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## In outline: A new perspective

Contemporary value theory is caught in a veritable thicket of problems. A new “instrument” is required to clear a path through the dense shrubbery. One such philosophical instrument has been forged by the Dutch philosophers Herman Dooyeweerd and D.H.Th. Vollenhoven.<sup>1</sup> In this chapter we propose to test the cutting edge of this new “machete,” the Philosophy of the Law-Idea, on the tangled undergrowth. Since a detailed exposition of this expansive as well as elaborate philosophic position is impossible within the confines of this study, we shall only set out to show that the recognition of a structural law-order which *holds for* reality (and thus can never be confused with or identified with empirical reality) provides a perspective for a “way out.”

### FUNDAMENTALS

#### *The Law-Order*

The entire cosmos, including mankind, stands under the structural<sup>2</sup> law-order of creation. This structural law-order is made up of a rich diversity of modal laws which determine, as well as limit the behavior of things, plants, animals and man. One can distinguish various such aspects or modalities of reality; namely, the numerical, spatial, kinematic, energetic, biotic, psychic, logical, historical, lingual, social, economic, aesthetic, juridical, moral and pistical (or the aspect of belief). Each modality expresses itself in all other modalities, and in turn mirrors all the other aspects. This representation takes place according to the fixed irreversible order of the aspects. Each “lower” or “earlier” modality by means of analogies called *anticipations* refers to all the “higher” or “later” modalities, and each “higher” falls back on the lower by means of analogies called *retrocipations*. This “sphere-universality, as it is called, does not in the least abrogate the mutual irreducibility or “sphere-sovereignty” of the aspects. All the analogies retain the *qualification* of the aspect concerned; they only approach or remind one of the *other* modalities.

These modalities do not as such refer to concrete “whats” (things, events, etc.) but to the “how” of these whats, to the diverse *ways* or *modes* in which we can experience them (a thing is experienced as alone/in pairs/in umpteens, as heavy/light/big/small, as fast/slow, as expensive/cheap, as stolen/borrowed/owned, as lovable/reprehensible, as ugly/beautiful, etc.). Since these aspects, although mutually irreducible, are bound together in an intermodal coherence and thus never appear alone or isolated, they are always experienced as *facets* or *aspects* of concrete things, events, etc. Thus one can also talk of the various *functions* of a concrete whole. In principle a concrete thing,

man, plant or animal functions in every aspect, sometimes as *subject*<sup>3</sup> and sometimes as *object*. Only man, however, has subject-functions in all the aspects. A rose, for example, has a subject-function in the biotic aspect (it lives) but cannot function as a subject ethically (it does not love). Nevertheless, a rose can function as an ethical *object* to the ethical (human) subject (“say it with flowers”). Or again, a physical thing such as a Stone is a physical *subject* but at the same time in that it can be seen and distinguished it has a psychical and a logical object-function. If the said stone is a diamond and is part of an engagement ring, its always-present but latent ethical object-function has been actualized. Concrete experience functions by way of this subject-object relation.

### ***Knowledge***

The possibility of knowledge and *a fortiori* of theoretical knowledge rests completely in the *given* coherence of the cosmos. Man has no access-to-reality problem because he himself is part of reality. The modal aspects of reality are not alien to him, they are also his. Man is intuitively aware that reality is also *his* reality. This general awareness of reality, including a general consciousness of norms, comes over man in intuitive self-reflection.<sup>4</sup> Mankind’s recognition of justice and morality, for example, is evidence of the everyday, concrete, non-scientific, intuitive grasp of the meaning of the ethical and juridical principles. Since man is taken up in the full reality, he only grasps the modal aspects implicitly within the total structures which he experiences, and does not bring to conscious articulation the explicit character of ethical norms in contrast to logical or social norms etc. In more technical language (attaching to the previous paragraph), mankind is able to distinguish logically and come to knowledge through what is called the logical object-side of reality.<sup>5</sup>

### ***Norm-Laws***

For our study it is important to notice that not all the modal laws *obtain* or *hold* in the same way. The “natural” laws (laws for the pre-logical aspects) hold *without* human recognition. That which is subject to these laws (things, plants, animals and man to a certain extent) cannot withdraw from them. But in regard to the laws for the logical and post-logical aspects the matter is different. These laws—we shall call them norm-laws’ (in contrast to the “natural” laws)—demand human recognition and require concretization (positivation) and formulation. It is precisely because these laws demand human recognition before they can be fulfilled that they are called norm-laws. It is not that norm-laws are any less law because they require recognition. Rather, exactly in *requiring* they reveal their law-character. The requisite human acknowledgment is the law-ordained means by which such laws are subjectively realized and effectuated.

Neither does the possibility of the non-observance or trespassing of norm-laws in the least endanger their holding-force. Much rather, such disobedience can only take place within the cadre and framework of the law and the possibilities it affords. Thus, adultery is an immoral (not amoral) act. Ethically-good as well as ethically-bad acts are both ethical in character; that is, they both find their meaning in relation to the ethical norm-law.

In other words, recognition of the norm-laws always takes place—be it in abeyance. Without such recognition human existence would be impossible. Yet, it belongs to the

distinctiveness of these norm-laws that man is free to disobey these laws (within certain limits, namely, the limits marked out by the norm-law). Having recognized the norm-laws, one must positivize and formulate them into positive laws or norms. These positive laws, it is obvious, derive their validity, their compelling character, their binding force, from 'the firmness and steadfastness of the law-order. Without the anchor-relation to the law-order, positive law is adrift, and sooner or later would dash itself to pieces on the rocks of naturalism, historicism, relativism and subjectivism. In actual fact, this "breaking to pieces" is always hampered, and ultimately defeated by the presence of the anchor. However, in that theoretical accounts seek to do without the "anchor," they are fraught with tensions.

### ***Positivation***

By observing certain regularities, certain law-conformities given in experience, one acquires insight into the norm-laws to which they refer. On the basis of such knowledge one is able to concretize (positivize) positive laws. However, since this knowledge of the law is indirect (the norm-laws, as structural laws holding for, are never present at hand, but are the very condition of that which is present at hand and which can be grasped), the resultant positive laws are always open to correction and revision. In addition, positive laws must be revised from time to time in accordance with the stage of cultural integration and differentiation.

Positivation or concretization is an inherent element of the post-historical law-spheres. It is the historical retrocipation of these spheres (underlining the point that positivation depends on the stage of cultural development). The historical and logical analogies of the post-historical spheres reveal themselves in the possibility of free human choice and judgment in positivation. Positivation (of whatever kind) is a human act and as such it takes place on the subject-side of the cosmos.<sup>7</sup> However, the intended *results* of human positivizing are taken up in the normativity complex and receive normative status. Although it remains difficult to explain, it can be said that the possibility (as well as the fact) that human "positivations" acquire normative status rests as a given in the creation-order. It stands as the corollary of the "built-in" requirement of the norm-laws of creation that they be recognized and concretized *before* they function properly. For their realization the norm-laws<sup>8</sup> demand even as they induce formative activity. This appeal to the subjective formative will is part and parcel of their very nature. On the one hand, it is not that these laws lose their holding power without the cooperation of the subject, much rather that their power cannot rightly come into force. On the other hand, a subject in his law-bound condition cannot resist positivizing. In brief, one *must will* to positivize. Any failure in this respect is not in the first place impotence but wilful disobedience. The glory of man's task as man—as distinct from the rest of the creaturely—in that he is called upon to take a free, responsible, spontaneous role in the opening-up of the meaning of creation comes into unique focus in the process of positivation.

