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Rescuing Jerry from (Basic) Principles¹

By

Joseph Raz

I will say something on two or three related but distinct topics. First, something on the grounding of normative beliefs, a topic – as I see it – in moral epistemology, and then after a brief remark on explanation, something against a certain understanding of basic principles. My observations were prompted by reflection on Jerry’s desire to rescue justice from the facts. The rescue is accomplished by defending a Thesis that ‘*a principle can reflect or respond to a fact only because it is also a response to a principle that is not a response to a fact.*’ To put the same point differently, principles that reflect facts must, in order to reflect facts, reflect principles that do not reflect facts.’ (232, italics in original) Jerry calls principles which do not reflect facts Basic Principles. I am not sure whether I agree with Jerry or not. I suspect that there is some agreement and some disagreement, but I will not try to trace the contours of our disagreement. In short, my rescue mission may not be needed. I just wanted, while reflecting on and around his Thesis, to display the same spirit of magnanimity that inspired Jerry in writing his book.

I. Initial Clarifications

Jerry stipulates that a principle is ‘a general directive that tells agents what (they ought or ought not) to do, and a fact is, or corresponds to, any truth, other than (if any principles are truths) a principle, of a kind that someone might reasonably think supports a principle’ (229). I

¹ The paper was prepared for a conference honouring Prof. G. A. Cohen and marking his retirement and the publication of his book *RESCUING JUSTICE AND EQUALITY* (Harvard University Press, 2008), and that determined the length and shape of the paper. It discusses the ideas Prof. Cohen discusses in Chapter Six of the book. Page references are to that book.

will take principles to be propositions of a certain kind. Jerry allows that they can be so understood, though he remains non-committal, wishing to make his Thesis as robust as possible by being neutral regarding as many meta-ethical disputes as possible. It will be seen that I do think that its understanding and its fate depend on some issues in theoretical ethics. I will say, and let us take it as a terminological stipulation, that true propositions express facts.

I think that we can assume that whatever else reflecting or being 'responsive to facts' means it is inconsistent with being insensitive to facts, where insensitivity is defined by the following condition:

Insensitivity Condition: *A principle, P, is insensitive to some fact, F, if and only if [Not-(if P then F) and Not-(if P then not-F)].*

If double negation does not hold for the relevant domain, an additional clause has to be added to the definition to the effect that Not-(if F then P).

Basic principles, according to Jerry, are insensitive to all facts, other than those which are expressed by principles which can be 'reasonably thought to support' them.

It seems sensible to assume that the Thesis is meant to be neutral regarding which principles, which are not themselves logical or conceptual truths, are true.² This assumption, which seems consistent with Jerry's intentions, enables one to use – in discussing the Thesis – examples of principles, without worrying that the point they are meant to illustrate is undermined by the fact that they are (at least in the view of some readers) false.

One difficulty in understanding the Thesis is that on some assumptions it is either too readily confirmed or too readily refuted. Too readily – meaning in ways which deny it the interest it may hold, indeed the interest it may hold whether or not it is true. For example, if one accepts, with most writers in meta-ethics, that the normative supervenes on the non-normative (without being reducible to it) then the thesis is readily seen to be false: Take any principle, P, which is not a logical or conceptual truth. According to the supervenience thesis, if P, then there is a non-normative fact, F, such that (P supervenes on F, and F). Hence P is not insensitive to F. Hence the Thesis is false.³

² This is another insensitivity assumption: regarding any principle (which is not a logical or conceptual truth) the Thesis is true whether or not that principle is true.

³ I am assuming that Jerry is rightly relying on normative properties not being identical with natural

Perhaps one can avoid this problem, if problem it is (after all supervenience may well not apply), by modifying the Thesis to allow that basic principles are sensitive to their supervenience base. I am not sure whether this is likely to lead to further difficulties. But there are others.

