John Searle and the is-ought problem[1]

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One problem in moral philosophy is how to explain the process of moral reasoning; how we arrive at our moral judgments and how we provide reasons for such judgments. This problem was first introduced to philosophy by David Hume. The modern formulation of this problem, which was devised by R. M. Hare, is the so-called is-ought problem: how it is possible to derive an ought-statement (value statement) from a set of is-statements (factual statements). For a time, many philosophers hold that the correct solution to this problem is to hold the "no ought from is" principle, which implies that it is impossible to derive an ought-statement from an is-statement. John Searle is one of those philosophers who tried to resist this solution. His main contention was that there is a counterexample which could put into question this principle. Furthermore, he claims that the underlying assumption of the is-ought problem (viz. fact-value distinction) is false, or at least can be resisted. In this paper, I shall examine and evaluate Searle's solution to the is-ought problem. Furthermore, I shall emphasize the importance of his main thesis to moral philosophy.

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I

One of John Searle's contributions to philosophy is his solution to the so-called is-ought problem. This problem was first introduced to philosophy by David Hume. In the early part of the 20th century, the modern formulation of this problem gave rise to a new branch of moral philosophy known as metaethics. The is-ought problem is the problem of explaining how we arrive at our moral judgments from a set of judgments about facts. Since Hume, it was already commonplace to claim that it is impossible to derive an ought-statement (a statement about values) from a set of is-statements (statements about facts). This claim, however, has an underlying assumption; viz. that there is a logical gulf between statements about facts and statements about values. Many philosophers, including Searle, questioned this main assumption. For Searle, we should reevaluate the assumption about the distinction between descriptive and evaluative statements, or between facts and values, because we could devise a counterexample which puts it into question.

In this essay, I would like to present and evaluate Searle's solution to the is-ought problem by doing four things. First, I shall show what the is-ought problem is all about namely on Hume's classical formulation and R. M. Hare's modern formulation. Second, I shall present Searle's solution and how he developed his counterexample. Third, I would present some of the main criticisms against Searle's solution and how he addressed them. I would also show that these criticisms were unsuccessful because they failed to see his point concerning the is-ought problem. Finally, I would show Searle's main thesis in his solution to the is-ought problem and why it is important to moral philosophy.

II

We should first understand what the is-ought problem is all about before we can come into terms with Searle's solution to it. The is-ought problem starts with the assumption that there is a logical distinction between the set of statements about facts and the set of statements about values. The former set is called *descriptive* statements; while the latter is called *evaluative* statements. Given this logical distinction between these two sets of statements, we can assert that no set of statements about facts,

by themselves, *entails* a statement about values. That is, we can never derive an evaluative statement from a set of descriptive statements.

The distinguishing feature of a descriptive statement is that it is formulated in the "is" formulation; while an evaluative statement is formulated in the "ought" formulation. Thus, the statement, "That tree *is* green," is a descriptive statement; while the statement, "We *ought* not to cut down trees," is an evaluative statement. Formally speaking, descriptive statements are judged to be true or false; while evaluative statements are not. With this additional component, we can reformulate the is-ought problem in its modern formulation this way: "Can one reasonably derive an ought- statement from a set of is- statements?

Consider the following descriptive statements:
(1) Two persons are taking money from a bank.
(2) The money they are taking is not theirs.
(3) This act is called "stealing."

Basing from these statements alone, it is asked whether we could arrive at the claim that what they are doing is *wrong* or that they *ought* not to do what they are doing. Can we derive an evaluative statement from a set of descriptive statements?

Some metaethicists would claim that, basing from the facts alone, we could only conclude that what those persons are doing is stealing. We cannot conclude that what they are doing is wrong, or that they ought not to do it. We can only derive a statement about wrongfulness or oughtness only if we add another statement in the set we have so far. Such a statement could be of the sort like "Stealing is wrong," or "Such an action ought not to be done." Statements of this sort, basing from the definitions about the two kinds of statements above, are also evaluative ones. Hence, we can only derive an ought-statement (evaluative statement) from a set of descriptive statements (is-statements) on the assumption that there is an implicit (or explicit) evaluative statement in that prior set.