## NORMS, VALUES AND VALUATION

### *Facts and Values*

Turning to the problematics which we have been discussing, the first matter which requires emphasis is the nature of “facts.” Facts do not enjoy an objective, self-sufficient, *an sich* existence. There is no such thing as a “brute fact.” It is not that facts stand by themselves and as the occasion affords are perceived as such. Facts can only be known in their meaning-character in relation to a law-order, and can only exist as law-conformable. A certain fact is a fact when and because it answers to a certain law-structure (holding for facts of a typical kind). Facts and law-order are in correlation. Without the law-order to define and determine, there could be no facts. Without the facts as those which answer to and subjectively realize the demands of the law, the law-order would be meaningless. Facts only speak when structured. An awareness of law-order is a prerequisite for the acquisition [sic] of any knowledge of the facts. Without at least an implicit sense of the diverse law-spheres, one could not assimilate physical, economic, ethical and all the other kinds of facts. Nor could one distinguish one kind of fact from another. Any reference to fact is by definition a reference to *some kind* of fact. This means that there are not only so-called “natural” facts (the rustling of leaves, the flowering of a tree, the purring of a cat) but also facts bearing a normative qualification; economic, ethical, aesthetic, etc. (buying a car, caressing a child, enjoying a concert). Apart from normative structures, there is no way to acknowledge the institutions one confronts in reality, such as state, church and family. The relationship or correlation of fact and norm is obvious, for example, when one talks of a *good* family. But it is just as real when one names a certain group of individuals a family. How does one know that this particular group is a family? There is only one answer: it meets the norm for the family.

In view of the historic ballast burdening the term, one is advised to use extreme caution in any mention of the term “value.” Values in our view must simply be facts, acts, things, events which in a high degree live up to the relevant norms.<sup>9</sup> These values in no wise exist by themselves. Values are *referential* in character and only in this reference to the law-order do they possess meaning. As such, they are only possible as a result of prior subjective recognition of the structural law-order of creation. In order to guard against the danger of substantialized values, it is the better part of caution to speak of having value: certain subjective conditions answer to the norm. When something is said to have value, there is, as we have seen, no sense in which the thing is intrinsically valuable. On the other hand, it is not valuable simply because of a subjective arbitrary human choice. Certainly, subjective judgment or valuation is involved. But the key element is the *norm* according to which subjective evaluation examines the object and decides its value.

Thus, when someone remarks that this lamp or that plant etc. is valuable, the first question that must be answered is this: in *what way* is this valuable? Is the lamp worth a great deal of money? Or is it valued because it is a gift from a friend? Perhaps it is beautiful? Does it add something to the atmosphere of the room? In the same way one can judge the value of a highway economically (too expensive), aesthetically (beautiful; follows the contours of the landscape), technically (asphalt or concrete), etc. In each case, although a thing or an act can be evaluated according to various criteria, all such evaluations are more or less directly related to and affected by a

“primary” valuation as to how well it lives up to its nature as thing or act qualified in a particular way with a typical internal structure. Thus, for example, an evaluation of a lamp (of whatever kind) is bound by the fact that a lamp has a *socially* qualified objective destination. *Description as Evaluation*

As is obvious, we have done away with any fact-value dualism with its split of the cosmos into a norm-saturated and a norm-free area. In our view facts (of whatever kind) answer to a law-structure, and in the degree that such subjective realities answer to the law-structure, they bear value (again of various kinds). All this implies that description cannot stand over against evaluation as objective over against subjective. Description of facts, just as much as their evaluation, is an act of judging, of valuing. That a rectangular scrap of paper imprinted with colored ink is on occasion rightly *described* as a “ten dollar bill” is only possible because of the existence of the so-called “institution of money. That an exchange of “I do’s” is on occasion to be described as the act of marrying is made possible by the existence of the institution of marriage. When the relevant criteria are fulfilled; that is, when the circumstances are to be *described* in a certain way is a matter dependent on human evaluation. Even describing X as rock, sand, rain or wind demands evaluation in reference to a law-structure.

Whether a certain act is to be described as adultery, fornication or married love depends on the existence of the institution of marriage. If one does not accept the institution, the form it has assumed in our society, and the ethical norms involved, it makes no sense to speak of adultery, fornication or married love. However, to limit the description to the physical, biotic and psychical aspects involved is to do injustice to the “facts” of the situation: human intercourse is reduced to animal copulation. Not only is it impermissible to de-humanize a human act, it is actually impossible. Such attempts always, in the first place, presuppose the essential humanness of the act described. This is most obvious perhaps in the manuals for love-making. Animals do not need and have no use for such manuals. Moreover, even when reducing intercourse to copulation, the act is called love-making. But animals do not love. And thirdly, one discovers as a compensating factor, a mystical pean to the praise of romantic love which has no real connection with the description itself. Love and intercourse are of one piece in marriage. If once separated, all attempts to recover the lost-unity are precarious and inadequate.

It is impossible to suppose that facts can be described without evaluation, objectively so to speak, without incorporating any subjective element. The difference between what is customarily termed description and evaluation lies only in the purposes for which, and the criteria by which one judges. In both cases criteria are required. One either seeks to ascertain with the use of the relevant criteria whether X belongs to groups A, B, C or he is out to gauge, again with the proper criteria, how well X lives up to its function or purpose as member of group A, B, or C.

One must judge in the *same* way when he has to decide whether a stout solid club, one end thicker than the other, is to be *described as a* baseball or cricket bat as when he must decide whether a bat is to be evaluated as good, average or poor. But in the former case since bats are always made according to certain specifications (they are all very much alike) one evaluates that X is a base-ball bat without explicitly going through the process—with the proviso that once upon a time one was explicitly taught

the characteristics of a baseball bat. In the latter case, since one can rate a bat according to various criteria, including suitability for the type of batter, there is bound in general to be much more explicit attention to the moment of valuation involved. This need not, however, be the case. Thus, for example, whereas someone unacquainted with the game of baseball would have difficulty in judging which club to describe as a baseball bat, a professional player would not hesitate a moment before judging which bat he evaluated as good.