Suppose that you believe, as some do, that the reason it is true that one ought to keep one's promises is that keeping one's promises is an instance of fidelity, which is a virtue. Adopting Jerry's terminology, those who have this view may say that the principle that one ought to keep one's promises responds to the virtue of fidelity. Does their view conform to the Thesis? Suppose that to have the virtue of fidelity one must have certain beliefs and dispositions. Let us say that Fidelity-Characteristics are those beliefs and dispositions (whatever they may turn out to be) possession of which constitutes (or is necessary for) possession of the virtue. We can assume that the theorists we have in mind endorse the principle that one ought to have Fidelity-Characteristics. It is likely that they do not take this principle to be basic. They hold it because they believe that fidelity is a virtue. That fidelity is a virtue is not a principle. It does not tell anyone what to do (though of course it contributes to the justification of some principles). It is the rock on which, for those people, both the promise-keeping principle, and the principle that one ought to have Fidelity Characteristics rest, and to which these principles respond.

By Jerry's Thesis the proposition that fidelity is a virtue expresses a fact to which the promising principle, or some other principle to which it is responsive, must be insensitive. According to the virtue theorists I am imagining into being, both the promising principle and whatever other principles it responds to, are sensitive to the fact that fidelity is a virtue. This threatens to refute the Thesis.

The point can be generalised. I have suggested, as have others, that propositions to the effect that one ought to perform a certain action are true only if, of the options available to that agent, that action is supported by undefeated reasons. That an action is supported by undefeated reasons is responsive to other propositions, but typically they are not principles. They are propositions about people's rights, about virtues, about the value of various options,

properties. If they are, a parallel adjustment to the Thesis is required.

and so on. They may be responsive to some principles such as that one ought to respect people's rights, to have virtues, etc. But as with the example of fidelity, these principles are themselves responsive to the facts that people have those rights, that those actions are virtuous, or valuable. These normative facts, not themselves expressed by any principle, are what principles are ultimately responsive to. Note that this point holds for many approaches to normativity. It is shared, e.g., by virtue theorists, by value-based theorists, and by constructivists, or at least by some versions of each of these approaches.

There may be here a quick way of refuting Jerry's Thesis. But this refutation may somehow miss what is at stake in the case for or against the Thesis. Instead it seems reasonable to introduce a third category, call it normative propositions, to which propositions to the effect that some facts are reasons for action, have value, are virtuous, etc. belong. The facts of which Jerry's Thesis speaks do not include – I will assume – facts expressed by normative propositions. It is no easy matter to determine how far the Thesis has to be modified to avoid trivial refutations, or at any rate refutations whose point is immaterial to Jerry's purpose. But I will ignore the difficulty.

There is, of course, an alternative way to proceed, namely by counting all normative propositions as principles. Most of the remarks that follow apply to either modification of the Thesis. But while some other normative propositions, e.g. propositions about rights, can naturally be thought of as principles, that is not the case with all normative propositions. It is awkward, for example, to think of normative propositions like: "Life is enriched by familiarity with history" as principles. The distinction between principles of the kind that Jerry is interested in, and other normative propositions, is ultimately important, and the considerations advanced in Section 4 below should be taken to apply to the kind of principle that Jerry has in mind only.

Sensibly Jerry limits principles to general propositions. Propositions which can be expressed only with the help of singular reference are not normally thought of as principles. But regarding the Thesis the restriction is inessential. If the principle that whenever one drives one should give priority to traffic coming from the right is responsive to facts only if it is responsive to a fact-insensitive principle, then so is the proposition that while I continue to drive (as I am doing now) I should give priority to traffic coming from the right. In illustrating the points I wish to make I find it easier to ignore the restriction of the Thesis to general propositions.

There is one further initial clarification to note. Jerry writes about principles not being (ultimately) *grounded* in facts. He also says: ‘The thesis applies to anyone’s principles, be they correct or not, *so long as she has a clear grasp both of what her principles are and of why she holds them.* (233, italics in original). This sentence appears at first blush to reiterate the Thesis. It can be taken to state a necessary condition for the truth of principles: they are true only if they are Basic Principles or if they are related in the way the Thesis specifies to some Basic Principles. But the quoted passage does more than that. While the Thesis is about a feature of certain propositions, the quotation is, among other things, about what principles those who have a clear grasp of what their principles are and why they hold them would have. Indirectly it serves to clarify what it is to have such a clear grasp.

