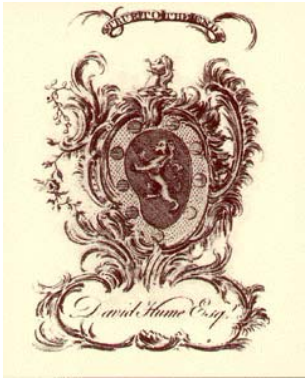

‘Is’ and ‘Ought’ in Context: MacIntyre’s Mistake
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(1) What drives Hume to the conclusion that morality must be understood in terms of, explained and justified by reference to, the place of the passions and desires in human life is his initial assumption that *either* morality is the work of reason *or* it is the work of the passions and his own apparently conclusive arguments that it cannot be the work of reason.[2]

(2) At the same time as they [Diderot, Hume, Kierkegaard and Kant] agree largely on the character of morality, they agree also upon what a rational justification of morality would have to be. Its key premises would characterise some feature or features of human nature; and the rules of morality would then be explained and justified as being those rules which a being possessing just such a nature could be expected to accept.[3]

(3) [Hume] treats this ground for the justification of the rules of property and this explanation of them as holding for all times and places, prosperous as well as unprosperous, ever since the rules were first artificially contrived.[4]

(4) It is just such reasoning which Hume advanced both to explain and to justify the rules of justice, conceived as he conceived them, and the obligations imposed by those rules, understood as he understood them.[5]

One characteristic common to these four quotations from Alasdair MacIntyre's influential books *After Virtue* and *Whose Justice? Which Rationality?* is a yoking which is neither explained nor justified in the surrounding context, of the concepts of explanation and justification. Hume is said to be concerned both to explain and to justify (1) "morality," (2) "the rules of morality," (3) "the rules of property," and (4) "the rules of justice," and it seems that in each case he used the same argument to do both. My aim in this paper is to argue that MacIntyre altogether fails to do justice to the distinction between justification and

explanation, a distinction which is of the utmost importance for the interpretation of Hume—and not just of Hume's moral philosophy.

I take as my target, however, not either of the books from which I drew my opening quotations, but a much earlier article of MacIntyre's, "Hume on 'Is' and 'Ought'," in which the ideas expressed in the above quotations are foreshadowed. An examination of aspects of this article will enable me to show, if I am right, how MacIntyre goes startlingly astray. That 1959 article set in motion a lively discussion of the interpretation of Hume: no less than six articles, by Atkinson, Flew, Hudson, and Hunter, all contributions to the debate sparked off by MacIntyre, are reprinted in either or both of Chappell (1968) and Hudson (1969).[6] I am in broad agreement with the criticisms made of his article by Atkinson and Flew; but I think it instructive to identify, as they failed to do, MacIntyre's fundamental mistake, which, I shall argue at the end of this paper, resulted from the very kind of confusion against which Hume warned his readers, and warned them in precisely that passage with which MacIntyre was primarily concerned, the famous paragraph about "is" and "ought" at the end of the opening section of book 3 of Hume's *Treatise*. My identification of MacIntyre's mistake involves putting that "is"-"ought" paragraph in context: in both, ambitiously on my part, the broad context of the *Treatise* as a whole, and also the more immediate context of the opening sections of book 3.

MacIntyre wrote his article less as a contribution to an ongoing discussion of Hume than as a contribution to an ongoing discussion of ethical naturalism. Mid-twentieth century anti-naturalists, as MacIntyre pointed out, often invoked the "is"-"ought" paragraph as putting forward a view which was direct a ancestor of their own. Hare, for instance, appeals in his article "Universalisability" to what he calls "Hume's Law,"[7] with a footnote referring the reader to this paragraph of the *Treatise*; the "law" in question is, roughly, that "ought"-judgements cannot be deduced from "is"-judgements.