The formulation of the problem of deriving an ought-statement from is-statements is often attributed to Hume's observations about the manner by which people often make ought-statements:

> In every system of morality…I have always remark'd, that the author proceeds for some time in the ordinary ways of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when all of a sudden I am surpriz'd to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is imperceptible; but is however, of the last consequence. For as this *ought*, or *ought not*, that expresses some new relation or affirmation, 'tis necessary that it shou'd be observ'd and explain'd; and at the same time that a reason should be given; for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it.[2]

There have been many debates about the interpretation of this passage—a debate which I would not delve into in this paper.[3] But in this paper, I will assume a particular interpretation of this passage, an interpretation which implies that it is impossible to derive an evaluative statement from a set of descriptive statement. This interpretation is known in the literature as the "no ought from is" principle. One noted philosopher who made explicit use of this way of understanding what Hume meant in the passage above was R. M. Hare.

Hare took Hume's observation as a necessary truth about moral systems, in general, and moral arguments, in particular. Hare saw that

[2]David Hume, *A Treatise of Human Nature* (London: Penguin Books, 1965/1740), 521.

[3]For details of the exegetical debate see Hare, R. M., *The Language of Morals* (Oxford: Oxford University Press, 1959); A. N. Prior, *The Logic and Basis of Ethics* (Oxford: Oxford University Press, 1949), and Nowell-Smith, P. H., *Ethics*, (London: Penguin, 1954).

if Hume's observations were taken at face value, we would arrive at a general claim about all moral arguments: viz. that we could not derive an ought-statement from an is-statement. This led to the famous "no ought from is" principle. The idea behind this is the plain fact that under no circumstance could we derive an evaluative statement from a set of descriptive statements. Because of this general claim, Hare was able to devise a particular metaethical theory, which later came to be known as universal prescriptivism. The main theses of this theory are the following:

(1) Moral judgments are nothing more than pres-criptions of actions.
(2) As prescriptions, such judgments are neither true nor false.
(3) Moral judgments are either applicable universally or not.
(4) Evaluating moral arguments are done by first looking at the facts concerned. Such facts do not necessarily entail moral judgments.
(5) Since these facts do not necessarily entail moral judgments, to evaluate such arguments, one needs to see the underlying moral judgment that is either implied or assumed in the argument.

I will not go into Hare's theory in detail here. But it goes without saying that for a time Hare's theory became the canonical view of moral philosophy; his name became synonymous with "metaethics." But such reverence to a philosophical system does not go by without its critics. And by the mid-20th century, a new wave of philosophers criticized the very assumptions held by Hare's metaethical theory. One such criticism came from John Searle.[4]

[4]For other attempts to resist the "no ought from is" principle see G. E. M Anscombe. "Modern Moral Philosophy." *Philosophy* 33, no. 124 (1958); Philippa Foot, "Moral Arguments," *Mind* 67, no. 268 (1958), Bernard Williams, "Aristotle on the good: A formal sketch," in *Philosophical Quarterly* 12, no. 49 (1962), A.C. MacIntyre, "Hume on 'is' and 'ought'," in *Philosophical Review* 67, no. 4 (1959), and Jeremiah Joven Joaquin, "Dissolving the is-ought problem: An essay on moral reasoning," [article on-line]; *Philpapers: Online Research in Philosophy.* February 5, 2010; available from http://philpapers.org/archive/JOADTI.1.pdf; accessed 18 August 2010.

III

It is clear from Searle's own words that he was not attacking Hume's observations about moral reasoning directly; what he was after is the modern conception, which Hare made explicit. Searle's point is to put into question the fact/value distinction which lies in the heart of the modern formulation of the is-ought problem. He did this by presenting, in his own words, "a plausible counterexample" against the current principle about moral arguments; i.e. "no ought from is":

> …[I]f we can present a plausible counterexample and can in addition give some account or explanation of how and why it is a counterexample, and if we can further offer a theory to backup our counterexample—a theory which will generate an indefinite number of counterexamples—we may at the very least cast considerable light on the original thesis; and possibly, if we can do all these things, we may even incline ourselves to the view that the scope of that thesis was more restricted than had originally supposed.[5]

Let us try to unpack what Searle is trying to say here. There are three important concepts to notice here:

(i) plausible counterexample;
(ii) an account or explanation of how and why it is a counterexample; and
(iii) a theory to backup the counterexample

(ii) points to a logical fact about counterexamples. If it were possible (in the logical sense) to derive an evaluative statement from a set of descriptive statements, then it would show that the "no ought from is" principle is false, since there is an instance where the general claim is false. Such derivation is what is called for in (i). If such derivation were possible, then another theoretical justification should be given; since the

[5]See John Searle, "How to derive an 'ought' from and 'is'," in *The Philosophical Review* 73, no. 1 (1964): 43.

distinction between descriptive statements and evaluative statements necessarily entails the "no ought from is" principle, and if such derivation were possible, then another theory should support it.