In other words, the so-called clarity condition introduces a second thesis, a thesis not about principles but about people’s holding or having principles. It says something like⁴ **The Endorsement Thesis (ET)**: *a clear-minded person endorses a principle on the ground that (or for the reason that) certain facts obtain only if she also endorses another principle, which ultimately⁵ explains how the facts support the first principle, and whose endorsement (by that person) does not depend on any supporting facts.*

This is not a thesis about principles. It is about the proper endorsement of principles. It states one condition for the proper endorsement of principles. It does not ensure that principles so endorsed are true, or that principles endorsed in ways which violate ET are false. But it claims that only endorsements which accord with ET are in good standing. Other endorsements are defective. The Endorsement Thesis suggests a way of understanding the Thesis. It suggests that the Thesis means something like:

No ultimate factual dependence Thesis (NFD): A principle, P, is true only if [if P is sensitive to some facts (i.e. to the truth of some factual proposition) then it is also sensitive to another principle which is not sensitive to any facts (the specified exclusions allowed)].

NFD is not about the way one holds or endorses principles. It states a condition which must be met if any fact-sensitive principle is true. I will assume (as Jerry implies regarding his Thesis) that

⁴ Some may prefer alternative formulations of ET. I believe that the differences do not matter to my purpose.

⁵ I say ultimately because it may do so through the mediation of other principles.

the principle is not trivially true, i.e that the following inference schema From (If p then Oq) infer O(p→q) is not valid.⁶ To start with I will consider the Endorsement Thesis on its own. I should repeat that my aim is not to assess Jerry's Thesis. Clearly both the ET and the NFD are reconstructions, and it would be wrong to impute them to Jerry. They are theses suggested by his text and provoking the following reflections.

2. Epistemic observations

The clear-headed person knows why she endorses the principles she does, and sometimes she has factual reasons for her endorsement of them. What kind of reasons are they? Since they are reasons for endorsement they appear to be epistemic reasons.⁷ I will assume that we are talking of epistemic reasons, and that the ET is one necessary condition for such endorsement to be warranted.⁸

Consider the following exchange:

Friend: you ought not to do that to Jim.⁹

I: Why?

Friend: it would hurt him

I: Oh, I see. I agree that I ought not to do this to him.

I take the reason given by my friend to be a very good reason, and a factual one. A supporter of the ET may say that my endorsement is not epistemically defective only if I also endorse another proposition which explains why the reason is good. I may believe that:

⁶ The wide scope ought conditional entails a reason to make the antecedent false, an entailment absent from the narrow scope ought conditional.

⁷ This is consistent with Jerry's observation that the thesis is not causal, at least in the sense that it is not about what caused a person to endorse the principle, but about a condition under which such endorsement is legitimate. It is arguable of course that there should also be additional causal components for the endorsement to be warranted, or that there is an implied causal condition in the ET. But there is no need to take a view on these points here.

⁸ I will also assume that the ET is to be read as limited to primary reasons, i.e. excluding testimony, expert opinion, and other reasons which depend on them.

⁹ Yes, the example is not about endorsing principles, but I already explained why I disregard the generality condition.

- One ought not hurt people

But I do not in fact believe that that is true. I believe the explicit reason (that my proposed action would hurt Jim) but I do not believe in the general principle. I believe, for example, that

- If someone asks you sincerely to hurt him, just so that it will be part of his biography that he was hurt, and if one can arrange that the hurt will be very temporary, leaving no traces, not even in memory (other than knowledge that one was hurt) then there is no reason not to hurt that person.

Because I believe that, I do not believe in the principle of not hurting.¹⁰ But, supporters of ET will say, surely I must believe in some general principle or another about not hurting. Or, if I do not believe in any specific principle, I must at least believe that there is such a principle and that the present case is an instance of it. If I do not believe even that I am epistemically at fault in accepting my friend's advice.