At this point it is well to remember that a complexity of enormous proportions arises in the description (as well as evaluation) of facts bearing a normative qualification. Although the “natural laws” do not require human recognition before they function properly, norm-laws do require this human cooperation. Thus, even before economic, aesthetic or ethical facts etc. can be established, the norms in correlation with which these facts can be ascertained must be positivized. And since this positivization depends on human insight which varies from individual to individual, from community to community, and from generation to generation, there is more possibility for disagreement in ascertaining an ethical fact (X is an act of murder) than in ascertaining, for example, a biotic fact (Y is a rose).

Nevertheless, one must not give in to the temptation to maintain that evaluation is only involved in the *former* case and not in the *latter*. As if an act of murder is not just as factual as a rose! Subjective valuation is involved in both instances. Thus, one not only can challenge whether X was murder, he can also challenge whether Y is a rose. Since evaluation is involved in both instances, debate as to the nature of Y is by no means imaginary. The fact that there is relatively more agreement in the latter case does not plead for the reality of a descriptive-valuative contrast.

### ***Evaluation as Logical Distinguishing***

Evaluation is a completely subjective human act in which man enjoys freedom and responsibility under the law-order of creation. It may not be conceived of as an act in which the autonomous subject calls “values” into being, nor may it be deprived, on the other hand, of the real element of freedom involved. Whether one describes or judges, appraises or estimates, evaluation is involved.

The all-important point for our discussion is that evaluation as such never takes place. It always bears a more precise law-oriented qualification; one speaks of ethical evaluation, economic, social, legal evaluation etc. There can be as many qualifications as normative law-spheres. This is not in the least to deny that every act of evaluation, regardless of its qualification, includes the element of logical distinguishing. It necessarily has such a logical basis and is never a-logical. Evaluation is simply impossible without knowledge of norms, and such knowledge, possible because of the intermodal coherence between the analytic aspect and the non-analytic aspects, depends in the first place on logical distinguishing. It is precisely the logical basis which raises the post-logical spheres above the pre-logical spheres and ushers in for the first time, modally speaking, the moment of human freedom and choice.

The heart of the matter is that in both descriptive and evaluative acts of whatever qualification the moment of logical distinguishing plays a crucial foundational or conditioning role. The difference between description and evaluation, between

knowing and valuing, has *nothing* to do with the nature of the acts involved. It is not that a so-called descriptive or logically qualified judgment can (in a normal situation) claim universal validity and thus truth in contrast to an evaluative judgment which remains basically irrational, subjective and individual. Every judgment qua judgment has an analytic aspect. There is no contrast possible between acts of (logical) “knowing” and (post-logical) “valuing” in the sense that one is logical and the other a-logical, the one analytically qualified and the other (usually) psychically. Logical truth-judgments are in every sense as subjective as post-logical, e.g. ethical, or economic truth-judgments. Logical evaluation and ethical evaluation differ only in the qualifying aspect of the act. A knowing and valuing contrast is simply an impossible division: the results of theoretical thought as knowledge must always be evaluated in order to be of use, and not only is the scientific inquiry guided and directed by evaluative considerations, it is in itself, as inquiry, an evaluative matter.<sup>10</sup> Ethical (economic, aesthetic, etc.) judgments are not indifferent to the logical norm of contradiction. They cannot (legitimately) be self-contradictory. The difference is that they are not, as theoretical judgments are, logically qualified.

Of course, a judgment which simply expresses the opinion of an individual does not claim universal validity. But when the same individual, no longer asserting that “I at least think that this is beautiful,” simply exclaims, “this is beautiful,” he is claiming that his judgment holds—at least ought to hold—for every (normal) subject. It claims to be true, and if it is, it has universal validity.

If someone not only rejects our claim that practical, that is, pre-theoretical evaluative judgments can have universal validity, but also asserts that there is no universally valid norm for, say, ethical valuation, he is skating on perilously thin ice. For then he must refrain from any kind of ethical evaluation which is to apply to anyone other than himself. If such an individual claims, for example, that adultery in certain instances is moral, he is contradicting himself. It is self-contradictory to deny the existence of universal norms and then to claim that a certain thing is good or bad, true or false, efficient or inefficient, valuable or valueless, etc. If it is accepted that marital fidelity is an ethical good, if it is valued highly, then, to judge that adultery is immoral, or fidelity moral, has *universally valid meaning*. But if such judgment lacks universal meaning, then it makes no sense to consider fidelity a morally good act. It is all or nothing.

### ***Ethical Evaluation***

As has been suggested earlier, an act of valuation always bears a more precise qualification. What is now to be said about an act of ethical evaluation applies *mutatis mutandis* to all non-theoretical acts bearing a normative qualification. Ethical evaluation is to *be* seen as an ethically qualified act in which the (always-present) analytical function comes to the fore in such a manner and with such emphasis that it “determines” or “specifies” the distinctive individuality of the act. This in contrast to other “types” of ethical(ly qualified) acts in which another function “determines” or “specifies” the typical individualness. For example, an act of kissing—although the analytic aspect (along with all the others) continues to play its peculiar role in accordance with its place in the law-order—receives its uniqueness, its particular character from the determining or conditioning role of the psychical function and thus has a typical ethical-psychical structuration. In a similar way an act of evaluation, e.g.

when one considers the advisability of kissing someone, or has “second thoughts” as to the wiseness of a past action, receives its “mark of distinction,” its “individual face” as an ethical act from its *ethical-analytical* structuration. In the first instance, the analytic aspect plays a rather unobtrusive albeit still important role within the act of kissing. Unobtrusive in that it finds its place between the aspects—the ethical and psychical—which determine the act in its main lines. Important in that it fulfills its own inconvertible role as the foundational or conditioning moment in any human activity. Demonstrations of love are not instinctive or mechanical; they always presuppose logical insight.

During the execution of such ethically qualified acts, one from time to time deliberately and purposively pulls back and judges the propriety of his actions in various respects according to the relevant norms. Then we have instances of evaluation. In such cases the analytic aspect comes to the fore in such a way that the “individual face” of the act changes even though the ethical qualification clearly remains. The same holds true for acts of valuation bearing another qualification: one has to do with aesthetic-analytic, economic-analytic, etc. structururations. In such an act of evaluation, one distinguishes, describes, arranges, combines, eventually judges and decides under the leading of the qualifying function. Although it is the qualifying function which, so to speak, colors the evaluation, it is the logical base moment which fleshes out the color as to tone and hue.

The relation of the ethical and analytical aspects in acts of ethical evaluation, or in general the relation of the qualifying and founding function in evaluative acts, deserves further attention. In tandem these functions determine such acts in their main lines. From the viewpoint of the qualifying function: it leads the unfolding of the foundational function but at the same time it must resort to this function for further delineation of the typical character of the ethical act. When, in Dooyeweerd’s technical terminology, the qualifying function lacks an original or nuclear modal type of individuality, one must for a more precise determination of an act fall directly back upon some other original or peculiar modal type of individuality.<sup>11</sup> Returning to our examples: In the case of the ethical(ly qualified) act of kissing, since there is no ethical nuclear type of individuality, one must fall back upon the nuclear individuality type of the psychical. In the case of ethical evaluation, one must have recourse to the nuclear individuality type of the analytic.

