

characteristic, however. The notion of truth as a characteristic of sentences or propositions is redundant, at least thus runs the criticism.

5.2 Language-dependent entities

Strawson is right when he points out that facts are not independent of the language by means of which they are expressed. From this it does not follow, however, that the sentence 'The cat is on the mat' does not derive its truth value from corresponding or failing to correspond to the fact that the cat is on the mat. This fact may be language-dependent in the sense that it is the correlate in the world of a true sentence, but this does not mean that it is not part of the world.

Suppose that the world contains a number of entities, including cats and mats and that these entities have properties and stand in relations towards each other. Because of these properties and relations, some propositions are true and other ones are false. Why not assume that *because of these propositions being true or false*, the world contains a number of additional entities in the form of facts, such as the fact that the cat is on the mat? These entities are not independent of the other entities such as cats and mats, that stand in relations to each other and neither are they independent of the language in which their corresponding propositions are expressed. This dependence on other entities and on language does not mean that these entities do not exist; it only means that they exist in dependence on other entities. As the argument of Searle about institutional facts shows, this is not very special or exceptional.

Facts exist in the world, but their existence is based on other existing entities and on a language that makes declarative sentences possible which express propositions and which in turn are made true or false by the contents of the world. In at least this sense, part of the contents of the world is language-dependent. And since language is a phenomenon in which the mind is involved, part of the contents of the world is also mind-dependent. The mind-dependence of the world goes further than that, however, because the entities in the world about which sentences make statements are themselves in a sense mind-dependent. Searle argued that some entities in the world may depend on other entities, but as he also pointed out, there must at least be some entities that do not depend on other entities, because the recursive structure of entities that depend on other entities must somewhere 'bottom out'. Searle saw this as a reason why some entities must exist in a mind-independent reality. However, from the fact that some entities are not dependent on other *entities*, it does not follow that they are independent of the *mind*.

To see how this might be the case without assuming that everything is merely mental, one can start with the Kantian distinction between a reality in itself, and a mind-dependent counterpart of it, which we might call the ‘world’. Maybe Searle is right when he writes that the assumption of something that exists independent of the mind, of representation, and of our knowledge, is necessary to make sense of much of our acting. But this independent reality is by definition not categorized; it does not contain entities, let alone that there are relations between its entities, or that these entities have characteristics. In short, this reality in itself does not contain the ‘furniture’ that is necessary to make some propositions true and other ones false. Even more, we cannot say anything sensible about it, otherwise than that it underlies the world about which we can say sensible things that are true or false. We can, and - if Searle is right - even must, postulate that there is such a reality in itself, on which we superimpose structure in order to make the resulting world contain entities that have characteristics and that stand in relations to each other. However, this reality in itself is not the thing about which we talk in our non-philosophical life. We talk about the structured thing, which contains entities that have characteristics and that stand in relations to each other. What makes true sentences true and false sentences false, is the world, not the reality in itself.

The world (as opposed to reality) may contain basic entities, which do not depend on other entities. However, for an entity to exist, it must – at least in principle – be discernable from other entities: *no entity without identity* (Quine). There must be determinate identity conditions for entities and these conditions are obviously mind-dependent. This means that even the basic entities are in a sense mind-dependent. Not in the sense that their existence is a purely mental phenomenon, but in the sense that their individuality depends on conditions that are mind-dependent.

5.3 The correspondence theory rehabilitated

I have argued that the world (in opposition to reality) contains facts. These facts are not independent entities. They depend for their existence on the entities to which the sentences expressing these facts refer and on the characteristics and relations of these entities. These entities and their characteristics and relations make a number of sentences true and the truth of those sentences makes that the facts expressed by them obtain. Ontologically, the presence of facts depends on the truth of the sentences expressing them and not the other way round. Therefore a correspondence theory of truth that holds that sentences are true because they correctly

represent independently existing facts⁴⁰, is incorrect. However, a correspondence theory may also hold that a sentence is true if the state of affairs that is expressed by it obtains. Such a correspondence theory would in my opinion be correct.

Strawson's criticism of the correspondence theory seems to be directed at the first, incorrect version and that gives his criticism its bite. But his criticism does not affect the second, correct version.