I tend to agree that

G: That one ought not to hurt Jim by doing this to him is true only if there is a true general principle of which this is an instance.¹¹

But I do not think that G, belief that G, or warranted belief that G is needed to warrant my belief that I ought not to do that to Jim (because it would hurt him). In fact my belief that I should not hurt Jim by doing this to him appears to me, and is, much more secure than my belief that G. The latter belief depends on a complex theoretical issue (e.g., whether particularism is false). And while I believe that G, I certainly do not, and should not, regard that as an essential part of the case for my belief that I should not hurt Jim by doing this being warranted.

Should one say that while I need not rely on G I am tacitly relying on there being some principle, perhaps one which is shared by all sides to the theoretical dispute? To say this is to escape to a fantasy world. I have no idea about any such principle, not even of the possibility of such a principle, and I certainly do not rely on any.

¹⁰ And this is also the reason for not taking 'hurt' to express a normative concept. It is not related to reasons in the right way.

¹¹ Note that **G** is not committed to NFD.

Worse still, the whole line of reasoning confuses necessary conditions for the truth of a belief with epistemic reasons warranting it. As mentioned, G may be a necessary condition for the truth of my belief, but is not my reason for it. Nor can it be, given that my degree of confidence in it is less, much less, than my confidence that I should not do that act for it will hurt Jim. Similarly, that sometimes one ought not to hurt people is a necessary condition for the truth of the proposition that I should not hurt Jim in this way now. But while that I ought not hurt Jim in that way now is a reason to believe in the existential generalisation, the generalisation gives little credence to the particular proposition about it being the case that I ought not hurt Jim in this way now.

I am merely pointing to the fact that I am epistemically in good order in my belief about Jim, rather than arguing for it, for I take it to be a simple case. It is analogous to being (sometimes) warranted in believing that E_1 caused E_2 without believing in any causal law to back it up. My point is merely that the fact that the truth of some normative proposition presupposes the truth of another normative proposition does not in itself establish that the latter proposition need have any role in establishing that belief in the first is epistemically warranted.

The example which led to these observations was of a particular proposition, not of a principle. If the thesis does not apply to particular propositions there is little prospect that it applies to principles. And indeed it is not hard to illustrate the same remarks by reference to principles. E.g. some believe that doctors have a duty to use medical resources at their disposal to secure the health of their patients, but they also believe that they do not have a duty, not the same duty, not one with the same stringency, to acquire additional medical resources for that purpose. According to them a doctor may be unable to plead tiredness (which does not affect his effectiveness) as a reason for not looking after a patient whose life would be at risk if not attended to. But the same doctor does not have an obligation to take on an extra job in order to have more money to provide the same patient with the medication he needs, and which he does not currently possess. According to such people doctors' obligation to their patients is limited to the medical resources they possess. But most people who have such a view will not hold it in virtue of a fact-insensitive principle. They are unlikely to know any principle which could serve, yet their belief may be in good epistemic order.

There is another point which these observations bring out, namely that epistemic reasons do not always provide or feature in explanations of the belief they support. I may be warranted in believing that I should not hurt Jim in this way now, even if I am at a loss to explain why. On the other hand I may have an explanation which is not (for me) an epistemic reason for the belief. I may think that the explanation is that hurting Jim will diminish his happiness, but as my belief in the explanation is much less secure than my belief that I should not do this to Jim it cannot make the latter warranted, not even if it were a correct explanation.

There is an analogy between epistemic reasons and explanations. What is a reason for a person to believe something depends on what that person knows. Similarly I tend to think that what explains something to a person depends on what he understands already. So, both epistemic reasons and (good) explanations are personal, person-relative, though they are relative to different things: epistemic reasons are relative to the existing knowledge base, while explanations, offering, when successful, increased understanding, are relative to the existing level or state of understanding. That is why they can follow diverging routes. What one knows, but does not understand, may help in acquiring additional knowledge, or at least additional warranted beliefs, without acquiring additional understanding.