From the side of the foundational function: it is opened up by the qualifying function even as its modal individuality provides the typicalness of the act. This opening-up is imperative since a foundational function “cannot be in a closed condition.... [but] can only be conceived in an anticipatory coherence with the leading function.”<sup>12</sup> For a more precise determination as well as classification of ethically qualified acts, one is referred to a foundational function. Such a function is relatively easy to locate in that it furnishes the “typical individuality” of the act in question.<sup>13</sup> At the same time, the qualifying function opens up the foundational function without, however, thereby disturbing its nuclear type of individuality.<sup>14</sup>

For an explanation of the regularity and frequency with which, relatively speaking, acts of valuing, pondering, reflecting, judging, considering, etc. occur, one need only remember that the analytic plays a *general, foundational* role in the normative spheres. Indeed, just because of this “lower” or “earlier” place in the law-order, the analytic aspect can be unfolded in more ways than the other normative aspects. Or



one could put it this way: it is part of the very character of human acts that they contain that which *induces, evokes, or elicits* further (or previous) deliberation and evaluation. But such valuation remains within the “cadre” or “framework” of the act which elicited it in the first place. And even though evaluation involves a “falling back” to the analytic as foundational aspect, it must be stressed that this “retreat” takes place with the express purpose of unfolding and deepening the meaning of the original act.

### ***Description and Evaluation: Their Difference***

Having thus far maintained that acts of ethical description and ethical evaluation are both to be explained by ethical-analytic structurations, it is clear that there is no sharp contrast between description and evaluation—both involve valuing. However, this is not to say that the terms ought to be employed interchangeably. Although evaluation is involved in observing the existence of a *family* as well as in judging that it is a *good* family, there is a typical difference involved which may not be overlooked. It is this difference which provides the descriptive-evaluative opposition with a semblance of truth.

Certainly, one must distinguish between activities in which one determines whether X belongs in category A, B, and C, and undertakings in which one notes the value of the members of categories A, B, and C respectively. In the former case one examines if X fulfills the criteria, or has the Constitutive properties necessary for it to be a member of a certain kingdom, class or group. In the latter case, one examines in how far X fulfills or fails to fulfill the criteria, or has or fails to have the adherent properties necessary for it to be regarded respectively an excellent, very good, good, or average member of the certain kingdom, class or group. In the first case of description the concern is whether or not an “object” answers to the structural norms which must be met if such a “thing” is to exist. Either it has or fails to have the necessary *constitutive* factors. It either conforms, to take an example, with the aesthetic norms for an art object, or it fails to conform; it is either an art object (poem, novel, etc.) or it is not. In the second instance (valuation) the concern is whether the object meets the “additional” norms which are positivized as insight deepens into what it *means* to be an art object. Granted that “it” fulfills the necessary and sufficient requirements valid for a poem, the issue is now whether it meets the “additional” demand or demands, whether it has the “adherent” aesthetical quality or qualities which make it in one or more respects a *great* poem.<sup>15</sup> However, and this is the most important consideration, evaluation is involved in both description and evaluation—only the criteria differ as the purposes vary.<sup>16</sup>

### ***Evaluation and Positivation***

It remains to relate our discussion of description and evaluation to the matter of positivation which we briefly mentioned towards the beginning of this chapter. Since positivation as well as description and valuation are subjective acts involving valuing, these activities form one process. Positivation can be seen as the last phase or last step of a series of descriptions and evaluations. That is: on the basis of knowledge gained in valuation-description, one decides to concretize a positive law. There is an on-going, never-ending interaction of valuation-description and positivation. A positive law or norm, as a specification of the structural norm-law, is valid as long as it has (or is thought to have) value in relation to previously positivized norms and in the final

analysis to the norm-law itself. A norm has value when it is recognized as valid. When, in the anticipatory direction, it becomes obvious that a certain norm no longer meets the requirements, it has lost its value and a new norm must be positivized which better embodies the norm-law.<sup>17</sup>

### ***Validity and Evaluation***

The actualization of norms and the evaluation of states of affairs finds its origin in the person who is the executor of the act. This evaluation and positivization is *unfolding*—not giving—of meaning and occurs as a necessary subjective answer to the law-order which in its revelatory, impinging character demands recognition. Acts are always answers to the Law. Human evaluation takes place in the *givenness* of the cosmic law-order, but it *begins* in (transcendental) self-reflection. This implies that the states of affairs open up, truly or falsely, to the evaluating subject in the anticipatory direction under the leading of the pistical aspect (either in belief or disbelief). For belief, as the terminal function, “is driven on directly by impulses from the religious root of human existence, either for good or for evil.”<sup>18</sup> Evaluation receives its full meaning and unity from the central choice of a man’s heart in answer to the Law of Love. This choice of obedience or disobedience gives the *direction* to the evaluation. How one evaluates and positivizes depends in the last analysis on the central direction (Good or Evil)<sup>19</sup> which “lives” in man’s heart and which directs man’s bodily (functional) life. The *validity* of human evaluation; that is, whether one truly recognizes what has value and what does not, depends on its agreement with the Law-order. Complete agreement with the law-order (in principle possible) is only possible when the evaluator stands *right* over against the Law of God and thus is *good* and up-right. Only when rightly directed is one’s evaluation in the last instance and in the full sense of the word valid.

Since Evil is parasitic on the Good, there is always and everywhere, regardless of personal status, a fragmented and relative recognition of true states of affairs. However, since it finds or rather attempts to find certainty in cosmic reality, disbelief sooner or later strangles or petrifies the process of valuation and positivization in its dynamic directedness to the Fullness of Meaning in Jesus Christ and through Him to God the Father. This is immediately obvious when it is realized that certainty implies a *resting-place*. If rest is found in some aspect or segment of reality, there is no impetus to further movement. The “complication” which shatters every such effort to find rest within reality is the fact that “nothing in creation rests in itself, but only finds its meaning—is meaning—in an interwovenness with all of creation in a continuous outward moving and pointing towards the Fullness of Meaning. Rest cannot be found in a rest-less creation.

## **ETHICS AS A SPECIAL SCIENCE**

### ***The Possibility of (Ethical) Theory***

The acts of evaluation described in the preceding section are pre-theoretical in character, that is, practical judgments which leave the concreteness and integrality of reality intact. One evaluates under the leading of ethical, economic, or whatever interests, but not theoretic. However, in that the analytic plays an out-standing (foundational, *not* qualifying) role in all acts of pre-theoretical evaluation, such acts

can easily function as the “corridors,” so to speak, by which pre-theoretical activity can pass over into theoretical thought.

Perhaps it is more accurate to say that such evaluative acts, especially in times of increasing cultural integration and differentiation, can serve as the occasions for or the inducements to new acts in themselves analytically qualified. The scientific investigation characteristic of the special sciences of ethics, economics, aesthetics, etc. begins precisely when one puts other interests aside and is in the first place theoretically interested in the matters at hand. Since our chief concern in explaining the make-up of evaluative acts was explanatory, we have been occupied theoretically, sketching in a *theory* of values and valuation.

