysis. After all, could it not be claimed that she has succeeded in salvaging a significant part of Kant's theory, having to do with moral worth, from criticisms based on the problem of relevance? Here we must take pause to consider carefully what is going on. Let us recall that via Nell's argument connecting motives and ends, she has explicated Kant's theory of moral worth as having to do with acts. But we must also remember that this same analysis holds that motives and ends are seen to have a reciprocity; what we express

in terms of one we can express in terms of the other. (Cf. n. 83.) They are two sides of the same coin. Given (what I think is the fair assumption) that it is more natural to express judgments of moral worth with persons as object (i.e., in terms of motive), then the substance of a judgment of moral worth will be independent of whether or not an agent misdescribes his situation. We will say, that is, of a person who tried to bring about a good end but who failed as a function of honestly misdescribing his situation, that such a person, as far as this situation is concerned, is morally worthy. We will say, in other words, that he meant well. Hence, when situations involving ascriptions of moral worth are explicated in terms of motive (which according to Nell they can be) it should be clear that to call Kant's proposals a solution to the problem of relevance is not to say very much. This is because any theory of moral worth will be a 'solution' to the problem, if it is based purely on motive. But, I think, this is really to say that in the context of a theory of moral worth the problem of relevance is radically out of place. It cannot, in these contexts, be reasonably formulated as a serious problem. So, to claim that Kant's theory of moral worth contains a solution to the problem of relevance is to claim that Kant's theory is immune from a problem in an area in which the problem cannot arise!

It may well be, as Nell thinks, that Kant's theory of moral worth stands up well to most intuitive demands we might make of such a theory. But it is misleading to say of Kant's theory of moral worth that one of its peculiar virtues is

that it is adequate to cope with the problem of relevance.
Any theory of moral worth framed wholly in terms of motive
can make this same (weak) claim.

Chapter 4

Notes

¹"Moral principles" is here used as opposed to non-moral principles (e.g. aesthetic principles, chess principles) rather than immoral principles. See, on this, the comments on Hare, below.

²Nell, Acting on Principle, Preface, p. vi.

³Ibid., p. vii.

⁴The question of justification is, presumably, on what grounds (e.g. epistemological, logical, metaphysical) can universalizability be made out to be the correct criterion for morality? Nell says in her preface, "I do not doubt the importance of justification, but I believe a principle which cannot help us is not worth justifying. The first requirement of a refurbished Kantian ethics is to show that the Categorical Imperative can help us solve some of the moral problems we all face" (p. vii).

⁵Nell, Acting on Principle, p. 1.

⁶Ibid., p. 2.

⁷To avoid ambiguities involved when the term "moral" is contrasted with "non-moral" as opposed to "immoral" (wrong), Nell suggests the following procedure (p. 3): "Moral" to be contrasted only with "non-moral." So we will have moral issues, reasons, and moral principles, in this sense. The term "moral" is not used to apply to acts or persons. A proper subset of moral principles, rules or judgments consists of morally acceptable rules, principles or judgments, the complement of this set contains morally unacceptable or morally unsound principles, etc. Acts may be deemed morally acceptable or morally unacceptable; persons assessed as morally worthy, morally indifferent, or morally unworthy. (This will turn out to be important later on. See on this point n. 3, Ch. 1.)

⁸For a specimen list of possible principles of right, see Acting on Principle, p. 6.

⁹As a function of embodying incomplete agent and act descriptions. Nell says (p. 11), "Nor can principles ever be fully determinate - and if they could, their point as guides to action would be lost, since they would never cover more than a single case."

¹⁰Hare, The Language of Morals, p. 81.

¹¹This sentence is called by Nell the minimal universal form of "X has the property p."

¹²See Hudson, Modern Moral Philosophy, p. 179, for a view on how relevant differences are determined for Hare.

¹³Nell, Acting on Principle, p. 21.

¹⁴See R.M. Hare, Freedom and Reason, p. 97.

¹⁵Nell, Acting on Principle, p. 18.

¹⁶On interest, imagination, and facts, see Hare, The Language of Morals, pp. 90-111.

¹⁷Nell, Acting on Principle, p. 22.

¹⁸I have not paid much attention to the 'prescriptive' in universal prescriptivism, since even though many important issues can be brought up with respect to prescriptivism (e.g., Do moral judgments implicitly involve commands? What does it mean to say that there can be logical relations between imperatives?), these issues turn out to be somewhat peripheral to the problems of universalizability I will be taking up.

