

Of Facts and Values

3.1 What is the issue?

A typical case of moral judgement - a judgement answering a question of the kind 'what is the right thing to do in this situation?' - will involve an assessment of facts. We have already met with a class of moral theories (those relying upon consequences) which judge right action on the basis of the outcome; the facts which determine whether an action is right or wrong are future facts, not directly accessible to us now. Deciding what to do will, for a consequentialist, involve belief in a variety of claims about the future consequences of our actions. In short, it depends upon 'facts in the future tense'. It is, however, controversial whether there are such 'facts in the future tense' now, whether there is (for example) a "fact" *now* about what will happen if I give £200 to a particular charity appeal. Various actions of others will contribute to the money having or not having certain effects; their decisions and actions lie in the future. Is it true *now* that my action will have such-and-such an effect? If we accept the (widespread, though not uncontroversial) claim that there is no truth value for such future contingent sentences, including those which start 'The outcome of my action will be...', we will not wish to say that there is a future-tense fact of the matter about the outcome of my action.

Present and past tense facts, however, are still very pertinent. Is it true that the Measles-Mumps-Rubella vaccine has caused autism in some children? If this is a fact, it may affect my actions. Is it true that the Rubella/German Measles vaccine (whether as part of MMR or as a 'single jab') necessitated the use of human foetal tissue, sourced through abortions, at any stage in its manufacture? This, too, might make a difference. Perhaps the side effects of a certain medicine depend upon one's being the carrier of a certain gene; a question of fact then has a bearing on my taking the medicine: do I have the gene? In these cases, what I rely upon in coming to a judgement regarding what I ought to do are facts. If the facts are thus and so, I decide in favour of this course of action; if they are different, I decide differently.

This is enough to show that facts make a difference to our judgements, and to our actions. We might also agree that there are some facts which we will not allow to make a difference; some facts are not relevant to the particular decision under question. Whether a pregnant woman's request for an abortion is to be acceded to might depend on whether the child she carries is seriously handicapped. There will be room for controversy here about whether this is a relevant fact or not. It will be largely uncontroversial that the woman's hair colour will not be of any relevance at all. We ought to admit, though, that there will be facts which at first sight bear no relevance to the case, but which might nonetheless carry some weight. We ought also to acknowledge the limits imposed by our certainty or uncertainty as to the facts. If the child is handicapped, this might be relevant in the abortion case; but our knowledge of the fact of handicap may depend on inconclusive tests, in which the mother's age is a contributory factor. 'If the test is positive and the mother is under 30, handicap is more or less certain.' In this way age (which might not have appeared a relevant factor) becomes relevant not directly, but indirectly, through our attempt to assess what the facts are;

and in any event the fact, in this case, is something of which we are not 100% certain.

Facts have their place in moral judgements, then; and it looks as if we are agreed that not just any facts can have their place, that some facts are irrelevant. We must therefore have, even if only intuitively, some sense of a 'morally relevant fact'. Why, then, given these agreements, do we need a chapter on morality and facts at all? We might begin by looking at something which we have already noticed in passing, when we asked whether the fact of an infant's handicap is relevant in the question of whether an abortion be morally permissible. Whereas we began with a range of cases where a change in belief regarding the facts would change an individual's judgement, here we have a case where two people may be agreed on the fact in question, and yet come to entirely different moral judgements.

One temptation is to think that, agreeing about this fact, they must be disagreeing about some other fact, as yet unnoticed. That might turn out to be the case, but nothing seems to guarantee this in advance. Maybe two people could agree about all of the facts, and yet disagree about what ought to be done? To say this is to set up a problem concerning the nature of moral reason. A way of putting the problem runs as follows.

One common model of reason is offered by the philosophical concept of an argument. An argument comprises a set of sentences, called 'premises', which serve as the basis of the argument, and a 'conclusion' which is said to follow from the premises. We can capture the notion of 'following from' introduced here by saying this: *if* the premises were all true, the conclusion would necessarily be true. (An argument where the truth of the premises requires the truth of the conclusion in this way is termed a 'valid' argument. Note that we said '*if* the premises were all true'; there can be valid arguments which have premises which are, in fact, false. One such argument, valid but with a false first premise, is: 'All Scotsmen have beards; Hamish is a Scotsman; therefore Hamish has a beard'.)

