THE BEST IMPERATIVE APPROACH TO DEONTIC DISCOURSE

DISSERTATION

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How should we understand deontic statements, for example, “Ken ought to go to bed now”? Such a statement is different from a usual descriptive statement, such as “Ken is going to bed now.” The ought statement is not confirmed by the observation that he is going to bed now. What is the meaning of a deontic statement, and what, if anything, makes a deontic statement correct or incorrect? Philosophers have been asking these questions. This dissertation proposes an unconventional approach to them: the best imperative approach. The best imperative approach takes the correctness or truth of a deontic statement, for example, “Ken ought to go to bed now”, to be understood in terms of the bestness of a piece of advice (instruction, order, suggestion, or demand) in the imperative mood, such as “Ken, go to bed now”. This relation explains why deontic statements are intuitively similar to imperatives, peculiarly action-guiding and conduct-coordinating in many contexts. In addition, given this relation, if we understand what makes certain imperatives the best, we can also know what makes the corresponding ought statements correct. What makes an imperative the best? The prescribed action must be most conducive to a certain end, and it must also be practicable. The dissertation thus
seeks a theory of conduciveness and practicability, and considers its implications for the
nature and evaluation of ought statements, for example, moral ought statements. The
guiding methodological idea is that the theory should account for and systematize the
practice of evaluating imperatives and ought statements and our intuitions about it.

Among other things, it turns out that the correctness of ought statements varies with
the context they are given, but there must be some reason for the addressees to comply
with correct ought statements. Further, generally speaking, the action prescribed by an
ought statement is not evaluated by itself; it is rather evaluated in combination with
compliance with other prescriptions. In addition, there are two different ways of
evaluating practicability, one of which concerns personalized action guidance, while the
other of which concerns setting up shared standards for a certain type of agents.
Dedicated to Aki Yamamura
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CHAPTER 1

INTRODUCTION: A METAETHICAL ADVERTISEMENT FOR THE BEST-IMPERATIVE APPROACH TO DEONTIC DISCOURSE

This introduction sketches the reasons for adopting an unconventional approach to analyzing ought statements and their cognates: the best-imperative approach. The best-imperative approach takes the correctness or truth of deontic statements – “You ought to go to bed now”, for example – to be understood in terms of the bestness\(^1\) of certain imperatives. By imperatives, I mean token utterances in the imperative mood, for example, “Go to bed now.” This approach has variations. The approach can be noncognitivist, by claiming that deontic statements are like certain imperatives, which are not true or false. Alternatively, the approach can be cognitivist, by claiming that deontic statements express propositions about which imperatives are the best. As long as an account holds that the considerations that make certain imperatives the best are also the

\(^1\) In this dissertation I use a coined word “bestness” to refer to the property of being the best.
considerations that make deontic statements correct – whether or not they make them true – it counts as a best-imperative approach. I will defend the approach while remaining neutral on the debate over cognitivism, since its virtues are largely independent of that issue. The best-imperative approach to analyzing deontic statements deserves serious attention and examination. This paper tries to explain the metaethical motivations for this approach.

This introduction has two parts. While specifying the project and scope of the dissertation, the first part explains metaethical reasons for the imperative approach: the attempt to understand deontic statements in terms of certain imperatives. The reasons concern direct action-guidingness, conduct-coordination, and the intuitive similarity between two types of utterances. Despite these merits, the imperative approach apparently faces problems, due to which people tend to dismiss the approach. The second part of this paper considers one of these alleged problems, and proposes as a solution a specific type of the imperative approach, the best-imperative approach. The particular worry about understanding ought statements in terms of imperatives is that the approach might not square with the apparent fact that deontic statements can be correct or incorrect. I argue that one can counter this worry by claiming that the correctness or truth of deontic statements is determined by the considerations that make certain imperatives the best. I tentatively state the conditions for certain imperatives to be the best, and point to implications for the metaphysics and epistemology of ought statements.
1.1. The Dissertation Project and Metaethical Reasons for the Imperative Approach

This chapter advertises for the best-imperative approach to deontic discourse. I mean by “deontic discourse” thinking, writing, speaking and having conversations in deontic words or concepts. Deontic words (concepts) are such evaluative words (concepts) as \textit{obligation, duty, prohibition, and permission, right and wrong} as applied to actions,\(^2\) \textit{ought, should, and must}. Deontic words (concepts) can be distinguished from another type of evaluative words, i.e., valoric words (concepts) :\(^3\) valoric words (concepts) are, for example, \textit{good, bad, virtue, vice, desert, entitlement, truth, beauty, comicality, and right and wrong} as applied to other things than actions.\(^4\) We use deontic words, as well as valoric words, in various evaluative situations: we sometimes use sentences including the \textit{ought} of prudence, etiquette and so on, and we also talk of epistemic or legal obligations. This dissertation not only deals with deontic discourse as a whole, but also with the specific subsections of deontic discourse, moral discourse in particular (See Chapter 7).

Though we sometimes use deontic expressions in non-evaluative ways, the dissertation focuses on the evaluative uses of these words and phrases.\(^5\) In particular, my focus lies on \textit{ought, should} and \textit{must}. Once the imperative analysis turns out to be successful for these expressions in my dissertation, we can consider whether other

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\(^2\) When you find a problem in your computer, you might say, “What is wrong with this computer?” When you see snow on Christmas Eve, you might say, “This is the right thing to happen on Christmas Eve.” In making these utterances, we apply the terms “wrong” and “right” to things other than actions, such as objects or mere events. These are not the uses of “right” and “wrong” that I am going to explicate.

\(^3\) I adapt the term “valoric” from Peter Railton, “How Thinking about Character and Utilitarianism Might Lead to Rethinking the Character of Utilitarianism”, \textit{Facts, Values and Norms: Essays toward a Morality of Consequence}, Cambridge UP, 2003, 226-48, 240. Railton uses “valoric” to cover only the domain of ethical values, but I use it to cover every domain of (non-deontic) values.

\(^4\) When you find a problem in your computer, you might say, “What is wrong with this computer?” When you see snow on Christmas Eve, you might say, “This is the right thing to happen on Christmas Eve.” In making these utterances, we apply the terms “wrong” and “right” to other than actions, such as objects or mere events. These are not the uses of “right” and “wrong” that I am going to explicate.

\(^5\) If you are concerned with non-evaluative uses, see Appendix A: Non-Evaluative Uses of Deontic Words.
deontic expressions are susceptible to the same type of analysis. As for the valoric
domain of evaluative discourse, this dissertation is largely silent. For the reasons shortly
explained, I am not sure whether the imperative analysis applies to valoric terms, such as
good and bad, virtue and vice, and so on.

The imperative analysis is promising for deontic discourse partly because it offers a
good explanation of the two practical aspects of deontic discourse: the directness of its
action-guidingness, and its directly conduct-coordinating feature. Further, certain
imperatives and deontic statements have intuitive linguistic similarity. Let me elaborate
on these points.

What does “action-guidingness” signify? Judgments, sentences and utterances are
action-guiding if and only if they are intelligible replies – direct answers or reasons for
the answers – to the addressee’s actual or potential questions of “what to do” or “how to
act”.6 They tell someone to choose certain actions (or omissions), or to pursue certain
goals through organizing their actions. The good indications of action-guiding claims are
as follows. It is apt to ask the issuer of the action-guiding judgment, sentence or
utterance, “Why should I do it?” or “Why is it apt to do so?” When so asked, he or she is
supposed to offer a reply to which it is appropriate for the questioner to listen. Further, it
is intelligible and often tempting to question the issuer’s legitimacy by saying, for
instance, “Who’s to say?”

Let me clarify the idea of telling someone what to do. It is distinct from attempting to
influence or even persuading someone, though some philosophers apparently confuse

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6 I will omit reference to the question of “how to act” for the sake of brevity.
them. Of course, people often tell someone what to do while simultaneously attempting to influence or persuading that person to do so, but these two features are separate in principle. First, we can try to influence someone without telling what to do, such as by psychological tricks, threats, bribes, torture, mockery, and so on; you can also persuade someone without telling what to do, such as by rhetoric, propaganda, mentioning additional facts, and so on. Second, we can tell someone what to do without trying to influence or persuading that person to do so. In a bar, I might tell my drunken friend, “You should not drink more” or “Don’t drink more”, while pouring vodka into his glass. Likewise, if I ask an US immigration officer about how to get the citizenship, he might tell me, “Stay here more than 10 years; or else you must marry an American girl”, while looking displeased at my asking such a question. In these cases, the utterers plausibly tell the audience what to do while not persuading or trying to influence them. Attempting to influence or persuading people does not always involve giving certain evaluative statements or imperatives; neither does giving certain evaluative statements or imperatives always involve attempting to influence or persuading the audience.

Now is the time to illustrate the directness of the action-guidance of deontic discourse. Here I will discuss moral discourse as an archetype of deontic discourse. A

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7 For example, Charles Stevenson holds that the meaning of “this is good” is something like “I do like this; do so as well.” Stevenson makes the explicating sentence include the imperative part in order to indicate that “this is good” has “the dynamic use … of leading the hearer to make true what is said.” (“The Emotive Meaning of Ethical terms”, Stephen Darwall et al. ed., Moral Discourse and Practice, 78; originally published in Mind 46, 1937, 14-31.)
8 Cf. R.M. Hare, The Language of Morals, 1952, 1.7.
9 Even though I think the following descriptions also apply to non-moral deontic discourse, I do not have space to establish this claim.
moral judgment\textsuperscript{10} and a sentence that semantically expresses it are specifically tied to a particular course of action. The contents of moral judgments are specific to the extent that they substantially delimit where and how we act; unless they involve vague or ambiguous expressions, one can readily decide whether a particular action accords with the moral judgments. Probably for this reason, we can follow or obey a moral requirement, obligation or duty as well as violate it. These points characterize direct action-guidance.

The idea of direct action-guidance might become clearer if we compare deontic judgments with judgments using valoric concepts. Declarative sentences involving such terms as good and virtue put certain states of affairs or character traits, rather than actions in particular, in a favorable or attractive light (or in a disfavorable or unattractive light, in the case of bad and vice). Even when we apply these concepts to behavior, we can use them to evaluate the behavior not as an action but as a mere event or a state of affairs. For instance, we may say, “It is a bad and lamentable affair that the victim of the crazy attacker killed him”, while admitting that it is the right action for the victim to perform. Further, in general a large variety of allowed behavior achieves these values: these values “leave open when, how, and to what extent we should pursue them.”\textsuperscript{11} We can perhaps say that while valoric judgments are concerned with putting something in a favorable or disfavorable light, moral judgments are concerned with the recommendation or command of action. It seems that many valoric judgments might tell us what to do, but they do so rather indirectly: they apparently provide reasons for requirements or obligations rather

\textsuperscript{10} This paper follows the usual practice in recent literature in metaethics, which takes the phrase a “moral judgment” to refer to whatever mental state is semantically expressible by a moral statement, whether it is cognitive or not.
than conveying these requirements or obligations themselves. Probably due to these
differences, it is awkward to talk of following or obeying a virtue or a good, or of
violating it. It is more appropriate to say that we should pursue a good or a virtue and
avoid a bad or a vice. If these comments are correct, then we can see the sense in which
deontic judgments provide more direct action-guidance.

Now let me turn our attention to the second practical aspect of deontic discourse, i.e.,
its directly conduct-coordinating feature. Deontic statements, including moral statements,
convey guidelines for conduct. These guidelines provide the procedures which agents are
supposed to comply with, and the expectations according to which their compliance is
judged. Further, the guidelines of conduct can thereby serve as the bases for certain
responses to agents’ conduct, including reactive attitudes. On the one hand, observers
have such reactive attitudes as commendation and indignation, or such expressive
reactions as reward, blame and punishment. On the other hand, agents have

The idea of direct conduct-coordination might become clearer if we compare deontic
statements with valoric statements. Valoric statements might support but do not state
guidelines of conduct to comply with. Consider discourse involving good or virtue, and
bad or vice. It seems that no guideline of conduct is stated when one says natural
disasters, death and illness, polluted land, water and air, and Makoto Suzuki’s personality
are bad. Even when one says some action, say, smoking, is bad or vicious, the comment provides a reason for but might not convey the guideline of non-smoking. It is consistent to say “Smoking is bad but he should not stop smoking now.” (Consider the situation where the smoker is so old that his losses in stopping smoking will not pay much in his health, life expectancy and so on.) A fortiori, even if something is bad or vicious, it might not provide the clear touchstone of guilt, indignation, blame and punishment. Many valoric statements convey grounds for adopting some touchstones of our reactions to them; however, they perhaps do not exactly specify the touchstones. It thus seems that valoric discourse does not coordinate people’s conduct in the direct way deontic discourse does.

Now, the above brief sketch suffices to indicate grounds for a certain type of account of deontic discourse: the imperative approach, i.e., the approach that explicates a deontic sentence, for example, “You should not kill the person”, based on the understanding of a corresponding imperative(s), such as “Don’t kill the person.” This approach denies that a deontic statement can be analyzed without reference to the features characteristic of a certain imperative. One type of grounds for the imperative approach is that a certain imperative is as directly action-guiding as a deontic sentence is. Certain imperatives are action-guiding in that they are intelligible answers to the addressee’s actual or potential question of what or how to do. Further, they are directly action-guiding. An imperative

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12 By an imperative, I mean an utterance of a sentence in the imperative mood, which has a certain type of content. It is not the content itself, nor the mental state having the content.

13 Note that some imperatives fail to be action-guiding. People do not take invitations, requests and encouragements to be replies to the actual or potential questions of “what to do”. People make such utterances in the imperative mood not to tell the receivers what to do, but rather merely to influence or persuade the receivers to take certain actions. (See Section 1 for the distinction between telling and influencing or persuading.) And it is not the case that when asked, “Why is it appropriate for me to do so”,

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is specifically tied to a particular course of action. Imperatives are supposed to be so specific about where and how to act that, in ordinary cases, issuers and receivers can readily recognize the actions that accord with them and those that do not. Moreover, we can speak about following or obeying a bit of advice, an order or an instruction, or about violating it, where it is given in the form of an imperative. In contrast, we do not speak of actions as following or violating the contents of normal declarative sentences even about actions, like “Your action is quick” or “Her dancing is funny”. In this respect again deontic statements resemble imperatives, not ordinary indicatives.

We might be further inclined toward the imperative approach because certain imperatives are as directly conduct-coordinating as deontic statements are. We often use imperatives, rather than sentences in indicative, hypothetical or optative mood, to coordinate people’s actions. Consider the situation where a person in charge of an organization tries to coordinate her subordinates; a parent her children; a teacher her students; or a senior her juniors. The most natural and effective linguistic way is to use imperatives (or deontic statements). An imperative, for example, “Finish your homework before you go to the party”, tells people explicitly what specific course of action to perform; further, their explicit acceptance creates the shared expectation that either they act accordingly or they faces a negative response for the failure. Such an imperative is directly conduct-coordinating in that it sets forth a guideline of conduct as a deontic statement does. Making or sincerely accepting such a piece of advice, instruction or order
coordinates people’s conduct. It can also coordinate people’s conduct by working as the touchstone of people’s responses and reactions to success or failure of compliance. We can often find the meshing responses on both sides: for example, an angry response on the utterer’s part and a corresponding crestfallen attitude on the addressee’s side in case the addressee accepts but disobeys it.

Partly because both deontic statements and certain imperatives provide direct action-guidance and conduct-coordination, they exhibit intuitive similarity. People often call deontic statements or their contents dictates, commands, or precepts, which suggest that people take them to be similar to imperatives. Not only Kant and his followers, but also John Stuart Mill, who is often taken to be a naturalistic realist about evaluative discourse, chooses to describe deontic sentences or their contents as imperatives. (A System of Logic, Bk6, Ch12, Harper and Brothers, 1874\textsuperscript{14}) This categorization is based on the perception that differing from ordinary declarative sentences, deontic statements as well as imperatives do not (merely) report facts, but prescribe actions. This perception of intuitive similarity is what makes many people take the imperatival approach seriously in the first place. The fact that Kant, Mill and I are the native speakers of different languages – German, English and Japanese – indicates the prevalence and depth of this perception of intuitive similarity.

\textsuperscript{14} At the beginning of §1, titled “Morality not a Science, but an Art,” Mill says: “In the preceding chapters we have endeavored to characterize the present state of those among the branches of knowledge called Moral, which are sciences in the only proper sense of the term, that is, inquiries into the course of nature. It is customary, however, to include under the term moral knowledge, and even (though improperly) under that of moral science, an inquiry the results of which do not express themselves in the indicative, but in the imperative mood, or in periphrases equivalent to it; what is called the knowledge of duties; practical ethics, or morality.”
It seems that these considerations favor the imperative approach to deontic discourse, cognitivist or noncognitivist, over other approaches to deontic discourse. The imperative approach has usually been noncognitivist. It is generally thought that imperatives do not semantically express cognitive states of mind. It seems that since “Go ahead”, “Run”, “Hurry” and so on fail to describe or represent a state of affairs, imperatives and the states of mind they express are not cognitive. Thus, if an account holds that moral judgments are imperatives, then the position will be noncognitivist. However, there are cognitivist imperatival accounts, which regard moral sentences as fact-stating claims about (the contents of) imperatives. For example, some of them, such as the accounts of David Copp and David Wong, take a moral sentence to claim that an action is enjoined or forbidden by some (content of) imperative that would be justified or rational to accept. The above considerations might favor such a cognitivist imperative account as well as noncognitivist imperative accounts over other types of accounts of deontic discourse. For my part, I am not committed to defending non-cognitivism or cognitivism. I will later explain that my thesis is a view with which both sides can agree.

Remember, however, that if my previous comments on valoric discourse are correct, these considerations in favor of imperative accounts apply not to evaluative discourse in general, particularly not to valoric discourse. Many traditional metaethicists have adopted the global imperative approach. For example, Hare and Gibbard have endorsed imperatival noncognitivism as an account of evaluative discourse in general. David Copp

has endorsed an imperatival cognitivism for all evaluative discourse.\textsuperscript{18} Perhaps my comments are wrong, and many or all valoric statements are as directly action-guiding and conduct-coordinating as deontic discourse. I would then join my predecessors and pursue the imperative approach for valoric discourse as well. However, this dissertation defends it only as an account of deontic discourse. In other words, I do not defend an imperative account of valoric discourse.

More reluctantly, I will not pursue the imperative approach to all deontic statements either; I will focus on its prospect as an account of statements involving \textit{ought, should} or \textit{must}. A dissertation cannot defend a general account of deontic discourse because deontic concepts have varying meanings. An action being right is quite different from the action being wrong. More subtly, we tend to think that obligation or duty is owed to some person, but the notion of owing is not so closely related to moral ought, rightness or wrongness. A dissertation is too short for defending an imperatival account of these differences.

Further, intuitive similarity is the most apparent between imperatives and ought sentences and their cognates. First, both fail to attribute properties or relations – or so it seems to me.\textsuperscript{19} However, statements of obligations, duties, and rightness or wrongness, apparently attribute properties or relations. Second, ought sentences and their cognates seemingly lack imperatival construction; that is, we cannot grammatically make an imperative utterance using \textit{ought, should} or \textit{must} as part of the main verb phrase. We do not usually reflect on this point because we feel no need for such imperatival

\textsuperscript{18} Copp, ibid.
\textsuperscript{19} This is my linguistic intuition. However, Sigrún Svavarsdóttir tells me that it seems as if ought statements like “John ought to major in philosophy” ascribe a normative relation between John and action.
construction. We feel no such need because the declarative sentences using these expressions work like imperatives. However, we can make and have some use for such sentences as “Don’t violate your duty”, “Take the right action”, and so on. It is true that we can make an imperative by putting *ought*, *should* or *must* in a subordinate place; for example, we can say, “Do what you ought.”\(^{20}\) However, such an imperative is used less frequently probably because it sounds of less content. Thus, it appears that the imperative approach is the most promising for statements of oughts, shoulds and musts. If it fails to provide a good account for them, it will probably fail for any other deontic statements. That is why this dissertation focuses on the imperative approach to ought statements and their cognates.

1.2. The Best-Imperative Approach: the Best Makes Ought

Even though the imperative approach has the above mentioned merits, it apparently has a large problem in accounting for the objectivity that deontic discourse is expected to have. The noncognitivist version of the approach needs to reconcile this expected objectivity with their view that the ought sentences semantically express noncognitive states. (See Appendix B.) However, the plausible cognitivist version of the approach also has difficulty here. Such an approach typically makes the truth or falsity of moral statements depend on the justifiability of certain imperatives. However, one might well doubt whether imperatives are subject to any type of justification, and even if so, whether the justification is non-arbitrary. There might be a causal explanation of why people give, accept and evaluate imperatives, but is there a non-arbitrary justification of imperatives?

\(^{20}\) Prof. Donald C. Hubin point this out to me.
If there is no systematic way in which some imperatives are justified or others not, the truth or falsity of ought statements will be hardly objective.

I think that this worry can be countered by arguing that certain imperatives are good or even the best in a systematic way. It is obvious that people properly call a certain piece of order, instruction, advice, demand and suggestion “good” or even “the best”. Further, we do not arbitrarily make an imperative good or the best; a piece of order, instruction, advice, suggestion or demand is good or the best in such a way that our evaluation of the imperative can be mistaken. Intuitively, *ought* and *the best* have a close relationship; perhaps the relationship might be that one ought to perform an action because the best imperative says so. Thus, admitting that deontic statements can be correct or incorrect, imperatival noncognitivists might try to explicate the notion of correct deontic statements as an analogue of the notion of the best imperatives. (See Appendix B for the problems of noncognitivism and the direction of their solution.) The cognitivist version of imperatival accounts can take the best imperatives as justified and others unjustified. The view then claims that a deontic statement is true just in case and because a certain imperative is the best.

Such appeal to the bestness of imperatives also provides insights into what makes deontic statements true or correct. What makes deontic statements true or correct is what makes certain imperatives the best. This can mitigate concern about the objectivity of deontic discourse because one source of the general doubt is that it seems unclear what sort of facts makes certain deontic statements – moral statements for example – true or correct. This enables John Mackie to argue that moral ‘facts’ are queer and hence non-
existent because they must involve ought-to-be-doneness. However, if the best-imperative approach is correct, the ought-to-be-doneness rather belongs to the practical features of moral statements similar to those of imperatives: that is, direct action-guidance and direct conduct-coordination. What makes moral statements true or correct is those sorts of facts that make imperatives the best. Moreover, we can quiet the worry about how we can know which moral statements are true or correct. Considering how we can know what makes imperatives the best, we can realize how we can have moral knowledge. Thus, the appeal to the bestness of imperatives has potential fruit. Of course, we will not get the fruit if we can have no idea about what exactly makes imperatives the best and how we can know it. To defuse the worry about whether imperatives are susceptible to objective evaluation, it must be shown that in our daily practice, the bestness of imperatives is uniquely determined by certain ontologically non-problematic and epistemically accessible facts. This dissertation is not going to quell the worry about objectivity, for it does not delve into the nature of the facts that determine the bestness of those imperatives that correspond to various deontic statements. Still, the problem of objectivity contracts to the issue of those facts if the unfolding account of certain imperatives is the correct.

In the rest of this section, I provide a rough account of the best imperatives by investigating our evaluative practice involving imperatives. I shall start by looking to ordinary views on evaluating certain imperatives to determine what renders them good or bad. I shall then provisionally submit an account of the best imperatives.

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1.2.1. The Evaluation of Action-guiding Imperatives

We call action-guiding imperatives “good” or “bad”. “Action-guiding imperative(s)” is my technical term for those imperatival utterances with which the issuers try to guide the addressees’ actions: that is, to tell them what to do or how to act. Orders, instructions, advice, suggestions and demands are action-guiding in that people take them as answers to the addressees’ actual or potential questions of “what to do”. And it is intelligible to ask, “Why is it appropriate for me (us) to do so?” When so asked, the issuers of advice, instructions, orders, demands and suggestions are supposed to give replies that it is appropriate for the questioner to listen to. In normal cases where the issuers give them to other people than themselves, they are supposed to give more than egoistic replies, such as “Because I want you to do so” or “Because it is good for me.” For these egoistic replies are not what it is appropriate for the receivers of the imperatives to listen to. Now it is clear that people sometimes properly call a piece of order, instruction, advice, demand and suggestion “good”. This is why I have claimed that they sometimes call an action-guiding imperative “good” though of course they do not use the technical term “action-guiding imperative.”

People might confuse the goodness of an action-guiding imperative with the goodness of giving, receiving or accepting the imperative. Thus, first I would like to make the difference clear. The goodness of (a particular way of) giving an imperative is primarily determined by whether the effect of the utterance is good on the whole.

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22 The issuers can aptly say “Because I tell you so,” but only if they have the legitimacy to tell what the addressees are to do. For example, if a student asks why it is appropriate for him to follow the instructor’s order “Write a 3-4 page paper by June 5,” the instructor can aptly say “Because I tell you so.” However, suppose I tell my parents in Japan, “Visit Ohio,” and the parents ask why. In this case I cannot aptly say to them, “Because I tell you so.”
However, the goodness of an action-guiding imperative in itself – of its content – is not
determined that way. We refer to the goodness of an action-guiding imperative in itself,
for example, in saying, “Her advice [or instruction or order] was good, but he [the
intended addressee] ignored it.” When we say this, uttering the imperative usually failed
to have good consequences because the addressee did not listen to that imperative.
However, it makes perfect sense to say that the advice was good. Further, consider such a
comment as “Her advice [order or instruction] was good, but due to her way of saying it,
he did not listen to the advice.” It again makes perfect sense: even if her particular way of
giving had no good consequence, the advice in itself might have been good. These
examples suggest the distinction between the goodness of an action-guiding imperative in
itself and the goodness of giving the imperative.

Consider more confusing cases. Suppose a reclusive daughter asks her dad for advice
on whether to leave college. He knows that by leaving she has lots to lose while gaining
nothing. However, the father suspects that because she is so stressed out that if he tells
her not to leave school, she rather feels pressured and might never bring herself back to
school. He calculates, on the other hand, that if he tells her to leave school, she might feel
relieved and eventually come back to school. Suppose, first, that the father tells her,
“Leave school.” In this situation, perhaps saying “leave school” is good, but the
imperative “leave school” itself is not a good piece of advice or action guidance. Even the
father himself does not hope that the daughter will take him at his word and leave
college. Now suppose that in the above situation, the father instead says, “Don’t leave
college”. Seeing her daughter feel further down, his wife might criticize him by saying,
“Your instruction itself is good, but you should have considered the timing of saying that.” In distinguishing the goodness of the imperative from the goodness of giving it, this criticism makes perfect sense.

The goodness of receiving or accepting an imperative is also distinct from the goodness of the imperative itself. In the above example, the daughter’s receiving the “leave school” advice from her father might be good for its consequences. However, the imperative itself is not a good piece of advice or action guidance. On the other hand, one can coherently admit that while the daughter’s receiving the “don’t leave college” advice might not be good, the imperative itself is good. As for the more subtle distinction between the goodness of accepting an imperative and the goodness of the imperative itself, suppose you face the “toxin puzzle” situation.23 While accepting the “drink the glass tomorrow”, you can avoid taking the toxin.24 By accepting the imperative, you intend to drink the glass tomorrow, and that has a very good consequence. However, drinking the toxin will make you violently ill for a few hours. In this case, accepting “drink the glass tomorrow” is good, but the imperative itself is hardly a good piece of instruction or action guidance. This example suggests that the goodness of receiving or accepting an action-guiding imperative is distinct from the goodness of the imperative itself. In the following, what I am interested in is the latter, not the former.

23 The situation is as follows. There is a toxin which, upon consumption, will make you violently ill for a few hours. You will receive a sizeable lump of money if you are able to intend, at present, to drink this toxin tomorrow. If the intention is truly and successfully formed, you will be awarded the money without ever having drunk the toxin. Whether you fulfill your original intention will not change your reward. (Gregory S. Kavka, "The Toxin Puzzle", Analysis 43(1), 1983, 33-6.)

24 Perhaps this involves the following kind of strategy: first, prepare a certain drug to eliminate the memory that the glass contains the toxin; second, ask your friend to tell him, “drink the glass tomorrow” and convince you to accept it just after you have taken the drug; third, ask the friend to inform you before the next day that the glass contains the toxin; and fourth, take the drug.
What makes an (action-guiding) imperative good? When we think about the goodness of an action-guiding imperative in itself, it seems that advice, an order or instruction is good just in case it is somehow undone, practicable and conducive; that is, not only does it does not prescribe an action that has been performed and cannot be performed twice, but also the addressee’s carrying it out is (sufficiently) conducive to the achievement of its point. Conduciveness to (the achievement of) the point is the degree of the achievement of the point, multiplied by the probability\(^{25}\) of that degree of the achievement\(^{26}\) (given the compliance with the imperative in question).

This introduction of the conduciveness condition and “the point of an imperative” are too hasty and abstract to be intuitive. Let me go back to concrete cases. Think about evaluating the content of a particular imperatival utterance of order, instruction, advice, suggestion or demand. Suppose that whenever Philip tries to print an on-line document, the computer freezes. He asks an expert for advice about how to fix the problem. Then, roughly speaking, in many contexts, the expert’s advice, “close all the other applications”, is good only if doing so tends to solve that computer freeze problem.

Consider another situation, where a military commander tells her soldiers, “Blow up that bridge”. Then, it seems that, in many contexts, the order is good only if it the soldiers’ doing so would contribute to the success of the operation at hand – say, stopping the

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\(^{25}\) See Appendix C for a relevant notion of probability.

\(^{26}\) Let me illustrate what the degree of achievement means. When doctors give advice to their patients, usually the point of the advice is primarily the recovery of the patients’ health as much as possible: the more carrying out the advice recovers the patients’ health, the more successful the advice is. Thus, the achievement of the doctors’ point is a matter of degree, and this is true of many other potential points (consider the improvement of the skill of skiing, the success of a military operation and so on). How about the cases about which we ordinarily say the achievement of the point is not a matter of degree, for example, the cases where the point is to keep one alive for a certain time period? In these cases, we can and should redescribe them as the cases where there are only two degrees of the achievement: 100% and 0%.
enemy troop so that the ally can escape. Thus, apparently an (action-guiding) imperative is good only if the addressee’s carrying it out (sufficiently) contributes to the achievement of a certain thing. This is the basic idea of the conduciveness condition, and I am calling this “certain thing” the point of the imperative in question. I will provide a substantive account of the point in Chapter Three.

What are rationales for the undoneness, the practicability, the undoneness, and the conduciveness conditions? Consider “Make the US win WW2” or “Get Allan Gibbard to write Wise Choice, Apt Feelings.” These imperatives tell the addressees what has already been performed and cannot be performed twice, and is thus pointless and no good. On the other hand, consider “Make 1+1 equal to 3” or “Make a necessary truth false”. These impracticable imperatives are patently pointless and no good. Further, a piece of order, instruction or advice tells someone what to do, so it is intelligible to ask the issuer why it is appropriate to do so. We expect the issuer’s answer to show what positive contribution doing so will bring about. In addition, if we find such an answer substantiated, we tend to praise the imperative. This practice suggests that we take following an action-guiding imperative to serve for something and evaluate the imperative in terms of whether carrying it out might contribute to (the realization of) that something. If so, it is sensible

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27 As you see, the undoneness condition is that the imperative in question does not prescribe what has already been performed and cannot be performed twice. Why is this additional clause necessary? Some imperatives prescribe a type of action, which is repeatable. For example, think of “Water the plant.” The addressee might have watered the plant, but she can perform the same type of action again. This imperative is not pointless and can even be good because the plants needs watering periodically. (Justin D’Arms points this out to me.) This is why the clause “and cannot be performed twice” is included. As for “Make the US win WW2” and “Get Allan Gibbard to write Wise Choice, Apt Feelings”, the prescribed actions have been already performed and cannot be performed twice (as far as we take WW2 and Wise Choice, Apt Feelings as referring to particular things).
to assess the goodness of the imperative in terms of something like the conduciveness condition as well as the practicability condition.

Now we can tentatively characterize an account of the best action-guiding imperative. (See Chapter 4 for a more sophisticated version.) An action-guiding imperative, such as advice, an instruction or an order, is the best just in case the addressee’s carrying it out is practicable and more conducive to its point than carrying out any other practicable imperatives. The best-imperative approach holds that an ought statement, say, “You ought to come home by 12 pm”, is true or correct just in case the corresponding imperative statement, “Come home by 12 pm”, is the best in this sense.

This account of the best imperative is not only provisional but also obscure. I need to explain, for example, what practicability amounts to, and exactly what the point of an action-guiding imperative is. I will investigate the details of these issues later in the dissertation. In fact, I will contend that through such an investigation the imperative approach provides insights into the nature of deontic statements and normative-ethical implications.

The above account of the best imperative is only tentative, but it suggests that the bestness of action-guiding imperatives is uniquely determined by certain facts. Further, this account provides insight into what makes deontic statements true or correct if we suppose the best-imperative approach to deontic discourse. Correct ought statements must be maximally conducive to their point. Deontic discourse turns out to have a teleological structure in that ought statements are made true or correct just in case they are maximally conducive to the point. Further, by knowing what the point of a deontic statement is and how following the statement contributes to it, we can at least have partial
access to whether the deontic statement is really correct or true. Moreover, it seems that there is nothing mysterious or unknowable about the facts that make imperatives practicable and conducive to their points. Thus, there will be nothing mysterious or unknowable about what makes deontic statements true or correct if the points of them are not mysterious or unknowable. If the points of deontic statements are not problematic, it turns out that John Mackie is mistaken: deontic statements are made correct or true by those ordinary sorts of facts, which make imperatives the best. The ought-to-be-doneness belongs to deontic statements, but it does not come from what makes them correct but rather from their prescriptive features analogous to those of imperatives. Neither the best-imperative approach itself nor this dissertation shows that the points of deontic statements in general are not problematic. However, the best-imperative approach at least contracts the problem of objectivity to one issue – the status of the points of deontic statements.

This chapter has provided reasons for taking the best-imperative approach seriously. Of course, without evaluating alternative accounts of moral discourse thoroughly, we cannot be sure whether the best-imperative approach is the most promising one. However, I hope that it is sufficient to motivate a look into the details of the best-imperative approach, which is my concern. The succeeding chapters will consider how the best-imperative approach might go: what the practicability of imperatives amounts to, what the points of imperatives consist in, the detailed conditions of what makes them the best, and what implications and fruits the approach has for our understanding of ought statements. The next chapter, however, will explain the distinction between the goodness/bestness of imperatives and the legitimacy of giving them; I will then consider how these two evaluative dimensions concern the correctness of ought statements.
In Chapter 1 I made the following sweeping claim: a piece of order, instruction or advice is the best if and only if it is practicable and following it would maximally conduce to the achievement of its point. However, can the order not be the best even if it does not conduce to the point? Suppose that a military commander gives his subjects a military order. Is not it a good or even the best order whether following it conduces to its point, say destroying an enemy base? After all, are the subjects not supposed to follow the order?

I think that the order is neither good nor the best if it is impracticable or if following it does not conduce to its point. However, I admit that in a sense the subjects are supposed to follow the order. This is because the order is legitimately given. The goodness of an imperative is one thing, and the legitimacy of (giving) the imperative is another.
In this section, I will briefly explain the distinction between legitimacy and goodness/the bestness and argue for its intuitive plausibility. I will then claim that interestingly this distinction elucidates the distinction between two possible evaluations of some ought statements. Thus, the imperative approach – the approach that analyzes ought statements via elucidating imperatives –provides an insight into the evaluation of ought statements.

2.1. Legitimacy

A person can legitimately give orders, instructions or advice to an addressee if and only if the person has the authority to issue them to the addressee. For instance, in the case of advice about divorce, if the advisee voluntarily asks the advisor to give advice on the issue, we treat that advice to be legitimate because the advisee has conferred the requisite authority on the advisor. Again, if a military commander gives an order that is beyond his jurisdiction as determined by the army, we normally consider that order to be illegitimate because the commander does not have the authority to give that order.

In general, an issuer, i.e., a person who gives an imperative, can acquire the authority to give the imperative to someone in one of the two ways. First, the issuer can earn authority over someone through that person’s voluntarily asking the issuer to give advice, an instruction or an order for some practical matter. Second, the issuer can earn the authority through having one of the following statuses or roles in relation to that addressee: (2-1) being a superior in social or political status, for example, an individual

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28 However, that does not mean that the advisee ought to do as the advisor says. In this case the advisor has only the legitimacy to tell and not the legitimacy to decide what to do. See Section 2.2.
being a boss, a commander or an elder; (2-2) being a superior in an epistemic way, for instance, being more knowledgeable or experienced, for a matter that the receiver engages in or is concerned with; or (2-3) having a certain close relation with that receiver, for example, being a parent or a friend (or probably also being the person herself).

It is important to note that the legitimacy of giving an action-guiding imperative is relative not only to addressees, but also to practical matters. That is, the authority to give an action-guiding imperative is always the authority to give the imperative to a certain addressee(s) for certain types of things. For example, if a neighbor you barely know asks you for an instruction on how to mow grass, then you can legitimately issue an instruction to mow grass, not to pray, lead her life, educate her children and so on. Again, a boss in a company cannot legitimately give an order to her subordinate for things outside work. And you do not think that a philosopher, qua philosopher, has the authority to give advice or instructions for things other than doing philosophy, such as car maintenance, national defense, cooking and so on. By the way, as we will see in Chapter 3, this constraint on what one can legitimately give an action-guiding imperative has a bearing on its goodness/bestness.

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29 or, derivatively, being designated by her (or by the institutions made or supported by her) to guide the addressee, or just repeating what she tells to the addressee.

30 Some might think that we can have the authority to give certain action-guiding imperatives in other ways: we can ethically or morally have the authority to give certain orders or demands, such as “Don’t kill an innocent person” or “Don’t lie”; we can artistically or aesthetically have the authority to give such imperatives as “Don’t touch an artwork”; and so on. However, I will argue in a later section of the dissertation (which is not included in this paper) that the moral or artistic ways of acquiring the authority to give certain imperatives are versions of (2-2): being a superior in an epistemic way.
2.2. Legitimacy to Tell and Legitimacy to Decide

Readers might be tempted to think that the evaluation of legitimacy only applies to orders, but actually people frequently make judgments about the legitimacy of instructions and advice. Given a piece of instruction or advice, people tend to make such comments as “Mind your own business”, “You are no better than I am at this” and “You are not my teacher”. These comments suggest that the person who gives the instruction or advice does not have the authority to give it – that is, he or she illegitimately gives the imperative.

I do not deny, however, that orders are different from other action-guiding imperatives, such as mere instructions and advice. Persons giving mere instructions and advice only claim the authority to tell what to do. The addressee of the mere instructions or advice is allowed to fail to follow them. The addressee might be called “stupid” or “thoughtless” when following the instructions or advice has consequences better than the courses of actions the addressee has chosen. However, this criticism is based not on disobeying the legitimately given advice or instructions, but on disobeying the good or even the best imperative. A person giving an order, on the other hand, claims not only the authority to tell, but also the authority to decide, what to do. If a person legitimately gives an order rather than a mere piece of instruction or advice, then the order decides the correct thing to do. Thus, a soldier may not defy his military commander’s legitimate order for the sole reason that the order is legitimate.

I note that, however, we can still properly evaluate whether the commander’s order is good or the best. This is why people – even the soldier and the commander herself – sometimes say that the order was legitimate(ly given) but not a good one. When an issuer
has the authority to decide what to do, legitimacy-related evaluation is generally more salient, but goodness-related evaluation is still apt. Thus happen the hard cases where from the point of view of legitimacy, the ordered action is the correct thing for a solder to perform, but where from the point of view of goodness, it is not the correct thing for him to do. More generally, legitimately given imperatives are not necessarily good, and vice versa. This is the point I will argue for in the next section.

2.3. Legitimacy and Goodness Often Diverge

According to the present view, on the one hand, people can legitimately give a bad order, instruction or advice; on the other hand, they can illegitimately give a good or even the best piece of order, instruction or advice. I hope this sounds plausible. Consider a few examples. Suppose a Japanese army commander in WW2 told his subordinate, “Attack the US unit over there”. Probably he had the authority to do so, so he legitimately gave the order. However, suppose that the Japanese soldiers were hungry and sick and barely armed while the US army soldiers are healthy and fully equipped with superior weapons. Then, following the order would never achieve its point – sustaining their force and defeating the US army. We are tempted to call the order bad though legitimately given. On the other hand, suppose that in the above situation, the deputy-commander told the subordinates, “Ignore the order of the commander”. This instruction is illegitimately given, but it is good or even the best given that it would keep the soldiers alive and the hope of defeating the US army.
2.4. Legitimacy-related and Goodness-related Evaluations of Ought Statements

The distinction between legitimacy and goodness/bestness is important partly because it provides an insight into the two distinct ways of evaluating ought statements. In legal debates, some hold the position that a legal ought claim, say, “You legally ought not to jay walk”, is correct if and only if the prohibition of jay walking is issued by the legislative body in its office. Others disagree, thinking that bad legislations cannot be laws, or that good but merely possible legislations are laws nonetheless. This is the disagreement between classical legal positivists, such as John Austin, and classical natural law theorists, such as Thomas Aquinas.\(^{31}\) If we take the evaluation of ought statements to be analogous to that of imperatives, this disagreement can be understood with the help of the notions of legitimacy (to tell and decide what to do) and goodness. The former maintain that legal ought claims are correct just in case they are legitimately given while others disagree. The opponents think that the correctness of legal ought claims depends on whether following them would contribute to their point – some evaluative ideal that laws are there to achieve. The fact is that legal ought claims are subject to both type of evaluations. The real question, I believe, is which evaluation matters in which pragmatic contexts.

We can also find this type of disagreement outside the realm of legal ought claims. When I was young, my Japanese father used to tell me, “You ought not to eat snacks before having a meal with others.” Some might say that this statement is correct just because it is legitimately given. They might reason that a father has the authority to give

his young son orders on daily behavior, or that the majority of the older generation in a society have the authority to tell and decide how to behave socially. However, others might claim that my father’s statement is correct rather because enjoying a meal with people is a way to communicate respect for them, and eating snacks before the meal tends to prevent the shared enjoyment. In other words, following my father’s statement would have the best outcome – achieving its point of communicating respect for others. In this case again ought statements can be evaluated both in relation to legitimacy and to goodness/the bestness. The real and difficult question is, I believe, which evaluation addressees may heed when one evaluation makes the statements correct while the other makes them incorrect.

I am not arguing that every ought statement can be evaluated in two ways such that it can be correct in legitimacy-related way but incorrect in goodness-related way, or vice versa. The correctness of an ought statement can be evaluated in legitimacy-related way only when the issuer pretends to have the authority not only to tell but also to decide what to do. Giving some imperatives, one does not pretend to have the authority to decide what to do; they are not giving orders but advice or instructions. In the same way, giving some ought statements, one does not pretend to have the authority to decide what to do; they would only claim the authority to tell what to do. Suppose a stock analyst tells you, “You ought to buy the Japanese government bonds”. This analyst merely claim the authority to tell you what to do, and does not claim the authority to decide what to do. Thus, even if the analyst does have the authority to tell you what to do – perhaps because

32 though we can always evaluate the legitimacy of giving an ought statements as we can always evaluate the legitimacy of giving an imperative
of her expertise – the ought statement will not be correct merely for being legitimately
given. This statement can be correct only if following it has the best consequences. In
sum, my position is that the correctness of ought statements can always be evaluated in a
goodness-related way, but not always in a legitimacy-related way. Only when one gives
the ought statements claims the authority to decide what to do, they can be aptly
evaluated in a legitimacy-related way.

In fact, I think many of the ought statements – epistemic, prudential, moral ought
statements, for example – can be correct or incorrect only in goodness-related way. For
example, suppose I say, “You ought not to ignore evidence against your view.” If this
epistemic ought statement is correct, it is not because it is issued legitimately, but because
following it has the best consequences: that is, it maximally contributes to the point of
epistemic discourse – perhaps, increasing true beliefs and decreasing false beliefs.
Suppose I say, “You ought to provide for your old age.” If this prudential ought statement
is correct, it is not because it is given legitimately, but because following it has the best
consequences: that is, it maximally contributes to the point of prudential discourse – the
well-being of one’s life. Suppose I say, “You morally ought not to kill a person.” If this
moral ought statement is correct, it is not because it is given legitimately, but because
following it has the best consequences: that is, it maximally contributes to the point of
moral discourse – non-partisan socially-coordinating amelioration. This last claim about
moral ought statements are particularly controversial, so I will defend this claim in
Chapter 7. In the succeeding chapters, however, I will rather focus on formulating more
accurately what makes action-guiding imperatives the best. In the next chapter, I will
explain what the point of an imperative is.
This paper discusses what I call the point of an action-guiding imperative, such as an imperatival utterance of order, instruction, advice, suggestion or demand. This subject is important because, according to my “the best-imperative approach”, an imperative – and hence a corresponding ought statement – cannot be good/the best unless the addressee’s compliance with it conduces to its point.

I will first define what the point is and explain the rendition of the point the best-imperative approach is concerned with: the point determined in the context the imperative in question is given. The ramification is that the bestness of one and the same imperative (in the syntactical level at least) can vary with the contexts it is given and received. Given the best imperative account of ought statements, it implies that the correctness of one and the same ought claim (in the syntactical level at least) can vary with the contexts in which it is given and received. Second, reflecting on (what we take to be) the proper way of
evaluating the goodness or badness of imperatives, I will discuss what constitutes the
content of the point of an imperative. The discussion will start with criticizing a tempting
“Issuer’s Aim” theory, which takes the point to be the issuer’s aim or reason for giving
the imperative; then comes the elucidation and defense of another theory, the
“Contextually Structured Vindicator” theory, which overcomes the defects of the Issuer’s
Aim theory while preserving what motivates that theory. According to my account, the
point of an imperative is associated with partial reasons for the addressees to accept the
best imperatives. Third, I will analyze the phenomena in which the point of an imperative
appears to be criticized. This will make clear the place of the ‘criticisms’ in the
evaluation of an imperative. It will also illuminate what place the point-based evaluation
has in the entire evaluative landscape.

3.1. The Definition of the Point of an Action-guiding Imperative

Think about the goodness of the content of an action-guiding imperative, such as an
imperatival utterance of order, instruction, advice, suggestion or demand. It then seems
that it is good or the best only if it is conducive: that is, the addressee’s carrying it out is
(sufficiently) conducive to the achievement of a certain thing. Suppose that whenever
Philip tries to print an on-line document, the computer freezes. He asks an expert for
advice about how to fix the problem. Then, roughly speaking, the expert’s advice, “close
all the other applications”, is good only if doing so tends to solve that computer freeze
problem. Consider another situation, where a military commander tells her soldiers,
“Blow up that bridge”. Then, it seems that the order is good only if it the soldiers’ doing
so would contribute to the success of the operation at hand – say, stopping the enemy
troop so that the ally can escape. In the following, I will call this “certain thing” the point of the imperative in question. Thus, according to my definition of the point of an (action-guiding) imperative, the point is such that the goodness/bestness of that particular imperative is properly evaluated in terms of whether and how much the addressee’s carrying out the imperative contributes to its realization. The “point” is a term of art, but the concept is supposed to help account for and systematize a large and interesting part of the practice of, and our intuitions about, evaluating (action-guiding) imperatives.

3.2. The Relevant Understanding of the Point

This definition of a point can invoke three different responses. First, one person might say that anything can be the point of a piece of advice, instruction, order, suggestion or demand, so any imperative can be good or even the best relative to some point while being bad relative to another point. Second, another person might say that it is misleading to talk of the point of this or that particular imperative because any imperative can be the best only if it is conducive – has good consequences – where all potentially relevant consequences are taken into account. Third, an other person might think that when we say that a piece of advice, instruction or order is good, we have a specific point in mind in terms of which the advice, instruction, order, suggestion or demand is good, and this rendition of the “point” does not necessarily make all potentially relevant consequences relevant. I argue that the third rendition is the relevant one: it is the conception that helps account for and systematize a large and interesting part of the practice of, and our

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33 This definition of the point (and the conduciveness condition of the goodness/bestness) of an imperative presuppose that an action-guiding imperative is always properly evaluated in terms of whether the addressee’s compliance with which will conduce to its point. This supposition is disputable, so I will defend this presupposition in Appendix D.
intuitions about, evaluating (action-guiding) imperatives. However, before that argumentation I will illustrate each response.

Suppose that a person is planning to visit Milan, Italy for a few days. She has a friend who visits Milan every autumn. Thus, she asks that friend for advice on where to go in and around Milan, saying that she is particularly interested in visiting the ruins of the Roman Empire. The friend tells her, “Go to the outlets in the suburbs of the city, where you can buy lots of designer goods at cheap prices.” Is this advice good? First, one might be tempted to say that relative to one thing, it is good, but relative to another thing, it is not. For example, relative to the point of getting brand-name products at cheap prices, it is good, but relative to the point of sightseeing, it is not good. Second, another might claim that the advice is absolutely not good because following it does not have good consequences \( \text{where all potentially relevant consequences are taken into account} \). By following it, the addressee will do a very shallow thing, waste much money for vanity, and miss the opportunities to enjoy foreign social experiences, seeing historic architecture and art works, and so on. Third, the other might claim that whether the advice is good or bad depends on what the specific point is in the context. For example, he may say that the advice is bad because the addressee is particularly interested in visiting the ruins of the Roman Empire, and this interest constitutes the point of this imperative; the visiting brand outlets do not contribute to this at all, so it is not a good instruction.

The first response apparently makes the notion of the point and the evaluation based on it uninteresting. Provided that every advice or instruction is good relative to some point while it is bad relative to other point, why do we care about the evaluation of the
advice or instruction? Not only is such evaluation uninteresting, but also it is peripheral. Perhaps because the evaluation is uninteresting, in almost all contexts of evaluation participants do not engage in the conversation of “The instruction is good relative to… but not relative to…” The participants usually simply say “This advice is good” or “This advice is not good,” assuming that they are evaluating the imperative in terms of the same point. This is apparent when one says, “the advice is good”, and another says, “the advice is not good”. They at least initially take these comments to contradict each other. However, if there were no shared assumption that these evaluations are made in terms of the same point, people would not take them to contradict each other; for both of them can be correct evaluations in terms of different points. Because the evaluation in view of the first understanding of the point is uninteresting and peripheral, this paper will not focus on this rendering of the point.

The second response takes this assumed point to be all-inclusive: the point makes every potentially relevant consequential consideration relevant in evaluating an imperative. However, it does not seem that people evaluate advice, instruction or order considering all potentially significant consequences. For example, in the above example, usually people do not consider what the economic effect on local economy visiting an outlet – rather than visiting sightseeing spots in Milan – might involve. We can more clearly see that the point is not usually all-inclusive by observing the cases where people evaluative an imperative as good (in a sense) even though on reflection they might

34 People might be interested in the evaluation of the advice or instruction if they know that the evaluation is based upon the point that they care about. (Prof. Donald C. Hubin points this out.) However, if this is the way people get interested in the evaluation of advice or instruction and the point is not fixed by the context, then people will be interested in the evaluation only after they ask the evaluator what point the evaluation is relative to. But it seems that people are usually interested in the evaluation of imperatives without or before asking the evaluator about the content of the point.
denounce the point in terms of which the evaluation is made. For instance, consider the orders that Rommel the Desert Fox made in his invasion into North Africa. Many people have thought some of the orders were good. This is the case even though they know that their point is presumably the Nazis’ military success, which these people acknowledge are repugnant or unacceptable, and that the Nazi soldiers’ carrying the orders would produce bad consequences on the whole. Further, consider Karl Rove’s orders or instructions about the 2004 US election. He instructed Republicans to agitate the right and evangelical Christians with divisive issues, for instance gay marriage, and to attack John Kerry’s war records with unreliable testimony. Many people regard as inappropriate and terrible the point of the orders—presumably the winning of George W. Bush and the Republican Party. They also think that if the instructions are followed, the consequences are bad on balance. While criticizing these instructions from the moral point of view, many of them still call them good in a way.

The point of an action-guiding imperative, which determines its goodness/bestness in this way, varies with the context where the imperative is given. This conclusion, the third response, is supported by the observation of what we take to be the proper practice in evaluating the imperative. For instance, “Read Hume’s Treatise, Part 1, Chapter 4” might be a good instruction in the mouth of a philosophy professor to her student. However, an imperative with the same content is not so in the mouth of a golf instructor to his student (even given that the student is identical). Why? A plausible explanation is that in the two contexts differ the points in terms of which we evaluate the imperatives.

Note that the relevant context is not the context in which an imperative is evaluated, but the context in which it is given. Suppose that the context of evaluation determined the
point of an imperative. Then, if we talk about the philosophy professor’s advice “Read Hume’s *Treatise*, Part 1, Chapter 4” on different occasions, we might call it “good” on one occasion and “bad” on another occasion and find no inconsistency there. However, if we actually call it “good” on one occasion and “bad” on another occasion, we do find inconsistency here. This is because the point of the imperative does not change through the various contexts of evaluation. The point of the imperative is fixed by the context where it is given, and this fact makes it possible that the evaluator on one occasion contradicts what the evaluator on another occasion says.

I will thus try to figure out what determines the point of a particular imperative, not in the sense in which anything can be the point, nor in the sense in which the point is all-inclusive, but in the sense in which it is fixed in the context where the imperative is given. Of course, as the Rommel and Rove examples illustrate, this means that the point of an imperative can be criticized. To appreciate the point-based evaluation of an imperative in perspective, we need to analyze the phenomena that the point of an imperative is apparently criticized. I will come back to this issue after explaining the account of what constitutes the contextually-determined point. However, we first need an account of the point, which can adequately explain our practice and intuitions about the evaluation of imperatives.

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35 By using the word “fixed”, I do not intend to suggest that the point of an imperative is always such that evaluative verdict on the imperative is determinate.

36 You might have a methodological concern: what evidence there is to support one account over another about what constitutes the contextually determined point? See Appendix E if you are interested in this question.
3.3. The “Issuer’s Aim” Theory of the Point

It is tempting to think that the issuer’s aim or reason for giving an imperative is, or determines, what the point of that imperative is. This view is suggested by the following sort of example. Suppose you tell your still small daughter, “For your safety, come back home by 6:30 pm.” In such a case, it is very natural to evaluate the instruction, “come back home by 6:30 pm”, by considering whether following it would achieve the safety of the daughter. If it is winter and day is short, perhaps this instruction is not good because staying out by 6:30 might be dangerous; if it is summer and day is long, perhaps this instruction is good because staying out by 6:30 is not dangerous. This way of evaluation suggests that the issuer’s reason to give the imperative determines what the point of the imperative is. Call this view the “Issuer’s Aim” theory of the point. Is this theory correct?

I think this theory is mistaken. Some of the issuer’s reasons to give an imperative has nothing to do with determining the point of that imperative. For example, an arrogant ruffian might tell his neighbors, “For the purpose of my having neat environment, pick up the litter in my garden.” If the ruffian’s having neat environment is the point of “pick up the litter in my garden,” then it would be a good instruction if the residents achieves this purpose by complying with the instruction. However, we obviously hesitate to call this instruction good and to praise it and the ruffian as the issuer. As a more realistic example, suppose a military commander gives his soldiers an order: “You know that I have written a book called How I Got Five Stars: for my sake, buy this book and advertise it to your acquaintances!” If the increase of the commander’s personal money or interest is the point of “buy this book and advertise it to your acquaintances,” then this order

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37 I have read that this sort of practice has been prevalent within the Self-Defense Forces in Japan.
would be good if the soldiers comply with the order. However, we would hesitate to call this a good order and to praise it and the commander as the issuer.\textsuperscript{38} The issuer cannot so easily give good advice, instruction, order, demand and suggestion only to achieve his or her own goal. These examples suggest that not all the issuer’s reasons for giving an imperative determine its point, even if these reasons are given explicitly.

Still, in the first example of your giving an instruction to your daughter, your expressed aim or reason for giving the instruction – the daughter’s safety – apparently constitutes the point. What is the difference between that case and these other cases? In the first example, if complying with the imperative would contribute to the issuer’s aim, i.e., your daughter’s safety, it would also somewhat vindicate to the addressee – your daughter – her accepting and following the imperative. However, in the other examples, the issuer’s aims do not participate in the vindication of the addressee’s following the imperative. In the second example, why does the issuer’s aim – his having neat environment – not as such constitute the point of his order? Because the issuer’s having an neat environment does not participate in the vindication to his neighbors of the imperative “Pick up the litter in my garden”. In the last example, why does the military commander’s aim – his self-interest – not as such constitute the point of his order? Because the commander’s self-interest does not participate in the vindication to the soldiers of their complying with the imperative “buy this book and advertise it to your acquaintances.”\textsuperscript{39} The difference between the cases is thus explained by the following condition: it must be the case that if the addressees’ complying with the imperative

\textsuperscript{38} In both cases, perhaps some might say, “the instruction is good relative to the issuer’s aims”, but we are concerned not with ‘good relative to [anything]’, but rather with ‘good’ determined in the context.

\textsuperscript{39} Then, what are the points of these imperatives? If you are interested in this question, see Appendix F after you read the rest of this chapter.
contributes to the point of an action-guiding imperative, the fact vindicates to them their doing so.

Actually, for the point of an imperative to exist, the issuer need not have the aim the contribution to which can vindicate the addressees’ following the imperative. The issuer might not have such a reason. For example, if you have kids, you have had experiences giving them orders or instructions without any specific reason to vindicate your giving and their following the imperatives. Asked why it is appropriate for them to comply with the instructions, you might have nothing to say except that you have the authority or qualification to give the imperatives to them. Still, we can judge whether your instructions to the kids are good or bad, and in this case we usually evaluate them by whether the kids’ complying them would further their well-being. So their well-being somehow constitutes the point of the imperatives, based on which we evaluate them. For the point of an imperative to exist, the issuer need not have the reason the contribution to which can vindicate to the addressees their following the imperative.

Further, even when what the issuer aims at can participate in the vindication to the addressees their following the imperative, the aimed-at object usually does not constitute the whole point of the imperative. When you tell your daughter, “For your safety, come back home by 6:30 pm,” her safety does not constitute the whole point of the imperative. Suppose that her private tutor of arithmetic visits her at 6:00 pm. You forget this appointment, so you give the above instruction to her. Then your partner can surely criticize you and your instruction to be bad when your daughter returns at 6:30 pm. If the safety of your daughter constitutes the whole point of the instruction, the instruction would still be good, but this does not seem to be the case.
Two questions thus arise. First, if the issuer’s aim does not constitute the point of an imperative, then what determines the point? Second, what is the exact role of the issuer in determining the point of the imperative? The issuer cannot determine the point in such a way that he can easily give good advice, instruction, order, demand and suggestion only to achieve his or her own goal. However, as is illustrated by your giving the daughter an instruction, the issuer can somehow affect the point of an imperative. So what is the role of the issuer? These are the questions an adequate account of the point have to answer. According to my account, what constitutes the point of an imperative is the vindicators that are contextually selected and prioritized according to certain rules. The rules allow the issuer to affect the content of the point by making certain moves in the context the imperative is given, but also constrain her ability to structure the point. The next section elaborates on these answers.

3.4. The “Contextually Structured Vindicator” Theory

3.4.1. The Vindicator Theory of the Point and its Motivations

Each component of the point of an imperative must be such that if the compliance with the imperative will contribute to its achievement, the fact vindicates the practice of making and accepting that imperative. I also hold that the point of the imperative as a whole is vindicative, but I have no argument for this view except one that might commit the fallacy of composition: because all the parts of the point are vindicative, the point as a whole is also vindicative. I will call this type of view the “Vindicator” theory of the point. I take vindication to mean *prima facie* justification to the addressees: to all the
addressees, if an imperative is given to one person or relevantly homogenous individuals; in a later section I will consider the cases where this assumption is false.

There are three kinds of support for the vindicator theory. First, as we have seen above, not everything can be the point of an action-guiding imperative, in terms of the conduciveness to which the imperative is evaluated. Even if a person tells his neighbors, “For the purpose of my having neat environment, pick up the litter in my garden,” the issuer’s having neat environment does not constitute the point. However, if you tell your daughter, “For your safety, come back home by 6:30 pm,” her safety constitutes the point of the instruction. This difference is explained by the vindicator theory, the requirement that the point of an action-guiding imperative must be a vindicator for the addressees’ compliance. Intuitively, if the daughter’s “coming back home by 6:30 pm” contributes to her safety, it will vindicate her doing so. However, even if the ruffian will get a neat environment if his neighbors “pick up the litter in my garden,” it does not vindicate to the neighbors their doing so.

Second, this line of thought is strengthened by reflecting on the fact that the point determines whether an action-guiding imperative is good or bad. As I have explicated in Chapter 1, action guidance consists in giving an intelligible answer to the addressee’s actual or potential questions of “what to do” or “how to do”. Then, it seems that good action-guidance consists in properly answering these actual or potential questions of addressee’s. Then, it appears that the point in terms of which to evaluate the goodness of an action-guiding imperative must be some set of circumstances whose realization the addressee is concerned with or it is appropriate for her to be concerned with. Otherwise, the goodness of an action-guiding imperative is evaluated in view of other than how
properly it answers the addressee’s questions of “what to do” or “how to do”. The addressee has no such questions about the things with which she has no actual or proper concern, so whether carrying out the imperative might achieve these things is irrelevant to whether and how well the imperative answers such practical questions. And if the point of an imperative is some set of circumstances whose realization the addressee is concerned with or it is appropriate for her to be concerned with, each component of the point (and plausibly the point as a whole) is a vindicator for her compliance. That is, if the addressee’s compliance with that imperative contributes to part of the point, then it will (at least prima facie) vindicate to her doing so.