¹⁹Singer, Generalization in Ethics, p. 34.

²⁰Ibid., p. 64.

²¹See, on certain of Singer's logical claims, J. Howard Sobel, "Generalization Arguments," Theoria, 1965, 32-60.

²²There seems to be little or no doubt, as there might be concerning Hare, that Singer intends that his work be primarily understood as addressing normative issues.

²³Singer, Generalization in Ethics, pp. 139-140.

²⁴Ibid., p. 72.

²⁵Ibid.

²⁶Ibid.

²⁷See above, p. 117.

²⁸Singer, Generalization in Ethics, p. 76.

²⁹Ibid., p. 81.

³⁰Ibid., pp. 81-82.

³¹Ibid., pp. 144, 145.

³²Ibid., p. 145.

³³Remaining after discarding invertible and reiterable contexts.

³⁴As Singer admits, see pp. 117f., above.

³⁵Nell, Acting on Principle, p. 26.

³⁶When discussing the concept of relevance in Ch. 3, I stated that persons could be said to be operating with an implicit concept of relevance in most situations, with such a concept being non-justified and defeasible. The present discussion is meant to show that in theoretical moral constructs as well there exist implicit relevance criteria which also may turn out to be defeasible (i.e. non-mechanical), with such concepts being justified only to the extent that the moral theory of which they are a part can be justified.

³⁷Nell, Acting on Principle, p. 28.

³⁸Lyons, Forms and Limits of Utilitarianism, Chapter 3. See especially the discussion of linearity and of threshold effects.

³⁹Ibid., p. 30.

⁴⁰Ibid., p. 32.

⁴¹Ibid., p. 34.

⁴²Of course, the proposed solution may be correct even if act-utilitarianism is not, since (if p, then q) and \bar{p} do not rule out q. But given that Lyons' solution is generated from utilitarianism, if there exist formidable attacks on utilitarianism and there are no other independent

grounds for accepting the proposed solution, then the claim that the proposed solution is not logically ruled out as a function of material attacks on utilitarianism does not constitute much support for such a proposal.

⁴³Lyons, Forms and Limits of Utilitarianism, p. 57.

⁴⁴Ibid., p. 60. The determination of relevance is not only a complex matter in theory, but also, of course, in practice as well.

⁴⁵As we have seen, Singer and Hare do not successfully handle the problem.

⁴⁶This definition is based on a discussion of ethical egoism by William Frankena in his Ethics, pp. 18-20.

⁴⁷In this discussion I do not mean to suggest that Lyons is a utilitarian, only that what I have been calling his conditional approach presupposes utilitarianism.

⁴⁸Nell, Acting on Principle, pp. 29-30. See p. 30 for a discussion of some of these reasons.

⁴⁹Ibid., p. 32.

⁵⁰Ibid., p. 34.

⁵¹Ibid., p. 37.

⁵²Ibid., p. 36.

⁵³Nell's position that fully articulated maxims include (she says may include) a purposive component (reason for action) is contrary to the view of R.P. Wolff, expressed in his Autonomy of Reason, where Wolff makes a distinction between the maxim (or policy) proper, and the reason for adopting such a policy. Wolff thinks that it is important to keep separate the purposive component and the maxim proper. For example, in the suicide case, the maxim which is to be tested by the Categorical Imperative is rendered by Wolff, "To shorten my life if its continuance threatens more evil than pleasure." This is, in Nell's terms, a maxim of action. Kant, in his suicide example, makes it look as if the purpose of self-love is included in the maxim or policy. Wolff's opinion is that Kant has to (illegitimately) pack the motive of self-love into the maxim in order to generate his contradiction (otherwise unobtainable). Wolff argues that Kant's notion of internal

contradiction (inconsistent willing) can be generated from maxims proper (Nell's maxims of action) and that maxims of ends, insofar as they materially depend on the purposive component to generate a contradiction (as in Kant's use of self-love in the suicide case) are not proper grist for the mill of the Categorical Imperative. So Wolff says, in taking up the promise-keeping example (of the Groundwork) with respect to motives of self-love (the point is applicable to any other motive as well): "Kant assumes, on no very good grounds, that men always violate their commitments for self-interested reasons. But, of course, that need no be so... The irrationality consists not in succumbing to the temptations of self-love but in adopting incompatible policies" (p. 167). In saying this, Wolff is not claiming that reasons for acting (adopting maxims) are morally irrelevant. Indeed, they are central in judging the moral worth of persons. He is claiming that Nell's purposive components (" ") are not central to maxims or to generating contradictions by way of the Categorical Imperative. If Nell's use of the Categorical Imperative depends materially on the use of amplified act-descriptions (as illustrated by the suicide maxim) she will have to be able to deal with Wolff's formulations and criticisms. We will see about this below. See also the discussion on the maxim₁/maxim₂ distinction in Chapter 2.

