

On the Relations between Non-Cognitivism and Liberalism

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Abstract

In the first part of the paper, the author outlines a non-cognitivist meta-ethics based on the is-ought distinction and Hume's guillotine. Nonetheless, the author maintains that logical reasoning is possible also in the ethical domain. Value-judgments and normative sentences, although lacking truth values, can be proved within a (moral, legal, or political) normative system on the basis of the accepted normative premises of the system at stake. Any inferential move, however, cannot but stop when reaching the "supreme principle" of the system. In the second part of the paper, the author claims for a non-logical, pragmatic, connection between meta-ethics and normative ethics, viz. between non-cognitivism and liberalism. Liberal ethics, understood as the ethics of tolerance, provides good pragmatic reasons for joining non-cognitivist meta-ethics, and vice versa, while non-liberal intolerant ethics, in turn, provides good pragmatic reasons for joining a cognitivist meta-ethics, and vice versa.

Keywords: Ethics. Meta-ethics. Non-cognitivism. Liberalism. Tolerance.

1. Elements of a Meta-Ethics

I shall begin by presenting the fundamental features of a meta-ethics based on (i) the "great divide" between "is" and "ought", (ii) non-cognitivism, and nonetheless (iii) a rationality claim.

By "meta-ethics" I mean a purely analytical discourse whose object is the language of normative ethics.

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This paper will be published in a *Liber amicorum* for Mikael Karlsson. While writing it, I recall (with nostalgia) Mike's seminar on "Valuations", delivered in Genova, Dipartimento di Cultura Giuridica "Giovanni Tarello", on November 2006, and the lively discussion I had with him.

(i) *The “great divide”*. Two fundamental functions of language should be distinguished: (a) describing, and (b) prescribing.

Descriptive language is meant to record, explain, foresee, and supply information about facts.

Prescriptive (and evaluative¹) language, in turn, is meant to direct or modify human behaviour: make someone to do something.

Law, morals, and public (“political”) ethics belong to the prescriptive function of language, while sciences belong to the descriptive one.

(ii) *Non-cognitivism*. Non-cognitivism stems from the combination of three theses.

First, the ontological thesis according to which no objective values exist. Values are not empirical facts – they are but the output of valuations². Hence there is no room for any objective knowledge of values³.

Second, the logical thesis (a corollary of the great divide) according to which prescriptive sentences cannot be reduced to descriptive sentences. Such functions of language, describing and prescribing, are mutually exclusive⁴.

Descriptive and prescriptive languages are to be distinguished with respect to both their semantic and their pragmatic features⁵. They are different from the pragmatic point of view, since describing and prescribing are different speech acts⁶. They are different from the semantic point of view as well, since descriptive sentences have truth values, while prescriptive sentences (although including words or phrases with semantic reference) have not⁷.

Third, the logical thesis – a corollary of the preceding one, that may be labelled as “Hume’s (logical) principle”⁸ – according to which no derivation of a prescriptive conclusion from a set of purely descriptive premises is logically valid (and vice versa)⁹.

If such a derivation looks rhetorically persuasive, as may happen, this is because the premises – apparently descriptive – hide some prescriptive (or evaluative) assumption¹⁰.

¹ In this context, for the sake of simplicity, I will consider value-judgments as nothing other than prescriptions in disguise.

² Von Wright 2002.

³ Pap 1949.

⁴ Although not jointly exhaustive. See e.g. Kerner 1966, Searle 1969.

⁵ Now and then for syntactic features too.

⁶ Searle 1969.

⁷ Hare 1952, Ross 1968.

⁸ Or “Hume’s guillotine”, as it is sometimes called.

⁹ The most comprehensive study on the subject at my knowledge is Celano 1994. See however, among many others, Carcaterra 1969 and the essays collected in Hudson (ed.) 1969.

¹⁰ This is quite evident in Searle’s counterexample to Hume’s law (Searle, 1964).

(iii) *Rationality Claim*. Prescriptive sentences, too, although lacking truth values, do have a logical dimension¹¹: that is, more or less, the one described by Ross's "logic of satisfaction"¹². Logical rules can be applied to prescriptive sentences, although only indirectly, through factual (hence true or false) propositions bearing upon the "satisfaction" – i.e., the observance, compliance, or effectiveness – of the prescriptions expressed by such sentences.

This amounts to saying that a prescription can be demonstrated (logically inferred) within a – moral, legal, political – system of prescriptions, moving from the prescriptive premises provided by the system at hand.