3. A brief word about explanations

All of this may suggest that what Jerry had in mind all along has more to do with explanations than with epistemic reasons. While the ET suggested the epistemic interpretation, on which I commented above, the NFD suggests a concern with a condition for there being an explanatory relationship between a factual and a normative proposition. It suggests that a factual proposition can explain a normative proposition only with the aid of another normative proposition.

One possible motivation for such a view is a privileging of nomological deductive explanations over other forms of explanations, especially analogical explanations. But outside limited contexts there is no reason to privilege nomological deductive explanations. Good explanations enable us to gain better understanding of the phenomena explained. That is their point and purpose. And that determines the criteria for their success. A good explanation is

one which enables its intended audience to improve their understanding of the explanandum, should they be minded to do so.

Understanding is gained or improved as we come to see connections, similarities and contrasts between elements we know about, as we come to know how different elements are related to one another in a systemic or ordered way. Understanding enables us to extrapolate from what we know to what we did not know: If I merely know parts of the bus's time table, then having forgotten whether there are buses between 10 and 11, I am at a loss. But if I understand the pattern the time table displays, and how it relates to the periods people go to and from work, to and from shopping, etc. I can extrapolate and conclude that there are probably few if any buses at that time, etc.

A typical way in which we gain such understanding in the course of our life (that is without formal instruction, or deliberate effort) is by becoming aware of analogical relationships.¹² Indeed, drawing analogies is probably the main way in which we offer explanations:

I: OK, I should not do that to Jim but why?

Friend: He is only a child

I: Children are not as fragile as you think

Friend: would you like your child to be treated that way?

I: Depends by whom. I am Jim's teacher

¹² Frances Kamm remarks (in discussing Dworkin's view): 'I disagree with Dworkin when he says analogy is only a way of stating conclusions. Analogy can be a way of reaching a conclusion. The relevance of an analogous case can be clear even if one does not have a theory which links the analogous case to the original case, and even if one is initially uncertain about what one may permissibly do in the analogous case. While we need a theory to explain why case A is really more like case B than case C, we may still conclude without deep theoretical justification that case A is more like B than C and use that conclusion to help us find a solution to case A. Indeed, sometimes, one reaches a conclusion about a case by use of an analogous case and still cannot provide an adequate theoretical justification of one's position in either case. This does not (or should not) necessarily lead one to reject the conclusion' F. Kamm 'Theory and Analogy in Law', 29 **Ariz. St. L. J.** (1997) 405 at pp. 313-4. She extends her claim to other case-based arguments, which, like analogous reasoning, are not theory based.

Friend: would you not protest if your daughter's teacher were to impose a 2 hour curfew on her after the end of school day?

I: But I did not impose a curfew. I told him he could go home once he completes the task

Friend: But was it not a 2 hours' worth of task?

The conversation can go on and on. The point I am making is that (a) it is conducted mainly in factual terms, and (b) that, typically, (implied) porous generalisations ('he is only a child' suggesting that sometimes one should not treat children like that) are mixed with analogies in the search for understanding. Understanding can be gained or enhanced both by generalisations and by analogies, and much of the search for understanding is conducted with reference to facts.

None of this is denied by Jerry. Nor do I deny that for some purposes explanations of a more specific kind are needed. Causal explanations, for example, are indispensable for some purposes, but not for the explanation of principles of justice, and so on. More relevant to our purpose is the fact that if there are basic normative principles, i.e. ones which do not reflect any facts which do not feature in such explanations, they, the explanations, are incomplete in the sense that there is something more which can be explained and is not, or that there is something more which can feature in some explanation and does not. But then, every explanation is incomplete in that sense. There is always more that can be explained, and more which can be used to explain, even when there is no reason to offer any further explanations on the occasion.