⁵⁴ Nell, Acting on Principle, p. 41.

⁵⁵ Ibid.

⁵⁶ Ibid., pp. 41-42.

⁵⁷ Nell rejects proposals by Anscombe and D'Arcy, which try to establish one of the set of true act descriptions as morally relevant, as unworkable. See G.E.M. Anscombe, Intention (Oxford: Basil Blackwell, 1958) and E. D'Arcy, Human Acts: An Essay in their Moral Evaluation (Oxford: Clarendon Press, 1963).

⁵⁸ The reader will note that the distinction between maxims of action and maxims of ends is analogous to Murphy's distinction between maxims₁ and maxims₂.

⁵⁹ Nell, Acting on Principle, p. 63.

⁶⁰ These tests correspond to two different kinds of duties: contradiction in conception to duties of narrow obligation (perfect duties), contradiction in the will to duties of wide obligation (imperfect duties). But see Acting on Principle, Chapter 4 on these distinctions.

⁶¹Nell, Acting on Principle, p. 73.

⁶²On a related point, see The Autonomy of Reason, p. 160, on the "billiards example" and how the laws of physics must be presupposed to generate incompatible policies. Wolff is here trying to illustrate how formulas 1 and 1(a) (Nell) of the Categorical Imperative are related; that is, that in the law of nature formulation, Kant is trying to exhibit logical inconsistency as a kind of physical impossibility.

⁶³Nell, Acting on Principle, pp. 73-74.

⁶⁴Ibid., p. 70.

⁶⁵In the examples of bank robbery and false promising, Nell considers maxims of actions, not maxims of ends, so that at least in the contradiction in conception test, Wolff's objections to maxims involving purposive components are not applicable.

⁶⁶Nell, Acting on Principle, p. 71.

⁶⁷Ibid., p. 72.

⁶⁸Ibid., p. 78. Nell uses the categories "forbidden," "permissible" (or "merely permissible") and "obligatory" to describe what she calls the legal status of acts, and claims that the procedures she outlines are "...implicit in what he [Kant] writes" (p. 75). Thus, if a maxim of the form "To do A if B" can be universalized and the maxim "to omit A if B" (Nell calls this the contrary to the original maxim) cannot be universalized without contradiction, it is obligatory to do A if B (and forbidden to omit A if B). If both maxim and contrary can be universalized, it is permissible (merely permissible) to do A if B (or to omit A if B). The fourth possibility, where neither maxim or contrary can be universalized, is an analogue of Singer's invertible contexts. Here Nell tells us, "In cases where neither a maxim or its contrary can be consistently universalized, acts according to the maxim, or with its contrary, will be classified as merely permissible. The justification of this convention is simply that it fits in coherently with the rest of the interpretation given to the contradiction in conception test, and the resulting classification of maxims and acts is intuitively acceptable.... This move is, of course, a shift from exegesis to reconstruction" (p. 77). Nell's suggestions are similar in some respects to a view put forward by Frankena; see his Ethics, p. 32.

⁶⁹Ibid., p. 94.

⁷⁰Ibid., p. 125.

⁷¹In this regard, Nell tells us that a partial solution to these problems may be forthcoming as a function of reinterpreting and reformulating Kant's theory (pp. 125, 126).

⁷²Nell, Acting on Principle, p. 126.

⁷³Ibid., p. 127.

⁷⁴Ibid., p. 128.

⁷⁵Ibid., p. 129.

⁷⁶Ibid., p. 143.

⁷⁷It now should be clear why Nell says that Kant gives a solution, rather than the solution to the problem of relevant descriptions; she means to say that Kant's system offers a possible solution to the problem which, it turns out, is not adequate (at least in the context of assessment).

⁷⁸Frankena, Ethics, p. 61.

⁷⁹Nell, Acting on Principle, pp. 103-104.