However, the demonstration (or the chain of demonstrations) – which, owing to Hume's principle, cannot escape from the realm of prescriptive language and land on the safe field of empirically verifiable factual sentences – must stop at an ultimate prescriptive premise: a "supreme principle", something like Kelsen's "basic norm"¹³.

Such a supreme principle, in turn, cannot be demonstrated within the system of prescriptions at hand. Surely, it may happen that such a principle, after all, is not really "supreme" and can be demonstrated within a further, logically superior, system of prescriptions. But the ultimate principle, the one that sets down the foundations of this superior system, will not be, in turn, further demonstrable. The series of overlapping systems, however, cannot continue to infinity – it must necessarily stop at a supreme system, grounded on an ultimate principle that cannot be further demonstrated¹⁴.

The choice of the ultimate principle depends entirely on preferences, feelings, emotional impulses – not on factual knowledge¹⁵. As Scarpelli rightly states, science cannot supply us with directives, norms, or values; it does not provide either an ethics, or a political ideology, or a legal order¹⁶.

Summing up, prescriptions are neither true nor false. However, they can be deemed "valid" or "invalid"¹⁷. Nevertheless, the validity of a prescription is an intra-systemic property, which depends entirely on the assumption (i.e., moral acceptance) of the supreme principle of a given system of prescriptions (or of the superior

¹¹ Contrary to Kelsen's view: Kelsen 1965 and 1979. See among others Conte 1967, von Wright 1982, Bulygin 1985, Gianformaggio 1987a and 1987b, Karlsson 1995.

¹² Ross 1941. See Navarro and Rodríguez 2014.

¹³ Kelsen 1945.

¹⁴ Probably, no really existent critical morality can be reduced to just one single principle; probably, each morality consists in a cluster of equally ordered and potentially conflicting principles. Nonetheless, moral reasoning must take a stop at a premise that cannot be further argued. It is quite possible that such an ultimate premise is not, properly speaking, one definite principle, but rather some sort of macro-principle resulting from the balance of various competing principles.

¹⁵ See e.g. Ayer 1936, Stevenson 1944, von Wright 2002.

¹⁶ Scarpelli 1976.

¹⁷ The same holds for the "first" constitution of a legal system. See Guastini 1994 and 2013.

ultimate system within a system of systems). And such a supreme principle, in turn, cannot be either valid or invalid.

In this sense – since it lacks any possible extra-systemic foundation – ethics is no rational enterprise¹⁸.

2. From Meta-Ethics to Ethics (and back)

It is a matter of course that no meta-ethics can provide the logical foundation to any normative ethics. This is so for at least two reasons.

(a) In the first place, meta-ethics, properly understood, is an analytical discourse – it consists in distinguishing and construing concepts and/or in the analysis of normative-ethical discourse. As a consequence, meta-ethics does not incorporate any prescriptions, and, since it does not, it does not allow of their logical derivation either.

(b) In the second place, meta-ethics and ethics belong to different levels of language: meta-ethics is a second-order language, ethics being its object-language. It is impossible to derive a conclusion in a given language moving from premises that belong to a different language (namely, a meta-language).

At any rate, the meta-ethics sketched in the preceding section does not claim to lay the foundations of any ethics at all. On the contrary, its outcome is precisely that ethics lacks any foundation, in the sense that the ultimate principle of any moral system whatsoever is necessarily devoid of any foundation. The great divide and Hume's principle are, as Scarpelli states, the "logical transcription" of the philosophical thesis of free will understood as an essential character of human beings¹⁹.

Nevertheless, although the relations between ethics and meta-ethics are not – cannot be – of a logical nature, one can ask whether between ethics and meta-ethics does exist some other kind of connection: namely, a "pragmatic" connection²⁰. *Prima facie*, the answer should be yes.

At first glance, liberal ethics (the ethics of tolerance²¹) seems to be a good pragmatic reason to endorse a non-cognitivist and non-objectivist meta-ethics, as the one

¹⁸ Normative ethics – I repeat – includes morals, law, and public morality (i.e., politics). Today nobody seems to maintain seriously the rational character (in a not merely instrumental sense) of law and/or politics. Surprisingly, however, many scholars claim morals to be rational. It is hard to understand why.

¹⁹ Scarpelli 1971. According to Scarpelli, non-cognitivist meta-ethics is intrinsically liberal and has a liberal justification, owing to its close connection with freedom, personal autonomy, and the rule of law.