If we adopt this model of reason, and reflect upon what the thought experiment above commits us to, it seems that in ethics we might have a set of premises (statements of fact) which two people are in perfect agreement about; two entirely divergent 'conclusions' said to 'follow from' those facts; and when we try to show which one of the conclusions (assuming only one can possibly be entailed by the premises) follows from them, we find that, in fact, neither does. If all of the facts are set before us, neither judgement of value follows - neither is necessarily true. The general claim is often made that no moral or evaluative conclusion can possibly follow simply on the basis of facts. This has notable implications for the role of reason in moral thinking. Moral reason (that is, reasoning to a moral conclusion) can never, if this view is correct, be reasoning purely from facts. To make the moral conclusion follow from the premises, a value must intrude into the premises somewhere, and a value is either not a fact, or at the very least not the sort of fact which we have been discussing so far (the sort of thing which might be determined by the methods of, say, physics or history or mathematics). This is the central claim known as the fact-value distinction. An argument which runs:

The patient's breathing is being sustained solely by use of an artificial ventilator.
The patient exhibits no brain stem activity.
THEREFORE, the ventilator may be turned off.

relies upon a variety of unstated elements. One of these will be that absence of brain stem activity signals absence of life, or of worthwhile life. The latter formulation (absence of

worthwhile life) is obviously a judgement of value. The claim ‘absence of brain stem activity signals absence of life’ has the look of scientific fact about it, until we recall that what counts as being alive is a matter of controversy even between those who are agreed on all of the facts. (Think about ways in which definitions of death have developed and changed over the last few centuries, and of controversies over whether a newly fertilized ovum is ‘alive’, controversies which may have implications for the use of abortifacient or contragestive medicines like RU486, the so-called ‘morning after pill’, which we will discuss further below.)¹

3.2 The challenge

At the end of the previous section, we offered by implication a way of salvaging moral reason according to the model of argument presented above. It runs: admit an evaluative premise, and one can certainly derive an evaluative conclusion. Without evaluative premises, no evaluative conclusion can follow. What this shows is, not that moral reasoning is impossible (which would be a most counterintuitive claim), but that disagreements concerning moral judgements may be traced back, sometimes to disagreements about the facts - and where this is so, we might hold out hope for agreement- and sometimes to disagreements in the values which we find among the premises, either explicitly or implicitly. One person rejects the infliction of suffering upon animals as unnecessary cruelty, even where it is done in the interests of curing or controlling human disease; another (perhaps a utilitarian) responds that the resulting good will outweigh the suffering, something which the former person may actually agree with and still reject the practice. The point is that the utilitarian holds that the infliction of suffering might be justified if greater good comes from it. The anti-utilitarian might agree that in some cases this is right (dentists probably do this most days of their working lives), but say that inflicting suffering on one party without any consent so that another might benefit ought never to be allowed, however great the benefit. The ‘disagreement’ is a disagreement of moral conviction, not of perception of the facts.

We should note here that this difference of conviction is *not* a difference about the validity or non-validity of certain arguments, once all of the premises are made explicit. If I have an argument, expressed crudely as:

Breaking promises is always wrong.

Jones made a promise to Smith.

THEREFORE, Jones should keep his promise to Smith.

someone who disagreed with the first premise (a moral claim) could still agree that the argument is valid, in the sense that *if* the premises were true, the conclusion would necessarily be true. What is denied is not the validity of the argument, but its significance. Someone who holds the first premise to be false is under no obligation, in accepting that the

¹ See the end of section 3.5.

argument is valid, to believe the conclusion.²

Perhaps we are expressing this wrongly. We might say, more cautiously, that whatever facts are being disputed, they are not “scientific” facts. What people term ‘the fact-value distinction’ is actually a distinction between sentences which express judgements of moral value, and sentences which express claims about the way the world is. The latter are, broadly, ‘scientific’ claims, though here ‘scientific’ includes history alongside chemistry amongst the disciplines which seek to discover facts. Claims of value might, perhaps, also be factual claims, though not ‘reducible’ to claims of scientific fact. Are there moral facts? One thing which is often held to count against answering this with a ‘yes’ is the very divergence of moral commitments and the intractability of any attempt to resolve them. This, though, does not seem to be sufficient on its own to determine the non-existence of a special class of moral facts. More significant (and serving as a basis on which to question the uses to which the supposed fact-value distinction has been put) is the observation that belief in a pure, absolutely non-evaluative sense of fact faces a series of challenges. We will discuss these in the final section of this chapter. Before we do so, we turn to a direct discussion of one apparent corollary of the distinction of fact and value, and the implications of this for moral philosophy.