The possibility of such scientific judgments and of scientific thought as a whole lies as an objective possibility given in creation. That is to say, reality has a logical object-side which can be opened up in scientific thought. In our theorizing about acts of evaluation the logical object-side of such acts is brought into the logical range of vision of the act of thought. In this process of abstraction from the knowable, intent on tracing out the law-structures, one turns away from the particular to the general, from the fullness of reality to a certain aspect of it.

The distinction between pre-theoretical judgments which participate part and parcel in the wholeness of experience and theoretical judgments which are abstractions from this wholeness, both in themselves valuational, is of decisive significance. It is the difference between a father’s advice to his son and an ethicist’s generalizing reflection on the *ethical aspect* of such fatherly advice; between a woman judging that the coat is a good buy and the economist reflecting on the buying habits of women. Whereas in the former instances one has to do with ethically and economically qualified judgments uttered in respectively ethical and economic situations, in the latter instances one has to do with scientific (analytically qualified) judgments *about* respectively an ethical and economic state of affairs. The failure to recognize the distinction at issue is abetted by the ambiguous use of terminology. The judgments of the father and the ethicist are both customarily considered “ethical judgments.” In the same way the judgments of the purchaser and of the economist are misleadingly grouped together as “economic judgments.”

Confusion on this matter has misled value theorists repeatedly. Value judgments (of the every-day variety) have been measured by the standards obtaining for theoretical value judgments. Failing to meet these requirements they have been dismissed as unscientific and irrational, or at least, as substandard. Only when one, it is said, speaks scientifically is he speaking truthfully—at least, in the full sense of the word. Value judgments are shunted aside as intellectually disreputable. Reaction challenging this scientism has set in, as we have seen, in the work of Moore, the later Wittgenstein and the school of Ordinary Language. Non-scientific life and its value judgments have received reprieve. Nevertheless, this laudatory appreciation of ordinary life and the respectability accorded its value judgments has not resulted in a proper understanding of the theoretic/non-theoretic relationship. Indeed, the danger is not unreal that the pendulum will swing to the opposite pole in which everyday judgments expressed in ordinary language are assigned normative status in scientific investigation. Here again the typical differences between non-theoretical and theoretical judgments are ignored.

### ***The Science of Ethics***

According to the theory of law-spheres which we have previously explained in outline, ethics must be seen as a *special* (modal) science. No longer does it have as its field of investigation the whole range of human conduct, no longer does it have a monopoly on matters of goodness and on normativity in general; it is restricted to the *irreducible* aspect of experience called the ethical. Ethics as a science must investigate 1) the ethical norm-law, 2) that which is subject to the law, and 3) the correlation between the law-side and the subject-side. The ethical law holds for, it is universally valid for, all that is ethical, but *only* for that which is ethical. Neglect of the *modal* limitation of the ethical law results in the hegemony of the ethical over other modal areas or in the (mis)application of other modal laws in the ethical area. In the one case we have a moralism, in the other a psychologism, logicism, etc. Later we shall have opportunity to expand on these matters.

It is the aspectual character of the ethical which guarantees the possibility of ethical science. Since ethics is one of the sciences dealing with territories subject to norm-laws, in this case the ethical, the question as to whether ethics is descriptive, normative or meta- is altogether irrelevant. In all her activities, in description and in evaluation, ethics must take account of the norm-law. Even ascertaining ethical facts, as we have seen, involves evaluation in relation to norms. This concern for the norm-law does not mean leaving reality (metaphysically) for the regions beyond. Rather it demands that one go to work empirically (not empiricistically), for it is only through contact with the regularities in experience that we gain knowledge of these norm-laws. The conformities point to the laws themselves which are the very conditioning factors necessary for the occurrence of such regularities.

It is also this law-aspect which enables ethics to speak in universally valid terms. For only in relation to a norm is it possible to speak of universal validity. In the proportion that an ethics refuses to speak of norms, in that degree there always remains an unbridgeable chasm between the individuality of ethical phenomena and the scientific desire to trace out the universally valid laws involved. At this point stress must again be laid on the fact that the ethical aspect is only *one aspect* of reality. This implies, on the one hand, that ethics studies the ethical aspect of *concrete realities* which in principle can also function in all other *aspects* of reality. Thus ethical science cannot ignore the other aspects (and the respective sciences involved) which also co-determine the meaning of the act, event, fact, etc. On the other hand, this also makes clear that, although ethics is an aspectual science, nothing in reality is in principle off-limits for her. Every human activity functions in all the law-spheres, and every thing, plant or animal has a potential object-function in the ethical. However, as a science ethics has a first and particular responsibility to investigate the states of affairs in which the ethical aspect plays a *leading or qualifying* role, as for example in certain communal relations (marriage and the family), certain inter-communal relations (friendship) and in certain subject-object relations (love of country, love of animals, etc.).<sup>20</sup>

Although it is incontrovertible that reality has an ethical aspect, it is difficult to describe and in the last analysis impossible to define its kernel moment (that point of commonness and cohesion in all that one qualifies as ethical). This is due to the very a-logical, irreducible nature of kernel moments. Indeed, if such moments could finally

be defined logically, there would be *nothing* to analyze. This would mean at the same time the absolutization and abolition of the logical. Although science must recognize its impotence to grasp the kernel-moment, it is just the existence of such non-logical moments which makes science possible.

In spite of the impossibility to capture logically the kernel moment, it is known, experienced and sensed *intuitively* by everyone. Notwithstanding the irreducibility of the aspects, there is an indissoluble coherence among them which comes to expression in their analogical moments. And since the ethical (as all aspects) has, among others, a logical analogy, it can be logically distinguished. Whether one should further choose to describe the kernel as “love”<sup>21</sup> or “troth” is a difficult question. While Dooyeweerd, Mekkes, Van Riessen and Troost choose for love in temporal relations,<sup>22</sup> Vollenhoven, Popma and Taljaard prefer to speak of fidelity or troth, in marriage and friendship.<sup>23</sup> Provisionally, partly because of terminological considerations, partly because love is often reduced to a feeling, and partly because love is generally confined to marriage and the family, it seems to this writer preferable to describe the kernel moment as “troth” (or fidelity).<sup>24</sup>

### ***In Comparison With Traditional Views***

In the concluding sections of this study, attention will be called to a number of difficulties in traditional theories of ethics which dissolve when ethics is considered a special science. It is our thesis that perspectives can only be fruitfully opened up if one accepts (pre-theoretically) the *givenness* of a law-order. One advantage of such an acceptance is obvious: scientists are no longer left to mark out arbitrarily and thus artificially the fields of investigation of the various sciences. Without such a law-order there is in principle no barrier preventing the sciences from extending their borders as they see fit. Edel has clearly seen the predicament facing the great majority of contemporary ethicists. “There is a pie to be cut, but there is no injunction about the number and site of the slices.” In reference to the *mark* of the ethical, he concludes that there “is no adequate ground for decisive judgment.... To waste energy in claims of primacy at this stage ... is folly.”<sup>25</sup>

