

Causation and the is-ought gap

Author: Terence Rajivan Edward

Abstract. In this paper, I begin with Joseph Raz's remarks on H.L.A. Hart's contribution to general philosophy, before proposing a counterexample to the is-ought gap.

Draft version: Version 1 (May 28th 2022).

In one of his more easily readable texts, his obituary of H.L.A. Hart for *Utilitas*, Joseph Raz writes:

Arguably apart from his work (together with Honoré) on causation he has not contributed greatly to general philosophy. But his writings in philosophy of law join those of Hobbes and Bentham as the major contributions in English to that subject. (1993: 156)

These are the obituary's final sentences. They give rise to various questions. One question is what does an average philosopher, focused on general philosophy, know of Hart? If I am walking along the street and then stopped by some officials and strangely asked, "Can you tell us Hart's contribution to general philosophy?" I think I would reply with: "He wrote a book with Honoré which said that our attributions of causation are norm-sensitive." I fear this would be regarded as reckless use of attribution talk though (see Mansfield 1964: 491-492).

The information I am aware of seems important to me, though sorting out who contributed what to the norm-sensitivity of causal attributions is tricky. There is also a Stapleton involved (see Beebe 2004). Anyway, I wish to draw upon the information to present an argument against the is-ought gap, according to which one can never validly infer ought from is. Consider the following set of propositions:

- (1) Nurse Meana did not administer medicine to the patient.

(2) Nurse Keena did not administer medicine to the patient.

(3) Nurse Meana caused the patient's death but not Nurse Keena.

In conversation, a person I regard as reliable commits themselves to all three. What I infer is that there was a norm applying to Nurse Meana, and not to Nurse Keena, to administer medicine to the patient referred to. The content of the norm is: "Nurse Meana ought to have administered medicine to the patient." But it seems then that I am inferring what ought to be the case from what is the case, or what ought to have been the case from what was the case. Is that not a counterexample to the is-ought gap?

References

Beebe, H. 2004. Causing and nothingness. In J. Collins, N. Hall, and L.A. Paul (eds.), *Causation and Counterfactuals*. Cambridge, Massachusetts: MIT Press.

Mansfield, J.H. 1964. Hart and Honoré, Causation in the Law – A Comment. *Vanderbilt Law Review* 17 (2): 487-524.

Raz, J. 1993. H.L.A. Hart (1907-1992). *Utilitas* 5 (2): 145-156.