New Studies in Practical Philosophy

THE OPEN-TEXTURE OF MORAL CONCEPTS

New Studies in Practical Philosophy

General Editor: W. D. Hudson

The point of view of this series is that of contemporary analytical philosophy. Each study deals with an aspect of moral philosophy. Particular attention is paid to the logic of moral discourse and the practical problems of morality. The relationship between morality and other 'universes of discourse' is also explored.

Published

R. W. Beardsmore *Art and Morality*

J. M. Brennan *The Open-Texture of Moral Concepts*

Antony Flew *Crime or Disease?*

Antony Flew *Sociology, Equality and Education*

R. M. Hare *Practical Inferences*

R. M. Hare *Essays on Philosophical Method*

R. M. Hare *Essays on the Moral Concepts*

R. M. Hare *Applications of Moral Philosophy*

Pamela Huby *Plato and Modern Morality*

N. M. L. Nathan *The Concept of Justice*

T. A. Roberts *The Concept of Benevolence*

THE OPEN-TEXTURE OF MORAL CONCEPTS

J. M. BRENNAN

M

© J. M. Brennan 1977

Softcover reprint of the hardcover 1st edition 1977 978-0-333-18603-9

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, without permission.

First published 1977 by

THE MACMILLAN PRESS LTD

London and Basingstoke

Associated companies in New York Dublin

Melbourne Johannesburg and Madras

ISBN 978-1-349-02672-2 ISBN 978-1-349-02670-8 (eBook)

DOI 10.1007/978-1-349-02670-8

This book is sold subject to the standard conditions of the Net Book Agreement.

Contents

<i>Editor's Foreword</i>	7
<i>Preface</i>	9
Part One: Understanding and Validity in Moral Judgement	15
1 Moral Perplexity 2 The Moral Point of View 3 The Question of Rationality 4 'Is-Ought' 5 Decision Procedures 6 Fact-Independence 7 The Structure of Moral Perplexity 8 Universalisability and Moral Concepts 9 Standards and Specifications 10 Standards and Criteria 11 Similarity and Moral Types 12 'Murder' as a Moral Type 13 Standards of Justification 14 Some Corollaries 15 Other Moral Concepts 16 Similarity and Validity 17 Further Arguments for the Interpersonal Claim	
Part Two: The Method of Ethical Inquiry	88
18 The Need for Method 19 The Claim Provides the Method 20 Consistency and Deduction 21 From Form to Matter 22 Consistency, Flexibility and Open-Texture 23 Settling Boundary Disputes 24 Open-Texture and the Explication of Concepts 25 The Open-Texture of Moral Terms 26 Open-Texture and Substantial Moral Problems 27 Deciding Moral Issues	
Part Three: Conclusions and Speculations	150
28 The Conditions and Implications of Consistency 29 Open-Texture and Consistency 30 Consistency and Contradiction 31 A Matter of Belief 32 Consistency and Rules 33 Moral and Non-Moral Beliefs 34 The Moral Point of View and the Basis of Ethics	
<i>References</i>	168

TO CLARE

Editor's Foreword

Mr Brennan here makes a contribution to the contemporary debate about the logical character of moral judgements. He sides with neither the prevailing naturalism nor non-naturalism. In his opinion both are mistaken: moral properties cannot be reduced to non-moral, and moral judgements must not be regarded as non-cognitive. There is, he contends, a moral point of view from which human action can be so understood and interpreted that deliberation about it, and judgement upon it, are seen to be cognitive and rational modes of behaviour 'with all that this implies'. The implications are drawn out systematically. Mr Brennan's contention, that moral concepts are open-textured in much the same way as empirical ones, will interest all students of modern philosophy.