3.3 The naturalistic fallacy

In a much-discussed chapter of John Stuart Mill’s *Utilitarianism*,³ we find an approach to the question of the ‘proof’ of utilitarian moral theory. The chapter title - ‘How proved’ - has puzzled readers, whom Mill has already assured that the theory cannot actually be proved. It is fair to add that Mill is really concerned with the extent to which it can be proved that utilitarianism is a correct moral theory. An element of his answer amounts to saying that to one who does not already (albeit implicitly) believe the theory, no amount of proof will do.

In the course of his proof, Mill makes the following claim:

The only proof capable of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it: and so of the other sources of our experience. In like manner, I apprehend, the sole evidence that it is possible to produce that anything is desirable, is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledge to be an end, nothing could ever convince any person that it was so.⁴

² She might be under an obligation to believe it for other reasons - for example, because of another valid argument with the same conclusion but with different premises all of which she did believe to be true.

³ John Stuart Mill, *Utilitarianism*, chapter IV. Mill’s statement that the theory cannot in fact be proved in any absolute sense is found towards the end of chapter I.

⁴ Mill, *Utilitarianism*, Chapter IV; available e.g. in *Sterba, Ethics: The Big Questions* (Oxford: Blackwells, 1998) p_129.

To this, one obvious objection can be made immediately: 'desirable' is ambiguous in a way in which 'visible' is not. 'Visible' means 'able to be seen'. 'Desirable' could (at a pinch) mean 'able to be desired'. We would more normally use it, however, to mean that a thing was truly to be desired. Presumably those things which are truly to be desired are a subset of all the things which are able to be desired.

There is a further issue. It is central to Mill's argument that the only thing to be desired for *its own sake* is pleasure. The only ultimate (non-instrumental) good is pleasure, or happiness. What sort of a claim is this? On the one hand, it could be presented as a discovery: 'the good' has turned out to be the same as 'the pleasurable'. On the other, it could be presented as a statement about meaning: 'good' means the same as 'pleasure'. The 'means the same as' move is the one which the philosopher GE Moore took to be implied by Mill, and he was sharply critical of such a move.⁵

Imagine that the equation were indeed made; 'the good' means the same as 'the pleasurable', so that whatever maximizes pleasure is good, and vice versa. There would then be no sense left in which, having discovered that this particular state of affairs would be the one which constituted maximal pleasure, we could go on to ask 'Is it good?' It would be like being told that someone was a bachelor, and then asking 'But is he married?' The question would betray a failure of understanding. Because 'good' applied to actions means 'maximally pleasure-generating', to know that some action exhibits maximal pleasure is to know that it is good, and to know that it was the best action would be to know that it produced the most possible pleasure. I couldn't both understand that it was the best action and also ask 'But could there have been another action which could have produced even more pleasure?'

Moore's rejection of the equation of pleasure with goodness relies on the simple observation that the questions about pleasure, unlike the one about the bachelor, do make perfect sense. The question 'This action maximizes pleasure, but is it the right action?' does not strike us as odd. It is certainly not odd in the way that 'I know John's a bachelor, but is he married?' is odd. Moore calls questions of the pleasure-rightness sort '*open* questions', and his argument against the equation of goodness and pleasure is called an 'open question argument'. We should note that he has not denied the possibility that moral goodness is universally associated with maximal pleasure. He has merely denied that this is so as a matter of the meanings of the words. In so doing, he has made one move in a general denial that goodness is reducible to any feature of natural reality.⁶

Mill has, Moore thinks, reduced morality to the recognition of natural facts. Moore's conception of Mill is of someone who would regard as valid, with no further premises, the argument

This action will maximize pleasure.

