

# Hume's Law Violated?

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## 1 Introduction: Prinz's Sentimentalism

Many ethicists claim that one cannot derive an *ought* from an *is*. In others words, they think that one cannot derive a statement that has prescriptive force from purely descriptive statements. This thesis plays a crucial role in many theoretical and practical ethical arguments. Since, according to many, David Hume advocated a view along these lines, this thesis has been called 'Hume's Law'. In this paper, I adopt this widespread terminology, whether or not Hume did indeed take this position. There are some notable exceptions among philosophers, such as John Searle<sup>1</sup> and Arthur Prior,<sup>2</sup> but most philosophers have embraced Hume's Law. Recently, however, Hume's Law has come under attack. In his book *The Emotional Construction of Morals*, Jesse Prinz argues that the *is/ought* boundary can be crossed at least partially. According to Prinz, Hume's Law is true in one sense and false in another.<sup>3</sup>

Before I sketch Prinz's argument against Hume's Law, let me point out that Prinz adheres to a version of *sentimentalism*. According to Prinz, when some person *S* says that *S* herself ought to  $\varphi$ , then that person says something true if and only if

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<sup>1</sup> See John R. Searle, "How to Derive "Ought" from "Is"," *Philosophical Review*, Vol. 73, No. 1, (1964), pp. 43–58.

<sup>2</sup> See Arthur N. Prior, "The Autonomy of Ethics," *Australasian Journal of Philosophy*, Vol. 38, No. 3, (1960), pp. 199–206.

<sup>3</sup> See Jesse J. Prinz, *The Emotional Construction of Morals* (Oxford: Oxford University Press, 2007), pp. 1–10, 174–183, 199–205. All page references will be to this book.

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$S$  thereby expresses a prescriptive sentiment toward  $\varphi$ -ing. And  $S$  expresses a prescriptive sentiment toward  $\varphi$ -ing if and only if (i)  $S$  is disposed to  $\varphi$ , (ii)  $S$  is disposed to feel badly if  $S$  does not  $\varphi$ , and (iii)  $S$  is disposed to condemn those who do not  $\varphi$ . He adds that when some person  $S$  says that *some other person*  $S^*$  ought to  $\varphi$ , then  $S$  says something true if and only if both  $S$  and  $S^*$  have a prescriptive sentiment toward  $\varphi$ -ing. Prinz's theory about ought-judgments about other persons, then, combines Appraiser Relativism with Agent Relativism: a statement by the appraiser  $S$  that some other person, the actor  $S^*$ , ought to  $\varphi$  is true only if the norm that  $S^*$  should  $\varphi$  has authority over both of them (which is the case if they both have a prescriptive sentiment toward it). (pp. 175–180) I think that there are several problems with this theory as it stands, but here I will assume, for the sake of argument, that Prinz's sentimentalism is correct, and focus on Prinz's critique of Hume's Law. I will argue that, even if sentimentalism is correct, there is no reason to think that Hume's Law can be violated.

## 2 Prinz's Argument Against Hume's Law

According to Prinz, if his sentimentalist theory is true, we can in a sense break Hume's law by deriving an *ought* from an *is*. His argument runs as follows:

- (1) Smith has an obligation to give to charity if 'Smith ought to give to charity' is true.
- (2) 'Smith ought to give to charity' is true, if the word 'ought' expresses a concept that applies to Smith's relationship to giving to charity.
- (3) The word 'ought' expresses a prescriptive sentiment.
- (4) Smith has a prescriptive sentiment toward giving to charity.
- (5) Thus, the sentence 'Smith ought to give to charity' is true.
- (6) Thus, Smith has an obligation to give to charity. (page 5)