MacIntyre argued that such an interpretation of Hume was mistaken; and a crucial part of his evidence was the claim that, "if the current interpretation of Hume's views on 'is' and 'ought' is correct, then the first breach of Hume's law was committed by Hume."[8] MacIntyre's claim, then, is that Hume himself proceeds, later in book 3, to derive "ought" from "is" in the way alleged to be illegitimate—and this not in an isolated passage which could be brushed aside as a minor inconsistency, but at the heart of an argument which is in turn centrally related to the very programme of book 3. "Hume himself," according to MacIntyre, "derives 'ought' from 'is' in his account of justice."[9]

I, in turn, shall argue that MacIntyre is mistaken, and, in particular, that his appeal to Hume's account of justice betrays a

misunderstanding of the nature of Hume's enterprise. What is Hume about in his discussion of justice? According to MacIntyre, at least one of Hume's aims is "the justification of justice."[10] And, of course, MacIntyre thinks that the nature of the justification that Hume offers is such as to contravene "Hume's Law":

> Hume is asserting both that the logically appropriate way of justifying the rules of justice is an appeal to public interest and that in fact public interest is served by them so that the rules are justified.[11]

On this interpretation of Hume, from facts about the rules' conducing to the public interest it is possible to derive the conclusion that the rules ought to be obeyed.[12]

Hume's account of justice occupies the second part of book 3 of the *Treatise*. It opens (sec. 1) with an argument designed to show that justice is an artificial virtue; but the stress is on "artificial" rather than on "virtue," for Hume is not here trying to show that justice is a virtue, or to do anything that could be regarded as justifying justice. The most that the argument of section 1 could establish is that, if justice is a virtue, then it is an artificial virtue.

Section 2 begins with this sentence:

> We now proceed to examine two questions, viz. *concerning the manner, in which the rules of justice are establish'd by the artifice of men*; and *concerning the reasons, which determine us to attribute to the observance or neglect of these rules a moral beauty and deformity*.[13]

Hume considers these two questions in order. His answer to the first question is that rules of justice are established by agreement, based on a sense of interest. Although our passions dispose us towards selfishness, since in any man's affections he himself and his family have a natural primacy, nevertheless "nature provides a remedy in the judgment and understanding, for what is irregular and incommodious in the affections" (T 489). Many of the effects, harmful to everyone, that naturally flow from "the selfishness and confin'd generosity of men" (T 495; italics removed) can be prevented by the artificial institution of justice, which benefits everyone.

Of the sentences in the *Treatise* which make up this argument, there are a few that read like excerpts from a justification of justice; and it is such a sentence that MacIntyre quotes to support his thesis.[14] It is, however, obvious why an attempt to answer a question of the form "Why do people do *x*?" is likely to contain sentences that look like part

of an answer to the question "Why should people do *x*?"—particularly if the question "Why do people do *x*?" is being answered by someone who believes that people *should* do *x*. And when it is borne in mind that the question that Hume is answering with this argument is "Why do men set up rules of justice?" it is clear that the justification of justice cannot be his aim. A Kantian might add that, even if that were Hume's aim, the argument that he offers could not constitute a *moral* justification of justice, or a demonstration that justice is a moral virtue: it could only show that the establishment or acceptance of the rules of justice was prudentially justified.

The moral status of justice unequivocally enters the picture with Hume's second question, to which he now addresses himself: "We come now to the *second* question we propos'd, *viz. Why we annex the idea of virtue to justice, and of vice to injustice*" (T 498). In this new wording, it is possible to interpret Hume's second question as a request for a justification of justice; but the way in which he answers the question makes it abundantly clear that Hume is looking for an explanation, rather than a justification, of our regarding justice as a moral virtue. His answer to the second question is given in skeletal form, for flesh, he says, cannot be put on it until part 3 of book 3:

> The *natural* obligation to justice, *viz.* interest, has been fully explain'd; but as to the *moral* obligation, or the sentiment of right and wrong, 'twill first be requisite to examine the natural virtues, before we can give a full and satisfactory account of it. (T 498)

The skeletal account itself is summed up in a single sentence, which, like the sentence just quoted, brings together Hume's two questions:

> Thus self-interest is the original motive to the *establishment* of justice: but a *sympathy* with public interest is the source of the *moral approbation*, which attends that virtue. (T 499-500; italics and Roman reversed)

Sympathy is the key, and "sympathy," not "interest," is the word emphasised by Hume. (MacIntyre stresses the role of interest in Hume's argument, and ignores the role of sympathy.) Now Hume's claim is, not that justice can be justified by appeal to sympathy, but that sympathy provides the explanation for the attitude that we do have to justice. Sympathy is put forward, not as a reason why we should morally approve of justice, but as the mechanism which produces moral approval for justice.