⁵ See GE Moore, *Principia Ethica* (Cambridge: Cambridge University Press, 1903) p.67f, Moore's sections 40 and following.

⁶ In fact he thinks it is not reducible to any feature of metaphysical reality either, whatever that might mean; certainly it will make us aware that for Moore 'the naturalistic fallacy' can be committed by someone who identifies the good with God's will, which is hardly what we would normally think of as a 'natural' phenomenon.

THEREFORE, this action is good (or: should be done, ought to be encouraged, etc.)

The ‘openness’ which Moore identifies in the question ‘Is pleasure good?’ (it is an open question because the answer ‘yes’ or ‘no’ is not given by the meanings of the words) implies that this argument must rely upon a further premise: *whatever maximizes pleasure is good*. And whilst some people, Mill included, are clearly committed to that extra premise, the premise they are committed to is not a fact of nature. Moore thinks that Mill treats the extra premise as a fact of nature, and that the ‘open question argument’ has shown that it is not a fact of nature. Moore’s language for Mill’s supposed reduction of goodness to a natural category (pleasure) is ‘naturalism’. And this reduction is, he thinks fallacious: hence his claim that Mill commits a naturalistic fallacy.

In defence of Mill, we should point out that Moore has not offered a fair assessment of the text of Mill’s Utilitarianism. Mill does not claim to be analysing the meaning of the words ‘good’ or ‘goodness’ in terms of pleasure. If it is not an open question whether goodness and pleasure are concepts which hang together in the way Mill thinks that they do, this is not because of the meaning of the words as such. Instead it is because each of us, understanding the meanings of the words independently of each other, cannot but make the fundamental association of goodness and pleasure on which utilitarian morality depends. This ‘cannot but’ is a brute fact of our psychology.

It may well be possible to imagine someone for whom this association was not natural and automatic, though Mill clearly imagines himself appealing to a readership for whom the association will be natural. Even if it was not automatic, a suitably reflective reader should, he thinks, be able to come to see that this association of goodness and pleasure is indeed fundamental to anything he or she could recognize as a moral judgement. (In simple terms: think of any moral judgement you have made, and ask why you made it. Mill claims that you will find the answer in the principle of pleasure-maximization.) It is true that Mill expresses himself unhappily at certain points; the visible-desirable analogy is far from ideal, and his argument a few lines later about the relation of each person caring for his or her own happiness to everyone caring for everyone’s happiness is highly problematic. But Mill is hardly guilty of reducing morality to natural facts, neither in the sense of reducing goodness to pleasure, nor in the sense of ‘proving’ utilitarianism by pointing out that people are in fact disposed to accept the basic evaluative commitment on which utilitarianism is founded. It would be very damaging to Mill’s account if it were found to be the case that most people do not, in fact, accept this commitment. Mill could not, however, be more clear in setting out the limits of ‘proof’ in relation to his, or any other, view of what he calls ‘ultimate ends’.

This defence of Mill amounts to saying that he is not guilty of committing the ‘error’ Moore accuses him of. It does not amount to a defence of reducing morality to natural facts; it does not tell us whether the ‘error’ Moore discusses is actually an error. If it is an error, it is the kind of error which we find committed by any moral theory which seeks to ground norms for behaviour, such as judgements about the proper limits of sexual behaviour, in the natural capacities of the body and bodily organs. To say that a woman ought not to have Hormone Replacement Therapy and ovulatory stimulants in order to enable her to become pregnant in her late 50s because it is not ‘normal’ or ‘natural’ for this to happen, or because it is ‘not in accordance with nature’, might be to commit ourselves to a certain type of naturalism.⁷

⁷ There could be other quite different sorts of reasons, utilitarian ones for example, which might come in to play, such as Worries about the welfare of the child.