A strong, he it negative, proof for the correctness of our *view* that ethics is a special, limited science is the inadequacy of the traditional views. If, as has been customary since the time of the Greeks,<sup>26</sup> ethics is taken to have reference to the practical life, with what one ought to do, with that which is good, the science of ethics stands for unsolvable problems. This is not difficult to explain. A man ought to do many things: he ought to love his family, he ought to promote justice, he ought to follow social conventions, and so forth. “Ethical” life in this sense is clearly not uniform or of one kind. There is patently a high degree of diversity. In this situation ethical science must break up into a number of different sciences (in which case they cannot all be called ethics) or ethics must attempt to capture this diversity in terms of one area (but such reduction is impossible as this diversity is the result of a plurality of irreducible norm-laws).

Once the traditional view is adopted, the ethical aspect as such is suspended. It disappears from sight, caught up in a so-called “universal ought.” But what is this “universal ought” with which ethics is to deal? Upon investigation, it falls apart into various “oughts.” There is the aesthetic “ought,” the jural “ought,” the economic “ought,” the logical “ought,” the lingual “ought,” etc. as well as the ethical “ought.”

An “ought” is not as such necessarily ethical, it is not constitutive for the ethical.<sup>27</sup> “Ought” is just as original or non-original in any of the normative aspects. It always bears a more precise qualification. It is the specific sense of the ethical which, in qualifying the ought, gives rise to the “ethical ought.”<sup>28</sup>

If nevertheless “ought” is still considered the field of investigation for ethics, a confused situation develops. On the one hand this means that the structural boundaries between the ethical and the juridic, between the ethical and the logical, between the ethical and all of the other normative aspects are shifted -with all the consequences that such violations entail, not only for ethics, but for the other sciences concerned. On the other hand, since an ought only appears with a more specific qualification, in order to develop a tenable ethical theory one is forced to introduce a supplementary criterion<sup>29</sup> and thus deal with more than an “ought.” And since there are no restrictions as to which particular ought one is to choose, it is possible that any of the “oughts” be auctioned off as “ethical.” The ethical ought itself is lost, or is at least suspended in the confusion.<sup>30</sup> The ethical evaporates as it were in thin air and a thinly disguised logicism, historicism, psychologism or some other “ism” remains. Lacking any structural restrictions, the ethical “box” is given any shape, size or content anthropology (Binswanger), cultural philosophy (Scheler), dogmatics (Barth), logic-linguistics (Hare), pedagogy (Bollnow), psychology (Schlick), politics (Brunner), sociology (Neurath), etc.

The outcome is the same when one prefers “goodness” as the mark of the ethical. Just as one discovers various “oughts,” one discovers that good and evil bear different meanings dependent on the area of concern. Besides being considered morally good or bad, an act can be economically good or bad, socially good or bad, technically good or bad, etc. To compose a bad (grammatically incorrect) sentence is not to be guilty of an immoral act. This obviously means that the general good-evil distinction cannot serve as the criterion for moral good and evil.<sup>31</sup> ***The Important Amoral-Immoral Distinction***

If one begins, as we argue be ought, from the givenness of an ethical aspect in reality, the perplexing problem of how to move from the factual to the evaluational (logically or otherwise) becomes a pseudo-issue. An act is by its very nature ethically qualified or it is not. The same can be said for acts bearing other qualifications. To ascertain what is ethical in nature in contrast to what is a-ethical one has recourse to a general modal law which determines and obtains for such activities ethically. Because man by his very nature has this ethical aspect to his existence, whether he performs ethically-commendable or ethically-disgusting acts does not in the least affect their ethical status. The *subsequent* question is whether the act is moral in the sense of answering to the norm or anti-normative and thus immoral. The norms by which this is determined presuppose the norm-law. There is thus a primary (call it “structural”) question: Is X to be qualified as an ethical or non-ethical act? The secondary (call it the “directional”) question follows: Is the ethical act moral (in accord with the norms) or immoral (not in tune with the norm)?

Failure to distinguish these questions, as is the case with traditional theories, makes it impossible to draw a clear distinction between that which is *im-moral* (ethically-bad) and that which is *a-moral* (non-ethical). That which lives up to the “ought” is, as we have seen, said to be moral. But what if the ought is non-ethical? Is it still moral? And

what if X does not live up to the ought? It is reportedly immoral. But perhaps X was a violation of the economic norm. Further, if to be moral is per se to be good, to be non-moral is tantamount to being immoral or bad. But this is obviously not so: how can an economic activity such as buying and selling automatically be branded as immoral (bad) simply because it is not morally qualified?

The confusions involved take on two main forms. One either (for example, in the trend of the existentialist) gives the amoral the connotation of the immoral or inauthentic, or (for example, in the trend of the neo-positivist) one gives the immoral the connotation of the amoral. Whereas in the first situation “ordinary” everyday activities become suspect and are more or less disqualified as unworthy of man, in the second situation anti-normative behavior loses much of its stigma by being considered not so much wrong as underdeveloped, or on a different, even lower (but in itself legitimate) level. In the former complex living ethically is authentic existence, anything less has the taint of the inferior or inauthentic. In the latter complex living ethically has the quality of the sublime, of an exalted condition. Here there is no suggestion that the natural is inferior, only that the non-natural is an “extra” dimension. In the first instance the amoral, standing in the penumbra of the immoral, shares in the disapprobation accorded the immoral; in the second instance the immoral, standing under the panoply of the amoral, has lost much of its odium.

In the former case—to express it in fact-value terms—only values are given their due, facts must bear the stigma of being grouped together with disvalues. In the latter case, disvalues are treated more as facts than as embodiments of the immoral. In both cases the real and important distinction between the immoral (morally-bad) and the amoral (non-moral) is elastic, hazy and fluid. In both cases, this identification or confusion is an evasion of the problem of evil on the *ethical* niveau. To be moral is to be good.<sup>32</sup> In the one case, it leads to the disqualification of the natural life (that is where “evil” resides); in the other it leads to a playing down of the seriousness of anti-normative behavior (after all, the natural has its own legitimacy).

To illustrate the dire results of a failure to distinguish clearly amoral (“structure”) from immoral (“direction”), we shall examine Hare’s famous “sincerity” problem. The criterion for employing prescriptive language, we remember, is sincere assent to an imperative entailed by the supposed proposition, and the criterion for assent to an imperative is to act on it. If one accepts a moral judgment that he ought to do X, he is logically committed to doing x (*LM*, 168-69). Failure to do X entails, conversely, that one did not truly assent to the moral judgment in the first place. It is thus logically impossible for Hare that someone can *freely* and *deliberately* perform an act which he knows or thinks is wrong. But such cases appear to be by no means exceptional. In reply Hare argues that backsliding or the failure to act on judgments to which one has sincerely assented is caused by physical or psychological weakness (*LM*, 20; cf. *FR*, 80ff.) rather than by wilful disobedience or ingrained perversity.