Propositions (1)–(5) are all descriptive. What about (6), though? Does it state a prescriptive fact? According to Prinz, the phrase 'prescriptive fact' is ambiguous between (a) a fact about what someone is obligated to do, and (b) an 'ought'-fact, that is, a prescriptive judgment. Above, I explained what, according to Prinz, ought-facts are. That leaves us with obligations. According to Prinz,  $S$  has an obligation to  $\varphi$  if and only if  $S$  has a prescriptive sentiment toward  $\varphi$ -ing. When it comes to obligations, then, Prinz is an Agent Relativist: whether  $S$  has an obligation to  $\varphi$  depends solely on  $S$ 's prescriptive sentiment toward  $\varphi$ -ing. Thus, according to Prinz, sadists have an obligation to be cruel, World War II Japanese soldiers had an obligation to sacrifice their lives as Kamikaze pilots, and the Akamaras are under an obligation to engage in cannibalism. (pp. 7, 176) One can say that each of these statements are true, while denying, say, that sadists *ought to* be cruel. Hence, claiming that  $S$  has an obligation to  $\varphi$  (a fact about someone's obligation), is clearly different from claiming that  $S$  ought to  $\varphi$  (an 'ought'-fact). One would say something true in saying that the Akamaras ought not to engage in cannibalism only if one has a prescriptive sentiment against the Akamaras' engaging in cannibalism

and the Akamaras have a prescriptive sentiment against their engaging in cannibalism.

Since (6) only implies that Smith *has an obligation* to give to charity, *not* that Smith *ought* to give to charity, Hume's Law has been violated in the sense that we can derive a prescriptive fact of kind (a) from an is. We *cannot* derive a prescriptive fact of kind (b) from an is. Nonetheless, given that Hume's Law is widely accepted, it would be important for ethicists if Hume's Law has been violated in *some* sense. According to Prinz, if his sentimentalism is true, it follows from his argument against Hume's Law that ethics can be approached as a social science: all we need to do to find out what obligations we have is to gather empirical data about people's prescriptive sentiments. (page 1)

Is the argument convincing, then? I think it is not. In what follows, I argue that the argument is problematic in at least three respects.

### 3 First Problem: The Conclusion Is Not Prescriptive

First, according to Prinz, "[t]he conclusion of the argument is a prescriptive fact." (page 3) However, (6) does not really state a prescriptive fact. I agree that this sentence is plausibly understood as stating a prescriptive fact *when used in ordinary language*. On Prinz's theory, however, the phrase '*S* has an obligation to  $\varphi$ ' has a rather specific meaning: *S* has an obligation to  $\varphi$  if and only if *S* has a prescriptive sentiment toward  $\varphi$ -ing. In saying that Smith has an obligation, then, I am merely saying that Smith has an emotion or a sentiment (a disposition to have an emotion) toward  $\varphi$ -ing. But, clearly, that is *not* a prescriptive fact. In saying such a thing, I am not *prescribing* any behavior to anyone; I am merely *describing* one of Smith's emotional states. I am not even prescribing any action to Smith himself. I may have all sorts of reasons to try to prevent Smith from acting on his emotion or sentiment and, therefore, have no inclination whatsoever to prescribe to Smith the action of giving to charity. I may believe, for instance, that he is virtually bankrupt and that he should, therefore, not give anymore to charity. The conclusion of the argument, proposition (6), only *seems* to be a prescriptive statement because in ordinary language we often use the phrase '*S* has an obligation to  $\varphi$ ' to prescribe  $\varphi$ -ing. But that is *not* how it ought to be understood in Prinz's argument, if we take Prinz's account of what it is for someone to have an obligation seriously. It seems, therefore, that Hume's Law has not been violated in any relevant sense.

One may object that the statement that Smith has an obligation to give to charity is stronger than it might look, for it seems that, even if I believe that Smith should not to give to charity because he is virtually bankrupt, I will still believe that Smith has a *prima facie* obligation to give to charity, an obligation that is overridden by the obligation to keep himself alive. The problem with this reply is that the example can easily be revised in such a way that it seems that Smith does not even have a *prima facie* obligation to do that toward which he has a prescriptive sentiment. Thus, imagine that Smith is morally perverse and that he has a prescriptive moral sentiment toward racial discrimination. On Prinz's view, it would follow that Smith

has an obligation to treat people on the basis of racial discrimination. But, clearly, in any ordinary sense of the word, Smith has no such obligation, not even a *prima facie* obligation that is overridden by another obligation or by other facts concerning his circumstances. The fact that, on Prinz's view, in such a case Smith has an obligation to treat people on the basis of racial discrimination shows that the word 'obligation' in proposition (6), the conclusion of the argument, is used merely stipulatively and that we have *not* derived any kind of *ought* – in the normal sense of the word – from an *is*.