⁸⁰For an explanation of why incomplete maxims of ends are used here, not complete ones, see Acting on Principle, pp. 84-85. (A complete maxim of ends may be schematized: To ---- if.... in order to ----.) Essentially, incomplete maxims of ends are employed in order to guarantee that any contradiction generated in the contradiction in the will test is derived from the purposive component in the maxim of ends, not from an incompatibility of act and end in a complete maxim of ends. An incomplete maxim of ends may be schematized: To do/omit what is needed in order to ----- (p. 85).

⁸¹Nell, Acting on Principle, p. 87.

⁸²Wolff, The Autonomy of Reason, pp. 170-171.

⁸³Nell, Acting on Principle, p. 103.

⁸⁴Ibid., p. 104. Wolff on p. 149: "The preamble to every categorical imperative is the same, namely, Being as you are a rational agent and having as your end the realization of the good..."

⁸⁵Ibid., p. 106.

⁸⁶Ibid.

⁸⁷Some commentators, such as Wolff, are very pessimistic with respect to the possibility of establishing obligatory ends. "Strictly speaking, the Groundwork shouldn't deal with the substance of moral principles at all; that is reserved for the second part of the Metaphysics of Morals, where the doctrine of obligatory ends is added to what we might call the doctrine of obligatory form, to yield supposedly objective and universal substantive principles of obligation. But the blatant inadequacy of the theory of obligatory ends leads Kant to attempt the impossible feat of deriving obligatory ends from the purely formal principle expressed as the Categorical Imperative.... The real truth of the matter, I think, is that Kant fails to find a plausible argument for the validity of substantive moral principles because there simply are no such principles!" (The Autonomy of Reason, p. 213).

⁸⁸That this must be the kind of maxim of ends dealt with in this case is shown on p. 86 of Acting on Principle.

⁸⁹Nell, Acting on Principle, p. 111.

⁹⁰Ibid., p. 117.

⁹¹Ibid.

⁹²Ibid., p. 118.

⁹³Ibid., p. 122.

⁹⁴Ibid.

⁹⁵Ibid., p. 124.

CHAPTER 5

CONCLUSION

(1)

We have been considering, in some detail, the problem of relevant descriptions, especially as it comes up in ethical theories in which some kind of universalizability test is central, such as in the work of Kant. The problem may be stated with respect to Kant's theory in the following manner: The Categorical Imperative is supposed to be able to distinguish right acts from wrong by applying a universality test to maxims. But maxims have descriptive content. Since there are indefinitely many descriptive statements which truly describe a given act or situation, which may give different results when subjected to the test of the Categorical Imperative, we must have a method for determining which description (or class of descriptions) is morally appropriate (i.e., appropriate for moral assessment). If this cannot be done, ethical theories significantly dependent on universalization procedures such as the ones discussed above (Hare, Singer, Kant) will have been shown to be inadequate.

Nell, in Acting on Principle, seems to hold out hope that Kant's formulations can successfully come to grips with the problem of relevance, even while she criticizes the efforts of two philosophers she takes to be in the Kantian tradition, viz.; Hare and Singer. But of what does this supposed solution consist? It turns out that it is the agent's

maxim which is, for Kant, the relevant principle as far as moral assessment is concerned. I have argued (see above, pp. 165-167) that this Kantian 'solution' cannot be successful on the grounds that the problem of relevant descriptions is what I called logically internal to the concept of a maxim. That is, it is in considering whether descriptive principles, such as maxims, are morally appropriate that the problem comes up. Hence, unless one is prepared to adopt a 'deontic egoism' and claim that because a maxim is mine its descriptive component is appropriate for moral assessment, one must agree that the Kantian 'solution' to the problem of relevance is inadequate. (See, on this point, pp. 153-156, above.)

So we have got, then, no relief from the problem of relevance in Kant's formulations. Other moral theories depending on universalizability are no better off. (See, for example, the discussion on Hare and Singer in Chapter 4.) Since this is so, those who wish to attack rational ethics based on universalizability have a powerful weapon. But before coming to the conclusion that no approach to the problem of relevant descriptions in a normative context based on universalizability can be adequate, let us consider the following possibility. The reason that Kant's theory as it has here been presented cannot cope with the problem of relevance is essentially that it lacks a relevance criterion, deontic egoism notwithstanding. (That is, Kant's normative principles do not imply a solution to (or even address) the problem of relevance as Lyons has argued that utilitarianism does.) Now suppose a criterion of relevance could be appended

to Kant's theory. If this could be done, then perhaps Kant's theory and such a criterion would, in tandem, amount to a decision procedure or constructive process in the normative domain. Let us now consider this possibility.