Another form would be acceptance of the necessity to act in line with and not to frustrate evolutionary tendencies in human nature or in species more generally. To each of these the anti-naturalist presents a simple challenge, a version of Moore's open question argument. If something does not occur naturally, is it immoral to make it happen? If the biological capacities or evolutionary trajectories of certain species are such-and-such, does it follow that action outside of these capacities and trajectories is wrong? (Think of the possibilities of genetic engineering, and the arguments about alterations to the human genome or that of agricultural crops.) In neither case does the answer 'yes' seem to follow automatically without any further reflection. To this extent, the questions are indeed 'open'.

A naturalist who takes biology as a basis for developing norms of human action might well be committed to a fundamental evaluative judgement, parallel to the fundamental commitment of the utilitarian. Where the utilitarian accepts, not as a proved fact but as a basic life-commitment, that moral goodness consists in pleasure-maximization, the biological naturalist will accept something like this: '(biologically) unnatural action is morally bad, and should be avoided'. If Mill is right about the incapacity to prove questions of ultimate ends, this extremely different claim is no more subject to proof than the utilitarian one. We may note, as an incidental matter, that one way in which it differs from utilitarianism is in setting out range of moral prohibitions ('unnatural acts') and allowing for a range of morally acceptable actions within the space which is left, rather than making positive moral demands upon us at all times. In this, it may strike us as more in conformity with our ordinary intuitions. That, though, takes us back to the issue of why we might prefer one moral theory to another, and perhaps indicates the extent to which 'preference' here will be founded in something other than reason.

3.4 What is a fact?

We return to the question of facts. In the first section of this chapter we assumed, for the sake of argument, a class of sentences which expressed 'facts' on which there could be public agreement through some suitable method. That method might be chemical analysis, or historical investigation, or checking with a calculator, or simply looking and seeing.

What may be overlooked in any account we give of the process of achieving public agreement is the extent to which we are regarding certain things as facts because they play an appropriate role within a system of checking. Sometimes - perhaps, in the case of history, very often - there will be disputes about the facts. A letter carries a certain date and 'proves' that a certain military General was present in Austria at that time. However, he was notorious for putting the wrong date on his correspondence, and there is evidence that he was somewhere else on that date. Our faith that there is a 'fact of the matter' is distinct from our faith that we can know beyond a shadow of doubt what the fact of the matter is. In a case like this, room for doubt may be inevitable on both sides, and 'proof of a sort to convince everyone may never arise. In the case of those who deny the holocaust, there may be strong reasons for one side or the other to show that their belief in certain facts is right. Courts of

law may need to decide what constitutes an opinion so far beyond the bounds of the agreed consensus on the range of possible opinions by those trained in the appropriate methods that it cannot be taken seriously.

What makes it a fact that the holocaust occurred is that there was a holocaust. That, though, is in the past, and we must rely on the traces it has left (memories, film, documents, and so forth) to convince us. Any moral arguments based on the fact of the holocaust (about reparations, say) will have an influence on us only to the extent that we can recover the facts; it is not the fact, but the accessibility of the fact and its capacity to carry conviction, which counts. So this fact, and other facts like it (facts about the English civil war, or the mediaeval papacy), insofar as they have continuing roles to play in our moral thinking, depend upon what have become the agreed methods and standards of evidence of contemporary historical study. These methods and standards are facts of the way in which historical study works; but they do not function as facts in any argument about the truth of the holocaust and the necessity of reparations. In this way, as in parallel ways where chemistry or mathematics are concerned, the discipline provides a medium through which things come to 'count as facts' for us. If there are any raw facts at all, unmediated by a body of theory and method, maybe they will be the facts we receive access to through the senses. This is what a strictly empiricist philosopher might say. Here too, though, there are standards of evidence ('I saw it in good light, in full possession of my senses'), and disturbing rumours of counterexamples which may give us pause for thought (everyone thought they saw such-and-such, but it was a mass hallucination).

There is, then, a good deal of work to be done on the philosophical analysis of facts.⁸ This need not necessarily lead to any deep skepticism regarding facts, but it will place them in a broader context of human enquiry and show the extent to which factual beliefs are dependent upon certain commitments of value (the value, for example, of the outcome of such-and-such a method of inquiry). Indeed, if one were to buy in to (say) utilitarian moral theory, one might well believe that there are moral facts, discerned through whatever method of calculating and assessing consequences the particular form of utilitarianism employs. Of course, these 'utilitarian moral facts' will count as facts only for those who accept the theory; others will see why the utilitarian thinks that they are facts, but will not share the conviction.