If my account of what Hume is about is correct, then MacIntyre is deprived of the crucial piece of evidence that he wishes to use in support of his interpretation of Hume on "is" and "ought." But my contention that Hume's enterprise is explanatory rather than justificatory has implications for the interpretation of the "is"-"ought" passage which go beyond simply undermining MacIntyre's main evidence for his interpretation. For it is not just in relation to the problem of justice that Hume engages in an enterprise which involves replacing justification with explanation: it is, I think, fair to say that precisely this is a dominant strategy of the entire *Treatise*.

We find it in the discussion of cause and effect, where the question "What licenses the inference from cause to effect, or vice versa?" is answered, in effect, thus: "Nothing: the inference is the effect of custom."

> Reason can never satisfy us that the existence of any one object does ever imply that of another; so that when we pass from the impression of one to the idea or belief of another, we are not determin'd by reason, but by custom or a principle of association. (T 97)

Custom, then, or more specifically the mechanism of the association of ideas, plays, in relation to causal judgements, the same role that the mechanism of sympathy plays in relation to moral judgements. Now Hume does not just abandon the search for a justification of causal inference, and turn instead to explanation: he tries to show that no justification is possible, because it would inevitably beg the question. This may well be because he set impossibly high standards for what could count as rational argument, or, in the associated "problem of induction," because he thought that arguments are either deductive or defective; but, whether or not he was right to think that causal inference could be explained, not justified, what is important for our purposes is that this is what he did think.

The same pattern underlies Hume's discussion of the existence of the external world. There is no legitimate argument, according to Hume, and there can be none, which will take us from premises about our perceptions to a conclusion about a reality independent of those perceptions. But our belief in the external world can be explained, and the key to the explanation is provided by the constancy and coherence of some of our perceptions. Now these very features of our perceptions are appealed to by some philosophers to *justify* belief in an external source for the perceptions that possess them. But it is quite clear that this is not Hume's intention, for he treats constancy and coherence as the source of a *confusion* which underlies our belief in the existence of

an external world. Now, since these two key notions in Hume's explanatory account of belief in the external world—or, in his terms, "belief in the existence of body"—also look like plausible candidates for a central role in a justificatory account, we should not be surprised to find here, as in Hume's discussion of justice, many remarks which, taken out of context, are compatible with a justificatory reading of his argument. But by far the best sense is made of his discussion of our belief in the existence of the external world if we take it that the overall aim is to replace what Hume took to be hopeless attempts at justification of our belief with an explanation of our belief.

If we cannot justify this belief, should we reject it, or at least be more tentative about holding it? Fortunately for the philosopher, says Hume,

> Nature has not left this to his choice, and has doubtless esteem'd it an affair of too great importance to be trusted to our uncertain reasonings and speculations. We may well ask, *What causes induce us to believe in the existence of body?* but 'tis in vain to ask, *Whether there be body or not?* That is a point, which we must take for granted in all our reasonings. (T 187)

On a matter on which reason is impotent to pronounce *de jure*, human nature pronounces *de facto*.

Now, at last, what about the "is"-"ought" paragraph? Attention to its setting is crucial, for it comes at the end, significantly, of another section of the *Treatise* in which Hume is concerned to stress the impotence of reason:

> Morals excite passions, and produce or prevent actions. Reason of itself is utterly impotent in this particular. The rules of morality, therefore, are not conclusions of our reason. (T 457)

This is our first parallel: in this section on the source of moral distinctions, as in his discussions of causation and of the external world, Hume denies the competence of reason to legitimate a certain kind of inference.