The third reason for the vindicator theory is that if we think a piece of instruction, orders etc. is the best one, we are often motivated to give or promote it; and we are to comply with it when we are ourselves the addressees. In both situations, we take the bestness to indicate that there is some reason or justification for doing so. When we are asked why we give or comply with the imperative, we will first answer that it is the best, and if further inquired, we will refer to what we think makes it the best. This phenomenon suggests that the grounds that make an imperative the best involve the reasons or justifiers of giving or accepting the imperative. Because the achievement of the point is (part of) what makes the imperative the best, elements in the point are supposed to be the circumstances conduciveness to which would underlie vindication for the compliance.
3.4.2. Three Types of Vindicators

Now, exactly what types of considerations can be a vindicator for an imperative and thus constitute part of its point? Reflecting on how people describe their action-guiding imperatives, we come across three types of considerations. First, when people tend to characterize an imperative as a piece of “order”, “instruction” or “advice”, it often – though not always – suggests that the imperative is given legitimately for some purpose. For example, when we say that a military commander ordered the soldiers to “take that bridge,” we often suggest that she gave the imperative for something – some military purpose – which her authority allows her to give the soldiers an imperative for. Or when we say that a TA gives an instruction “Read Chapter 1 by Monday” to her students, we often indicate that she gave the imperative for something – some educational purpose – which her authority allows her to give the students an imperative for. In these cases, a legitimacy-related purpose constitutes the predominant part of the point. By “a legitimacy-related purpose” I mean a matter for which one can legitimately give the addressees an imperative (at least in some contexts).

Second, when people tend to characterize an imperative as a mere suggestion, it often suggests that the imperative is not given by an authority and given for addressing some actual intrinsic concern of the addressees. For example, suppose that the boss tells a Japanese employee who regularly overworks, “Don’t overwork today,” knowing that today is his partner’s birthday. When he puzzlingly asks, “Is it an order?,” the boss replies smiling, “No, it is not an order, but it is a suggestion.” It is not the legitimacy-
related purpose that constitutes the point of the imperative, but rather (the objects favored by) the actual intrinsic concern of the addressee – in this case, probably the partner’s happiness and his relationship with the partner.  

Third, when people tend to characterize an imperative as a demand, it often suggests that the imperative is neither given by an authority nor for addressing some actual concern of the addressees, but rather for addressing some alleged non-derivative value for the addressee – the values that are relevant to the addressees. For example, suppose the workers shout to their CEO, “Raise our annual salary!” Observers would call this imperative a “demand”, suggesting that the workers are making this imperative primarily for addressing some alleged non-derivative value for the CEO – perhaps the workers’ welfare in this case; the workers are taken to hold that it is valuable for the CEO – though perhaps not for others, for example, the consumers. If the alleged value is a real non-derivative value for the addressee, it constitutes the predominant part of the point of the imperative.

boss’s speech act commits some infelicity? (I thank Justin D’Arms to raise this question.) I think that it was a bad imperative, but I do not have an argument to favor this position.

A person has an intrinsic concern if and only if the concern does not entirely depend on other concerns and some beliefs of hers in such a way that the concern exist merely because, according to the beliefs, the satisfaction of the concern leads to the satisfaction of these other concerns. Some concerns are entirely derivative and not intrinsic. For example, in the above example, if the employee has the concern that he gets on the train that will depart the nearby station at 7 pm, this concern is perhaps derivative from the concern that he will see his partner in a particular restaurant at 8 pm and the belief that it is achieved only by getting on that train. The relevant concerns of the addressees are restricted to intrinsic ones. For we do not take to be good the imperatives the compliance with which will only satisfy an entirely derivative concern. Suppose the boss gives the employee the suggestion, “Leave the company by 6:45 pm”, and if the employee complies with the suggestion, he will get on the particular train at 7 pm. Suppose, however, contrary to what the employee and the boss think, it actually takes more than one hour for the train to reach the station near the restaurant. Then, getting on the train actually does not satisfy the (intrinsic) concern that he will see his partner in a particular restaurant at 8 pm. In such a situation, we hesitate to call the suggestion “good,” thinking that there is no sense in the employee’s complying with it; it does not matter, by itself, to satisfy the entirely derivative concern that he will get on the train at 7pm.

The value must be a non-derivative value, because the contribution to a derivative value does not make an imperative good. Suppose the president of a developing country tells his economic-financial ministers,
I thus think that the point of an imperative can be characterized by three types of circumstances: legitimacy-related purposes, the actual concerns of the addressees, and non-derivative values for the addressees. Using the phrase “value for” someone, I merely make room for the possibility that value properties are relational to (the desires, the social positions or the abilities of) agents so that the list of values differs from one agent to another. I will now argue that the three types of considerations can constitute the point of an imperative.

A legitimacy-related purpose is a vindicator and can constitute the point of an imperative. The conventions of legitimacy select things for which it is appropriate for the addressees to be given an imperative by a certain person. And the conventions make these things – legitimacy related purposes – inappropriate for the addressee(s) to ignore and appropriate to be concerned with. Thus, a legitimacy-related purpose is a vindicator.

Perhaps not all vindicators can constitute the point of an imperative, but a legitimacy-related purpose does constitute the point in many cases. For instance, the military commander has the authority to give an order to his subordinates because someone needs to organize them in order to succeed in military operations. Thus in many cases where he gives an order, it is appropriate for the addressees to be concerned with the success of some particular military operation: this is a legitimacy-related purpose. And in many situations, the success of the military operation does constitute the point of the order. We properly evaluate the order roughly in terms of whether and how much carrying it out is conducive to the success of the military operation. If the order is sufficiently conducive

“Cause an inflation.” Suppose the ministers comply with the instruction, and the inflation occurs. Does anyone call the instruction good or the best now that one derivatively valuable result is achieved: each countryman has much more money? Presumably not – unless the countrymen have the intrinsic concern for having more money, which is another type of factor in the point of imperative.
(in addition to being undone and practicable), then the order is good. If not, it is not good. Thus, a legitimacy-related purpose sometimes constitutes the point of the imperative.

The actual concerns of the addressees can constitute the point of an imperative. For example, suppose that you are enjoying web surfing with your PC laptop in a Starbucks coffeehouse. Suddenly your laptop gives the message: “Your computer is infected by a virus…” While you are dealing with the virus problem, a total stranger comes and gives you a series of instructions. Now, suppose that this person neither is an expert on PC nor has any evidence that his instructions will solve the problem: thus, the person fails to have the authority to give these instructions by being epistemically superior to you on this issue. Since he is a total stranger and you did not ask him to give instructions on this issue, he cannot earn the authority in the other ways. Thus, the person gives you a series of action-guiding imperatives that he has no authority to give. However, if the instructions can solve the virus problem, you might not hesitate to say that the instructions are good and to praise them. And it seems that the comment and the praising are apt. What might lead you to (appropriately) evaluate the instructions to be good? Of course, the solution of the virus problem in your laptop computer. Then, why is it appropriate to evaluate the imperatives in terms of this? Presumably because you have the concern about solving the virus problem and the person gives the imperatives the compliance with which solves the problem. Thus, the actual concern of the addressees can constitute the point of an imperative.

Non-derivative values for the addressee can constitute the point of an imperative. Let me consider the following case, the original version of which I owe to Justin D’Arms. Suppose Justin and his sister talk and sigh about the difficulties of childrearing a certain
amount. Suppose at some point she gives Justin as advice “Make sure that the girls have flags in the house and lots of books and songs about the distinguished aspects of American history.” She does this because she wants Justin to raise his children to be very patriotic. She wants that not because she thinks it is in Justin’s interests or his children’s interests to be patriotic—she recognizes that it might well not be in their interest. As a matter of fact, let me suppose, Justin has no interest in, and no concern with, making his girls patriotic. Nevertheless, Justin’s sister thinks patriotism is an intrinsically valuable trait (at least for Justin – though perhaps not for someone who is not an American), and that is what she would say if asked to defend her advice. Now, let me add some suppositions so that Justin’s sister fails to give the advice legitimately. Justin does not ask for her advice. She is not socially or politically superior to Justin. Justin’s sister clearly gives her advice for things other than realizing the addressee’s interests, so she has no authority as his friend to give the imperative. Justin’s sister has blatantly failed to educate her children to be patriotic (she has made them read the books on the Frontier Age and listen to Springsteen’s “Born in the USA”, only to make them wish to flee to Canada ashamed of being American). Thus, she cannot acquire the authority to give her advice through being an epistemic superior to Justin on this issue. Thus, Justin’s sister gives her advice illegitimately, and she gives it for making Justin’s girls patriotic, with which he is not concerned. However, it seems that his sister’s advice still has the point of making Justin’s children patriotic. Why?

Because, I think, it might be the case that her claim that patriotism is a valuable trait is true, and her defense of her order is that Justin’s following her advice might achieve the state that his girls acquire this allegedly valuable trait. If patriotism is really a
valuable trait, it is appropriate for Justin, the addressee, to have a concern with making his girls patriotic. A value for the addressee can thus characterize the point of an imperative. The goodness/bestness of an imperative often depends on whether a certain thing is really valuable.

I have argued that the point of an imperative can be characterized by three types of factors: legitimacy-related purposes, the actual concerns of the addressees, and non-derivative values for the addressees. Now do not confuse this claim with the view that the point of an imperative can be characterized by what someone, especially the issuer, alleges to be legitimacy-related purposes, the actual concerns of the addressees, and non-derivative values. These allegations do not determine the point of imperatives.

For example, remember the case where a military commander tells to his soldiers “For my sake, buy my book,” suggesting that he has the authority to give it for that purpose. If his self-interest constituted the point of the order, then it would be good because the soldiers’ buying the book contributes to his self-interest. However, we hesitate to call this order good. This is because actually the conventions of legitimacy do not allow the commander to give an order for his self-interest, so it fails to constitute the point. Again remember the case where the boss tells a Japanese employee who regularly overworks, “Don’t overwork today,” knowing that today is his partner’s birthday. If it turns out that the partner’s happiness and his relationship with the partner is not an actual point.

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43 One and the same circumstance can simultaneously be a legitimacy-related purpose, the object of an actual concern of the addressee, and a token of a non-derivative value. When, for example, a father gives an instruction to his young daughter, her well-being constitutes its point not only because the parent can legitimately give an instruction for that matter, but probably because the daughter’s well-being is an object of her concern and is non-derivatively valuable for her.

44 The addressees, too, can have and express mistaken or incompletely specified beliefs about what legitimacy-related purposes, values, and even their own actual concerns. These beliefs and their expressions can neither determine what the point of an imperative is.
concern of the addressee, this is not a good suggestion. Suppose, contrary to what the boss thinks, he does not care about the partner’s happiness and his relationship with the partner: he resents the partner who has been cheating on him, and all he wants is staying with the partner as little as possible (actually, that is why he has been regularly working overtime). Then, “Don’t overwork today” is not really a good suggestion (though the boss’s action of giving the suggestion might deserve appreciation). However, if the point of the imperative were constituted by what the boss takes to be his actual concern, the imperative would be good. Lastly, remember the case where the workers shout to their CEO, “Raise our annual salary!” Suppose the workers’ welfare is not valuable for the addressee, the CEO; in such a case, the demand is not good. Actually, that is why, when one makes some demand and people debate it, usually a main issue is whether the alleged value is really non-derivatively valuable. However, if the alleged value always constituted the point of the imperative, then the demand would be unquestionably good as far as it conduces to the realization of the value. Thus, only if the alleged value is real, can it constitute the point of the demand.

45 For instance, in Justin’s sister example, a main dispute between Justin and his sister will be whether the patriotism is really valuable.
46 As for Justin’s sister example above, my view implies that only as far as patriotism is valuable, patriotism constitutes the point of her order; otherwise, it does not, and other circumstances, such as Justin’s actual concerns, constitute the point, only to make the order bad (because complying with her order would not serve his concerns). However, some people might disagree: they think that even if patriotism is not valuable, her order has the point that Justin’s girls become patriotic. I suspect that these people confuse the issuer’s aim of giving the order with the point of the action-guiding imperative. Surely, Justin’s sister aims at making Justin’s girls patriotic by giving Justin the imperative. However, this is not identical with the point of the action-guiding imperative. The point of an action-guiding imperative is such that we can properly evaluate the goodness of the imperative in terms of how following the imperative might conduces to the realization of that point. Since an action-guiding imperative purports to guide the addressees, the goodness is properly evaluated in terms of how well the imperative answers the actual or proper concern of the addressees. Then naturally, it is the actual or proper concern of the addressees that characterizes the point of the action-guiding imperative. That Justin’s girls become patriotic is not the concern the addressee, i.e., Justin, actually has, nor the concern appropriate for Justin to have if patriotism is not valuable. Thus, it seems that it fails to constitute the point of the action-guiding imperative. In addition, I think that people
3.4.3. Contextual Selection and Prioritization: the Issuer and Other Parameters

As these cases indicate, the issuer of an imperative cannot arbitrarily determine the point of the imperative. The considerations that can constitute the point must either be legitimacy-related purposes, the actual intrinsic concerns of the addressees, or non-derivative values. Now, not all of the considerations that belong to these three categories constitute the point of a given imperative. If the issuer cannot legitimately give the addressee an imperative for anything (in any context), no legitimacy-related purpose constitutes its point, but this is not the only case where no legitimacy-related purpose constitutes the point. Even if the issuer can legitimately give an imperative for something, that legitimacy-related purpose can constitute the point of the imperative just in case neither the context nor the issuer herself suggests her intention to ignore that purpose. This “no rejection” condition has two implications. First, as in “the boss’s suggestion to the overworking employee” example, the issuer can exclude all the legitimacy-related purposes from the point of the imperative. Second, when the issuer can give an imperative legitimately for two or more things, she can exclude some of the legitimacy-related purposes from the point of the imperative.

For an illustration of the second case, suppose that there is an only nominally democratic regime, and a policeman finds that his old friend is legally accused of plotting
against the government. The policeman finds the friend and tells him: “I will tell you not as a policeman but as a friend: flee abroad.” The policeman can legitimately give imperatives for making any suspect turn in, but if this legitimacy-related purpose constituted the point, “Flee abroad” would not be good. However, it seems that this imperative might be good or even the best. This is because in this context the policeman is explicit in not giving the imperative for that legitimacy-related purpose, and the purpose does not figure in the point of the imperative. Still, the policeman gives his old friend the imperative legitimately for another legitimacy-related purpose (and an actual concern of the addressee), the friend’s well-being. So this purpose constitutes the point of the instruction. If the friend complies with the advice, his well-being might be most served. This is why the advice might be good or even the best.

Some or even all of the addressee’s concerns can fail to constitute the point. That is true when the context – the issuer or her circumstances – indicates her intention to focus on some legitimacy-related purpose or non-derivative value, the realization of which the pursuit of the addressee’s concerns might prevent. Suppose a PE teacher in a middle school gives his students an instruction: “Run around the schoolyard 10 times.” This instruction can be good or even the best even if the predominant concern of each student is to avoid anything tiresome. This is plausibly because the point of the instruction is constituted by the legitimacy-related purpose of physical education, and not by that actual concern of each student, avoiding anything tiresome. Consider another case. Suppose that there is a Congressional Hearing to investigate whether or not the Administration’s factual bases for justification of Iraq war are really true. A Republican congressman expresses his conviction that though he has no evidence to prove this, Saddam Hussein
must have had WMDs just before the USA invaded Iraq. A Democratic congressman responds: “The question is not your preference but the fact of the matter.” She then tells her colleague, “Don’t continue to hold that WMDs existed just because you like to believe it.” This instruction might be good or even the best (at least in the context-dependent sense) however strong concern the Republican congressman has for believing the claim, or more exactly, for believing the claim that his president has used to justify his war. This is plausibly because in this context the concern does not matter because it fails to constitute the point. The value of reaching the facts of the matter as much as possible constitutes the point, and the addressee’s – the Republican congressman’s – concern is rendered irrelevant. In the both the PE teacher case and the hearing case, the context indicates that the issuer has the intention to focus on a certain legitimacy-related purpose or non-derivative value, and this renders potentially conflicting concerns of the addressee irrelevant.

Further, usually various non-derivative values do not constitute the point of a given imperative. For example, suppose a person is asked by a friend for advice on where to buy a lap-top computer and tells him “Buy one at the Best Buy.” In such a case, usually the well-being of people who sell lap-top computers does not constitute the point. Even though the friend’s buying a lap-top computer at another more expensive retailer would give more benefits to those who sell lap-top computers, that fact is irrelevant to the evaluation of the imperative. Probably the well-being of these people is valuable (for the addressee), but in this context it does not constitute the point of the given imperative. For some non-derivative value to constitute the point of an imperative, one of two conditions

48 unless the addressee, i.e., the friend, is actually concerned with their well-being.
must be satisfied. (1) There is social expectation that the value be taken into account in the sort of the context the issuer gives the imperative, and the context does not suggest that she takes the value to be irrelevant to the evaluation of the imperative⁴⁹.

Alternatively, as in the workers’ demand case, (2) the issuer brings it up as something for which it is appropriate for the addressees to comply with the imperative (when the issuer gives them the imperative). In the Best Buy case above, neither condition is satisfied by the non-derivative value of the well-being of those who sell lap-tops, and that is why the value does not constitute the point of the imperative, “Buy one at the Best Buy.”

The issuer’s ability to exclude potentially relevant considerations partly explains why Rommel the Desert Fox’s military orders and Karl Rove’s election instructions etc. are good (in the context-dependent sense). Consequently, it is one of the sources of the criticism of the point. I will comment on this phenomenon later, but let me illustrate how it occurs.

⁴⁹ Let me illustrate this condition. Remember the case where you tells your daughter, “For your safety, come back home by 6:30 pm.” If her private tutor of arithmetic visits her at 6:00 pm, then your partner can surely criticize you and your instruction when your daughter returns at 6:30 pm. This is presumably because the daughter’s educational well-being and politeness (to a tutor) constitute part of the point of the imperative. Why are they parts of the point? Because not only your daughter’s educational well-being is a legitimacy-related purpose; but also it and politeness (to a tutor) are the values that you are socially expected to take into account in the type of the situations you give the imperative, and you or the context indicates that you are not complying with the expectation. Note two things. First, if the issuer does suggest that he is not complying with the social expectation that the value be taken into account, the value does not figure in the point of the imperative. For example, even though it is socially expected that the value of internet security be taken into account, many hackers expressly defy this expectation, so the value does not constitute the point of their instructions on hacking computers; thus these instructions could be good or even the best (in the context-dependent way) even if following them would threaten internet security. Second, however, even if the addressees do not accept the expectation that a value be taken into account, the value will figure in the point as far as it is not suggested that the issuer does neither. In the example of the instruction to your daughter, perhaps your daughter is too young to realize and accept the social expectation that the value of her well-being and of politeness be taken into account in the context the imperative is given. However, this does not make the value cease to figure in the point of the instruction to her, “Come back home by 6:30 pm.”
In the above policeman example, the point does not include a legitimacy-related purpose, getting any suspect to turn in. Some people might suggest that the ‘goodness’ of the policeman’s advice is hollow by saying that the evaluation ignores that important consideration. More mundanely, “Watch Cat Woman” can be a good or even the best suggestion if it is given to people who love watching Halle Berry and do not care about the quality of the movie they watch. This is so because the issuer can exclude the artistic values of movie viewing from entering the point of the imperative. However, many critics would say the ‘goodness’ of the imperative is hollow because the evaluation neglects these values.

Consider the cases where we take such a criticism more seriously. Suppose country A is waging a war against country B, and a commander of A has made several military orders referring to some military goals. The commander does not accept the social expectation that the non-derivative values of the lives of enemy soldiers or their well-being be taken into account: either such a social expectation does not exist, or she expressly defies the existing social expectation. Further, the commander makes no conversational move to highlight the value. Then, the military orders can be good or the best even if compliance with them will kill a large number of enemy soldiers as far as the prioritized military purposes are achieved. This is why, for example, some of Rommel’s military orders are called good even though German soldiers killed many people on the enemy side while following these orders. Similarly, Karl Rove’s series of advice on 2004 Presidential Campaign can be good even if the Republican’s compliance caused huge pains and distresses among Democrats. This is because Rove, making these pieces of advice, supposedly does not regard as relevant the non-derivative value of Democrats’
avoiding pains; this value does not constitute the point of Rove’s advice. Some people might well suggest that the ‘goodness’ of these imperatives is hollow by saying that the evaluation ignores certain important considerations. Such an attempt to debunk the evaluation of imperatives is properly called the “criticism of the point.” I will analyze this phenomenon later.

Let me provisionally summarize the issuer’s role in excluding some potentially relevant factors from entering the point of an imperative. First, as the example of the policeman in an oppressive regime indicates, if the context or the issuer suggests she intends to give her imperative not for some legitimacy-related purpose, the purpose does not constitute its point. Second, as is suggested by the gymnast example and the Congressional Hearing example, the issuer can prevent some or even all of the actual concerns of the addressees from constituting the point of the imperative. The issuer can do this by expressing the intention of focusing on some legitimacy-related purposes or non-derivative values (and perhaps on some concerns of the addressees). Third, as the Best Buy example suggests, the issuer can prevent some or even all non-derivative values from constituting the point of the imperative. Even if there is a social expectation that some value be taken into account in the context where he gives the imperative, the issuer can prevent it from entering the point by expressing the attitude that is irrelevant. If there is no such social expectation, the issuer can prevent a value from constituting the point simply by failing to bring it up as something for which it is appropriate for the addressees to comply with the imperative. In these various ways, the issuer can prevent some potentially relevant considerations from entering the point of the imperative.
I would like to add a provision to what I have said about the issuer’s power in excluding some factors from constituting the point of an imperative. It appears that the addressees have a certain power to veto the exclusion. I am not talking about the fact that often the addressees can psychologically or causally influence the issuer’s mind so that a potentially relevant factor is not prevented from constituting the point of an imperative. I am claiming that even if the issuer does not change her mind, the addressees can make a factor into the point of an imperative. For example, suppose you are asked to make a presentation on Nietzsche for the public. Since this presentation is not for academics, you do not care about the result of your talk: after all, it will not affect your future at all. Now your friend – a continental philosopher – made a presentation last year, and he bothered to visit your office to give you an instruction: “Make your presentation appear difficult and profound at whatever expense.” You do not care about the result, but still demur, “Doesn’t clarity count somewhat?” In this situation, it seems to me that even if the issuer – the continental philosopher – says, “clarity does not matter at all,” still clarity can figure in the point of the imperative so that the instruction might be not good. Clarity figures in the point of the imperative if it is a non-derivative value that there is social expectation for the issuer to take into account (in this context of giving an imperative) and the addressee brings up the value. The issuer’s expressed attitude towards clarity does not prevent it from entering the point.

50 Why is this proviso – the addressee brings up the value – necessary? (I again thank Justin D’Arms for raising an important question.) In the Cat Woman example, “Watch Cat Woman” can be good or even the best because the aesthetic values of the movie can fail to constitute the point of the imperative. Note that these values can fail to constitute the point of the imperative even though it is socially expected that such values are taken into account when one give pieces of advice or instruction on what movies to watch. An explanation is that (not only the issuer can express the intention to exclude these values from consideration but also) the addressees might not bring up these values in the context the imperative is given.
Consider another example. You visit and ask a fashion coordinator for advice, who is paid to give the customers instructions on what to wear. The coordinator gives you many pieces of advice. However, they do not reflect your concerns, such as having the cloths that you can wear in office as well as after five, looking as old as your actual age is, and looking as intellectual (or even nerdy) as you really are, and so on. So you say, “I have these concerns. Please take them into account.” The coordinator replies, “How sharp you will be is the only relevant issue here.” In this case, even though the coordinator expressly focuses on the value of looking sharp and ignore your actual concerns, still these concerns seem to be the very reasons that make the coordinator’s advice not good. This is because the point of the advice is partly constituted by these concerns. It is socially expected that such a fashion coordinator takes into account the concerns of the addressees, i.e., the customers like you, in giving them instructions, and you bring up these concerns in that context. So, even though the issuer expresses the intention to exclude these concerns from the point, still they still figure in the point to make the advice bad.

However, the addressee’s ‘veto’ power is limited; social expectation is a necessary condition for the addressees to ‘veto’ the issuer’s exclusion of some potentially relevant factor. In the Best Buy example, suppose someone hears the advice “Buy a laptop computer at the Best Buy,” and says to the issuer and the addressee, “You know, if you buy it at a local shop rather than at the Best Buy, it helps save the merchant from closing the shop.” The addressee, together with the issuer, responds, “Yeah, that is a good thing, but we do not care about it now.” In this situation, apparently “Buy a laptop computer at the Best Buy” given to the addressee is still good/the best in a (probably non-moral) way
even though the addressee admits that the well-being of the people who sell computers is valuable. In the Congress Hearing example, the addressee – the Republican congressman – has actual concerns, which makes him prefer the belief that WMDs existed in Iraq. But even if he says so, the concerns do not make the issuer’s – the Democratic congressman’s – instruction, “Don’t continue to hold that WMDs existed just because you like to believe it”, less good. The reason is that in both cases, the non-derivative value or the actual concerns of addressee are not among the considerations that the issuers are socially expected to take into account in the given contexts. The well-being of sellers is not socially expected to figure in calculation in the context of giving an instruction or suggestion about what to buy. The congressman’s preferences are not socially expected to count in the context of the Congressional Hearing to investigate whether some claims are true.

Another necessary condition for the addressees’ power to ‘veto’ the exclusion of some factor is that the factor is really a vindicator: a legitimacy-related factor, the actual concern of the addressee, or a non-derivative value (for the addressee). Suppose that in some traditional society, a liberal father tells his newly-wed daughter, “Don’t be afraid to confront your husband.” The daughter demurs saying, “But it makes me unfeminine.” The father says smiling, “Such femininity is not a value at all.” If the father is correct and it is not a non-derivative value at all, it does not seem that the instruction is bad. The femininity does not constitute the point of the imperative so that the instruction can be bad. This is so even though in such a traditional society the issuer is socially expected to take such femininity into account in giving instructions to women. This result is in line with the vindicator theory of what determines the point of an imperative: only what the
addressees are actually concerned with, or what it is really appropriate for them to be concerned with, can be a potential element in the point of an imperative.

The context where an imperative is given thus determines which vindicators constitute the point of the imperative. The context also determines the comparative importance of each consideration. Let me list some of the rules.

1. Through conversation the issuer can prioritize some of the factors over the others so that no imperative can be good/the best unless complying with the imperative contributes to its achievement. First, as I have suggested above, by saying or implicating what type of action-guidance they are giving, the issuer can make one of the above three sorts of considerations the prioritized part of the point. By giving the imperative as a piece of order, instruction or advice (as opposed to mere suggestion or demand), the issuer can make some legitimacy-related purpose(s) predominant. By giving the imperative as a mere suggestion, the issuer can make some actual concern(s) of the addressees predominant. By giving the imperative as a demand, the issuer can make some value(s) predominant.

Second, by explicitly or implicitly pointing to some specific consideration(s), the issuer can make the consideration(s) prioritized over the other considerations – as far as the consideration belongs to one of the above three relevant categories of considerations. Remember the case where you tells your daughter, “For your safety, come back home by 6:30 pm.” By pointing to the daughter’s safety, you make it the prioritized part of the point of your imperative. This is why this imperative is primarily evaluated in terms of whether your daughter’s compliance will contribute to her safety. If the compliance will not deliver, the imperative cannot be good. The reference to some specific consideration
can be more subtle. For example, if one suggests that he is offering a piece of advice, it points to a specific legitimacy-related purpose, namely the well-being of the addressees. For example, suppose a Logic instructor tells the student, “I advise you: review Exercise 2.1 before the midterm.” Then, if the imperative is good, it is because the compliance will contribute to the well-being of the addressees, i.e., the students. Thus, expressing that he is offering a piece of advice, the instructor makes the well-being of the students the prioritized part of the point.  

There is one caveat about the issuer’s power of prioritizing one consideration over another. The issuer can only prioritize a type of a legitimacy related purpose, a type of the objects of an actual concern of the addressee, or a type of a non-derivative value for the addressee. The issuer cannot cherry-pick a token of a legitimacy-related purpose, a particular object of an actual concern of the addressee, or a token of a value. For example, the issuer cannot prioritize his own well-being even though it is plausibly a

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51 The issuer of an action-guiding imperative might try to change the content of the point, e.g., to prioritize different considerations at different times. For example, consider George W. Bush’s order “Invade Iraq” to the US military forces. It seems that at first he prioritizes (among various elements of its point) the elimination of the weapons of mass destruction. However, it seems that later he rather tries to prioritize the overthrow of a dictatorship or on building a democratic nation. Does the priority of various considerations in the point – and hence the content of the point – changes from time to time if the issuer engages in this type of maneuver? I would like to make two brief comments. First, I do not find it problematic to relativize the point to time, and talk about the point at time \( t_1 \), \( t_2 \), and so on. If the issuer’s expressed priority changes through time, we should talk about the point of the imperative at \( t_1 \) when he expresses one priority, the point at \( t_2 \) when he expresses another. Second, however, it is very odd if the issuer can specify the point at time \( n \) after the addressees have complied with his imperative (or after the chance of complying with it has gone forever). If this is possible, the issuer, after having realized that his imperative fails to achieve the priority in the point and so it is not really good, can perhaps make the imperative good (at least in view of the point at that time) merely by changing it to another. In addition, if the point were determined after the fact, the considerations on the goodness of the imperative in view of the point could not guide the issuer’s deliberation about which imperative to give. Moreover, they could neither provide the basis for the addressees’ justification for obeying or not obeying the imperative. That is, the alleged point could not enable us to make certain moves that the real point is supposed to enable us to make. Thus, I am tempted to think that once the addressees have complied with the issuer’s imperative, the issuer cannot change the point of the imperative. For instance, if the President Bush comes to emphasize building a democratic nation only after the forces have finished the invasion, it cannot characterize the priority of the point (at any time) of his order, “Invade Iraq”. 

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token of a non-derivative value, well-being. If he can do this, he can easily give self-serving orders that are good or even the best. However, the view with such a consequence is obviously implausible.

Thus, by making some conversational move, the issuer can prioritize some considerations over others. However, in saying this, I am not suggesting that the issuer always takes some positive move when some consideration is prioritized. In many contexts the issuer lets the context of issuing the imperative make some considerations salient and thus prioritized. When the issuer does not take any positive move, the rest of the context not only selects factors in the point of the imperative but also determine their comparative importance. This is why, contrary to the Issuer’s Aim theory, the issuer need not have any aim or justification for giving an imperative for its point to be specified. For example, your superior in the office will not bother to mention what his imperative is for, but usually it is clear what the compliance with the imperative is supposed to achieve. The relationship between you and the superior – the superior can legitimately give an imperative for you only for some business-related issue – makes it obvious in most contexts that his imperative has the point of some business-related purpose. Further, because your superior gives an imperative to you when he and you are talking about or engaging in a certain sort of project or office, it is clear in most cases what specific business purpose constitutes the point of the imperative. If these clues are not available, because you and the superior both know social expectations (and perhaps also the superior’s peculiar expectations) on your job, these expectations become salient and
prioritize a certain consideration when the superior give you an imperative. In this way, the issuer often does not take any positive move, and the context is left to prioritize some consideration in the point.

2. Suppose a person gives someone an imperative as if it is a piece of (legitimate) order, instruction or advice: in other words, he attempts to give her an imperative legitimately. And also suppose there is really some purpose(s) for which the person can legitimately give the audience imperatives in certain contexts. Then, (one of) the legitimacy-related purpose(s) is prioritized in such a way that unless the addressee’s complying with the imperative is conducive to some legitimacy-related purpose, it cannot be good or the best even if it is conducive to other elements of the point. For example, suppose some a gluttonous lady asks you for advice on how to reduce her weight, and you tell her, “OK, then eat whatever you like.” Now, you give the imperative legitimately for her weight loss, and the imperative is probably bad because eating whatever she likes will never conduce to her weight loss. This is so even though complying with the imperative contributes to eating various things, and perhaps to her physical and mental health, which are actual intrinsic concerns of hers. This imperative is bad because the lady’s weight loss is prioritized over the other relevant considerations. This consideration is prioritized because the issuer attempts to give the imperative as a piece of advice and there is really a practical matter – her losing weight – for which the issuer can give imperatives to her legitimately.

Consider a contrasting pair of cases that originally directs our attention to the contextually determined sense of the point. I have observed that “Read Hume’s Treatise, Part 1, Chapter 4” might be a good instruction in the mouth of a philosophy professor to
her student, but an imperative with the same content is not so in the mouth of a golf instructor to his student. This contrast apparently holds even given that the student is identical and thus has concerns for both philosophical understanding and progress in golf. A plausible explanation is that the two contexts differ in the priorities of the points, in terms of the conduciveness to which we are to evaluate the imperative. When a philosophy professor gives the above imperative to the student as if it is a piece of legitimate instruction, some sort of philosophical understanding will be prioritized in the point of the imperative because the professor can legitimately give it to the student only for that sake. However, when a golf instructor gives the above imperative to the student as if it is a piece of legitimate instruction, progress in golf will be prioritized in the point of the imperative because the golf instructor can legitimately give it to the student only for that sake. Philosophical understanding and progress in golf can be the components of the points in both contexts, but the former is the priority in one context and the latter in the other context.

The second rule implies that when the issuer of an imperative is presenting it as if it is a piece of legitimate order, instruction or advice, the point has a legitimacy-related purpose as a priority unless there is actually nothing for which she can legitimately give an imperative to the audience. This is a constraint on the way the issuer can prioritize a consideration: one cannot present an imperative as if it is a piece of legitimate order, instruction or advice without making some legitimacy-related purpose, if any, constitute a priority of the imperative.

3. If the objects of some actual concerns of the addressees constitute the point, the more strong a concern, the weightier they are than the objects of other concerns in the point of
an imperative. For example, suppose you and your son went to a clothing shop. When you are taking time to decide which jeans to buy, your son gives you a suggestion: “Buy this one.” You reply, “It looks cool, but it’s too tight. I would rather feel comfortable than look cool. So thank you for your suggestion, but I opt for another one.” In this case, the son’s suggestion is not good even if wearing the jeans really makes you look cool. This is because your concern for feeling comfortable is stronger than your concern for looking cool, and thus the latter is a more important part of the point of the imperative.

A theoretical consideration also supports the view that the stronger a concern, the weightier the objects of the concern are than the objects of other concerns in the point of an imperative. It seems that when the addressee finds out that one suggestion (like “Buy this one”) is better than another (like “Buy that one”), he generally tends to comply with the former rather than the latter. However, if the strong concern of the addressee does not make its objects weightier than the weaker concern does in the point of the suggestion, this phenomenon becomes hard to explain. Because then the imperative the compliance with which satisfies (only) the weaker concern can be better than the imperative the compliance with which satisfies (only) the stronger concern. He would then perform the action that would satisfy his stronger concern rather than comply with the better suggestion.

The third rule implies that the issuer cannot prioritize the objects of the addressee’s weaker concern over the objects of her stronger concern, if both figure in the point of an imperative just because they are the objects of these concerns. As far as the issuer is giving a suggestion only to answer the concerns of the addressee, she cannot but make

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52 even though the son’s caring attitude might deserve appreciation

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the point reflect the relative strength of the addressee’s concerns. This is a substantial limitation to the power of the issuer to prioritize a consideration, which the first rule registers. Still, the object of the weaker concern can be prioritized if it is also a legitimacy-related purpose or a value for the addressee. When, for example, a captain of a high school baseball team tells his teammates, “Gather for practice on the baseball field at 7:00 am on Saturday,” this instruction can be good or perhaps the best even if his teammates wants to sleep late than to get better at baseball through practice. This is because getting better at baseball through practice still constitutes the priority of the point because it is a legitimacy-related purpose, for which the captain can legitimately give the teammates imperatives.

These three rules are obviously not the only ones that determine the relative importance of each element in the point of an imperative. For example, there might well be rules about how the values for the addressees will be ranked against each other, and about the interplay between the values and the concerns of the addressees. However, I am unsure about what these rules are, and have to leave this issue for another paper.

It is important to note that thus far I have assumed that an imperative is given to one person only or to relevantly homogenous individuals: the individuals to whom the same authority apply, who share the same concerns, and for whom the same things are non-derivative values. This assumption fails to apply to many cases, so I will consider those cases presently. Before getting into their specificities, however, I would like to note the general advantages of the “Contextually Structured Vindicator” Theory.
3.4.4. The Merits of the “Contextually Structured Vindicator” Theory

There are thus the rules of determining the relative importance of each element in the point as well as the rules of determining which potentially relevant consideration figure in the point. The existence of these rules enables evaluators to figure out the point of an action-guiding imperative by knowing the context where it is given.

The issuer of the imperative can affect which potentially relevant consideration figure in the point, as well as which consideration is more important than other elements that figure in the point. So the Issuer’s Aim theory of the point is partially correct, and the “Contextually Structured Vindicator” theory tells us why the Issuer’s Aim theory is at first tempting.

However, the Issuer’s Aim theory is mistaken for several reasons. The issuer cannot make some of his aims figure in the point of her imperative. Thus, it is hard for the issuer to give good advice, instruction, order, suggestion and demand only to achieve his own goal. Further, even when the issuer apparently has no particular aim in mind in giving her order or instruction, there is a point in terms of the conduciveness to which it is evaluated. In addition, even when the object of the issuer’s aim, say, the daughter’s safe return, figures in the point of an imperative, it usually does not constitute the entire point: things other than the object of the aim – say, her returning before her home tutor’s visit – is also relevant to whether the imperative is good/the best.

The “Contextually Structured Vindicator” theory corrects these mistakes. First, the point can be constituted only by vindicators, such as legitimacy-related purposes, the addressee’s intrinsic concerns, and non-derivative values for the addressee. All the issuer can do is selectively put certain vindicators in the point of an imperative and prioritize
certain considerations over others through contextual moves. Moreover, the issuer cannot arbitrarily exclude or prioritize certain considerations. For example, certain social expectations create the default list of the vindicators that figure in the point of an imperative in the situation the issuer gives it. And even if the issuer reveals the intention to exclude some or all of the default vindicators, they figure in the point of an imperative if the addressee brings them up in that context. The issuer can neither prioritize his or her own self-interest specifically because the issuer can only prioritize a type of a legitimacy-related purpose, the addressee’s concern or value. Further, the issuer cannot prioritize the objects of the addressee’s weaker concern over the objects of her stronger concern, if both figure in the point of an imperative merely because they are the objects of these concerns.

Second, the issuer need not have any aim in mind for the point of an imperative to be. When the issuer does not take any positive move, the rest of the context sets up the point of the imperative. The rules of determining the point of an imperative in each context allows the issuer to influence the content of the point, but her involvement is not necessary for the point to exist. Without the issuer’s involvement, social expectations about what the issuer takes into account in each context, and the way the imperative is given and received, determine what the point of the imperative is. This is why, contrary to the Issuer’s Aim theory, the issuer need have no aim or justification in mind for giving an imperative so that it can be evaluated in terms of the conduciveness to its point.

Third, when the issuer indicates a specific reason, e.g., the daughter’s safe return, for the addressee to comply with an imperative, it is not usually the entire point of the imperative. Suppose the reason is a vindicator and figures in the point of an imperative.
Still, other factors, such as the daughter’s returning before her home tutor’s visit, can also figure in the point. The specifically mentioned reason is merely prioritized over these other factors (if certain conditions are satisfied); and this is why the imperative cannot be good unless the compliance with the imperative does not conduce to the specifically mentioned reason, the daughter’s safe return. However, the imperative can be not good even if this priority is achieved, because the compliance might not conduce to other important elements in the point, such as the daughter’s returning before her home tutor’s visit.

3.4.5. The Point of an Imperative in Case Addressees Are Not Relevantly Homogenous

Thus far I have assumed that an imperative is given to one person only or to relevantly homogenous individuals, to whom the same authority apply, who share the same concerns, and for whom the same things are non-derivative values. However, often an imperative is given to several persons, who are not thus homogenous. Thus, let me consider what happens when we remove the assumption that addressees are relevantly homogenous.

I think it is implausible to hold that each component of the point of an imperative is a vindicator to all the addressees. Even if following an action-guiding imperative conduces to the realization of a component of the point, this fact might justify the compliance to some addressees only, and not to the other addressees. Imagine the situation where two lawyers of a firm in D.C., Cain and Abel, argue over how to divide the contingency fee after they won a lawsuit. Suppose that, hearing their dispute, their colleague, Maria the No.1 negotiator in D.C., tells them, “Divide it fifty-fifty.” In this situation, Cain and Abel
might well not share the same concern: Cain wants that he, Cain, will have as much share as possible, and Abel wants that he, Abel, will have as much share as possible. In this situation, the satisfaction of each concern can vindicate an action only to one of the addressees. However, it seems that both Cain’s concern and Abel’s actual concern make part of the point in terms of which to evaluate Maria’s advice. Suppose we delimit the concerns determining the point of an action-guiding imperative to those concerns that all of the addressees share, i.e., to the ones that are vindicative for all the addressees. Then, the point of Maria’s advice involves neither Cain’s concern nor Abel’s concern. However, this is quite implausible: we think that it is appropriate to evaluate Maria’s imperative in relation with both Cain’s concern and Abel’s concern. It thus seems that if at least one of the addressees has the concern, (the objects favored by) the concern can be part of the point.

In addition, as I argued in Chapter 1 and as we see in this example, imperatives often perform the social function of coordinating conflicts among people’s concerns. Plausibly, it is partly because action-guiding imperatives can have the point involving the possibly conflicting concerns of addressees that some of them—especially good/the best ones—perform such a socially coordinating role.

Thus, the actual concerns of some of the addressees can constitute the point of an imperative (given to all of them). As for other potentially relevant considerations – legitimacy-related purposes and non-derivative values – it is hard to argue for the similar conclusion. When an imperative of the form “Do A” or “Don’t do A” is given for a matter for which the issuer cannot give it legitimately to some of the addressees, it is usually not treated as addressing all the people altogether; it is rather regarded as having
two separate addressees and thus having two separately evaluable contents. As to non-derivative values, it is controversial whether they can vary from one person to another. For these reasons, it is hard to show that legitimacy-related purposes and non-derivative values for some (but not all) of the addressees can still constitute the point of the imperative. I am thus content to assert that at least one type of potential considerations – the actual concerns of addressees – can constitute the point of the imperative even if they are not shared by all the addressees.

Because this is true, some addressees might have no ground to accept even the best imperative if the issuer can arbitrarily prioritize one person’s concern over others’ in the point. In the above example, if Maria can arbitrarily prioritize Abel’s concern over Cain’s, “Leave all the money to Abel” can be the best imperative, but Cain has no ground to accept and comply with the imperative. However, apparently, the issuer cannot arbitrarily determine the comparative importance of each addressee’s concerns. In the above situation, nobody – no third party – would treat “Leave all the money to Abel” to be good. The relative importance of the concerns of some (but not all) addressees is not determined arbitrarily. It must be determined either by some vindicators for (at least) most of the addressees with different and potentially conflicting concerns: some concern shared by them, or some legitimate purpose or non-derivative value for them. For

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53 Consider the following situation. You are a traveler wandering into an African country, where civil war rages for no reason but that racial groups there hate one another. A soldier in the anti-government army finds you and brings you in front of the leader. The leader is about to make an aggressive move, and tells all of the people in front of him, including you, “Take a gun and attack the fortress of the government to the north.” The leader legitimately gives this imperative to his soldiers, but not to you. When we try to evaluate the imperative, it is tempting to say that as far as it is addressed to the soldiers, it might be good, but as far as it is addressed to you, it is not good at all. In this case, the imperative is taken to have two separately evaluable contents, i.e., “Soldiers, take a gun and attack the fortress of the government to the north”, and “You [the traveler], take a gun and attack the fortress of the government to the north.”
example, in the above example, the shared concern or value of fairness or impartiality between the two addressees determines that the importance of Abel’s concern is equal to that of Cain’s. This is why “Leave all the money to Abel” is not the best instruction, but “Divide the money fifty-fifty” can be.

Consider another case. Suppose you are a parent of two children, Ken and Shin. It is the birthday of Shin, so you bought a cake. Ken has the concern that he eats a larger chunk of the cake, and Shin has the concern that he eats a larger chunk. When their concerns are equally strong or even when Shin’s concern is a littler stronger, “Ken and Shin, divide the cake 4:6” might be a good or even the best instruction. This is because a legitimacy-related purpose (or perhaps even a shared concern of the addressees) here is celebrating Shin’s birthday. This consideration makes Shin’s concern more important than Ken’s concern (in the point).

These examples suggest that the issuer cannot arbitrarily determine the relative importance of the concerns of some (but not all) addressees. It must be determined by vindicators for (at least) most of the addressees with different and potentially conflicting concerns: either by some concern shared by them, or by some legitimate purpose or non-derivative value for them. This view is also supported by the aforementioned socially coordinating role of good/the best action-guiding imperatives. If the issuer can arbitrarily prioritize some addressee’s concern over others, imperatives like “Leave all the money to Abel” can be good or even the best. However, such imperatives will certainly fail to coordinate the addressee’s conducts when their concerns conflict. However, when an action-guiding imperative is given to the addressees with conflicting concerns and is good/the best, it tends to perform such a social function. So it is implausible that the
issuer can arbitrarily determine the relative important of some addressee’s concern over other addressee’s. It seems that the relative importance must be determined by some vindicator to (at least) most of the addressees with different and potentially conflicting concerns: i.e., by some concern shared by them, or by some legitimate purpose or non-derivative value for them. The issuer can only settle which of these factors dictates the relative importance (in the point of the imperative) of some addressee’s concern over other addressees’.

In summary, the concerns of some but not all addressees can be part of the point. The relative importance to each other is determined by some legitimacy-related purpose, concern or value that is shared by (at least) most of the addressees with different and potentially conflicting concerns.\textsuperscript{54} It thus seems that the point is a constellation of features an imperative’s guiding actions in terms of which \textit{prima facie} vindicates, (at least) to most of the competent addressees, their accepting the imperative. Suppose you accept the best imperative account that what makes an imperative the best is what makes its corresponding ought statement correct. Then, the point of an ought statement is a constellation of features its guiding actions in terms of which \textit{prima facie} vindicates, (at least) to most of the competent addressees, their accepting the ought statement. Chapter 7 will argue that this last claim is true of a \textit{moral} ought statement.

\footnote{\thefootnote The explanation of what constitutes the point of an imperative ends here. If you are interested in the implications of the theory in hard cases, see Appendix F.}
3.4.6. The Relevant Sense of Vindication

The “vindicator” theory of the point holds that the point of an action-guiding imperative must consist of the components the imperative’s guiding actions in view of which can vindicate the practice of making and accepting the imperative. I said that it is the most plausible to take vindication to mean *prima facie* justification to (at least some of) the addressees, but I postponed the defense of this particular understanding of vindication. I am now ready to defend this particular view.

I take the relevant sense of vindication to be vindication (at least primarily) to the addressees. Potentially relevant considerations are the following three sorts: legitimacy-related purposes – the considerations for which a person can legitimately give the addressees an imperative for – the actual intrinsic concerns of the addressees, and non-derivative values for the addressees. It seems that all of these considerations can participate in the justification to the addressees of the issuer’s giving them an imperative, as well as of the addressees’ taking it seriously.

It is relatively uncontroversial whether each non-derivative value for an addressee is associated with some reason for him to promote it (and disvalue for an addressee with some reason for him to promote its absence). I am not claiming that we have a reason to promote (or promote the absence of) all evaluative properties, including funniness, guiltiness, desert and so on. I rather hold that some of them are not themselves values (or disvalues), but can be evaluative properties merely because some reaction to them is valuable (or disvaluable). For example, guiltiness is an evaluative property perhaps merely because feeling guilty toward a guilty behavior or character is a value, which we have some reason to promote; desert an evaluative property perhaps merely because
giving a due retribution to a deserving act or person is a value, which we have some reason to promote; and so on. Because usually we do not treat “guiltiness” or “desert” as a value or disvalue (but as an evaluative property), this narrow understanding of a value (and the broader conception of an evaluative property) has some appeal. If we accept this understanding of value – which I confess might be uncommon between philosophers – it is plausible that each non-derivative value for an addressee is associated with some reason for him to promote it.

It is more controversial whether all actual (intrinsic) desires of an addressee are associated with some reasons to satisfy them. However, I am prepared to define “concerns” in such a way that if some desires do not provide reasons, they would not count as concerns. If I do so, the actual concerns of the addressees are necessarily associated with some reasons to promote the states favored by the concerns.

The most controversial question is whether a legitimacy-related purpose is necessarily associated with some reason to promote it. However, I think it is. For example, apparently people can legitimately tell their underage children, “don’t get any tattoo,” for their future well-being. If not getting any tattoo really conduces to their future well-being, the fact will somewhat justify the parents’ giving this imperative to the children as well as the children’s accepting it. In this case, the well-being of the children themselves gives them some reason to promote it. However, even if it did not come with such a reason, the social pressure to promote it would give them some reason to do so. A legitimacy-related purpose for addressees is sanctioned by the community where the addressees are located and the conventions of legitimacy make it a legitimacy-related purpose. If the addressees promote it, they would be positively evaluated and enjoy the consequences, while if they
fail to take care of them, they would be negatively evaluated and suffer the consequences. For example, if the children promote their future well-being, their parents and others will positively evaluate them and perhaps praise and treat them; while if the children fail to take care of it, these observers will negatively evaluate them, and say or do something that is unpleasant to the children now. In this way, if an imperative is given to an addressee legitimately for something, and the imperative conduces to that something, there will be some reason – though sometimes only an instrumental reason – for the addressee to comply with it.

The vindication by any of these considerations is obviously *prima facie* rather than all-thing-considered. For example, a parent might prioritize the consideration of the daughter’s financial security by saying, “*For financial security*, marry with a wealthy guy.” For the daughter, however, financial security might be less important or pressing than other considerations, such as her self-realization through career. In this case, even if an action-guiding imperative provides the best action guidance in view of financial security, vindication for making and accepting the imperative is only partial and not all-inclusive.

The components of the point provide only *prima facie* vindication for some of the addressees to accept even the best imperative. Thus, we can expect that certain criticisms might be mounted against even the best imperatives, or more fundamentally, the point that makes them the best. It is the time to talk about the phenomena of ‘criticizing’ the point.
3.5. The ‘Criticisms’ of the Point, and the Significance of Contextualized Evaluation

Sometimes the point of an imperative appears to be criticized. The study of this phenomenon is important. It sheds light on where the point-based evaluation of an imperative is located in the entire evaluative scene. Let me first consider how this phenomenon of ‘criticism’ can be understood in view of the Contextually Structured Vindicator theory.

Consider the first type of cases. Suppose an arrogant ruffian tells his neighbors, “For the purpose of my having neat environment, pick up the litter in my garden.” The neighbors might reply, “Why does your having neat environment matter to us?” This seems to be the criticism of the point of the ruffian’s instruction. Or suppose a military commander gives his soldiers an order: “You know that I have written a book called How I Got Five Stars: for my sake, buy this book and advertise it to your acquaintances!” The soldiers might reply, “Sir, why do we have to serve your personal interest?” This appears to be the criticism of the point of the commander’s order.

In these cases, what appears to be the criticism of the point can be taken as the comment that what the issuer brings up as a reason for compliance does not constitute the point. According to the “contextually prioritized vindicator” theory, the issuer’s reason sometimes (often?) does not constitute the point of her imperative; self-serving considerations in the above examples do not as such figure in the point of imperative. The first type of ‘criticisms’ is correct just in case it correctly denies that some reason constitute the point of an imperative.

This type of ‘criticisms’ can be directed not only to the cases where the issuer brings up a self-serving consideration. Suppose Makoto, a foreign student, is in the Oval of the
OSU on Sunday in the fall, and looking around. A person comes near him and says, “Going to the Stadium? Just follow me.” Makoto might say, “Thank you, but I am not going to the Stadium.” According to the Contextually Structured Vindicator theory, Makoto is denying that going to the Stadium is his concern, thereby (correctly) indicating that it does not constitute the point of “Just follow me.” Because going to the Stadium is not Makoto’s concern, the instruction addressed to him fails to have the point of his going to the Stadium, which makes the content of the instruction not good (though the person’s action is probably kind and considerate). Or suppose that a guy tells his fellow college student, “Dude, stop using that porter bag. That makes you look feminine.” The student might reply, “Hey, that is none of your business. Femininity is not bad for me, and I don’t care about looking feminine.” The student might be right that the guy does not have the authority to give the instruction for his avoiding femininity, that femininity is not a disvalue for him, and that he has no concern against looking feminine. If so, according to the Contextually Structured Vindicator theory, avoiding femininity will not constitute the point of the instruction “stop using that porter bag,” which makes the advice not good.

Consider the next type of cases. In the above ruffian case, the neighbors might instead say, “Why does your having a neat environment matter more than our toil?” In the commander case, the soldiers might instead say, “Sir, why is your interest more important than ours and our acquaintances?” These ‘criticisms’ can be regarded as the comments that some factor cannot be prioritized over other factors in the point of an imperative. According to the Contextually Structured Vindicator” theory, even if the issuer’s interest is a particular object of the addressees’ concern or a particular token of the addressees’ value, she cannot prioritize it over the other objects of the concern or the other tokens of
the value. Such ‘criticisms’ of priority are correct just in case they correctly deny that what the issuer brings up cannot be prioritized over other factors in the point of her imperative.

Consider the third type of case. Suppose an air force commander tells his pilots, “Give kamikaze attack against enemy ships!” The pilots might say, “Don’t our lives count?” This appears to be the criticism of the point of the order. However, actually this is not necessarily the criticism of the point, but rather a way to put a factor – the lives of the pilots – into the point of the order. According to my account, the issuer cannot arbitrarily exclude a potentially relevant factor from the point of his imperatives. In particular, he cannot exclude a value for the addressees, which he is socially expected to take into account in the context of giving the imperative in question, and which the addressees bring up in that context. Thus, by referring to their lives, the pilots might be preventing the issuer from excluding the value of their lives and interest from the point of his order.

These types of ‘criticisms’ can be understood as the way to register or affect the content of the point of an imperative. In that sense, they are not really criticisms of the point. However, some evaluative comments can be understood in another way, which somehow repudiate the broadness, narrowness or priority of the point.

Suppose there is a society where a man has the authority to tell his daughter, for the sake of the prosperity of the family, which guy to marry. When a man orders his daughter to marry a particular guy, she might object, saying, “Dad, I know that in the current society you have the authority to order me so for the prosperity of the family, but I am defying the convention.” In this case, she is not disputing that the prosperity of the family
is a legitimacy-related purpose and hence constitutes the point of the father’s order. She is lamenting that, in her community, the prosperity of the family is a legitimacy-related purpose and constitutes the point of the instruction, only to make the intrusive instruction good or even the best. The legitimacy-related purpose is sanctioned by the community, so she has some reason to comply with the father’s instruction. However, the prosperity of the family itself does not provide the reason for her.

Or remember the case where an air force commander tells his pilots, “Give kamikaze attack against enemy ships!” Suppose the commander is not socially expected to take the interests or the lives of the subordinates’ interests into account in giving such a military order. Also suppose that the commander is explicit in ignoring the concerns of the pilots for their lives and well-being. The commander has said in the briefing, “My friends, our lives and interests count nothing now that we have entered the battle.” In such a situation, the pilots’ interests and lives do not figure in the point of the commander’s order, “Give kamikaze attack against enemy ships!” The pilots’ parents might still complain saying, “I know that in our society the pilots’ lives and interests do not count in battles. But that is terrible.” In this case, the parents are not disputing that the pilots’ lives and interests are excluded from the point of the commander’s order. However, they are plausibly criticizing the social expectation, the commander, and the point, that give no weight to these elements, only to make the order good or even the best.

Again, remember a more mundane case where a parent tells her daughter, “For financial security, marry a wealthy guy.” The daughter might reply, “For me, financial security is less important or pressing than self-realization through career.” I take this
claim to suggest that the priority in the point of the instruction is misguided. In this way, one might criticize that the relative weight of various elements in the point is determined that way.

These cases really involve criticisms of the points of imperatives. Notice that the criticisms also indicate the repudiation of the issuers, who structure the point that way. Even if the issuers give the best imperative in view of the point of an imperative, it does not mean that the issuers are beyond reproach. Giving the best instructions, Karl Rove and Erwin Rommel can be still criticized. Some of the criticisms also suggest that the current society is misguided. In the first example, the conventions of legitimacy allow a father to tell his daughter whom to marry for the sake of the prosperity of the family. In the second example, the air force commander is not socially expected to take the lives and interests of the pilots into account in giving his military orders. Because these social institutions allow the issuers to structure the points of imperatives in those ways even if the addressees object, they can be the proper targets of criticisms.

If the issuers express the acceptance of these criticisms (before their imperatives are complied with\textsuperscript{55}), the contents of the points are restructured in line with the criticisms and the imperatives are evaluated in terms of the new contents. If the issuer does not express the acceptance of the criticisms, the point remains the same and the critics are left to doubting or denying that it is appropriate for the addressees to comply with an imperative even if it is the best.

\textsuperscript{55} See footnote 51.
At this point some readers might say, “If the point of an imperative is problematic, it cannot be the best.” There is a ring of truth in this comment. I do admit that if the point of an imperative is problematic, it cannot be the best in a certain way. However, I think that the imperative can be the best in view of the contextually fixed point, and farther that when we say that an imperative is the best, we often mean that it is the best in view of the point. Many people say that Rommel’s military orders or the Rove’s political advice is the best, and I think that they might be right. I think so because I take them to say that the imperative is the best in view of the contextually fixed point. Thus, my position is that many intelligible evaluations of imperatives are conditional on the point of the imperatives, and to this type of evaluations the (real) criticism of the point is not constitutive but external. This position can be controversial, but I cannot find a stronger defense of this position.

Perhaps the more controversial is another view that I endorse, that this evaluation in terms of the contextually-fixed point not only makes an imperative the best but also the corresponding ought statement correct. According to this view, if “You ought to give kamikaze attack against enemy ships” is given to the soldiers in a certain context, it can be correct. Some people might think that this result is outrageous. Here I have to make it clear that “correct” does not necessarily mean “morally correct” or “correct all things considered.” In fact, “You morally ought to give kamikaze attack against enemy ships” is almost always incorrect, because the point of a moral ought statement is not served by complying with it. (In Chapter 7 I will discuss what the point of moral discourse is.)

56 I thank Justin D’Arms for repeatedly noting the importance of this challenge. He and Sigrún Svavarsdóttir helped me organize my idea on this issue.
However, I have a real disagreement with those who think that in whatever context it is given, “You ought to give kamikaze attack against enemy ships” is not correct in any sense. This disagreement probably comes from a robust conflict of intuitions, and I am not attracted to the critics’ view but do not have the conclusive way to refute the position.

Here I just note that the critics’ view apparently implies that any ought statement can be correct only if it is not morally or all-inclusive problematic. Such a view denies that some partial ought statements – prudential, familial, friendly, organizational or nationalistic ought statements – are morally or all-inclusive problematic but correct (in a way, of course). My account admits that there are such partial ought statements, and I think that this is a virtue of the account. However, I concede that this is contestable.

Here are three other questions, the significance of which I grant but cannot pursue them here. The first is an empirical question: what criticisms do the issuers accept? The second is an evaluative question: what criticism, if any, is appropriate for the issuers to accept? The third is rather a philosophical question: why does it anyway matter to care about the evaluation (of an imperative) in terms of the contextually structured point?

What criticisms do the issuers accept? This question is of philosophical interest because if there is the appropriate way(s) of criticizing the point of action-guiding imperatives, it might be exhibited in some general tendency to accept certain criticisms and reject others. However, I do not have the empirical data to answer this empirical question.

What criticism is, if any, appropriate for the issuers to accept? Actually, this question is merely a starting point for further queries. There is a pluralism controversy. Is there a single way of evaluating criticisms? Or are there various proper ways of evaluation? An
objective-subjective controversy also looms. Can a criticism be correct or incorrect by some objective standard? Or is the correctness or appropriateness subjective? If so, on whose minds – and on what types of mental states – does it depend? In addition, we have the question of context-dependence. Does the appropriateness of criticisms somehow depend on the contexts where the issuers get the criticisms? These questions are important but hard to answer.

The question of pluralism is particularly important for understanding the place of the point-based evaluation of an imperative in the larger evaluative landscape. Now, it is tempting to answer that ultimately there is only one way of evaluating criticisms: all-inclusive evaluation. This answer is controversial, though, for the following three reasons. The first is of course skepticism about whether all considerations that are relevant in some evaluation can be comparable with one another. Probably this question is better put as whether there is a type of evaluation where all the considerations that are relevant in some context are still relevant and comparable with one another. The second reason is skepticism about this question: even if there is such a type of evaluation, is there a single correct function from all the factors – relevant considerations – to correct judgments? Are not there several proper ways to figure out the correct answer? The third reason is not well-recognized but important. Even if there is a single correct function from all the relevant considerations to correct judgments, is the judgment somehow superior to the judgments based on local evaluations? The answer is usually assumed to be affirmative, but it is not evident. It appears that all-inclusive judgments are not more authoritative than judgments based on local evaluations unless all the considerations that are relevant in some evaluation are somehow impartially taken into account and given
their due. It is unclear whether there is such a context of evaluation; it is hard even to make sense of being “impartial” between various types of considerations or of “giving their due.” However, if there is no such context of evaluation, it is not always justifiable to use all-inclusive judgments to correct the points of imperatives – the cornerstones of the local evaluations of the imperatives.