3.5 The Thick and the Thin of it

The previous section discussed the conditions under which something could come to be accepted as a fact. Related to this, though not concerned with method but with meaning, we may note that many 'factual' claims appear also to be claims of value. If I say that someone's conduct was treacherous, you may dispute my claim by pointing to certain facts, such as his nationality (about which I am mistaken), and I may retract. The concept of treachery has a

⁸ See for example G.E.M. Anscombe, 'On Brute Facts' in her *Collected Philosophical Papers, Volume III: Ethics, Religion and Politics* (Oxford: Basil Blackwell, 1981), pp.22-25, for a discussion relating to facts in ethics.

certain meaning, and certain acts will fall under it. (We can accept perfectly well that there will be marginal cases.)

What matters here is that, *if* a certain act is an act of treachery, this is both (given the meaning of 'treachery') a fact, and also a judgement of value. Similarly, if an act is properly termed 'murder' it is, simply in virtue of that fact, wrongful killing. There is a range of such words which form a central part of our vocabulary, and in learning their use we learn both to pick out a set of cases which are rightly described as treacherous, murderous, etc., and also to note that in being treacherous, murderous, etc. these acts are wrong.

These terms, which combine description and evaluation, are often called 'thick' moral concepts. The natural contrast with this is 'thin' moral concepts - those which have a purely evaluative function. We cannot, it is widely held, give a descriptive content to the concepts 'good' and 'bad'.⁹ They depend on our methods and practices of moral evaluation, and solely on these, so that no one could learn to apply the word 'good' on the basis of descriptive evidence alone. Someone could learn to use the word 'treachery' by knowing that it meant 'violation of faith or trust' (Concise Oxford English Dictionary). And it is part of the meaning of treachery that it refers to a bad act; COED also gives 'betrayal', which is a further thick moral concept.

The existence of thick moral concepts points to the impossibility of sustaining an absolute fact-value distinction.¹⁰ It is still possible to hold on to the view that, even where a concept is both evaluative and descriptive, these are still two distinct things. One might hold that the development of a concept like treachery, with its attendant concepts of violation of trust and betrayal, could never have been purely descriptive but came about precisely because actions of that description had the further feature of provoking widespread moral disapproval. These, though, are being discussed as concepts already given a meaning within the language as it has developed to the present time. It will be worthwhile to examine, in conclusion, ways in which concepts may continue to develop, in application or in meaning.

We begin with two examples - 'adultery' and 'war' - where there will be little dispute that a central range of cases are properly described as 'adultery' or 'war'. An interesting question arose amongst Catholic moral theologians early in debates about gamete donation whether donation of sperm to an infertile couple constituted a form of 'adultery', even if there were no extra-marital sexual intercourse. At first the suggestion may seem odd or ridiculous, but when we reflect on whether there is some central violation of the relationship of husband and wife implicit in the gamete donation we may not be so sure. In the case of warfare, there are formal definitions involving declarations by proper authorities; but it seems likely that many people would accept a more informal definition, where military action by one sovereign state against another would constitute war. Maybe the military action should be seen as constituting a declaration of war even in the absence of any other statement. War typically involves killing, usually by bomb and bullet.

What, though, of the imposition of economic sanctions? We tend to think of this as a

⁹ Aristotle certainly thought this; his teacher Plato might not have liked the phrase 'descriptive content' but in general terms may be said to have believed that 'good' and 'bad' have meanings independent of their particular application, which is the idea Aristotle denied.

¹⁰ This much is accepted by Anthony Flew at the end of his article on pp.43-48 of Sterba, *Ethics: The Big Questions*.

preparation for war (or an attempt to avert it), but the sanctions might claim far more lives than the fighting, and this might well be expected in advance. Are sanctions, then, another means of fighting a war, and is the imposition of economic sanctions another implicit form of declaration of war? The question may be asked both because it shows the unclarity of some boundaries of our morally relevant concepts, and also because whether an action comes under an existing resource for moral thinking, in this case Just War Theory, will depend on whether what we have is actually (yet) a war. Sanctions could very well violate the criteria for a just war, at least by their incapacity to discriminate between combatant and non-combatant, so the answer we give could well matter a great deal.