What was the plausible counterexample? Searle tells us to consider the following set of statements:

(1) Jones uttered the words "I hereby promise to pay you, Smith, five dollars."
(2) Jones promised to pay Smith five dollars.
(3) Jones placed himself under (undertook) an obligation to pay Smith five dollars.
(4) Jones is under an obligation to pay Smith five dollars.
(5) Jones ought to pay Smith five dollars.

He claims that the statements (1)-(4) more or less entail statement (5). Such entailment might not be a logical entailment, but nonetheless we can arrive at (5) from (1) to (4) by appending some other non-controversial statements.

What is the relationship between (1) and (2)? We can say that the relation is one of entailment if we add two other statements in between them:

(1a) Under certain condition C anyone who utters the words (sentence) in (1) promises to pay Smith five dollars; and,
(1b) Condition C obtains.

If we add these two statements to (1), we thus arrive at this derivation:

(1) Jones uttered the words "I hereby promise to pay you, Smith, five dollars."

(1a) Under certain condition C anyone who utters the words (sentence) in (1) promises to pay Smith five dollars.

(1b) Condition C obtains.

(2) Jones promised to pay Smith five dollars.

That is, statements (1a) and (1b) when added to (1) entails (2). If such derivation were to be accepted, then we could ask what is the relationship between (2) and (3)?

Searle takes that the act of promising (which is what you are *doing* when you utter "I promise…") is, by definition, an act of placing oneself under an obligation. So, (2) entails (3). This entailment can be shown if we add a generalization about promises to the effect that all promises are acts of placing oneself under an obligation to fulfill the thing promised. This generalization may be labeled as (2a). Thus, from (2) and (2a) we could arrive at (3):

(2) Jones promised to pay Smith five dollars.
(2a) All promises are acts of placing oneself under an obligation to do the thing promised.

(3) Jones placed himself under (undertook) an obligation to pay Smith five dollars.

But what is the relationship between (3) and (4). Again, Searle asserts that this one is an entailment. If one places himself under an obligation to do something, then it follows that he or she is under such an obligation. But to ensure this, Searle adds another uncontroversial generalization to the effect that all those who place themselves under an obligation are, *ceteris paribus*, under an obligation. This appendage is (3a). So (4) is derived from (3) and (3a).

(3) Jones placed himself under (undertook) an obligation to pay Smith five dollars.

(3a) All those who place themselves under an obligation are, ceteris paribus, under an obligation.

(4) Jones is under an obligation to pay Smith five dollars.

Let us now consider the relationship between (4) and (5). Searle again asserts that this one is an entailment. If one is under an obligation to do something, then it follows that he or she ought to do it; since, and this is another appendage, all those who are under an obligation, *ceteris paribus*, ought to fulfill that obligation. This appendage is labeled as (4a). So the derivation of (5) from (4) and (4a) can be shown as:

(4) Jones is under an obligation to pay Smith five dollars.

(4a) All those who are under an obligation, *ceteris paribus*, ought to fulfill that obligation.[6]

(5) Jones ought to pay Smith five dollars.

Thus, we could arrive at an evaluative conclusion from a set of descriptive statements as premises without using an, implicit or explicit, evaluative premise. The complete derivation is as follows:

(1) Jones uttered the words "I hereby promise to pay you, Smith, five dollars."

(1a) Under certain condition C anyone who utters the words (sentence) in (1) promises to pay Smith five dollars.

(1b) Condition C obtains.

(2) Jones promised to pay Smith five dollars.

(2a) All promises are acts of placing oneself under an obligation to do the thing promised.

[6]There is a problem with this appendage, however, because it seems that (4a) is an evaluative statement. If (4a) is indeed an evaluative statement, then the derivation is only possible because there is a hidden evaluative statement in the set of premises. As such, this still vindicates the "no ought from is" principle, which Searle was trying to show to be false. Although this seems to be a real worry, I think that Searle's main thesis is not about how to derive an ought-statement from a set of is-statement. His main concern is the fact/value distinction. This claim is something which I will discuss later.