Still, there might be an evaluation where all the considerations that are relevant in some context are relevant and comparable to one another, and which embodies the single correct function from all the factors to correct judgments, and which is somehow more authoritative than any local evaluation. If such an all-inclusive evaluation exists, it will always be appropriate to use it to judge the criticisms of the points of imperatives. However, this being the case, why not abandon the local evaluations of imperatives based on their points? Or – because it is not impossible that the point of an imperative be structured to be all-inclusive in the sense that all the potentially relevant consequences are made relevant to the evaluation of the imperative – why not reinterpreted the points of imperatives to be all-inclusive in every context? It seems more straightforward to evaluate action-guiding imperatives in terms of the all-things-considered point from the beginning. Why do we bother to engage in the local evaluation – the evaluation in terms of the contextually structured point? Here emerges the third, philosophical, question: why does it matter to care about the evaluation (of an imperative) in terms of the contextually structured point?

If you are skeptical of all-things-considered evaluation in the above privileged sense, then this question is not much impending. We can then say many local evaluations matter precisely because there is no such privileged all-things-considered evaluation. We would
still be prone to criticize some local evaluations, but would not doubt the significance of
them in general. However, if there is such a privileged all-things-considered evaluation, it
is natural to ask why we bother to make local evaluations of an imperative rather than the
all-things-considered evaluation. I am unsure of the privileged all-things-considered
evaluation. But I also believe that even if such an evaluation makes sense and exists, the
local evaluation of an imperative based on its contextually structured point can have a
respectable role.

A local evaluation is by definition not open-ended. This will enable people to reach
correct judgments more easily there than in open-ended evaluations. It is often hard to
take into account all the considerations relevant to an all-things-considered evaluation.
Further, the non-open-ended feature of local evaluations more often invites the
convergence of the judgments about the imperative in question. This will facilitate
coordination – or at least the sense of partial accord – between the issuer of an
imperative, the addressee, and the people who understand its point. Moreover, the points
of imperatives are specified by the rules that structure the points in the contexts the
imperatives are given. The rules involve another social institution, the conventions of
legitimacy, which defines one type of potential factors in the point of an imperative,
legitimacy-related purposes. The reliance on these social institutions also makes it easier
for people to figure out what enters the point of an imperative and to converge on the
same judgments.

In addition, we can more easily ‘reuse’ the past evaluation of an imperative in view of
its contextually structured point. If “go to bed at midnight (tonight)” is the best
imperative, can we make the same judgment about a similar imperative at future nights?
Because the contextually structured point of the imperative includes only several types of considerations — primarily the addressee’s well-being, I presume — future nights are mostly relevantly similar and make similar instructions the best throughout. Thus, the evaluation of an imperative based on its contextually structured point provides a reminder for the future. In comparison, in an all-things-considered evaluation where all relevant considerations are taken into account, tonight and the future nights can differ on too many dimensions to make similar instructions best at many future nights. So it is unclear how we can utilize the all-things-considered judgments of a past imperative in the future.

Obviously these accounts of the role of contextually structured evaluation are sketchy, and need elaboration and support. However, I have to leave this task for another paper.
In the introduction, I presented the simple view that an action-guiding imperative is the best if and only if it is undone, practicable and following it is maximally conducive to its point. Strictly speaking, this simple account is mistaken, and I will provide a revision in this chapter. It turns out that the imperative is the best just in case it is a necessary member of the practicable and maximally conducive collection of imperatives.

This revision to the simple account has consequences. According to my account, what makes an ought statement correct partly depends on whether following it maximally conduce to its point. The view has an obvious affinity with teleological views, which claim that ought statements are correct if and only if following them have the best upshots. Now I am going to argue that the simple characterization of the best imperatives should be replaced with a more complex version, which takes the relation of several imperatives into account. Thus, if the evaluation of ought statements is analogous to the
evaluation of action-guiding imperatives, teleological views should also be revised in that
direction. This shift has two advantages. First, it is in accord with the intuitive principle
that a part of or a prerequisite for something one ought to do is also something he or she
ought to do. Second, it provides a straightforward way to vindicate the view that an ought
statement is implied by, but does not imply, the statement that is gained through
substituting “ought” with “must”.

The revision has another important result. Remember the simple account according to
which an imperative is the best if and only if it is practicable and following it is
maximally conducive to its point. It is unclear how to evaluate the practicability and
conduciveness of complex imperatives, i.e., imperatives that include connectives, such as
“and”, “or”, “if”, “it is not the case that” and so on. Consider, for example, how to
evaluate “If you go out, finish your homework first”? Many imperatives include these
connectives, so the above simple account is incomplete. Further, the main thesis of the
dissertation is that the system of evaluating action-guiding imperatives is also that of
evaluating ought statements. Because many ought statements include these connectives,
the analysis without such a supplementation falls far short of supporting this thesis. The
revised account indicates the way to evaluate complex imperatives and how it naturally
extends to the evaluation of complex ought statements. The resultant view claims, in
particular, that conditional ought statements are not material conditionals, which our
inferential practices confirm.
I will begin with explaining the general problem of the simple view and giving an account that deals with the problem. I will then explain how the account, when applied to ought statements, revises teleological views and provides the way to evaluate complex imperatives and ought statements.

4.1. The Need for Taking Relations between Imperatives into Account

According to the simple account I have given, an action-guiding imperative is good if and only if it is practicable and following it is sufficiently conducive to its point; and it is the best if and only if it is practicable and following it is maximally conducive to its point. This characterization of good or the best imperatives is simplistic because the characterization fails to take into account the relationship between imperatives. In many cases, we do not evaluate the goodness or the bestness of an imperative individually. This is probably because it might be futile, and ends up omitting important considerations, to focus on whether the imperative, taken alone, is practicable and conducive.

Carrying out an imperative is often conducive only through being given and carrying out a collection of other imperatives. For example, a computer novice needs many instructions in order to start and use a new computer, and each of the instructions individually cannot be carried out to achieve the point unless she carries out other instructions. She cannot even execute the instruction, “Insert a CD labeled so-and-so onto the installed CD drive”, unless she carries out other instructions, such as the instructions concerning the installation of the CD drive. In addition, the execution of that particular instruction will not conduce to the point of using the computer unless she carries out other instructions, such as instructions concerning the installation of the applications in
the CD into the computer.\footnote{If you are not convinced, consider the following example. Soldiers can achieve a military success only by being given and carrying out several orders, each of which can individually have any effect on the achievement of the point, or is even executable, \textit{only on the condition that other orders are given and carried out}. Even if soldiers are given and carry out the order, “Take a bridge called so-and-so,” it will accomplish a military success only if the commander gives another order, such as “Occupy the city on the other side of the bridge,” and the soldiers carry out the order. Conversely, the orders concerning the occupation of the city might be inexecutable unless the commander gives and the soldiers carry out the instructions about the occupancy of the bridge.} Thus, in order to guide people to achieve any point that requires complex or organized activities, we need to give a lot of advice, instructions or orders: and carrying out each of them and achieving the point through that requires that other imperatives are given and carried out.

To make what I said above clearer, let me restate it in other words. We often cannot carry out an imperative unless we carry out other imperatives. Carrying out an imperative often does not contribute to achieving the point except as a step to making it possible or easy for the addressee(s) to carry out other imperatives. Thus, it is probably futile to ask whether it is practicable and conducive: that is, whether the imperative, taken alone, will be or would be carried out, and whether it, taken alone, is conducive to achieving the point.

In addition, even if the addressee(s) can carry out a particular imperative individually and it conduces to achieving the point, in evaluating the imperative we often consider its relation to other imperatives actually or possibly given by the issuer(s). In deciding whether to give, praise or criticize the imperative, we properly consider the following considerations. (1) The imperative might be impracticable to carry out or might not conduce to the point in combination with other imperatives that the addressees are expected to accept, for example, those imperatives that the issuer has given them. (2) Its conduciveness might be enhanced by carrying out further (possibly given) imperatives.
For the sake of the illustration of two considerations, suppose that you are a fashion advisor in a boutique, and a woman asks for advice from you. You tell her, “Wear this pink sweater. Also try on the purple skirt over there. Then put on the red shoes in the window. And finish with the terrific yellow vest on the mannequin!” The customer can carry out each piece of the advice you give, and each individually might conduce to the point, presumably the woman’s wearing a great outfit. However, each piece of advice, carried out as part of the total advice—of the collection of the action-guiding imperatives—, will surely run counter to the point. This example illustrates (1). Now you could have given an instruction, “Wear this pink sweater”, in conjunction with another set of instructions that you can give. It is surely likely that this instruction—“Wear this pink sweater”—carried out together with some set of instructions, is more conducive to the point of the woman’s wearing a great outfit than the instruction taken alone. If so, it illustrates (2).

A problem of focusing on the question of whether an action-guiding imperative, taken alone, is practicable and conducive, is this: the question excludes important considerations like (1) and (2), i.e., whether the imperative is practicable to carry out, and whether it is more or less conducive to the achievement of the point, in conjunction with other imperatives. We properly consider these considerations in deciding whether to give, praise or criticize the imperative in question. Then, it seems quite appropriate that considerations about the goodness of the imperative include them. However, considerations like (1) and (2) are excluded if the simple account is adopted, and the

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goodness of an imperative is determined exclusively on the basis of whether the imperative, taken alone, is practicable and conducive.

4.2. The Account of Individual Contribution to Collective Practicability and Collective Conduciveness

Thus, we would like to take into account relations between other imperatives in determining the goodness or the bestness of an action-guiding imperative. More specifically, an account of the goodness/bestness of an imperative should take two things, (A) and (B), into account. (A) Does this imperative make a positive contribution to the practicability and conduciveness of the collection of the imperatives which in the context of evaluation the addressees are expected to accept? This is the question we need to ask in determining the goodness of an action-guiding imperative like “Wear this pink sweater” in the boutique example. (B) Even if this imperative by itself fails to make a positive contribution, can it make such a difference if other imperatives are further given? Some action-guiding imperatives like “Insert a CD labeled so-and-so onto the installed CD drive” cannot make any positive contribution to the point of using a computer unless, in addition to other already assumed instructions, further instructions like “Open the application in the CD” are given and implemented. Still, if the imperative can give a positive contribution given these further imperatives, the imperative might be good or even the best.

If the account of the goodness/bestness of an action-guiding imperative includes these considerations, what shape does it take? Let me present a provisional version of the account. The basic idea is this: ask whether the imperative in question makes a
(sufficiently) positive contribution to the practicability and conduciveness of the collection of the imperatives that the addressees are expected to comply with at least when some extra imperatives are added to the collection; if and only if this is so, this imperative is good.

To express this idea more precisely, let me introduce some abbreviations. I will call a particular action-guiding imperative in question an “I”. Give the label the collection of assumed prescriptions, “AP (for an I)”, to the collection of the imperatives the appropriateness of which is taken for granted (at least temporarily) in the context of the evaluation of the I. Give the label a “AP+ (for an I)” to any collection that includes both all the member(s) of the AP and the I; the collection may also include further possibly given imperatives. Lastly, “carrying out AP (or an AP+)” means complying with all of the members of AP (or the AP+) in combination. A brief explanation of AP is due. As I have argued about the CD example and the boutique example, we often evaluate an I in relation to other action-guiding imperatives the addressees’ acceptance of which we expect. These other imperatives often (but not always) include the imperatives that the issuer of the I has given or determined to give, but can also include the imperatives that the addressees are legitimately given by other individuals than the issuer, or the imperatives that the addressees, if rational, would accept. The collection of assumed prescriptions AP includes whatever imperatives the acceptance of which is expected or hoped for in the context of evaluation. Note that in the context of evaluation it is often expected that the addressees accept the certain imperatives even if they do not. For

59 Carrying out an imperative or a set of imperatives does not necessarily mean achieving its point; complying with it might fall short of achieving its point.
example, we can and often do evaluate “Insert a CD labeled so-and-so onto the installed CD drive” in relation to other instructions in the manual even if the reader of the manual does not try to follow these other instructions (because, for example, they forget to read, do not like, or are too lazy to follow, these other instructions). We often expect the addressees’ acceptance of these imperatives in the context of evaluation of the I, and in those cases they belong to the AP.

Now I can state the account of a good action-guiding imperative relative to the AP. an I is good relative to the AP just in case:

(U) the I passes the undoneness condition, and,

Either (1)

(1-A: Case 1) either the AP has no member, or it is impracticable for the addressee(s) of the I to carry out the AP without also complying with the I;

and (1-B: Collective Practicability) there is some $AP^+$, which includes the I as well as all the member(s) of the AP, such that it is practicable for the addressee(s) to carry out that $AP^+$;

and (1-C: Collective Conduciveness) if the addressee(s) carries out the $AP^+$, it is (sufficiently) conducive to the achievement of the point of the I;

or (2)

(2-A: Case 2) both the AP has some member(s), and it is practicable for the addressee(s) to carry out the AP without complying with the I;

and (2-B: Collective Practicability) there is some $AP^+$, which includes the I as well as all the member(s) of the AP, such that it is practicable for the addressee(s) to carry out that $AP^+$;
and (2-C: Collective Conduciveness) if the addressee(s) carry out the AP+, it is (sufficiently) more conducive to the achievement of the point of the I than if the addressee(s) carry out the AP alone.  

(1-A) and (2-A) are mutually exclusive, and all the cases are covered either by (1-A) or (2-A). I distinguish the cases belonging to (1-A) from the cases belonging to (2-A) because, as shown in the difference of (1-C) from (2-C), the condition of conduciveness varies between the two types of cases. When, as described in (1-A), either the AP has no members or carrying out the AP is impracticable, the I (the particular imperative in question) makes a positive difference if some AP+ is by itself (practicable and) conducive. However, when, as described in (2-A), the AP has some members and carrying out the AP is by itself practicable, the particular imperative might fail to make a positive difference even if some AP+’s are (practicable and) conducive. For carrying out the original AP alone might be as conducive as, or even more conducive than, carrying out any of these AP+’s: in that case, complying with the I is useless or even detrimental. In order for the I to make a positive contribution, carrying out some AP+ must be (practicable and) more conducive than carrying out the AP alone.

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60 Though we have departed from evaluating the goodness of an action-guiding imperative individually, actually we can conceptualize it to be the evaluation where two constraints are put on this newly advanced characterization of the evaluation of an action-guiding imperative. The two constraints, (a) and (b), are as follows: (a) the AP (the taken-for-granted collection of other action-guiding imperatives) has no member; and (b) the considered range of AP+’s, i.e., collections including both all the member(s) of the AP and the particular imperative I, is limited to the collection that includes only the I (and the member of the AP, which is none according to (a)). If these two constraints are put on the above characterization, it amounts to the characterization of the evaluation of an imperative taken alone: an action-guiding imperative utterance is good just in case it is both practicable and conducive.
Some might wonder why the account needs (2-B). They might ask me as follows: due to (2-A), carrying out the AP is practicable in Case 2, the set of cases where (2-B) is concerned; so isn’t any AP+ automatically practicable and (2-B) redundant? Actually, the account cannot drop (2-B). Carrying out an AP+, which includes not only the imperatives in the AP but also the I (the particular imperative in question) and further imperatives, might be impracticable even if carrying out the AP is practicable. Consider one of the simplest cases. If the I is impossible to comply with, then complying with any AP+ is not practicable even if complying with the AP is: suppose, for example, the I is “Now stop the terrorists’ attack on September 11, 2001.” At the point of 2007, carrying out the AP+’s – complying with all the members, including the I – is impracticable even if carrying out the AP is. Thus, (2-B) is not redundant and has an important role in making such an imperative not good.

For an illustration of the abstract account so far, go back to the fashion advisor’s advice to a woman in a boutique: “Wear this pink sweater. Also try on the purple skirt over there. Then put on the red shoes in the window. And finish with the terrific yellow vest on the mannequin!” Now suppose that you try to evaluate the goodness of the imperative, “Also try on the purple skirt over there”. Let me call this “I”. Then, you naturally take for granted other imperatives given by the same person, i.e., the fashion advisor, at the same occasion for the same point, i.e., the addressee’s (the woman’s) wearing a great outfit. That is, you take for granted for evaluation “Wear this pink sweater”, “Then put on the red shoes in the window” and “And finish with the terrific yellow vest on the mannequin.”
Thus, in this example, the *I*, the *AP* and the *AP*’s are as follows.

*The I*: “Also try on the purple shirt over there”.

*The AP*: “Wear this pink sweater”; “Then put on the red shoes in the window”; and “And finish with the terrific yellow vest on the mannequin”.

*The AP*’s: the *I*, the imperatives in the *AP*, and other imperative(s), for example, “Wear a green hat” or “Put on a brown pants”. The other imperative(s) changes from one *AP* to another.

The woman will manage to carry out the collection of these other imperatives—the *AP* for *I* in this context of evaluation: of course, she can easily wear the pink sweater, the red shoes and the yellow vest merely with the intention to do so. (Thus, this example satisfies (2-A).) So you, as the evaluator of the goodness of *I*, again naturally examine the two things: whether there is some combination of imperatives including both *I* and the imperatives in the *AP*—i.e, an *AP*+—that the woman will manage to carry out (i.e., (2-B)); and if so, whether the addressee’s [the woman’s] carrying out the imperatives in the *AP*+ is more conducive to the point of the woman’s wearing a great outfit than her carrying out the imperatives in the *AP* alone is (i.e., (2-C)). As for the first question, the woman can carry out many *AP*+: she can wear the purple shirt together with the pink sweater, the red shoes, the yellow vest and many other things available in the boutique or in her wardrobe, perhaps a green hat, brown pants and so on. (Thus, this example satisfies (2-B,)) However as for the second question, apparently none of these *AP*+ is more conducive to the woman’s wearing a great outfit than the original *AP*: the woman’s wearing the purple shirt in addition to the pink sweater, the red shoes and the yellow vest
just renders her great outfit harder to achieve. (Thus, this example fails to satisfy (2-C).)

You thus judge that I, “Also try on the purple skirt over there”, is not good. This conclusion matches our intuitive judgment about I.

The revised account looks good so far, but it has one problem. The above account fails to distinguish imperatives of individual merit from those of no individual merit. Remember the example involving “Insert a CD labeled so-and-so onto the installed CD drive” and its point, i.e., the addressee’s starting up and using the computer. The above account will judge—probably quite properly—this imperative to be good if, roughly speaking, the point might be achieved by the addressee’s carrying out some practicable AP+, which includes the imperative, all the imperatives in the AP and further imperatives like “Open the application in the CD.” Call this collection of imperatives “Startup Manual”. Now, suppose that we evaluate “Scratch your head” in place of the above imperative. The present account judges this imperative to be good if carrying out some practicable AP+, which includes both it, all the members in the AP and further imperatives, might achieve the point of starting up and using the computer. And there is at least one such AP+: the collection including both all of the imperatives in Startup Manual and “Scratch your head.” Thus, if “Insert a CD…” is good, then “Scratch your head” is good (in relation to the same AP). However, this is surely strange. While “Insert a CD…” might play a role in making the point of starting up and using the computer achievable, “Scratch your head” cannot play such a role.

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61 or whatever imperative that neither helps nor obstructs starting up a computer
Obviously, this problem comes from the account’s failure to distinguish the individual merit of a particular imperative $I$ from the collective merit of an $AP+$ that includes the $I$. In order to fix this defect, we need to add another condition.

(D: Individual Contribution)

Either the $AP$ is not collectively-practicable, or it is less collectively-conducive than the $AP+$, which includes the $I$. (That is, one of the following two things is true. It is impracticable for the addressee(s) to carry out that $AP$. Or, if the addressee(s) carries out the $AP$, it is less conducive to the point of the $I$ than if the addressee(s) carries out the $AP+$.)

This condition (D), added to the previous conditions (U), (A), (B: Collective Practicability) and (C: Collective Conduciveness), can render “Insert a CD labeled so-and-so onto the installed CD drive” good while making “Scratch your head” not good. If the former imperative makes an individual positive contribution to the collective practicability or the collective conduciveness of an $AP+$ (i.e., Startup Manual), it will satisfy this condition (D) in addition to (A), (B) and (C). Presumably “Scratch your head” does not make such a contribution, so it fails to satisfy the condition D. Therefore, even if “Insert a CD…” is good, “Scratch your head” is not good. This is the desired result.

Now, reflecting on the above characterization of a good action-guiding imperative in relation to the $AP$, we can provisionally characterize the best action-guiding imperatives in relation to the $AP$. Let me take alternatives to assumed prescriptions (for an $I$), abbreviated as $APA$’s, to be the collections of imperatives that satisfy the following two
conditions. First, they include all the members in the $AP$. Second, the collections are collectively-practicable: they are the collections of the imperatives that the addressee(s) of the $I$ can carry out in combination. Then, a particular action-guiding imperative, an $I$, is the best relative to the $AP$ if and only if four conditions are fulfilled: (1: Undoneness) the $I$ does not prescribe an action that has already been performed and cannot be performed twice; (2: Collective Practicability) there is some $AP+$, i.e., a collection that includes all the members of the $AP$ and the $I$, such that the addressee(s) manage to carry out that $AP+$; and (3: Maximum Collective Conduciveness) if the addressee(s) carry out the $AP+$, it is more conducive to achieving the point of the $I$ than (if the addressee(s) carry out) any $APA$; and (4: Individual Contribution) either the $AP$, the collection of imperatives that includes all the imperatives in the $AP+$ except the $I$, is not collectively-practicable, or it is less conducive to the $AP+$.

One might think the above account (of goodness and bestness) has a problem. Consider the case where a person asks a travel agent to give instructions about how the person can go as quickly as possible from New York to Tokyo. Suppose that the travel agent says, “First fly to Osaka. And from there, fly to Tokyo.” According to the above

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62 Again, though we have departed from evaluating the bestness of an action-guiding imperative taken individually, actually we can conceptualize it to be the evaluation where the three constraints, (a), (b) and (c), are put on this newly advanced characterization of the evaluation of the imperative. That is, suppose (a) that the $AP$, i.e., the taken-for-granted collection of other action-guiding imperatives, has no member. Further suppose (b) that the considered range of $AP+$’s, i.e., some collections including both all the member(s) of the $AP$ and the particular imperative $I$, is limited to the collections that include only the $I$ (and the member(s) of the $AP$, which is none according to (a).) Lastly, suppose (c) that a $APA$ may include only one imperative. (This last condition together with the characterization of a $APA$ and the first condition implies that a $APA$ may include only one imperative that urges an available alternative.) Under these supposition, the above characterization of (one-of-) the best-ness amounts to the characterization of the evaluation of (one-of-) the best-ness of an imperative taken alone: that is, an action-guiding imperative is one-of-the-best when both (1) it is reasonably expected that the addressee(s) will (or would) carry it out merely with the intention to do so, and (2) the addressee’s carrying it out is the most conducive of all available alternatives to achieving the point of the particular imperative.
account, we properly evaluate the second imperative taking the first imperative for granted (i.e., putting “First fly to Osaka” in the AP). Assuming the appropriateness of the first instruction “fly to Osaka”, the account will judge that the second instruction, “from there [Osaka], fly to Tokyo,” is good or even the best. For, among the collections including the first instruction, the one including this second instruction dictates one of the fastest available ways to reach Tokyo. However, people might hesitate to call this second instruction “good” or “the best”. There are many direct flights from NY to Tokyo, and Osaka is distant from Tokyo: so there are ways to reach Tokyo much faster. And many people are uncomfortable in calling the second instruction “good” or “the best”, knowing that the first instruction, combined with the second instruction, is not very conducive to the point of going as quickly as possible to Tokyo.

On this potential discrepancy between the answers given by the account and our intuitive judgments, I have three comments. First, the account of an action-guiding imperative \( I \) is the account of its goodness or bestness \( \text{in relation to (taken-for-granted imperatives in) the AP} \). I think that as such, the account provides an acceptable answer as far as people really expect that “first fly to Osaka (from NY)” be accepted, and hence to the effect that it belong to the AP. “From Osaka, fly to Tokyo” is good or even the best in relation to the imperative “first fly to Osaka”, i.e., if its appropriateness is taken for granted. Second, in fact, people rarely assume the appropriateness of “fly to Osaka” to evaluate “from Osaka, fly to Tokyo”. This is why in few contexts “fly to Osaka” belongs to the AP and people conclude that “From Osaka, fly to Tokyo” is good. Third, the account actually vindicates the intuition that “from Osaka, fly to Tokyo” is not good, but “fly directly to Tokyo” is good or even the best, \( \text{if we do not take the appropriateness of} \)
any instruction for granted. The goodness or the bestness of an imperative in this sense – which I call “the goodness or the bestness regardless (of assumed prescriptions)” – is identified with the goodness or the bestness in relation to the AP when the AP is empty. Relative to the AP that includes no imperative, “from Osaka, fly to Tokyo” is not good because following any combination of imperatives including this one fails to maximally conduce to the point of reaching Tokyo as soon as possible. Relative to the same AP, “fly directly to Tokyo” is the best because following it is practicable and maximally conduces to that point

4.3. The Explication of the Best Imperatives and the Revision of Teleology

What we would ultimately want to know is what makes ought claims correct. What does the imperatives being one of the best have to do with the correctness? As for simple ought claims, there are two alternative answers for the best-imperative approach: to claim that what makes simple ought claims correct is what makes the imperatives the best regardless, or to claim that what makes simple ought claims correct is what makes the imperatives best relative to certain taken-for-granted imperatives. Here I will choose the former answer because I suspect that this is true of many or perhaps even all types of ought claims. However, I concede the possibility that of certain types of ought statements the latter answer might be true. For example, what makes a moral ought claim like “You ought to feed your children” correct might be what makes the corresponding imperative “Feed your children” best relative to, among other things, such a side-constraint as “Don’t violate the rights (of, say, being looked after by parents as children).” We will

63 As for complex ought claims, see Section 4.4.
briefly go back to this point in Chapter 7 where we consider moral ought claims in particular.

Suppose that what makes simple ought claims correct is what makes the imperatives the best *regardless*. By claiming the relationship between oughts and the best, this suggestion smacks of a teleological theory. This impression is basically correct, but the above account of the best imperative also suggests the need of revising the ordinary conception of teleology. Actually, this revision meshes with our intuitions about what makes ought statements correct. First, it is in accord with the intuitive principle that any part or prerequisite for what one ought to do is also something he or she ought to do. Second, it provides a straightforward way to vindicate the intuitive view that an ought statement is implied by, but does not imply, the statement that is gained through substituting “ought” with “must”. These implications provide support for my version of the best-imperative approach.

But let me first elaborate the above notion of the best imperative and its rationale. Suppose that you can achieve point P equally well by doing A or by doing B, but not otherwise. Suppose also that A and B both have a necessary part N. Then, according to the above account, “Do N” is the best, even if “Do N” is not in itself practicable or conducive. This implication seems plausible if we take the best imperative to be the notion of a bona fide imperative. An imperative is a bona fide imperative when it tells us what is indispensable and hence calls for action. Doing N is indispensable in a sense – a necessary part of the practicable way of maximally conducing to the point.

Suppose, as I claim, what makes an ought statement, “you ought to A”, correct is what makes the corresponding action-guiding imperative, “Do A”, the best. The above
view then revises the usual teleological account of ought claims in one respect. As Fred Feldman points out, taken literally, the common account of teleology means that usually the prerequisite or proper part of $A$ is not what you ought to do.\footnote{See Fred Feldman, \textit{Doing the Best We Can: An Essay in Informal Deontic Logic}, D. Reidel Publishing Company, 1986, 5-7.} Why? Because doing so will not have the best consequences. Your sending a $300 check for Oxfam might have the best consequences, but your writing the check or your approaching to a postbox with it does not, in itself, have the best consequences. For, it does not have the consequence of saving people on any plausible account of consequences in decision or moral theory.

Suppose that you write the check or even go to a postbox with the envelope, but you fail to put it in the postbox. In this case nobody praises your action because it has the consequence of saving people. Thus, merely doing some prerequisite or part of what brings about the best consequences does not have the best consequences. Then, according to the traditional teleological account, you ought to send a $300 check for Oxfam, but it is not the case that you ought to write the check or that you ought to walk to a postbox with the envelope. This is a counter-intuitive result. Let me state this point in another, more abstract, way. Intuitively, if you can do what you ought to do only if you do something, then you also ought to do that something. You can do what you ought to do only if you do the prerequisite or part of what you ought to do. So, intuitively, you ought to do that prerequisite or part. However, according to the traditional teleological account, because carrying out the prerequisite or part by itself does not have the best consequences, it is not the case that you ought to do that prerequisite or part.\footnote{I do not think that not many teleologists want to accept the conclusion that a proper part or prerequisite of what one ought to do is not what one ought to do. My point is just that the usual formulation of teleology implies this conclusion.}
The above view of mine departs from the usual teleological view and supports this intuitive principle. As far as an ought claim prescribes a necessary part of the practicable way of maximally conducing to its point, it is correct. This is so even if, taken alone, the action has no good consequence. Thus, you ought to write a $300 check or bring it to a postbox if it is a necessary part of the practicable way of maximally conducing to the point, i.e., what you ought to do as a whole.

Thus, the current view, but not the traditional teleological view, is in accord with the intuitive principle that a part or prerequisite for what one ought to do is also something he or she ought to do. The other merit of the current view is that it provides a straightforward way to vindicate the intuitive view that an ought statement is implied by, but does not imply, the statement that is gained through substituting “ought” with “must”. Before explaining this point, I need to illustrate an account of what makes a (normative) must statement correct, which is in accordance with the imperative approach to deontic statements. Suppose before the final exam and the deadline of the term paper, a student asks the grader for his course how he can get a B in the course. The grader starts answering:

“You must get at least an A- in the final…”

The student is shocked and interrupts, “Do I have to get an A- in the final even if I get an A in the term paper?” The grader responds, “Yes, you need both an A- in the final and an A in the term paper.” This kind of conversation often happens. What makes the must sentence above correct? The student and the grader’s ensuing exchange suggests that it is
(at least partly\textsuperscript{66}) the fact that getting an A- in the final is practically necessary for
achieving the point of getting a B in the course. That is, getting an A- in the final is a
requisite part of every practicable way for the student to achieving that point. This
account gets support from the analysis of what makes the corresponding imperative
correct. Instead of “You must get at least an A- in the final”, the grader can say, “Get at
least an A- in the final.” This imperative seems to be correct just in case following the
imperative – getting at least an A- in the final – is a requisite part of every practicable
way for the student to achieve the point of getting a B- in the course.

What makes a (normative) must statement correct is the fact that following it is a
requisite part of every practicable way for the addressee to achieve the point of that
statement. According to the above analysis, what makes an ought statement correct is the
fact that following it is a requisite part of the most conducive and practicable way for the
addressee to achieve the point of the statement. Because the most conducive and
practicable way is one of the practicable ways for the addressee to achieve the point, a
must statement implies a corresponding ought statement (but not \textit{vice versa}). For
example, “You must get at least an A- in the final” implies “You ought to get at least an
A- in the final” (but not \textit{vice versa}) as far as “you” refer to the identical individual and
the point of both statements is identical.

\textsuperscript{66} Justin D’Arms has pointed out that perhaps the importance of the point (of the must statement) is also a
necessary condition for making the statement correct. On this view, it seems that “You must make your
bed” is not (usually) correct, but “You must bring down your cholesterol” (usually) is. I am inclined to
think that the significance of the point is not what a must statement implies, but rather what making the
statement pragmatically implicates in many contexts. However, the main argument in the following
paragraphs is intact even if a must statement implies not only that following the corresponding imperative
is a requisite part of every practicable way for the addressee to achieve the point of the imperative, but also
that the point is significant. That is, if a must statement is correct, then the former condition is met and so,
on my view, the corresponding ought statement is also correct, but, on the traditional teleological view, it is
not.
This implication is plausible because it is intuitive that a must statement is purely stronger than the statement gained by replacing “must” with the “ought to”. It seems apparent that we can infer “You ought to get at least an A- in the final” from “You must get at least an A-”, but not _vice versa_. Now note that though this implication is apparent, it is not something that the traditional teleological account can easily justify. Suppose that the traditional teleological view holds that an ought statement is correct if the prescribed action makes the best contribution, and accepts the view that a must statement is correct if and only if the prescribed action is a requisite part of any practicable way of contributing to the point. Then, it is possible and often true that a must statement is correct while the corresponding ought statement is incorrect. For instance, a student asks her advisor how to become a graduate student at OSU. Because taking GRE is a requisite of any practicable way of achieving this point, “You _must_ take GRE” is correct. However, taking GRE in itself does not have any effect in making her a graduate student. Thus, “You [the student] _ought to_ take GRE” is not correct if it happens to be the case that the student can apply for any graduate school but will fail to do so. It is only the current revision of the traditional teleological view that provides the straightforward account of the relationship between a must statement and a corresponding ought statement.\(^6^7\)

\(^6^7\) Of course the defenders of the traditional teleological account can respond to the above consideration in many ways. For example, they might reject the proposed account of a must statement and provide an alternative account that explains the sense of practical necessity involved in the must statement and why the must statement apparently implies the corresponding ought statement. My argument should be taken as merely the first move in the debate.
4.4. The Evaluation of Complex Imperatives and Ought Statements

I am going to explain how the above system of evaluation can naturally extend to complex imperatives and ought statements. First consider how to evaluate complex imperatives. There are two sorts of complex imperatives, i.e., the imperatives that involve connectives. Some complex imperatives are the combination of two or more simple imperatives, such as:

**Conjunction**, e.g., “Read John Perry’s *A Dialogue on Personal Identity and Immortality* and submit a one-page criticism of some argument in it.”

**Disjunction**, e.g., “Read Stewart Shapiro’s *Thinking about Mathematics* or his *Philosophy of Mathematics*.”

A conjunction of simple imperatives is the best if and only if both of the simple imperatives are the best. As for a disjunction, things are more complicated. There is a question about whether the disjunction is sentential, as well as whether to read it inclusively or exclusively. When an inclusive disjunction is sentential, it is the best just in case one of the simple imperatives is the best. Suppose a philosophy student asks an instructor on the introductory readings on philosophy of mathematics, which requires little background in mathematics. The instructor answers:

“Read Stewart Shapiro’s *Thinking about Mathematics* or his *Philosophy of Mathematics*, I do not remember which is the introductory book. Perhaps both are.”
In such a context, it is apt to regard the disjunction to be sentential and inclusive, and to judge the disjunctive instruction to be the best when *Thinking about Mathematics* is the greatest non-technical introduction, whether *Philosophy of Mathematics* is. When an exclusive disjunction is sentential, it is the best just in case one of the simple imperatives is the best but not both. Suppose, in the above situation, the instructor instead says:

“Read Stewart Shapiro’s *Thinking about Mathematics* or his *Philosophy of Mathematics*. Only one of them is an introductory work and I am sure that you cannot understand the other, but I do not remember which is which.”

In such a case, it is apt to regard the disjunction to be sentential and exclusive, and to judge the disjunctive instruction to be the best when *Thinking about Mathematics* is the greatest non-technical introduction, but *Philosophy of Mathematics* is not (or *vice versa*).

However, sometimes the disjunction in the imperative, “Do A or B”, is not sentential, but part of the description of the prescribed measure. Such an imperative tells us to perform the package [A or B]. I think this interpretation of a disjunctive imperative is often apt. Suppose your student asks her instructor for advice on a book on the defense of moral realism, and the instructor tells her, “Read Peter Railton’s *Facts, Values, and Norms* or A.J. Ayer’s *Language, Truth, and Logic*”, without saying anything else. Now the student reads Ayer’s book and finds out that it is not the defense of moral realism at all. It then seems that she has a reason to be angry about the instructor’s advice. However, if the disjunction is read sentential, she has no such reason given that Railton best defends moral realism in the book; because “Read Peter Railton’s *Facts, Values, and Norms*”
Norms” is the best, the above disjunctive imperative must be so. As this example illustrates, some disjunctions in imperatives are not sentential. As for such an imperative “Do \([A \text{ or } B]\), if the disjunction is read inclusively, it is the best just in case neither A nor B in particular is a necessary part of the practicable way of maximally conducing to the point, but performing any one of them is so.\(^68\) When the disjunction is read exclusively; it is the best if and only if neither A nor B in particular is a requisite part of the practicable way of maximally conducing to the point, but performing any one of them is so while performing both is either impracticable or conduces to the point less than doing one would.\(^69\)

As you might expect, I think that this view tells us what makes correct the following conjunction and disjunction of ought statements.

“You ought to read John Perry’s *A Dialogue on Personal Identity and Immortality* and (you ought to) submit a one-page criticism of some argument in it.”

“You ought to read Stewart Shapiro’s *Thinking about Mathematics* or his *Philosophy of Mathematics*.”

This conjunction of ought statements is correct just in case the above conjunction of imperatives is the best. The disjunction of ought statements is correct just in case the above disjunction of imperatives is the best.

\(^{68}\) Take the advice “Go to Tokyo or to Shanghai”. If the point of the advice is merely going to a megalopolis in Asia, this imperative can be the best because going to Tokyo achieves the point as well as going to Shanghai, and going to both is practicable and achieves the point as well.

\(^{69}\) Take the instructions “Take Bus Route 72 or Bus Route 84.” This imperative can be the best because taking Route 72 might achieve the point (of reaching the destination) as well as taking Route 84 does, and taking both might be impracticable.
Other complex imperatives are the combinations of a declarative statement and an imperative, such as:

Conjunction, e.g., “Read John Perry’s *A Dialogue on Personal Identity and Immortality*, and then you will get a basic understanding of philosophical issues on personal identity.”

Disjunction, e.g., “Read John Perry’s *A Dialogue on Personal Identity and Immortality*, or you will not pass the Philosophy 101 midterm.”

Conditional, e.g., “If you are going to teach Philosophy 101, use John Perry’s *A Dialogue on Personal Identity and Immortality* as a text.”

How are we to evaluate them? As for the conjunction and disjunction, they do not pose any difficulty. Each of them is actually the combination of a simple imperative and a declarative conditional. The above conjunction and disjunction means respectively:

“Read John Perry’s *A Dialogue on Personal Identity and Immortality*, and *if you do so*, then you will get a basic understanding of philosophical issues on personal identity.”

“Read John Perry’s *A Dialogue on Personal Identity and Immortality*, and *unless you do so*, you will not pass the Philosophy 101 midterm.”

If these translations are correct, these complex imperatives are correct just in case the simple imperative is the best and the declarative conditional is the correct.

Again, I think that this view tells us what makes correct the following conjunction and disjunction of ought statements.
“You ought to read John Perry’s *A Dialogue on Personal Identity and Immortality*, and then you will get a basic understanding of philosophical issues on personal identity.”

“You ought to read John Perry’s *A Dialogue on Personal Identity and Immortality*, or you will not pass the Philosophy 101 midterm.”

This conjunction of ought statements is correct just in case the above simple imperative is the best and the declarative conditional is correct. The disjunction of ought statements is correct just in case the above simple imperative is the best and the declarative conditional is correct.

The more problematic is the treatment of conditionals, e.g., “If you are going to teach Philosophy 101, use John Perry’s *A Dialogue on Personal Identity and Immortality* as a text.” I think that we evaluate such an imperative basically by asking whether, provided that the descriptive part were true, complying with the imperative part would be practicable and achieve its point. To express this idea more precisely, I need the notion of information basis (*IB*). Information basis is the set of information under the assumption of which action-guiding imperatives and deontic statements are evaluated. For the present purpose, suppose *IB* originally includes all non-evaluative facts and them alone.\(^7^0\) Then the proposal is as follows. Suppose the factual antecedent “you are going to teach philosophy 101” is added to *IB*, and *IB* is changed so that other pieces of *IB* are logically consistent with the antecedent and that the antecedent is made true in accordance with the

\(^7^0\) I think that this is not always true. We will come back to this point when we talk about the subjectivity of ought statements.
laws of nature as far as possible. Is the simple imperative the best given the revised *IB*? If so, the conditional is the best; otherwise, not. On this view, even if the factual antecedent is false, the conditional is not the best. This is reasonable. Even if you are not going to teach Philosophy 101, the conditional does not automatically become the best.

This view obviously faces problems. For one, how can we evaluate the conditional imperative when the factual antecedent is self-contradictory, for example, “If your child is lazy and not lazy, reprimand her”? My tentative answer is that we cannot evaluate such an imperative, and there is no answer as to whether such an imperative is good or the best. For another, how can we evaluate the imperative like “if the uniformity of nature is a myth, stop using induction”? What does it mean to change *IB* so that “the uniformity of nature is a myth” is made true in accordance with the laws of nature *as far as possible*?71 As for this question, I have no answer at hand. Both questions require serious attention, but it takes us far afield, so I have to leave them unsettled.

The account tells us how to understand what makes the following ought statement correct.

“If you are going to teach Philosophy 101, you ought to use John Perry’s *A Dialogue on Personal Identity and Immortality* as a text.”

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71 Justin D’Arms presses me on this sort of questions, and I am sorry that I have no answer at hand.
This conditional is correct just in case the above conditional imperative is the best. If this is true, this conditional is not material. Because you cannot derive the above conditional from “You are not going to teach Philosophy 101”, this consequence is plausible.

There are other types of conditionals, for which no corresponding imperative exists. Consider

“If you ought to evaluate the tension between commonsense realism and scientific realism, you ought to read Sellars’ “Philosophy and the Scientific Image of Man”.”

While no imperative corresponds to this type of ought statements, the evaluation of the ought statements has a correspondent in the discourse of imperatives. We have talked about the notion of the best imperatives relative to the collection of other prescriptive assumptions, $PA$. In some cases, $PA$ only includes one imperative, say, “Evaluate the tension between commonsense realism and scientific realism”. My suggestion is that the above ought conditional is correct just in case relative to that imperative, “Read Sellars’ “Philosophy and the Scientific Image of Man”” is the best.

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72 The comment in the text is directed at the case where we take “ought” literally, i.e., as having a narrow scope. How about the case where “ought” has a wide scope? Then the above sentence actually means “You ought to make it the case that if you are going to teach Philosophy 101, you use John Perry’s A Dialogue on Personal Identity and Immortality as a text.” This ought statement is correct if and only if the following action-guiding imperative is correct: “(You,) make it the case that if you are going to teach Philosophy 101, you use John Perry’s A Dialogue on Personal Identity and Immortality as a text.”

73 You might think that the above treatment is susceptible to “Forrester’s paradox.” However, this is not so thanks to the undoneteness condition. See Appendix G.

74 The consequent can have a corresponding imperative, but the antecedent cannot.
Again, this view implies that the incorrectness of the antecedent does not entail that
the ought conditional is correct. Suppose that because you are a lay person, it is not the
case that you ought to evaluate the tension between commonsense realism and scientific
realism. Does it entail that if you ought to evaluate the tension, you ought to read Sellars’
paper? It seems not. Then the consequence of the view is reasonable.

The best imperative analysis needs to deal with negative sentences as well. There are
two types of negation, one of which occurs in imperatives but the other of which does
not. Suppose, for example, that while I and my friend are walking along Mirror Lake, she
finds geese and asks me whether to give the geese bread crumbs. I tell her:

“Don’t feed the geese in Mirror Lake.”

We can evaluate the practicability and conduciveness of such a negative imperative in the
same way we evaluate a simple affirmative imperative, for instance, “Feed geese in
Mirror Lake.” That is, we can sensibly evaluate whether following it is practicable and
whether it conduces to the point of the imperative, say, the maintenance of the ecosystem
of Mirror Lake. In the same way we can evaluate such a negative ought statement as:

“You ought not to feed geese in Mirror Lake.”

This ought statement is correct if and only if the above corresponding imperative is the
best.
However, there is the other type of negation, which does not occur in imperatives. Suppose in the above situation, I instead say:

“It is not the case that you ought to feed geese in Mirror Lake.”

Apparently this ought sentence has a content different from that of the above ought sentence. “You ought not to feed geese in Mirror Lake” implies “It is not the case that you ought to feed geese in Mirror Lake”, but not *vice versa*. For example, if feeding or not feeding geese in Mirror Lake does not have any significance outcome, it is not the case that she ought to feed geese in Mirror Lake, but it is hardly the case that she ought not to feed geese in Mirror Lake. As opposed to the statements that include the former, internal, type of negation, the statements that include the latter, external, type of negation do not have corresponding imperative sentences.

However, it is rather clear how the current account evaluates these externally negative ought statements and how it accounts for the fact that they are implied by the corresponding internally negative ought statements. A statement like “It is not the case that you ought to feed geese in Mirror Lake” is correct if and only if the affirmative imperative “Feed geese in Mirror Lake” is incorrect. This statement is implied by “You ought not to feed geese in Mirror Lake” because the latter sentence is correct just in case

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75 Prof. Donald C. Hubin points out that if (this ought is moral ought and) there can be moral dilemma, “You ought not to feed geese in Mirror Lake” does not imply “It is not the case that you ought to feed geese in Mirror lake.” Still, even if moral dilemma are possible, it is surely plausible that in almost all situations where you ought not to feed geese in Mirror Lake, it is not the case that you ought to feed geese in Mirror Lake. However, it is false that in almost all situations where it is not the case that you ought to feed geese in Mirror Lake, you ought not to feed geese in Mirror Lake. This weaker contrast is sufficient for showing the my point that “You ought not to feed geese in Mirror Lake” has a content different from “It is not the case that you ought to feed geese in Mirror Lake.”
“Don’t feed geese in Mirror Lake” is the best. If “Don’t feed geese in Mirror Lake” is the best, it is maximally conducive, so “Feed geese in Mirror Lake” cannot be maximally conducive and hence cannot be the best. This makes “You ought to feed geese in Mirror Lake” incorrect, so “it is not the case that you ought to feed geese in Mirror Lake” is correct. Thus, if “You ought not to feed geese in Mirror Lake” is correct, then “It is not the case that you ought to feed geese in Mirror Lake” is correct.

On the other hand, “It is not the case that you ought to feed geese in Mirror Lake” does not imply “You ought not to feed geese in Mirror Lake.” The former sentence is correct just in case “Feed geese in Mirror Lake” is not the best. Even if this imperative is not the best, “Don’t feed geese in Mirror Lake” can be not the best. Possibly the imperative might not be practicable, or more probably it is not maximally conducive to its point because it is only as conducive as “Feed geese in Mirror Lake.” This means that even if “It is not the case that you ought to feed geese in Mirror Lake” is correct, “You ought not to feed geese” can be incorrect.
PRACTICABILITY, PART 1: WHAT TO DO WHERE YOU SOMETIMES (BUT NOT ALWAYS) FAIL TO PERFORM INTENDED ACTIONS

In this and the next chapter, I will discuss the notion of practicability, which I have not talked about thus far. This notion is important because an action-guiding imperative is the best – hence, according to the best-imperative approach, a corresponding ought statement is correct – only if complying with that imperative is practicable. This chapter specifically argues that there is an interesting but largely ignored question about the practicability condition of an ought statement, and that the best-imperative approach will answer this question in a satisfying way.

5.1. Introduction: the Problem

People often fail to perform the action or omission they intended. For example, even if you intend to type “philosophy”, you might rather type “phildophey”. Or even if you
intend to put contact lenses in your eyes, you might rather drop them in the sink. People sometimes fail even to move their limbs in the intended way. Omission is no different from action in this respect. For example, people often intend to stop jiggling their legs but fail. Such a failure to perform intended action – the broad sense of “action” in which omission can be a type of action – occurs for environmental factors, for psychological problems, such as weakness of will, or perhaps for the indeterminacy of causation in general.

The problem is that before trying to perform the intended action, you do not know – or if indeterminism might be true, there is no fact – about whether or not you will succeed in doing so if you intend to do so. You might then wonder what one ought to do, morally or rationally. Literature in moral theory or decision theory usually focuses on which option one ought to perform, and it is largely assumed that there is a qualitative distinction between options and non-options among actions. And this qualitative distinction is taken as the distinction between what one will manage to do and what one will not manage to do. However, if, prior to the trial of action, one does not know – or even there is no fact – about whether one might manage to perform the intended action, this assumption turns out to be problematic. We then do not know – or even there is no fact – about which he will manage to do and which he will not manage to do. A qualitative distinction between options and non-options among actions is thus suspect as far as we understand it in the traditional way. We then need to reconsider the standard way of framing the practical question of what to do.

Suppose walking along the beach, Makoto finds a child drowning in front of him. The evaluation of consequences is a consideration in deciding what one ought to do, morally
or rationally. So, considering the consequences of the action, people might initially think, “Makoto ought to pick up the drowning child now.” Now, is this ought statement correct or incorrect when, if Makoto intends, he picks up the child at the rate of 40% while he fails at the rate of 60% and perhaps dies in vain from drowning himself? (Makoto might be a bad swimmer; he might be so weak-willed that he can fail to enter the sea even if he intends to do so; or perhaps the indeterministic world just does not love him much.) The problem is that Makoto might or might not succeed in picking up the child. The good consequences of picking up the child (and surviving himself) might or might not be realized, not merely because the intended action might or might not bring about the consequences, but also because the action itself might not be performed even if intended. Moreover, there is a significant cost of failure – death not only of the child but also of Makoto; however, standard normative theories do not take into account the consequences of performance failure because they assume the evaluated actions are options, which the agent will not fail to perform if she so intends. Given that the future success or failure in the performance of action is a matter of probability, what ought he to do? Because one might or might not fail to perform any intended action, including simple bodily movement, this concern penetrates into evaluation of any action. Normative theories thus need to address this general problem of determining what one ought to do given that he or she might or might not fail to perform the intended action.

At this point many people would say, “Well, we can distinguish the action the performance of which the agent’s will guarantees from the action the performance of which requires the cooperation of the world, external and internal to the agent. Sure, we often talk as if many actions – for example, saving a drowning child – belong to the
former category, but our considered view is that such an action actually does not belong to that category because we sometimes fail to perform the action even if we intend to do so. Rather, the more basic actions – entering water, or even more basically, trying to entering the water – are the actions the performance of which the agent’s will guarantees, regardless of how the world works. Normative theories should regard only these actions as options. There is nothing wrong in holding that some actions are really options and in determining what to do given the consequences of successfully performing these actions.”

According to this view, it is not the case that one ought to save a drowning child – or to perform anything that one might fail to perform even if he intends to do so. But if we can still say that one ought to enter the sea (to save the child) or to try to enter the sea, perhaps this result is bearable. However, actually even these actions are not insulated from the influence of the world. Makoto, the agent, might stumble over a slippery rock and fail to enter the water. Makoto might be so weak-willed or afraid that he fails to put an effort necessary for even trying to enter the water. If we only take as options the actions the performance of which the agent’s will guarantees, we wind up restricting options to the decisions of an agent.

What’s wrong with withdrawing from telling what one ought to do towards telling what one ought to intend or to decide? We might fail to perform intended actions, but having or eliminating an intention is, by definition, the direct exercise of our intentional control. You might fail to have or eliminate certain intentions, but trivially if you intend something, you cannot fail to have that intention, and if you eliminate an intention, you

76 Prof. Donald Hubin suggests this possibility in conversation.
cannot fail to lose that intention. So why not stop telling what one ought to do and focus on the business of telling what one ought to intend? However, there are several reasons we do not take this road. First, intuitively, we ought to perform many actions – for example, saving a drowning child – which are not themselves intentions. However, on the current view, besides making certain decisions, there is no action one ought to perform. Second, the current move is an attempt to change the subject where in practice you cannot. In ordinary conversations and deliberations, people consider what one ought to do, and not what one ought to intend. This habit will not change so easily. And even if we quit telling what one ought to do, others still tell us what one – including you – ought to do, so it is practically important to have a proper way of assessing claims of what one ought to do. Third, there is a reason for the practice of telling what one ought to do rather than what one ought to intend. We can observe people’s action but not their intention behind it (or at least, their action comes far closer to our observation). Thus, we can generally check whether people comply with what people ought to do, but not directly whether they comply with what they ought to intend. The possibility of check and the appraisal based on the check is an important merit of having a normative discourse. Thus, people have a reason to resist entirely replacing discourse on what one ought to do with discourse on what one ought to intend.

It is notable that traditional accounts merely assume the qualitative distinction between options and non-options, and do not address whether there are really options among actions. Many theorists hold the dictum that “‘Ought’ implies ‘can’”, which

77 Prof. Hubin points out that we cannot observe an action when the action involves a certain intention. For example, it seems that lying entails a certain intention – something like the intention to make the addressee believe what the utterer takes to be false. Because we cannot observe such an intention directly, we cannot directly observe the whole action of lying.
suggests the qualitative distinction between real options – taken as what you will manage to do – and non-options – taken as what you will not manage to do. However, these theorists do not ask whether they can make this distinction among actions. To be fair, in practice many people are sensitive to the point that whether or not you will manage to do is a matter of degree or probability. They apparently stipulate a qualitative distinction between options and non-options somewhere on the continuum. As for certain things, such as lifting your right arm, you usually succeed in doing so if you so intend. They are taken to be options. As for other things, such as winning a chess match against the world champion, you often fail to do so even if you intend to win. They are probably taken to be non-options. However, there is an obvious problem. There is no agreement upon where to put the line on the continuum, and people draw the line arbitrarily. In fact, because the difference between “what you will manage to do” and “what you will not manage to do” is really a matter of degree, it is impossible to avoid arbitrariness in drawing the line.

Further, this arbitrariness is a vicious one. Drawing a line runs the risk of ignoring important probabilistic closeness. Suppose you decide to take the actions of a more than 50% successful performance rate to be options; you take the other actions to be non-options. If going on a diet has a 50% successful performance rate – if its performance has a 50% chance – this will be an option, but if it has a 49.9% successful performance rate, this will not be an option. Suppose that you have estimated that going on a diet has a 50% successful performance rate. It has consequences better than any alternative options do, so it seems that you ought to perform the action. Now upon further investigation, it turns out that the successful performance rate turns out to be 49.9% rather than 50%. Should you abruptly quit going on a diet now because it turns out that going on a diet is not an
option? This reaction seems unreasonable, but if the line between options and non-options is drawn in the above way, this is what you ought to do. Notice that this problem of ignoring probabilistic closeness emerges wherever you draw a line on the continuum. For example, if someone picks a 90% successful performance rate as the border, you can reasonably ask whether you ought to avoid performing the action of an 89.9% success rate whatever the consequences of its successful performance are.

Now I am not criticizing setting an arbitrary threshold for successful performance rate as part of decision procedure. Suppose, for example, a commander finds out that the enemy is about to make a surprise attack. Then it might be a good idea for him to put such a threshold in decision making so that the army takes some – perhaps not the best but decent – action quickly to be prepared. I am only criticizing the theory of justification – the theory that tells us what makes an ought statement correct – that puts up an arbitrary threshold for successful performance. For the above stated reasons, it is implausible to think that such a threshold partly determines what one ought to do.

Another problem of the current view is that it focuses on the probability of successful performance and ignores how serious the cost of the failure is. Suppose two (successfully performed) actions – say, climbing a steep cliff and hitting a golf ball with a driver – have the same successful performance rate and even have the same consequences – say, the same amount of enjoyment. Then, according to the above account, you ought to perform both or neither. However, because the cost of failing to climb a steep cliff is far more
serious than the cost of failing to hit a golf ball with a driver, intuitively it can be the case that one ought to perform one – hitting a golf ball with a driver – but not the other – climbing a steep cliff.  

We thus end up wondering whether we can make the distinction between options and non-options among actions; more importantly, we need to reconsider the question of what to do given that we might fail to perform intended actions however basic these actions are. There is some plausibility to the idea that some actions are practicable but others are not, and that we ought to perform only practicable actions. The traditional understanding of this distinction, which is based on the presence or absence of dependence on the world, might be misguided. However, I am sure that while single-handedly defeating the Russian army is never practicable, taking cold medicine is sometimes practicable. What we need is an alternative understanding of the practical question of what to do – what to do given that we sometimes but not always fail to perform intended actions – which inform us of how to understand practicability.

5.2. Direction

At this point you might wonder how to proceed. We want some way to interpret and answer this question: what action ought one to perform, given that our intentions sometimes (but not always) fail to bring out the intended actions? It is unclear whether this question can be properly understood and solved solely by the direct approach of

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78 Arbitrariness and ignoring the cost of failure are problems even for other more sophisticated proposals. For example, consider the proposal, inspired by Prof. Justin D’Arms, that the threshold of successful performance becomes lower as the consequences of the action in question become more important. There is no non-arbitrary way to determine the rate of the inverse proportion. Further, this proposal still fails to count the risk and cost of failing to perform the action.
analyzing the sense of “ought”. Given that the well-accepted dictum “‘ought’ implies ‘can’” suggests the problematic assumption that there is a qualitative distinction between what one will manage to do and what one will not manage to do, our intuitions about what “ought” implies might not provide an unmistakable insight into the answer.

This paper starts with an indirect approach to the above question. While deontic judgments, such as “One ought to…”, “One should…” and so on tell us what to do, certain imperatives, such as utterances of advice, instruction, order or demand in imperative mood, do so as well. I have called these imperatives “action-guiding imperatives”. I have argued that the contents of action-guiding imperatives can be good or bad, the best or not the best, partly depending on whether the addressee’s following it contributes to some point. Thus, both deontic judgments and action-guiding imperatives answer the same practical question of what to do partly in terms of consequences. Moreover, in giving someone advice, instruction or command, one also faces the current problem that the addressee might or might not fail to follow it even if she intends to do so. Thus, one can perhaps extrapolate the findings on this issue about the evaluation of action-guiding imperatives to the evaluation of ought judgments. Guided by this thought, I first investigate the evaluation of action-guiding imperatives in cases where the addressees might intend but fail to follow the imperatives.

The paper proposes one particular understanding of the question of what to do or what action to perform: that is, what measure to undertake. It is the general version of the question for an organization, i.e., what policy to execute. The proposed understanding of the practical question takes options as certain measures or policies which the agent might or might not implement, and so the risks and costs of failing to executing them need
taking into account. On this understanding, there is still a definite yes-no answer to the question of whether or not a measure is practicable. However, the answer depends on whether some decision made by the agent might implement the measure and would have the best consequences even given the risk of failure to implement it. Consequently, contrary to many normative theories, the evaluation of ought statements involves the evaluation of possible intentions, and the so-called non-binding use of ought implies that some action is somehow practicable for some agent. To explain and defend this view, I need to expand on the evaluation of action-guiding imperatives.

5.3. The Best Action-guiding Imperatives and the Risk of Failure

I have argued that advice, an order or instruction is good only if it is conducive: that is, the addressee’s carrying it out is the requisite part of what is (sufficiently) conducive to the achievement of the point of the advice, order or instruction. However, the goodness/bestness of action-guiding imperatives also depends on some construal of the practicability condition: apparently, if the addressee can never perform the conducive actions, the imperatives prescribing the actions are not the best.

However, the problem raised in the Introduction appears: people might or might not fail to follow imperatives. Now, realizing that people might fail to follow the imperatives, we often consider how probable the failure is and what consequences it has. Suppose that a military commander tells her subordinates, “To cross the river by tomorrow, take that bridge”. The commander thinks that her order is good or even the best. Suppose that the army is not well disciplined, so the subordinates complain, “Even if we intend and try to obey your order, we might fail to do so. That might be a waste of time, effort and life.”
The commander might well reply, “Even if the cost and likelihood of failure is taken into account, my order is the best. Just do it!” This type of exchange suggests that the goodness or the bestness of an action-guiding imperative sometimes partly depends on what would happen if the addressee intends but fails to comply with the imperative – in this case, failing to take the bridge.\textsuperscript{79}

I say “sometimes”, because there are senses in which the manager’s instruction can be the best even if the cost and likelihood of the failure to follow the instruction is overwhelming (say, because the probability of failure of sales is so high and the wasted opportunity of other sales so expensive). Some imperative can be the best in the sense that the agent’s compliance would be a requisite part of what most contributes to its point, at least given that the addressed agents are normal and circumstances are not particularly unfavorable. This sense of the best imperative shows up in another context.