We have already admitted that the definition of life is shot through with moral significance. This is seen, not simply in the successive medical determinations of when someone is 'really' dead (which may be subject to all sorts of temptations - the more people who can be counted as dead at an early stage, the more organs there may be for transplant), but also in the question of when life begins. The question of whether an embryo is alive (and thus whether destroying it should be counted as killing) is one for which we do not have clear criteria. No biologist will deny that the cells are alive; is this enough? If we say that when there are just four cells, they do not yet form a single biological entity, we may find the odd paradox that once conception has occurred and there is just one cell we have greater grounds for protection than when there are four. To the question of the meaning of 'life' we may add the persistent debates about 'person' and personhood, and whether there are adequate criteria to determine at what point the unborn (or even the newborn) 'becomes' a person.¹¹

These are not debates which revolve around scientifically accessible facts. This is not because of wickedness on anyone's part; they are not, in the end, scientific questions, and any pretence that they are is likely to work more in the fashion of a rhetorical play for 'expert' status in an area where the concept of expertise is no simple matter. That it is no simple matter does not excuse us from the search for good criteria; insofar as medicine has its focal concern in the restoration and maintenance of health, 'health' too will be a simultaneously descriptive and evaluative term which demands our attention.

Mention of rhetorical play leads us to a final example, that of the so-called 'morning after pill'. This name refers to a drug or range of drugs which may be taken by a woman after sexual intercourse to prevent the act from resulting in a child. This rather convoluted formulation cannot be straightforwardly substituted by the words 'prevent pregnancy' unless we are confident of when pregnancy begins, and how the pill works. The standard account of the operation of the drug is that it prevents implantation of a new conceptus;¹² this is widely

¹¹ These debates borrow their significance from the sense that what would make it wrong to (say) perform an abortion is that it destroys something which has possession of a non-violable criterion; personhood, or life. The very form in which the debate is couched is interesting, because if others (the mentally handicapped, for example) were found to lack personhood we might find them, too, denied protection. Given that there seems no non-arbitrary point between conception and infancy where a criterion of value is suddenly bestowed, it may be better to see a process of life occurring from conception through to natural death, with the moral issue being, not the destruction of something having certain criteria, but the artificial *interruption of a process*.

¹² It seems possible that it may also, where ovulation has not yet occurred, have a suppressant effect on ovulation and thus prevent conception from taking place, but this is a secondary consideration and plays little part in the discussion of its use, or of the expectation which medical practitioners have of the way in which it is likely to be effective. This possible 'second use' does raise important questions about the moral legitimacy of the drug, but we cannot pursue the matter here. It makes no difference to the point which the example is chosen to illustrate.

understood to be ‘the’ way in which the pill operates.¹³

Given that the normal operation of the drug is taken to be prevention of implantation of a new conceptus, how do doctors and politicians classify it? It is termed a ‘contraceptive’. Posters advertise ‘emergency contraception’; booklets sponsored by the British Medical Association include it among contraceptives. Yet (and one is confident in assuming that those who are medically trained will recognize this!) those who prescribe it realize that it is not expected to prevent conception, so it is not a contraceptive. A more sophisticated vocabulary terms it a ‘contragestive’ (it prevents gestation), and this is certainly a worthwhile extension of the language. But why term something which is not a contraceptive a contraceptive?

One answer might well be that this is just a casual and unreflective use of language, permitted by those who ought to know better.¹⁴ Another possibility, more interesting for our purposes, would be that there is a greater chance of widespread social acceptance of the use of the drug if it were thought to be a contraceptive. (Many people who believe contraception to be morally indifferent would hold that once conception has occurred one is in a new moral situation. This does not mean that they would oppose all destruction of embryos, or all abortions, but they would expect to be given some proper basis for accepting these actions.) To distinguish a drug like RU486 from contraceptives may well be to mark it out as morally significant in a way which raises unhelpful qualms and questions - unhelpful, that is, for politicians seeking to reduce levels of teenage pregnancies, amongst others.