#### 4 Second Problem: A Violation of the Principle of Disquotation

Second, by the widely accepted principle of disquotation, according to which we can derive from 'It is true that *p*' that '*p*', we can derive from "the sentence 'Smith ought to give to charity' is true" that 'Smith ought to give to charity'. But then, contrary to what Prinz claims, we *can* derive a prescriptive fact of kind (b) from premise (5) of the argument. Prinz is willing to bite the bullet and rejects the principle of disquotation. He realizes that, since this principle is near-universally accepted, this move is problematic unless he can provide further counter-examples to the principle. He, therefore, provides what he considers to be another counter-example to the principle of disquotation:

Suppose Smith utters the sentence, 'I am Smith.' That sentence is true. It does not follow that I am Smith. Disquotation is not always allowed when we use indexicals such as 'I'. I believe that 'ought' is like an indexical in that its meaning is not exhausted by its contribution to a proposition expressed. (...) the case of 'I' simply shows that disquotation has well-known exceptions. If 'ought' is an exception, and if it works like 'I', then my argument is sound. (page 7)

Prinz's counterexample to the principle of disquotation is meant to show that we *cannot* derive from 'It is true that I am Smith' that 'I am Smith'. This is obviously true if 'It is true that I am Smith' is uttered by *Smith* and 'I am Smith' is uttered by *Prinz* or by *me*. For when *Smith* utters the first sentence, he says that it is true that *he* (Smith) is Smith, and that is clearly true, whereas when *Prinz* utters the second sentence, he says that *he* (Prinz) is Smith and that is, of course, false. All this shows, however, is that sentences containing indexicals are true relative to a certain individual (or time or place). When both sentences – 'It is true that I am Smith' and 'I am Smith' – are uttered by the same person, whether Smith or Prinz or someone else, so that the word 'I' in the first sentence and the word 'I' in the second sentence have the same referent (namely Smith, or Prinz, or someone else), it is clear that the principle of disquotation is *not* violated. Surely, Smith can derive from 'It is true that I (Smith) am Smith' that 'I (Smith) am Smith', and *mutatis mutandis*, the same applies to everyone else. It follows from this brief discussion that Prinz has not provided a convincing counterexample to the principle of disquotation. Prinz's objection can easily be met by acknowledging that sentences containing indexicals are true relative to a certain individual, time, or place.

Keeping this in the back of our minds, let us return to Prinz's argument. Below, I return to the question of whether (5) can be derived from (1)–(4). Here, I will assume that (5) does indeed follow from (1)–(4), as Prinz claims. On (5), the sentence 'Smith ought to give to charity' is true. But then we can, by the principle of disquotation, derive that Smith ought to give to charity. But remember that, on Prinz's sentimentalism, Smith ought to give to charity if and only if Smith has a prescriptive sentiment toward giving to charity and so does the person who utters the sentence that Smith ought to give to charity. But this means that when we have derived that Smith ought to give to charity, we have derived an *ought* (a prescriptive statement) from an *is* (a descriptive statement), so that Hume's Law has been violated after all. Hence, if (5) follows from (1)–(4), then, contrary to what Prinz claims, we *can* derive from that a premise that violates Hume's Law, not only in the (a)-sense of 'prescriptive fact', but also in the (b)-sense of 'prescriptive fact': we can derive a full-blown prescriptive statement – rather than merely someone's having an obligation – from purely descriptive statements.

### 5 Third Problem: A Crucial Ambiguity in the Argument

However, my third and final point is that there is a crucial ambiguity in Prinz's argument against Hume's Law. The ambiguity is as follows:

- (a) If (5) is understood in such a way that it – or what can be derived from it by using the principle of disquotation – conflicts with Hume's Law, then (5) does not follow from (1)–(4).
- (b) If (5) *does* follow from (1)–(4), then (5) – or what can be derived from it by using the principle of disquotation – does not violate Hume's Law.