Ramsey's criticism, that the notion of truth is superfluous, refuses to take into account the ontological redundancy built into our conceptual apparatus. We speak about truth as a characteristic of sentences or propositions and by this we mean correspondence to the world. It is possible to make sense of such talk, even if it might be redundant in a number of cases. Ramsey's redundancy theory of truth is best seen as the theory that the ontology implied by our way of talking about facts and truth is redundant. Even if Ramsey's theory in this interpretation would be correct, it is incorrect as a theory about the nature of truth. If the notion of truth is redundant, this does not mean that the correspondence theory about this notion is wrong.

5.4 Ockam's razor?

The moderate form of idealism I have argued for above holds that:

1. There may be a mind independent reality but if there is one,
 - a. it is not what makes declarative sentences true or false;
 - b. it does not contain any entities.
2. Declarative sentences are true when they correspond to (facts in) the world (correspondence theory of truth).
3. Correspondence in this sense requires the presence in the world of the fact expressed by the sentence.
4. A number of entities in the world, including all facts, are dependent on other entities in the sense that they are mentally added to the contents of the world because of the presence or absence of these other entities.

Before continuing with a discussion of deontic facts, I want to point out one peculiarity of the view that facts are mentally superimposed upon other entities in the world. This peculiarity is a kind of multiplication of entities. The point was already implicitly made by Strawson when he wrote that statements are about entities in the world, not about facts. Take for instance 'The cat is on the mat'. This sentence, if true, is made true by the position of

⁴⁰ Such a theory is proposed in Devitt 1991, 29.

the cat relative to that of the mat. Moreover, the sentence is about the cat and about the mat, not about the fact that the cat is on the mat. Is not it a senseless operation to add a new entity to the world that reflects the relation between the cat and the mat, which were already part of the world? Does the addition of the fact that the cat is on the mat change anything in the world?

Well, there is a change, namely that there is an additional fact, but this change is trivial, because basically nothing has changed. All basic entities have remained the same and their characteristics and relations have remained the same too. The addition of the fact is in a sense merely a duplication of what was already there.

Does not the moderate idealism I proposed lead to unnecessary multiplication of entities? Maybe the multiplication is unnecessary in the case of some facts (but not all facts, as I will argue in the next section), but this is not an argument against the form of idealism I argued for. It might be an argument against our language and the conceptual scheme embedded in it, that allows the introduction of facts as new entities. However, given this peculiarity of our language and conceptual scheme, a good descriptive⁴¹ ontological theory should take it into account. It is not an objection against a descriptive ontology if it accounts for peculiarities of our 'ways of world making' that seem unnecessary.

6. REASON-BASED FACTS

At first sight it might seem attractive to adopt a simple realistic ontology, according to which reality is independent of human conceptualization or cognition, but in the previous section I have argued that this reality cannot be the thing that gives propositions their truth values, because truth in the sense of correspondence requires a world that is to some extent mind- and language-dependent. Even if this concession is made, the world might still be so simple that at least atomic states of affairs⁴² are independent of each other. For instance, the states of affairs that it is raining and that $3+2$ equals 5 have nothing to do with each other, and if one of them obtains, this has no implications on whether the other one obtains.

⁴¹ Cf. the distinction between descriptive and revisionary metaphysics in Strawson 1959, 9.

⁴² Atomic states of affairs are states of affairs expressed by atomic sentences, sentences that do not contain a logical operator such as the conjunction or disjunction.

6.1 Dependent facts

The seeming independence of atomic states of affairs of each other is not realistic.⁴³ The states of affairs that it is raining and that the sun shines are both atomic, but clearly they are not independent of each other. Logically as well as physically and meteorologically it is possible that both obtain simultaneously, but nevertheless the presence of the one at least tends to prohibit the presence of the other one. The precise nature of their negative connection is well worth attention, but it falls outside the scope of this chapter. Instead I will focus on relations between atomic states of affairs that depend on the way in which people impose structure upon the world.

Many facts only obtain to the extent that other facts obtain. Sometimes one or more facts add up to some other, new fact. For instance, the atomic facts that it is raining and that it is cold together add up to the logically compound fact that it is both raining and cold. Apparently the same holds for the facts that in chess the black king is threatened by a white piece and that this threat cannot be taken away in one move, which together add up to the fact that black is check-mated. The latter fact is from one point of view nothing else than the combination of the former two. However, and this makes a difference with the example of the logically compound fact, from another point of view it is another fact, because if the rules of chess would have been different, the check-mate would not have obtained.⁴⁴ Moreover, it is not only a matter of the meaning of the expression 'check-mate' that procures the relation between the facts. The rules of chess concerning the issue of check-mating might have been different, without a change in the meaning of the word 'check-mate'. This word might still stand for the situation check-mate, while under different rules it might be the single

⁴³ I have already argued that states of affairs are never completely independent, because they depend on the state of the world and the language to which the sentences expressing the states of affairs belong. The dependence discussed here is the dependence of states of affairs upon other states of affairs. Notice, however, that the dependence of facts upon each other is a special case of the dependence of entities upon each other as discussed in the previous section, because facts are a kind of entities.