(3) Jones placed himself under (undertook) an obligation to pay Smith five dollars.

(3a) All those who place themselves under an obligation are, ceteris paribus, under an obligation.

(4) Jones is under an obligation to pay Smith five dollars.

(4a) All those who are under an obligation, ceteris paribus, ought to fulfill that obligation.

(5) Jones ought to pay Smith five dollars.

If we could thus produce such a derivation, then, as Searle claimed, we have shown that there is at least one counterexample that could be produced against the "no ought from is" principle. If such were the case, then it would have been sufficient to question the very assumptions underlying such principle.

IV

Searle produced and answered several possible objections against his proposed solution. These objections can be classified into three general types: (a) Objections against the *ceteris paribus* clause; (b) Objections regarding the unclear distinction between reporting the use of a word and the usage of it; and finally, (c) Objections about the implicit evaluative statement in the derivation.

The first objection goes this way: There are two questionable steps in Searle's derivation. Those steps which employed a *ceteris paribus* clause—viz. statements (3a) and (4a)—seem to imply evaluations. If such were the case, then the derivation of (5) from (1) - (4) involves two evaluative statements; thus contradicting his main goal of deriving an evaluative statement from a set of descriptive statements. But why did Searle use these clauses in the first place?

Searle used them in the entailments of (3) to (4) and (4) to (5) in order to eliminate the possibility of extraneous events, which might

come into play. Two possibilities might void a particular promise. First, the *promisee* (the person given the promise to) removed the obligation of the *promisor* (the person who gave the promise). Second, the promisee releases the promisor from his obligation. That is, unless we have some reason for supposing that the obligation is void, then the obligation holds and he ought to keep the promise. Thus, Searle claims that the *ceteris paribus* clause is not necessarily evaluative. He concedes, however, that when we decide whether this clause is satisfied often involves evaluation.

A variant of this objection is the question of whether one should keep a promise of doing something wrong. Suppose that you have promised some that you will have them (eat them) for dinner. Should you keep this promise? Given the *ceteris paribus* clause, you should not; since the promised action involves something utterly wrong, and since wrongful actions should not be done, therefore you should not keep promises of doing wrongful actions. But the reasons given here are already evaluative judgments. Hence, Searle's derivation rests on the assumption that the *ceteris paribus* clause is already an evaluative statement. It also follows that Searle's solution is wrong.

Searle replied to this objection as follows: There is no established procedure for objectively deciding such cases in advance, and an evaluation (if that is really the right word) is in order. But unless we have some reason to the contrary, the *ceteris paribus* condition is satisfied, no evaluation is necessary, and the question whether he ought to do it is settled by saying "he promised."[7]

The second objection runs this way: The derivation uses only a factual or inverted-commas sense of the evaluative terms employed. Statements (2) - (5) are in *oratio obliqua* (reports), which are disguised statements of facts, in which the fact/value distinction remains unaffected. Hence, (5) is not an evaluative statement; it is rather a report of events. It follows that Searle did not derive an evaluative statement from a set of descriptive statements; he stated a series of reports.

[7]John Searle, "How to derive an 'ought' from and 'is,'" in *The Philosophical Review* 73, no. 7 (1964): 47.

Another was of formulating the objections is as follows: Searle's move from (1) to (2) is fallacious, unless we take (2) as an *oratio obliqua.* Searle confused the distinction between "a detached report on the meanings which some social group gives to certain value words" and "the unreserved employment of these words by an engaged particular." That is, Searle confuses the use and mention of statements. Thus, we cannot derive (2) from (1) unless (2) is merely a report. If (2) were a report, then so is the rest of the statements (3)-(5). In such a case, no derivation was made.

Searle's reply to this counterargument seems to be inconclusive: This objection fails to damage the derivation, for what it says is only that the steps *can* be reconstructed as an *oratio obliqua.* But what Searle was arguing is that, taken quite literally, without any *oratio obliqua* additions or interpretations, the derivation is valid. That is, even without translating the statements in reports the derivation could still be made. But Searle's reply here is wanting since the point of the counterargument is to show that the statements (1) - (5) are mere reports. But later we would see that the derivation is not Searle's main concern after all.