3.6 Conclusion

We have seen that any simple distinction of factual and evaluative statements is doomed to failure. The significance of this remains philosophically controversial. Even if it is true that natural languages such as English contain words which have both factual and evaluative significance, could it be possible for a human community to speak a language in which the two functions were separated entirely? Arguably this is the direction in which utilitarian moral theory would push us. Words like ‘murder’ and ‘adultery’ would be reduced to pure description, the further question of their moral value always being a separate issue, to be judged in terms of consequences. ‘Yes, to act in that way would be adulterous; but is it right or wrong? (Assuming that an adulterous act is wrong in virtue of it being an adulterous act, the importance of knowing whether donor insemination constitutes a sophisticated form of adultery becomes apparent.)

Discussion of the so-called ‘naturalistic fallacy’ suggested that one way in which we might understand utilitarianism was as a system of measurement of consequences, understood factually, along with a fundamental evaluative belief in the promotion of pleasure as a good. Pleasure is good not because pleasure means good, or vice versa, but because pleasure and

¹³ In fact, ‘the’ pill will be a short course of pills, and ‘the morning after’ is a period which may be extended over a few days.

¹⁴ We ought to add that the Intra-Uterine Device, or ‘coil’, is also commonly classed as a contraceptive, but does not have a contraceptive effect, so similar questions will arise.

the absence of pain belong to the basic motivating drives of human beings.¹⁵ This is presented as a fact, though not a fact which proves utilitarianism to be true. Utilitarianism presents itself as being not so much true as inescapable. Our ordinary moral intuitions tend to accept that if a certain action is (as a matter of fact) properly classified under a heading like 'unjust', or 'incestuous', it is thereby also declared to be wrong, and the very fact that an action would be (say) incestuous is enough to show that there is a reason not to do it.

One of the essays suggested at the end of this chapter offers an opportunity to explore the work of David Hume, who raises skeptical doubts at this point. It is central to his conception of morality that no recognition of the facts of the matter based on the 'physical' senses, nor any degree of skill in linguistic classification or rational argument, could by themselves provide a motivation to act. This being so, he suggests, no level of competence in these areas could encompass the whole content of morality; reason is a part of the story, but not the Whole story.¹⁶ Hume is close to the utilitarians in this respect: if we ask for a *justification* for taking these moral sentiments seriously, rather than ignoring them or being suspicious of them, there is no answer to be given, beyond the fact that they just *are* serious for us. There is nowhere else we could look which could be a grounds for validating them, or indeed for making us suspicious of them. By contrast, the distinction between the selfish and the moral is one we can all appreciate through the resources which we find within us.

We have seen ways in which the use of certain vocabulary may play a part in discussion and presentation of moral questions. Someone who rejects the practice of destructive experimentation of human embryos, whatever good the experiments may be aiming at, may say that the experiment involves 'killing'. Obviously, this is not in any simple way a factually true or false use of the word 'killing'; it will all depend on what 'alive' and 'kill' mean. Do they apply in this case? We have sought to do no more than point out how much answers to these questions will matter in our moral judgements. Similarly, the choice of a Word such as 'contraceptive' may serve consciously or unconsciously to skew the moral evaluation of the use of a particular drug. This is not to say that the use of the drug is wrong.

It is rather to alert us to the variety of ways in which the use of language may tempt us to complacency, or may be used to mask the importance of sober moral reflection upon the drug as it is actually used. In each case description plays its part in evaluation, and an over-simple account of the relation of facts and values is shown to be wanting.

¹⁵ That it is universal pleasure-and-the-absence-of-pain which forms the motivating drive, rather than just mine, or my family's, or my species', is a point which may raise further debate.

¹⁶ To explain what is missing in a purely facts-and-reasons account Hume posits the existence of a capacity for 'moral perception'. What is 'perceived' is not anything external to the moral agent but invisible to the other senses. It is rather an inner feeling or sentiment which associates itself with what is received through the other senses, such as a feeling of disgust and outrage at reading of an act of rape, reported in a newspaper, or seeing a street mugging. (There is, for Hume, a distinction between selfish passions and properly moral sentiments, the latter having a more universal focus based upon empathy.).