⁴⁴ It may well be argued that this point about the rules of chess do not establish a difference with the logic example. Indeed, if the rules of logic would have been different, the atomic facts that it is raining and that it is cold would *not* have added up to the logically compound fact that it is both raining and cold. The difference between the two examples, if there is one, is based on the difference between the rules of logic and the rules of chess, where the former rules are somehow necessary (they are treated as constraints) and the latter as merely contingent.

consequence of being check-mated that the check-mated party can remove a piece at choice from the opponent's game, and continue the game.⁴⁵

Other examples of situations in which one or more facts add up to some new fact are that the fact that a soldier runs away at the approach of the enemy implies that the soldier is a coward (or prudent) and that the composition and the use of colors in the picture make the picture into a beautiful one.

It is also possible that one or more facts do not add up to some new fact, but that in some sense they 'cause' this new fact to obtain. For instance, that I hit a winning service 'causes' the fact that I take advantage in the game of tennis we are playing. Or, that I contract to buy your house brings me under the obligation to pay you the price of the house.⁴⁶

In soccer the rule exists that if the ball passes the goal line (and some other conditions are fulfilled) a goal has been scored. The scoring of the goal is in some sense the same fact as the ball's passing the goal line, only with a new label attached to it. In another sense it is a new fact that is brought about by the ball's passing the goal line and the status assigned to it. In situations like this we speak of *supervenience*. One fact supervenes on another fact when there could not be a difference in the first without there also being a difference in the second, but not the other way round.⁴⁷ There could not be a difference in the goal without there also being a difference in the ball's passing the goal line. However, not every difference in the way the ball passes the goal line needs to bring about a difference in the goal.

In all these cases there is some substrate of facts that thanks to some rules add up to, or cause, some other facts. These new facts cannot obtain without the basis provided by those other facts. I propose to call these new facts *reason-based facts*, because the facts on which they are based are the reasons why the new facts are present. Reason-based facts can in their turn underlie new reason-based facts. This is illustrated by the chess-example above: the facts that the black king is threatened, and that the threat cannot be removed in one move, are both reason-based themselves.

⁴⁵ It might be objected here that it is possible to change a little in the conditions under which a check-mate is achieved, and also a little in the consequences of being check-mated, but that if the changes are big enough, the word 'check-mate' has come to stand for something else than for the condition of check-mate. In other words, the word may function as a label for a state that can be given a different, but not any content. This seems to me a valid objection, the discussion of which falls outside the scope of this chapter, however.

⁴⁶ Obviously the causation at stake here is not physical causation, whatever that may be. Cf. in this connection the distinction between causation and constitution as made in chapter 7, section 2.

⁴⁷ Cf. Jones 1995.

6.2 Two kinds of reason-based facts

The notion of a reason-based fact is ambiguous. On the one hand it may mean a *concrete* fact that obtains because of its underlying reasons. Such a fact is reason-based in the broad sense. On the other hand it may also mean a *type of fact*, which can only obtain on the basis of underlying reasons. The existence of a rule is an example of a concrete fact that may be reason-based in this first, broad sense, but does not belong to a fact type that is reason-based in the second, narrow sense. For instance, the existence of a rule created by means of legislation is reason-based, but the existence of social rules is not reason-based. The validity of a contract, on the contrary, is reason-based in the second, narrow sense. A contract cannot be valid if there are no reasons for its being valid.

Reason-based facts supervene upon other facts, and the way in which they supervene upon them is defined by rules.⁴⁸ For instance, the fact that I told you that I would pay you a thousand dollars is made into the reason-based fact that I promised to pay you a thousand dollars. The connection between the former fact and the reason-based fact to which it amounts is created by the convention that saying that one promises counts, under suitable circumstances, as promising.⁴⁹ The reason-based fact that I promised to pay thousand dollars in turn underlies the reason-based fact that I owe you a thousand dollars. This connection is made by the rule that one ought to do what one has promised.