The second parallel is the basis of the first: in all three cases, why it is that the inference cannot be justified is that there is a conspicuous gap between the premises and the conclusion. In the case of causation, there is a gap between premises about constant conjunction and a conclusion about necessary connection, and there is an even more obvious gap between premises about what has happened in the past and a conclusion about what will happen in the future. In the case of

the external world, there is a gap between premises about our perceptions and a conclusion about a reality independent of those perceptions. The gap in the third case is between premises about the objective facts of a situation and a moral conclusion. (The objective facts of a situation are to be contrasted with subjective facts, facts about the psychology *of the individual who draws the moral conclusion.*)

> Take any action allow'd to be vicious: Wilful murder, for instance. Examine it in all lights, and see if you can find that matter of fact, or real existence, which you call *vice.* In which-ever way you take it, you find only certain passions, motives, volitions and thoughts. There is no other matter of fact in the case. The vice entirely escapes you, as long as you consider the object. You never can find it, till you turn your reflection into your own breast, and find a sentiment of disapprobation, which arises in you, towards this action. (T 468-69)

This passage, from the paragraph preceding the "is"-"ought" paragraph, makes it quite clear that, for Hume, there is a gap between factual premises about an action and a moral conclusion about that action, and that it coincides with the gap between having beliefs about what someone did and feeling a certain way about her doing it. It must, therefore, follow that no amount of facts about the ways in which justice promotes people's interests can provide adequate grounds for an inference to the conclusion that one ought to be just.

Now what Hume says later in the paragraph from which I have just quoted does, on a very literal reading, commit him to a quite untenable form of moral subjectivism, which construes moral judgements as introspective psychological reports, and which therefore does treat as legitimate deductive inferences from certain psychological "is"-judgements (those asserting what I earlier called "subjective facts") to moral "ought"-judgements. And it would, for this reason, be wrong to give Hume unequivocal credit (or blame) for discovering (or inventing) the naturalistic fallacy. Nevertheless, if Hume's view that moral judgements are the product of passion is given a familiar and very slight twist, so that it emerges as the claim that moral judgements *express* feelings rather than beliefs, one can see how very short the distance is from Hume to an anti-naturalist emotive theory of ethics.

The change from "is" to "ought," says Hume,

> is imperceptible; but is, however, of the last consequence. For as this *ought,* or *ought not,* expresses some new relation or affirmation, 'tis necessary that it shou'd be observ'd and

> explain'd; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it. (T 469)

When it is borne in mind what Hume has just been saying, I think it is clear that these famous words are to be taken at face value.

The philosophers whom Hume is criticising in the "is"-"ought" passage attempt to justify morality, or particular moral rules, by appeal to objective facts ("the author ... establishes the being of a God, or makes observations concerning human affairs" [T 469]); and Hume's objective is that, since matters of morality are not matters of objective fact, the inference cannot be legitimate. If such philosophers were more clear-headed or more honest, they would admit that the inference itself needed defence, in the form of an account of how an "ought" can be deduced from and "is." But Hume would say, I suspect, that properly to see the need for such a defence is to see that no such defence could succeed.

It cannot be denied that we do regularly argue from "is" to "ought," that the premises we adduce in support of a moral judgement are, in many cases, one and all statements of objective fact. Anti-naturalists have differed in their defences of this practice: Stevenson, for example, held that, although such arguments cannot be valid, they can none the less be rational;[15] while Hare holds that such arguments can be shown to be both valid and rational by uncovering a suppressed "ought"-premise.[16] Hume, on the view I am advancing, would not engage in such defence of our ordinary practice: for him the question of how one gets from "is" to "ought" is the psychological question of how knowledge of the facts produces moral approval or disapproval. And an understanding of how Hume's answer to the question works is greatly enhanced by a prior understanding of his account of the four primary indirect passions, which he lists as pride, humility, love and hatred, but which would, in many respects, be better labelled as pride, shame, admiration and contempt. For in this account, which occupies the bulk of book 2 of the *Treatise*, Hume tries to uncover those principles of human nature, or human psychology, which govern the transition from belief to feeling, those principles the universal operation of which brings it about that, despite the gap between belief and feeling, we all by and large feel proud or ashamed of the same things, and admire or despise people in virtue of the same qualities. So in his moral philosophy, he tries to show why it is that we all take pretty much the same kinds of person or action to be morally praiseworthy or despicable; and the explanation consists in an uncovering of the uniform principles of human nature—sympathy, as we have already seen, together with

the capacity to take up an objective point of view—which govern the process that culminates in a feeling of moral approval or disapproval, a feeling which may be expressed in what we call a "moral judgement"—though Hume himself suggests that "[m]orality ... is more properly felt than judg'd of" (T 470).