Suppose a manager and her subordinate visit Company C to peddle their product Chemical X. They are now waiting in the negotiation room for the executives of Company C so that they can explain the effects of Chemical X to them. The executives can come in any second. Finding out that her subordinate keeps tapping his foot

\textsuperscript{79} Some might object as follows. “take that bridge” is actually a shorthand for “try to take that bridge,” so the potential consequences of failing to take the bridge are not the potential outcomes of failing to follow the imperative: they are the consequences of complying with the imperative, i.e., trying to take that bridge. I think that “take that bridge” is not a shorthand for “try to take that bridge.” First, trying to take the bridge is not sufficient for complying with the order. If the soldiers attacked but failed to take the bridge, apparently they failed to comply with the commander’s order, “Take that bridge;” in this case the soldiers would feel they have failed to do what is ordered whereas they would not feel so if they took the bridge (even if they then failed to cross the river by the next day). However, if compliance requires trying to take the bridge and not actually taking it, they successfully complied with the order. Second, trying to take the bridge is not necessary for complying with the order. Consider another case. Immediately after the commander gave the soldiers the order, the enemy soldiers defending the bridge made contact with the soldiers and they instantly surrendered the bridge. The soldiers then informed the commander that they occupied the bridge. In this case, the soldiers took the bridge without trying to do so; they put no effort in taking the bridge. If “take that bridge” is the shorthand for “try to take that bridge” or “try to take that bridge and take the bridge,” then the soldiers do not comply with the order. However, surely the soldiers complied with the commander’s order, because they took the bridge.
nervously, the manager might tell him, “Stop jiggling your leg. That ruins our impression.” The subordinate might reply, “When I intend to stop jiggling, I often fail, get more nervous and make a worse impression.” The manager might reply with frustration, “I know that, but my order is still the thing for you to do!” This seems to imply that something – probably the subordinate but possibly the circumstances – is defective when he fails to stop jiggling. In this defect indicating sense, the manager can sensibly say that “stop jiggling your leg” is a good or even the best order. Now, this type of evaluating (the practicability of) an action-guiding imperative is interesting, and has a cognate in the evaluation of ought statements. However, for the brevity of presentation, I will postpone its analysis to the next chapter, where I discuss what I call the “standardized evaluation” of ought statements.

Our current focus lies on the evaluation of an imperative that depends on whether some decision by the addressee would make it more probable that he follows the imperative, and whether one of these decisions would contribute to the point. By “decision”, I mean having some new intention, eliminating some current intention, or retaining current intentions as they are when they are going to change. Notice that this requirement on intention captures the idea that if the addressee’s will has no control over whether or not he performs what is designated by the imperative, that imperative fails to

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80 Strictly speaking, a decision might consist in having, eliminating, or retaining a mental state other than the intention to perform an action. A decision might sometimes consist in having, eliminating or retaining an intention to try or “a guiding desire,” which has the function of initiating and sustaining an action but is not quite the intention to perform the action. According to Michael E. Bratman, a guiding desire is a desire that plays the causal role of intention but is not subject to the belief constraint. (Intention, Plans, and Practical Reason, CSLI Publications, 1987, 137) What Bratman takes to be the belief constraint is that a subject rationally intends to perform a particular action only if, other things being equal, the subject does not have beliefs inconsistent with the belief that the subject will perform that action. (“Two Faces of Intention” in The Philosophy of Action, ed. by Alfred R. Mele, 1997, 186)
provide good action guidance.\textsuperscript{81} A decision (at time $t$) makes something more probable just in case it makes its probability more than, and not equal to, the probability in the status quo – i.e., in the world that would be realized if the addressee engaged in no decision (at $t$). On this evaluation, an imperative is the best just in case the following two conditions are met: [the conduciveness condition] the addressees’ following the imperative would be a requisite part of what is the most conducive to the point\textsuperscript{82}; \textit{and}, [the practicability condition] some decision would make the compliance with the imperative more probable,\textsuperscript{83} and would make maximal contribution to the point.

“Maximal contribution” here means at least as conducive as any alternate decision.

One can properly raise several questions about the above practicability condition.\textsuperscript{84} I shall start with the following question: what is the rationale for thinking that practicability concerns the evaluation of decisions? Not only does the consideration of

\textsuperscript{81} Stating this account, I obviously presuppose that our decision can make a difference in our actions. This means that our decisions, or at least the states that realize or cause the mental states, have a causal effect on the way we act. Otherwise, in every case there is no decision that makes an action more probable, so there is no action that we ought to perform. This conclusion is, I think, absurd. However, antirealist theories about mental states apparently have this consequence. (I have in mind Churchlands’ eliminativism, and ascriptivism, which is sometimes attributed to Daniel Dennett.) Because I have no space to argue about these views, I just note my conviction that these views are implausible.

\textsuperscript{82} I have provided the account of the point of an imperative in Chapter 3.

\textsuperscript{83} If the analysis of Chapter 4 is on the right track, what matters is not exactly whether the compliance with the imperative is by itself practicable, but whether the compliance with the imperative combined with certain other imperatives is practicable. However, in order to avoid complicating the discussion any further, I ignore this in formulating the practicability condition on the text.

\textsuperscript{84} Let me address one minor question in this footnote. Why does the practicability condition require that some decision would make compliance with the particular imperative more probable, rather than simply require that given some decision, the compliance would be possible? The reason is that if the condition requires only the latter, and if imperatives prescribe us to do what we have no control over though doing so is the most conducive, they will be the best. For example, suppose that when a person asks her friend how she can understand the judicial system, the friend tells her, “Become a juror.” Perhaps for her to understand the judicial system, becoming a juror might be the best way. However, suppose whether or not she becomes a juror is decided for her and not by her. Then, though it is possible that she becomes a juror (whatever intention she has), ‘Become a juror’ does not seem to be the best advice. To capture such an intuition, the above practicality condition require that some decision of the addressees would make the compliance with the particular imperative \textit{more} probable. In the above case, this practicability condition is not satisfied because her decision has no effect on whether she complies with “become a juror.”
intentions occur in the usual practice of evaluating imperatives, it does so for a good reason. Human agents cannot perform actions – at least quickly and effectively – without having or eliminating some intention. Thus, in telling some human being “Do A”, it is natural to take into account not only what A would achieve but also what her having or eliminating an intention – usually, intending to do A – would achieve. If her having or eliminating any intention would have bad consequences for the cost of failing to perform A, then the imperative “Do A” is not recommendable in a sense.85

Why does the above type of evaluation ask whether some decision would make following the imperative more probable and how it conduces to the point? Why not focus only on the intention to follow the imperative (or to perform the designated action)? The reason is this: there are cases where the agent’s intention to perform an action is ineffective in bringing that action while her intending to perform another action, eliminating a certain intention, or merely maintaining current intentions, is effective.86 In the above jiggling case, perhaps the employee can stop it not by intending to stop it but by intending to sip a cup of water. For another example, consider the cases of insomnia. You bring about the sleep not by intending to sleep, but by eliminating the intention to do so. Now suppose you are evaluating such an imperative as “Stop jiggling your leg” addressed to the employee. You can aptly take into consideration whether such a

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85 I do not deny that there is another sense that the imperative might be recommendable. After all, it might be the case that performing the action by itself has the best consequences, and that if the addressed agent does not perform the action, she or her circumstance is problematic. Indeed, people might want to have the means to express this type of recommendation. The probability or cost/benefit of intending but failing to follow the imperative might change as the agent’s actual conditions and situations change. However, what counts as defective in the agent or in the circumstances is constant. People thus might want to keep in mind the first type of consideration, i.e., what action would be performed by a normal agent under normal conditions. I think this is a rationale for another, “defect-implying”, evaluation of action-guiding imperatives, which I mention above but defer to the next chapter.

86 Jon Elster has contributed most to having people pay attention to this sort of cases. See his Ulysses and the Sirens: Studies in Rationality and Irrationality, Cambridge UP, 1979.
roundabout intention as to drinking a cup of water is effective in stopping the jiggling. Thus, the imperative can be good or the best when some intention of the addressee – not necessarily the intention to perform the action in question – would make it more probable and conduce to the point of the imperative.\(^{87}\)

According to the current account, such imperatives as “Stop jiggling your leg” and “Sleep” can be good or even the best imperatives. However, are they really so? We often come to follow imperatives by forming the intentions to act as they tell us. So don’t these imperatives tell in effect us to form the intention to stop jiggling our legs or the intention to sleep, which will rather backfire? If so, aren’t they bad imperatives?\(^{88}\) I have a two-fold answer to this query. First, in the contexts where you tell someone “Stop jiggling your leg” or “Sleep”, it does not implicate “Form the intention to stop jiggling your leg” or “Form the intention to sleep.” Because it is well-known that forming such an intention is self-defeating, the listener does not take you to urge her to do so. Second, even if I am wrong and giving such an imperative does suggest that you form a self-defeating intention, “stop jiggling your leg” does not imply “form the intention to stop jiggling

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\(^{87}\) However, when an action-guiding imperative designates that description of action which implies a specific intention, its evaluation is tied to whether that intention, not other intention, would make the designated action as a whole more probable, and would conduce to the point of the imperative. There are many such descriptions: “lie”, which implies saying a false thing with intending to do so; “commit suicide”, which implies killing oneself with the intention to do so; and so on. When people make an action-guiding imperative, such as “Deceive her”, its evaluation depends partly on whether the specific intention to deceive her would make deceiving her – i.e., making her believe falsity through the intention to do so – more probable, and would contribute to the point of the imperative.

For example, suppose that your close friend died of taking too many sleeping pills, and his mother, a devout Catholic, suspects that he committed suicide rather than had an unfortunate accident. The mother is concerned that he went to Hell, so she writes a letter to you, asking whether you know whether he committed suicide. You know that he committed suicide; your answering machine records his declaration to commit suicide. You ask your girlfriend for advice about how to reply, and she says, “For her mental health, deceive her into thinking that he did not commit suicide”. This imperative is good or the best only if the following is the case: the intention to deceive would make it more probable that you make her believe the falsity that her son did not commit suicide; and that intention would contribute to the point of the imperative – plausibly, the mother’s mental health.

\(^{88}\) Prof. Justin D’Arms presents this question. Prof. Donald Hubin also asks a similar question.
your leg,” and “sleep” does not imply “form the intention to sleep.” Suppose you stop jiggling your leg or sleep without intending to do so. Then, do you fail to comply with the imperative “stop jiggling your leg” or “sleep”? No. And if “stop jiggling your leg” or “sleep” does not imply the intention to do so, the evaluation of the imperative in itself – which we are engaging in – should not depend on the evaluation of that particular intention. If giving “Stop jiggling your leg” implicated “form the intention to stop jiggling your leg”, probably giving that imperative is bad or unwise because the addressee might form the intention to stop jiggling his leg, only to make matters worse. However, that imperative itself is not bad: stopping the jiggling the leg is probably the thing to do. We need to keep in mind the distinction between the goodness of giving imperatives and the goodness of imperatives themselves, which I have discussed in Chapter 1.

You might also wonder why it is necessary to take into account the conduciveness of the action designated by the imperative. Isn’t the conduciveness (or maximal conduciveness) of some decision that makes the action probable not sufficient for making the imperative good or the best? Why do we need to take into account the consequences of both?\(^89\)

The suggestion of eliminating the conduciveness condition in effect makes the evaluation of an imperative depend not on the consequences of the designated action, but on the consequences of a certain will behind it. This is intuitively strange. Further, there are counter examples to the view that the conduciveness of intention determines the best imperatives. These are toxin-puzzle-like cases, where some intention that would make

\(^{89}\) I remember Zac Cogley asked me this question.
more probable the action designated by an imperative might also maximally contribute to the point, *but not through the action.*

Suppose you want to serve liberal ideals by being a US senator from Indiana. Knowing this, some political strategists might still tell you, “Support more conservative policies”. Now perhaps only by intending to adopt more conservative policies, you might be continuously elected as a senator and serve liberal ideals. If you merely pretend but not intend to support more conservative policies, the constituency might notice it and not vote for you. However, if you really execute the intention to support more conservative policies, it will not conduce to the point, i.e., serving for liberal ideals. Intending to support more conservative policies but not actually doing so is the way to conduce to the point. If such a situation occurs, is the instruction “Support more conservative policies” good or even the best? If it depended only on the conduciveness of the intention to support more conservative policies, it would be. However, it seems that this instruction is not good. For the instruction to be good, the action – actually following the instruction – must be conducive to its point, in this case serving for a liberal ideal.

I have argued that in one type of evaluation, an action-guiding imperative is the best just in case the following three things are true. First, the addressee’s compliance with the imperative would be a requisite part of what is the most conducive to the point. Second, some decisions would make the compliance with the imperative more probable. Third, one of the decisions would make maximal contribution to the point of the imperative.

Some readers might wonder why the last portion requires *maximal* contribution. The first portion requires that the prescribed *action* would be the requisite part of what is the most

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condeuctive to the point of the imperative. Why does the last portion need to additionally require that some decision would make maximal contribution? If, in addition to maximal contribution of the intended action, having the intention somewhat improves the situation – realizes the point of imperative in comparison to the status quo – is it insufficient for the imperative to be good or even the best?

I believe it is insufficient for the imperative to be the best. Suppose one person asks his friend for advice on losing weight. The friend correctly thinks that there are only two possibilities: exercise, or going on a diet. Going on a diet, if done, will have a slightly better outcome, and there is an intention that would make his reduced diet more probable and would have a positive probability of becoming thinner – at least would have the better probable consequences than the status quo. Then, is “Go on a diet” the best advice? Perhaps not. We need to take into account the risk of failing to exercise and to go on a diet. Suppose that due to his gluttonous but energetic character, the intention to exercise would have a far better outcome than any decision that might lead to a reduced diet. That is, though exercise, even if done, will not reduce his weight as dramatically as going on a diet, the intention to exercise has a better chance of reducing the weight and has a lesser chance of backfiring. Then, given that losing his weight is the point of advice, it is unclear whether “Go on a diet” is the better advice than “Exercise”. This type of case suggests that for an imperative to be the best, not only the prescribed action but also some decision behind it must maximally contribute to the point of the imperative.

Before leaving the issue of evaluating imperatives, I would like to note what construal of a practical question this account answers, and why the thus understood practical

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91 As for the imperative to be good, I am unsure whether it is insufficient.
question is worth asking. The account answers one particular understanding of the
question of what to do or what action to perform: that is, what measure to carry out. It is
the personal version of the question for an organization, i.e., what policy to execute.
Consider a company considers the practical question of what to do, say, for sales
promotion. The company would take this question to mean what plan to execute for sales
promotion. The company would consider the consequences of the plan when it is
executed. However, the company would also consider whether there is any way to
execute the plan and what consequences that way of executing the plan has. This is
because the company knows both that it might fail to execute the plan and that executing
the plan has costs and risks on its own. If individuals realize that they might or might not
succeed in acting in the way they intend, they would ask a similar question: what measure
are they to undertake?

This understanding of the question of what to do is different from its traditional
understanding. The traditional understanding takes for granted the qualitative distinction
between option as what one will manage to do and non-option as what one will not. As
far as we assume that one’s options are definitely performable, it is pointless to talk about
the risks and costs of failing to perform the action, which is distinct from the risk that the
successful performance of the action might not achieve the goal. Thus, traditional
understanding does not take into account the risks and costs of failing to perform actions,
and focuses on the property of performable actions, in particular, what consequences the
actions have. However, the assumption that options are definitely performable is not
innocent. The proposed understanding of the practical question replaces this assumption
with another understanding of options and takes options as certain measures or policies
that the agent might or might not implement. On this understanding, there is still a
definite yes-no answer to the question of whether or not a measure is practicable.
However, the answer depends on whether a decision might implement the measure and
would have the best consequences even given the risk of failure to implement it.

5.4. Correct Ought Statements and the Risk of Failure

Now I will argue that what makes action-guiding imperatives the best is actually what
makes ought judgments correct. That is, I am proposing the following view. An ought
statement is correct just in case the following three things are true. First, the addressee’s
complying with the imperative would be the requisite part of what is the most conducive
to the point of the ought statement. Second, some decisions would make the compliance
with the ought statement more probable. Third, among these decisions, one of them
would make maximal contribution to the point of the ought statement. I will argue that
this view captures our intuitions about ought statements.

Suppose Makoto finds a child drowning just in front of him. Considering the
consequences, people might say, “Makoto ought to rescue the drowning child now.” It
turns out that his broken leg, however, prevents him from rescuing the child. The people
will probably retract the claim because Makoto cannot rescue the child however he
intends. This kind of observation underlies the apparent plausibility of the dictum
“‘ought’ implies ‘can’.” That is, “Makoto ought to rescue the drowning child now,” for
example, implies “Makoto can rescue the drowning child now if he intends in a certain
way.” Of course, there is a complication pointed out earlier. Is this ought statement
correct or incorrect when, if Makoto intends, he saves the child at the rate of 40% while
he fails and dies in vain from drowning himself at the rate of 60%? It is tempting to claim that the correctness of the statement partly depends on what probable consequences Makoto’s intention leading to rescuing the child – in particular, the intention to rescue the child – will have. People are thus inclined to hold three views. First, the consequences of action (including omission) – in this case, the consequences of rescuing the child or just watching – matter. Second, if no decision made it more probable to bring about an action, it would not be the case that you ought to perform the action (in the above case, rescuing the child). Third, if some decision might or might not bring about the action, the consequence of the decision is a factor in determining whether to perform the action. Having or eliminating some intention must not only make more probable the designated action but also conduce to the point of the ought statement – perhaps, keeping more people alive, in the above case.

In addition, there are reasons to think that the contribution of the intention must be maximal for the ought statement to be correct. Suppose that Makoto is not so good at swimming that if he attempts to rescue the drowning child, he might drown himself or even prevent the rescue effort by a possible third party. Makoto’s successfully rescuing the drowning the child has a better consequence than his just observing the child, but the intention to watch might have a better outcome – have the better chance of keeping more people alive – than any intention that might lead to Makoto’s rescuing the child. If this is the case, is “Makoto ought to rescue the drowning child” correct? It seems not. This type of case suggests that the decision behind the prescribed action must be maximally conducive to the point of the ought statement, such as keeping more people alive.
These observations support the view I have expressed. An ought statement is correct (in a sense) just in case the following three conditions are met. First, the addressee’s following the imperative would be the requisite part of what is the most conducive to the point of the ought statement. Second, some decisions would make the compliance with the ought statement more probable. Third, one of those decisions would make maximal contribution to the point of the ought statement.

Now we can review how this proposal addresses the problem that agent might or might not fail to perform the prescribed action. The second and third portions are the key. The second portion does not require that some decision would guarantee the performance of the prescribed action. It just requires that it would make the performance more likely. This portion thus admits the room of the cases where people might or might not fail to perform the prescribed action, and holds that in these cases the prescribed action is still in court. The third portion determines the verdict on the basis of teleological calculation. An ought statement is correct only if some decision behind the designated action would have the best consequences. Thus, on the one hand, if the risk times disadvantage of failing to perform the action is relatively large however one wills, the ought statement is incorrect. On the other hand, if some decision would make the risk times disadvantage of the failure relatively small while the consequences of the action is maximally good, the ought statement is correct. These two statements involve simplification\(^{92}\) but are roughly true.

There is a clear theoretical merit in this way of dealing with the probability of failure. The proposal disposes the problem with a familiar and systematic method – a sort of cost-benefit analysis. Note also that there is still a definite answer to whether some action

\(^{92}\) for a decision can have consequences other than the costs and benefits of success and failure.
is a practicable option: if the decision would make the action more probable and would make maximal contribution, it is a practicable option; otherwise, it is not. This proposal is thus theoretically superior to the main alternative understanding of practicability, which stipulates the arbitrary distinction between what one will manage to do and what one will not, and ignores the cost of failure. In addition, as I have argued above, the current account accords with some of our intuitions about ought statements.

5.5. Objections, Clarifications and Implications

5.5.1. The Objection from Unobservability

One possible worry about the current proposal can be stated as follows. It turns out that the correctness of ought statements partly depends on something not directly observable, a certain decision. As I have said in criticizing the retreat from discourse about what people ought to do toward discourse about what they ought to intend, would this not make difficult the check of compliance and the appraisal based on the check, and hurt the proper function of normative discourse?\(^93\)

I would take this worry seriously if the current proposal held that for people to follow an ought statement, they must actually have a certain decision. Because the decision is not directly observable, it would be hard to check whether or not people comply with the ought statement, and to appraise them on that basis. However, the current proposal does not hold that for people to comply with an ought statement, they must have a certain decision. As far as people perform the action that the ought statement prescribes, they

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\(^93\) As far as I understand, Adam Podlaskowski expressed this worry in his comment on an earlier version of this paper. I am sorry for him that he had to read the version of paper which is hard to understand.
follow the ought statements; otherwise, they fail to do so. All the current proposal says is that *if an ought statement “You ought to do A” is correct* (in a sense), some decisions *would* make A more probable, and one of them *would* make maximal contribution to the point of the ought statement. This is not the condition for complying with an ought statement, but for its correctness. Further, this condition does not require that you have certain decision, but that *if you made certain decision*, it would make A more probable and would have the best consequences. Thus, the current proposal does not make the check of people’s compliance more difficult.  

5.5.2. Other Ways of Evaluating Ought Statements

I have argued for one way in which ought statements are correct or incorrect. I have not argued that this is *the* way to evaluate ought statements. I think there are other ways to evaluate (normative) ought statements. For example, one might evaluate ought statements in terms of whether they are issued legitimately. When a military commander tells his subordinates in battle, “You ought to blow up that bridge”, there seems to be one way in which this ought statement is correct: it is correct just in case and because it is issued legitimately. This is the legitimacy-related way of evaluation I have classified in Chapter 2 as a way of evaluating action-guiding imperatives as well as ought statements.

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94 Perhaps the worry does not come from any misunderstanding of the current view. People might worry about factoring the evaluation of intentions in determining what one ought to do. However, if the source of worry is that one cannot observe intentions directly, I claim that this unobservability will not make the evaluation of intentions more problematic than the evaluation of actions themselves. Before the time of action, all alternative courses of action are unobservable. Even after the time of action, only one alternative – actual course of action – is observable. However, this does not pose any particular problem in determining what one ought to do comparing alternatives of actions. In the same way, it will present no problem even if we need to compare unobservable (alternatives of) intentions in determining what one ought to do.
In the next chapter, I will contend that there is another way of evaluating ought statements. While the legitimacy-related way of evaluation does not take the consequences of action into account, this second type of evaluation does. However, this type of evaluation differs from the type of evaluation this chapter has emphasized in that the control of the particular agent’s will or decision over action does not matter at all. Instead, this type of evaluation considers whether a defect-free agent might perform the action in a defect-free environment. When someone tells me, “You ought to have compassion toward the needy”, there is a sense in which this statement is correct even if I am a sociopath and cannot feel compassion however I intend. Not only does my having compassion toward the needy have good consequences, but also is it possible that a defect-free individual have compassion toward the needy in a defect-free environment; after all, many healthy people have such compassion if the time is right. You might call this way of evaluation “defect-implying” because if an ought statement is correct in this way, the failure to follow it implies that either the agent or the environment is somehow defective. As I have mentioned in passing, action-guiding imperatives can also be evaluated in this defect-implying way. In the next chapter, I will analyze the defect-implying type way of evaluating ought statements by examining that way of evaluating action-guiding imperatives.

5.5.3. Options and Non-options

One possible objection to the current proposal is that its practicability condition conflicts with our intuitions about what counts as options or being practicable. For one, people might wonder why I take as the “practicability” condition the requirement that
some decision behind the prescribed action be maximally conducive to the point. For another, people tend to think that in many situations we have a lot of options. According to the current proposal, apparently the number of options is far smaller. According to the account of practicability, an action is practicable just in case some decision would make it more probable, and would make maximal contribution to the point for which the action is prescribed. In many situations there are not many decisions that would contribute maximally – as greatly as any other decision – to the point, so there are not many actions for which this condition is satisfied. Thus, apparently in many situations the number of options is far smaller than people tend to think. Let me address the second concern first.

I have criticized the idea that there is a qualitative distinction between what one will manage to do and what one will not manage to do, and that options are what one will manage to do. Perhaps this idea underlies people’s tendency to think that in many situations we have lots of options. Then, if my criticism of this idea is correct, this tendency is misguided and should not be relied upon.

However, to some extent I myself feel attracted to the view that in many situations there are lots of options. And I can introduce a complication into the present account to accommodate this view. The practicality condition has two parts: (1) some decision would make the action in question more probable; and (2) that decision would make maximal contribution to the point for which the action is prescribed. If one call those actions that satisfy (1) “options” – whether or not (2) is met – then in many contexts the agent has lots of options, including those which she has only a slight chance to perform. If both (1) and (2) are met, we might call the action “a practicable option”, to distinguish it from the above weaker notion of option.
Nonetheless, I would like to argue that in some contexts we mean something like a practicable option by “an option.” For example, in a business meeting, the CEO might ask, “Is this policy really an option?” The CEO is probably not merely asking whether they have any chance of implementing the policy, but also whether their decision to implement the policy would have the acceptable consequences. For another example, in a political news program, a commentator might say, “Increasing the income tax is not an option even for the majority party.” What the commentator means to say is that the decision to increase the income tax would have unacceptable consequences (given how voters will react to that decision). Thus, it is in a sense apt to regard only the actions that satisfies both (1) and (2) above as “options.”

Now let me address the second concern: why is it appropriate to take as the “practicability” condition the requirement that some decision behind the prescribed action be maximally conducive to the point? As we have seen in the above examples, there is an intelligible notion of (practicable) option according to which it is not practicable unless the decision to implement a measure do not have acceptable consequences. This notion underlies the requirement that, for an ought statement to be correct, some decision behind the prescribed action be maximally conducive to the point. I thus think it is apt to call this requirement a practicability condition.

5.5.4. The ‘Non-binding’ Use of Ought

One merit of the current account is that it provides us with a unified way to account for the so-called non-binding use of ought. To make this point, however, I need to
illustrate the use and the problem it apparently causes for the best-imperative approach.

Consider the following examples.

There ought to be a peaceful way of ending the arms race.  
You ought to receive your mother’s inheritance.  
Everyone ought to be happy.  
Little children ought not to have to suffer.

In most contexts, these sentences are not taken to imply that the being referred to by the grammatical subject ought to perform a certain action. In relation to the best-imperative approach I am pursuing, I have to admit that what makes these sentence correct is not what makes the following superficially corresponding imperatives the best:

A peaceful way of ending the arms race, be there.  
(You,) receive your mother’s inheritance.  
Everyone, be happy.  
Little children, don’t have to suffer.

These imperatives cannot be the best; we cannot properly evaluate these imperatives to be good or bad. These imperatives are not even action-guiding imperatives because they do not address any agent; they are merely devices for expressing the hopes or wishes of

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95 This example comes from Fred Feldman, Doing the Best We Can, D. Reidel Publishing Company, 1986, 180.
the speaker. Actually, the above ought statements are sometimes used merely to express the wishes or hopes of the speaker, but it seems to me that these statements can be correct or incorrect in most contexts.

I think that the above ought statements can be paraphrased as follows:

Somebody ought to make it the case that there is a peaceful way of ending the arms race.

Somebody ought to make it the case that you receive your mother’s inheritance.

Somebody ought to make it the case that everyone is happy.

Somebody ought to make it the case that little children do not have to suffer.

Here “somebody” is a variable ranging over individual as well as collective agents, such as the UN, the humanity as a whole, etc. If these paraphrases are correct, I can claim that what makes the above ought statements correct is what makes the following action-guiding imperatives the best.

Somebody, make it the case that there is a peaceful way of ending the arms race.

Somebody, make it the case that you receive your mother’s inheritance.

Somebody, make it the case that everyone is happy.

Somebody, make it the case that little children do not have to suffer.
Each of the above paraphrased ought statements imply that someone ought to make a certain thing to be true. Many people\textsuperscript{97} would criticize the paraphrases because they take this implication to entail the further claim that someone can make a certain thing to be true. They argue, for example, that there might be nobody who can make it the case that there is a peaceful way of ending the arms race. In that case, the original ought statement, “There ought to be a peaceful way of ending the arms race” must be false if it is logically equivalent to “Somebody ought to make it the case that there is a peaceful way of ending the arms race.” For the latter implies that somebody can make it the case that there is a peaceful way of ending the arms race. However, it seems that the original ought statement, “There ought to be a peaceful way of ending the arms race” can be true even if nobody can make it the case that there is a peaceful way of ending the arms race. Thus, the paraphrase is not successful.

Here the investigation of this paper kicks in. This criticism misunderstands the practicability condition of ought statements. “Somebody ought to make it the case that there is a peaceful way of ending the arms race” does not imply “somebody can make it the case that there is a peaceful way of ending the arms race” unless the latter means the following: some decision of somebody would make it more probable that there is a peaceful way of ending the arms race, and the decision would maximally contribute to the point of the imperative, perhaps the well-being of humanity. And I believe that if this condition does not obtain, the original statement “There ought to be a peaceful way of ending the arms race” will be false. The non-binding use of ought still implies that some action is thus practicable for some agent.

\textsuperscript{97}Feldman provides something like the following argument. See ibid., 180-1.
Critics might claim that the so-called non-binding use of ought does not even imply that some decision of somebody would make a certain thing more probable. I think this claim is mistaken. Suppose I say now that Lincoln ought to return to life and be elected President of the USA again. Presumably, this is a so-called non-binding use of ought: Lincoln is dead, so presumably it is not claiming that Lincoln ought to perform a certain action. There is nobody – if we suppose that God or gods do not exist – some of whose decisions makes it more probable that Lincoln returns to life and is elected President of the USA. Can the ought statement “Lincoln ought to return to life and be elected President of the USA again” to still be correct? Perhaps it is still appropriate to say, as the mere expression of a hope or wish, that Lincoln ought to return to life and be elected President of the USA. However, if we consider whether the statement is correct or not rather than apt or not, it is incorrect. It thus seems that even the so-called non-binding use of ought statements implies that some decision of somebody would make a certain thing more probable.

Then, what distinguishes the so-called non-binding use of ought from the binding use of ought? Linguistically, the difference is merely stylistic. The surface grammar of the latter conceals the expression, a variable, whose extension includes agents. The present theory provides a unified account in that it holds there is no fundamental difference between the so-called non-binding use and the binding use of ought. Another reason that the sentence like “there ought to be a peaceful way of ending arms race” sounds non-binding is that no particular agent is named and called on to perform an action. It only tells us that somebody ought to make it the case that there is a peaceful way of ending arms race. Further, when there is such somebody, it tends to be a group agent like the
UN, the USA, and humanity, and not a particular individual. It is thus usually the case that no particular individual is called on to perform an action. These are the reasons that make us feel that the so-called non-binding use of ought is distinct from the binding use of ought.

5.5.5. Implications

Lastly, let me note what implications the current proposal has and does not have. First, the current view holds that a type of evaluating the practicability of ought statements involves the assessment of (possible) intentions. Thus, it turns out that some normative theories are partly right in insisting the place of intentions in the justification of ought statements. Many theories totally ignore intentions in the justification of ought statement. If the current proposal is correct, these theories need supplementation.

Second, however, the current proposal only implies that if an ought statement is correct in a sense, then it is the case that some decision would make more probable the designated action and would have maximal contributions to the point. The proposal does not imply, for example, that the following is relevant to the justification: whether intentions reflect maxims every person can rationally consent to if he or she is fully informed; or whether bad effects are intended as ends or means. Thus, if theorists claim that such other kind of assessment of intentions is relevant to justifying ought statements, they need to look in another direction. Further, the proposal does not imply the evaluation of intentions is relevant to all types of evaluation of ought statements. The current proposal involves the assessment of intentions only in one type of evaluation, not in the others.
Third, I have argued for an account of the practicability of action-guiding imperatives and a cognate account of ought statements. It then turns out that there is an interesting type of unity in the evaluation of ought statements and imperatives: what makes an ought statement “You ought to do A” correct in a sense is what makes the corresponding action-guiding imperative “Do A” (addressed to the same person) the best in a way. This is the thesis that this dissertation has been defending, and you will see that even in another type of evaluating the practicability of ought statements, this relation holds.
CHAPTER 6

PRACTICABILITY, PART 2: IMPERATIVES, THE STANDARDIZED EVALUATION OF OUGHT STATEMENTS AND ITS IMPLICATIONS

Chapter 5 argued that, partly based on an analysis of the evaluation of imperatives, there are two ways of evaluating ought statements. One type of evaluation involves the idea of practicability, according to which if an action is practicable, then the agent has some intentional control over the action. On this type of evaluation,

an ought statement is correct only if:

[the practicability condition]

some decision of the addressed agent would make compliance with the imperative more probable, and would maximally contribute to the achievement of the point of the imperative.
The focus of Chapter 5 was on this type of evaluation. Note that on this type of evaluation, failure to comply with a correct ought statement does not imply the existence of defect either in the agent or in her circumstances. Another type of evaluation involves the idea of practicability according to which without defect the agent would perform the action. That is, an ought statement is correct only if failing to follow it implies defect in either the agent or in the circumstance he or she is going to face. The view that failing to follow an ought statement implies the existence of defect is not new. John Broome expressed this idea in an unpublished manuscript “Ought” and Judith J. Thomson presented an analysis of an ought statement in terms of defect in a Central APA meeting. However, apparently they both think that failure to comply with any correct ought statement implies the existence of some defect, which I deny as above.

This chapter analyzes this “defect-implying” type of evaluation, its rationales and the ramifications. Because, as I have suggested in Chapter 5, intuitions about the practicability condition of ought statements might not be fully informative, I will consult the evaluative practices of action-guiding imperatives again. This approach helps us to formulate and analyze the practicality condition. It is one part of the assignment for this chapter to deal with the problems left in Chapter 5: what the “defect-implying” evaluation tells you to do where you might fail to perform intended actions, and how the evaluation draws the distinction between options and non-options. Another part of the assignment is to consider what distinct roles two ways of evaluation have, and what their implications are on the following perennial issues: categorical nature of ought statements, supererogation, the evaluation of non-intentional actions and moral internalism.

98 As far as I know, neither of them has published their papers on this subject.
However, probably many readers have not yet been convinced that there are two different ways of evaluating ought statements. I thus start with making the case.

6.1. “They ought to do this, but they can’t”

People often make this sort of paradoxical claim. For example, someone might say, “The police ought to arrest the murderer of Jon Bennett, but they can’t do it.” For another example, a night before the midterm a student might say, “I ought to concentrate, but I can’t.” These claims are paradoxical because many believe that “ought” implies “can”.

Suppose we take this dictum to mean that if an agent cannot perform some action, i.e., has no chance to do so even if he intends to do so, it is not the case that he or she ought to do it. Then, the two claims in question cannot be true.

However, it seems that the above claims might well be correct. Taking this possibility into account, the defender of the dictum might argue that the dictum “ought” implies “can” does not mean that the agent can actually perform what we ought to do (i.e., has some intentional control over the action,) but rather that a normal agent could perform the action if the situation were normal. That is, “the police ought to arrest the murderer” implies not that the police can actually do it, but rather that a normally competent and motivated police could arrest the murderer (if the circumstances were not particularly unfavorable). “I ought to concentrate” implies not that the student actually has some chance to perform the action if he intends to do so, but that if the student were normal and were placed under normal – not inevitably disturbing – circumstances, he could concentrate.
This way of thinking is somewhat tempting, but the original understanding of the dictum is still appealing. If one realizes that an agent has no chance of performing the action even if he intends to do so, he often retracts the claim that he or she ought to perform the action. Suppose that a father tells his son, “We ought to play catch.” However, it turns out that the son is getting cold and is unable to walk around even if he intends to do so. The father will find it apt to retract the claim, and he will do so if he has the opportunity. If the son’s condition were normal, he could and would play catch. However, that does not make it the case that he and his father ought to play catch.

As I understand, each view captures one thing while missing another. In some contexts, it is perfectly appropriate to say that they ought to do this, but they can’t. The police example and the student’s concentration example illustrate this point. In other contexts, however, it does not make sense to say that they ought to do this, but they can’t. The play-catch example illustrates this point. There are two types of evaluation of ought statements, the one standardized – which concerns whether a normal agent could perform the action in a normal condition, and the other individualistic or existential – which concerns whether the actual agent has some intentional control over the action in the actual condition.

Chapter 5 has already characterized the individualistic or existential evaluation of an ought statement. According to the existential evaluation, an ought statement is correct only if some decision would make compliance more probable, and would maximally contribute to the achievement of the point of the ought statement. This chapter focuses on standardized evaluation. The important thing is that this type of evaluation concerns whether a normal agent not only could but also would perform the action under normal
conditions. For example, suppose someone says, “The police ought to arrest the murderer of Jon Bennett, but they can’t do it”. The sentence apparently implies that if the police and the circumstance were OK, not only could the police capture the murderer, but also would they capture the murderer. This implication is indicated by the fact that the sentence is usually taken to be the criticism of the actual agent, the police. The sentence apparently holds that unless the circumstances were particularly unfavorable, the police would be defective in failing to arrest the culprit. Consider the other example where a night before the midterm a student says, “I ought to concentrate”. The sentence implies that if the student and the circumstance were OK, not only could he concentrate, but also he would concentrate. This implication is suggested by the fact that the sentence is ordinarily taken to be the reproach of the actual agent, the student himself. The sentence apparently holds that unless the circumstances were particularly unfavorable, he would be defective in failing to concentrate. These examples suggest that the evaluation of ought statements often concerns whether a normal agent not only could but also would perform the action under normal conditions. I will later analyze the standardized evaluation in more detail and argue that the analysis really holds true of ought statements.

6.2. Imperatives and Defect

Though “‘ought’ implies ‘can’” is a popular idea about the practicability of ought statements, the previous section suggests it is unclear that this intuitive thought can unequivocally inform the evaluation where it is consistent to say “They ought to do this, but they can’t”. Thus, to analyze the standardized evaluation of an ought statement,
rather than directly investigating our intuitions about oughts, I will consult similar evaluations of an action-guiding imperative. Let me first show that there is a standardized evaluation of an imperative.

Suppose a business manager brings her subordinate to a sales talk. When they are waiting for the other party, the subordinate starts jiggling his legs. The manager tells him, “Stop jiggling your legs”. When the subordinate protests that because he is nervous, he might well fail to do so whatever he intends, she replies that it is still the (best) thing for him to do. The manager’s comment suggests that in one type of evaluation, the imperative is good or even the best whether or not the agent will succeed in carrying out the prescribed action. If so, what conditions would make the imperative the best? The manager might say that not only the consequences are the best, but also failure to comply with the imperative – failure to stop jiggling legs – means that the subordinate (or possibly the circumstance of him) is somehow defective; a normal person would stop jiggling his or her legs (under normal conditions). Then, it seems that an imperative, “Stop jiggling your legs”, is the best (in a way) only if a normal agent would follow the imperative under normal circumstances.

This type of evaluation is frequently taken up when instructions are given to students or learners. When students learn the multiplication table, the teacher often tells a student, “Say the table up to 4”, or something like that. Suppose a student complains like this: “I cannot do that, so why do you tell me something impossible!” The teacher will defend her instruction as the best thing to do whether or nor this particular student has any ability to say the table up to 4. In this kind of circumstances, whether the agent himself or herself has any ability to follow the imperative is irrelevant to the evaluation of the
imperative. What at most can be said is that if the student were properly trained to be normal, he or she would succeed in saying the table. Consider another example. In my junior high school, judo is a mandatory subject of physical education. My PE teacher at one point tells us, “Throw your opponent over his shoulder”. I could not do it no matter how many times I tried, but I admit that the teacher can defend his instruction in this way: a normal student – a properly interested and trained student – would succeed in throwing my opponent over his shoulder. I was not good at subjects of PE in general and not interested in doing better.

Now that we have seen that there is a standardized evaluation of an imperative, we can come to ask the question of how to formulate it. Even in the standardized evaluation the consequences of action matter. For example, “Stop jiggling your legs” is the best partly because it (is a requisite part of what) has consequences better than other alternatives. If stopping jiggling his legs has consequences not better than continuing doing so, it is not the best instruction, even if a normal person would stop jiggling his or her leg under normal conditions. There is no sense in stopping it. On the other hand, the consequences of action do not determine that a normal person would perform the action under a normal condition. A normal person might lack the ability to realize the consequences of the action, or might fail to perform the action even under normal conditions even recognizing the consequences of the action. I thus separately formulate the practicability, undoneness, and conduciveness conditions of standardized evaluation in the following way.
The Standardized Evaluation

An action-guiding imperative given to an agent situated at time $t$ and place $p$ is the best – and the corresponding ought statement is correct – if and only if all the following conditions are met:

[Practicability]
If any agent without defect faced the situation of the actual addressee at time $t$ and place $p$, where no defective circumstances arose, the agent would perform the prescribed action.\textsuperscript{99}

[Undoneness]
The prescribed action is not done at the time $t$.

[Conduciveness]
The prescribed action is a requisite part of what would maximally conduce to the point of the ought statement.

Let me make two comments on the practicability condition. First, “any agent ... faced the situation of the actual addressee...” is meant to convey that the agent not only is situated in an external environment similar to the actual addressee’s but also has similar characteristics to the addressee’s. The similarity of the environment and characteristics has a limit; as the inserted phrases “no defective circumstances arose” and “(any agent) without defect” indicate, some facts about external environment and the agent’s characteristics are removed. They are removed because they belong to the types that are

\textsuperscript{99} If Chapter 4 is on the right track, what matters is not whether the prescribed action, taken alone, would be performed, but whether the prescribed action combined with certain other actions would be performed. However, in order to complicate the discussion any further, I ignore this in formulating the practicability condition on the text.
subject to the standards of defect relevant in the context where the imperative is given. In other words, facts about the actual addressee’s defects and excellences in the relevant sense are ignored. These facts are replaced with the assumption “no defective circumstances arose” (whether or not circumstances were moreover fortunate) and that the agent were “without defect” (whether or not the agent were moreover excellent at the same dimensions). This normalization of the situation is the kernel of the standardized evaluation.

Second, the practicability condition is a necessary condition for making an imperative the best (or a corresponding ought statement correct). In other words, if an imperative is the best, it satisfies the practicability condition. Thus, if an actual addressee fails to comply with the best imperative, either she is defective or some of her circumstances is defective.

At this point a keen reader might raise the following question. Does the standardized evaluation ever make the best an imperative like “remove your defect” when the defect is of a relevant type? It is not the case that if any agent without defect faced the situation (where no defective circumstances arose) the agent would remove a defect. For the facts about the actual agent’s defect (in the relevant senses) are replaced with the assumption that the agent in question has no defect (of the relevant sorts). With no defect, the agent in question would not remove any defect. Because the instruction “remove your defect” fails to satisfy the practicability condition, it is not the best; correspondingly, “you ought to remove your defect” is not correct. One can also pursue the following query. Suppose an undergraduate excels at philosophy, so you tell her, “Choose philosophy as your major.” Does the standardized evaluation ever make such an imperative the best? It is probably not the case that if any agent without defect faced the situation (where no defective circumstances arose) the agent would choose philosophy as her major. This is because in the standardized evaluation the actual addressee’s excellence is ignored (if it is a relevant sense of excellence). If the instruction “choose philosophy as your major” fails to satisfy the practicability condition, it is not the best; correspondingly, “you ought to choose philosophy as your major” is incorrect. If these are the consequences of the standardized evaluation, do they not show that is a mistaken account of what makes an imperative the best and an ought statement correct? My answer is that they are the consequences of the standardized evaluation, but they do not show that is a mistaken account; they only show that the standardized evaluation is not the only proper way of evaluating an imperative and an ought statement. As I have argued, there is another way to evaluate them – the existential evaluation – which can make these imperatives and ought statements correct. This paper will elaborate on this point when it discusses the distinct roles of the standardized evaluation and the existential evaluation.

Note that the standardized evaluation does not imply that only if the actual addressee fails to comply with the best imperative or a correct ought statement, she or her circumstances are defective. There are many cases where the agent succeeds in complying with the best imperative or a correct ought statement.
There are questions about this rendition of the standardized evaluation. First, what support there is for formulating the practicability condition of standardized evaluation in the above way? In particular, what reasons there are to think that the practicability concerns both the defect of an agent and the defect of her circumstances? Second, what does “defect” amount to? Specifically, what do the defect in circumstances and the defect of an agent involve? I will answer these two questions in order.

6.2.1. Theoretical Underpinnings for the Standardized Evaluation

What support is there for the claim that one way of evaluating imperatives or ought statements – the standardized evaluation – implies that if an actual addressee fails to comply with the best imperative, either she is defective or some of her circumstances is defective? First, what support is there to think that one way of evaluation concerns the defects of agents? It is sometimes said that imperatives are conceptually associated with punishment. I think that is not true necessarily of advice and instruction in the imperative mood. However, it seems intuitive that a person who fails to comply with a good piece of advice or instruction acts defectively unless the person sees a better course of action or special circumstances prevent compliance. On the one hand, we tend to evaluate negatively a person who fails to follow a good imperative – a piece of advice, instruction, order etc. – unless she knows a better course of action or the circumstances prevent her from doing so. On the other hand, we feel sorry or inferior when we ourselves fail to follow a good piece of advice, instruction or order. These facts seem to indicate that the

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despite her defect or defective circumstances. For example, you comply with “don’t shoot a person” if you pull the trigger but no bullet is in the cartridge, but most likely you are somehow defective.
evaluation of an imperative involves the evaluation of the agent coupled with the circumstances.

In addition, the reference to the defect of an agent in the standardized evaluation partly explains the degree of normative severity. Order, advice, instruction, suggestion, and demand come with various stringency or bindingness. One natural basis for our judgment of stringency is the importance of what following the imperative is supposed to achieve, i.e., the point of the imperative. The more important the point is, the more stringent the imperative is. However, that is not the only factor in our judgment of stringency. Even if two pieces of advice are equally conducive to the same point, their stringency is not necessarily the same. Consider the situation where an instructor of philosophy gives graduate students advice on how to make their paper more readable. The instructor gives them two instructions: “Don’t write any sentence that includes more than three prepositions” and “Use spellcheckers before you submit the paper.” The two instructions have the same point of making the papers more readable and both might equally contribute to that point. Even if that is the case, the latter instruction seems to be more stringent or binding. We certainly think it apt to evaluate more negatively the person who omits using spellcheckers. Why? Because successfully following the imperative is easier and thus failing to do so displays a more severe kind of defect in the agent. In this way, the standardized evaluation can explain the stringency of an imperative partly by referring to the graveness of the defect the agent displays in failing to perform the prescribed action (under normal conditions).

Now, what support is there for claiming that a way of evaluating imperatives – the standardized evaluation – concerns defects of circumstances? People are often excused
from not following imperatives while the imperatives themselves are not criticized.

Suppose one morning a foreign traveler asks an official at Information at Yokohama station which subway line she has to ride on to reach Tokyo station by 8 am. The official says, “Take the next train at X line.” When the train arrives at X line and the traveler is about to ride on it, a station attendant announces, “I am sorry, but the train is too crowded. Please wait for another train.” In this case, the traveler is not deficient at all in failing to take this train. However, the original instruction, “take the next train at X line”, is plausibly a good or even the best instruction. This case suggests that there are cases where circumstances are deficient in such a way that neither the imperative nor the addressees are to be negatively evaluated. The present account of the standardized evaluation makes a room for this result.

The standardized evaluation implies that if an actual addressee fails to comply with the best imperative, either she is defective or some of her circumstances are defective. The imputation of defect is thus disjunctive. What support there is to formulate the evaluation of an imperative this way? Suppose for the safety of my kids I tell them, “Come back by 6 pm.” The kids can be blamed for not complying with this imperative if the kids willingly ignore my instruction. However, the environment can be blamed for the kid’s failing to comply with the same ought statement if the traffic jam prevents them from coming back in time. Thus, failure to comply with “Come back by 6 pm” does not always involve the defect of the agent; it does not always involve the defect of the circumstances, either. Rather failure implies that either the agent or her circumstance is defective. The imputation of defect is generally disjunctive, and the above practicability condition reflects this view.
6.2.2. Defects of Agents and Defects of Circumstances

6.2.2.1. Defect of Agents

6.2.2.1.1. Context-Dependence

What is a defect of an agent? An agent’s trait is a defect in the relevant sense if and only if, if she fails to comply with an imperative because of the trait, she could be aptly evaluated negatively or complained about for that failure. It seems that whether it is apt to speak negatively of the agent’s trait depends on pragmatic contexts. More specifically, the aptness seems to vary with the points of the imperatives, and with the type of agents they are addressed to. Thus, what counts as the agent’s defect also varies with these factors.

Let me exemplify this context dependence. Suppose an instructor of an introductory logic course gives his students a midterm, one of the questions being “Using a truth table, show that modus tollens is a valid form of argument.” Further suppose that the instructor has explained for hours what modus tollens is and how to show the validity of an argument form with a truth table. Then, it seems that this imperative might be good (in a way) even if it turns out that students lack intelligence or preparation to understand how to follow the instruction, “Using a truth table, show that modus tollens is a valid form of argument.” The reason is that these students are defective in not complying with the imperative: they lack intelligence or diligence in studying the subject. However, suppose a narcissistic guy gets a chance to have a date with a girl, and asks his friend for advice on how to have a friendly conversation because he always fails to do so. The friend might tell him, “For a starter, don’t make boastful talk all the time”. He might reply, “That is a
good piece of advice, but I cannot help doing so.” Now, the guy might be right in saying that, though he could not follow the advice whatever he intends, it is still good (in a way). If so, that is because following the advice would maximally contribute to the point, having a good conversation with his date, and he is defective as a conversationalist in being unable to comply with the advice. Such a defect is very different from the defect the logic students have. For another illustration, suppose that a guerrilla commander tells his soldiers before an imminent attack against the enemy’s trench, “You know, don’t look at the path of the grenade you have thrown.” Perhaps his soldiers are not trained enough to follow the instruction. Still, that seems to be, in a way, a good or even the best instruction. Following it would maximally contribute to its point, presumably the soldiers’ unwounded survival to win the battle, and in failing to follow the imperatives soldiers are defective qua combatants.

As these examples suggest, the type of defect which is relevant to the evaluation of imperatives varies with pragmatic contexts. Specifically, there seem to be two general factors that govern what type of defect is relevant to a given instance of imperative. First, a defect is a feature of the agent’s capacity or character, which tends to prevent the agent from performing various actions that would conduce to the point. If the point is showing certain intellectual diligence and understanding as in the modus tollens case, then the agent’s defect is lack in such a cognition-related character and capacity, i.e., lack of intelligence or diligence in studying the subject of logic. If the point is having a friendly conversation, then the agent’s defect is lack in the abilities or character traits important for such a conversation. If the point is the soldiers’ unwounded survival to win the battle, then the agent’s defect is lack in the abilities or character traits important for that.
Second, whether, in the context of the evaluation of an imperative, a feature counts as a relevant sense of defect or as a mere lack of excellent capacity or ability depends on the type of agents to which the imperative is addressed. In the first case, the students’ inability to prove the validity of modus tollens with a truth table involves a relevant sense of defect given that they are taught for hours on this subject. If the instruction is given to people with no such education, their inability does not involve a relevant sense of defect. That is why “Using a truth table, show that modus tollens is a valid form of argument” is not a good instruction if it is given to people in general. The people’s inability to comply with the instruction makes it bad. In the second case, the talkative guy’s inability to stop boasting all the time exhibits a defect. Why? Because the advice is given to a healthy human being, who is supposed to have a certain level of conversational ability, part of which is the ability not to speak boastfully all the time. If someone knowingly gives the instruction “don’t boast all the time” to a certain mentally challenged person, then the disability to follow the imperative might not involve a defect in the relevant sense; if so, the instruction is not good in that situation. In the third case, the imperative addresses the soldiers, who are supposedly competent combatants. Thus, their inability not to look at the path of the thrown grenade exhibits a relevant sense of defect. If the imperative is addressed to civilians, it is not a good instruction because the inability does not involve a relevant sense of defect. The commander should rather tell them to buy and wear a special pair of goggles or tell them not to touch the grenades at all.

Because an agent can belong to many different categories, one and the same imperative can be the best in one context but not in another context. Suppose a doctor tells a heavy smoker, “Stop smoking.” Is this advice the best? It partly depends on the
type of the agents assumed in the context this advice is given. If the supposed type of the addressees is adult human beings in general, this advice is perhaps the best. Because the inability caused by nicotine addiction is a defect qua adult human beings in general, if a defect-free agent faced the situation, he would probably quit smoking (under defect-free circumstances). However, if the supposed type of the addressees is heavy smokers, then this advice is probably not good because most of the heavy smokers would fail to comply with this advice and this inability caused by nicotine addiction is not a defect qua heavy smokers. By the way, the verdicts of the existential evaluation vary not with the supposed type of agents but with the actual agent: for it concerns whether any of the actual agent’s decisions would make the chance of quitting smoking more probable, and whether that decision would have the best consequence. According to this evaluation, the bestness of the advice depends on the characteristics of the actual agent. For many heavy smokers, “stop smoking” is not the best advice because no decision of theirs would have the chance of making them quit smoking; or because even if there is such a possible decision, the risk and cost of deciding but failing to do so is so huge that making that decision has suboptimal consequences. However, if the particular smoker the doctor addresses is exceptionally strong-willed, “stop smoking” will be the best advice. Some decision would have the chance of making them quit smoking, and, even given the risk and cost of failure, making the decision has the best consequences.  

Guidance by the existential evaluation is thus more personalized. I will later come back to this point when I elucidate the distinct roles of the standardized evaluation and the existential evaluation.

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102 This paragraph is added to answer the questions raised by Justin D’Arms.
The second point also suggests the partial source of psychological pull behind the best imperatives – the emotional effects of success and failure on agents as well as their motives to comply with the imperatives. Whether (complying with) a good or even the best imperative has psychological pull for an actual agent partly depends on whether she cares about achieving the satisfactory level as the addressed type of agents. (I say “partly” because another factor also participates in explaining the motivation for complying with the best imperative: complying with it will achieve the point most effectively.) In the above modus tollens example, suppose a student is dropping the course anyway and quits being a student in the course. The student will then have little motivation following “using a truth table, show that modus tollens is a valid form of argument.” And he will be unaffected by his failing to do so. On the other hand, if a student wants herself to be a satisfactory logic student, she will be strongly motivated to comply with the instruction; and she will feel assured or proud if she succeeds in doing so while disappointed or ashamed if she fails. Thus, as far as an imperative is the best in terms of the standardized evaluation, the psychological pull of that imperative (and the corresponding ought statement) partly relies on the agent’s sense of his or her identity: on “practical identity”, as Christine M. Korsgaard calls it.103

Combining these two points, I should note that even though one and the same imperative can be the best in one context but not in another, some context is

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103 See her The Sources of Normativity, Cambridge UP, 1996, passim. Note that in the text I am not talking about the source of normativity of all valid requirements as Korsgaard is in the book. I am merely pointing to a partial source of psychological pull behind the best imperatives (and the corresponding ought statements). Further, I am not talking about all instances of the best imperatives, but only about the best imperatives in view of the standardized evaluation. Still, considering the difference of the subjects we are studying and of the data we are using, I am surprised that my account has an apparent affinity with Korsgaard’s.
psychologically more potent than others. For example, suppose “Stop smoking” is the best when the supposed type of the addressees is adult human beings in general, but not when it is hard smokers. Now, will many actual hard smokers feel comfortable failing to stop smoking if they recognize this fact? I suspect not, because they care more about being satisfactory adult human beings rather than being satisfactory hard smokers. One context is more poignant and hence more psychologically relevant than the other. This is probably the reason that people usually regard “stop smoking” as a good or even the best advice.

6.2.2.1.2. Executive Defect and Cognitive Defect

Though what counts as the relevant sense of defect of an agent varies with pragmatic contexts, generally the defect can be categorized into two types: cognitive defect and executive defect. Cognitive defect is the agent’s defect in failing to recognize certain information. Executive defect is the agent’s defect that tends to prevent even an agent with no cognitive defect from performing various actions conducive to the point of an imperative.

6.2.2.1.2.1. Executive defect

Because I do not have much to offer on executive defect, let me discuss it first. Two of the examples given above – “friendly conversation,” and “grenade” – illustrate the cases where some executive defect is exhibited. What counts as executive defect varies with pragmatic contexts. However, one type of problem – the serious level of psychological problems in performing the actions or omissions that conduce to the point
of the imperative in various situations – constantly counts so. By “psychological problems,” I mean certain ‘motivational’ problems: lacking a disposition relevant to pursuing the point of the imperative, or having competing dispositions or mental dysfunctions which prevent that disposition from being effective. Some people fail to comply with an imperative for a peculiar psychological problem, but it does not show that the imperative is not the best. Such a problem is rather what makes these people defective agents for failing to complying with the imperative. In the friendly conversation example, a guy would fail to comply with “don’t make a boastful talk all the time” for his peculiar mental problem. It is ridiculous (in a way\textsuperscript{104}) to claim that this fact renders the imperative non-best. Failure is the agent’s fault, not the imperative’s.

It is important to note the agent’s psychological problems as defect, and for the following reason. The standardized evaluation has the practicability condition that if an agent without defect faced the situation, where no defective circumstances arose, the agent would perform the action in question. No action would satisfy this condition – so no imperative is the best and no ought statement is correct – if an agent without defect is supposed to have no specific motivation. Having no specific motivation, the agent would perform no action. However, an agent without defect is actually supposed to have some specific motivation, for lack of motivations sufficient to pursue the point of an imperative constantly counts as an executive defect. For an agent to be without executive defect, she must have motivations sufficient to pursue the point of an imperative in various

\textsuperscript{104} Only “in a way,” because there is a way in which it is not ridiculous to claim that the problem renders the imperative non-best for its failing to give personalized action guidance to the addressee. What I call “existential evaluation” makes the imperative non-best.
situations. This is why some actions satisfy the above practicability condition, and some imperative is the best and the corresponding ought statement correct.

It is also important to note that only the serious level of psychological problems counts as an executive defect. All limited beings like us have these psychological problems to a degree, but the slight levels of these problems do not count as defects. Suppose an obese college student asks a doctor for advice for losing weight. Suppose the doctor says, “Walk 50,000 feet everyday.” Because the student's unwillingness to follow the imperative for diet is not a defect, it is not the case that an agent without defect would comply with this advice under normal conditions; the agent would still fail to walk 50,000 feet everyday. So this is not the best advice, even though perhaps successfully following the advice maximally contributes to his losing weight. An imperative is the best (in standardized evaluation) only if the agent’s failure to comply with that imperative involves a defect.

6.2.2.1.2.2 Cognitive Defect

Cognitive defect is a serious level of the agent’s inability (1) in recognizing information about how to perform actions, (2) in recognizing consequences or (3) in figuring out the status of the imperatives in question. I say “serious level” because all limited beings like us have these inabilities to some degree. If individuals fail to follow an imperative for a slight level of such cognitive failures, they could not be negatively evaluated. For example, suppose that in the distant future it turns out that Parkinson’s

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105 As is suggested above, what counts as the “serious” level of problems varies with pragmatic factors: specifically, the point of an imperative, and the type of the addressed agent.
disease is curable by removing some part of the patient’s brain. Call this part “X”. A crazy director of a hospital now tells a brain surgeon, “Remove X of this patient of Parkinson’s disease.” Is this imperative the best? As far as standardized evaluation is concerned, definitely no: even if the surgeon refuses to follow the imperative because of her failure to recognize the consequences, it would never be apt to evaluate her negatively. The explanation is that the surgeon’s inability does not reach the serious level (with respect to the contextually supposed type of the agents, probably a heart surgeon). Her inability to recognize the consequences is not a defect, so it is not the case that if an agent without defect faced the situation, where no defective circumstances arose, the agent would remove X of the patient. The agent would not do so, and thus the instruction “Remove X of this patient of Parkinson’s disease” is not the best.

On the other hand, a serious level of cognitive failure often counts as a defect. Suppose a doctor tells her flu patient, “Take this pill after every meal.” Suppose the patient would fail to do so because she does not know the pill would cure her – she believes that only special purification spells can heal her flu. In many contexts her inability to see the consequences is not what makes the imperative incorrect; it is rather a reason to speak negatively of her for her omission. (This is so at least if she is an adult and lives in scientifically developed countries). What type and level of cognitive failure

106 Note that I do not deny that the imperative is the best when it is evaluated in another, individualistic or existential, way. Suppose that the surgeon’s decision to remove X would make the removal more probable and would contribute maximally to the curing of the patient’s Parkinson’s disease. Then, because, ex hypothesi, the removal of X would cure the patient’s disease, the director’s instruction is the best according to the existential evaluation. This result captures our intuition that while “Remove X…” is not the best instruction in the sense that failure to comply with it is never properly evaluated negatively, the instruction is the best in the way that does not imply that if the agent fails to comply with it, she or her environment is defective.
counts as a defect depends, as we have seen, on what the point of the imperative is, and on what type of the agent(s) it is addressed to.

The above example illustrates how (2) the inability of recognizing consequences can count as a defect. However, (1) the inability of recognizing information about how to perform actions also often counts as a defect. Remember the modus tollens example. A student fails to follow “Using a truth table, show that modus tollens is a valid form of argument.” This failure is perhaps due to his conceptual difficulties in understanding what this imperative mean: he might not grasp what a truth table, modus tollens, validity, form of arguments etc. are. Or failure might be due to his ignorance of the procedure to show modus tollens is a valid form of argument. Or failure might be due to his misunderstanding of the possibility of performing actions; a student might fail to give any answer because he believes that modus tollens is invalid and thus cannot be shown to be valid. I take “inability of recognizing how to perform actions” to cover these conceptual difficulties, ignorance of the procedure, and misunderstanding of the possibility of performing actions. I hope you will agree that the student can be aptly negatively spoken of if he fails to follow the above instruction for these reasons. Again, these are reasons to criticize not the imperative but the agent who fails to comply with it.