The principal difference between independent facts and reason-based facts in the narrow sense is that some of the former can obtain independent of other facts, while the latter always depend on the reasons for their existence.

7. DEONTIC FACTS

In my opinion the so-called *deontic facts* are a special kind of reason-based facts in the narrow sense. Their existence is based on other facts, which are the reasons for their existence and the connection between these reasons and the deontic facts based upon them is created by rules that attach the deontic facts as consequences to the reasons for their presence. For instance, the fact that it is forbidden to enter the building is a consequence of the prohibition

⁴⁸ In this chapter I use the word 'rule' in a broad sense, broader than the sense in which it is for instance used in chapter 3.

⁴⁹ Searle 1969, 57f.

issued by the building's owner and the connection between the prohibition and the deontic fact is created by the rule that says that if the owner of a building prohibits entrance, entrance of the building is forbidden.

7.1 The gap between 'is' and 'ought'

The idea that there are deontic facts might meet some objections, based on the distinction between is and ought. Spelled out, the argument against the existence of deontic facts might run along the following line:

Facts belong to the realm of the 'is' and as a consequence not to the realm of the 'ought'. What is deontic belongs to the realm of the 'ought', and not to that of the 'is'. Deontic facts are therefore a *contradictio in terminis*.

The basic error behind this line of thinking is the assumption that the realms of 'is' and 'ought' are separated. Obviously, on the level of speech acts, there is a difference between describing and prescribing. But this difference does not show that there are two separate realms, that of 'is' and that of 'ought', just as the difference between the speech acts promising and baptizing does not show that there are two separate realms of promise and of baptism. Just as obviously, there is a difference between the facts (!) that John pays a visit to the dentist and that John ought to pay a visit to the dentist, but this difference between facts does not show that the fact that John ought to pay a visit to the dentist is actually not a fact at all.

The temptation to make a sharp distinction between 'is' and 'ought' might stem from a Humean picture of the world, according to which the world is inert and desires are the motivating forces behind human behavior. In itself this Humean picture does not lead to the gap between is and ought, but when the concept of 'ought' is inherently tied to motivation, the gap is seemingly accomplished. Theories that assume such an inherent tie between ought and motivation are called 'internalist' and these internalist theories are opposed to externalist theories, according to which there is no inherent tie between what one holds to be obligatory and between what one is motivated to do.⁵⁰

The theory of Hare about the acceptance of ought-judgments as exposed in *The Language of Morals* provides a good illustration of an internalist view of the ought. According to Hare, ought-judgments entail commands in the sense that acceptance of an ought judgment leads, barring weakness of the

⁵⁰ See for a more extensive account of the distinction between internalism and externalism Smith 1994, 60f and the literature mentioned there.

will, to the motivation to act in accordance with what ought to be done. There is a seeming counter example, for instance when somebody agrees that legally he ought to refrain from stealing, but is not motivated to act in accordance with the law. In Hartian terminology, such a person would not take the internal point of view towards the law.⁵¹ Hare would say that the ‘ought’ in the legal ought-judgment is an ‘inverted commas ought’. The person in question does not really accept the ought-judgment, but only accepts that according to the law he ought to perform some kind of behavior. Since he is not committed to the law, he is not committed to the ought-judgment either. This acceptance of an ‘ought’-judgment is not a ‘real’ acceptance, and therefore it does not commit to acting in accordance with it.⁵²

The combination of the views that the world is inherently inert and that ought is inherently connected to motivation, leads to the view that the world cannot contain an ought. If the world consists of all the facts and does not contain an ought, the facts cannot involve an ought and therefore there cannot be deontic facts.

There are at least two ways to escape the conclusion of this line of argument and they are compatible with each other. One way is to argue that there is no distinction between real oughts and inverted commas oughts. The other way is to argue that, otherwise than Hume thought, the world need not be inert.

7.2 The social existence of rules

As Hare stressed, oughts are supervenient upon (other) facts.⁵³ It is not well possible to say that under circumstances C you ought to have done A, but that under the same circumstances it might have been the case that you had no obligation concerning A. If all the brute facts in the world are the same, the oughts must be the same too. The connections between the brute facts and the oughts that supervene upon them⁵⁴ can be expressed by means of principles (Hare’s term) or rules. For every ought it is in principle possible to specify both the brute facts upon which it supervenes and the rule that connects the ought to its underlying facts. On the Humean world picture the world contains the brute facts, but not the rules which attaches oughts to

⁵¹ Hart 1961, 55f.