University of Exeter

W. D. HUDSON

Preface

This is a study of a type of moral judgement and of the concepts which are employed in making these judgements. The kind of judgement that I have in mind is that which a person is called upon to make when he is considering a course of action and wonders whether it is right, or wrong, or whether it ought to be pursued. There are, of course, other kinds of moral judgement and concept; these will not be treated, although I think that, *mutatis mutandis*, some of the conclusions reached in this study could be applied to them as well. I do not apologise for this restriction of the subject-matter, because one must start somewhere and one can do only one thing at a time; moreover, the conclusions which are reached, if they are correct, are of sufficient substance and far-reaching importance to justify the inquiry.

The guiding question in this investigation is: Can we know whether something is right or wrong? Or, to put it another way: Can we rationally decide among incompatible moral opinions? The critical point which must be settled is whether or not there is something to be understood in ethical matters *qua* ethical, or if the cognitive possibilities are exhausted when all questions of logic and morally neutral fact have been settled.

The procedure will be to examine, by the use of concrete examples, the way people make moral judgements in order to discover what makes this practice intelligible; or, what is the same thing, to discover some of the necessary conditions for moral terms to be used sensibly. This means that I shall not start at the other end, as theorists tend to do, by trying to locate a source of moral thought either in the wants, interests or needs of people (which attempt is usually based on a theory of action) or in emotions, attitudes or decisions (usually attempted within a theory of knowledge), and by then

building up a theory of moral judgement on this foundation. My procedure is based on the belief that the only plausible approach to the question of the basis of ethics is to work back towards it from a careful study of the practice of which it is the basis. Moreover, the present work will not include a demonstration that something or other is the basis of ethics, because this study does not purport to be a complete and adequate theory of morals, but only the first step in the development of such a theory.

One reason for trying to establish a foundation for ethics seems to be the belief that, since this foundation is logically the basis of all moral judgements, one cannot intelligently discuss moral judgements – let alone settle the question of their cognitivity or their capacity for rational justification – unless one establishes this first principle. However, this belief is false. The general rule is that first principles are implicit in existing systems of thought and that they can only be discovered, when they can, by a careful study of the relevant system. Indeed, proposed principles are tested against the established practice, and if they are inadequate to explain the practice, or especially if they are incompatible with it, they are rejected. To say that a discipline is cognitive if, and only if, it has a well-defined foundation is to claim that there is very little, if anything, that we can be said to know. If it be further required that this foundation be established in some universe of discourse other than itself, then there is nothing that we can know, because different universes of discourse are logically independent of each other. There is, therefore, something a bit odd in requiring that ethics should meet these standards; if philosophers were to apply the same standards to other disciplines as they apply to ethics, they would find that they were undermining everything they thought they knew.

The main conclusions which I shall try to establish can be set out as the answers to three questions:

(1) Is there anything to be known or understood in ethical matters if all questions of logic and morally neutral fact are settled? I shall argue that there is a distinctive mode of moral understanding over and above, and irreducible to, any logical or factual considerations; indeed, that the latter are

meaningless unless the former has first been achieved.

(2) What sort of claim to validity do moral judgements make? I shall argue that implicit in the making of a moral judgement is the belief that anyone who considers the case properly ought to agree with that judgement. The claim is a universal claim on the judgements of others.

(3) Can moral disagreements be settled in principle? I shall argue that they can, and shall develop a typology of moral disagreements and show what is required for problems of each type to be resolved.

After having seen my programme, the reader will undoubtedly have detected that this study is related to the controversy of some years' standing as to whether ethics is distinguished only by its formal characteristics or whether it has a roughly specifiable content (which is sometimes called the controversy about 'naturalism' or about 'cognitivism' – and is, in essence, a very old problem indeed), and he will probably have decided which standard he thinks I am flying. Although this study is certainly related to that controversy and, to a large extent, took shape under its influence, it cannot be easily fitted into the terms of reference of the controversy; nor, especially, can it be said to take sides, for I think that both sides are fundamentally mistaken. It is true that my conclusions are closer to those of the one camp than to those of the other, but our approaches to the problem are in virtually diametric opposition. If one can say such a thing without sounding too presumptuous, I do with the fact–value problem what Kant did with the mind–world problem – turn it upside down, making the factual content consequent upon moral judgement rather than vice versa – and, in a sense, the position set out in these pages can be seen, not as taking sides in the controversy nor as calling down a curse upon both houses, but as offering a possible means of reconciliation.