²⁰ Within a "pragmatic inference" the conclusion is "coherent" with the premises, but not logically entailed by them.

²¹ Tolerance is not necessarily unlimited, as we shall see in a moment. It is quite possible that one tolerates some normative ethics (different from the one he/she endorses) but not all of them. It is the case, e.g., of a non-suicidal liberal ethics which excludes from tolerance non-tolerant moral systems; it is the case, too, of a democratic political morality which precludes the toleration of Fascist parties.

outlined in the preceding section. And vice versa. It seems to me that, only if there are no moral truths, then it is sensible (coherent) to maintain the moral principle²² of personal autonomy – everyone is entitled to chose his/her own moral principles²³.

An intolerant ethics, by contrast, looks like a good pragmatic reason to endorse a cognitivist and objectivist meta-ethics. And vice versa. If there are moral truths, then it is quite sensible (coherent) to try to impose them by force even on recalcitrant (or ignorant) people. If M is an objective morality, then the rules of M are universally binding. If they are universally binding, then everyone is under the obligation to obey – dissenting people too (acceptance is not constitutive of the obligation, the obligation does not depend on acceptance)²⁴.

One can assume that an elaborate (that is, not elementary, not primitive) normative ethics should include, alongside with its own rules of behaviour and value-judgments about behaviour, also a second-order rule defining its attitude vis-à-vis the other normative ethical theories – the “rival” ethical theories. And, in my view, it is precisely this meta-rule that manifests a close connection with meta-ethics²⁵.

Now, such a meta-rule can assume either of the following contents (I am unable to imagine other possible contents):

(Ri) Any other normative ethical theory (different from this one) ought to be tolerated.

(Rii) No other normative ethical theory (different from this one) ought to be tolerated.

(Riii) Only some other normative ethical theories (different from this one) ought to be tolerated.

Now, in favour of the meta-rule (Rii) – which belongs, by hypothesis, to the moral system M2 – one can argue by saying that M2 is a system of norms objectively valid, universally binding, in such a way that behaviour which is not compliant with M2 ought not to be tolerated. In this sense, the meta-rule (Rii) presupposes – although only from a pragmatic standpoint – a cognitivist or objectivist meta-ethics, according to which a universally valid moral system (namely, M2) does exist, and any other moral system is invalid.

On the contrary, in favour of the meta-rules (Ri) and (Riii) – that belong, by

²² This is a second-order principle, of course.

²³ Drifting from ethics to politics, such a principle is nothing other than the “open society” principle of Karl Popper.

²⁴ The opposite view – binding force does depend on acceptance – is held, e.g., by Ross 1968.

²⁵ Remark: the meta-rule I am talking about is a *rule*. Although it is a second-order rule, it belongs not to the analytic discourse about ethics, but to normative ethics.

hypothesis, to the moral systems M1 and M3 respectively – one can argue by stating that no set of objectively valid, universally binding, rules exists.

The meta-rule (Ri), in particular, presupposes that all moral systems – although are all equally devoid of objectivity – are acceptable.

The meta-rule (Riii), in turn, presupposes that some moral systems – notwithstanding their lack of objectivity – are acceptable, while other systems are not.

M1 and M3 are moral systems deemed good – or rather, better than the rival systems – by those who accept them: otherwise they would not accept them²⁶. Nonetheless, for meta-ethical reasons neither M1 or M3 has any claim of objectivity and hence of exclusivity.

Summing up: for logical reasons, a cognitivist meta-ethics cannot give ground to an intolerant normative ethics, but it can help to justify such an ethics from a pragmatic point of view by supporting it with good reasons²⁷. A non-cognitivist meta-ethics, in turn, although unable to provide a logical ground to a normative ethics of tolerance (either a limited tolerance, as in M3, or an unlimited tolerance, as in M1), assists in justifying such an ethics, again by supporting it with good (pragmatic) reasons.

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²⁶ According to a widely held (and unintelligible, in my view) position, one cannot accept a moral system unless he/she deems it objective. For example, liberals could not stick to the principle of the moral autonomy of individuals unless they assume such a principle to be a “moral truth”. So, would non-cognitivism be intrinsically a-moral? Why should we admit in our moral reasoning only principles (pretendedly) “objective”? Such an objectivist prejudice has no plausible justification.

²⁷ The dichotomy between foundation and justification is borrowed from Scarpelli 1982.

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