Let us consider the horns of this dilemma in the order in which I presented them. Remember that proposition (5) is as follows: "Thus, the sentence 'Smith ought to give to charity' is true." In order for this to conflict with Hume's Law, it should have prescriptive force. Thus, when *we* derive from the preceding premises that it is true that Smith ought to give to charity, that statement should have normative force for us (normative authority over us). But how are we supposed to arrive at such a normative statement from the preceding premises? On premise (1), Smith has an obligation to give to charity if 'Smith ought to give to charity' is true. But, as we saw, it suffices, on Prinz's sentimental theory, for Smith's have an obligation to give to charity that *Smith* has a prescriptive sentiment toward giving to charity, which, (4) states, is indeed the case. This leaves us with (2) and (3). On proposition (3), the word 'ought' expresses a prescriptive sentiment, and on (2), 'Smith ought to give to charity' is true if the word 'ought' expresses a concept that applies to Smith's relationship to giving to charity. But, given Prinz's sentimentalism, (2) should be read as:

- (2') 'Smith ought to give to charity' is true, if the word 'ought' expresses a concept that applies to Smith's relationship to giving to charity *and this sentence is uttered by someone who has a prescriptive sentiment toward Smith's giving to charity.*

But nothing in (1)–(4) entails that *we* have a prescriptive sentiment toward Smith's giving to charity. Hence, *we* cannot derive from (1)–(4) that (it is true that) Smith ought to give to charity. Now, we could of course plug in such a prescriptive sentiment, so that (4) reads:

- (4') Both Smith and we have a prescriptive sentiment toward Smith's giving to charity.

We could then derive an 'ought'-fact, a prescriptive fact of kind (b), namely that Smith ought to give to charity, from the conjunction of (1), (2'), (3), and (4'). However, this 'ought'-fact would then at least partially be derived from another (if not the same) ought, namely our prescriptive sentiment toward Smith's giving to charity. But then Hume's Law has *not* been violated, for then we have derived an *ought* from something that is at least partially also an *ought*, at least on Prinz's sentimentalism, namely our own prescriptive sentiment toward Smith's giving to charity. For, on Prinz's sentimentalism, if we have a prescriptive sentiment toward Smith's giving to charity and if Smith does so as well, it is true – we can say truly – that Smith ought to give to charity. Thus, we would have derived an *ought* from premises at least one of which also contains an *ought*, and not merely from premises that contain only an *is*.

Keeping in mind that (2) should be read as (2') – the sentence 'Smith ought to give to charity', is uttered *by Smith himself or someone else who has a prescriptive sentiment toward giving to charity* – (5) follows from (1)–(4) only if it is understood along the following lines:

- (5') Thus, the sentence 'Smith ought to give to charity' is true when it is uttered by Smith himself or someone else who has a prescriptive sentiment toward Smith's giving to charity.

But, clearly, we cannot derive from *this* that Smith ought to give to charity. For, on Prinz's sentimentalism, *we* can truly say that Smith ought to give to charity only if both Smith *and we* have a prescriptive sentiment toward Smith's giving to charity. The fact that there is someone who can say truly that Smith ought to give to charity – or that Smith ought to engage in cannibalism or that he ought to be cruel toward other people – does not have any moral authority over *us*, because, for all we know, it may conflict with our value system (as the example of Smith's engaging in cannibalism or Smith's being cruel toward other people easily demonstrates). Thus, we have not derived any substantial *ought* from an *is*.

## 6 Conclusion

Jesse Prinz has offered an argument to the effect that there is “a way to cross the *is/ought* boundary.” (page 1) The basic idea of his sentimentalism is that oughts and obligations should be understood in terms of people's prescriptive sentiments and



that, given that the latter are purely descriptive, whereas the former are prescriptive, Hume's Law can be violated, at least in some sense of the word. I have argued that Prinz's argument is problematic for three reasons. First, the conclusion of his argument is merely that someone has an obligation to do something. On Prinz's sentimentalist theory, this means merely that that person has a prescriptive sentiment toward doing that thing. That, as such, is not a normative statement endorsed by the speaker. So, Hume's Law has not been violated in any sense of the word. Second, Prinz's argument violates the principle of disquotation. According to Prinz, we cannot derive from "the sentence 'Smith ought to give to charity' is true" that "Smith ought to give to charity". Prinz's argument against the principle of disquotation is unconvincing, because he fails to take into account the implications of the fact that the relevant sentences contain indexicals and are, therefore, true relative to a certain individual, time, or place. Third, depending on how it is interpreted, the crucial premise in Prinz's argument that it is true that Smith ought to give to charity either violates Hume's Law but does not follow from the preceding premises (unless we add a premise which, on Prinz's theory, has itself prescriptive force), or it follows from the preceding premises but does not violate Hume's Law. I conclude that Hume's Law stands unscathed.<sup>4</sup>

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