In so doing, whether or not he fully realizes the far-reaching implications at stake, Hare has virtually banished the possibility of anti-normative, that is for him, of morally wrong behavior. When one assents and lives up to the assent, he is acting morally and morally *good*. When one assents but fails to live up to the commitment, his actions cannot bear the qualification moral. Either he did not sincerely assent (and thus did not enter the moral arena) or he was physically or psychically impotent (in

which case he is free from any kind of *moral* blame). Thus, for example, one is engaged in moral activity and by the same token morally good activity if he sincerely assents to the judgment “love your wife” and also indeed loves her. However, if he hates rather than loves his wife, either he did not sincerely assent to the judgment “love your wife” or some physical disorder or psychic aberration made this impossible. In neither case can one within Hare’s view talk of *morally* wrong behavior. Yet certainly hating as well as loving one’s wife is a morally qualified affair, and just as loving one’s wife is *morally right*, hating her is *morally wrong*.

By the same token, lacking the distinction, Hare is unable—contrary to his deepest intentions—to condemn fanatical views as immoral. If the fanatics are consistent, their views are moral and beyond reproof, they are morally *good*. Hare knows this is absurd, but his method allows him no way out. He attempts to side-step the issue by stressing the paucity or such fanatics.

In conclusion: Since the ethical is not co-extensive with the normative, in order to be scientific ethics must take as its field of investigation only one of the normed-areas of reality. “Goodness” or “oughtness” are not such clearly marked-out fields. The teacher, the artist, the jurist, the linguist, etc. all ask what they ought to do *as* teacher, artist, jurist, linguist. In none of these cases is the query specifically ethical (although it does have such an aspect). In fact it never is exclusively ethical. In the last analysis the what-ought-I-to-do question is a *total* question having various aspects, among them an ethical. It is only the ethical aspect, albeit in its indissoluble coherence with all the other aspects as they together express themselves in the totality of an act, which is the concern of the ethicist.

Source: James H. Olthuis, *Facts, values and ethics: A confrontation with twentieth century British moral philosophy in particular G. E. Moore*. Second edition. (Assen: Van Gorcum, 1969)

## ENDNOTES

<sup>1</sup> Only Dooyeweerd has published significantly in English. H. Dooyeweerd, *A New Critique of Theoretical Thought* I-IV (1953-58) (hereafter, *NC*); *Transcendental Problems of Philosophic Thought* (1948); *In the Twilight of Western Thought* (1960). Cf. fn. 2, ch. 3.

<sup>2</sup> Structure in this use has the meaning of structure *for* in distinction from the more usual structure *of*. However, there is an immediate correlation between the two “structures.” One only discovers the structure *for* (law-side) via, through and in the factual structures (subject-side).

<sup>3</sup> For want of more acceptable terminology the term “subject” has two uses which ought not to be confused. Both *subjects* and objects are *subject to* the law-order. In the first sense subject is employed as a substantive, the second use is adjectival. Thus, Dooyeweerd talks of a subject-side (including both subjects and objects) which is subject to and correlated with the law-side.



<sup>4</sup> Intuition as immediate insight into states of affairs cannot be separated from the analytical function as if it were a mysterious non-logical faculty. Dooyeweerd conceives of intuition as “the bottom layer” of the logical function which “is in continuous temporal contact with all the other modal functions” (Dooyeweerd, *NC II*, 473; cf. 472-85). It is however at least open to question if one, as Dooyeweerd seems to do, can limit intuition to the logical. Is not all conscious human activity, regardless of qualification, through and through intuitive?

<sup>5</sup> Since an act or a state of affairs has *all* the aspects of reality, it always has a logical object-function and is thus logically distinguishable.

<sup>6</sup> It is perhaps necessary to stress that in our view the normative is not equivalent (even roughly) with the ethical or moral.

<sup>7</sup> Although this process of positivation has always been stressed in the *Wijsbegeerte der Wetsidee* (Philosophy of the *Law-idea*), there is no clear understanding as to its nature and scope. In positivation, according to Dooyeweerd, “the human formative will is then to be conceived of as a *subjective moment* on the law-side of these law-spheres themselves.” In view of his own repeated insistence that the acting subject is always under law, it appears that this definition is open to misunderstanding: can one talk or even conceive of the human formative will acting, albeit only as a subjective moment, on the law side? It would seem, and the context warrants this interpretation, that Dooyeweerd only intends to underline the “appeal” of the historical and post-historical laws to the human formative will. Cf. *NC II*, 239, also 235, 238, 243.

<sup>8</sup> For the exceptional position of logical norms, cf. *NC II*, 237, 241, 186.

<sup>9</sup> Thus, in denying that values are peculiar “existents” wholly different from facts, current theorists are undoubtedly right. But in that values for the thinkers concerned take the place of the law-order, the rejection of their existence leaves one without any reference point outside the subject which is not factual. In such a situation extreme “subjectivism or naturalism” are the only alternatives. The mistake of the “objectivist” was not that he maintained the existence of a law-order (for him values), but that he treated the law-order as if it were just another object or thing, be it of a non-natural kind. Much rather the law *holds for* things, objects etc.

<sup>10</sup> Thus Stevenson is forced to recognize that no inquiry “can divorce itself from the evaluative considerations that directly concern and guide the process of inquiry itself” (*EL*, 161, 286ff.). Hare too is aware that “almost every word in our language is capable of being used on occasion as a value-word (that is, for commending or its opposite)” (*LM*, 79)

<sup>11</sup> Cf. Dooyeweerd, *NC II*, 424. At this point it is well to remember that the discussion does *not* concern the foundational role which the analytic plays in the modal order in general and thus in every act, but we have to do with variation in the *individuality* of ethically qualified acts.

<sup>12</sup> Dooyeweerd, *NC III*, 91.

<sup>13</sup> The fact that it is the nuclear modal type of individuality of the analytic aspect which gives the “individual face” to acts of evaluation explains why the *similarity* of all evaluative acts urges itself upon us more than the radical modal differences in qualification.

<sup>14</sup> The fact that the foundational function, in our case the logical, must be opened up does not speak against our earlier contention that it was just the nuclear individuality of the logical which gave the individual face to acts of evaluation. To cite Dooyeweerd: the necessity of an opened-up foundational function “does not affect the nuclear character of the type of individuality of the foundational function” (*NC III*, 91).

<sup>15</sup> For a charting of such “constitutive” and “adherent” factors in regard to art objects, see Calvin Seerveld’s *A Christian Critique of Literature*, Christian Perspective Series 1964, especially the chart on page 56.