4. On the role of Basic Principles

Arguably NFD gets closest to the Thesis which Jerry had in mind, and it is time to turn to it. To remind ourselves, it says:

No ultimate factual dependence Thesis (NFD): A principle, P, is true only if [if P is sensitive to some facts (i.e. to the truth of some factual proposition) then it is also sensitive to another principle which is not sensitive to any facts (the specified exclusions allowed)].

There are at least two distinct ways in which principles (that is, ought propositions) can violate NFD, corresponding to two ways in which principles can be sensitive to facts. First, a fact can be (part of) the reason for a principle (e.g. young people are denied full control over their

affairs *because their knowledge is limited*). Second, a fact can be a condition for the application of a principle (e.g. this principle applies only in Britain). Hence, NFD yields two derived theses:

The Factual Reasons Thesis (FRT): a fact *F* can be a reason for a principle only if there is another principle, for which no facts are reasons, and which directly or through the mediation of further principles determines that *F* is such a reason.

The Scope Limitation Thesis (SLT): A fact *F* can set a condition for the application of a principle only if there is another principle, of unrestricted application, which determines that *F* is a condition for the application of the first principle.¹³

The reasons for a principle, referred to in FRT, are practical reasons for those subject to it to act as it specifies, and such other considerations as are required to establish that not only do they have reasons so to act, but that they ought to do so. FRT raises difficult questions, which can – some of them – be mentioned, but to resolve them will take us too far afield. Possibly, FRT is true. Since the reasons FRT refers to are practical reasons it may well be a conceptual truth. A familiar, though controversial, thesis says that only what is valuable provides practical reasons. If so then if some fact, *F*, is a practical reason for some principle, *P*, then that thesis entails that *F* has some value. Assume that *V* (a normative proposition) specifies what value *F* has. It would follow that if *F* is a reason for *P* then so is *V*, and that, with some additional plausible assumptions, is sufficient to make FRT true, conceptually true.

There is a simpler argument that it is a conceptual truth. FRT presupposes a classification of all properties into normative and factual. Wherein lies the difference? One familiar view takes it to be that instantiations of normative properties, and only they, are reason-providing (in and of themselves). If this is so then FRT is a conceptual truth. It relies on nothing other than the nature of the (second order) property of being a normative property.¹⁴

¹³ Both FRT and SLT share the form If *F* then *O*(*P*). So it is crucial to the following that [if (if *F* then *O*(*P*)) then (*O*(if *F* then *P*))] is not a theorem. See footnote 6 above.

¹⁴ Some elaborations of my first argument for FRT make it consistent with this characterisation of normative properties. Other ways of understanding it, and of individuating properties, require a somewhat more complex characterisation of normative properties, to make that argument consistent. Either way the second argument for FRT will stand.

I leave this matter and turn to SLT. Many principles are subject to a condition: one ought to Φ , but only if conditions C obtain. In such cases the principles are sensitive to the condition: if it is true that one ought to Φ , as the principle dictates, conditions C obtain. C may be a factual or a normative condition. Either way it sets a limit to the application of the principle.

Whenever the application of a principle is subject to a limit or condition one may ask why is the principle so limited? If C is also a reason for the principle then that and the explanation of why it is so, is the answer. Suppose however that C is not the reason for the principle. In such cases, it is natural to suggest, the reply will itself be a principle of greater generality, which is not conditional on C. It may itself be of limited applicability, but, unless its condition is its reason, the question ‘Why?’ arises again, and stops only when we reach a perfectly unconditional principle or one conditioned only by its reason. Or, so it may be natural to think, and that thought is a generalisation of SLT.¹⁵

Natural as this suggestion is it has to be rejected. It ignores the lessons I pointed to in Section One. The suggestion’s appeal is in the thought, which I accept, that normative principles can be explained, that the domain of reasons generally is intelligible, that there are no brute facts in it. However, as we saw in the first section, explanations need not proceed by derivation from one principle to another. They can, and commonly do, appeal to other normative facts. Still, even so, SLT is not challenged. Where there is an explanation it will point to a principle of the required form.