(2)

On page 68, it was stated that the lack of a criterion of relevance in a theoretical construct leads to intellectual anarchy. In Chapter 4, I tried to show that Kant's deontic theory lacks just such a relevance criterion, and also to indicate what the results of this lack might be; i.e. the complete ineffectualness of Kant's theory as a deontic decision procedure or constructive process. But perhaps, since it is a lack of something which creates all of the difficulties for Kant, this lacuna in his theory might be filled. Let us see how this might be done.

In Kant's setup, the operative deontic assessment mechanism, the Categorical Imperative, needs to be supplemented by a relevance criterion. Now what such a relevance criterion does is to partition all true descriptive elements of a situation into two mutually exclusive sets: morally relevant descriptive elements and morally irrelevant descriptive elements. That is, the application of the relevance criterion essentially yields two lists, R and \bar{R} , possibly containing indefinitely many entries, such that R 's entries are all morally relevant, and \bar{R} 's are not.

What, then, will list R look like? It may be that the entries of R are given merely as morally relevant with no indication as to how they are morally relevant, or it

may be that the entries of R are given as morally relevant and as being, say, prima facie right making or wrong making relevant characteristics. In this latter case, R itself would be effectively partitioned into two lists, R_1 and R_2 . Let us now investigate how the Categorical Imperative would operate if it were supplemented by a list R in the ways indicated above.

A- Suppose we wish to determine, by using the Categorical Imperative, what the deontic status of a given act A is. Suppose also that we have a list R giving those descriptive elements which, if they are true of A, are morally relevant. Let us assume that in this case A has three such elements, r, s, and t. How would we proceed to assess A? We would, it seems clear, submit r, s, and t to the test of the Categorical Imperative and note the outcomes. What are the possible results of this procedure? Either r, s, and t will all yield the same deontic result, or they won't.¹ But if they do not all yield the same result, what is to be done? Here we come directly up against the problem of relevant descriptions once again. For r, s, and t correspond to three morally relevant descriptions of A and, as has already been argued, Kant's theory cannot cope with the case in which there exist at least two descriptions of an act or situation which yield incompatible results when subjected to the Categorical Imperative, except by resorting to, as Ross puts it, "arbitrarily pitching" on one of r, s, or t as the only descriptive content worthy of being submitted to the Categorical Imperative. But this "arbitrary pitching" procedure has

already been shown to be inadequate. (See above, pp. 44-47.) Therefore, this way of supplementing Kant's universalism with a relevance criterion will not do.²

B- Let us consider, then, a second possibility. Let us suppose that the Categorical Imperative is supplemented by a list of morally relevant descriptive elements in such a way that these elements are identified as prima facie right making or wrong making characteristics. (i.e., our list R is partitioned into two mutually exclusive lists, R_1 and R_2 , of prima facie right making or wrong making descriptive elements.) Assuming that this has been done, what is the status of the Categorical Imperative? Notice, first, that it is redundant in all situations in which there is only one morally relevant descriptive characteristic, say r. This is so because in such cases, prima facie right and wrong and actual right and wrong are identical. Thus, in all such 'one-dimensional' cases, we will already know whether any act under consideration is actually right, and will not need to appeal to the Categorical Imperative. (Examples of this 'one-dimensional' type are the kind Kant employs to illustrate the use of the Categorical Imperative in the Groundwork.) The Categorical Imperative also will not be needed in those cases where all the morally relevant elements of an act or situation fall either on R_1 or R_2 , since in this case also prima facie right and wrong and actual right and wrong coincide. So the only kind of case in which the Categorical Imperative would be needed would be those cases in which the number of morally relevant descriptive elements is greater

than one, and in which these elements have at least one member on R_1 and at least one member on R_2 . (In such a case, prima facie right and wrong and actual right and wrong do not coincide.) But this is precisely the kind of case that Kant's theory cannot handle as a function of the problem of relevance: viz; a given act which can truly be described in such a way that two maxims, m and n , may be generated such that the act is judged right when maxim m is employed, and wrong when n is employed. Let us recall here that this kind of case can be handled by utilitarianism; see above, pp. 131f. (I am assuming here that the Categorical Imperative would judge an act wrong if its maxim contained descriptive content only from R_2 , and right if its maxim were generated only from elements on R_1 . This assumption is made for the following reason. Suppose that the Categorical Imperative judged an act to be wrong when its maxim was based on elements on R_1 . Now, from the point of view of the Categorical Imperative, the only morally relevant descriptive elements for this act would be found on R_1 . But this would mean that all the morally relevant characteristics of this act would be known to be prima facie right. But, in such a case, we would know that the act was actually right. Thus, if the Categorical Imperative judged such an act to be wrong, such a case, if it ever occurred, would constitute a powerful counter-example to the Categorical Imperative. Thus, either such a case cannot occur, or the Categorical Imperative must be abandoned because it does.)