<sup>16</sup> In more technical terms: When one describes a family, he is dealing with the (primary) retrocipatory, closed, restrictive structure. When he goes on to judge whether the family is good or bad, he is dealing with the anticipatory, opened-up, regulative structure. In both instances evaluation is involved. Cf. Dooyeweerd, *NC II*, 181ff.

<sup>17</sup> In the act of positivation as the climax of evaluative acts, the formative aspect stands out along with the qualifying function. In this case perhaps one could talk of an ethical (etc.) -formative structuration.

<sup>18</sup> Dooyeweerd, *NC II*, 293.

<sup>19</sup> The good-evil distinction is the “third determination” in addition to the individual and modal distinctions. Cf. Vollenhoven, *Isagoogè* (1967) p. 53ff. and Dooyeweerd, *NC II*, 148. This basic distinction, although certainly related, may not be confused or identified with the concept of value (as does H. G. Stoker in “Die kosmiese dimensie van gebeurtenisse,” *Phil. Reformata XXIX*, 1964, p. 30). “Living” in human hearts, “Good” (or “Evil”) influences what is chosen to be modally valuable. Without awareness of the religious character of good in its full meaning, one is at a loss when he must interpret modal good-evil distinctions.

<sup>20</sup> Cf. Dooyeweerd *NC II*, 140-62 for a discussion of the modal aspect of love; *III*, 304-42 in regard to marriage and *III*, 266-304 in regard to the family.

<sup>21</sup> Love in this sense is not to be reduced to a feeling or an emotion. The “love-feeling,” as a psychical retrocipation of the ethical, has a *normed* character not shared by psychic feeling in its original or initial occurrence.

<sup>22</sup> Cf. Dooyeweerd, *NC I*, 48; *II*, 152ff., 158ff. and Van Riessen, *Op Wijsgerige Wegen* (1963), p.82; and Mekkes in *Philosophia Reformata XXIII* (1958), p. 185. Although Troost in general agrees with Dooyeweerd (*Casuïstiek en Situatie-Ethiek*, 1958, pp. 40, 48, 110, 377), he also describes the ethical as neighborly-love (“naasteliefde”) (*Ibid.*, pp. 116, 181, 357 and more clearly in *Vermogensaanwasdeling en Sociale Ethiek*, 1964, pp. 18, 33, 39-40). In a later

unpublished paper he talks of “specific” and “relative neighborly-love.” In view of the fact that love of neighbor is a Total, Absolute Command (cf. fn. 24), it is at least misleading to speak of neighborly-love as the mark of the relative ethical aspect.

<sup>23</sup> Vollenhoven, *Isagoogè*, p. 24. Popma, *Inleiding in de Wijsbegeerte* (1956), p.17; and Taljaard, *Die mens, die liefde en die sedelike* (reprint from *Koers*, June 1956), p. 19. Cf. also Du Plessis *Opskorting van die Etiese?* (1965), pp. 198, 199.

In “solidarity” Von Meyenfeldt seems to have described the kernel in terms of its social or psychical retrocipations (*The Meaning of Ethos*, 1964, p. 38). However, in relating solidarity very intimately with “human relations” and “sense of responsibility,” ethos becomes, it seems contrary to his intentions, much more than “one sphere of our existence” (p. 24).

<sup>24</sup> Troth “in marriage and friendship” is too concrete to serve as the designation for the ethical *aspect* of experience (cf. Troost, *Casuistiek*, pp. 345ff.). An argument against choosing for “love” as the designation is the fact that one must employ the word “love” twice. Love with a capital “L” is used to describe the all-encompassing Total concentrated requirement of the Law in regard to mankind. Love with a small “l”, as moral love, must then be seen as only one aspect of this central, radical Law of Love. Cf. Dooyeweerd, *NC II*, 154-61.

<sup>25</sup> Edel, *Method in Theory* (1963), pp. 179-80. He has also tabulated in summary fashion different ways which are employed to describe the specific mark of the ethical (pp. 178-79).

- (a) Phenomenal marks of the distinctively moral:
  - a directly apprehended quality of requiredness
  - the quality of precedence or decisiveness characterizing one rule in comparison with the competing ones
  - the characteristic of superiority and legitimacy in a prescription
- (b) A set of distinctively ethical terms:
  - in English, clearly, “good,” “ought,” “duty,” etc.
- (c) A set of distinctively ethical uses for ethical terms:
  - to express certain emotions to command
  - to decide or subscribe to courses of action and principles
  - to persuade
- (d) A set of behaviorally and phenomenally described activities or functions:
  - valuing (whether being pleased by or having interest in etc.) reflective concern with whole of life
  - appraising
  - evaluating and ascribing obligations

<sup>26</sup> According to Sextus Empiricus (*Adv. Math.* VII, 16), it was a pupil of Plato, Xenokrates, who first explicitly divided philosophy into *Physica*, *Logica* and *Ethica*.

<sup>27</sup> The state of affairs has not left contemporary thinkers untouched. There is a general recognition that value judgments are not the exclusive property of ethics. But, the distinction is usually made in passing, and thereafter ignored or regarded as unimportant. Cf. Stevenson *FV*, 58-60 and Hare *LM*, 172; *FR*, 26-27, 172. Thus, for example, although he points out that the idea of good is not a “moral idea,” Moore

considers it “certainly an idea which it is the business of Moral Philosophy to discuss” (PS, 326).

<sup>28</sup> This is not to deny the universal coherence of “oughts.” The point is that an “ought” always reveals itself in a *typical* way. That an ought always requires a more precise “material” qualification speaks volumes against a purely formal theory of ethics.

<sup>29</sup> Hare, for example, considers that moral judgments in the final analysis are “overriding” judgments (FR, 169). But, as Warnock responds, it certainly seems possible that non-moral considerations are often overriding. Cf. Warnock, *Contemporary Moral Philosophy*, p. 49. Demonstrating that “use” is by itself an insufficient criteria, Toulmin calls a judgment ethical when “it is used to harmonise people’s action” (*The Place of Reason In Ethics*, p. 145). At the same time it is clear that a meta-criterion is required in order to determine when harmonization takes place.

<sup>30</sup> The suspension of the ethical in relation to the existentialistic philosophies of Heidegger, Jaspers, Sartre and De Beauvoir is clearly shown by P. Du Plessis in his *Opskorting van die Etiese?*

<sup>31</sup> Cf. Troost, *op. cit.*, p. 342. It is interesting to note that already Aristotle had employed this argument, i.e. the multi-functionality of the word “good,” in refuting Plato’s notion of a Universal Good (Cf. *Nicomachean Ethics*, 1095 a 25f.).

<sup>32</sup> For Baier the moral point of view is “independent, unbiased, impartial, objective, dispassionate, disinterested observer... a God’s eye-point of view” (*The Moral Point of View*, p.201). Likewise Warnock asks: “Does not the ‘moral point of view’ involve precisely the abandonment of such egoism?” (*op. cit.*, p. 49). Cf. also Taylor, *Normative Discourse*, p. 145 ff.