Although I disagree, fundamentally, with both sides in the debate about naturalism, I shall not engage in any detailed criticism of their writings, for the following reasons: (a) The chief criticisms of each position are well-known and, so it

seems to me, irrefutable. No good purpose would be served either in repeating them or in trying to make up new ones. (b) To write a balanced and fair critique of such serious writers would require a work as long as the present study, which would mean that I should be writing a different book. I have thought it more worthwhile to write this one. (c) To establish a position which is incompatible with a theory which one opposes can sometimes be the most effective criticism of that theory; and, in any case, I should have had to develop my own position in order to have the proper critical framework for showing why I think they are mistaken. (d) Finally, and most importantly, the establishment of my position does not in any sense require the prior demonstration of the falsity of any other theory.

Lest I give the impression of claiming undue originality, I hasten to acknowledge my debts to other writers. Three germinal ideas were provided by the late A. N. Prior, Julius Kovesi and Michael Polanyi, in each instance by means of a cryptic, unexplained remark. Prior wrote:

Aristotle divides the possible subjects of inquiry and dispute into three broad sorts – ‘natural’, ‘ethical’, and ‘logical’. Ethical naturalism may be broadly described as the view that ‘ethical’ propositions and inquiries are in the end just a sub-species of ‘natural’ ones. But we shall find that both those who assert this and those who deny it frequently end up by identifying ethical propositions with logical ones.¹

Kovesi employed two vivid images to illustrate the impossibility of moving ‘from a description which is not a description from the moral point of view to one which is a description from the moral point of view’. To ask how we do this, he says, is ‘like asking how to make scrambled eggs out of fried eggs’;² and he illustrates this further by saying that ‘our different sorts of notions do not cross the floor of the house; in order to get to the other side they have to go back to their constituencies and be elected for the other side’.³

Polanyi, in the course of an elegant argument against the notion of ‘value-free’ social science, makes the following observation:

When we claim that an action of ours is prompted by moral motives, or else when we make moral judgments of others – as in recognizing the impartiality of a court of law – we invariably refer to moral standards *which we hold to be valid*. Our submission to a standard has universal intent. We do not prefer courts of law to be unbiased in the same sense in which we prefer a steak to be rare rather than well-done; our appeal to moral standards necessarily claims they be *right*, that is, binding on all men.⁴ (His italics.)

I was immediately sure that each of these contentions – (1) ethics is autonomous; (2) there is no logical transition from statements made in terms formed from one point of view to those whose terms are differently formed; (3) to accept a moral standard is to acknowledge its universal validity – was both correct and important but, as it stood, unsatisfactory. Just what did these contentions mean? How could these notions be worked out and fitted together?

Although the main points of this study have not, so far as I know, been worked out in detail by anyone else, they are occasionally, as the reader will discover, the development of themes which have been stated by others.⁵

My greatest debt is unquestionably owed to Michael Polanyi, whose writings, encouragement and friendship over the past ten years have set me an unparalleled example; I can neither estimate the influence he has had on this work nor adequately express the acute sense of personal loss which his recent death has imparted to all his friends. Professor Basil Mitchell was the ‘good shepherd’ who saw me through many a difficult strait. I am immensely grateful to him and to Mr J. R. Lucas for their help and, especially, for their support of this unconventional project. I should also like to thank Professors Warner Wick, Harry Prosch, Gordon Kaufman and Erling Skorpen for many valuable comments and criticisms. But the ultimate obligation, as is so often and rightly the case, is to thank the person who has sustained me throughout – my wife.

The author and publisher thank Messrs Routledge and Kegan Paul for permission to reproduce M. Polanyi, *Personal*

Knowledge, pp. 249–50 and the Editor of *Philosophy* for permission to reproduce J. R. Lucas, 'The Lesbian Rule', *Philosophy*, xxx (1955) 109 ff.