(3) The inability to figure out the status of imperatives also often counts as a defect. This inability concerns bringing relevant information – information about how to perform actions and evidence about consequences – to a conclusion about the status of the imperatives. Even if an agent has all the relevant information, he or she might not reach the correct conclusion about the status of the imperatives. The agent might ignore or suppress relevant information; he might weigh or calculate in a wrong way; or he might
just not consider the status of the imperatives. Failing to follow an imperative for such a reason can be evaluated negatively. For example, suppose that a doctor tells a coughing woman, “For your well-being, stop smoking.” Knowing the information about the risks of smoking, and seeing the possibility of quitting it, she might still fail to comply for a few reasons. She might ignore the risk as too small; she might give her enjoyment of smoking too much weight; or she might ignore the question of the status of the doctor’s advice because she just does not want to think about quitting it. If she fails to comply for such a reason, she, not the imperative, could be aptly evaluated negatively. Thus, such a cognitive failure sometimes counts as the agent’s defect.

6.2.2.2. Defective Circumstances as Excusing Circumstances

Move from defect in addressees to defect in circumstances. I start with an intuitive idea of “defective circumstances.” Circumstances are defective if and only if, if an agent fails to comply with an imperative for the circumstances, the circumstances could be aptly used for the excuses of the non-compliance, but not for criticizing the imperative. This is not intended as a definition of “defective circumstances.” This description characterizes defective circumstances in terms of what makes an imperative non-best. However, I am trying to explain what determines whether or not an imperative is the best by elucidating what “the defects of circumstances” is. Thus, if the above description is the definition of defective circumstances, then my account will be circular.\(^{107}\) For my purpose, the above description is a heuristic device to find a reductive definition of defective circumstances. I assume that we know many things about what count as excuses

\(^{107}\) I thank Justin D’Arms for urging me to be explicit about this point.
for the agent and not as criticisms of the imperative. Based on this knowledge and the
above description, we can construct a more substantial account of defective
circumstances.

Some illustrations of defective circumstances are due. Sometimes we do not have
tools to perform an action successfully. Suppose an instructor of a philosophy course tells
students, “type your term paper.” However, if some students have no access to a
computer or type writer, they cannot type their term paper and thus fail to follow the
imperative. In other times, we do not have the cooperation of others needed for the
performance. Suppose a divorce lawyer tells Mary to talk to her husband, Frank. If Frank
leaves their house without telling her where he goes, avoids talking to Mary, and does not
take any call, she cannot talk to Frank. In another occasion, some impeding factor
prevents us from performing the action. If terrorist alert makes all the flights from Japan
to the US cancelled, nobody can fly from Japan to the US.

The above intruding circumstances do not always count as excusing the agent. Thus,
in order to understand what makes the agent’s circumstances excusing and hence
defective, I need to tell what intruding circumstances are excusing. Intruding
circumstances are excusing and hence defective only if the following disjunctive
condition is satisfied: either it is not the case that an agent without defect would expect
the circumstances get in her way (if she faced the choice situation at the time the
imperative is given); or the occurrence of the circumstances is indeterministic and, when
actualized, inevitably dashes the achievement of the point (as well as prevents the agent’s
performing certain actions). Even if a circumstance prevents me from following an
imperative, it would not be defective if the prevention occurs deterministically and an
agent without cognitive defect would expect it to do so (if she faced my situation at the
time the imperative is given). In the above “term paper” example, suppose at the time
when the instruction is given, the students would expect that because they have
absolutely no access to a computer or type writer, they would fail to follow the
instruction, “type your term paper.” Then, the circumstance is not defective – not an
excuse for failing to follow the instruction, but a proper ground for criticizing the
instruction. It is rather the circumstance that makes the instruction non-best by rendering
compliance with it impracticable. It is impracticable in that the following counterfactual
is false: if an agent without defect faced the situation of the addressee, where no defective
circumstances arose, the agent would perform the prescribed action; in the above
situation, nobody would succeed in typing his or her term paper.

On the other hand, if the access to the computer is affected by indeterminacy, then
“Type your term paper” can be the best imperative even if it is expected that the agent
might end up having no access to the computer. The status of that imperative depends on
whether (complying with it conduces to its point and) the potential impediment by the
indeterminacy to the point is unavoidable. For example, suppose it is known that a storm
is coming and at 5% chance a blackout will happen in such a way that computers will be
unavailable to the students; “Type your term paper” can still be the best instruction. I
acknowledge that this sounds counter-intuitive because it seems that if a professor
provides this instruction under such conditions, the students can aptly evaluate the
instruction negatively, saying that they might find no way to follow the instruction.
However, this is because it is assumed that the point of the imperative – perhaps
guaranteeing that the graders can read the students’ papers – can be achieved in a way
that is not hindered by the 5% chance of blackout. If the students write legibly by whatever means, this point is achieved without being hindered by the 5% chance of blackout. However, if the class is a writing class and the point of the imperative is making the student write a properly formatted paper using a computer, then “Type your term paper” is the best instruction; the 5% chance of blackout is not a reason to evaluate the imperative negatively, but rather a defective circumstance, which, if it is actualized, would excuse the students. This is because the potential impediment to the point by the 5% chance of blackout is unavoidable.

I would like to regiment the notion of unavoidability in this context. An indeterministic circumstance, if actualized, unavoidably hinders the point of an imperative just in case if it were actualized, it would be beyond the ability of a normal addressee – an addressee with no cognitive and executive defect – to stop it hindering the point. Even if such a circumstance prevents the addressee from complying with an imperative, it will be a reason not to criticize the imperative but rather to excuse the addressee for failing to comply with the imperative.

6.3. The Standardized Evaluation of Ought Statements

I have argued for evaluating an action guiding imperative in a particular way. The best imperative account of an ought statement holds that what makes such an imperative the best is what makes the corresponding ought statement correct. To defend the best imperative account, I need to show that when the standardized evaluation makes an imperative the best, the corresponding ought statement is made correct accordingly. This
section tries to argue for this point by showing that the standardized evaluation as I have detailed applies to ought statements.

Many contexts incline us to take an ought statement to imply that failure to comply with it displays the defect of the agent or her circumstances. This is the most clear when one makes “ought to have” statements, such as “Perry ought not to have parted with Gloria.” This statement is often used as implicating the criticism of the agent, Perry in this case, or the lamentable circumstance the agent was in which prevents the agent from performing the action. The “ought to have” statement implies that either the agent or her circumstances were so defective that she failed to perform the prescribed action.

When one instead considers “Perry ought not to part with Gloria”, the evaluation might not involve the consideration of defect even implicitly. This is consistent with my account. The account only claims that one type of evaluation – standardized evaluation – involves the consideration of defect while another – existential evaluation – does not. What my account predicts is that in many contexts the evaluation of an ought statement like “Perry ought not to part with Gloria” involves the consideration of defect. In fact, this statement tends to convey the thought that if Perry parts with Gloria, either Perry is to be evaluated negatively for that or the circumstances are so unfavorable as to be excusing him. This interpretation explains why, when Perry hears the ought statement voiced but is still going to part with Gloria, he tends to be irritated by and oppose those who make the ought statement. This type of interpretation also accounts for why a person who does not comply with an ought statement is often evaluated negatively and sometimes penalized for that.
Further, similarly to the stringency of imperatives, the stringency of ought statements is proportional not only to the importance of the point, but also to the importance of the agent’s defect in view of the point. Compare “You ought not to write any sentence that includes more than three prepositions” and “You ought to use spellcheckers before you submit the paper.” In many contexts the latter requirement appears to be more stringent than the former. If the standardized evaluation applies to ought statements in these contexts, we can explain this fact by saying this: failure to use spellcheckers involves more serious defect of an agent than the defect in writing some sentence including more than three prepositions.

Now, if my specific account of the standardized evaluation applies to an ought statement, the imputation of defect is disjunctive: if an actual addressee fails to comply with a correct statement, either she is defective or some of her circumstances is defective. Further, what counts as the defect of an agent varies with the context where it is received; in particular, it depends on what the point of the ought statement is, and on what type of agent the addressed agent is. Moreover, the defect of an agent consists in executive and cognitive defects. Though it is hard to show that these specifics are true of the imputation of defect relevant to evaluating an ought statement, I will provide some reasons to think that they are.

First, does a way of evaluating ought statements imply that if an actual addressee fails to comply with a correct statement, either she is defective or some of her circumstances are defective? Some authors do not hold that the imputation of defect is disjunctive. In an unpublished manuscript titled “Ought”, John Broome distinguishes personal ought statements from other ought statements, claiming that failure to comply with a personal
ought statement implies defect in the agent while failure to comply with other ought statements implies defect in his or her environment. However, this division is unmotivated. Suppose for the safety of my kids I tell them, “You ought to come back by 6 pm.” The kids can be blamed for not complying with this ought statement if the kids willingly ignore my instruction. However, the environment can be blamed for the kid’s failing to comply with the same ought statement if the traffic jam prevents them from coming back in time. Thus, failure to comply with “You ought to come back by 6 pm” does not always involve the defect of the agent; it does not always involve the defect of the circumstances, either. Rather failure implies that either the agent or her circumstance is defective. The imputation of defect for failing to comply with an ought statement is thus disjunctive.

Let me next illustrate the context dependence of the agent’s defect. Suppose an instructor of an introductory logic course gives his students a midterm, one of the instructions being “You ought to show that modus tollens is a valid form of argument using a truth table.” Further suppose that the instructor has explained for hours what modus tollens is and how to show the validity of an argument form with a truth table. Then, it seems that this ought statement might be correct even if it turns out that students lack intelligence or preparation to understand how to follow this instruction. The reason is that these students are defective in not complying with the imperative: they lack intelligence or diligence in studying the subject. However, suppose that a guerrilla commander tells his soldiers before an imminent attack against the enemy’s trench, “You know, you ought not to look at the path of the grenade you have thrown.” Perhaps his soldiers are not trained enough to follow the instruction. Still, that seems to be, in a way,
correct. Following it would maximally contribute to its point, presumably the soldiers’ unwounded survival to win the battle, and in failing to follow the imperatives soldiers’ are defective qua combatants.

As these examples suggest, that type of defect which is relevant to the evaluation of ought statements varies with pragmatic factors. As there are two general factors that govern what type of defect is relevant to an imperative, so there are two general factors that govern what type of defect is relevant to a corresponding ought statement. First, a defect is a feature of the agent’s capacity or character, which tends to prevents the agent from performing various action that would conduce to the point. If the point is showing certain intellectual diligence and understanding as in the modus tollens case, then the agent’s defect is lack in such a cognition-related character and capacity, i.e., lacking intelligence or diligence in studying the subject of logic. If the point is the soldiers’ unwounded survival to win the battle, then the agent’s defect is lack in the abilities or character traits important for that.

Second, whether, in the context of the evaluation of an ought statement, a feature counts as a relevant sense of defect or as a mere lack of excellent capacity or ability depends on the type of agents to which the ought statement is addressed. In the first case, the students’ inability to prove the validity of modus tollens with a truth table involves a relevant sense of defect given that they are taught for hours on this subject. If the instruction is given to people with no such education, their inability does not involve a relevant sense of defect. That is why “You ought to show that modus tollens is a valid form of argument using a truth table” is not correct if it is given to people in general. In the second case, their inability not to look at the path of the thrown grenade exhibits a
relevant sense of defect. If the ought statement is addressed to civilians, it is clearly incorrect because the inability does not involve a relevant sense of defect. The commander should rather tell them to buy and wear a special pair of goggles or tell them not to touch the grenades at all.

According to my specific account, the standardized evaluation of an ought statement involves two types of defects, executive defect and the cognitive defect. Cognitive defect is the agent’s defect in failing to recognize certain information. Specifically, cognitive defect is the serious level of the agent’s inabilities in recognizing information about how to perform actions, in recognizing the evidence of their consequences or in figuring out the status of the ought statement in question. Executive defect is the agent’s defect that tends to prevent even an agent with no cognitive defect from performing various actions conducive to the point of an ought statement. What counts as executive defect varies with pragmatic contexts. However, one type of problems – the serious level of psychological – ‘motivational’ – problems in performing various actions or omissions that conduce to the point of the ought statement – constantly counts so. Let me give you some reasons to believe these details.

Our evaluation of ought statements often involves what I call executive defect. Consider the above “grenade” example. The soldiers would fail to comply with the ought statement “You ought not to look at the path of the grenade you have thrown.” This is for their strong inclination to look at the path of anything they have thrown. In many contexts, knowing that they are soldiers, we do not take their having such a disposition to render the ought statement incorrect. The soldiers’ having such a disposition is rather what makes them defective for failing to comply with the ought statement. Again, failure
is the agents’ fault, not the ought statement’s. In this way, what I call executive defect is involved in the evaluation of ought statements. And the serious level of psychological problems counts constantly as executive defect.

Our evaluation of ought statements also frequently involves what I call cognitive defect. Suppose a doctor tells her flu patient, “You ought to take this pill after every meal.” Suppose the patient would fail to do so because she does not know the pill would cure her – she believes that only special purification spells can heal her flu. In many contexts we would not take her inability of seeing the consequences to render the ought statement incorrect; it is rather a reason to speak negatively of her for her omission. (This is so at least if she is an adult and lives in scientifically developed countries). This example illustrates how a type of cognitive defect, the *inability of recognizing consequences*, is involved in the evaluation of an ought statement.

Another type of cognitive defect, the *inability of recognizing how to perform actions*, is also involved in the evaluation of an ought statement. Remember the *modus tollens* example. A student fails to follow “you ought to show that *modus tollens* is a valid form of argument using a truth table.” This failure is perhaps due to his *conceptual difficulties* in understanding what this imperative mean. Or failure might be due to his *ignorance of the procedure* to show *modus tollens* is a valid form of argument. Or failure might be due to his *misunderstanding of the possibility of performing actions*; a student might fail to give any answer because he believes that *modus tollens* is invalid and thus cannot be shown to be valid. As is mentioned before, I take “inability of recognizing how to perform actions” to cover these conceptual difficulties, ignorance of the procedure, and misunderstanding of the possibility of performing actions. I hope you will agree that the
student can be aptly negatively spoken of if he fails to follow the above ought statement for these reasons. Again, these are reasons to criticize not the ought statement but the agent who fails to comply with it.

The other type of cognitive defect, the inability to figure out the status of ought statements, is also involved in the evaluation of an ought statement. For example, suppose that a doctor tells a coughing woman, “For your well-being, you ought to stop smoking.” Knowing the information about the risks of smoking, and seeing the possibility of quitting it, she might still fail to comply for a few reasons. She might ignore the risk as too small; she might give her enjoyment of smoking too much weight; or she might ignore the question of the status of the doctor’s advice because she just does not want to think about quitting it. If she fails to comply for such a reason, we will not take it to make the above ought statement incorrect; rather it is a reason to evaluate her negatively for her failure to stop smoking.

The standardized evaluation concerns not only the defect of agents but also the defect of the agent’s circumstances. And the evaluation of ought statements does concern this issue frequently. According to my specific account, defective circumstances are the circumstances that satisfy the following conditions: they might prevent the addressed agent from performing actions conducive to the point of the ought statement in question; and either it is not the case that an agent without defect would expect the circumstances prevent her from performing some of these actions (if she faced choice the situation at the time the imperative is given), or the circumstances are indeterministic and, if actualized, unavoidably hinders the achievement of the point. It is hard to show these conditions are
relevant to the correctness of ought statements, but I will submit some evidence to support the view. Consider a crew on Titanic said *just* after being hit by an ice block:

We ought to save the ship from sinking.

As far as the history tells, there was no way to stop the ship from sinking. Was someone defective in failing to save the ship? No. Then, is this statement incorrect? No, it seems correct. If the standardized evaluation applies to ought statements, it accounts for this two-fold intuition. The sentence is correct because stopping the ship from sinking maximally conduced to the point of, say, saving people’s lives, and the circumstances were defective in such a way that, *contrary to what was expected*, there is no way to do so. This is what standardized evaluation tells us: an ought statement can be correct when circumstances are defective in preventing the agent from actions conducive to the point of an ought statement; and intruding circumstances are defective as far as it is not the case that if an agent without defect faced the situation of the addressed person, she would expect the circumstances get in her way.

Consider another example. A gang member, whose testimony is necessary for successfully charging the boss, had suddenly a severe heart attack. The police quickly bring the guy to the university hospital to which reputable heart surgeons belong. The doctors tell the police that there is only 50% chance for the best medical technique to save his life. But a police person still says:

Doc, his life ought to be saved.
So the doctors operate on the gang member. The guy unfortunately died, and the police fail to charge against the boss of the gang. Nobody, including doctors, is defective in not saving his life. Now, is this ought statement “his life ought to be saved” incorrect? It does not seem so. The reason is that someone’s saving his life maximally contributes to the point of charging against the Mafioso boss, and the circumstances are defective in that there is an indeterminate factor that, when actualized, no medical measure can prevent the heart attack from frustrating the point. The circumstance is defective, and the ought statement is correct. This is what standardized evaluation tells us: an ought statement can be correct when circumstances are defective in preventing the agent from performing certain actions; and intruding circumstances are defective if the circumstances are indeterministic and, when actualized, inevitably hinders the achievement of the point.

Thus, the standardized evaluation as I detail applies to ought statements. Apparently, when the standardized evaluation as I characterize makes an imperative the best, it thereby makes the corresponding ought statement correct.

6.4. Clarifications and Implications

This section first deals with the problems left in the last chapter: what the “defect-implying” evaluation tells you to do where you might fail to perform intended actions, and how the evaluation draws the distinction between options and non-options. The section then considers what distinct roles standardized and existential evaluations
respectively have, and what their implications are on the following perennial issues: categorical nature of ought statements, supererogation, the evaluation of non-intentional actions and moral internalism.

6.4.1. What to Do Where You Might Fail to Perform Intended Actions – Once Again –

In Chapter 5, I have about what to do in cases where you sometimes (but not always) fail to perform intended actions. In that chapter, I focused on what I now call the existential evaluation of such cases. Now I can discuss what imperative is practicable in such cases according to what I call the standardized evaluation. According to the standardized evaluation, it does not matter whether you – a particular agent – will or will not succeed in complying with the imperative or an ought statement if you intend to do so. Complying with an action-guiding imperative or an ought statement is practicable just in case the following is true: if an agent without cognitive and executive defect faced the situation, where no defective circumstances arose, the agent would perform the prescribed action. If complying with an imperative is undone and maximally conducive as well practicable in this sense, the imperative is the best and the corresponding ought statement is correct. This is so even if a particular addressee might fail to comply with the imperative.

For illustration, consider again the cases where people say “they ought to do this, but they can’t.” For example, someone might say, “The police ought to arrest the murderer of Jon Bennett, but they can’t do it.” For another example, a night before the midterm a student might say, “I ought to concentrate, but I can’t.” These ought claims call for the standardized evaluation. According to the standardized evaluation, “The police ought to
arrest the murderer of Jon Bennett” is correct only if the following thing is true. If an agent were the police facing the Jon Bennett case and had no cognitive and executive defect, the agent would arrest the murderer unless some of the circumstances were defective, e.g., the guilty committed suicide just after the murder. “I ought to concentrate” is correct only if the following thing is true. If an agent were in the student’s position and had no cognitive and executive defect, he would manage to concentrate unless some of the circumstances were defective, e.g., his family is having a home party and he cannot move from the house because of his injury.

Thus, according to the standardized evaluation, even if the particular addressed agent might intend but still fail to comply with it, it does not create any problem telling what is practicable from what is impracticable; and hence telling what one ought to do from what it is not the case one ought to do. The ought statement satisfies the practicability condition as far as if an agent without cognitive and executive defect faced the situation, where no defective circumstances arose, the agent would perform the prescribed action. However, you probably feel that a certain problem still remains. Given that we are in the world where an agent might fail to perform the intended actions, is there any would statement that is true? In particular, is there any action that satisfies the practicability condition stated above? Suppose an agent without cognitive and executive defect faced the situation, where no defective circumstances arose. Would the agent perform any action? Given that an agent might or might not perform the intended actions, is it not plausible to conclude that even under the counterfactual circumstances, there is no action
the agent would perform? There are many actions that the agent might perform, but because the agent might not perform the same actions, so there is no action that she would perform.

It is hard to calm this abstract worry. You probably hope that because the agent and the circumstances are normalized – they are made non-defective – in many choice situations there is some action that such an agent would do under such circumstances. However, this result is not guaranteed by the characterization of defect defended so far. To be sure, the current account excludes certain indeterminacies (as well as unexpected intruding circumstances). If an indeterministic circumstance, when actualized, not only intrude the agent’s actions but prevents the achievement of the point of an imperative or ought statement unavoidably, it is defective; so it does not belong to the normalized circumstances. However, obviously not all indeterministic circumstances satisfy this description. As far as the performance of an action partly depends on the occurrence or absence of the remaining indeterministic circumstances, even under the normalized circumstances the agent might or might not perform the action; it is not the case that she would perform the action.

For example, suppose the point is having your students write their papers so legibly that you can correctly understand and grade them. There is a 5% chance that a storm hits the city and light goes off so that the students will be unable to use their computers by the deadline. If this indeterminate circumstance is actualized, it will prevent the students from performing certain actions, such as typing their papers with computers. However, the 5% chance does not hinder the achievement of the point unavoidably even if actualized, because the students can write readable handwritings. The present account
does not exclude this sort of indeterminacies as defective. So apparently it is not the case that under non-defective conditions, agents (without defect) would type their papers with computers; they might or might not do so. Thus, if you tell the students, “type your term paper,” this is incorrect because the practicability condition is not satisfied.

At this point you can retreat to the view that only correct affirmative ought statements are certain conditionals (or the sentences that consist of them). For example, in the example in the above footnote, “you ought to type your term paper” is incorrect; but “if the storm does not hit the city and the computers are usable, you ought to type your term paper” can be correct. (There are other possibly correct affirmative ought statements, for example, “if the storm hits the city and the computers are unusable, you ought to handshake your papers clearly.” But this is also a conditional ought statement.) That is, only correct affirmative ought statements are (or consist of) those conditional statements the antecedents of which assert the occurrence or non-occurrence of the indeterminate circumstances that, if actualized, might prevent an agent from performing the action prescribed in the consequent of the conditional. These conditional statements can be correct because it is possible that, given the antecedent, not only would an agent (without defect) perform the action, but also would the action maximally conduce to the point of the ought statement, in this case, your understanding and grading the students’ papers correctly. However, the consequence of the concession is not welcome because all simple ought statements turn out to be incorrect. This means that the standardized evaluation fails to address an important practical question of what to do when some of our circumstances are indeterminate; it just tell us what to do given that they are actualized.
One way to respond to the current worry is to beef up the current characterization of defect so that many of the indeterminacies that might hinder the performance of actions count as defect; the desired effect is that in many choice situations there is some action that a non-defective agent would perform. However, I think that this is a wrong way to respond to the worry. It seems *ad hoc*. There seem to be no independent rationale to exclude most of the indeterminacies. And I do not know how to draw the line between defective indeterminacies and non-defective indeterminacies except the one I have proposed above.

Perhaps the answer to the above worry does not lie in a specific account of the standardized evaluation or of what counts as defect. Rather, it lies in the general account of what makes would statements correct. People believe many counterfactuals involving “would” even though many of them believe that the laws of nature are fundamentally indeterministic. I take this phenomenon to suggest that some idealizing presuppositions are involved in the evaluation of would statements so that many of them turn out to be true even under the indeterministic laws of nature. I expect that these idealizing presuppositions will also make it the case that in many contexts some ought statement satisfies the practicability condition: if an agent without cognitive and executive defect faced the situation, where no defective circumstances arose, the agent would perform the prescribed action.

This thought is mighty optimistic and requires support from the serious analysis of the counterfactuals involving “would.” However, this topic would be a huge diversion from the main focus of this paper, the standardized evaluation. So I have to leave this controversial idea without further defense.
6.4.2. Options and Non-Options – Once Again –

According to the standard evaluation, where is the distinction between an option and a non-option according to the standardized evaluation? One possible suggestion is that an option is a practicable action: that is, the action that an agent would perform if both the agent were without cognitive and executive defect and no defective circumstance arose. This suggestion is counter-intuitive because it turns out that in all situations an agent has only one option. However, people think each person has many options in most situations.

A more intuitive suggestion is that an option is an action that there would be some chance for an agent to perform if both the agent were without cognitive and executive defect, and no defective circumstance arose. It seems that according to this notion of option, there are many options in most situations. Further, according to this view, among the options are the action an agent would perform if both the agent were without cognitive and executive defect, and no defective circumstance arose. A practicable action is thus one of options, which is the desired result.

6.4.3. The Distinct Roles of Standardized and Existential Evaluation

I have been arguing that there are two ways of evaluating (the practicability of) ought statements: the standardized evaluation and the existential evaluation. Why are there two types of evaluation? Do they play distinct roles?

According to the standardized evaluation, one ought to perform the action only if, as far as a normal agent – an agent without defect – faced the situation, where no defective circumstance arose, the agent would perform that action. This practicality condition
somewhat resembles a certain version of contractarianism, which tends to emphasize the coordinating aspect of norms. This similarity is not entirely accidental. The standardized evaluation mainly concerns the coordination of (a group of) individuals. In the standardized evaluation, a particular individual’s cognitive and executive capacity does not matter; neither does her peculiar circumstance that might prevent her from performing certain actions. In the standardized evaluation, what matters (practicability-wise) is only what a person without cognitive and executive defect would perform if no defective circumstance arose. And on the standardized evaluation, if an individual fails to comply with the best imperative or a correct ought statement, either she or her circumstance is defective. These features makes standardized evaluation fit for selecting a shared norm for a group of individuals. Actual individuals have different capacities and face different circumstances, but standardized evaluation provides the same norm for them: the norm that prescribes all of them to perform the same action and classifies for all of them the same traits as defect. And this norm expresses the benchmark to negatively evaluate individuals for their conduct. These features make standardized evaluation fit for selecting a norm for a group of individuals.

However, precisely because the standardized evaluation ignores the peculiarities of each individual and her situation, it does not provide personalized action guidance. This is the most apparent when a person is not normal – when she has some defect or when she exceeds the normal capacity.

I should also note that even one and the same person has different capacities and faces different circumstances at the different stages of her life. For these different stages of her life, the standardized provides the same norm: the norm that prescribes all of them to perform the same action and classifies for all of them the same traits as defect. In contrast, the verdicts of the existential evaluation can change as a person’s capacities and circumstances change, because it focuses on the current actual agent.
For example, suppose that you are a foreign graduate student working as a TA. Presumably, as an instructor, you ought to speak English so clearly that the students understand you well. The standardized evaluation probably takes an ought claim – “you ought to speak English clearly” – to be correct. For speaking English clearly would be a requisite part of maximally contributing to the students’ education and an instructor without cognitive and executive defect would speak English clearly. However, as a foreign student, you might not be able to follow this ought statement. You have defect and are not normal. Now, you would probably want to ask what you ought to do given that you are defective, but the standardized evaluation does not address that question; it just says that you ought to speak English clearly, which you are unable to do. In the standardized evaluation, facts about the actual addressee’s defects and excellences in the relevant sense are ignored. The personalized action guidance for a particular abnormal agent is not the business of the standardized evaluation.

For another example, suppose you are a very eager and talented undergraduate student in Advanced Normative Ethics course. Your instructor tells the class, “The next class session focuses on Rule Utilitarianism. Read Richard Brandt’s “Some Merits of One Form of Rule Utilitarianism” for the next time.” You ask the instructor, “What ought we to read in addition to Brandt’s paper?” The instructor answers, “Brant’s paper is sufficiently hard for many of you to read and digest it, so there is nothing else you guys ought to read.” What the instructors tell the class might be correct in the standardized evaluation. Reading Brandt’s paper might be a requisite part of maximally contributing to the point of understanding rule utilitarianism, and a normal student would perform it if circumstances were not defective (i.e., if she did not get sick and so on). However, you
might still want to know which paper to read given that you are more eager and philosophically talented than normal students. But the standardized evaluation does not address this question; it is not the case that you ought to do something extra because an agent without defect – who is not supposed to have excellences like the actual student – would do so. In the standardized evaluation, facts about the actual addressee’s excellences as well as defects in the relevant sense are ignored.

The existential evaluation deals with the questions that the standardized evaluation does not. The existential evaluation addresses the question of what to do given the agent’s peculiar capacity and condition. For the existential evaluation of practicability asks whether some of a particular agent’s decisions would make the action in question more probable, and would have maximal consequences. In the foreign student example, it might perhaps make “use the power point presentation” the best because the tool helps the students to understand you even though you speak less clearly than native speakers. In the ethics class example, “You should additionally read Brandt’s A Theory of Good and Right” might be correct given your extra eagerness and philosophical talent; perhaps if you decide to read it, you would read it, and the decision as well as the action would have the greatest consequences for your education. In this way, the existential evaluation provides personalized guidance to agents, which the standardized evaluation does not.

6.4.4. Categorical Requirement and Supererogation

One appealing idea is that certain correct ought statements apply to all agents, whatever the agents’ personal interests, preferences or motivational capacities are. In other words, some requirements are categorical. In particular, many people, including
Kant, have thought this is true of all moral ought statements: whether an agent is
altruistically motivated or egoistically motivated, he is bounded by a correct moral ought
statement. The standardized evaluation of ought statements supports this conclusion.
According to that evaluation, it does not matter what a particular agent will manage to do;
it matters only what a normal agent would do under normal circumstances. However,
ought statements, or even moral ought statements are subject to another, existential
evaluation, and thus there is also a sense that not everyone has the same requirement.

Let me explain. According to the standardized evaluation of ought statements,

An ought statement is correct if and only if:
complying with it is a requisite part of what maximally contributes to the achievement of
its point;
compliance is not done; and,
if any agent without defect faced the situation (of the addressed agent at the time and
place she receives the ought statement), where no defective circumstance arose, the agent
would perform the prescribed action.

According to this analysis, the ought statement can be correct even if the actual
addressees are the people who are unable to comply with the imperative. For their
inability – lacking the motivational, emotional or cognitive capacities necessary for
complying with an ought statement – might be cognitive or executive defect; in such a
case, an agent without cognitive and executive defect would perform the prescribed
action (as far as no defective circumstance arose). Thus, the standardized evaluation
prescribes the same action for a group of people, whether or nor each of them has certain
capacities necessary for complying with an ought statement.

On the other hand, there is another, existential, evaluation for ought statements.

An ought statement is correct if and only if:

- complying with it is a requisite part of what maximally contributes to the achievement of
  its point;
- compliance is not done; and,
- some decision of the addressed agent would make it more probable for the addressee to
  comply with the ought statement, and that maximally contributes to the achievement of
  its point.

According to this analysis, ought statements are not true of everyone, whatever personal
characteristics he or she has. Why? Because, depending on the psychological and
physical make-up of each person, there might or might not be some possible decision of
that person which would make it more probable to follow the ought statement and that
would maximally contribute to the achievement of its point. Suppose there are two people
who have the same amount of salary, whose financial, familial and working conditions
are similar. Suppose in both cases, donating half of the income to Oxfam maximally
contributes to the point of moral discourse. Still, one is very altruistic and strong-willed,
and the other is egoistic and weak-willed. Then, for the former person perhaps the third,
practicability, condition above is satisfied while for the last it is not. The altruistic and
strong-willed can have the intention that enables him to donate and maximally contributes to the point of moral discourse. The egoistic and weak-willed either can never have such an intention that would enable him to donate, and even if he can, having such an intention would ultimately backfire – make him more self-righteously selfish. Then, the former ought to donate that amount of money while it is not the case that the other ought.

This seems to be reasonable in a sense: the requirements for the morally able persons are more demanding. However, this result also seems to be repugnant: it appears that it is an unfair distribution of burdens. The latter intuition, however, tracks the other evaluation of ought statements, the standardized evaluation. Thus, both intuitions are saved by the present view.

Let me add one comment on the status of supererogation. Many people believe that there is something beyond the call of moral requirement. Still, ask people who work most hard for the moral ideal, and they tend to say that they just do what they ought to do. The current analysis says that they are both right in a sense. The standardized evaluation tells us that the same ought statements apply to all the addressees whatever peculiar characteristics each addressee has. Thus, even if one is so altruistic and strong-willed that she can shoulder more burdens, she is assigned the same requirements –what everyone ought to do. And even if he fails to shoulder more burdens, she is not defective. In this sense, the majority is right. The more altruistic and strong-willed few are doing something beyond their requirements, say, by donating considerably to Oxfam. On the

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other hand, there is a more existential evaluation of an ought statement, which takes into account whether the actual individual’s decisions are effective and productive. On this type of evaluation, the more altruistic and strong-willed will have more moral burdens; perhaps they ought to donate more money to Oxfam than other people ought to. In this sense, the altruistic and strong-willed few are right. They are doing what they ought to do, though this verdict by the existential evaluation does not imply, implausibly, that if they fail to do so, they will be defective. The current analysis thus captures both standing intuitions.

6.4.5. Non-intentional Actions

While the existential evaluation focuses on the intentional control of the actual agent while the standardized evaluation does not. This difference produces divergent verdicts on whether you ought to believe, feel or desire in a certain way. This question is controversial. For example, if someone tells a person, “You ought to love your country”, another person might question this saying, “I cannot love my country, so why ought I?” If this is her only reason for the denial, then she might accept that she ought to change herself to love her country. Throughout time she can change herself to love her country. However, she will still object to the claim that she ought to feel love for her country at the very moment. She cannot do so because she does not have direct and immediate control over the occurrence of the feeling and the feeling of love does not voluntarily arise in her now. In this way, whether one ought to perform any non-intentional action – for example, feel, believe or desire in a certain way at the very moment – is controversial.
According to the account presented above, it might in a sense be correct that you ought to believe, feel or desire in a certain way. According to the standardized evaluation of practicability, it does not matter whether the particular agent in question has the ability to perform the prescribed action. As far as a normal agent would perform the action under the normal circumstances, it can be the case that the particular agent ought to perform the action. In the above example, if a normal agent would love the country at the very situation under the normal circumstances, then it can be the case that she ought to love the country. (To make this sentence actually correct, the conducive condition and the undoneness condition must also be met.)

On the other hand, there is also a sense in which it is not correct that you ought to believe, feel or desire in a certain way. According to the existential evaluation of practicability, one ought to perform an action only if some decision would make the action more probable and would maximally contribute to the point for which the action is prescribed. Probably no decision would make believing, feeling or desiring in a certain way at the very moment more probable. Even if the decision to try to believe, feel or desire in that way somehow makes it more probable, the great risk of wasted effort and resources makes the decision fail to contribute maximally. According to the existential evaluation of practicability, it is thus probably incorrect that you ought to believe, feel or desire in a certain way.
6.4.6. The Intuitive Force of Moral Internalisms

The standardized evaluation of ought statements has some relevance to two types of moral internalism: moral internalism about reason, and moral judgment internalism.\textsuperscript{110}

If the standard evaluation applies to moral ought statements, then the following is true:

Necessarily, if one fails to comply with a correct moral ought statement, either the agent is defective (in view of the point of moral discourse) or the circumstances are defective.

That is:

Necessarily, unless either the agent is defective (in view of the point of moral discourse) or the circumstances are defective, the agent would comply with a correct moral ought statement.

Notice that this claim is similar to a version of moral rationalism or moral internalism about reason, which says about an ought statement specifically:

Necessarily, unless the agent is irrational, he or she would comply with a correct moral ought statement.

If being defective in view of the point of moral discourse is being irrational, then these two claims are very similar. The only difference lies whether there is a reference to defective circumstances. And I suspect that the apparent force behind moral rationalism might rather stem from the fact that standardized evaluation applies to ought statements.

Now turn to the relation between the standardized evaluation and moral judgment internalism. If the standardized evaluation applies to ought statements, when someone asserts a moral ought statement to be correct, it implies the following point: necessarily, if she is right and the statement applies to the speaker’s situation, she would comply with the statement unless either she is defective from the point of moral discourse or her circumstances are defective. This implication is similar to a certain version of moral judgment internalism, which claims some necessary relationship between a certain moral judgment and (the motivation to) compliance with the judgment. I suspect that the intuitive force behind moral judgment internalism might derive from the fact that standardized evaluation applies to moral ought statements.
If the achievement of our moral aims did not matter, they would be like a set of pointless rules, intended merely to test our obedience. (Derek Parfit, Reasons and Persons, Oxford UP, 1984, 104)

When someone makes a moral claim, say, “Abortion is morally wrong”, it is always intelligible to ask, “Why?” Thus, a moral claim is subject to the practice of justifying or reason giving, and people daily engage in the practice. It also seems that the answer to the “why” questions – for example, “It eliminates a being that is expected to have a great future” – has some relevance to another important question: “Is it sensible to engage in moral discourse?” Moral discourse’s guiding actions to the amelioration of individuals, for example, so as to keep a being of great future alive, might vindicate participating in the discourse. This paper argues that moral discourse has a point, which provides partial
answers to both questions. Roughly speaking, the point justifies particular moral claims, and moral discourse’s guiding actions in accordance with the point vindicates the practice of the discourse to its participants.

The point of moral discourse is the feature in terms of which the content of each and every moral claim is made justified or unjustified (or indeterminate\textsuperscript{111}). Further, the discourse’s guiding actions in view of the point \textit{prima facie} vindicates, (at least) to most of the competent participants in the discourse, their engagement in moral discourse, i.e., their making and accepting moral claims. Moral, or more generally, non-conventionally practical, discourse has such a Janus-faced foundation. There is a certain constraint on the content of the point of moral discourse. It must make the following considerations relevant and significant: the amelioration of others’ conditions, taking account of certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. The description is intentionally vague so that it makes sense of the common tendencies that various moral views share. For one example, people diverge on what the amelioration of others’ conditions ultimately consists in, or on what type of amelioration moral discourse and actions are concerned with: making them well off\textsuperscript{112}, protecting or providing what they value, or assisting the autonomous pursuit of their (rational) ends. For another, people disagree about whose motivations, intentions and character traits moral discourse and conducts are concerned with. While consequentialists might hold that every moral patient’s mental structure is the concern, deontologists might insist that

\textsuperscript{111} For example, if the moral claim in question is vague, it might be indeterminate and neither justified nor unjustified. For the sake of simplicity, I do not mention this possibility in the following.

\textsuperscript{112} by increasing their pleasures and decreasing their pains, by satisfying their preferences or by perfecting their nature
it focuses on moral agents’ mentality. (As the second constraint on the content of the point of moral discourse, I propose in Appendix H that it gives due relevance to the features that merit a certain constellation of emotions. This constraint is introduced so as to make moral intuitions work as evidence for moral claims: I claim moral intuitions involve emotions.)

There are a couple of reasons to think that searching for the point of moral discourse is important. People are often concerned with whether some moral claim is justified, but this is often controversial. If moral discourse has a specific point, people can settle such controversies by referring to the point. Actually, to settle the dispute this way, they also need to know how moral claims are evaluated in terms of the point, which this paper will touch upon but not fully investigate.\textsuperscript{113} Still, the hope to settle moral disputes is an immediate motivation for the search of the point of moral discourse. Further, if I am right about the Janus-faced character of the point of moral discourse, it also makes \textit{prima facie} sensible why most of the competent participants have continued the discourse. Moreover, if the vindication of moral discourse partly comes from the thing that justifies each moral claim, then it might partly explain the peculiar normativity of moral discourse itself: it shows that correct moral principles are not “like a set of pointless rules, intended merely to test our obedience” but making and accepting them would matter. In addition, the existence of such a point, which is peculiar to non-conventionally practical discourses,

\textsuperscript{113} They need to consider whether, for example, all moral claims are justified if following them would maximally contribute to the realization of the point. This position is implausible because the set of moral claims includes claims of permission and of moral wrong. Even if you focus on moral ought claims, for example, you might doubt that the maximal contribution to the point is sufficient for justifying them. Is not there another condition – for example, passing the internalist condition that the agent can be motivated to following the claims, or some universality requirement like the Categorical Imperative test– for making them justified?
indicates a resemblance between moral claims and certain imperatives. I hold that some imperatives also have the point, in term of which they are evaluated, and their guiding actions in view of which *prima facie* vindicates making and accepting them. This analogy suggests the plausibility of unified accounts of moral claims and these imperatives: for example, a reductive account according to which moral claims are imperatives tied in justification to a certain point. This is a larger story that I will pursue in another paper.

The agenda of this paper is as follows. First, an elaboration of the justification of moral claims is provided. There you will see what I mean by “moral claims”, and their “justification”, of which the point of moral discourse has the central place. Second, I illustrate what I mean by the point in a discourse, how it is connected to the justification of moral claims, and defend the claim that moral discourse has one. Third, reflecting on justifying practice in moral discourse, I consider what types of considerations can justify each and every moral claim. Fourth, I argue that the candidates of the touchstone of moral claims can also *prima facie* vindicate that most of the competent participants’ engagement in moral discourse. I then list the conditions that the point of moral discourse is expected to satisfy, and argue they are satisfied by the candidates of the touchstone.

7.1. Preliminary: The Point of Moral Discourse and Moral Justification

Moral discourse consists in thinking, writing, speaking and having conversations in moral terms (or in their mental correspondents).114 (I later explain what I mean by “moral

114 Moral discourse is not identical with all the actual instances of thinking, writing, speaking and having conversation in moral terms (or in their mental correspondents). Moral discourse is neither the set of these moral claims. Moral discourse would exist even if some actually made moral claims were never made. However, moral discourse would not exist in that case if it were identical with all the instances of moral claims or the set of them. (Moral discourse would not exist in that case even if it were identical with moral
terms”). The point of moral discourse is, first of all, the feature or constellation of features in terms of which each and every moral claim is made justified or unjustified. Second, the discourse’s guiding actions in view of it prima facie vindicates, (at least) to most of the competent participants in the discourse, their practice of making and accepting moral claims. Moral discourse guides people’s actions in the sense that it contains moral claims, which encode norms, general or particular, in some way independent of their will but with which they can comply voluntarily. I hold that competent participants in moral discourse vaguely recognize the point. However, it is not the case that all of the users of moral language – children, the mentally handicapped and so on – do so. Neither is it true that people are usually conscious of or aim at the point while they are making, accepting, or even evaluating moral claims by, for example, deriving implications from general principles or appealing to intuitions.

I briefly explain the second condition for the point: it is the feature guiding actions in terms of which prima facie vindicates, to most of the competent participants in moral discourse, their practice of making and accepting moral claims. This condition captures an aspect of the intuitive notion of the point of a discourse. Suppose one asks what the point of a discourse, say, the discourse of laws, is. She expects the answer mention what makes sense, at least to most of the competent participants in the discourse, of why they continue the discourse.

(Cf. Derek Parfit, ibid, Sec.79 and Appendix D.)

claims and their relations, or the set including both.) Moral discourse is constituted by all moral claims and thus is not an entity existing separately from them, but it is distinct from them. The relationship between moral discourse and moral claims is analogous to the relationship between a nation and its citizens. A nation France is constituted by its citizens and would not exist if none of the French ever existed. However, France is distinct from the citizens and could exist even if some of the French never existed. In the similar way, a discourse is constituted by certain claims and would not exist if none of such claims were made. However, it is distinct from the claims and could exist even if some of them never existed. (Cf. Derek Parfit, ibid, Sec.79 and Appendix D.)
The second condition does not imply that moral discourse’s guiding actions in view of the point must vindicate the discourse absolutely. The second condition implies only that action guidance in view of the point must have the significance that, without reasons on the other side, would vindicate, to most of the competent participants, their practice of making and accepting moral claims. Thus, even these participants might have positive reasons to stop moral discourse, and there might be problems about how moral discourse or the action prompted by the discourse influences the minority of the competent participants or the outsiders of moral community. Further, people can criticize how the point is tied to the justification of moral claims, and how the actual way moral discourse is conducted or influenced. Thus, even if moral discourse has a point, it can still involve many problems and be properly criticized.

An illustration of the second condition is due so as to show that this condition is not vacuous. The point cannot be part of existent moral discourse, i.e., (somebody’s actually) thinking, writing, speaking and having conversations in moral terms. According to the second condition, action guidance in view of the point is supposed to vindicate a discourse, and referring to part of the discourse in that context is circular and fails to do the job. Consider, for analogy, a person asks, “What is the point of our intra-office rules, such as ‘Dating between company employees is prohibited’”? If the respondent answers, “Our president says so” or “We think so”, she does not get the question (or is making fun of the senseless of the rule, understanding that her answer fails to answer the question). Thus, part of actual moral discourse cannot be the point of moral discourse.

115 Combined with the first condition, this means that moral discourse has no point if simple subjectivism, individualistic or communal, is true. For such subjectivism holds that a moral claim is justified just in case some actual speaker or speakers make the claim, so the justifier is part of existent moral discourse.
The first condition, being the feature in terms of which every moral claim is rendered justified or unjustified, requires elaboration particularly about the “justification” of a “moral claim” and “in terms of” relation. I will start with the first one, and deal with the latter in the next section. By the “justification of a moral claim” or “moral justification”, I mean the justification or justificatory explanation of moral claims. The set of moral claims includes (the utterances of) moral statements, the mental states that they express, or their contents. By moral statements, I mean the statements that tell some agent what to do (or what is allowed to do) or what to have done (or what was allowed to do) in moral vocabulary. Below the paper will elaborate the notion of telling an agent what to do as well as the notion of moral terms.

There are two necessary conditions for a claim to tell an agent what to do (or what is allowed to do) or what to have done (or what was allowed to do).\textsuperscript{116} First, it must address an agent about an action: either the claim explicitly refers to both an agent and an action, or the claim explicitly refers to an action and it is necessarily intelligible to ask who to take (or to be allowed to take) the action.\textsuperscript{117} Second, the appropriateness of the claim must partly depend on whether it specifies an action under “agential control” in a certain sense.\textsuperscript{118} if it fails to specify such an action, the claim is inappropriate. Moral justification is one type of justification of these practical claims: i.e., claims that are, or pretend to be,

\textsuperscript{116} Statements that tell one what to do might fail to have the stringency of requirement and only have the force of recommendation. For example, suppose one says, “The future generations have no right to our conservation of energy and natural environment, but we should still conserve them.” Here he might be merely recommending rather than requiring the action.

\textsuperscript{117} or who to have taken the action (or who to have been allowed to take the action)

\textsuperscript{118} It is controversial what the relevant sense of “agential control” is. I will say more about this in the Section 2, but will not argue for a specific rendition in this paper. The chapters on practicability obliquely deal with this issue, and suggests (but do not directly claim) that there are two relevant senses of agential control.
proper answers to the addressee’s actual or potential question of “what to do” or “what to have done” (or “what is allowed to do” or “what was allowed to do”).

According to this (partial) characterization of moral claims, statements or judgments involving *ought, must, may, right, wrong, obligation, required, recommended, permitted, prohibited* or their cognates can be moral claims when applied to actions in certain pragmatic contexts. That is, in saying “You should not kill”, “It is right not to kill human beings” and “Bill had the duty to be faithful to his wife” in certain situations, we can make practical claims, moral claims in particular. For these claims satisfy the above-mentioned two conditions for telling an agent what to do. This result is not surprising. However, this (partial) characterization of moral claims apparently excludes statements or judgments involving *virtue, vice, good, bad* and their cognates (and not involving *ought, right* and so on) from the set of moral claims. Many of these statements or judgments, such as “Pleasure is good and pain is bad”, “Braveness is a virtue” and so forth, do not involve explicit reference to actions or agents. Even if they involve reference to them, the appropriateness of these claims seemingly fails to depend on whether they specify an action under agential control. For example, suppose I say, “It is good (or virtuous) for everyone to think and behave impartially on every occasion”. This claim might be inappropriate, but apparently not because nobody can think and behave impartially on every occasion. These claims do not directly tell what to do, though they might state the alleged reasons for some practical claims.119

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119 Not all of these claims state reasons for actions in the narrow sense. Some claims merely state reasons for beliefs or feelings.
This partial characterization of moral claims thus apparently implies that moral justification directly concerns not claims in terms of good, bad, virtue or vice, but (many) claims in terms of should, right, duty and so on. I admit that people often use the phrase “moral claims” to refer to the set including some of the former claims. However, I can provide some reasons for this narrow focus. First, it seems plausible that while moral claims in terms of ought, right, duty and so on are justified when they give proper answers to the practical questions of what to do (desire, feel, and believe), claims about good and virtue are ‘justified’ rather when they are reasons for the answers. Second, as is mentioned above, the appropriateness of claims about good or virtue fails to depend on whether they specify an action under agential control. Third, I am not sure that various claims about good or virtue, say, “Clinton is clever” and “Gandhi is courageous”, are made ‘justified’ or ‘unjustified’ in terms of the same feature. Even if there is such a feature, it is doubtful whether it is the same as the feature in terms of which claims in terms of moral should, permission, duty and so on are justified or unjustified. This is the main reason why I adopt the focus on the justification of claims in terms of moral should, permission, duty and so on.

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120 I have no intention to deny that the justification of practical claims, which tell agents what to do (or what is allowed to do) etc. has much in common with the ‘justification’ of evaluative claims about good/bad or virtue/vice. If the former chapters are on the right track, the evaluation of an ought statement partly depends on the consideration of values because non-derivative values (for the addressees) are among the factors that can constitute the point of an ought statement. Further, the standardized evaluation of an ought statement depends on the consideration of agents’ defects. And the best imperative approach tells us that what makes an ought statement correct is what makes the corresponding imperative the best.

121 Is each claim about moral good or virtue not ‘justified’ or ‘unjustified’ in term of the same feature, the same feature in terms of which claims about moral ought etc. are justified or unjustified? This suggestion is hard to evaluate because what the set of moral goods or virtues includes is controversial. (David Hume pointed this out in Appendix 4 of his Enquiry Concerning the Principles of Morals, 1752; see also Shelly Kagan, Normative Ethics, Westview Press, 1998, 207-8.) However, I hold the following position. As for what are widely taken to be claims about specific moral good or virtue, such as “Chris is compassionate” and “Chris is honest”, they are not ‘justified’ or ‘unjustified’ in terms of the same feature. That is, different
Moral claims are either the statements that tell some agent what to do (or what is allowed to do) or what to have done (or what was allowed to do) in moral terms, or are mental states that the statements express. Now I explain another component of his characterization of moral claims, moral terms. He cannot provide the necessary and sufficient condition for this notion, but he can provide an illustration. *Ought, should, must, may, right, wrong, obligation, duty, prohibited, required, permitted* and its cognates are moral terms when the competent users of English use them and they modify (or are willing to modify if necessary for clarification) them with “morally” or “moral”. A term in a language other than English is a moral term (in some pragmatic context) if the competent users of both languages take it to be synonymous (in the context) with one of the moral terms in English. I expect that this image of moral terms and the resulting idea of moral claims and discourse are familiar to readers.

Considerations are relevant to establishing these claims. As to claims involving the predicate “morally good”, “morally virtuous” or its cognates, such as “Chris is morally good” or “Chris’s donation to Oxfam is morally virtuous”, they are ‘justified’ or ‘unjustified’ in terms of the same feature. Moreover, it is perhaps similar to the feature in terms of which claims about moral *ought* etc. are justified or unjustified. However, even if so, the relationship between the claims involving “morally good” etc. and that feature will differ from the relationship between the claims about moral *ought* etc. and the feature in question. This is because claims about moral good or virtue mainly express the evaluations of the agent’s character trait or motive rather than, as the claims about moral *ought* do, express the evaluation of what an action does or what happens if an action is taken. (For this point, see William K. Frankena, *Thinking about Morality*, Univ. of Michigan, 1980, the Second Lecture.) This is the case even when “morally good” or “morally virtuous” is predicated of actions rather than persons or character traits. Further, the appropriateness of these claims still fails to depend on whether they specify an action under agential control while claims about moral *ought* etc. do depend on that characteristic. Considering these differences, I have chosen to focus on claims about moral *ought* etc.

In addition, I think that when it comes to morality and moral justification, what people primarily think of is not claims in terms of good, bad, virtue or vice, but claims in terms of ought, right, duty and so on. This is perhaps because the notions of *morality* and of *justification* have associations with actions: morality regulates voluntary behavior and justification concerns the evaluation of (the claims of) what a person does. As it might be strained to talk of the justification of evaluative claims about art works, it might be strained to talk of the justification of the claims of good or virtue. Still, I know that not everyone shares these intuitions about the concepts of morality and justification. In discussion, Henry Pratt explicitly disowns these intuitions.

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\(^{122}\) In addition, I think that when it comes to morality and moral justification, what people primarily think of is not claims in terms of good, bad, virtue or vice, but claims in terms of ought, right, duty and so on. This is perhaps because the notions of *morality* and of *justification* have associations with actions: morality regulates voluntary behavior and justification concerns the evaluation of (the claims of) what a person does. As it might be strained to talk of the justification of evaluative claims about art works, it might be strained to talk of the justification of the claims of good or virtue. Still, I know that not everyone shares these intuitions about the concepts of morality and justification. In discussion, Henry Pratt explicitly disowns these intuitions.
Having illustrated the notion of moral claims, I clarify the notion of (moral) justification or justificatory explanation. This paper uses the notion of (moral) justification or justificatory explanation often found in the literature of ethics, for example in William K. Frankena’s *Ethics* and Bernard Gert’s *Morality*. There are two things to note about this concept. First, they are writing about the justification of moral claims (statements, judgments that they express or their contents), rather than the justification of actions themselves. Suppose, for the sake of argument, abortion is wrong. Then, *the claim* “abortion is wrong” is justified while *the action of abortion* is wrong and hence not ‘justified’ in the sense applied to action. The readers might find it unfamiliar to talk of the justification of claims rather than of actions. However, people sometimes say things like “How can this moral judgment be justified?” or “This moral view [norm, principle, standard etc.] is justified”. And it seems sensible to say that when people ask, “Why is abortion wrong?” they ask for justification or justificatory explanation in this sense.124

Here is the second caveat on the notion of justification. (Moral) justification or justificatory explanation consists not in showing (the correctness of) a moral claim to be

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124 In discussion, Nick Jones (and perhaps Zac Cogley) raises doubt on whether people usually talk of the justification of moral claims rather than of action. It seems to me that they are wrong for the reasons suggested in the text, but I am a non-native speaker corrupted by the jargons of philosophical ethics. So readers might doubt whether he is a competent judge of the matter. However, at least philosophical books intended for general readers – Frankena’s *Ethics*, MacIntyre’s *After Virtue*, and Beauchamp and Childress’ *Principles of Biomedical Ethics* – talk of the justification of moral judgments, norms and so forth without much explanatory note. Thus, A. MacIntyre for example talks of “a first [historical stage of moral decline] at which evaluative and more especially moral theory and practice embody genuine objective and impersonal standards which provide rational justification for particular policies, actions and judgments and which themselves in turn are susceptible of rational justification”. (*After Virtue* 2nd ed., Univ. of Notre Dame Press, 1984, 18-9.) And Tom L. Beauchamp and James F. Childress say of the top-down models of justification: “The idea is that justification occurs if and only if general principles and rules, together with the relevant facts of a situation, support an inference to the correct or justified judgment(s)”. (*Principles of Biomedical Ethics* 5th ed., Oxford UP, 2001, 385.)
likely or credible but in showing what makes the claim correct. If all people claim that killing an innocent person is wrong, it might show the claim is credible, but it does not morally justify the claim (unless the consensus of all people make the claim correct).

Rather, it seems that the value of the continuation of a person’s life and so on justifies the claim. When people ask for justification by saying, “Why is killing an innocent person wrong?” they expect reference to rationales or grounds, which make the action wrong and hence make the claim correct.125

To make clear the nature of the investigation below, I inform the readers of the assumption in this notion of moral justification. This notion of moral justification presupposes that some moral claims can be correct or incorrect. By being correct or incorrect, I do not necessarily mean being true or false. Even if no moral claim can be true or false, some moral claim might be more appropriate than (or at least as apt as) all rival claims, i.e., claims one cannot follow simultaneously. If so, I find no problem in calling such a claim “correct” and hence “justified”. People daily engage in the justification of moral claims, which makes sense only if some moral claims can be correct at least in this broad characterization of correctness. Further, this assumption does not beg the question against many people. Many people who might or do deny that moral claims can be true or false – Frankena, J.L. Mackie, later R.M. Hare, earlier Allan

125 This probably makes a marked disanalogy of moral justification from epistemic justification. For people generally think that epistemically justified beliefs can be false, but according to the characterization of moral justification in the text, morally justified claims cannot be incorrect. However, I think that this disanalogy is no reason to doubt the legitimacy of the characterization of moral justification. As you see in the quotation from Beauchamp and Childress in Principles of Biomedical Ethics, it is generally supposed that moral judgments are justified if and only if they are correct. (Thus, there is another disanalogy: one might have true beliefs that are not epistemically justified while one cannot have correct moral judgments that are not morally justified.)
Gibbard\textsuperscript{126} and so on – can and will accept that some moral claims can be correct and hence justified in the broad sense mentioned above. Thus, I proceed with the supposition that some moral claims can be correct or incorrect.

7.2. The Relation between the Point of Moral Discourse and Moral Claims: Ought Claims in Focus

The point of moral discourse is the characteristic in terms of which every moral claim is made justified or unjustified, and which \textit{prima facie} vindicates, to most of the competent participants in the discourse, their making and accepting moral claims. Now consider “in terms of” relation. What kind of relation is that? That is, how is a moral claim justified by reference to the point of moral discourse? There are various types of moral claims, and it is plausible that they have different relations with the point of moral discourse. If “Abortion is wrong” and “Abortion is right” are related with the point in the same way, both claims are justified or unjustified simultaneously. This is absurd. More subtly, “It is permissible not to smoke” and “It is an obligation not to smoke” must be related with the point differently, for one claim can be justified while the other is not. Because of the complexity of the issue and the limited space, I leave for another occasion the general study of the relations between the point of moral discourse and various types of moral claims. However, some illustration is due.

As an illustration of the relations, I focus on the connection between the point and one type of moral claim, i.e., moral claims involving “ought (to)” (“should”, and their

equivalents). I hold that, roughly speaking, these claims are justified if and only if the prescribed actions – coupled with the compliance with other relevant prescriptions – are practicable, undone\textsuperscript{127} and the best in view of the point, that is, maximally contributes\textsuperscript{128} to the achievement of the point.\textsuperscript{129} For a moral ought claim like “You ought to write a check to a charity organization”, other relevant prescriptions include necessary or useful instructions, such as “Correctly write the check and the address,” “Put a proper stamp on the envelope”; but they might also include so-called moral constraints, such as “Don’t harm any person (say, by using another person’s checkbook)” etc. There are a few reasons to support this view.

To begin with, it is sometimes said that the \textit{ought} claims have teleological character: they imply that the total state of affair would be the best if the agents can and do follow them.\textsuperscript{130} As a general claim, this is probably false. It is doubtful that \textit{ought} claims in the discourses of conventional or institutional action guidance – certain part of discourse of etiquette or of law – have teleological character. As I have suggested in Chapter 2, these ought claims might be correct just because they are legitimately given. However, in non-conventional and non-institutional practical discourses, \textit{ought} claims do seem to have teleological character. For example, it is widely accepted that prudential ought claims (“…ought \textit{A}” and “…ought \textit{not A}”) are justified if and only if the actions \textit{A}s or omissions

\textsuperscript{127}This reference to undoneness is not important in this context, so it will be omitted thereafter.
\textsuperscript{128}In comparison to the other actions that the agent has any chance to perform
\textsuperscript{129}This is only a rough sketch because \textit{ought} claims are information-relative in many contexts. That is, the justification of an \textit{ought} claim often consists not quite in whether following it really contributes to the point maximally, but whether it is expectable to do so given a certain set of information.
\textsuperscript{130}See, for example, W. D. Falk’s rendition of H.L.A. Hart’s view on the distinction between ought-language and obligation-language. (Falk, “Morality, Self, and Others”, \textit{Morality and the Language of Conduct}, ed. by Hector-Neri Castañeda and George Nakhkian, Detroit, Wayne State Univ. Press, 25-67, 55.)

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As noted, they recommend are practicable and have the best upshot. It seems that moral discourse is not a conventional or institutional discourse, so *ought* claims in moral discourse have teleological structure.

Further, linguistic intuitions suggest that the justification of *ought* claims requires that doing as they tell is the best. It is awkward to say, for example, “The President’s waging a war against Saddam Husayn is not the morally best (choice), but he morally ought to do so”.

A common practice of moral deliberation or explanation also suggests that a moral *ought* claim is justified if and only if doing as they tell is (practicable and) the best. In deliberating which action to take or explaining why to take an action, people weigh pros and cons. As Kurt Baier says: “Having ascertained all the relevant facts, all the moral pros and cons, I just proceed to weigh them in order to determine which course of action is supported by the weightiest moral reasons… We do this by applying the rules of superiority, such as…” It is better to inflict a small amount of harm on one, than a great amount on another, innocent person’, and so on.” This practice of weighing to pick out the action with the weightiest considerations suggests that people assume that they ought to take an action when and because doing so is the best.

In addition, the view that moral *ought* claims are justified if and only if they are (practicable and) the best in view of the point makes sense of the following attractive idea: morality is closely related to practical rationality. It is plausible, I think, that practical rationality in an important sense is a matter of the form of reasoning, which in

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131 Many so-called cultural or social relativists deny this view. I will address their position in Section 4.
132 The Moral Point of View, 1958, Cornell UP, 170.
particular guides us to pick the best from a given point of view. If a moral \textit{ought} claim is justified only if the action is the best in view of the point, then moral discourse incorporates practical rationality concerning the justification of \textit{ought} claims. 