The third objection is something that one can notice if she looks closely at statement (4a).[8] This could be made explicit as follows: The idea that "if one is under the obligation to do something, then she ought to do it" seems to be an evaluative thesis; and since this is added in the set of statements (1) - (5), then an evaluative statement is derived from a set of descriptive statements and an additional evaluative statement. This however is the main point of the is-ought problem. Thus, Searle did not really solve the problem. This objection can be restated as follows: Since the first premise is descriptive and the conclusion evaluative, there must be a concealed evaluative premise in the description of the conditions in (1b).

Searle replied to this objection as follows: This argument merely begs the question by assuming the logical gulf between descriptive and evaluative which the derivation is designed to challenge. That is, the objection rests on the assumption that there is a clear distinction between

[8]Cf n. 4

descriptive and evaluative statements. But this is the very distinction that Searle was trying to go against.

Another formulation of this objection is as follows: All you have shown is that "promise" is an evaluative, not a descriptive, concept. That is why (5) follows from the rest. Searle again has a ready answer for this: This objection again begs the question and in the end will prove disastrous to the original distinction; since (2) already is evaluative, and this objection grants that (2) follows from (1), then this already shows that *there* can be an ought from an is.

The last formulation of this objection seems revealing of the motivations behind the "no is from ought" principle: Ultimately, the derivation rests on the principle that one ought to keep one's promises and that is a moral principle, hence evaluative.

Again, Searle gives a reply: I don't know whether "one ought to keep one's promises" is a "moral" principle, but whether or not it is, it is tautological: All promises are obligations. And one ought to keep one's obligations.

There seems to be an insistence among philosophers who reacted against Searle's solution that there is a real distinction between evaluative and descriptive statements. If such were readily made, then it would follow that no evaluative statement is entailed by purely descriptive statements. However, and this is Searle's complaint, we can never really establish a clear-cut demarcating line between evaluative and descriptive statements since we can accept that "one ought to keep one's promises" is indeed a tautology. That is, all promises are obligations. But whether this statement is a descriptive statement or not is no longer the concern.

The point of Searle in his counterexample is that if we were to accept this, then we should be willing to reexamine the main assumptions that were held in the "no ought from is" principle. And one of the most important assumptions made there is that there is a clear-cut distinction between facts and values; i.e. between descriptive and evaluative statements. However, even though it could be pointed out that his derivation is not one of logical entailment, it should not hinder

us from reexamining our assumptions about facts and values. This latter, I think, is Searle's main point.

Searle asked one of the important questions about the dichotomy between facts and values in a form that would surely infuriate other philosophers; and this question is, "Why do philosophers insist that promises do not entail obligations?" Searle gave two reasons why philosophers often insist on this: The first is about the philosophers' failure to distinguish external questions (Why do we have such an institution as promising) from internal questions (Should you keep your promise?) about promises. "Ought one to keep one's promises?" (internal question) is often confused with "Ought one accept the institution of promising?" (external question). Internal questions are about promises, not the institution of promising. "Ought one to keep one's promises?" is as empty as the question "Are triangles three-sided?". To recognize something as a promise is to grant that, other things being equal, it ought to be kept.

The second is the philosophers' tendency to over-generalize cases: from cases where we do not need to keep our promises to all cases of promising. There are situations where we are no longer obligated to fulfill the promise. Such cases often override the promise made. But this is where the *ceteris paribus* consideration applies. But even without the *ceteris paribus* consideration, we do in fact have those obligations. The fact that obligations can be overridden does not show that there were no obligations in the first place.

However, Searle points to a more specific theoretical foundation of his derivation. He pointed to the speech act nature of making a promise. Making a promise (I promise to do X) is a performative expression. In making promises, one performs, but does not describe, the act of promising. When you utter a promise, you are accepting an obligation. If one thinks making a promise is a peculiar kind of description—of one's mental state—then the relation between promising and obligation is going to be very mysterious. So, the theory behind Searle's derivation is very important to specify since it was the point he wished to make explicit.

V

What is the theory behind the derivation of (moral) oughts from speech acts (like promises)? Searle was quite clear that the is-ought problem is really a problem of language. The distinction between facts and values rests on a certain view of the way words relate to the world. Hence, Searle's counterexample may seem inadequate if we insist on the classical way (i.e. the assumption that there is distinction between facts and values) of looking at things.