⁵² Hare 1952, 18f.

⁵³ E.g. Hare 1952, 153f.

⁵⁴ It is well possible that oughts supervene on non-brute facts, but then these non-brute facts supervene on other facts which are either brute or supervene on other facts, which ... etc. In the end this recursion must bottom out on brute facts, as Searle (1995, 34) pointed out.

them. As far as the world is concerned, there may be different sets of rules, with different sets of oughts connected to the contents of the world. Given the world, every ought is relative to a set of rules that connects this ought to the contents of the world.

This relativity is the basis for Hare's theory of inverted commas oughts, and it is also the basis for Raz's theory of detached legal judgments. According to Raz⁵⁵

'a detached legal statement is a statement of law, of what legal rights or duties people have, not a statement about their beliefs, attitudes, or actions, about the law. Yet a detached normative statement does not carry the full normative force of an ordinary normative statement. Its utterance does not commit the speaker to the normative view it expresses. ...'

In case of legal ought judgments⁵⁶, Raz's theory is essentially a special variant of Hare's theory about inverted commas oughts. These judgments are characterized by the fact that they rest on the application of a rule without endorsing that rule. In this way it is possible to give a moral judgment based on the rules of conventional morality without subscribing to conventional morality, or on the rules of a particular legal system without taking the internal point of view towards that system.⁵⁷

As said, the alleged impossibility of deontic facts stems from the view that the rules on which these facts are based are not part of the world and that the oughts are therefore not part of the world either. But the impossibility of deontic facts does not follow from this view. Firstly because from the fact that oughts are based upon rules that are not part of the world it does not follow that these oughts are not part of the world too. This would only follow on the additional and controversial assumption that something can only be part of the world if everything on which it is based is part of the world too. I will return to this point in the following subsection.

Second, it does not follow because it is far from obvious that the rules on which deontic facts are based are not part of the world themselves. In fact, the examples I gave about the rules of conventional morality and the rules of a particular legal system illustrate the opposite. The contents of conventional morality and of a legal system is, at least to a large extent, a matter of social fact and Searle has argued extensively - and in my opinion convincingly - that such social facts are facts in the world.

⁵⁵ Raz 1979, 153/4.

⁵⁶ Raz's notion of detached legal judgments need not be confined to ought judgments, although his allusion to the normative view they express suggests otherwise.

⁵⁷ In Hage and Peczenik 2001 it is argued that such detached legal ought judgments are only possible to a limited extent.

Summarizing we can say that deontic facts are possible to the extent that they are based upon fact in the world and rules that exist in the world. Whether the belief in the presence of these facts (acceptance of ought judgments that express these facts) is inherently tied to motivation is another matter, which I will address in the following subsection.

7.3 Why the world is not inert

The idea that the world must be inert, because the motivation for behavior stems from the human mind (desires), presupposes a form of ontological realism that allows only mind-independent entities in the world. In section 5 I have argued for a moderate form of idealism, according to which the world contains a number of mind-dependent entities, without necessarily being completely mind-dependent. The idea was that a number of entities in the world, including all facts, are the result of a mental operation performed on already existing entities in the world. This mental operation may be limited to mere conceptualization (e.g. calling a horse an animal), but it may also involve the creation of new facts, such as the presence of goals in soccer, that are built upon other facts such as that the ball passed the goal line. Now I will elaborate this account of mind-dependent facts by arguing how these facts may have a built-in disposition to motivate behavior.

We have seen how it is possible to add new facts to the existing ones, purely by assigning status to what already exists. The utterance of particular words can receive the status of making a promise, and making a promise can receive the status of entering into a contract. From a physical perspective there is only one event, from a social perspective there is the additional event of a promise made, and from a legal perspective there is yet another event, the coming into existence of a contract. One might wonder whether it makes sense to have such a multiplication of facts, without any change in the layer of physics.

Those new facts that are superimposed on already existing ones are not identical to the facts on which they are superimposed. Making a promise is not the same as uttering particular words on a particular occasion. The utterance of those words has, using the terminology of Searle, a particular status, but this status is not inherent to the utterance. It might have had no social status at all, or a quite different status. For instance, saying 'I will repair your bike this afternoon' under the suitable circumstances counts as making a promise. That it counts as such is a result of social conventions, including the existence of the institution of promising and the ways in which they can be made. Had the institution of promising not existed, or should promises be made quite differently, the utterance of these same words would