\footnotesize{This claim can be criticized in several ways. I mention and comment on two major criticisms here. Aristotelians might claim that the idea of rationality from a given point of view does not make sense: a rational agent necessarily has a definite point of view, where his or her ends are things that are good independently of any point of view. I am skeptical of such a concept of objective goods. He also holds that it is implausible that merely being a rational agent entails such a definite evaluative point of view. It contradicts the intuitions of many people – not only economists but also ordinary people – to judge that only a person with a certain point of view can be rational. Michael Slote holds that because relentless maximization is immoderate, it is irrational. (Michael Slote, \textit{Beyond Optimizing}, Harvard UP, 1989, esp. Ch3) If Slote takes this to mean that one rationally ought not to maximize, it contradicts the view in the text unless it is not practicable to maximize values in many situations (for my view is that if an action maximize values from a certain point of view \textit{and} is practicable, one ought to perform the action). I respond to this view arguing by cases. Suppose moderation is a value from the given point of view. Then, the maximization of values from the given point of view takes the value of moderation into account, so it gives moderation a due weight. Then, why is acting in a way to maximize the values irrational because it is immoderate? It seems that the contention is based on an illegitimate double counting of the value of moderation. Now, suppose moderation is not a value from the given point of view. Then, what is the ground to hold that maximization is irrational because it is immoderate? Because moderation has no value, the maximization of values does not reflect it, and that seems only rational. (In the similar way I will respond to the criticism of maximizing rationality on the basis of procedural disadvantage.) Slote also holds a weaker view that not maximizing values is not irrational if the agent takes some other option satisficingly good for him or her. (ibid., Ch.2) If Slote takes this to mean it is not the case that you rationally ought to maximize values, it contradicts with the view in the text (unless it is not practicable to maximize values every time there is some other option for the agent, which is satisficingly good for him or her). To this I just note my intuition that one rationally ought to maximize values as far as it is practicable. The more of value, the better; and you ought to do the better thing as far as it is practicable. (And the mere existence of another satisficingly good option does not make the maximization impracticable.)

I hold that an action is rational from some point of view only if it – when conjoined with some other actions – maximizes the values that are relevant from that point of view. However, some think that it is rational from, say, the point of view of the agent, if the motive, the disposition, or the acceptance of a rule, that produces the action maximizes relevant values. (See David Gauthier, \textit{Morals by Agreement}, Oxford UP, 1986, 186) This view contradicts my view about rationality when the action does not maximize the values but the motive, the disposition, or the acceptance of a rule that produces the action maximizes the values. Consider the discrepancy in a moral context. Suppose an action fails to maximize morally relevant values but the motive, the disposition, or the acceptance of a rule that produces the action maximizes them. According to my view, it is not the case that one morally ought to take the action. However, according to the rival view, one morally ought to take the action. I have three objections to the rival view. First, even though the question of what one ought to do is primarily the question of the action, the rival view entirely ignores the goodness that the action is responsible for. Second, this neglect is also implausible given the phenomenology of the agent. When an agent deliberates on what an agent ought to do, she takes into account what would happen if she took the action. Third, Parfit’s “Schelling’s Answer to Armed Robbery” case suggests that even if a motive, disposition, or acceptance of a rule maximizes relevant values, acting on that is not what one ought to do if the action fails to maximize the values. See Parfit, ibid., sec.5.}
I hold, roughly speaking, that a moral ought claim is justified if and only if it is (undone, practicable and) have the best consequences in view of the point, that is, only if complying with it – coupled with other relevant prescriptions – most contributes to the achievement of the point. Some people might take this view to imply consequentialism, but this is not the case. According to many people’s use of the term, consequentialism is the following view: an action is right if and only if (it is practicable and) it by itself maximizes the net goodness of the consequences of the action, where only agent-neutrally and time/space-neutrally describable states of affairs have goodness or badness. The above view says nothing directly about rightness. Moreover, the above view neither excludes the possibility that goodness or badness – the achievement or disruption of the point – consists in agent-relatively or time/space-relatively specified states of affairs, such as that the agent kills others (as opposed to that somebody, whatever he or she is, kills others) or that the agent kills others now (as opposed to that somebody kills others at any time whatsoever). In addition, the above view does not quite require that the action by itself has the maximizing consequences. What matters is not the consequences of a single prescribed action, but the consequences of performing the action following some other prescriptions, perhaps including so-called moral constraints. Thus, consequentialism does not result from claiming that moral ought claims have teleological character.

Let me elaborate on the last point I made. In Chapter 4 I admitted the following possibility: what makes an imperative the best or the corresponding ought statement correct might be the practicability and the consequences of performing it together with certain definite prescriptions. For moral ought claims to be correct, perhaps they must be
practicable and (the conformity with them) be maximally conducive when conjoined with certain general prescriptions. There are some initially plausible suggestions about what such general prescriptions are. For instance:

**Appropriate means requirement:** do not take inappropriate means, for example, using others in unrespectable ways;

**No harm requirement:** do not do (intend or direct\textsuperscript{135}) harm to a person; and,

**Respecting right requirement:** do not violate someone’s rights.

Suppose a moral ought statement is correct just in case, when conjoined with no harm requirement, it is practicable and the conformity with it has the best upshot. Then “you ought to kill the person with that gun” is probably not correct because there is no practicable way to perform this while not doing harm; so it is incorrect even if killing the person with the gun is the only way to prevent twelve more people from being killed.

Again, “Doc, you ought to operate on that patient” is probably incorrect when the operation requires blood transfusion from a specific person but the person refuses to give her blood. In this case, it is incorrect because operating on the patient while not harming a person is apparently practicable but fails to have the best upshot. My account does not hold that any of these general requirements is implicit in moral discourse, but does not exclude such a position, either.

\textsuperscript{135} There are variations of the proposed no harm requirement, and the above statement is made ambiguous intentionally.
Still, the alleged teleological character of moral \textit{ought} claims puts a structural condition on normative theories: ought claims are correct only if following them – coupled with other relevant prescriptions – would be most contributive to the achievement of the point of moral discourse. This condition apparently excludes the position, for example, that an agent ought not to kill Steve to prevent someone to kill Jordan \textit{even though the omission – when coupled with compliance with relevant prescriptions – does not have the best upshots}. However, given that assumed general prescriptions are not specified and the point can be agent- and time- relative, theories with any practical implications are still admissible. For example, one can consistently hold the theory that an agent ought not to kill Steve to prevent someone to kill Jordan \textit{because the omission – when coupled with compliance with relevant prescriptions – has the best upshots}. The teleology condition of moral \textit{ought} claims does not exclude theories with any practical implications.

My view implies the sufficient condition that a moral ought claim is correct if complying with it – conjoined with relevant prescriptions – is practicable and most conducive. Some people might object to this implication because they think the action’s having the best upshot is not sufficient for a moral ought claim to be correct. They suggest other necessary conditions. For instance:
1. exceeding the minimum condition: complying with a moral claim greatly contributes to achieving the point of moral discourse (where the greatness might be measured in comparison to the degree of sacrifice required for the agents)\textsuperscript{136};

2. agent-prerogative condition: complying with a moral claim (the set of moral claims) does not demand a great sacrifice of the agents’ interests\textsuperscript{137};

3. moral internalism condition: irrespective of external encouragement or coercion, the agent would be motivated to follow a moral claim (where the agent were without cognitive defects, practically rational, vividly understanding why the actions are the best, emotionally normal, judging that the claims are correct, having the set of the dispositions that is morally best among humanly possible ones, and so on);

4. knowledge condition: any (reasonable) agent can know that complying with the moral claim is the best;

5. blameworthiness condition: without proper excuses, the agent’s failing to comply with the claim is blamable (warrants guilt, deserves punishment etc.);

6. fairness condition: the system of moral claims does not make an unfair attribution of burdens;

7. universality condition: the system of moral claims tells all agents to take the same action under similar external conditions\textsuperscript{138};

\textsuperscript{136} People in favor of Michael Slote’s satisficing consequentialism might hold this condition. See Slote, ibid.
\textsuperscript{137} People in favor of Samuel Scheffler’s hybrid theory might hold this condition. See Scheffler, The Rejection of Consequentialism, Oxford UP, 1994, Ch.3.
\textsuperscript{138} People in favor of Kantian Formula of Universal Law might hold something like this condition. For Kant’s own formulation, see Immanuel Kant, Grundlegung zur Metaphysik der Sitten, 1785.
8. indirect consequentialist condition: the universal (or general) acceptance (and perhaps compliance) of a moral claim (or the system of moral claims) is psychologically possible and has a good (or the best) upshot;

9. contractarian condition: having (only) relevant information, rational or reasonable people would accept (the set of) the moral claims voluntarily and unanimously.

Here I cannot fully defend my view that the practicability (or, undoneness) and maximal conduciveness are necessary and jointly sufficient conditions for making a moral ought claim correct. However, let me make two general comments on the views that claim there is some other necessary condition. First, some of the above conditions might turn out not to be a necessary condition for moral ought claims to be correct, but for more ‘stringent’ claims, say, those of moral obligations, to be correct. One might wonder what she morally ought to do for the world poverty relief even though she does not think that she has the obligation to do anything for that. That is, she might wonder to which organization she should donate her money, what population she should save, for what things – food, education, drilling the will etc. – she should donate money, and so on while she thinks that she has no obligation to donate her money. If a Peter Singer asks her why she thinks she has no obligation to donate her money, she might well point to one of the above conditions. For example, she might answer that the poor people do not have rights to the money others have, or that she is not blameworthy even if she does not donate. Thus, in examining the plausibility of the above conditions, one should not ignore the possibility that they are conditions for different types of moral claims.
Second, the practicability condition for ought statements or its implications might be similar to many of the above conditions. This possibility is apparent when one takes the standardized evaluation of practicability: for an ought claim to be correct only if any agent without cognitive and executive defect would perform the prescribed action unless some defective circumstance arose. This practicability condition is apparently similar to the moral internalism condition: irrespective of external encouragement or coercion, a certain agent would be motivated to follow a moral claim. And suppose that a moral ought claim meets this practicability condition. According to my analysis of the defect of agents and circumstances (see Chapter 6), without proper excuses, the agent will then be defective for failing to comply with that claim. This implication is similar to the blameworthiness condition: without proper excuses, the agent’s failing to comply with the claim is blamable (warrants guilt, deserves punishment etc.). Further, because the practicability condition tests ought claims based not on what the actual addressee of a moral claim can or will do, but on what a normal or defect-free agent would do. So the system of correct moral ought claims will satisfy something like the universality condition: the system of moral claims tells all agents to take the same action under similar external conditions. In this way, at least in one proper sense of practicability, the practicability condition or its implications turn out to be similar to many of the alleged conditions. If so, it will give some support for my view that the practicability and maximal conduciveness conditions are necessary and jointly sufficient for making a moral ought claim correct.

\[139\] The truth of this contention depends on what counts as the defect of an agent when the practicability condition is applied to a moral ought claim. According to the analysis of Chapter 6, the relevant sense of
7.3. The Existence of the Point of Moral Discourse

Thus far the paper presupposes that moral discourse has some point and explains the concept of the point. However, the existence of the point is disputable, and now is the time to discuss this issue. This section presents some reasons in favor and rebuts prominent objections. Now, I have a particular view on what the point of moral discourse is. The point of moral discourse makes the following considerations (intrinsically or derivatively) relevant and significant: the amelioration of others’ conditions, taking account of certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. However, I think that one can defend the existence of the point of moral discourse (to some length, at least) without presupposing that the point has such a particular content. Even if people do not share my view on the content of moral discourse, they can still have reasons to accept such defense. This is why this section is devoted to abstractly defending the thesis that the point of moral discourse exists.

It is in part because a non-conventional and non-institutional practical discourse generally has a peculiar point that it is plausible to hold moral discourse has such a point. Prudential discourse has the point of ameliorating his or her interest. For one thing, prudential \textit{ought} claims are made justified or unjustified depending on whether, roughly speaking, following them would maximally contribute to the agent’s interest. And the discourse’s guiding actions in view of the agent’s interest \textit{prima facie} vindicates that

gental defect varies with the point of the ought statement and with the addressed agent. Thus, to substantiate the claim in the text, I need to provide the analysis of the point of a moral ought claim and of a moral agent. I will give an account of the point of a moral ought statement in this paper, but have no space to write on the nature of a moral agent.
competent participants in the discourse make and accept prudential ought claims. For another, the discourse of epistemic oughts might have the point of guiding one’s actions in his or her maximizing truth and minimizing falsity in a large body of beliefs.\footnote{See William P. Alston, “Concepts of Epistemic Justification”, \textit{The Monist}, 68, no.2, 1986, 61. See also his “The Deontological Conception of Epistemic Justification”, \textit{Philosophical Perspective}, 2, 1988, 258-9.}

Consider an epistemic \textit{ought} claim, for example, “You ought not to ignore evidence against your view”. If it is justified, it is plausibly because, roughly speaking, following them would maximally contribute to the realization of this feature or the like. And the guidance of actions in view of this feature \textit{prima facie} vindicates that competent participants in the discourse of epistemic oughts make and accept these claims. People might doubt the view that every discourse, or every practical discourse, has some point. They might be unsure, for example, whether the discourse of legal obligations has any point. If legal realism (“the law is a prediction of what courts will decide”) or positivism (“morality and law are conceptually distinct and legal validity is a function of certain social or conventional facts”)\footnote{For more on legal positivism and realism, see, for example, Jeffrie G. Murphy and Jules L. Coleman, \textit{Philosophy of Law: An Introduction to Jurisprudence} revised ed., Westview Press, 1990, Ch.1.} is correct, there is none. For, in this case, the discourse’s guiding actions in view of the touchstone of legal obligations fails to vindicate, even to most of the competent participants in the discourse, that they make and accept the claims. However, I hold that at least non-conventional and non-institutional practical discourses, for instance, discourse of prudential and epistemic oughts, have respective peculiar points.\footnote{I think that even in conventional and institutional practical discourses, there are contexts where deontic calms have the point and can be properly evaluated in terms of the point. See Chapter 2. However, I do not need this more controversial premise for arguing that moral claims have the point.} People identify and differentiate these non-conventional and non-institutional
practical discourses by their points and grant different significances to them. It seems that because moral discourse is a non-conventional and non-institutional practical discourse, it has some point.

Indeed, people do talk of a point of morality or moral discourse, by which they identify and differentiate it from other practical discourses and grant it a peculiar significance. Moral discourse and other practical discourses share vocabulary, such as *ought, should, must, may, right, wrong, recommendation, requirement, permission, duty* and *obligation*. How can they identify morality or moral discourse and differentiate it from other practical discourses? In other words, what does “moral” in such phrases as moral permission, moral duty etc. mean? One promising account is that people distinguish the moral uses of the vocabulary by having a hazy grasp of the point tied to the uses: “moral” picks up the point of the discourse. The peculiar point attached to the uses of the vocabulary distinguishes moral discourse from other discourses, which either (as discourses of epistemic or prudential instructions) have different points or (perhaps as discourses of etiquette or legal directions) lack points. This proposal is plausible (partly) because of the following phenomenological observations. People generally presuppose that what justifies these various moral claims *en masse* differ from what justifies other practical claims, e.g., prudential claims. And people tend to admit that the source of their significance is different from that of other practical claims’ significance, and that the difference has something to do with difference in what justifies the claims.

There are many other features that philosophers have regarded as the distinguishing features of moral discourse. These are as follows: universalizability; action-guidingness; internalism about moral judgments; their overridingness; connection to peculiar sanction;
such as social pressure or the feeling of guilt or conscience; actual or expected significant social consequences of taking or not taking the discourse seriously; a certain evolutionary function; a certain form of reasoning; and so on. However, it is doubtful whether moral discourse has and solely has any of these characteristics. Further, because many of these notions are very far from ordinary people’s thinking, it is implausible to explain people’s ability to demarcate moral discourse by appeal to them. In contrast, the view that moral discourse has a peculiar point is not alien to participants in moral discourse. As Parfit suggests, on reflection competent participants of moral discourse hold that the achievement of moral aims is supposed to matter, so that they would not be like a set of pointless rules, intended merely to test our obedience.

The view that moral discourse has a peculiar point can also explain why we regard certain discourses in various foreign languages as moral discourses. Many of these languages, such as Japanese, Chinese and African languages, have the vocabulary and origins completely different from English. They have also been used in quite different cultural, socio-economic and religious circumstances. However, still many English-speaking people are prone to call certain discourse in these different languages “moral discourse” when they learn these languages. Or more precisely, they tend to accept (and continue to accept) the instructors’ or dictionaries’ views that a certain part of these languages corresponds to moral terms and claims in English. (Other language speakers have the similar tendencies.) One promising explanation of this phenomenon is as

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143 On this point, see G. Wallace & A D. M.Walker’s “Introduction” to The Definition of Morality ed. by them, Methuen & Co LTD, 1970, 1-20; and David Copp, Morality, Normativity, & Society, Oxford UP, 1995, Ch5. Note that while I write about the distinction between moral discourse and other discourses, these authors consider the proposals about the distinguishing feature between moral standards and other types of standards. However, their criticisms remain effective even if one adapts these proposals to the account about the distinction between discourses.
follows. Moral discourse has a specific point; and people find ‘moral discourse’ in other languages when they vaguely recognize that certain discourse in these languages has the particular point. This account is plausible (partly) because of the phenomenology and the habitual way of thinking that the speakers of two languages (including the author) have. It is very natural for them to suppose the following: what justifies and gives a particular significance to a moral claim in one language, say English, also justifies and gives the same significance to the alleged equivalent in another language, say Japanese. These multilingual speakers tend to give the same justification for and the same explanation of significance about both claims (as far as they hold one of them).

The view that moral discourse has a peculiar point can further explain why we recognize the uses of various vocabulary (in one language, such as English) as moral terms or phrases en masse. Ought, may, right, wrong, recommendation, requirement, duty and so on have different contents, but still we categorize certain uses of them as moral. One promising explanation is that moral discourse has a particular point, and because these various terms are all connected to the point in evaluation. People hazily recognize this, so they call all of them “moral”.

Many people believe that moral discourse inherently has peculiar normativity. It seems plausible that this belief partly consists in the following conviction: it matters whether they accept correct moral claims and thus engage in moral discussion. This conviction is also explained by the hypothesis that moral discourse has a point, which justifies each moral claim and the discourse’s guiding actions in view of which prima facie vindicates making and accepting moral claims. It is the Janus-faced character of the point that accounts for the conviction. Without what justifies each moral claim, there is
no correct moral claim; without what vindicates moral discourse, making and accepting moral claims is senseless; and without the same feature participating in both, it does not matter whether one makes and accepts correct moral claims: making and accepting incorrect moral claims will do as far as it equally contributes to what vindicates moral discourse. The Janus-faced character of the point partly explains why people believe that moral discourse has peculiar normativity cum objectivity.

I now deal with some potential objections to the view that there is the point of moral discourse: the characteristic or the constellation of characteristics in terms of which every moral claim is made justified or unjustified, and the discourse’s guiding actions in view of which prima facie vindicates, (at least) to most of the competent participants in the discourse, their making and accepting moral claims. This will also clarify what I intend to say and what I do not.

People critical of morality or social constructivists about morality might deny the existence of the point of moral discourse. If they do so, the reason will be that there is actually no feature action-guidance in term of which vindicates, to most of the competent participants in moral discourse, their making and accepting moral claims. This position makes them face the question of why the participants have engaged in moral discourse. It seems that the answers must take one of the two forms, or their combination. First, they have realized that doing so does not make sense for them, but some force has made them done the unwarranted thing. Second, most of the competent participants have mistakenly believed that there is something that vindicates to them their having made or accepted moral claims. It is not easy to give the explanation that makes these answers plausible.

And it is worthwhile to point out the following thing again: it is not the case that guiding
actions in view of the point of moral discourse must vindicate the discourse absolutely. Even if moral discourse has a point, guiding actions in view of which *prima facie* vindicates engagement in moral discourse to many of the competent participants, the discourse might still involve many problems. These participants might have positive reasons to stop moral discourse; there might be problems about how the point is related to the justification of moral claims, the actual way moral discourse is conducted or influenced, or how moral discourse or the action prompted by the discourse influences the minority of the competent participants or the outsiders of moral community. Thus, various criticisms of moral discourse can coexist with the existence of the point. People critical of moral discourse need not deny that moral discourse has a point.

However, some might suspect that I have not taken seriously the semantic implication of what many critics of moral discourse argues for: (1) moral terms are primarily used to fetter people, particularly to preserve current power relationship between the rich and the poor, the mediocre and the excellent, the males and the female, or the white and the colored.144 For Peter Railton notes, “… a glance at history shows instead that a succession of norms – all at one point or other widely viewed as moral – that have sanctioned slavery, the subjugation of women, and a host of other purported rights and duties that seem to us in retrospect to correspond more closely to the prevailing distribution of power, privilege, and interests than to conditions of absolute value or

144 Karl Marx is famous for arguing that power relations underlie moral discourse. (*The German Ideology*, 1846) However, it is Jean-Jacques Rousseau who makes this type of analysis first, focusing on the relationship between the rich and the poor. (Part 2 of *Discours sur l’origine et les fondements de l’inégalité parmi les homes*, 1755) Friedreich Nietzsche argues that the interests of the mediocre underlies moral discourse in, for example, *Zur Genealogie der Moral*, 1887. Many feminist philosophers argue that the power relationship between the male and the female (and the ambiguous) underlies moral discourse. See, for example, Hilde Lindemann, *An Invitation to Feminist Ethics*, McGrow-Hill, 2006.
universal reason.” If (1) is true, is it not plausible to hold that (2) moral claims are correct or justified just in case following them would contribute to the preservation of certain odious power relationship? However, moral discourse’s guiding actions in view of the preservation of the power relationship will not vindicate, to most of the participants in moral discourse, such as the poor and the female, their making or accepting moral claims. They should rather stop engaging in moral discourse. Then, moral discourse will not have a point in my sense.

There are four things to note on this line of thought. First, many critics of morality understandably hesitate to call moral claims “correct” or “justified” when following them would contribute to the preservation of certain odious power relationship. If the morality-as-an-ideology critics thus claim only (1) and not (2) above, then they have no reason to deny that moral discourse has a point.

Second, (1) above is at least overstated. Consider many plausible moral claims, such as “you should not lie”, “you should keep promises”, “you should not harm others” “you should help those in need”, “you should give people fair treatment” and so on. Following these claims does not always preserve the power relationship between the rich and poor, the male and female, or the white and the colored. In fact, it seems that following the last two claims, people have weakened and will weaken the power relationship. Thus, it seems that in many cases what guides our uses of moral terms is not preserving certain power relationship, but rather something else. Then, it is reasonable to reject that (2)

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moral claims are correct or justified just in case following them would contribute to the preservation of certain power relationship.

Third, if people widely assume that moral discourse has a point, it can then explain why they are tempted to use moral terms to preserve the power relationship. The assumption means that each moral claim is justified or unjustified in terms of some feature, the moral discourse’s guiding actions in view the feature vindicates, to most of its competent participants, making and accepting moral claims, correct ones in particular. If this assumption is widely shared, what one tells in moral terms is taken more seriously and perhaps even followed by others if he can convince them that the claims are correct. Moral terms facilitate manipulation, intentional or otherwise. Thus, the alleged fact that moral terms are used to preserve certain power relationship is coherent with, and even explained by, people’s widely sharing the assumption that moral discourse has a point.

On the other hand, if the function of moral terms is to preserve the power relationship, it is hard to explain why people, including the critics themselves, have taken moral claims seriously. Thus, even from the standpoint of the morality-as-an-ideology critics, it seems plausible to hold that moral discourse has a point.

Lastly, if people assume that moral discourse has a peculiar point, it accounts for why the revelation of certain facts seems to undermine the practice of moral discourse. Why can it be a critique of moral discourse to point out that moral claims work to preserve the power relationship of the rich over the poor, the mediocre over the excellent, the male over the female, or the white over the colored? A plausible explanation is that it turns out moral discourse covertly favors the differences that it is supposed to regard as insignificant or of reverse polarity. Moral discourse is expected to take sexual or racial
differences as insignificant and favor the poor and the excellent over the rich and the mediocre respectively, but it is clandestinely used otherwise. Suppose this is a partial explanation of the force of the ideology critique. Then, it seems that people take moral claims to be justified in terms of what favors fairness and preventing exploitation, which matters to the people. Thus, it is plausible to hold that moral discourse has a particular point.

Critics of morality aside, certain relativists, particularly those whom people may call the social conventionalists of morality\textsuperscript{146}, will deny that moral discourse has some point. They, for example Gilbert Harman\textsuperscript{147}, admit that there exists a touchstone of each and every moral claim, the existence of certain sort of social conventions. They might also concede that there exists something that \textit{prima facie} vindicates having made or accepted moral claims, which the previous objection questions. However, they deny that the moral discourse’s guiding actions in view of the touchstone \textit{prima facie} vindicates (to most of the competent participants) engaging in moral discourse, which would be plausible if, as they claim, the touchstone were the existence of certain social conventions. The source of disagreement between them and the author is this: they deny the author’s supposition that moral discourse is not a conventional or institutional practical discourse, which he takes to support the view that moral discourse has a point.

\textsuperscript{146} As note 115 suggests, another type of relativism, i.e., simple subjectivism, also denies that moral discourse has a point. Simple subjectivism holds that a moral claim is justified just in case some actual speaker or speakers make the claim. Because currently almost nobody holds this view, I do not deal with the position here. For the classic refutation of the view, see Chapter 3 of G. E. Moore, \textit{Ethics}, Oxford UP, 1912.

This denial of the supposition has considerable costs. First, this social conventionalism makes it hard to distinguish moral discourse from discourse of etiquette or of custom. Second, it has well-known difficulties. The view cannot explain why it often seems sensible to criticize current moral practice or moral beliefs as incorrect, or to talk about the superiority or inferiority of different social codes and practices or about the improvement or reform of moral codes.\(^\text{148}\)

Third, social conventionalism denies people’s expectation that morality is “non-optional in scope”\(^\text{149}\) in the fundamental level\(^\text{150}\) (at least as far as the agent is a normal human agent). People can opt out of the scope of social conventions, such as legal conventions, etiquettes or rules of our professions. People can opt out of the scope of their idiosyncratic national laws when abroad; of the code of etiquettes of a society when they go outside the society; or of the idiosyncratic code of a profession if they do not belong to the profession. However, they appeal to moral considerations in deciding what to do under any of these circumstances. It is not expected that people can escape from the

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\(^\text{148}\) For these criticisms, see, for example, Mark Timmons, Moral Theory, Rowman & Littlefield Publishers, INC., 2002, Ch.3.


\(^\text{150}\) This restriction is required because it seems that agents can sometimes escape from the reach of specific moral claims, for example, by going abroad or by abandoning roles they occupy. For example, in Japan you are morally obliged to drive keeping right, for otherwise you will hurt people by colliding other cars head-on. The Japanese Law tells drivers to keep right. However, if you leave Japan for the US, you escape from this specific obligation to drive keeping right. Instead, you are morally obliged to drive keeping left, for otherwise you will hurt people by colliding other cars head-on. The US Law tells drivers to keep left. In this case, you cannot escape from the moral obligation not to hurt people or to drive on the side the domestic laws dictate, but you can escape from its specific application in Japan, i.e., the obligation to drive keeping right. For another example, consider Tom’s obligations as a doctor, such as the obligation to take care of his patients. He can voluntarily quit the job of doctor, and thereby escape the scope of these specific obligations, though he cannot escape the more fundamental obligation that as long as one voluntarily accepts a certain role, he or she should perform the role.
reach of moral claims in this way. However, if social conventionalism of morality is true, one can opt out of the reach of moral claims by going outside the context where relevant conventions hold.

Fourth, social conventionalism repudiates the phenomenology and explanatory practice of many participants in moral discourse. It seems to them that correct moral claims have rationales other than mere social conventions. Just after telling students that in Japan cars are supposed to run on the left side of the lane, I claimed that in Japan it is *morally wrong* to run on the left side of the lane. Quite a few students made a perplexed look, and asked, “Why?” When I replied, “Because running on the right side in that situation will cause accidents and harm others”, they were satisfied. This type of exchange suggests that participants in moral discourse hold that mere conventions do not determine what moral claims are correct, and that they expect deeper rationales or explanations in moral discussion. In fact, it seems that if people are convinced that the moral claims lack such rationales, then they are disposed to abandon the claims with the mores in accordance with them.

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151 This non-optimality is plausibly a common feature of non-institutionally practical discourse, such as discourses of epistemic oughts, prudential oughts and so on. (Railton, ibid., 361-2)
152 Social conventionalists might try to support their position by claiming that people’s moral views reflect and are controlled by social conventions (perhaps as the results of implicit bargaining and mutual adjustments between people of different powers and resources). (See, for example, Harman, Sec. 3 of “Convention”, ibid; and Moral Relativism and Moral Objectivity, ibid., 23-6) However, this argument misses the point: it confuses causal explanation with justificatory rationale. The question is whether social conventions are relevant to determining the correctness of moral claims. It seems that whether people’s actual views are causally accounted for by social conventions is irrelevant to this question. One should rather consider which people take to be rationales for moral claims: the existence of social conventions, or other considerations, such as good or bad consequences, fairness, harming and so on. I argue in the text that these other considerations, not social conventions, are taken to be rationales for moral claims. On this point, I agree with Shelly Kagan. Kagan investigates why to follow so called “role obligations”, with which the assignments of obligations seem to be matters of convention. He concludes the investigation as follows: “The mere existence of a convention does not in and of itself guarantee that the duties assigned by that convention have any moral force. Conventionally assigned duties only have moral force when this can be
In fact, empirical research shows that people distinguish moral violations from conventional violations and along several different dimensions. With using a wide variety of stimuli, psychological studies have repeatedly shown that people, young and old alike, distinguish moral violations from conventional violations.\textsuperscript{153} According to Shaun Nichols’s experiments, even college students who regard moral judgments as non-objective distinguish moral violations from conventional violations as objectivists do.\textsuperscript{154} The prominent exception is the population of (infants and) psychopaths, who might not be the competent users of moral terms.\textsuperscript{155} Moral violations attract higher ratings on seriousness; they are taken to be problematic even in other countries while conventional violations are not; they are taken to be problematic independently of authority while conventional violations are not; and they invite distinct kinds of justifications, such as in terms of fairness or harm to victims.\textsuperscript{156} These empirical researches again suggest that moral discourse is not a conventional practical discourse.

Other relativists might accept that moral discourse is not a conventional or institutional practical discourse. They instead hold that different moral claims are justified in different societies because the touchstone of moral discourse varies with the derived from something else – consequences, fairness, promising, and so on” (See Kagan, Normative Ethics, Westview, Press, 1998, 137-145, esp. 145.)
\textsuperscript{155} See R. Blair’s works, such as “A cognitive developmental approach to morality: investigating the psychopath”, Cognition 57, 1995, 1-29. Reflecting on the psychological studies, Shaun Nichols says: “…psychopaths…don’t know (conventional) wrong from (moral) wrong. We would, in fact, have some justification in maintaining that they use the term “morally wrong” only in an inverted-commas sense.” (Nichols, ibid., 76-7)
\textsuperscript{156} For example, L. Nucci observes that in such cases as when children approximately 5 to 7 years of age “spontaneously share with others or object to the actions of a bully”, their “morality is operating independent of the conventional norms of the setting, but focusing instead on the salient moral features of the situation”, such as the need of maintaining welfare and avoiding harm. (Education in the Moral Domain, Cambridge UP, 2001, 86-7)
contexts that include, for example, the utterers or evaluators’ preferences, their social backgrounds and so on. Suppose the touchstone of ‘moral’ discourse varies so unsystematically that, for example, the increase of people’s welfare is the touchstone when ‘moral’ claims are made in China while the decrease of people’s welfare is the touchstone when they are made in the USA. In such an implausible case, this view does contradict my contention that there is a point in moral discourse in term of which every moral claim made justified or unjustified. However, in such a case people will have no reason to call both discourses “moral”: there are two separate discourses, and the discourse in the USA is, they will think, is not a moral discourse. Relativists in question probably hold the more plausible view that the point of moral discourse is indexically defined: for example, the point of a moral discourse is the increase of the welfare of that society where the moral claims are made. However, in this case every moral claim is rendered justified or unjustified in terms of the same point indexically defined. Thus, I do not take this type of relativism to deny the view that there is a point in moral discourse in term of which every moral claim made justified or unjustified. (I will examine the view that the point is indexically characterized when I investigate the content of moral discourse.)

Other people might claim that the touchstone of moral discourse is not one, but many: moral claims are justified in terms of many different standpoints. Nobody, including I, has provided good criteria for individuating and distinguishing the touchstones or point of moral discourse (or for individuating and distinguishing moral considerations or reasons for that matter). It is thus hard to precisely make sense of the distinction between such a pluralistic view and the monistic view of the point. However, suppose that these critics
mean that the point of some ‘moral’ claims, say, fairness, is not the point of other ‘moral’
claims, which have loyalty as their point. I take this to be implausible because there is no
reason to call both sets of claims “moral”: they belong to separate discourses.

Still, it might seem natural to think, for example, that the justification of “You
morally ought to keep your appointment with the student at 2:30” depends on a basis
different from the one on which “You morally should go to New Orleans and join the
hurricane relief effort” depends. It might seem that the former depends on the
importance of keeping an appointment or a promise, which differs from the significance
of helping those in need on which the latter depends. However, consider the situation
where keeping your appointment with the student makes it impossible for you to join the
hurricane relief effort in a timely way. It then seems apparent that the following is the
case. On the one hand, the importance of helping others in need is relevant to the
justification of “You morally ought to keep your appointment with the student at 2:30”.
On the other hand, the significance of keeping an appointment or a promise is relevant to
the justification of “You morally should go to New Orleans and join the hurricane relief
effort”. And on second thought, it seems that even where such a practical conflict does
not exist, the following is the case. On the one hand, if “You morally ought to keep your
appointment with the student at 2:30” is justified, it is partially because doing so prevents
no helping of others in need. On the other hand, if “You morally should go to New
Orleans and join the hurricane relief effort” is justified, it is partially because doing so
prevents no keeping of promises or appointments. If so, the justification of these two
moral claims depends on the same basis.

157 Justin D’Arms suggested this response in conversation.
The critics might reply to this as follows. I end up accepting that the point of moral discourse is a certain structured composite: such as fairness and loyalty, perhaps with priority to one of them over another; or perhaps more concretely, stopping manslaughters, stopping stealing, decreasing absolute poverty, and so on. However, I take this view to be consonant with the view that there is the point of moral discourse, in terms of which every moral claim is rendered justified or unjustified. For, according to this view, every moral claim made justified or unjustified in terms of the same composite, say, of fairness and loyalty.

Some philosophers, such as William Frankena, hold that morality does not have an external aim or point: it is not an instrument to something independent from morality. This view is obscure. Do they mean by “morality” moral discourse as I have defined and by “aim or point” the peculiar touchstone in terms of which every moral claim is made justified or unjustified? If not, their view has nothing to do with my position. However, suppose they do. It is still unclear what “external” or “something independent from morality” means. This perhaps means something specifiable in non-evaluative or scientific terms. Certainly my view that moral discourse has some peculiar point does not imply that the point is or can be specified in non-evaluative or scientific terms.

Or these philosophers rather mean that acting on moral motives or intentions, and the excellence of moral character are themselves part of the point of moral discourse. This presupposes the existence of the point of moral discourse: this is a claim about the content of the point. In another interpretation, these philosophers mean that the point of moral discourse must be internal to moral justification and prima facie sensible to most of

158 William K. Frankena, Thinking about Morality, Univ. of Michigan, 1980, 30-1.
the competent participants in moral discourse. That is, the point must be the touchstone in
term of which moral claims are made justified or unjustified, and the discourse’s guiding
actions in view of which vindicates their engagement in moral discourse. Otherwise, the
‘point’ is either alien to moral justification or to the participants in moral discourse. 159
For example, some legal moralists with relativistic tendencies might hold that what
makes moral claims correct or incorrect has nothing to do with the ‘point’ or significance
of moral discourse. The former might radically vary with societies, but the latter, the
cohesiveness and subsistence of a society, is constant. This ‘disintegration thesis’ 160
alienates the ‘point’ of moral discourse from moral justification, and the above
conception of the point rejects this as the point of moral discourse for this reason. If this
is these philosophers’ view, it does not deny the existence of the point: it rather supports
my characterization of the point of moral discourse. I agree with them that it is
implausible to alienate the ‘point’ or significance of moral discourse from what justifies
moral claims. Otherwise, it will not matter whether one accepts correct moral claims
rather than incorrect ones as far as the latter contributes to the ‘point’ as well.

Some might doubt whether a feature (or constellation of features) exists to play the
double role: whether a feature justifies each and every moral claim, and moral discourse’s
guiding actions in view of the feature prima facie vindicates, (at least) to most of the

159 Stephen Darwall shares a similar idea and criticizes Hobbs as follows: “… for Hobbes, morality consists
in rules that if everyone follows, everyone benefits from; but what makes it the case that any particular
agent should follow moral rules is that his following them serves his own interests…as we ordinarily think,
normativity is intrinsic to morality. For an externalist like Hobbes, what makes something a dictate of
morality is one thing and what makes it normatively binding on us (something we ought to follow) is
another.” (Philosophical Ethics, Westview Press, 1998, 107-8) However, Darwall uses this idea to support
an extraordinary strong claim, moral internalism: for something to be a moral requirement, it must provide
conclusive reasons for those subject to it, and there are such moral requirements. (ibid., 108 and 238)
Philosophy, Oxford UP, 1983, Ch.11: 248-262, 248-9 (Originally published in The University of Chicago
competent participants in the discourse, their making and accepting moral claims. I have a general ground to undermine this doubt. Considering whether people’s engagement in moral discourse is vindicated, many theorists realize that it is hard to distinguish what makes a moral claim correct or justified from the mere reason to respect, make and accept the morally correct claim. For the alleged reasons to respect morally justified claims often seem to be the grounds that make them correct and hence justified. This makes it somewhat plausible for Kant to claim that moral claims are categorically normative; and for H. A. Prichard to deny the intelligibility of the “why be moral” question, the question beyond the issue of whether a moral claim is correct.\(^{161}\) The observation suggests there actually is some feature that justifies moral claims also vindicates our making and accepting them.

Despite providing this general consideration, I realize that the readers might not be convinced unless he shows a plausible candidate of the point of moral discourse, which embodies this abstract claim. The paper will thus describe the contour of what I take to be the point of moral discourse. I will make it plausible that there is some feature which is the touchstone of moral claims and the moral discourse’s guiding actions in view of which \textit{prima facie} vindicates that people participate in the discourse. This is the business of the next section.

\(^{161}\) Kant, \textit{Grundlegung zur Metaphysik der Sitten}, 1785; and Prichard, “Does Moral Philosophy Rest on A Mistake?”, \textit{Mind} 21/81, 1912.
7.4. The Content of the Point: the Contour

The point of moral discourse is the touchstone in terms of which every moral claim is made justified or unjustified. It is thus plausible to hold that if the point exists, it makes sense of the large part of our reason-giving or justifying practice in moral discourse. One main constituent of the practice is that people can intelligibly ask of any moral claim, “What makes this action wrong (right, permissible, obliged etc.)?” or “Why is this action wrong (right, permissible, obliged etc.)?” Suppose I make a moral statement, say, “Killing human beings is wrong.” You may ask, “Why?” Suppose I answer, “Because they have twenty-four teeth.” This answer is not intelligible at least as it stands. Moral claims can be supported only by explicit or implicated reference to certain types of considerations. “Because they have twenty-four teeth” is not intelligible because this claim, without further elaboration, has no reference to these types of considerations. One can thus investigate this point by observing what types of considerations we can intelligibly bring in answering the “Why” questions. I will thus try to ascertain the content of the point by reflecting on the reason-giving practice in moral discourse, with focus on how people can and will answer the “Why” questions.

First note that, apparently, reason-giving or justifying practice in moral discourse is more focused on other-regarding actions\(^\text{162}\) than on self-regarding actions.\(^\text{163}\) Imagine the situation where people talk about whether one may morally take an action or whether it is

\(^{162}\) Or other-regarding codes and practices. Reason-giving or justifying activity in moral discourse can and does arise in the context of supporting or criticizing the actual or imaginary social codes or practices. In fact, this is a phenomenon that vulgar forms of moral relativism are criticized for not accommodating.

\(^{163}\) Remember that by “moral claims”, I refer only to claims in terms of moral oughts, should, must, may, obligation, duty, requirement, prohibition, recommendation and permission and their cognates. To claims in terms of good, bad, virtue, vice and so on, I do not contend that a similar remark applies. Still, he suspects that to claims in terms of moral good, bad, virtue, vice etc. a similar remark applies.
wrong to take the action. Usually the action at issue might (be intended, motivated, or flow from the character trait that tends, to) affect others non-negligibly or fail to reflect certain interpersonally coordinating relations between moral agents, such as fairness.\(^\text{164}\) (By “interpersonally coordinating relations”, I mean the relations that constitute or help building the condition where individuals share a world and perhaps assist others and organize themselves to deal with the common concerns.) And people try to justifiably explain their moral claims based on these features of the action. On one hand, most people regard many self-regarding actions as morally trivial and indiscriminately take them to be merely morally permissible without any care for the justification.\(^\text{165}\) On the other hand, people regard other-regarding actions as morally significant and discriminately sort some of them into moral statuses other than being merely permitted, with latent concern for the justification. They take moral reasons to prohibit lying, promise-breaking or free-riding and to demand paying gratitude. They all are other-regarding requirements: it is even unclear whether we can lie, break promises\(^\text{166}\), free-ride or fail to pay gratitude to ourselves. And people take moral reasons to require only the

\(^\text{164}\) More accurately, the relation that coordinates between moral agents, or moral agents and patients. Many people take some non-personal beings, e.g., non-human animals, as moral patients, though not as moral agents. Relationship between people and their pets, for example, might be their concerns. People might wonder whether it is morally wrong to sell their guinea pigs, knowing that the buyer makes them the food of a snake. However, merely to avoid cumbersomeness, here and thereafter I use the phrase “interpersonally coordinating relationship” to cover such relationship between moral agents and mere moral patients.

\(^\text{165}\) In fact, one of the criticisms against maximizing consequentialism is that according to this view, many self-regarding and trivial actions are required or prohibited. See Fred Feldman, Introductory Ethics, Prentice Hall, 1978.

\(^\text{166}\) A Kantian philosopher Thomas E. Hill Jr. defends the logical possibility of making and breaking a promise to oneself. However, he still concludes that we do not usually regard promises to oneself as of moral significance. (“Promises to oneself” in Hill’s Autonomy and Self-Respect, Cambridge UP, 1991, 138-54.)
compensation to the harm to others, not the compensation to the harm to self. Further, they take moral reasons to criticize the harm to self less severely than the harm to others.

However, some might object, is not there something one morally ought to do merely for self-regarding concerns? I never deny this possibility. However, I still argue for the relative focus of moral discourse on other-regarding considerations. It can sound odd or even incoherent to modern minds to talk of moral duties or moral recommendations to self, which are not derivative from other-regarding considerations. For example, some people might admit that self-improvement is a moral duty or at least a moral recommendation, but the content or the ground is usually other-regarding in the last analysis. They claim that trying to be more benevolent, compassionate, trustworthy etc. is morally obligated or recommended. However, they rarely claim that trying to be intelligent, prudent, of fortitude, provident etc. is morally obliged or recommended.

See Shelly Kagan, *Normative Ethics*, Westview Press, 1998, 145-6. There he observes that it can sound odd or even incoherent to modern minds to talk of moral duties to self or self-regarding moral obligations that are not derivative from other-regarding moral duties.


I admit that people talk of self-regarding goodness or virtue, such as intelligence, prudence, fortitude and providence. However, "good" and "virtue" might well not be moral terms in the sense explained in Section 1, so their uses cannot provide evidence against his observation about moral claims. (And if the readers are inclined to call certain claims in terms of good and virtue "moral", I recommend them to consider whether they are inclined to call claims in terms of intelligence, prudence, fortitude and providence "moral". I bet you are not in that intelligence, prudence, fortitude and providence are not moral virtues or morally good traits.) Someone might point out that people sometimes say, “You should try to be more intelligent[, prudent, of fortitude or provident].” I hold that in almost all cases, *should* here is not a moral *should*. Suppose that the addressee asks the speaker, “Do you mean that I *morally* should try to be more intelligent[, prudent, of fortitude or provident]?” The speaker will reply, “No, but for your sake…” or “No, but for your improvement…”

I admit that we frequently make *should*, *ought* and *have-to* claims based on self-regarding considerations, not only self-educational but also self-interested or of commitment to one’s own projects or undertakings. (For the example of the last kind, consider the case where you have set out to climb Everest, and you say, “I should [ought to, have to] try to reach the summit.” Cf. Thomas Nagal, “The Fragmentation of Value” in his *Mortal Questions*, 1979, 128-41, 130 (Originally printed in *Knowledge, Value and Belief*, ed. H. Tristram Engelhardt Jr and Daniel Callahan, Institute of Society, Ethics and the Life sciences, 1977), In
if they did, they would almost always base the claim on potential effects on others or on interpersonally coordinating relations. Consider the most plausible candidates of self-regarding moral duties. They are, I think, the alleged duties of self-respect or self-protection: for instance, the prohibition against committing suicide and letting oneself to be irrational and heteronomous, e.g., by taking to drugs or drinks, ignoring legitimate reasons against one’s views, or by being servile to and used as mere means by slave owners, men or domineering parents. These alleged duties of self-respect or self-protection seem partly grounded on the fact that doing what is allegedly prohibited will make the subject less able to serve socially as an agent.

I do not claim that reason-giving or justificatory practice in moral discourse exclusively emphasizes the considerations of others or interpersonally coordinating relations, such as fairness. Still, it appears to be more focused on the differential guidance of actions based on (motives, intentions, or character traits that have) effects on others or interpersonally coordinating relations, e.g., fairness. Thus, moral justification is at least supposed to vindicate the sorting of actions into various moral statuses, including being morally required or prohibited, considering (motives, intentions, or character traits that have) the effects on others or interpersonally coordinating relations. Any theory of moral justification must take this point into account.  

As Parfit argued, the relation of an individual now to herself considerably later might not significantly differ from the relation of that individual to others. (Derek Parfit, ibid, Part 3.) If so, perhaps moral justification is also supposed to vindicate the sorting of actions into various moral statuses, considering the effects on later selves or relations coordinating the present self and them. I do not deny the possibility. If the readers are attracted to this line of thought, here and hereafter read “others” as including later selves and “interpersonally coordinating relations” as including relations coordinating the selves inter-temporally.

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Based on this reflection, I hold that the point of moral discourse makes the following considerations (intrinsically or derivatively) relevant and significant: the amelioration of others’ conditions, taking account of certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration\textsuperscript{171}. I will explain and motivate components of this abstract complex below.

Considering people often base moral claims on effects on others, I think that the amelioration of others’ conditions is a general constellation of grounds for moral claims. As the paper mentioned above, both in the East and the West, people often tell one another to put themselves into others’ shoes. Further, around the world we find various formulations of the Golden Rule, e.g., “You should do onto others as you would have them do unto you”, “You should do naught onto others which you would not have them do unto you” and so on.\textsuperscript{172} They tell you to act in the way you would have others to act if your position and their positions were reversed. People intelligibly appeal to these dicta as moral claims, or even as the foundations of morality. This suggests that moral claims must be supported by other-regarding considerations: considerations respecting not only

\textsuperscript{171} and discouraging the motivations, intentions and character traits that are contributive to or directed at preventing or reversing such amelioration (I omit this phrase because it is cumbersome.)

\textsuperscript{172} According to Prof. Donald Hubin’s PowerPoint presentation “Kantian Deontology”, we can find variations of the Golden Rule in almost all religions or traditions. In Christianity, it is said: “Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law of the prophets.” (Matthew, 7:12) In Judaism, it is said: “What is hateful to you, do not to your fellowman. This is the entire Law; the rest is commentary.” (Talmud, Shabbat, 31a) In Islam, it is said: “No one of you is a believer until he desires for his brother that which he desires for himself.” (Sunnah) In Brahmanism, it is said: “This is the sum of duty: do naught unto others which would cause you pain if done to you.” (Mahabharata, 5, 1517) In Buddhism, it is said: “Hurt not others in ways that you yourself would find hurtful.” (Udana-Varga, 5, 18) In Confucianism: “Surely it is the maxim of loving-kindness: Do not unto others that you would not have them do unto you.” (Analects, 15, 23) In Taoism, it is said: “Regard your neighbor’s gain as your own gain and your neighbor’s loss as your own loss.” (T’ai Shang Kang Ying P’ien) In Zoroastrianism, it is said: “That nature alone is good which refrains from doing unto another whatsoever is not good for itself.” (Dadistan-i-dinik, 94, 5)
the well-being, the values, or the ends of the agent but also those of the others that are potentially affected. Here respecting them implies, at least other things being equal\textsuperscript{173}, giving negative weights to the ill-being, vitiating what someone values, or preventing the autonomous pursuits of ends and positive weights to the well-being, the values, or assisting the autonomous pursuits of ends\textsuperscript{174}. Moral claims must be supported in terms of other-regarding beneficence rather than other-regarding maleficence: moral claims are used to tell the agents to stop harms and give benefits to individuals rather than to give harms and stop benefits to them.

The above description of the appeal to the amelioration of others’ conditions is intentionally vague. By the amelioration of others’ conditions, I do not specifically mean utilitarian impartiality: that moral claims must be supported by utilitarian thinking, which gives one unit of goodness to each positive unit of well-being and one unit of badness to each negative unit, whoever enjoys that.\textsuperscript{175} Western commonsensical tradition claims that the well-being of agents themselves or those they have some close relation with counts more heavily than the well-being of strangers. (Other tradition – perhaps more oriental or

\textsuperscript{173} e.g., perhaps the culpability of the affected
\textsuperscript{174} Or, if cardinal weighing is impossible, giving ordinal rankings to the \textit{absence} of the ill-being, of vitiating what is valued, or of preventing the autonomous pursuits of ends, and to the well-being, the values or assisting the autonomous pursuits of ends. Here and below I omit this supplement because it is cumbersome. However, I intend the notion of (other-regarding) amelioration to be consistent with the impossibility of the cardinal measurement.
\textsuperscript{175} Besides the following points, there are two points people disagree with the utilitarian view. Some people deny the possibility of the interpersonal comparison of well-being. Others deny the commensurability of the components of well-being: as for different components of well-being, say pleasure and the exercise of higher abilities, there is no common scale of units of value upon which they can be precisely placed and compared. (This does not imply that they deny the comparability of the values of these components: they can – and they usually do admit – that some positive value relation holds between them, where positive relations are relations describable by affirmative statements. For example, people who deny the possibility of the cardinal measuring of values usually admit the possibility of the ordinal ranking of them. Thus, they admit the possibility of the positive value relations between them, such as better than, worse than, equal to, or on a par with. As for the definitions of incommensurability and comparability, I defer to Ruth Chang. See her “Introduction” in \textit{Incommensurability, Incomparability and Practical Reason}, ed. by Ruth Chang, Harvard UP, 1997.
Buddhist – actually claims the opposite, saying that a moral person act selflessly and that in morality the effects on oneself does not count at all.\textsuperscript{176} Further, common-sense moral thinkers, libertarians and so on put more emphasis on non-malevolence than on benevolence. They probably do not give one plus weight to each positive unit of well-being and one minus weight to each negative unit: they probably give much more (comparative) minus weight to each negative unit.\textsuperscript{177} In addition, some people deny that

\textsuperscript{176} Parfit criticizes both agent-relative views as directly collectively self-defeating. As for the Western commonsensical position, there are cases where if people all successfully follow this position, they will cause the given aims of each, the good of the person and the associated in particular, to be worse achieved than they would have been if none of them had successfully followed this position. For example, suppose there are two parents each of whom can either (1) save his own child from some harm or (2) save the other’s child from another somewhat greater harm. The commonsensical position tells each to do (1), the result of which would be worse for both children. (Derek Parfit, ibid., sec.36; for the definition of directly collectively self-defeating, see p.55.) As for the oriental pure altruist position, there are cases where if people all successfully follow this position, they will cause the given aim of each, i.e., the others’ good, to be worse achieved than they would have been if none of them had successfully followed this position. For example, suppose that there are two people each of whom can either (A) give himself a greater benefit, or (B) give the other a small benefit. The above pure altruist position tells each to do (2), the result of which would be worse for both. (ibid., 510n38) Parfit holds that these cases present real objections to these agent-relative positions.(ibid., sec.39) If so, the point of moral discourse is supposed to explain why they are real objections. However, this does not necessarily imply that the point is agent-neutrally defined. For example, if the point is the agent’s promoting others’ good by his or her individual action or the agent’s promoting it together with other agents, it explains why the objection to the pure altruist position is compelling.

\textsuperscript{177} Some people might suspect that people like libertarians give no (plus) weight to positive units of others’ well-being, their values or ends. I disagree. For one thing, on reflection, people find themselves to take acting on benevolence to be obligatory in certain close relations. In private relations, it is hard to deny that parents have the duty to benefit their children, that friends have the duty of friendship to each other, and that people who receive benefits out of concerns for them owe gratitude to their benefactors. Karl R. Popper is famous in arguing for the replacement of the hedonistic utilitarian formula, “Maximize happiness”, with the negative utilitarian formula, “Minimize suffering”. (The Open Society and Its Enemies 5th ed., Princeton UP, 1962 (Originally published in 1943), Ch5n6, Ch9n2 and Ch11n62.) However, it is unclear whether Popper proposes negative utilitarianism as a moral principle applying even to private relations, rather than a mere principle of public policy, which is his main concern. I thus hold that people at least give (plus) weight to the positive units of the well-being (, values or ends) at least of their acquaintances.

For another, on reflection, people find themselves to take it at least morally recommendable to benefit even strangers. Libertarians reject the use of compulsory means like taxation to benefit others. However, they tend to add that it is permissible and even morally desirable that we voluntary benefit others. Thus, they will probably reject the claim that we are morally obliged to benefit others in need, but might well accept the claim that we morally ought to do so in the non-obligatory sense of ought. (As an illustration of the use of ought in the non-obligatory sense, consider the following case. A person walks alone by a shallow pond and finds a young child drowning. He talks to himself, “I have no obligation to save the child, but ought to save the child.”) Consider the following excerpt from Julian Sanchez’s interview on July 26, 2001 with Robert Nozick, a representative and consistent libertarian, for Laissez Faire Books. (See
morality is concerned with increasing well-being (or decreasing ill-being). For example, some people, e.g., certain environmentalists, hold that morality is rather concerned with protecting and realizing what is valued even if it is not part of one’s well-being. Others, such as Kantians, hold morality is concerned rather with assisting persons in autonomously pursuing their ends. Moreover, deontologists might reject the view that the permissibility or impermissibility of actions is even partially determined by the weighing of goodness and badness. I think they do not deny that the moral statuses of actions are at least partly determined by the weighing of harms and benefits. Otherwise, they will have little argument for a ranking of the obligations of non-homicide, no harm, benevolence etc. and for a way of settling the conflict of these obligations in particular cases. However, they might rather call the weights of benefits and harms in terms other

http://www.juliansanchez.com/nozick.html) “JS: You outline a series of different “levels of ethics,” as you call them, the most basic being characterized by, as you said, “voluntary cooperation for mutual benefit,” and the higher levels involving more responsiveness and caring for others and positive aid. Yet you say, and this is what seems particularly libertarian, that no society should go further than enforcing that most basic requirement of peaceful cooperation. RN: Yes, and libertarianism never really claimed that all of ethics was exhausted by what could be enforced, by what one could legitimately be coerced to do or not do. That’s the political, interpersonal realm that libertarian principles were about, not what might be the highest ethical aspiration.” These observations suggest that people give some plus (moral) weight to the positive unit of (others’) well-being, to their values, or to assisting their autonomous pursuits of ends. Indeed, even Popper might well agree with this: he never completely denies the moral relevance of happiness or pleasure. His point seems to be just that pain or suffering morally matters much more than pleasure. “We should realize that from the moral point of view suffering and happiness must not be treated as symmetrical; that is to say, the promotion of happiness is in any case much less urgent than the rendering of help to those who suffer, and the attempt to prevent suffering.” (ibid., Ch5n6) (Indeed, I hold that on reflection, many people, including Popper, would agree that benefiting strangers can be an obligation. Popper’s negative utilitarianism is criticized for absurd implications. For example, if one has a weapon that will kill everyone without suffering, we should use the weapon because it will eliminate all the sufferings that are otherwise bound to happen. For another, if we should stop having children because that will end suffering. (See, for a summary, James Griffin, “Is Unhappiness Morally More Important than Happiness?” Philosophical Quarterly 29, 1979, 48.) In later editions of “The Open Society and Its Enemies”, Popper calls them “absurd consequences” and is willing to revise negative utilitarianism. (ibid., 386) Any plausible revision will involve taking certain benefit to people into account, which probably leads to conceding that benefiting people in general can establish moral obligations.)

even if we count perfectionism as a theory of well-being

These environmentalists hold that natural environment, the diversity of species or eco-system is morally significant even if it is no part of one’s well-being that it is preserved, because we (intrinsically) value it. See for example Alan Carter, “Hume and Nature” in Ethics in Practice 2nd ed., ed. by Hugh LaFollette, Blackwell, 2001, 664-73.
than good and bad: in terms of providing (more or less) reasons for actions, being (more or less) reprehensible, (more or less) preferred by rational autonomous agents, and so on. All of these views are still ameliorative of others’ conditions. They are regarding others’ conditions in holding the following: moral claims must be supported by the considerations that take into account not only the well-being, values or ends of the agent but also those of the others who are potentially affected. These views are ameliorative in holding that other things being equal, moral views must be supported by the considerations giving negative weights to ill-being, disvalues or preventing the autonomous pursuits of ends, and positive weights to well-being, values or assisting the autonomous pursuits of ends.

I have suggested that in moral justification is admitted the great significance of ameliorating others’ conditions while taking into account certain relations interpersonally coordinating, and fostering the motivations, intentions and character traits that contribute to or are directed at such amelioration. Now that I have briefly explained and motivated the idea of ameliorating others’ conditions, I start taking account of interpersonally coordinating relations. By “interpersonally coordinating relations”, I mean the relations that constitute or help build the condition where individuals share a world and perhaps assist others and organize themselves to deal with common concerns. One important element that characterizes the concern is the idea of impartiality or fairness. Even though I do not take the amelioration of others’ conditions to imply utilitarian impartiality, surely moral justification is based on some appeal to impartiality or fairness. That is, based on some variation of the following idea: regarding all individuals equally if they have no significant differences, and regarding individuals differently in the way, and only in the
way, that corresponds to their significant differences, where differences are significant when each of them cannot reasonably dispute the relevance. Fairness or impartiality is an interpersonally coordinating relation. It constitutes the basis of sharing a world as admitting one another as its members, and perhaps assisting other members and organizing themselves to deal with the common concerns. People take the various formulations of the Golden Rule to imply some idea of impartiality or fairness (combined with the idea of the amelioration of others’ conditions). This notion of fairness penetrates the large portion of our reasoning or justifying practice in moral discourse. People relate many types of morally significant actions to this idea of impartiality or fairness (combined with the idea that others’ goods, values or ends count). They support or criticize the distributions of punishments, burdens, social roles, liberties and properties on the basis of fairness or impartiality. They defend the obligations of keeping contracts, not freeloading, compensation etc. as the fair terms for cooperation. We also support prohibitions against violence, coercion, lying, deceiving, bull-sitting etc. as fair terms for competitions in which self-interests, ideals, personal commitments and loyalties can conflict.

Moreover, the idea of impartiality or fairness is a notably forceful consideration across cultures. It is hard to find a culture in which there exists none of the following: the criticism of breaking contracts as unfair, the call for fair competition and the charge of nepotism, consideration of fairness in court and sentence, the charge of unfairly accumulated wealth and power, and the criticism of free-riding. Further, in world history
the consideration of impartiality or fairness has convinced people that slavery, the
discrimination against Jews and Blacks, the exploitation of women, and perhaps harming
animals for trivial reasons are morally wrong.

In reality, almost all normative theories of moral claims incorporate the idea of
fairness or impartiality (as well as the idea that others’ well-being or autonomous pursuits
of ends count). Utilitarianism incorporates the idea of taking into account all individuals
equally if they have the same level of well-being, and taking them into account
differently in the way, and only in the way, that correspond to their differences in the
level of well-being. Non-utilitarian consequentialists often depart from utilitarianism
because they hold a different and more loaded view of fairness. To accommodate the
proper idea of fairness, they admit the intrinsic relevance of distributive values: equal
distributions (of well-being or resources), priority to the worse-off, desert, entitlement
and so on. It seems that the concern about fairness also motivates so-called indirect
consequentialisms, rule-‘consequentialism’, motive ‘consequentialism’ or utilitarian
generalization for example. (Act) consequentialism can recommend a certain type of
action to some but urge against it to many others. Thus, for example, it might be
criticized that it recommends some to freeload off in the mutually beneficial cooperative
practice while its maintenance is guaranteed by the sacrificial cooperation of a sufficient
number of other people. It might also be criticized that in the actual situation where many
selfish people back only a slight burden to help the needy, (act) consequentilism
recommend, for their cover, the minority of altruistic people to back the extreme burden.
So-called indirect consequentialists often take these results to be unfair and thus change their focus from the upshots of particular actions to the upshots of types of actions or of inculcating the dispositions to take the types of actions. The notion of impartiality or fairness is also central within the so-called deontological theories. Ideal observer theories of morality typically involve impartiality or impartial benevolence. Theorists who adopt some universalizability test, such as Kantians, typically adopt it as an embodiment of the idea of impartiality or fairness. Contractualists often claim that the initial bargaining condition and the procedure or criterion to reach moral views reflects the idea of fairness. John Rawls famously put the bargainer behind the veil of ignorance to ensure (rightness as) fairness. T.M. Scanlon’s basic idea of the moral criterion, an action is right just in case and because it cannot be reasonably rejected by others, arguably embodies fairness or impartiality; Scanlon also takes pains to show that his criterion meshes with our intuitions of fairness. David Gauthier claims that the agreement by rational agents on principles renders them justified, and they are impartial and fair because they are reached from those initial conditions and processes of bargaining that are acceptable to every rational participant.