Let me offer an example (not to be taken too seriously): Suppose that Tom believes that everyone over 10 and under 55 should play tennis twice a week. Why? Because doing so enriches their life, whereas the demands of the game on people older or younger would be counter-productive. Why? Well, Tom has an elaborate understanding of what enriches people’s lives, which he will propound when pressed, and which obviously does not take the form of an ought proposition of whatever generality. However, it is possible to generate any number of principles out of it. For example: if it enriches your life you ought to play tennis (this is a

¹⁵ It is probably also a generalisation of Jerry’s Thesis, though it is not motivated by the thought that there is something suspicious about facts as basic (i.e. ones not subsumable under more general principles) conditions.

conditional, but the antecedent is the reason for the consequent and explains the whole). Of course, for anyone who wonders about the justification of Tom's original principle this more abstract principle contributes little. The heart of the justification, and the explanation of Tom's principle, is in the long story about what enriches people's life, and how playing tennis does so, and why one should do what enriches one's life. But that is no objection to SLT.

These observations continue and reinforce the message of the previous sections. There I suggested that basic principles have a more modest epistemic and explanatory role than some people, not necessarily Jerry, may suppose. Here I added that not only is their role in practical, everyday, normative explanation limited, but that it is not all that it is sometimes touted to be when it comes to theoretical explanations, to explanations setting out necessary conditions for the truth of moral or other principles.

It seems to many, myself included, sensible to think that necessary features of human nature set a limit to what can contribute to the quality and meaning of human life. The necessity involved is weaker than natural necessity. That is, even features which are not necessitated by natural laws can set limits to what can contribute to the quality and meaning of human life. It could be, for example, that so far as natural necessity is concerned it is possible to implant in humans forms of perception, e.g. by radar, currently not available to them, or to enable them to travel in time a hundred years into the future, and return to the present. But when we think of necessary features of human nature setting limits to what can contribute to the quality of human life these possibilities are, so far as normative thought goes, impossibilities.

What humans, and other rational agents if there are any, ought to do is in part determined by facts about what can serve as a reason for a rational agent, which leads to recognition of the relevance of what can enhance the quality of life of such agents, and so on. Such considerations render some necessary features of human beings relevant, make them set a limit to what can determine what people ought to do. It would follow that some principles are conditional on necessary features of human beings. Does that undermine SLT? Not necessarily. There will always be a true proposition, perhaps having the form: If values or reasons for action depend on necessary features of human beings then one ought to follow only principles which reflect or respond to those necessary features. So, SLT remains intact, but the availability of SLT-satisfying principles should not be allowed to disguise the fact that the grounds for the truth of this and other principles, and the explanation of their truth, lie in the argument,

whatever it is, which makes value conditioned by such features. Explanations, theoretical explanations, of moral principles will – quite appropriately – continue to be expressed in the traditional way, i.e. by saying that they do depend on facts about human nature.

5. Conclusion

To sum up: Jerry seems to be advancing two theses. ET and NFD are one possible interpretation of them. ET seems to be mistaken. Epistemic reasons and the explanations of true normative propositions need not be insensitive to non-normative facts.

Some people will think that even if true this is irrelevant to the core of Jerry's Thesis, which is not about everyday epistemic reasons and explanations, but about theoretical ones. However, theoretical reasoning is sensitive to **all** our warranted beliefs. All of them may affect the case for or against any theoretical thesis. Hence the failure of ET is relevant to theoretical reflection.

NFD on the other hand, seems to be true. My only worry is that some may mistake the reasons for its truth, and therefore the role it plays in practical thought, assigning to it a fundamental role in arguments for moral or other principles. Such arguments depend primarily not on principles, but on facts about value, virtue, the nature of normative thought, and of rational agency, and such like. Facts about the nature of normative thought probably render NFD true. But its truth should not lead to thinking that fact-insensitive principles play a major role in our practical thought. Principles which are specific and informative enough to be useful guides for action probably are fact-sensitive. And both they and those principles which are fact-insensitive (understood as per the revised thesis), are true, when they are true, because of their responsiveness to normative facts, which are not expressed by principles.