So, when the Categorical Imperative is supplemented as suggested in this section, it fails where it is needed because of the problem of relevance, and it is not needed at all in the class of cases in which its application may be thought to be reasonable. (i.e., if we are given lists R_1 and R_2 as envisaged in this section, the Categorical Imperative can be seen to be either unworkable or not necessary, as shown above.)

C- Perhaps it may have been noticed that the reason Kant's universalism, as supplemented in section B, fails is that it lacks a mechanism for weighing or ordering the strength of conflicting moral claims. Thus, if r , s , and t are morally relevant descriptive elements such that they are not all on R_1 or R_2 , if we had a way of weighing (as utilitarianism seems to) or ordering the prima facie right of the elements on R_1 versus the prima facie wrong of the elements on R_2 , then with this ordering mechanism in place, we may have finally arrived at a successful deontic decision procedure.³ But this is no credit to universalizability, since lists R_1 and R_2 plus an ordering mechanism by themselves constitute a decision procedure. Obviously, then, these mechanisms and the Categorical Imperative also constitute such a decision procedure, at the cost of the Categorical Imperative being totally inoperative in such an arrangement. That is, if we know which descriptive elements are prima facie right and which are prima facie wrong, and we have a way to compare the strengths of these prima facie claims, there is

no longer a need to appeal to universalizability, since we can know from these considerations alone which acts are right. So far, then, from universalizability forming the center of a deontic assessment mechanism it is seen, in the situation envisaged here, to be utterly beside the point.

(3)

And so we have seen that attempts to save Kant's theory from the problem of relevant descriptions (e.g. Nell) have failed, and also that Kant's theory cannot be supplemented successfully by a criterion of relevance. Our conclusion must be that Kant's proposals, as well as any other pure universalism, are all deficient as deontic decision procedures or constructive processes because they cannot cope with the problem of relevance. Thus, while other assessment mechanisms (e.g. utilitarianism) and their implied relevance criteria do battle in the normative domain, no pure universalism can join this battle for they all, just as Kant's theory does, irremediably lack a relevance criterion. Hence the adherents of universalizability as the sole component of a deontic assessment mechanism must abandon this view and begin again.

Chapter 5

Notes

¹Here and in what follows, I am going to make the simplifying assumption that the Categorical Imperative gives one of two incompatible deontic assessments (e.g. right, wrong) when maxims are subjected to it. (Two deontic assessments are incompatible if it is impossible for them to be true of the same act at the same time. See also pp. 139f. above.) This may not, however, be the case; the Categorical Imperative may judge some acts to be merely permissible, etc. However, if as is the case, the Categorical Imperative yields, among all the deontic assessments it may make, at least two that are incompatible, all the points to be made below, presupposing my simplifying assumption, could still be made effectively.

²Submitting elements such as r , s , and t to the Categorical Imperative as the descriptive content of maxims may be viewed as using it as a device for generating prima facie deontic status for the descriptive elements of acts. Now it might be suggested that this is what the Categorical Imperative ought to be used for. That is, perhaps the Categorical Imperative should be looked at as a device to partition R into R_1 and R_2 . There are some difficulties with this, however. First, there is the problem of justification. On what grounds can universalizability be asserted to be the correct designator of prima facie deontic status? Second, since there are indefinitely many true descriptive elements for any given act, the Categorical Imperative may never finish this partitioning task. But these difficulties notwithstanding, this proposed use of the Categorical Imperative is a far cry from what Kant seems to have had in mind; i.e. using it to determine which acts are right and which acts are wrong.

³Let it be clear that such a mechanism would not be a simple matter to produce. Thus, it would have to cover all 2, 3, 4...., n -dimensional situations, including all the possible distributions of morally relevant descriptive elements over R_1 and R_2 , except where all such elements are on R_1 or R_2 .

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