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180 Derek Parfit presents the latter line of thought on ibid., Ch.1, Sec.13. See also Liam Murphy’s argument for what he calls “the compliance condition” in his *Moral Demands in Nonideal Theory*, Oxford UP, 2000, Ch.5. I am skeptical of whether this criticism is legitimate. It seems that only if act consequentialism justifies punishing or blaming an altruistic agent for not shouldering the burdens selfish people do not bear, it is unfair. However, given the negative consequences of punishment or blame, act consequentialism generally does not justify that.


184 See ibid., 206-13.

Many people have thus suggested that the structure of moral justification is united under ameliorating others’ conditions while taking impartiality or fairness into account. However, partialists and some deontologists doubt whether the idea of impartiality or fairness exhausts the relevant category of interpersonally coordinating relations. So called partialists – including care ethicists or communitarians and many feminists – assert that moral discourse grant non-derivative significance to certain personal/private or positional relationship, such as family, comradeship, teacher-student, citizenry etc. Some deontologists hold that certain relations between the agent and (potential) victim are morally relevant.

Some of partialists might even deny the important place of impartiality and fairness in moral justification and displace the place with the focus on certain personal/private or stational relationship. Intuitively, the central concern in moral justification would be as follows: each person realizes or sustains his or her personal connections, such as partnership, friendship, fraternity, comradeship, solidarity, fellowship, master-apprentice

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186 Here I abstract the commonality of these theorists while ignoring their distinct views on what characteristics make such relationships morally important and hence on whether a given relationship is really morally important. For example, if, as care ethicists or many feminists, you take the relation of caring someone for his or her sake to be the source of importance, such public relationships as citizenry might well be less important than private relationships as friendship. In contrast, suppose, as role moralists like Hegel and Bradley, communitarians and traditionalists, you take as the source of importance the stational relation where a person finds his or her identity and a recognized and fulfilling life in satisfying the social expectations associated with the position. Then, citizenry might be at least as important as fellowship.

187 See, for example, MacIntyre, ibid.; Andrew Oldenquist, “Loyalties”, The Journal of Philosophy 79(4), 179-93, 1982; and allegedly, Nel Noddings, Caring: A Feminine Approach to Ethics and Moral education, 1984, The Regent of the Univ. of California Press, 1984. See Michael O. Hardimon’s “Role Obligations” on what he calls “the doctrine of perfect adequacy” of (social) role obligations. (The Journal of Philosophy, 333-63, 1994, section 2; Hardimon criticizes this view.) Many ‘partialists’ are more modest. For example, Lawrence A. Blum is a famous ‘partialist’, but he summarizes his view as follows: “Finally, my argument is not meant to deny the fundamental moral truth in the notion that each person’s good is as worthy of pursuits as is any other’s…The question is only how this truth is to be reflected in the actions and deliberations of an individual agent. What I have argued is only that it is not properly reflected by the demand that the agent himself be equally concerned with the fostering of everyone’s good.” (Friendship, Altruism and Morality, Routledge & Kagan Paul, 1980, 66) This suggests that Blum ultimately admits the moral importance of a certain form of impartiality.
and professional-clientele relation, orders, or family-like community, where at least their faithful/loyal or well-performing members flourish. This is a version of the above-mentioned view that the point of moral discourse is indexically characterized, and is behind many tribal or group moralisms or ‘relativisms’ in one sense of the term. They think that this indexically characterized point supports disparate moral views about actions in disparate ways of life.

I think this view is implausible not only for the above observations about the place of impartiality or fairness, but also for its critical relevance even to the evaluation of personal relationship. The group or positional relationships that monopolize certain goods or powers and exclude others – the royal, the nobility, slave owners, perhaps the men, the citizenry in advanced countries etc. – can be criticized as unfair. Nepotism and favoritism in public is somewhat morally criticized nearly everywhere. As we see in the competition of corporations, political parties and countries, the unfair competition between loyalists or role performers can be morally criticized. (This is why the Fair Trade Commission, election monitoring teams etc. have a moral authority.) And any personal/private or stational relationship can be morally criticized for being exploitive and thus unfair.

188 I express the view in a universal form, i.e., “Each person realizes or maintains his or her…”, rather than, e.g., “Makoto [a particular name of a person] realizes or maintains his …”. For the non-universal view itself is not recognizably an account of moral justification. Indeed, all over the world, maintaining your loyal or faithful relationship with a person is morally praised even by the person’s enemy while your abandoning the relation with a person is morally criticized possibly by the person’s the enemy (even if you join the enemy’s side). For example, Chinese and Japanese stories on feudal lords and subjects uniformly express this universalized attitude.

189 In fact, MacIntyre’s views are called “relativistic”.

190 These points are not accommodated even by Oldenquist’s more sophisticated suggestion: “Our wide and narrow loyalties define moral communities or domains within which we are willing to universalize moral judgments, treat equals equally, protect the common good, and in other ways adopt the familiar machinery of impersonal morality.” (ibid., 117) We tend to appeal not only to the impartiality or fairness between the members of a loyal personal relation, but also between those who fail to share any such relation. As Oldenquist acknowledges, the naked declaration of a loyalty makes the possibility of persuasion and...
This suggests the significance of personal or stational relationship partly depends on its adherence to impartiality or fairness. Impartiality or fairness seems central even to that part of moral discourse where personal or stational relations constitute salient considerations.

However, it is apparent that in moral justification great significance is attributed to certain personal/private or positional relationships: i.e., relationships where people show respect, take others as precious or dare, help someone specifically for his sake, recognize each other as a member of a valuable group, or trust. These relations are interpersonally coordinating in that the relations that constitute or help building the condition where the members of the relations share a community and assist other members and organize themselves to deal with the common concerns. Many think that you morally should behave politely towards people, especially superiors and elders though they might hesitate to call it an obligation. Their reason tends to be that it is important to show respect and honor the people. They also think that you are morally obliged to act on the feeling of gratitude towards benevolent actions from others, and if

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191 Trust is one type of reliance on another person. According to Annette Baier, trust is reliance on another’s good will or lack of bad will for certain aspects. Many instances of reliance are not cases of trust. Comedians reply on the audience’s tendency to laugh at certain things. Advertisers rely on the consumers’ tendency to be attracted to certain things given certain inducements. Blackmailers and terrorists rely on the target’s fear. These are not instances of trust. Further, trust is usually not comprehensive. You might trust your daughter for not telling a lie to you, but not for taking care of her dog steadily. (“Trust and Antitrust”, Ethics 96, 1986, 231-60.)

192 According to late Fred R. Berger’s standard view of gratitude, gratitude consists in a certain response to the benevolence of others. (“Gratitude”, Ethics 85, 1975, 298-309, 299) That is, it is the expression of a type of emotion to the benefit to us (or the attempt to benefit to us) that is motivated by a desire to help us. The emotion consists in:
you cannot feel it, you should at least act politely towards them. They also think that you morally should help your friends and children specifically for them. Many think that at least as long as we voluntarily join in a group, you morally should be loyal to the group: for example, at least as long as you join a company, you should protect the company’s interest. As Oldenquist says: “…loyalty behavior elicits approbation and opposite behavior typically elicits guilt in the agent and disapproval in observers.” (ibid., 187) Calling someone “a traitor” has an obvious ring of moral condemnation. Many cite betraying trust as part of the reason why lying, deception and promise breaking are wrong. Further, Bernard Williams even makes a following comment on the ground of obligations in general: “Considerations that are given deliberative priority in order to secure reliability constitute obligations”. I thus hold that the point of morality must assign great significance to these personal or stational relationships. Probably some people further contend that the importance must

- the beliefs that the person who has done a service to you acted with your interests in mind, and that you are benefitted;
- being glad for the benefit and his or her concern for you; and,
- having a regard for the person (as a responsible agent who intentionally gives you a benefit, rather than a mere object in the world that has happened to bring you a benefit). (ibid., 302)

Perhaps even after the person leaves the company, he or she should be loyal to the company on some respects. For example, is it morally permissible that the person sell its important trade secrets to a rival company?

In his notorious paper “On a Supposed Right to Lie from Altruistic Motives”, Kant argues that one should never lie partly because lying will have people stop trusting one another. Being utilitarian, Sissela Bok regards it as a consideration against lying that when lies are discovered, it tends to damage valued relationships and trust on people in general. (Bok, Lying: Moral Choice in Public and Private Life, Vintage Books/Random House, 1978,131-3) Bernard Williams says on promise: “The institution of promising operates to provide portable reliability, by offering a formula that will confer high deliberative priority on what might otherwise not receive it.” (Ethics and the Limits of Philosophy, Harvard UP, 1985, 187) See also Annette Baier, ibid., 250-1.

See Williams, loc. cit. Note that Williams talks about giving considerations deliberative priority. This suggests that by securing reliability he means attaining the state of being able to trust others for their good will to respect the considerations; and not merely reaching the state of being able to rely on others for complying with the considerations due to the existence of social sanction. (As for the distinction between trust and mere reliance, see note 191.)
be *non-derivative*, independent of the significance of the amelioration of others’ conditions in an impartial or fair way. They might argue for this by claiming that no combination of other-regarding amelioration and impartiality/fairness can by itself explain the above tendency of our moral views. As a number of people have suggested, many people give strong emphasis on close personal connection in moral deliberation.

For an illustration, consider a revised version of William Godwin’s notorious example involving an archbishop and the chambermaid. Imagine a situation where you can save only one of two people in a fire, one of whom is a benefactor to the whole human race (say, a person who you know has just found out a cure for AIDS and is going to write and publish the finding), the other of whom is your good-for-nothing son. Further suppose that you hold a recognizably impartial version of consequentialism, utilitarianism for example. The benefactor will save and help many people in the long run; saving her would have the best overall consequences while your son will do no such thing. Thus, according to utilitarianism etc., you would be morally recommended to save the benefactor and let your child die.\(^{196}\) Many regard this view as unacceptable: they think that you should obviously save your child.\(^{197}\) Many people reject utilitarianism on this ground, but it is unclear whether any theory without attributing non-derivative

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\(^{196}\) In the original example, William Godwin asks a reader to imagine a situation where the reader can save only one of two people in a fire, one of whom is the Archbishop Fénelon, a distinguished theologian and writer at that time, the other of whom is the reader's parent (mother in the first edition, father thereafter). Godwin holds a version of (maximizing) utilitarianism. He claims that according to this view, it is obviously right to save Fénelon, for the benefactor will benefit many people in the long run. (*An Inquiry concerning Political Justice*, 1793.)

\(^{197}\) As Oldenquist points out, this is a moral judgment and not a (mere) prudential judgment that from the point of view of your self-interest, you should save your child. On a similar example, he points out that if you save the benefactor, you are not the object of moral approbation but of contempt. And it is a kind of contempt that people do not hold if you sacrifice not your child but your own life to save such a benefactor. (ibid., 186-7)
significance to personal connection can succeed in accommodating their views. Thus, certain personal connection might be non-derivatively morally relevant.

Now I am not committed to the view that the point of moral discourse attributes non-derivative significance to certain personal or stational connection. On reflection people might become prepared to accept the implication that they should save the benefactor rather than their son. For example, on the above case, if the benefits of saving the benefactor are huge, I join the minority with Godwin, who thinks you should save the benefactor. Sure, if the benefits are not large, I think you should save your child. However, it might turn out that some combination of other-regarding amelioration and impartiality/fairness succeeds in accounting for this diluted view. However, I am neither committed to the view that the point of moral discourse does not grant non-derivative significance to certain personal connection. For example, building trust seems so prevalently emphasized and independently significant in moral discourse. For another, many all over the world and the history morally praise and strongly emphasize maintaining loyal relationship to one’s friend, family, nation etc. My position is just that the point of moral discourse assigns due importance to these personal or stational considerations, whether or not the importance derives from the importance of the

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198 The other possibility is that moral justification is irrelevant to action in the above example so that action in the situation has no moral status. This is Samuel Scheffler’s interpretation of Bernard Williams’s comment on a similar example, that the situation “lie[s] beyond justifications.” See Scheffler, Human Morality, Oxford UP, 19 and Williams, “Persons, Character and Morality” in Moral Luck, Cambridge UP, I-19, 18. Scheffler criticizes the thus interpreted comment.

199 Some people express worries about loyalties to someone where people lose their autonomy by being required to follow him or her blindly, give harm to people outside the relationship (or the traitors), or violate impartiality or fairness. (Marcia Baron, for example, expresses these worries. See her The Moral Status of Loyalty, Kendall/Hunt Pub. Company, 1984, esp. 5-12.) Probably loyalties between Mafiosi or between KKK members are not morally recommended. However, considering people’s moral attitudes towards friendship between decent people, it at least seems morally recommended to be loyal voluntarily as far as you neither does harm to people outside the relationship (or the traitors) nor violates impartiality or fairness.
amelioration of others in a fair or impartial way. He leaves it open whether the point of moral discourse takes such relationship as building trust or keeping faithful relations to be directly relevant.

One can also take some deontologists to claim that the point of moral discourse gives significance to certain relations between the agent and (potential) victim. In the context of the priority of nonmaleficence (by force, coercion or deception) to beneficence, some of them argue that because in doing harm the agent makes the victim worse off, the agent should not do so. They thus argue that doing harm is more reprehensible than allowing harm. Others argue that because in intendedly harming someone the agent makes the victim’s harm his or her end or a vehicle to it, the agent should not do so. They thus argue that intending harm is more reprehensible than merely foreseeing harm. It is controversial whether these relations are non-derivatively relevant. However, critics tend to admit that relating the agent with the victim in maleficence, most cases of harming are derivatively more reprehensible than the cases of not benefiting (in the same degree). Thus, it is plausible to hold that the point of morality makes negatively

200 See, for example, Thomas Nagel, “War and Massacre” in his Mortal Questions, Cambridge UP, 1979, 53-74 (Originally Published in Philosophy & Public Affairs 1(2), 1972) and The View from Nowhere, Oxford UP, 1986.

201 Some Kantians further ground the reprehensiveness of that relation on the alleged fact that it is the relationship between two persons – the agent and the victim – to which the victim cannot rationally consent. (See for example, Christine M. Korsgaard, “The Reasons We Can Share: An Attack on the Distinction between Agent-relative and Agent-neutral Values”, ibid., 275-310; and Onora O’Neill, “Ending World Hunger” in Matters of Life and Death: New Introductory Essays in Moral Philosophy 3rd ed., ed. by Tom Regan, McGraw-Hill, Inc., 1993, 235-279.) This line of thought brings forth the point that the reprehensiveness of the relation consists in disrupting interpersonal coordination: it is not the term in which each member can accept rationally.

202 This is roughly the distinction of principle of double effect makes relevant.

203 Among many others, Shelly Kagan presents the most sophisticated criticisms against both views. See his The Limits of Morality, Clarendon Press, Oxford, 1989, esp. Ch.3 and 4.

204 For example, both James Rachels and Peter Singer admit most cases of doing harm are more reprehensible than cases of allowing harm (to the same degree) while denying the distinction between doing harm and allowing harm has non-derivative relevance in morality. See Rachels, “Active and Passive
relevant a certain relation between the agent and (potential) victim: though perhaps the relevance depends on the importance of the amelioration of others’ conditions in a fair or impartial way, or of the motivations or intentions contributive or directed at such amelioration.

The last line exhibits the remaining condition that the point of moral discourse assigns due significance to fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. This is because there is one more important trend in the practice of moral justification. People emphasize that we should educate *everyone*, especially our children, morally, encourage each other to act morally, and not tempt others to act immorally. Many deontological writings emphasize the importance of having certain motives, intentions and character traits. Many of them, especially Kantians, also hold that we have the duties to help develop and protect rational and autonomous selves, including the agent him- or her- self. Many others emphasize the importance of cultivating the ability of judgment: i.e., judgment in figuring out whether any moral principle applies to the situation at hand, and if so, what it recommends, and what to do morally when two or more recommendations conflict with each other.\(^{205}\) Even ordinary moral teachings recognize this importance of judgment. Plausibly the partial point of educating people to put them in others’ shoes, for example, is to enable them to recognize when the moral principles of not harming or of benevolence apply. Further, some actions, e.g., hypocritical actions, are morally criticized because they show bad examples. These points suggest that there is a trend in moral justification, which

\(^{205}\) For example, see Charles E. Larmore, Patterns of Moral Complexity, Cambridge UP, 1987, Ch.1 “Moral judgment – an Aristotelian insight”, 1-21.
emphasizes the importance of certain mentality and its cultivation. This is such a potentially forceful trend that many have proposed to use laws and coercions to educate people morally. For previously suggested reasons, the morally relevant types of motives, intentions, the abilities of judgment, character traits are mainly other-regarding. We hesitate to call motives, intentions, the abilities of judgment, or virtues “moral” unless they are other-regarding. This does not necessarily mean, however, that the moral significance of these mental characteristics is solely instrumental to the amelioration of others’ conditions. As many deontologists have insisted, the motive that you benefit others, the intention to be fair, the character trait of kindness, i.e., the disposition to benefit a person in need and so on might be morally significant even if they lack the particular effect of the amelioration of others’ conditions. The abilities of judgment might be morally significant even if they fail to satisfy their function. They might be morally relevant not only because they are conducive to the amelioration of others’ conditions, but because they are directed at it or at having agents choosing the actions that have the effect.\footnote{For example, see Robert Nozick, \textit{Philosophical Explanations}, Belknap Press of Harvard UP, 1981, 429-33; and Thomas Hurka, \textit{Virtue, Vice, and Value}, Oxford UP, 2003, Ch.1 “the Recursive Account”, 3-28. Hurka notes on 27-8 that this type of view are held by many people with various theoretical affiliations, including Aristotle, Rashdall, Brentano, Moore, Ross, Chisholm and so on. (Neither Nozick nor Hurka agrees with my narrow specification of moral motives, intentions or virtues.)} Whatever the correct account of the value of these mental characteristics and their education becomes, it is clear that the emphasis on them is a significant trend in moral justification. I thus find it plausible that the point of moral discourse makes relevant and gives great importance to the following considerations: the amelioration of
others’ conditions, taking account of certain interpersonally coordinating relations, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration.

7.5. The Advantages of the Alleged Contour of the Point

I admit that there are many conceptions of the point that satisfy the above description. To specify the point, one must reflect on our justifying practice in moral discourse in more detail and consider what characterization best explains the practice. Before addressing this task, let me mention that the characterizations fulfilling the above description can satisfy the conditions of the point of moral discourse and have several merits. This renders it more credible that the above investigation is on the right track.

I have proposed that the point of moral discourse makes relevant and gives great importance to the following consideration: the amelioration of others’ conditions, taking account of certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. It seems credible that every moral claim is rendered justified or unjustified by such a feature. Further, I suspect that if moral discourse guided actions in view of the feature, it would prima facie make sense, to most of the competent participants in moral discourse, of their making and accepting moral claims. The feature is among their significant values, though not plausibly among their self-interests. Conduciveness to these features would prima facie vindicates moral discourse, unless the

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207 and discouraging the motivations, intentions and character traits that are contributive to or directed at preventing or reversing such amelioration (I omit this phrase because it is cumbersome.)
vindication of moral discourse must be based on the participants’ self-interests – the view which I take to be groundlessly narrow because there is no reason to privilege self-interest over the other values the agents have. I admit that without the further specification of the alleged feature, there is uncertainty about these contentions. However, it still seems that the feature will satisfy the two conditions of the point.

Further, moral discourse’s guiding actions in view of this feature makes sense of many of our expectations about the discourse. We expect moral discourse to encourage people to help others and to discourage them to hurt them. We expect moral discourse to respect important interpersonally coordinating relations, such as fairness. We expect moral discourse to encourage people to have the motivations, intentions and characters that are contributive to or aimed in these directions.

The above feature also makes sense of why people want one another to take moral discourse seriously, and are angry at those who disregard it. It ensures that those respecting moral discourse generally conduce to coordination beneficial to people, and that those disregarding it generally prevents such coordination. This partially explains why people want one another to take moral discourse seriously, and encourage others to act morally.\footnote{\textsuperscript{208} These phenomena are also explained by the content of the point of moral discourse, which gives importance to moral education. If you take the point seriously, then you encourage others to act morally and be a moral person, and discourage moral digressions and being a morally inferior person.} These phenomena are also explained by the content of the point of moral discourse, which gives importance to moral education. If you take the point seriously, then you encourage others to act morally and be a moral person, and discourage moral digressions and being a morally inferior person.
The alleged point emphasizes the importance of others’ well-being, values or ends of action. This emphasis explains several common beliefs about moral discourse. It explains why people think it is implausible that moral discourse is identical with the discourse of aesthetic oughts, epistemic obligations or especially prudential oughts. The points of these discourse fails to emphasize the amelioration of others’ conditions. This other-regarding aspect thus explains why aestheticism, ethical egoism etc. are implausible as moral positions. Moreover, this aspect makes sense of the phenomenon that in asking so-called “why be moral” question, people tend to ask the question (“Why ought they to follow moral claims?”) from the point of view of egoism.

The alleged point emphasizes the significance of fairly taking into account people’s well-being, values or ends of actions. This point explains three things. First, it explains why moral claims can be effectively used to defend actions to others, even when they are potentially harmful to them. Why? Because correct moral claims are supported from the point less perspectival than the standpoint of the agent’s own interests: they are less arbitrary, less partial and thus more defensible to others. Second, it explains why many people make moral claims to achieve social coordination where languages of personal attachments, of shared backgrounds, or of conventional systems of coordination, such as laws, fail to coordinate. Moral considerations involve fairly taking people’s well-being,
values or ends of actions into account. Moral claims can thus appeal to and coordinate people even when they do not share laws, attachments, cultures or histories, religions, social statuses or the worldviews. Third, it partly explains why the ideology critique of morality undermines moral discourse. As I have mentioned in section three, the plausible explanation is that it turns out moral discourse covertly favors the differences that it is supposed to regard as insignificant or of reverse polarity. Moral discourse is expected to take sexual or racial differences as insignificant and favor the poor and the excellent over the rich and the mediocre respectively, but it is clandestinely used otherwise. Why? Because people take moral claims to be justified in terms of the point that favors fairness and preventing exploitation. Thus, it is explanatory to hypothesize that the alleged point emphasizes the significance of fairly taking into account people’s well-being, values or ends of actions.

I have emphasized the merits of the alleged point that assigns significance to the amelioration of others’ conditions, taking account of certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. However, I concede that the alleged point might fail to satisfy the expectations of some people about moral discourse. Still, there are reasons to believe that these expectations are misguided. For example, some people might expect that the primary role of moral discourse consists in guiding a person to self-improvement, perhaps for the person to live a well-off life. The alleged point of moral discourse does not emphasize self-improvement unrelated to ameliorating others’ conditions while taking into account certain interpersonally coordinating relations. Thus, they probably fail to satisfy the expectation. However, this
Greekish expectation is not common or popular among modern folks, letting alone the fact that it fails to cohere with the tendencies of moral judgments. Talking of the discourse for self-improvement, people call its realm “ethics” rather than “morality”. For example, because the ancient have views of this sort, people call their views and works “ethics”, say “Plato’s ethics”, “Aristotle’s ethics” and “Epicurean ethics”. For another example, some people might expect that the point of moral discourse must be the most important and sublime, whatever it is. There is no guarantee that the alleged point turns out to satisfy this expectation, though it might. However, taking this expectation as the requisite of the point renders it hard to make sense of why people can sensibly ask and are motivated to ask the “why be moral” question. If the point is by definition the most important and sublime, there is little reason to ask why to obey moral claims justified in terms of that point. Though many people have criticized morality, these criticisms become hard to understand. Relatedly, the evaluative comparison of morality with other realms becomes hard to understand. Some theologians say “Religion is beyond morality” while others say “Religion is mere morality”. Aestheticians might say “Acting for beauty is more important than acting morally.” Ensuring that moral discourse has the point that is the most important and sublime renders these comments hard to understand and unmotivated.

7.6. Conclusion

This paper has argued that moral discourse has a point: a feature in terms of which every moral claim is justified or unjustified, and action-guidance in term of which prima facie vindicates, to most of the competent participants in moral discourse, their making
and accepting moral claims. Moral ought claims are justified only if, roughly speaking, following them maximally conduces to the realization of the point, which might be agent-relatively and time-relatively specified. Being a non-conventionally and non-institutionally practical discourse, moral discourse has a peculiar point that we vaguely grasp. We use it to distinguish moral discourse from other practical discourses. This view makes sense of the fact that we find moral discourse in various foreign languages and group together claims made in various terms under the name of the discourse. It also explains why it is hard to distinguish considerations that make moral claims justified from reasons to respect, make and accept them. The existence of the point also explains why many people believe that moral discourse inherently has peculiar normativity cum objectivity. The paper then shows that the point makes relevant and gives great significance to the following considerations: the amelioration of others’ conditions, taking into account certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. (In Appendix H, I will argue that the point is further specified by this condition: making relevant the characteristics that (objectively) merit emotional responses as sources of intuitions, in so far as doing so matches the above idea. I defend the rendition that “merit” amounts to aptness-cum-proportionality. This view makes sense of general trends in our justifying practice in moral discourse and of our widespread appeal to intuitions while satisfying our expectations about (the point of) moral discourse.)

If the above account is on the right track, the paper makes a step towards settling moral controversies by appealing to the point of moral discourse. It also contributes to
clarifying the thing that makes *prima facie* sensible why most of the competent participants continue the discourse. Moreover, suppose certain imperatives have the touchstones in terms of which they are justified or unjustified, and their guiding actions in view of the touchstones *prima facie* vindicates our making and accepting them. If the imperatives are thus similar to moral claims, then my project of an imperatival account of moral discourse can perhaps get off the ground. However, the elaboration of the account must await another time.
The dissertation has defended a version of the imperative approach: the attempt to understand deontic statements in terms of certain imperatives. The main focus of the dissertation has been the best-imperative approach, which takes the correctness or truth of deontic statements – “You ought to go to bed now”, for example – to be understood in terms of the bestness of certain imperatives. By imperatives, I mean token utterances in the imperative mood, for example, “Go to bed now.” The slogan of the best-imperative approach is that what makes an ought statement correct is what makes the corresponding imperative the best. This slogan is not quite correct. For one thing, as I admitted in Chapter 2, in some contexts what makes an ought statement correct is what makes the corresponding imperative legitimate to give. For another thing, some ought statements are grammatically more complex than any imperative can be and thus have no corresponding imperative. As I have explained in Chapter 4, what I actually defended is
the view that there is a systematic way of understanding what (in many contexts) makes an ought statement correct in terms of what makes a certain imperative the best. However, the slogan concisely expresses what this dissertation was largely about.

What makes an imperative the best is the practicability (undoneness) and maximal conduciveness to the point of the imperative. Given the best-imperative approach, these are also the conditions that make the corresponding ought statement correct. The large part of the dissertation specified what these conditions amount to and argued that the thus specified conditions apply to the evaluation of ought statements.

The point of an imperative or an ought statement is a kernel of my account of what makes an imperative the best or the ought statement correct. In addition, it has two interesting features. First, the point is associated with a partial reason for most of the addressees to accept the best imperative or the correct ought statement. This partially accounts for the action-guidingness of imperatives and ought statements. Second, the content of the point is structured by the context where the imperative or the ought statement is given and received. It thus turns out that the correctness of ought statements depends on the context where it is given and received. I think that this implication is true, but I did not have the space to show that it is.

The “conduciveness to the point” suggests that the evaluation of an ought statement is teleological, but it is not exactly what a usual teleological account tells us. Generally speaking, the prescribed action is not evaluated by itself. The bestness of imperatives is and the correctness of ought statements are not determined by the practicability and conduciveness of a single (description of) action. They are determined by the practicability and conduciveness of the action coupled with the compliance with other
relevant prescriptions. For example, whether you ought to write the conclusion of the dissertation does not depend on the practicability and conductiveness (to graduation) of writing the conclusion by itself. It depends on writing the conclusion in addition to complying with necessary or useful prescriptions, such as “finish the other parts of dissertation”, “submit necessary documents to the graduate school”, and “appear to the defense”, and possibly complying with certain side-constraints, such as “don’t harm others (, say, by plagiarizing others’ paper).”

The analysis of the practicability condition is more complex than many people might think. There are two proper ways of evaluating practicability. The existential evaluation determines the practicability of a prescribed action based on the efficacy of the actual addressee’s will. It is practicable if and only if any possible decision of the addressee has some chance to increase the probability of performing the action, and is maximally conducive to the point. This type of evaluation takes into account the risk and cost of the addressee’s failing to perform the intended action. The standardized evaluation determines the practicability of a prescribed action by what a defect-free agent would do under defect-free circumstances. In this type of evaluation, it does not matter whether the actual addressee has any chance of performing the action if she intends to do so. This evaluation is attuned to setting the same standard for a group of people with possibly diverse abilities and motivations. The existential evaluation addresses the question of what the best or correct personal action guidance to the particular addressed agents is. The standardized evaluation rather addresses the question of what the best or correct standards according to which people are judged. The propriety of the standardized
evaluation partly explains the socially coordinating aspect of some imperatives and ought statements.

Even if it is admitted that imperatives are evaluated in terms of their points, one might doubt whether ought statements are evaluated in terms of their points. While I did not and could not address this general doubt directly, I argued that the discourse of moral ought statements has a point. That is, the correctness of each and every moral ought statement is determined (partly) by the conduciveness to a specific point, which is associated with a partial reason for most of the addressees – the agents addressed in moral ought statements – to accept correct ought statements.

I have to admit that there are important but under-examined questions in this dissertation. For one thing, if the (content of) point of an imperative or an ought statement is somehow problematic, can the imperative still be the best (in a way) and the ought statement be correct (in a way)? I briefly argued affirmatively in Chapter 3, but this point deserves more serious discussion. For another, I argued that the point is associated with a reason for most of the addressees to accept the best imperatives and correct ought statements. But because the nature of a reason is not discussed in this dissertation, this argument is highly inconclusive.

With these reservations, I still hope that the dissertation makes the best-imperative approach more discussed. Though the dissertation concentrates on the analysis of ought statements, I would like to see in the future that the best-imperative approach is applied to other types of deontic statements, such as statements of duty, obligation, permission, rightness, wrongness and so on. Even if the best-imperative approach turns out to be
incorrect there, perhaps the following guiding thought of this dissertation might still be true: understanding the nature and evaluation of imperatives helps understand those of deontic statements.
There are two non-evaluative uses of deontic words: the “expectation” use of *ought*, *should* and *must*; and the “condition” use of *ought*, *should* and *must*. This dissertation focuses on the evaluative uses of deontic terms and does not mean to analyze these non-evaluative uses. Some might doubt the evaluative and the non-evaluative distinction and thus cast doubt on the conception of the dissertation. I will not reply to this doubt by giving or defending some general evaluative/non-evaluative distinction. I will instead illustrate what I take to be non-evaluative uses of deontic words and hope that you agree with me and think they might well receive an analysis different from the one the evaluative uses receive.

For examples of the “expectation” *ought* and *should*, see the following sentences:

“I’ve checked the ignition system, the gas, the battery, and the car ought to start with no
trouble”\textsuperscript{210}; and “Since he said he would come at 4:30 pm, he should come presently.” We also have the “expectation” must. For example, some political analysts might have said before the ballot counting of the 2004 presidential election in the US, “Kerry must win”, considering the circumstances and the mood of both campaigns. A sentence including “expectation” ought, should or must is true when the thing(s) picked out by the grammatical subject satisfy conditions normally sufficient for having the property as the intension of the predicate. It thus seems that the “expectation” ought, should and must are not evaluative, and hence they fail to be deontic words as a type of evaluative words.

What I call the “condition” should, ought or must appears in the following cases: a teacher of logic might say, “For a statement “P & Q” to be true, both the statement “P” and the statement “Q” must be true”; a teacher of science might say, “For water to become ice, the temperature must be below 32 degree Fahrenheit”; and a historian might say, “Because Kerry lost the presidency, he ought to have lost Ohio.” Each of these statements including “must” and “ought to” suggests a certain condition for some state of affairs to obtain. (In a sentence involving “must”, the condition is at least normally necessary for the state to obtain while in a sentence involving “should” or “ought,” the condition might not be necessary.) In making these statements, the speaker need neither take the states of affairs to be someone’s possible ends nor regard the conditions as things to be fulfilled by the person who has the ends. “Must,” “should” and “ought” in these sentences are thus presumably non-evaluative. Then, the “condition” uses of “must,” “should,” and “ought” are not deontic expressions as a type of evaluative expressions.

\textsuperscript{210} See David Wong, Moral Relativity, Univ. of California Press, 1984, 66-7.
It is notable that in Japanese, different expressions cover the evaluative uses of *ought*, *should* and *must* and their “expectation” and “condition” uses. There is not one word (as a combination of one spelling and one pronunciation), but two different words, for the evaluative uses and for the “expectation” and “condition” use of *ought* and *should* in English. While the auxiliary verb *beki* covers the evaluative uses, the auxiliary verb *hazu* plays the role of the “expectation” and “condition” *ought*. Again, two different Japanese expressions cover the evaluative uses and the “expectation” and “condition” uses of *must*. While the expression *shinakerebanaranai* covers the evaluative uses, the expression *nichigainai* covers the “expectation” and “condition” use. These linguistic facts suggest that at least Japanese people sense an important distinction between evaluative uses and the “expectation” and “condition” uses.
APPENDIX B

NONCOGNITIVISM AND OBJECTIVITY: PROBLEMS AND THE DIRECTION OF A REPLY AS THE BEST IMPERATIVAL NONCOGNITIVISM (AN APPENDIX TO CHAPTER 1)

In section two of Chapter 1, I said that non-cognitivism encounters the problem of accommodating the objective features that the discourse of deontic statements is expected to have. Several existent or conceivable criticisms illustrate this problem. So, let me exhibit four of these objections. I will then show that if non-cognitivism can allow room for a certain notion of correctness, then it can largely resolve these problems. I hope this diagnosis, together with the result of Chapter 1, will show that it is worth trying the project of imperatival non-cognitivism to make sense of correctness in moral discourse. The examination of the criticisms will also indicate what notion of correctness non-cognitivists should accommodate. Here is a brief description of the four criticisms.
Criticism 1: the three problems of embedding and of logical relation.\footnote{The following criticism is related to but different from the famous criticism Peter Geach raises in his “Assertion”, The Philosophical Review 74, 1965. Geach points out that a moral sentence enters the place in a compound sentence where apparently it does not express any non-cognitive attitude. This is in itself taken as a problem for non-cognitivism, but Geach has a further criticism. Suppose that non-cognitivists accept that a moral sentence has different meanings in syntactically non-embedded contexts and in embedded contexts: while in non-embedded contexts, a moral sentence has a semantic function of expressing a non-cognitive attitude, in embedded contexts, it has another semantic role. Then, many of the moral arguments with a seemingly valid form, for example, modus ponens, turn out to commit the fallacy of equivocation and be invalid. Geach considers an argument like this: “If murder is wrong, then getting your little brother to murder people is wrong. Murder is wrong. Therefore, getting your little brother to murder people is wrong.” Suppose that “murder is wrong” has one meaning in non-embedded context and another meaning in embedded contexts. Then, because the antecedent of the first sentence has a meaning different from the second sentence, this seemingly valid modus ponens argument fails to have the form of modus ponens and thus fails to be valid.

As a reply, non-cognitivists can deny the supposition that a moral sentence has different meanings in different contexts. They should argue that a moral expression’s semantic function of expressing a non-cognitive attitude is dispositional: a moral expression has a semantic role that would make a moral sentence express a non-cognitive attitude if the sentence were placed in non-embedded contexts, but it would not if the sentence were placed in embedded contexts. This accommodates the fact that in embedded contexts, the utterances of moral sentences do not express non-cognitive attitudes. Since moral sentences have the unified dispositional meaning whether they are placed in embedded contexts or not, moral arguments with an apparent valid form do not commit the fallacy of equivocation.

However, even if Geach’s particular criticisms fail to topple non-cognitivism, Geach is still right in two respects. First, as we will see, the embedding contexts and the logical relations of moral sentences provide challenges to non-cognitivism. Second, in particular, non-cognitivism has trouble in providing the semantics of complex sentences and an account of apparently legitimate inferences. (See the second problems in the text.) Thus, Geach’s criticism is related to the problems I will mention in the sense that they focus on the same phenomena (i.e., the embedding contexts and the logical relations of moral sentences) and both allege that non-cognitivism faces problems in this area.

\footnote{We can internally negate imperatives and so on with such words as “not,” “never” and “no.” However, we cannot externally negate them with “it is not the case that” and other cognate expressions. In internal negation, only part of a sentence is negated, but in external negation, a whole sentence is negated. Consider, for example, “Don’t be a smoker.” This is not the negation of the whole sentence, “Be a smoker.”}}
Suppose that non-cognitivists can make their position square with the observation that moral sentences enter these embedded contexts. Still, secondly, non-cognitivism faces the danger of losing compositional semantics for quantified or complex sentences, which explains the legitimacy of inferences. Why? It appears that non-cognitivism entails that such moral expressions as “be right”, “be wrong” or “have obligation” fail to have intensions or extensions, and that a moral sentence containing them cannot be true or false. Then, moral statements would not be amenable to the most popular accounts of the meanings of complex sentences and of the validity of arguments, i.e., truth-conditional semantics. For the moral statements would have no content qua a set of truth conditions composed in terms of the satisfaction (or the membership in the extension) of such a moral expression by an ordered set of individuals. Without appealing to truth-functional semantics, how can non-cognitivism systematically account for the meanings

If I say, “Don’t be a smoker,” I do not deny (or negate) the sentence “Be a smoker.” In contrast, if I say, “It is not the case that you are a smoker,” I do deny (or negate) the sentence “you are a smoker.” Truth-conditional semantics take the contents of declarative sentences to be sets of truth conditions, i.e., the functions from certain states of affairs as arguments to truth or falsity as value. Connectives and quantifiers for normal declarative sentences signify the roles of constructing their truth conditions in certain uniform ways out of the representational contents of their parts, such as predicates and proper names. The parts have the same contents in simple sentences as in the compound sentences containing them. This type of account can explain intuitively valid arguments as valid. Take for example this argument: “Makoto is living; therefore, something is living.” This argument is intuitively valid. The first sentence has the logical form $Pa$ and the second the logical form $(Ex) Px$. $P$ is a predicate expressed in this instance by “… is living,” $a$ is a constant expressed in this instance by a proper name “Makoto,” and $(Ex)$ signifies an existential operator expressed by “some…” Because of the way the truth conditions of $Pa$ and of $(Ex) Px$ are constructed, it is impossible that $(Ex) Px$ is not true if $Pa$ is true, whatever $P$ and $a$ are, as far as $P$ in both instances signifies the same concept (i.e., intension or extension). For $(Ex) Px$ is true if and only if an individual satisfies the concept of $P$, while $Pa$ is true if and only if an individual referred to by $a$ satisfies the concept of $P$. Therefore, by the characterization of validity, the argument is valid. If, however, no moral sentences are supposed to be truth-evaluable and to contain a predicate that signifies some concept, then this type of explanation is unavailable for moral sentences.

Non-cognitivists have the same problem for a sentence containing “should,” “ought” and “must” in moral senses. For, firstly, such a sentence is supposed to fail truth-evaluable. Secondly, unlike modal operators, for example, these words do not have the semantic functions of constructing the truth conditions of a sentence in certain uniform ways out of the contents of the remaining part of the sentence.
of complex moral sentences and explain intuitively legitimate arguments as appropriate?

Thirdly, non-cognitivism apparently faces the loss of logical normativity in moral discourse: it seems that if moral sentences are not truth-evaluable, the logical discipline of moral discourse is lost. Although such logical notions as consistency and validity do not seem to apply in moral discourse partly because of the second problem above and partly because these logical notions are typically defined in terms of truth and falsity; suppose, for the sake of argument, that logical notions are definable purely in terms of syntactical features and are applicable in moral discourse. A question remains: in moral discourse, why should we avoid inconsistency, and why is it desirable to construct a valid argument? For, according to the purely syntactic definitions, the inconsistency of two sentences does not imply that one of the sentences is false and the other true, and a valid argument is not truth-preserving. More generally, without truth-evaluability, moral sentences (and attitudes they express) apparently fail to have any significant implication for one another. Why, then, should we care about and investigate relations between moral

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215 As I suggested in note 211, non-cognitivists had better claim that a moral expression’s semantic function of expressing a non-cognitive attitude is dispositional: a moral expression has a semantic role that would make a moral sentence express a non-cognitive attitude if the sentence were placed in non-embedded contexts, but it would not if the sentence were placed in embedded contexts. However, this suggestion falls short of providing the semantics of a complex sentence embedding a moral expression with that semantic function. We still do not know when to use such a sentence, what it conveys on the whole, and what place it has in our linguistic activities.

216 If you have not been convinced of the importance of truth in explaining why we should respect logical relations, consider these two points. First, every philosopher and logician agrees that any unsound ‘logical’ system should be revised into a sound one: that is, any ‘logical’ system any rule of which is not truth-preserving should be revised into the system every rule of which is truth-preserving. Second, consider Prior’s famous tonk. This operation can be put into effect by two simple rules of inferences: (1) from p, it can be inferred that p tonk q; and (2) from p tonk q, it can be inferred that q. This inferential operation can hardly command our allegiance because it is not truth-preserving: via the successive use of the first and the second rules, from an arbitrary statement we can derive any statement, even a self-contradiction. (Arthur Prior, “The runabout inference ticket”, Analysis, 21, 38-39, 1960-1.)
sentences (or attitudes they express)? Non-cognitivism appears to imply that moral discourse lacks the normative discipline of logic a normal descriptive discourse has.

How can non-cognitivism reply to this first criticism (that is, to the above three problems taken jointly)?

Criticism 2. Schizoid attitude: If moral judgments are merely non-cognitive attitudes, how can we take them seriously, i.e., to convey external, independent and authoritative requirements? Non-cognitive attitudes presumably fail both to represent the objective and mind-independent world and to have truth makers, i.e., those states of affairs that make them true. Are non-cognitivists not committed to the view that we need to have “a schizoid attitude” to our own moral judgments—“holding them, but also holding that they are ungrounded”? Does it not turn out that we had better treat our moral judgments in the ways similar to the ways some people have to deal with their compulsive mood, for example, anxiety, gloom or indolence, which they know have no basis in reality at all?

Criticism 3. Loss of fallibility: If there is no moral truth or falsity, how can we make sense of the idea that we sometimes make mistakes in moral judgment, or that some moral judgments are, qua judgments, better than others are?

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218 Critics can concede that some moral judgments are better than others in the same way as some objects or non-intentional states of affairs are better than others. For example, if having some moral judgments (as mental states) is more comforting to a holder than having others, then the former may be prudentially better (for the holder) to have than the latter. However, the possibility of this type of evaluation does not satisfy the critics. For other things than judgments, declarative sentences or propositions are also subject to that sort of evaluation.
Criticism 4. Loss of (ir)relevance: We take some considerations as irrelevant to moral questions even if they psychologically influence how people make moral judgments. For example, a particular person’s likings for a moral view or its holder are supposed to fail to constitute a reason for the view. However, if there are no facts that make moral judgments true or false, can the intuitive distinction between relevant and irrelevant considerations be sustained?

These are (only) four of the criticisms against non-cognitivism which argue that non-cognitivism is unable to accommodate the objective features of moral discourse. If moral discourse lacks logic, an independent basis, fallibility and the distinction between relevant and irrelevant considerations, moral discourse fails to be objective even in the minimal sense. How can non-cognitivists reply to these criticisms?

I think that these challenges are serious. I will argue, nevertheless, that non-cognitivists can avoid these objections if they can make room for the correctness of moral statements, which is semantically, systematically and non-subjectively determined and significant in the way truth is.

Consider the first criticism: the three problems of embedding and of logical relation. The first problem is that a sentence whose meaning is to express a non-cognitive attitude is usually unable to enter certain embedded contexts. To answer this problem, non-cognitivists should consider why a normal sentence that semantically expresses a non-cognitive attitude is unable to appear in these embedded contexts. It is mainly because it cannot be correct or incorrect. Imperatives and the like cannot follow just after such
connectives as “if”, “only if”, “because”, and “it is not the case that”, for these connectives require that sentences immediately following them can be correct or incorrect (you will see the requisite notions of correctness and incorrectness). “If” and “only if” indicate that the immediately following sentences are suppositions, and supposing something is supposing it to be correct. “Because” and the other premise indicators signal that the immediately following sentences are the grounds for other sentences, and taking one thing as a ground for another is supposing that the correctness of the former gives some support for the latter. “It is not the case that” and cognate expressions indicate that the immediately following sentences are negated (as wholes), and negation or negating sentences as wholes is to state them to be incorrect. It is no wonder that a normal sentence semantically expressing a non-cognitive attitude cannot come just after these connectives.

Note, however, that not every notion of correctness will do. I think that being correct or incorrect due to its semantic features is requisite for a sentence to occur immediately after “if” and so on. Normal declarative sentences, which can appear in these contexts, are correct (true) or incorrect (false) due to their semantic features of having truth

219 Is there a more plausible hypothesis? One might propose that it is because of their conventional non-assertive forces that imperatives, inquisitives and optatives cannot enter these embedded contexts. (A force is a function performed in or by an utterance.) However, there are declarative sentences with conventional unassertive forces, and they can still enter these embedded contexts. For example, the sentences beginning with “I command that...” have a conventional force of command, but it does not prevent them from following just after “if” and so on. Alternatively, some people might point out, quite properly, that the non-assertive moods of imperatives, inquisitives or optatives, prevent them from entering these embedded contexts. However, the sentence “[whether] God exists” has the mood of inquisitive and can be embedded in such compound sentences as “I wonder whether God exists.” Thus, sentences with the mood of inquisitive can be embedded in some contexts. Apparently, a non-assertive mood of sentences does not generally prevent them from being embedded. Therefore, if it is a non-assertive mood of sentences that prevents them from coming just after “if” and so forth, there should be something special about these embedded contexts, which prevents sentences with a non-assertive mood from entering there. My diagnosis in the text provides the answer: these contexts require that embedded sentences can be correct or incorrect, and sentences with a non-assertive mood apparently cannot.

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conditions. Moreover, such logical operators as “if” and so forth work only on the semantic features of sentences. Suppose that I have made the following argument: “(1) If I believe that Mill is greater than Kant, Kantians will be angry; (2) Mill is greater than Kant; (3) therefore, Kantians will be angry.” This argument is invalid because, even though in the second sentence I pragmatically express that I believe that Mill is greater than Kant is, this is not the semantic content of “Mill is greater than Kant”. Thus, even if (an utterance of) a sentence is non-semantically tied to something that can be true or correct, logical operators—“if” in this argument—do not deal with that. Therefore, if moral sentences can enter the places just after these operators, then it is presumably because they can be correct or incorrect on account of their semantic characteristics.

Now think about the second problem: non-cognitivism has given no account of two points: the meanings of complex moral sentences, and how moral terms can have the semantic role that licenses intuitively legitimate inferences involving them. Suppose non-cognitivists can allow that moral sentences have correctness(-making) conditions like truth conditions. A set of correctness conditions for a sentence is a function from certain states of affairs to correctness or incorrectness, and the function is constructed in uniform ways out of the semantic functions the parts of the sentence have. Moreover, these parts have the same semantic function in simple sentences as in the compound sentences containing them. In that case, non-cognitivists cope with the second problem. They can explain the meanings of complex moral sentences analogously to the way truth-conditional semantics can explain complex non-deontic sentences. Non-cognitivists can also explain the legitimacy of arguments involving moral sentences similarly to the way

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220 As to the necessity of this condition, see Geach’s objection explained in note 211.
truth-conditional semantics can account for the validity of arguments involving declarative sentences. They can say that these moral arguments are legitimate because their sentences are constructed out of their parts in such a way that it is impossible that all of the premises are correct and the conclusion is incorrect.

Now consider the third problem: non-cognitivism apparently faces the loss of normativity of logic in moral discourse. Non-cognitivists can mitigate its seriousness if they can allow this: a moral sentence can be correct or incorrect in the way specified above, and the correctness and incorrectness are significant in a similar way to truth and falsity. It is hard to articulate the latter condition. However, this might mean that the correctness or incorrectness of moral sentences is as categorically relevant as the truth or falsity of non-deontic sentences. I mean by the “categorical relevance” of correctness and incorrectness that there is a pro tanto reason for us to pursue correctness and avoid incorrectness irrespective of any particular mental state of subjects, such as a belief and a desire. ²²¹ ²²² Suppose the correctness or incorrectness of a moral sentence is categorically

²²¹ A pro tanto reason has genuine weight, but might be outweighed by other considerations. Some may object that the notion of correctness needs to be not only a pro tanto but also a conclusive reason. For we have a decisive reason to pursue truth and to avoid falsity. However, I think this objection will dissolve if what I mean by a “reason” is understood. I mean by a “reason” a reason without qualification or non-perspectival reason. We might well have a decisive reason from a cognitive or intellectual point of view to pursue truth and to avoid falsity, but we do not have a decisive reason without qualification to pursue truth and avoid falsity. There are many potentially competing and overriding reasons (without qualification) to pursue other things than truths and to avoid other things than falsity. For example, we may have reasons to pursue happiness, beauty, virtues, friendship and ideals and to eschew unhappiness, ugliness, vices, unfriendly relations and non-reflective conservatism. Plausibly, these reasons can occasionally trump the reason to pursue truth and avoid falsity when they require non-com-possible alternatives. Thus, the reason to pursue truth and eschew falsity is only a pro tanto reason, not a decisive reason. Therefore, for a notion of correctness to resemble the notion of truth, it needs to be a pro tanto reason (without qualification), but not to be a decisive reason (without qualification). And if only non-cognitivism allows a certain notion of correctness, there will be no problem of ensuring that we have a conclusive reason from a certain point of view to pursue correctness and eschew incorrectness. A reason to pursue correct moral judgments and to avoid incorrect moral judgments is surely a conclusive reason from the point of view of moral ‘cognition’ or, if a non-cognitivist prefers, of moral projection.
relevant, and conditions that make it correct are systematically constructed in the way described in the response to the second problem. Then, it seems that non-cognitivism can explain why we should concern ourselves with and systematically investigate relationships between moral sentences (or between the attitudes they semantically express). Moreover, we can at least use quasi-logical concepts in moral discourse, which are as normatively regulative as standard logical concepts are. For example, two moral sentences are quasi-inconsistent if and only if it must be the case that one of them is correct and the other incorrect. And a moral argument is quasi-valid if and only if it is impossible that all the premises are correct and the conclusion incorrect. We should avoid quasi-inconsistency because one of the quasi-inconsistent moral judgments must be correct and the other incorrect, and the correctness and incorrectness matter to us as truth and falsity do. It is desirable to construct a quasi-valid argument since it is correctness-preserving, and the correctness matters to us as truth does. Non-cognitivists can thus claim that moral discourse at least has a quasi-logical normative discipline.

222 It is surely controversial whether truth or falsity is categorically relevant in the sense characterized here. Consider statements about the number of atoms in this universe or about a rock on a planet one million light years away from the earth. It seems that people on the earth are not interested in the truth or falsity of them at all. They do not try to ascertain whether they are true. It further seems plausible that even if they happened to know whether they are true or false, they would not value them enough to register them. Some people might take these observations and conjecture as reasons to doubt the view that the truth or falsity of all statements is categorically relevant. Some might go so far as to claim that the truth or falsity of no sentence is categorically relevant. I do not have space to discuss and settle this dispute, but let me note this. Even if it turns out that the truth or falsity of non-deontic statements is not categorically relevant, this is not crucial for the non-cognitivist program of explaining the importance of inferential relations between deontic statements, for example, moral statements. Whatever significance truth and falsity have, the significance is supposed to explain why inferential relations between truth-evaluable sentences are important. Then, as far as the correctness and incorrectness of deontic statements matter to us in whatever way truth and falsity do, the significance will explain why inferential relations between deontic statements are important. Thus, if truth and falsity are not categorical relevant but significant in some other way, non-cognitivists merely has a task slightly different from the one suggested above. They now have to argue not that the correctness and incorrectness of deontic statements are categorically relevant, but that they are significant in that other way.
How about the other objections: schizoid attitude, loss of fallibility and loss of (ir)relevance? Non-cognitivists can dissolve all of these problems if they can make room for non-subjective correctness as significant as truth. Suppose that moral judgments can be correct or incorrect. Further, make an assumption, as I made above, that the correctness of moral judgments is as categorically relevant as truth: non-cognitivists can then affirm that we have a pro tanto reason to accept correct moral judgments independently of our contingent purpose or desire. In addition, suppose that the grounds that make them correct or incorrect are independent of people’s actual moral judgments and mere likings for them or their holders. Then, some moral judgments can convey requirements made correct by grounds external to and independent of these subjective factors. They might then be able to explain why moral requirements are peculiarly authoritative. It might thus enable non-cognitivists to deny that we need to have a schizoid attitude toward our moral judgments. And of course, we can make mistakes, i.e., incorrect moral judgments, if moral judgments are not made correct just by making or liking them. Moreover, a correct moral judgment is better than an incorrect one. And if we are epistemically justified in believing that one moral judgment is more likely to be correct than another, then we will be justified in believing that the former is better than the latter. Therefore, in moral discourse as well as in normal descriptive discourses, we are fallible, make better or worse judgments, and can talk about mistakes or better judgments meaningfully and sometimes justifiably. Lastly, such factors as one or her community’s actual moral judgments and likes about them turn out to be irrelevant to the correctness of the judgments.
Thus, as far as these four types of criticisms are concerned, if non-cognitivists can allow for a certain notion of correctness, they can largely defuse the criticisms.\footnote{Though I believe that this analysis and approach is the correct one, I have no space to argue here that there is no other way for non-cognitivists to deal with these criticisms.} The above sketch also makes clear what notion of correctness non-cognitivists should seek. (1) It should be non-subjective. (2) It should be as significant as truth is. (3) Semantic correctness: it should be the case that moral sentences can be correct or incorrect due to their semantic features. And (4) compositional semantics: it should be the case that (4-1) a set of the correctness conditions for a sentence, i.e., a set of the conditions that renders it correct or incorrect, is a function from certain states of affairs to correctness or incorrectness; that (4-2) the function is structured in uniform ways out of the semantic functions the parts of the sentence have; and that (4-3) these parts have the same semantic functions in simple sentences as in the compound sentences containing them. If their notion of correctness and incorrectness satisfies these conditions, non-cognitivists can diffuse the above worries about objectivity.

However, if the account of correctness satisfies all of these conditions, does the account not collapse into cognitivism? I think that this worry can be evaded by at least one type of account: an imperatival account. Suppose that an account analyzes moral statements as analogous to a certain type of imperatives; specifically, that it elucidates the correctness of moral statements as an analogue to the bestness of the imperatives. Then, since imperatives are supposed to express non-cognitive attitudes, the account can naturally argue that moral statements also semantically express non-cognitive attitudes.
APPENDIX C

THE RELEVANT NOTIONS OF PROBABILITY, “REASONABLE” IMPERATIVES,
AND EXPECTED CONSEQUENCES

(AN APPENDIX TO CHAPTER 1)

In the text I usually talk as if the conduciveness of complying with an imperative involves objective probability, but in many contexts the probability involved depends on available information. That is, though in some contexts the evaluation of action-guiding imperatives is based on objective consequences, in many contexts it is based on expected consequences.

It is obviously false that the evaluation of an action-guiding imperative is always based on whether compliance with it objectively contributes to the point, or more intuitively, really has certain consequences. When we call an order, instruction, advice, suggestion or demand “good,” or probably more suitably, “reasonable (to accept),” our evaluation often does not depend on objective consequences, but rather on expected
consequences. On the other hand, when someone calls an imperative “really good,” it suggests that she takes it to be good vis-à-vis objective consequences. For example, it is occasionally sensible to say that a military order is reasonable, but it is not really good. We think that the order is reasonable because the order was expectable to achieve the point, given the information available at that time. This is so even if, due to the information unavailable at that time, carrying out the order fails to achieve the point. Still, we might add that the order is not really good, registering the thought that it is unfortunate that his soldiers comply with the order only to face disappointing outcomes.

I hold the thesis that what makes an action-guiding imperative the best is what makes the corresponding ought statement the best. This thesis will be criticized if ought statements are susceptible only to evaluation based on objective consequences, or only to expected consequences, because action-guiding imperatives are susceptible to both. However, I believe that the evaluation of ought statements depends in some contexts on expected consequences and in other contexts on objective consequences. For example, suppose that it is predicted that a hurricane will hit Miami, and the inhabitants tell each other, “We ought to evacuate.” However, the hurricane later changes course and does not hit Miami. In this case, it is correct in a sense that inhabitants ought to have evacuated, while there is also a sense in which it is not correct that inhabitants ought to have evacuated. Apparently the former evaluation is based on expected consequences, while the latter evaluation on objective consequences. I thus believe that there is no discrepancy between an action guiding imperative and its corresponding ought statement here: both are susceptible to evaluation based on expected consequences and to evaluation based on objective consequences.
You might think that there are the cases where an action-guiding imperative is evaluated “good” or “bad”, but it is not evaluated properly in terms of whether complying with it conduces to some point. If there are such cases, the conduciveness condition for the goodness/bestness of an imperative and the definition of the point as the touchstone of an imperative are dubious. I will thus consider whether there are really such cases.

Before considering these cases, I have to note that I am not defending the claim that the goodness/the bestness of an imperative entirely depends on whether the prescribed action, taken alone, would contribute to the achievement of the point. What I am defending is merely the claim that the achievement of the point is always relevant to the evaluation of an imperative.
First, critics might point out that sometimes the imperative is good *for its own sake*, not for being conducive to something else. Thus, the critics might say, there is no point to which the compliance with the imperative conduces to. For example, suppose that a counselor gives the following advice to his patient with the desire to die: “Live! Don’t die!” When he is asked why, he might be able to say just that it is good that the patient lives. In such a case, the critics might argue, it is false that it is appropriate to evaluate the imperative in terms of its point because the imperative does not have the point and is not evaluated good or bad in terms of the point.

I admit that it is possible that because complying with the imperative is in itself good, the imperative is good. However, this just means that one of the things that compliance directly achieves amounts to the point of the imperative. The point of an imperative does not have to be something other than what the compliance with the imperative constitutes conceptually or metaphysically (as a part or the whole). For example, the above advice surely has the point that the patient lives, which compliance with the imperative directly achieves.

Second, in some cases the issuer is disposed to mention nothing that following the imperative might achieve, but the circumstance that *unchangeably obtained in the past*. For example, an elementary school teacher might tell one of her pupils: “Since you made the mess, clean it up yourself!” In such a case, there appears to be no point of the imperative: there seems to be nothing relevant the compliance with the imperative can achieve or conduces to. However, apparently the imperative can be good if the pupil actually made the mess in the past. So, the critics might argue, it is false that the imperative is always properly evaluated in terms of its point.
However, in such a case there is actually a set of relevant circumstances the achievement of which following the imperative might make difference to. For example, in this case the issuer indicates that following the imperative will achieve the state that the mess maker – the pupil – cleans the mess he made. It surely seems apt to call it (part of) the point of an imperative, in terms of the conduciveness to which the imperative is evaluated. We do evaluate the goodness of an imperative in terms of (the realization of) that state. If, unbeknownst to the teacher, it is not the pupil but her grubby colleague that made the mess, we do not take the imperative “clean it by yourself” to be good. Why? Because the pupil’s cleaning the mess will not achieve the state that the mess maker cleans the mess he made. Then, it appears that in this second type of cases, some set of circumstances can constitute the point of an imperative, in terms of the conduciveness to which it is appropriate to evaluate the goodness of an imperative.224

In the above case, the issuer defends her order by reference to some circumstance – that a person made a mess – which has unchangeably obtained in the past. However, thirdly, some issuer, usually unknowingly, defends her imperative by reference to something that cannot be achieved at the time it is given. For example, suppose an FBI officer tells his subordinates, “To retrieve the stolen military data, capture the spy.” However, unbeknownst to the officer, the spy has already sent the data to his home country, so the subordinates cannot retrieve them then. You might ask whether the officer’s order has the point, in terms of which it is appropriate to evaluate it. After all, there is nothing relevant that compliance with the order can achieve.