I have argued that, when read in context, the "is"-"ought" paragraph does indeed, *pace* MacIntyre, emerge as an ancestor, though not a perfect anticipation, of mid-twentieth century anti-naturalism in ethics. I would also argue, in the light of parallels from book 1 of the *Treatise*, that the fact that Hume resorts to explanation, rather than justification, of the process by which we arrive at moral judgements itself provides support for the view that he thought that a deductive argument from "is" to "ought" must be invalid. Seen this way, Hume's discussion of justice not only does not support MacIntyre's interpretation of the "is"-"ought" passage, but actually constitutes evidence against it.

And, whether or not Hume and his anti-naturalist descendants are right about there being a logical gulf between "is" and "ought," there are still many cases where "is"-judgements need to be carefully distinguished from "ought"-judgements. Now the distinction between explanation and justification is just such a case: to explain someone's behaviour, for example, is to say why he *is* doing that, while to justify someone's behaviour is to say why he *ought* to be doing that.

There are many aspects of MacIntyre's classic article on which I have not touched, notably his account (in sec. 4) of what the word "deduction" must mean as it is used in the "is"-"ought" paragraph; but the sting in the tail of my argument against the aspect of MacIntyre's article on which I have focused, namely, the use that he makes (in sec. 3) of Hume's discussion of justice, has been this: it is, ironically, MacIntyre's failure to see the relevance of one particular "is"-"ought" distinction—that between explanation and justification—that is responsible for the failure of the case that he makes for his interpretation of Hume on "is" and "ought."

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1. Much of the material in this paper was contained in a paper entitled "Hume on Justification and Explanation" which I read at the meeting of the Hume Society in Reykjavik in August 1984. I am grateful for many useful comments made on that occasion, particularly by Margaret Wilson, who acted as commentator, and by Alasdair MacIntyre, who bore generously with my attempt both

to resurrect and to kill off an argument of his from a quarter of a century earlier.

2. Alasdair MacIntyre, *After Virtue* (London, 1981), 47.
3. Ibid., 49-50.
4. Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London, 1988), 308.
5. Ibid., 309.
6. V. C. Chappell, ed., *Hume: A Collection of Critical Essays* (London, 1968); and W. D. Hudson, ed., *The Is-Ought Question* (London, 1969).
7. R. M. Hare, "Universalisability," *Aristotelian Society Proceedings* 55 (1954-55): 303; reprinted in R. M. Hare, *Essays on the Moral Concepts* (London, 1972), 13-28; see also R. M. Hare, *The Language of Morals* (Oxford, 1952), 28-29.
8. Alasdair MacIntyre, "Hume on 'Is' and 'Ought'," *The Philosophical Review* 68 (1959): 452; reprinted in Chappell (above, n. 6), 240-64; in Hudson (above, n. 6), 35-50; and in Alasdair MacIntyre, *Against the Self-Images of the Age* (London, 1971), 109-24.
9. Ibid., 459.
10. Ibid., 457.
11. Ibid., 456.
12. In *After Virtue* (above, n. 2), MacIntyre makes the kind of ethical naturalism that he here attributes to Hume central to what he calls "the Enlightenment project of justifying morality: Thus all these writers [Diderot, Hume, Kierkegaard (?) and Kant] share in the project of constructing valid arguments which will move from premises concerning human nature as they understand it to be to conclusions about the authority of moral rules and precepts" (p. 50).
13. David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2d ed., rev., ed. P. H. Nidditch (1978; reprint, Oxford, 1987), 484 (hereafter cited as "T").
14. "And even every individual person must find himself a gainer, on ballancing the account; since, without justice, society must immediately dissolve, and every one must fall into that savage and solitary condition, which is infinitely worse than the worst situation that can possibly be suppos'd in society" (T 497; quoted at MacIntyre, "Hume on 'Is' and 'Ought'" [above, n. 8], 456).
15. See Charles L. Stevenson, *Ethics and Language* (New Haven, 1944), chaps. 5, 7.
16. See Hare, "The Language of Morals" (above, n. 7), chap. 3.