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224 To this second type of cases belong the cases where the issuer of the imperative gives its defense referring to a past promise or contract. In these cases, the state of discharging the promise or contract partly constitutes the point of the imperative.
However, we do not have to think that the order has no point. (The priority of) the point is retrieving the stolen military data. Because compliance with the order – or any other imperative – will never achieve the point, it is not good. This accords with our intuition. Thus, even in the cases where the issuer brings up some circumstance that cannot be achieved, the imperative is still properly evaluated in terms of its point.

Fourth, in some cases the issuer is disposed to refer to nothing that following the imperative might achieve, but some role of the addressee(s). For example, when Tom is arguing with his brother Jerry over who to have a chocolate bar, their grandma might tell Tom: “Since you are older, give the bar to Jerry.” In such a case, there appears to be no point of the imperative: there seems to be nothing relevant the compliance with the imperative can achieve or conduce to. However, arguably the imperative can be good if Tom is actually the older brother. So, the critics might argue, it is false that it is always appropriate to evaluate the imperative in terms of its point.

In such a case, there is again a set of relevant circumstances that following the imperative might achieve. For example, in this case following the imperative will achieve the state that someone plays the role as an older brother. It appears apt to call it (part of) the point of an imperative, in terms of the conduciveness to which it is appropriate to evaluate the goodness of the imperative. In Tom and Jerry case, we do evaluate the goodness of an imperative in terms of whether someone plays the role as an older brother. If, though the woman has forgotten this, it is not Tom but Jerry that is older, we do not

225 Actually, the situation is more complicated. In some context of evaluation, the conduciveness to the point is not a matter of objective consequences, but of expected consequences. (See the Appendix C.) In such context, the order would be good or even the best if it were mistakenly expected that the complying with the order will retrieve the data. This complexity brings in no problem, though. In such context of evaluation, we would call the order good or even the best.
take the imperative (“give the bar to Jerry”) to be good. Why? Because the Tom’s giving the chocolate bar to Jerry will not achieve the state that someone plays the role as an older brother. Then, it seems that in this third type of cases, there seems to be a circumstance that can be the point of an imperative, in terms of (the conduciveness to) which it is appropriate to evaluate its goodness.

Fifth, in some cases the issuer is disposed to refer to nothing that following the imperative might achieve, but rather some rules. Suppose a British instructor of football tells a novice boy, “Don’t touch the ball with your hands.” When the boy asks, “Why”, the instructor answers, “Because it is a rule of football.” In such a case, there appears to be no point of the imperative: there seems to be nothing the compliance with the imperative can achieve or conduce to. However, apparently the imperative can be good if the imperative accords with a rule of football. So, the critics might argue, it is false that it is always appropriate to evaluate an imperative in terms of its point.

However, complying with the instruction might achieve some end, i.e., that the boy follows a rule of football, or ultimately that the boy plays football. It seems apt to call such a set of circumstances the point of the imperative, in terms of the conduciveness to which the imperative is evaluated. We do evaluate the goodness of the imperative in terms of whether carrying out the instruction might achieve such a set of circumstances. If it turned out that, as in American football, there were no rule about touching the ball with one’s hand, then we would take the instruction not to be good. And people would criticize the instruction and the instructor. Then, it seems that in this fourth type of cases again, some set of circumstances can constitute the point, in terms of the conduciveness to which it is appropriate to evaluate the goodness of an imperative.
I have surveyed, as far as I can, the cases where we evaluate an action-guiding imperative “good” or “bad”, but it is not apparently evaluated in terms of whether complying with it conduces to some point. If there are such cases, the conduciveness condition for the goodness/bestness of an imperative and the definition of the point as the touchstone of an imperative are dubious. However, in all putative cases, there is a set of circumstances that can plausibly constitute the point of an imperative, in terms of the conduciveness to which the imperative is properly evaluated to be good or bad. It seems that there is no counterexample to my thesis that an action-guiding imperative can always be evaluated properly in terms of whether complying with it would conduce to its point.
What evidence there is to support one theory over another about what constitutes the point of an action-guiding imperative? Three types of evidence are found in the everyday evaluation of action-guiding imperatives and our judgments on the evaluation. First, one can observe in view of what we think it is appropriate to evaluate the goodness of particular action-guiding imperatives. Because the point of an action-guiding imperative is a set of circumstances in terms of which to evaluate its goodness, this observation will help us to identify what determines the point.

Second, one can observe what action-guiding imperative we think one appropriately evaluates to be good or bad. The point of an action-guiding imperative is the circumstance in terms of which we can properly evaluate the action-guiding imperative to be good or bad. Then, it seems that we correctly identify the point of the imperative only
if the following is the case. What we think we properly take as good imperatives is judged to be good in terms of the identified circumstance, and what we think we properly take as bad is judged to be bad in terms of the identified circumstance.

Third, one can observe how we evaluate the following moves: people’s positive and negative reactions to an action-guiding imperative and its issuer, its criticism and of the alleged justification of obeying it, and the issuer’s deliberation and decision to give the imperative. Considerations about goodness play the social functions of regulating these aspects of the practice involving an action-guiding imperative. Thus, if an action-guiding imperative is good, we can properly praise an action-guiding imperative; if an action-guiding imperative is not good, we can properly criticize the imperative and perhaps make or accept the justification for not obeying the imperative; and if considerations of goodness guide a person’s deliberation and decision about which action-guiding imperative to give, she properly thinks about and decides which imperative to give. Since the point of an action-guiding imperative is the state in terms of (the conduciveness to) which to evaluate its goodness, the point presumably guides us to these proper thoughts and practices. Then, suppose we generally know when we can properly praise an action-guiding imperative, when we can properly make or accept a criticism or the addressee’s justification about an action-guiding imperative, and when a person properly deliberates and decide which action-guiding imperative to give. I have no reason to doubt this supposition. If this supposition is correct, we can use this knowledge to identify what constitutes the point of an action-guiding imperative: if the evaluation in terms of a circumstance leads us to what we take to be proper thoughts and practices about an action-guiding imperative, the circumstance might well be the point of the imperative; if
the evaluation in terms of a circumstance does not lead us to what we take to be proper practices about the imperative, the circumstance is probably not the point of the imperative.

One caveat about the last type of data is that it is sometimes hard to distinguish the positive or negative reactions based on the content of an imperative from those based on the act of giving that imperative. As I have noted in Chapter 1, sometimes the content of an imperative is good while the action of giving an imperative is bad, or vice versa. For example, suppose it is good for your perverse son to go to bed, and so tell him, “Stay up all night.” Then, the content of the imperative is probably not good because the son’s complying with it would not do good to him. However, your act of giving the imperative might be good because it would have the perverse son to go to bed. In such a case, your action and you might be praised, and we might mistake such praise with positive reaction based on the perceived goodness of the instruction. If you tell him instead, “Go to bed”, you might be criticized because your son will not go to bed. However, the content of the imperative is actually good because the son’s complying with it would do good to him. Thus, we should be careful in using data about positive and negative reactions.

It is possible that we systematically evaluate action-guiding imperatives in terms of other than what we think it is appropriate to evaluate them on the basis of. If this happens, does this not suggest that our judgments about how to evaluate the imperatives might be systematically mistaken? Sure. Thus, there is a problem in identifying what constitutes the points of action-guiding imperatives by appeal to our judgments about what it is appropriate to evaluate them in terms of if the above systematic discrepancy between the judgments and our practice occurs. (Can we identify what constitutes the
points by appeal to our practice of evaluation itself, rather than to our judgments about its appropriateness? This also involves a problem because it is also possible that our practice, not our judgments of its propriety, is systematically misguided.) However, I have little reason to believe that such a systematic discrepancy generally exists.

As for the second and the third types of evidence, it is sometimes hard to distinguish them from evidence about the legitimacy of giving the imperative. People evaluate the action of giving an imperative to be legitimate or illegitimate, and thereupon evaluate and react to the action and the issuer. We will mistake these data for relevant evidence unless we keep in mind we are concerned with what makes the content of an imperative good/the best rather than with what makes giving it legitimate.

As to all the three types of evidence, it is also hard to distinguish them from evidence about what makes an imperative good/the best all-things-considered, or what makes the criticism of the point appropriate. Such evidence must be distinguished from evidence about what I am primarily concerned with – the point of an imperative, which makes it good/the best contextually. To distinguish them, we need to ask whether evidence is specific to the imperatives given in a certain context. As for the first type of evidence, the circumstance people think it is appropriate to evaluate the goodness of an imperative in terms of, we need to ask this question: do people think the circumstance is particularly relevant to the evaluation of an imperative given in the context? As for the second type of evidence, the imperatives people think one appropriately evaluate to be good or bad, we need to ask the following question: is the evaluation of these imperatives made in terms of the circumstances people take to be particularly relevant due to the context these imperatives are given? As to the third type of evidence, what people take to be proper
reactions to imperatives and so on, we need to ask the following question: is people’s judgment about these reactions etc. guided by the circumstances they take to be particularly relevant \textit{due to the context the imperatives are given}? As for each question, if the answer is affirmative, the evidence is probably about the point of an imperative, which makes it good/the best contextually. If the answer is negative, we need to suspect it is rather evidence about what makes it good/the best all-things considered, or about what makes the criticism of the point appropriate.
APPENDIX F

IMPLICATIONS IN HARD CASES
(AN APPENDIX TO CHAPTER 3)

In this Appendix I will consider potentially controversial implications from my Contextually Structured Vindicator theory of what determines the content of the point of a particular imperative. By considering hard cases, we can examine whether this account is really plausible.

The first type of cases involves threat by the issuer of an imperative. Consider the following scenario. A person hijacks an airplane. The hijacker tells the pilots, “For the sake of the safety of the passengers,” showing an explosive in his hand, “land this plane on North Korea.” Naturally, the hijacker has no authority to give such an order. And if someone asked the hijacker why it is appropriate for the pilots to follow the imperative, the hijacker would just repeat: “As I said, it is for the safety of the passengers.” In this hypothetical situation, the hijacker provides a defense for his order, and the defense is
made in terms of the state that the addressees, i.e., the pilots, are actually intrinsically concerned with and that seem to be non-derivatively valuable (for the pilots). Does the safety of the passengers constitute the point of this imperative?

Many people – including me in the past – are to be inclined to answer negatively. If this were the point, the imperative could be good in principle. And surely if an air-traffic controller, having listened to the conversation between the hijacker and the pilots, ordered the pilots to do the same thing (“Land the plane on North Korea”), the order might be good or even the best precisely because carrying it out might guarantee the safety of the passengers. However, we are disinclined to call the hijacker’s order good or the best. We do not praise the order or the issuer at all. And these responses seem apt.

The present account of what determines the point, however, holds that the safety of the passengers constitutes the point of the hijacker’s order, and thus the order can be good or even the best. The safety of the passengers is the actual intrinsic concern of the addressees, the pilots. Further, the safety is plausibly intrinsically valuable (for the pilots), too. And the issuer, i.e., the hijacker, does not express the intention to exclude the safety of the passenger from the list of relevant considerations; he even brings up the

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226 I proposed the condition that for an actual concern of the addressees to enter the point of an imperative, the concern must be shared by the issuer. In this case, the issuer is the hijacker who is threatening people with an explosive, so apparently he does not share the concern for the safety of the passengers. I now think that this proposal does not work for two reasons. First, even if the content of the point is not affected by the fact that the pilots are concerned with the safety of the passengers, it is still affected by the fact that the safety of the passengers is a non-derivative value. Second, it seems that even an unshared concern can enter the point of an imperative. There are many busybodies who give suggestions and instructions to anybody whose concerns they do not care about. These suggestions and instructions are often bad precisely because complying with them does not serve the actual concerns of the addressees. It thus seems that an unshared concern of the addressee can constitute the point of an imperative, in terms of the conduciveness to which an imperative is evaluated.
safety of the passenger as the reason for complying with his order. Thus, the safety of the passengers does constitute the point of the hijacker’s order, and the order can be good or even the best.

Is this problematic? I do not think so now. If you think so, you are probably confusing the goodness/bestness of the hijacker’s action of giving the imperative (or of the hijacker’s character expressed in the action) with the goodness/bestness of the content of the imperative. The hijacker’s action of giving the order with a threat rather than releasing the passengers is not good: releasing the passengers and doing away with his plan and explosive will make the passengers safe swiftly and definitely. Thus, the hijacker’s action and character expressed in the action are not good. However, we need to avoid confusing this assessment with the evaluation of the imperative: “land this plane on North Korea.” The addressees, the pilots, can act on the imperative considering that is the thing to do in this situation. Further, as I have noted, if an air-traffic controller, having listened to the conversation between the hijacker and the pilots, ordered the pilots to do the same thing (“Land the plane on North Korea”), the order might be good or even the best precisely because carrying it out might guarantee the safety of the passengers. Thus, it is not necessarily problematic to claim that the hijacker’s imperative has the point of

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227 Alternatively, you might be confusing the legitimacy of giving the order with the goodness/bestness of the content of the imperative. Of course the hijacker’s giving the order is illegitimate, but legitimacy is distinct from the goodness/bestness of the imperative. See Chapter 2.
the safety of the passengers, and can be good or even the best. In general, the imperatives given by the threatening issuers can be good or even the best though the actions and characters of the issuers’ are dubious.\footnote{So these are the cases where people’s reactions towards the actions and characters of the issuers are confused with their reactions towards their imperatives. These cases illustrate the danger of confusing them pointed out in Appendix E.}

In another type of hard cases, it seems unclear what the point of an imperative is. Consider the following case. A person suddenly strongly advise you on the street: “Raise your left leg.” Suppose that she is just a passerby who is a total stranger to you and does not know what scratching your head does; so she does not have the authority, social or epistemic, to give the instruction for anything at all. In addition, assume that when you ask why it is appropriate for you to raise your left leg, she has no answer. She insists that raising your left leg is the thing to do irrespective of your current concerns, but she also say that it will not achieve anything valuable because there is nothing valuable in this world. In this situation, it is unclear what the point of the imperative is, or even whether the instruction has a point.

I once thought that such an imperative has no point, but I was mistaken. In this case the issuer does not give her imperative legitimately for anything, so no legitimacy-related purpose constitutes the point. Though the issuer denies the existence of non-derivative values, if you, the addressee, insist that values exist (for you), it would make certain values – for example, your well-being – constitute the point, because the issuer is socially expected to take them into account in such context. Even if you do not insist that values exist, your actual concerns constitute the point of an imperative. (Wholly or partly) depending on the concerns, “Raise your left leg” can be good or bad.
In other hard cases, the issuer gives his imperative for some self-serving reasons. In the text above I have talked about several such cases. Remember the case where an arrogant ruffian tells his neighbors, “For the purpose of my having neat environment, pick up the litter in my garden.” Or remember the example where a military commander gives his soldiers an order: “You know that I have written a book called How I Got Five Stars: for my sake, buy this book and advertise it to your acquaintances!” In all of these cases, the issuers give imperatives for some self-serving reasons. What are the points, in terms of the conduciveness to which the imperatives are evaluated?

I have suggested in the text that these self-serving considerations do not figure in the points of the imperatives. Strictly speaking, this is inaccurate according to the contextually structured vindicator theory. The issuer’s self-interest, freedom etc. can figure in the point, but neither independently of legitimacy-related purposes and the issuer’s concerns or values, nor by itself: i.e., the issuer’s self-interest etc. cannot be put into the point unless other circumstances dependent on the same vindicator are put into the point. In this way, a self-serving consideration cannot figure in the point of an imperative qua a self-serving consideration.

For illustration, consider the following example. A married woman finds her son playing a video game alone for hours on Saturday, and tells him: “Go outside!” She might give the imperative because she wants to invite her secret boyfriend to her house and stay there alone, because she wants some quiet moments, or simply because she wants freedom from seeing her son. In this case, if the mother explicitly alleges that her desire or freedom be counted, her desire satisfaction or freedom can figure in the point of “Go outside”. It can figure in the point, however, only if either her son has an actual
concern for the desire satisfaction or freedom of some type of beings, including his mother, or the desire satisfaction or freedom is non-derivatively valuable for him. And if the son’s concern or value thus puts the mother’s desire or freedom in the point of the imperative, it will also put the desire or freedom of other beings – e.g., the son’s or his father’s – in the point as well. In this sense, the mother’s self-serving consideration cannot enter the point of her imperative qua a self-serving consideration.

In addition, the issuer cannot prioritize her own desire satisfaction, freedom etc. over other beings’ merely because the former is hers. The issuer can prioritize one type of the addressee’s concern or value over other types, but she cannot prioritize one token of the concern or value over other tokens. In the above case, the mother cannot prioritize her desire satisfaction, freedom etc. over the son’s or the father’s just because it is hers. In this sense again, a self-serving consideration cannot figure in the point of an imperative qua a self-serving consideration.

Thus, even though in the above examples the issuer’s interests etc. can partly constitute the point of an imperative, they are not the only or dominant components of the point. If they were so, we would treat this instruction “Go outside.” to be good when the son’s carrying out the instruction will enable her to invite her secret boyfriend to her house and stay there alone, to have quiet moments, or to be free from seeing her son. However, in fact we might well hesitate to treat the woman’s imperative as a good...
instruction. Rather we tend to evaluate the imperative mainly in terms of some aspect of the son’s well-being, for instance, health or making friends. This is because the mother can legitimately give an imperative to her son for his well-being. The legitimacy-related purpose, the son’s well-being, mainly constitutes the point of her instruction. The son also has some concerns, e.g., the concerns for continuing to play a video game, which also constitute the point. There might be some types of values that the issuer is socially expected to take into account in giving an imperative in the above type of situation. These values also partly constitute the point. These are the components of the point of “Go outside”, in terms of the conduciveness to which the instruction is evaluated.

So what about the arrogant ruffian case and the shameless commander case? In the first case, an arrogant ruffian illegitimately tells his neighbors, “For the purpose of my having neat environment, pick up the litter in my garden.” Probably the ruffian’s having neat environment is not an object of addressees’ concern or a token of their value, so it will not figure in the point of an imperative, “pick up the litter in my garden.” The issuer does not have any authority to give the imperative for anything, so no legitimacy-related purpose constitutes the point of the order. However, the addressees have various concerns, probably including the concern for avoiding bothersome works for arrogant guys, so they constitute the point of the order, only to make it bad.

Lastly, consider the case where a military commander gives his soldiers an order: “You know that I have written a book called How I Got Five Stars: for my sake, buy this book and advertise it to your acquaintances!” The increase of the commander’s personal money or interest does not constitute the point of “buy this book and advertise it to your acquaintances” if it is not (a legitimacy-related purpose,) an object of the soldiers’
concern or a token of their value. If the increase of the commander’s money or interest constitutes the point, others’ – e.g., the soldiers’ or their acquaintances’ – money or interest will also figure in the point. For they are the objects of the same concern or the tokens of the same value. More importantly, the commander apparently indicates his imperative as if it is a legitimate order, and he can legitimately give an imperative to the soldiers only for certain military purposes. So military gains primarily constitute the point of the imperative. The soldiers also have several concerns and values, which the commander is socially expected to take into account in the context of giving them an order. These also partly constitute the point of the commander’s imperative. Even if the soldiers comply with the order, it will not conduce to any military gain and largely frustrate the soldiers’ concerns for their and others’ interests. This is why we would call this a bad order and denounce it and the commander as its issuer.
Section 4 of Chapter 4 introduced the notion of information basis ($IB$). Information basis is the set of information under the assumption of which action-guiding imperatives and deontic statements are evaluated. With this notion, we can define the undoneness condition of a good/ the best imperative, which has not been explicated. An imperative is good/ the best only if it is not done. It is done if and only if both information basis includes the assumption that the situation where the imperative is complied with is achieved, and compliance with the imperative cannot be performed twice.

With this definition at hand, we can tackle what is called “Forrester’s Paradox.” Suppose Smith is going to murder Jones. If Smith is going to murder Jones, he ought to do so gently. However, he cannot murder Jones gently without murdering him. Hence, given that Smith is going to murder Jones, he ought to do so. This argument comes from
James William Forrester, “Gentle Murder and the Adverbial Samaritan.” *The Journal of Philosophy* 81, 1984, 193-7. This argument, if successful, would show that if we are going to do anything, we ought to do so. This consequence seems to be absurd.

I think the sentence “Smith is going to murder Jones” is ambiguous. If this just means that Smith intends and is on the way to murder Jones, then the first premise is incorrect in many contexts. If the point of the ought statement is not giving unnecessary harm, for example, this will be incorrect. It is not the case that if Smith is going to murder Jones, he ought to do so gently. If Smith intends and is on the way to murder Jones, Smith ought rather change his mind and stop murdering Jones. Not killing Smith is more conducive than killing him gently to not giving unnecessary harm.

However, we are prone to accept the first premise that if Smith is going to murder Jones, he ought to do so gently. This is because we take “Smith is going to murder Jones” to mean “It will be the fact – there is no possibility of changing it – that Smith murders Jones.” If this interpretation is the relevant one, my account above holds that all the premises can be true, though the ultimate conclusion – Smith ought to murder Jones – does not follow because of the undoneness condition. It can be correct that if Smith murders Jones anyway, he ought to do so gently. If the point of the ought statement is not giving unnecessary harm, for example, this will be correct. This is because given that Smith murders Jones anyway, his murdering Jones *gently* would be undone, and practicable and a requisite part of maximally conducing to the point of not giving unnecessary harm. It is of course correct that Smith cannot murder Jones gently without murdering him. So, if Smith murders Jones anyway, Smith ought to murder Jones gently. Suppose that Smith murders Jones anyway. Is the conclusion Smith ought to murder
Jones gently unacceptable? Apparently not. In the situation it will be the fact – there is no chance of changing it – that Smith murder Jones, it is correct that Smith ought at least to murder Jones gently. However, if this conclusion somehow implies that Smith ought to murder Jones, or the conditional that if Smith is going to murder Jones, then he ought to do so is correct, this is absurd.

Actually, the conclusion that Smith ought to murder Jones gently does not imply that he ought to murder Jones, and the conditional is incorrect. Start with the conditional; it is incorrect because in evaluating the conditional, the truth of the antecedent is assumed as a member of Information Basis (IB). Because that Smith murders Jones anyway belongs to IB and Smith cannot murder Jones twice, the imperative “Smith, murder Jones” is done; therefore, this simple imperative is not the best. Thus, according to my account, the conditional imperative “If Smith murders Jones anyway, Smith, murder Jones” is not the best. That makes the corresponding ought statement “If Smith murders Jones anyway, Smith ought to murder Jones” incorrect. In this way, it is not correct that if we will do something anyway, we ought to do so. Actually, it is necessarily false that if we will do something anyway, we ought to do so, because given the assumption that we will do something anyway anything, it is already a done deal.

Now think about whether “Smith ought to murder Jones gently” implies “Smith ought to murder Jones.” Perhaps surprisingly, it does not. I argued that the former sentence is correct when Smith murders Jones anyway. Because Smith murders Jones anyway, this information belongs to IB, so the imperative “Smith, murder Jones” is done. Therefore, this simple imperative is not the best. Thus, according to my “the best-imperative
approach,” “Smith ought to murder Jones” is not correct in this situation. Thus, “Smith ought to murder Jones gently” does not imply “Smith ought to murder Jones.”
I have argued that the point of moral discourse makes relevant and gives great importance to the following considerations: the amelioration of others’ conditions, taking account of certain interpersonally coordinating relations, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. However, there are possibly numerous conceptions that satisfy this characterization. How can one select the proper description of the point among these conceptions?

I have claimed at the beginning of this paper that to specify the point, one must reflect on our justifying practice in moral discourse in more details and consider what characterization best explains the practice. This involves at least two things. First, in the practice of reason giving in moral discourse, various grounds are adduced to justify and
explain moral claims. One can consider what description of the point can give significance to these grounds and explain why they are grounds for moral claims. This is what I have done in Chapter 7, but only crudely: one can do this more carefully and further detail the point. Second, in the practice of reason giving in moral discourse, participants frequently and indispensably appeal to intuitions. Roughly, for a mental state to be a moral intuition, it must satisfy three conditions: involves the disposition to make a moral judgment\textsuperscript{231}; as a response to facing or thinking about a particular situation or a general idea, occurs to the subject with the appearance that the moral judgment is correct; does not result from occurrent inference (though it can be subject to and maintained though reflection). Thus, one can perhaps specify the point of moral discourse by investigating what explains that the appeal to certain intuitions is largely legitimate. The guiding thought is this: because the point of moral discourse is a feature in terms of which every moral claim is justified, it must vindicate the widespread appeal to intuitions in the reason giving practice in moral discourse.

There are two ways to vindicate the appeal to moral intuitions. One way is to treat certain moral intuitions to counts as part of the correctness makers for moral claims. An analogy is found in linguistics, where certain linguistic intuitions make claims about the syntax, semantics or pragmatics of a natural language correct or incorrect.\textsuperscript{232} On such a

\textsuperscript{231} According to Brad Hooker, many philosophers, including him, nowadays refer to a subset of moral beliefs by “moral intuitions”. (“Intuitions and Moral Theorizing” in Ethical Intuitionism, ed. by Philip Stratton-Lake, 2002, 161-83, 162) However, as Shelly Kagan points out, an intuition that \(P\) is not in itself a belief or judgment that \(P\) because people do not necessarily judge that \(P\) when they have the intuition that \(P\). (Kagan, “Thinking about Cases” in Moral Knowledge, ed. by Ellen Frankel Paul et al., Cambridge UP, 2001, 44-63, 45n1.) For example, some might judge that, based on theoretical considerations, homosexual sex is not wrong, while having the intuition that it is wrong.

\textsuperscript{232} Though he does not express his view this way, John Rawls famously argues that moral theorizing and linguistics are analogous in his A Theory of Justice 1st ed., Harvard UP, 1971, 47.
view, there would be no wonder why we may appeal to certain moral intuitions because they partly make moral claims correct or incorrect. This type of view seems to deny that moral discourse has a point. Moral intuitions are just certain dispositions to make moral judgments, so they by themselves fail to vindicate that most of the competent participants of moral discourse have made or accepted moral claims. However, we can interpret this intuition-as-correctness-maker view in the way that admits the existence of the point of moral discourse. For example, we can take this view to mean that the point of moral discourse includes being as much accordance with moral intuitions as possible, while respecting the idea of ameliorating others’ conditions, taking account of certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. Whatever the details of the account will be, however, I think it is implausible to hold that moral intuitions themselves make moral claims correct or incorrect. He hopes this rejection sounds plausible, but some people, perhaps Rawls at one point, Blackburn and many relativists, might argue otherwise. Appendix 2 includes arguments against this position, so readers should check it out if they are not satisfied.

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233 See John Rawls, “Kantian Constructivism in Moral Theory”, The Journal of Philosophy 77, 1980, 515-72. Rawls earlier in this article says: “What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us.” (Lecture 1, Section 1) Later Rawls makes the following claims about the doctrine that is “the most reasonable for us”: “The third point of view – that of you and me – is from that from which justice as fairness, and indeed any other doctrine, is to be assessed. Here the test is that of general and wide reflective equilibrium, that is, how well the view as a whole meshes with and articulates our more firm considered convictions, at all levels of generality, after due examination, once all adjustments and revisions that seem compelling have been made. A doctrine that meets this criterion is the doctrine that, so far as we can now ascertain, is the most reasonable for us.” (Lecture 1, Section 7) Many readers of Rawls, including I, read “considered convictions” to mean the moral intuitions that are gained under favorable conditions and survive reflection.
The second and more natural way to vindicate our appeal to intuitions is that the point of moral discourse vindicates intuitions’ evidential role, i.e., that intuitions can (merely) suggest certain moral views are correct or incorrect. In other words, it is shown that intuitions might well indicate certain aspect of the point of moral discourse though they do not themselves constitute the point.

To work out this second view, one needs to have an account of the nature of moral intuitions. Without knowing what moral intuitions are, one is unclear of what he means by saying that they work as evidence for moral claims or that they suggests certain aspect of the point of moral discourse. Without knowing what prompts them in what ways, one cannot plausibly explain how certain intuitions can be evidence by indicating certain aspect the point. In particular, it is hard to tell what intuitions suggest the aspect and thus are credible while other intuitions are not. There can be several views about the nature and the mechanism of moral intuitions. I, however, find no tenable account of intuitions but the sentimentalist account, which explains the nature and mechanism of moral intuitions as certain emotional responses. The reasons are as follows.

In bringing out people’s intuitions, one tends to ask, “How do you feel about this action (or principle)?” It seems that one is invoking their moral ‘experiences’, indignation, feelings of obligation – feelings that motivate them to do the things that they might not want to do – and so on, to lead them to moral judgments. In fact, in moral argument, people sometimes try to show their moral view by saying, “Don’t you feel

Blackburn has the noncognitivist project of constructing ethical truths partly in terms of coherence and fit between ethical attitudes. The success of the construction seems to imply that a set of moral intuitions is not merely evidence but also makes moral claims correct or incorrect. See Simon Blackburn, *Spreading the Word*, Oxford UP, 1984, 197-202.

234 On this point I thus align myself with a series of philosophers from Hume through Brandt to Gibbard.
guilty if you do …?”,” Do you feel indignant at others if they do…?” etc. In asking whether Jones’ letting a kid drawn is permissible, or whether it is permissible to chop up a person to save five people by organ transplantation, one is inducing these responses to pick up relevant considerations to fix moral judgments. This partly explains why people’s intuitions about a case sometimes differ from their theoretical judgments and why they hesitate to act on their theoretical judgments in that case. The committed defenders of the doing harm/allowing harm distinction or of consequentialism often have intuitions conflicting with their theoretical positions. For example, consequentialists typically feel strong resistance to agreeing to killing one to save five. If their theoretical commitments alone direct their intuitions, it is hard to explain. In general, feelings are not completely amenable to our moral judgments. Thus, if certain feelings are partial guides to moral judgments, this explains why people sometimes have intuitions conflicting with our theoretical judgments.\(^{235}\) In addition, the hypothesis that feelings are conative attitudes accounts for our resistance to act on theoretical judgments in such a case.\(^{236}\)

Moreover, if moral intuitions involve certain emotions, then it also explains why intuitions about cases might lead to eccentric views or the surprising revision of familiar

\(^{235}\) Still, it seems that people’s intuitions are sometimes influenced by their evaluative judgments. Can the sentimentalist account of moral intuitions accommodate this aspect? Certain human emotions can be influenced by evaluative judgments. One often finds that people often come to have an emotion of guilt, for example, only after they judge that their actions are wrong. Thus, if such a partly cognitively penetrable emotion constitutes a moral intuition, there is no wonder why people’s intuitions are sometimes influenced by their evaluative judgments.

\(^{236}\) If emotions constitute moral intuitions, then one also has an account of how the intuitions influence moral judgments. When emotions persist, they induce the subject to question her evaluative stance. Justin D’Arms says, for example: “So even if I think beauty is only skin deep, and being smart or interesting or funny is what’s important, I can be brought to think that one’s appearance matters more than I previously acknowledged by finding myself ashamed of my flabby stomach at the beach.” (“Two Arguments for Sentimentalism”, Philosophical Issues 15, 2005, 1-21, 9) One can then confirm (or disconfirm) the sentimentalist account of moral intuitions by testing whether they change our moral views as certain constellation of emotions do.
views. Intuitions about Trolley cases etc., for example, guide many people from a familiar view that other things being equal, doing harm is more reprehensible than allowing harm, to more eccentric views: e.g., other things being equal, intending harm is more reprehensible than merely foreseeing harm, or doing harm is more reprehensible than redirecting harm. If people’s theoretical considerations alone direct their intuitions, this phenomenon is hard to explain. In general, feelings are not completely amenable to judgments. So, if moral intuitions involve certain emotions, then it is expectable that our intuitions sometimes lead them away from familiar views to eccentric views.

Further, if one supposes that a moral intuition involves an emotion, it explains the following two characteristics of a moral intuition: occurring immediately or spontaneously without occurrent inference; and as a response to facing or thinking about a particular situation or a general idea, occurring to the subject with the appearance that a moral judgment is correct. An emotion occurs immediately or spontaneously without occurrent inference. It occurs as responses to something, and to the subject with the appearance that something is the case. For example, if you feel fear, the fear comes to you spontaneously or immediately without occurrent inference, and as a response to a situation or (the content of) a thought with the appearance that it is dangerous.

Shelly Kagan points out the two further advantages of the sentimentalist account. People’s moral intuitions often vary in response to the same thing. If they involve emotions, this is quite expected. Moral intuitions are readily generated in response to never before considered cases, such as Trolley cases. If moral intuitions involve

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237 These points might well be a problem for the position that takes intuitions to be the trained or skilled (dispositions to) judgments, which are totally dependent for their credibility on theoretical considerations. For an example of the position, see Richard Boyd, “How To Be a Moral Realist”, 3.4, in Essays on Moral Realism, ed. by Geoffrey Sayre-McCord, Cornell Univ. Press, 1988.
emotions, this is not surprising. People often have emotional responses to things unlike anything they have faced or been taught about previously.

Thus, it seems that in invoking intuitions, we invoke certain feelings to guide people’s judgment. The sentimentalist account thus explains the nature and mechanism of moral intuitions as certain emotional responses. It is unclear whether other accounts of intuitions can explain them as well, and they might have peculiar difficulties. For one example, some people take moral intuitions as the perceptions of moral facts. This view might make it difficult to understand why people are motivated to act on moral intuitions, for perceptions are generally not motivating. In addition, this account has difficulty in accommodating the two facts that Kagan mentions and that the sentimentalist account can explain (see the note above). That is: people’s moral intuitions often vary in response to the same thing; and, moral intuitions are readily generated in response to never before considered cases. And it seem implausible to hold that they literally see (hear, touch, taste or smell, for that matter) such a moral fact. It is sure that people sometimes say things like “I see that this action is wrong”. However, it is doubtful that they just see the moral fact in the way they see a house, redness and so on. It seems that hearing that this action is wrong, you are not told what the action looks like. Further, if they propose a peculiar way of perceiving a moral fact, they need to spell out and motivate the account. However, it is notoriously hard to avoid the supposition of the mysterious ‘six sense’ and make the account plausible.

238 ibid., 59n11; Kagan himself does not endorse the sentimentalist account of moral intuitions.
239 The view that moral intuitions are trained dispositions to moral judgments, for example, has difficulty in accommodating these facts.
Having explained the advantages of the sentimentalist account of intuitions, I now resume the discussion of the relation between the point of moral discourse and intuitions. He takes intuitions to be (mere) evidence for the presence of grounds for moral claims. As we see, the sentimentalist account of intuitions is plausible. Then, the question is how certain emotional responses work as the indications of some aspect of the point. What content the point has to have in order to vindicate the evidential role of these emotional responses? Roughly speaking, the answer is that the content of the point is specified by the features that merit emotions. That is, the point is supposed to give positive (or negative) importance to the characteristics that merit favoring (or disfavoring) emotional responses as far as matches the idea of ameliorating others’ conditions while taking into account certain interpersonally coordinating relations, e.g., fairness, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. This condition details the point of moral discourse: there are several conceptions that make sense of the above idea, but only the one that renders the targets of these merited emotional tendencies relevant can be the point of moral discourse. That is why the appeal to intuitions can indicate the content of the point of moral discourse, and thus can work as evidence for moral claims. Emotional responses suggest the features that the point of moral discourse tends to make grounds for moral claims, and thus indirectly indicate what shape the point takes.

Some might object to admitting emotionally merited features to specifying the point of moral discourse on the ground that emotions are unimportant, and that they are rather hindrances to rational and moral actions. Such subjective states cannot point to the features that constitute the point of moral discourse if the discourse’s guiding actions in
view of the point must *prima facie* vindicate participating in it. I doubt the bases of this objection. The capacity to have emotion seems to be indispensable to the conduct of a functional life over time in coordination with others. Antonio Damasio has amassed a body of neurological evidence suggesting emotions have such an important role. He studies the subjects who had a diminished capacity to have emotion because of injuries sustained to the ventromedial region of the prefrontal robe, the somatosensory cortices or the amygdala of the brain. They were severely hindered in their ability to make intelligent practical decisions and plans, coordinating deliberation and action with them and with other persons in an associating and responsible way. In explaining this phenomenon, Damasio argues that in feelings the representations of body states give “a quality of goodness or badness, of pleasure or pain” to the representations of objects or situations. If emotions have such a role in evaluation and the conduct of life, they might have close relationship with moral discourse as an evaluative and practical discourse and pick up the features that vindicate engaging in the discourse.

Now if moral intuitions involve emotions, they – merited ones in particular – make salient the features that the point of moral discourse is supposed to give due significance.

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240 Their handicap appears while the other functions of the brains are intact: their ability to move about and use language, and even non-practical intelligence are unscathed. Damasio, *Descartes’ Error: Emotion, Reason, and the Human Brain*, G.P.Putnam’s Sons, 1994, Ch.1-4 & 9.

241 ibid., 159. Though I agree that feelings have a large role in evaluation, he is not committed to Damasio’s characterization of feelings or emotions. Damagio distinguishes feelings (of emotions) from emotions. “If an emotion is a collection of changes in body state connected to particular mental images that have activated a specific brain system, the essence of feeling an emotion is the experience of such changes in juxtaposition to the mental images that initiated the cycle.” (ibid., 145; italics original) However, as Damasio himself admits, distinguishing feelings (of emotions) from emotions is not orthodox. (ibid., 146n) As with other people, I take emotions to include specific sorts of feel or experience. Moreover, according to Damagio’s account, an emotion must involve changes in body states proper rather than in the brain. This might lead to the exclusion from the category of emotions the sentiments people have in enjoying TV programs, movies, dramas, pieces of music, stories and so on because they do not necessarily involve changes in body states proper.
However, what are these emotions? Not all emotions seem relevant to proper moral evaluation. Some emotions, such as amusement, seem too frivolous to be morally relevant and sometimes indulge people in laughing at what it is morally recommended not to laugh at. Other emotions, such as envy or Schadenfreude, seem to have people act immorally in many case. Thus, only some emotions are relevant. They obviously involve what people call moral emotions. Moral emotions are the functional analogues of human moral emotions, such as feelings of obligation, guilt, remorse, indignation, resentment, moral shame and honor, moral approbation and disapprobation, and so on. Further, the aptness or fittingness of other emotions also affects our moral evaluation, so they are also relevant. Such emotions include sympathy, caring or compassion, respect, homage, gratitude, the feeling of indebtedness, fear, sorrow and so on. For example, if your action merits gratitude from me, apparently I have a moral reason to feel, express and act on gratitude. It seems that the point of moral discourse gives due relevance to the features that merit a constellation of the moral emotions and these other morally relevant emotions.

I have claimed that the features that merit certain emotional responses specify the content of the point. Obviously, the term “merits” needs explaining. I intend it to have the objective sense of meriting rather than the subjective, i.e., information-cum-description-dependent, sense of meriting. Emotions can be prompted by mistaken information. Mistaken information might be specific to the situation as the target of the emotions. You might believe that your friend betrayed you and get angry at her while in fact she is loyal to you. The anger is not objectively merited, i.e., given the real situation though it can be subjectively merited. Alternatively, mistaken information might be quite general. Peter
Unger argues, for example, that people have mistaken physical beliefs. People mistakenly find it easier to redirect an object already in motion rather than start one up; they find it easier to slow an object down rather than speed it up; and so on.\textsuperscript{242} If this is the case and these “protophysical” beliefs about the situations direct people’s emotions, the emotions are not objectively merited though they can be information-dependently merited. Further, emotions are not objectively merited if they occur merely because of how to describe the feature at which they are directed. For example, it is observed that people’s attitude, say, towards a surgery sometimes varies with its description. Suppose that their doctors describe the survival rate negatively, saying, for example, “Your death rate is 85\%”. The patients tend to be more reluctant to take the operation than when the doctors describe the rate positively, saying, for example, “Your survival rate is 15\%”.\textsuperscript{243} It seems that emotional responses change with the description of the target.\textsuperscript{244} In general, for an emotional response to be objectively merited, such a fluctuation dependent on arbitrary descriptions must be filtered out.\textsuperscript{245} (In practice, one can perhaps do so by subjecting the subject to both descriptions.) I focus on this objective sense of meritedness for two reasons. First, it seems plausible that an emotion as a moral intuition should be based on a true and non-arbitrary description of the feature at which it is directed. Second, I am

\textsuperscript{242} Unger, \textit{Living High and Letting Die}, Oxford UP, 1996, Ch.5.
\textsuperscript{243} See Tom Beauchamp and James F. Childress, ibid., 90, and the references cited in notes there.
\textsuperscript{244} Peter Unger argues that people have the innate psychological biases in terms of how to group people and events. (Unger, ibid., 101-3) If the grouping is arbitrary, emotions prompted by the grouping are not objectively merited.
\textsuperscript{245} Canceling out every fluctuation dependent on descriptions might be wrongheaded because it seems that some descriptions are more suited to get merited emotional responses than others are. It appears that literature provides examples where the novel descriptions of ordinary things have people find out that certain emotional responses are unexpectedly merited at them. Thus, the above proposal probably need to guarantee the following: objectively merited emotions must not depend on the arbitrary descriptions that influence emotional responses, but they can depend on the non-arbitrary descriptions that invite merited emotional responses at the described. The problem is how to distinguish the two kinds of descriptions. This task is hard and I currently have no proposal on this issue.
considering the proposal that the features that merit emotional responses specify the point of moral discourse, which renders moral claims justified or unjustified. It seems that the moral status of actions depends on facts about them, not on what someone believes or how they are described. After all, I believe, what morally matters is not what someone believes or how something is described, but what really happens.

Even if one focus on the objective sense of meritedness rather than the subjective one, there can be several proper ways emotions are objectively evaluated. I take the aptness cum proportionality as the dimension relevant to the specification of the point of moral discourse. An emotion fits or fails to fit the feature at which it is directed. For example, if one’s brother dies of a car accident, her sorrow fits the situation; if one fears a normal pen, it fails to fit the situation; and so on. This is the dimension of aptness. Even if an emotion fits the feature it is directed at, its intensity might be more or less than the thing calls for. For example, Jen can be aptly angry at her colleague’s innocent but insensitive remarks; however, if her anger is as intense as an ordinary person’s anger at the person who maliciously lied to him, Jen’s anger might be disproportionate, in this case, too much.

There are several reasons to fix on aptness cum proportionality. First, this way of assessing emotions is relatively uncontroversial. An emotion is directed at something: amusement is amusement at something; fear is fear at something; sorrow is sorrow at

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247 This distinction between aptness and proportionality comes from Jones, ibid.
something; and so on. And this “(directed) at” relation is intentional. As philosophical commonsense tells, intentionality comes with normativity, i.e., the possibility of criticism, in this case, the criticism about whether the emotion fits that something. The dimension amounts to aptness cum proportionality.

Second, the aptness-cum-proportionality is the interpersonal dimension of evaluation. According to this standard, what feature merit emotional responses and to what extent is constant through various constitutions of those who have the emotions. If one person’s intense anger is apt and proportionate at his son’s snorting cocaine, then another person’s intense anger is apt and proportional at the same type of external circumstances. This is so even if they have radically different psychologies, for aptness cum proportionality concerns only the fitness between emotions and what they are directed at. Because I roughly propose that the point of moral discourse makes relevant and assigns due importance to the features that merit emotional responses, the meritedness had better be given such an interpersonal interpretation. Otherwise, the proposal implies that the features that the point of moral discourse makes relevant vary with individuals, and that the extent of their importance also varies with them. This result is implausible because it seems that at the basic level what matters morally to individuals is the same. The implausibility becomes clearer when one considers what if a dimension like strategic

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248 I thus exclude direction-less states from the category of emotions. Moods and mere pleasure and pain are not emotions. To some this restriction seems arbitrary, but I believe that many philosophers of emotion – propositional-attitude theorists of emotions or not – accept this restriction.

249 To ascribe to an emotion an object – the feature that the emotion is directed at – and speak of the fit between an emotion, emotions must have a certain structure to the emotion, which can be compared with its object and found accurate or inaccurate. I suppose that an emotion has such a structure. This supposition does not necessarily accompany some propositional attitude account of emotion, that emotions essentially involve some propositional attitudes, such as a belief, judgment or construal. On this point, see Justin D’Arms & Daniel Jacobson, “The Moralistic Fallacy: On the ‘Appropriateness’ of Emotions”, Philosophy and Phenomenological Research, 61(1), 2000, 65-90, 73n16, and references there.
wisdom, rather than aptness cum proportionality, is relevant to the specification of the point of moral discourse. On the standard of strategic wisdom, one’s emotion in a circumstance is merited to the extent that it functions to achieve his or her ends. It depends on individuals whether having an emotion of a certain type and degree in a circumstance helps achieve their ends. This is so even if their ends are the same. For example, consider the situation where children are snorting cocaine, again. Their fathers find it in a similar way. Suppose that their family situations, histories and so on are relevantly similar and that both fathers have the similar ends, in particular, educating their children properly. Still, one father’s having intense anger at his child might be strategically wise and merited in that sense while another father’s having it might not. This is the case if the former father is tenderhearted and cannot discipline his child without feeling such anger while the latter tends to abuse his child when he gets angry.

If the point of moral discourse made morally relevant the circumstance that merits anger in the sense of strategic wisdom, a feature – perhaps a child’s impairing mental health and development – is made morally relevant relative to one father while it is not, relative to another father. This is surely implausible: if a child’s impairing mental health and development is morally relevant, it must be relevant to anybody. Fixing on aptness cum proportionality secures this point.

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250 This characterization of strategic wisdom follows Jones, ibid.
251 Relativity-to-individuals results follow from other possible standards of assessing emotions, such as Karen Jones’ framing rationality standard. The standard goes roughly as follows: an emotion $E$ in situation $S$ is rational for agent $A$ if and only if $E$ enables $A$ to form a rational framing of $S$, i.e., a framing of practical deliberation that is produced by a mechanism reliable at tracking reasons for $S$ and making framings accordingly. (See Jones, ibid., 341-44) Relativity-to-individuals results because different sorts of reasons can exist for different subjects. (See ibid., 345-8)
Third, the aptness cum proportionality of an emotion at a feature does not radically diverge from the type and degree of the emotion people usually have at the feature. Thus, if the point of moral discourse makes relevant the feature that merits a certain emotion while assigning significance to it in proportional to the merited intensity of the emotion, these features tend to arouse people’s actual emotion. Emotions favoring (or disfavoring) a feature come with motivations to produce, respect or secure its instantiations (or to destroy, disrespect or prevent them). Thus, people are more or less disposed to act in response to morally relevant features in proportion to their significance. This result is welcome because many assume that there is such a close connection between morally relevant features and motivations. 252

Fourth, people’s actual emotions are evidentially relevant to the evaluation of the aptness cum proportionality. If people are generally angry at an action furiously, it supports that the anger is apt and the anger is proportionate. (This is why the aptness cum proportionality of an emotion at a feature does not radically diverge from the type and degree of the emotion people usually have at the feature.) I have proposed that the point of moral discourse makes relevant the features that invite a certain apt constellation of emotions, taking its proportionality into account. Then, people’s certain actual emotions tend to evidentially support the view that the features they are directed at are morally relevant. If, as I have proposed, the constellation of emotions constitutes a moral intuition, people’s widespread appeal to intuitions is vindicated. Relatedly, the aptness-

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252 I do not mean that morally relevant features tend to arouse all human beings’ emotions and dispose them to act. Here and in the following, by “people” I mean individuals with mature, healthy and relatively alert sensibility. The above account does not imply that the individuals without such a sensibility are disposed to act morally. However, I take this result to be fine because I hold that these individuals are often unmotivated to act morally.
cum-proportionality interpretation of meritedness vindicates the practice of discounting certain individuals’ moral intuitions. Some people, children and psychopaths for example, do not have well-developed sensibilities to have certain emotions, moral emotions in particular. The depressed fail to have many emotions to an adequate degree while the high have many inapt and disproportionate emotions. Even if people’s sensibility is mature and healthy, they might become worn-out and insensitive; then again, they tend to fail to have apt and proportionate emotions. For example, it might happen that one feels very sad when he first finds a homeless down a street, but he becomes insensitive when he sees the homeless everyday and accustomed to her misery.\footnote{The homeless example comes from Elijah Millgram, “Moral Values and Secondary Qualities”, American Philosophical Quarterly 36(3), 1999, 253-5.} Suppose, as I proposed, the point of moral discourse makes relevant the features that invite a certain constellation of emotions as far as it is apt, taking into account its proportionality; and suppose the constellation of emotions constitute a moral intuition. Then, because those with less than mature, healthy and alert sensitivity often fail to have apt and proportionate emotions, they tend to have non-veridical intuitions. This makes sense of discounting their moral intuitions.

Before ending this paper, I want to clarify and defend the limited role of emotions in his account. He has proposed a constraint on the point of moral discourse: the point of moral discourse must make relevant and give due significance to the features that merit a certain constellation of emotions, i.e., moral emotions and the emotions that can be meritedly directed at the shapes of them. Thus, certain merited emotions specify the point of moral discourse. However, their role is limited to detailing the content of the point of
moral discourse framed by another constraint: it must make relevant and give great significance to the amelioration of others’ conditions, taking into account certain interpersonally coordinating relations, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. This limitation of the role of emotions is plausible. First, it seems that even potentially apt moral emotions are irrelevant to moral evaluation. Some might feel guilty of making avoidable mistakes in reasoning or in evaluating evidence; and others might feel guilty of going conventional in making a piece of artwork. These episodes of guilt might be apt, but it is unclear whether it picks up morally relevant features. This is expected if, as I contend, the emotion specifies the point of moral discourse only as far as it details the shape of the point in the direction of this framing idea: the amelioration of others’ conditions, taking into account certain interpersonally coordinating relations, e.g., fairness or impartiality, and fostering the motivations, intentions and character traits that are contributive to or directed at such amelioration. Mistakes in reasoning and so forth lack close connection to this framing idea, so it seems that these features are not morally relevant.

The second reason to limit the role of emotions is as follows: it appears that emotional responses specify not only the point of moral discourse but also those of other discourses, such as the discourse of aesthetical oughts, or of oughts of coolness or hipness. Thus, it is plausible that the points of these discourses are distinguished by certain central framing ideas, which emotional responses do not change but only detail. In criticizing Allan Gibbard’s view that morality consists of norms governing when it makes sense to feel guilt or resentment (see Gibbard, ibid., 40-1 & 47-9), David Copp notes as follows. “But it is not even clear that guilt is a distinctive moral emotion. We can feel guilty for a variety of reasons, of which moral reasons are only one instance. For example, we often feel guilty when we fail to live up to our own personal standards and ideals, even if we think that no moral failing is involved.” (Copp, Morality, Normativity, & Society, Oxford UP, 1995.)
fact, I suspect that moral emotions and related emotions are relevant in determining morally relevant features because they are largely in accordance with the framing idea of the point of moral discourse. (In contrast, morally disfavored emotions, such as envy, are disfavored because they largely go against the framing idea of the point of moral discourse.)

Third, the limited role of emotions provides a resource to mitigate a worry about taking moral emotions or moral intuitions seriously. There are situations that moral emotions or moral intuitions misguide people. This is the danger of which Bentham, R.M. Hare and many others have warned us. Actually, many of these misleading emotions are not apt, so they automatically fail to point to the features that specify the point of moral discourse. However, some of these emotions can be apt. Suppose, in the notorious lifeboat case, a sailor might have emotional resistance towards throwing some passengers into sea to save the rest and fail to do so. Granting the aptness of emotional resistance, some might think that it is morally permissible or even required for him to do so. If so, the episode of emotions is apt but morally misleading. Suppose the evaluation of the emotion and the moral verdict on this case are correct.\textsuperscript{255} My account has a resource to explain why this can be the case. According to the account, certain apt emotions pick out morally relevant features only as far as they detail the point of moral discourse in the direction of the amelioration of others’ conditions, taking account of certain

\textsuperscript{255} The conceivability of such a divergence of one’s judgment that it is apt to feel guilty of an action absent proper excuses from her judgment that the action is morally wrong is a problem for Allan Gibbard, who identifies the latter with the former. (See Gibbard, ibid., 47-8.)
interpersonally coordinating relations, such as fairness or impartiality. The emotional resistance of the sailor might be apt but fails to pick up features in this direction: without throwing some to sea, he lets everyone die.

Relatedly, this account explains why morally relevant features are not particular features, and why reliable moral intuitions are not be engaged by particular features. A particular feature is the characteristic whose description essentially involves some individual constant. Individual constants are proper names and the indexicals that are not used anaphorically or cataphorically. The examples of particular features are as follows: a particular individual or group, such as my family, friend or nation, Tom or Sue, being benefited or harmed; an action occurring at a particular place, such as this place, there, Tokyo or New York; an agent exists at a particular time, such as now, this month, or 1919. On reflection, people generally agree that these particular features are morally insignificant. However, they might still merit morally relevant emotions (though it is hard to imagine, in principle it can happen). Thus, one might ask me, “According to your account, mightn’t they count as morally relevant features? And can’t moral intuitions, as understood as a certain constellation of emotions, be reliable even if they are prompted by these particular features?” The answers to both questions are “No.” For an emotion to

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256 People make moral claims and examples as if their applicability does not vary with the particular persons, times and places involved. If one says, for instance, “You (morally) should not do what I (morally) should not do”, nobody expects the reply, “Why? I am I and you are you”, unless there is some non-particular difference between them. People generalize from, or make analogical argument based on, moral verdicts on some examples. However, they do not mind whether the generalization or the analogy holds irrespective of particular persons, times and places involved. In many cases the examples are imaginary and have no reference to particular persons, times and places (sometimes the examples involves particular names or indexicals, but on inspection they turn out to be disguised variables that refer to anybody). However, the arguers still take some moral verdicts on the examples to apply on certain actual issues, where various particular persons, times and places are involved. If people take particular features, for example, its being 2005 at Ohio, to be of potential moral significance, they will be uncomfortable continuing the current reasoning practice.
pick up a morally relevant feature, it must detail the point of moral discourse in the
direction of the amelioration of others’ conditions, *taking account of certain*
*interpersonally coordinating relations, such as fairness or impartiality*. Giving
significance to being Makoto Suzuki, 2005 A.D. or Ohio, for example, is inimical to the
idea of fairness or impartiality. Thus, even if particular features merit morally relevant
emotions, they will not be morally relevant. If moral intuitions are prompted specifically
by particular features, they will not be reliable.257

Note that if emotions are prompted by non-particular features, the emotions can indicate relevant
features. For example, an emotion can be credible if it is provoked by the feature of the agent’s family,
friend or nation being benefited or harmed; or by the feature that described by the relational expressions of
time – 2 days ago (from someday), the future (of some period) – or of place – the place 100 meter away
(from some place), or close (to sometime). The difference might seem subtle, but in principle, one can
check whether an emotion passes the test by investigating whether it does not change if the feature the
emotion is responding to is described without any individual constant. Several people support something
like this condition. For example, Richard Brandt proposes to disregard an attitude that would change if
positions of individuals were reversed, or if the individuals were different from those they are. (Brandt,
APPENDIX I

THE VIEW THAT MORAL INTUITIONS THEMSELVES MAKE MORAL CLAIMS CORRECT OR INCORRECT

(RELATED TO CHAPTER 7 AND APPENDIX H)

It is tempting to criticize this position in a potentially question-begging way: this position vitiates the objective pretension of moral claims and might well fall into relativism.\(^{258}\) This is potentially question-begging because those who hold the above view

\[^{258}\text{Let me explain such an objection here. Intuitions are merely mental states, certain dispositions to make moral judgments. If they are grounds of moral claims, the objective pretension of moral claims might be in danger. Intuitions are often different from one person to another. Thus, people’s intuitions might disagree about whether Nozick’s Wilt Chamberlain is morally permitted to receive $250,000 as the result of a special contract with his team. (See Nozick, Anarchy, State, and Utopia, Basic Books, 1974, 161 and G.A. Cohen’s examination of the example in his “Robert Nozick and Wilt Chamberlain: How Patters Preserve Liberty”, Erkenntnis 2, 1977.) People’s intuitions might disagree about whether Derek Parfit’s Leveling Down Objection to egalitarianism is conclusive. (See Parfit, “Equality or Priority?”, esp. 98, and Larry Temkin’s response to the Leveling Down Objection in his “Equality, Priority, and the Levelling Down Objection”, both in The Ideal of Equality, ed. by Matthew Clayton and Andrew Williams, Macmillan Press Ltd, 2000.) Then, are different moral claims correct for different individuals? Or, where intuitions collide, are there any correct moral claims? If no, it turns out that we argue about controversial moral issues in vein, and there seems to be only very limited numbers of correct (but uninteresting) moral claims. In order to avoid this}

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might be already inclined to think that moral subjectivism or relativism is correct.

However, I think that moral practice provides other reasons to reject the view that takes intuitions to be moral grounds, what makes moral claims correct. First, it is strange to answer to “why” questions by referring to intuitions. When someone makes a moral claim, say, “Abortion is not morally wrong”, it is always intelligible to ask, “Why (is abortion not wrong)?” It will not be a proper answer to this question to say the following: “Because I think it is not wrong”; or even “Because, when we reflect on Thomson’s “violinist” example, which is analogous to the cases of aborting a fetus, many of us do not think that the action of unplugging oneself from the violinist is wrong.” This suggests that intuitions themselves are not grounds for moral claims. In general, “why” questions, for example, “Why is this insect a cockroach?”, ask for grounds that make the claim result, people might appeal to the maximum coherence of people’s intuitions (and information of non-moral facts). However, this seems to imply that it is necessary that the majority largely gets things right. The plausibility of this implication might well be doubted. It seems that the majority of participants in moral discourse have thought that racial or ethnic discrimination is permissible, human non-consensual and animal experimentations by specialists are permissible, women should obey their husbands, and so on. As far as I understand, Blackburn deals with this threat of relativism from within the realm of moral views. He says we have the “right to judge unfavourably people with any other opinion – those who practice human sacrifice, or murder Jews, for instance.” For “[m]y attitudes, and those involved in any system I could conceive of which might be superior to mine, alike condemn them.” (Blackburn, ibid., 199)

According to Blackburn, it is shown from within that our true moral views are non-relatively true, and relativism will be refuted as an implausible moral view. This confidence probably depends on his view on the limitation on human sensibilities, which moral views reflect. “Just as the senses constrain what we can believe about the empirical world, so our natures and desires, needs and pleasures, constrain much of what we can admire and commend, tolerate and work for. There are not so many livable, unfragmented, developed, consistent, and coherent systems of attitude.” (ibid., 197) However, we can surely question this view. Human beings are flexible creatures, so can they not live and flourish with various coherent and developed systems of moral views? It seems that many people in Europe and the US flourished while having moral views that permit discriminating and perhaps even sacrificing Jews and Blacks. And according to Blackburn, if people really had different sensibilities from ours and thus had moral views appalling to us, it would be only from within our moral views that we could say their moral views are false. It would be begging the question against them, but that is all we could do. This implication arguably undermines the objective pretension and authority of moral claims seriously.
correct, not for mere evidence for the claim. (Thus, “This insect is glossy, blown, flat and elliptical” might be a proper answer, but “We think it’s a cockroach” or even “Entomologists think so” is not.)

Second, more crucially, the users of moral terms take their intuitions merely as evidence for the existence of relevant factors. Consider what Shelly Kagan calls “the contrast arguments” (in “The Additive Fallacy”, Ethics 99, 1988), James Rachels’ “Smith and Jones” for example.

In the first, Smith stands to gain a large inheritance if anything should happen to his six-year-old cousin. One evening while the child is taking his bath, Smith sneaks into the bathroom and drowns the child, and then arranges things so that it will look like an accident. In the second, Jones also stands to gain if anything should happen to his six-year-old cousin. Like Smith, Jones sneaks in planning to drown the child in his bath. However, just as he enters the bathroom, Jones sees the child slip and hit his head, and fall face down in the water. Jones is delighted; he stands by, ready to push the child’s head back under if it is necessary, but it is not necessary. With only a little thrashing about, the child drowns all by himself, “accidentally”, as Jones watches and does nothing. (James Rachels, “Active and Passive Euthanasia”, New England Journal of Medicine, 292.2, 1975, 78-80, 79.)
Using these examples, Rachels tries to show that the distinction between doing harm and allowing harm itself affects the moral status of an action. He constructs the above pair of cases in such a way that all potentially relevant factors (e.g., intention, outcome and so on) are constant except that Smith does harm while Jones allows harm. Rachels holds that if the distinction between doing harm and allowing harm were itself of moral relevance, there must be some difference in the permissibility of their actions. Intuitions suggest that there is no difference in the moral status of Smith and Jones’ actions. Therefore, he concludes, the distinction between doing harm and allowing harm is of no intrinsic moral relevance. Whatever the evaluation of this argument is, one point is clear. In this often seen type of arguments, the arguers (and the readers) do not take intuitions as what make moral claims correct. They are rather used as evidence to deny (or show) that some distinction or feature of actions (e.g., doing harm) is morally relevant, i.e., makes moral claims (e.g., active euthanasia is wrong while passive euthanasia is not wrong) correct or incorrect. If we take intuitions to be grounds of moral claims, we seem to deny this supposition in moral discourse. For these two reasons, I take intuitions to be mere evidence for (the presence of the ground of) moral claims.

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259 Actually, Rachels talks more specifically about the distinction between killing and letting die, which he apparently takes to be a specification of the distinction between doing harm and allowing harm. This point does not affect the point of the argument.

260 See Shelly Kagan’s paper mentioned above for the criticism of contrast arguments in general.


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