The classical fact/value distinction rests on the idea that descriptions (such as, "Jones is six feet tall") can be judged as either true or false; while evaluations (such as, "Jones ought to pay Smith") are deemed as moral prescriptions, or else expressions of emotions. Descriptions are often described as objective; while evaluations are subjective. From these prior sentiments it is concluded that there is a logical gulf between them. And since this gulf exists, it seems to follow that we can never derive one from another.[9]

Searle complained about this classical distinction. He remarked, "No doubt many things are wrong with it." His main complaint was that this distinction fails to account for notions such as commitment, responsibility, and obligation. We can easily make evaluative statements about these notions. Yet, at the same time, we could make descriptive claims about them. The problem is that there is no clear-cut boundary between facts and values with regard to these notions.

But what were the grounds for Searle's derivation? This question is important to answer because this is where we can see Searle's theoretical apparatus. The elements of his theory are simple and easy to follow. First was the distinction between brute facts and institutional facts. Second was the distinction between, *a la* Kant, regulative and

[9]I'm not sure about this claim. Hume asked why we arrive at oughts from isses. But could we not ask how can we arrive at isses from oughts? This is inquisitive. Suppose we have the following evaluative statement: "Jones ought to pay Smith;" what descriptive statement can we derive from it? Perhaps we can derive "There is a person, Jones, and there is another person, Smith." But how is this possible?

constitutive rules. And finally the tautological result that "all promises are moral obligations." Let's go through the elements one by one.

It seems that there is no clear-cut boundary between facts and values in the first place since there are different types of descriptive statements, hence different facts of the matter. Consider the following statements:

(1) Jones is six feet tall.
(2) Smith has brown hair.
(3) Brown has an oily face.
(4) Jones got married.
(5) Smith made a promise.
(6) Brown hit a homerun.

The first three examples are paradigm cases of descriptive statements. That is, they can be objectively judged to be true or not. The latter three, however, may be seen as descriptive statements, but we surely do not know why they are as such. Here, Searle alludes to Anscombe's distinction between brute and institutional facts.[10] Statements about someone's height, hair color, or facial niceties are statements about brute facts. Statements about marriage, promises, and homeruns are statements about institutional facts. Brute facts are facts that are independent of any institution. The fact that Kelly's log is brown is independent of the conventions we make about politics, religion, etc. Institutional facts, on the other hand, are facts whose existence presupposes certain institutions. Without these institutions, these facts would cease to exist. Without the game (institution) of baseball, there would be no sense to say that someone hit a homerun.

The classical view makes a distinction between statements of fact and statements of value. But this distinction cannot account for the existence of institutional facts. It cannot account for the existence of statements such as, "Jim got married" or "Johnny failed the exam." Since this view cannot account for these statements, they have a problem accounting for utterances that presuppose institutional backing. As

[10]See Anscombe, "Brute Facts," in *Analysis 18,* no. 13 (1958).

such, it also could not account for promises and obligations, both of which presuppose an institution. Searle's point regarding the is-ought problem is now obvious. Since the is-ought problem presupposes this classical distinction, which is not theoretically sound, then, on the face of institutional facts (or statements about them) we should yield to another theoretical grounding. This theoretical grounding rests on the assumption that there are facts that are dependent on institutions. And in order to account for these facts, we should know how they are made (or how they function). This is where the distinction between regulative and constitutive rules applies.

Institutions are made by us, human beings. We make them by instilling rules or conventions. However, there are two kinds of rule-making: viz. regulative rules and constitutive rules. Regulative rules are rules that regulate activities whose existence is independent of the rules. This kind of rules is made to impose certain normative behaviors to already existing practices. Thus, making a rule about "polite" table manners is a regulative rule; since it only makes certain impositions to a behavior (eating) which we already know to exist prior the rules about polite table manners. Constitutive rules, on the other hand, are rules that regulate and constitute the forms of activities whose existence is logically dependent on the rules themselves. Thus, the rules of chess do not only regulate the way we play the game; it also makes the game of chess the game it is.

Like all human institutions the institution of promising is governed and created by a set of constitutive rules. It is thus the case that human institutions, like promising, abide by the constitutive rules that make them possible. Searle furthers by saying that "once we recognize the existence of and begin to grasp the nature of such institutional facts, it is but a short step to see that many forms of obligations, commitments, rights, and responsibilities are similarly institutionalized."[11]

[11]We remember Hume saying, "a promise would not be intelligible, before human conventions had established it" (Hume, *A Treatise of Human Nature*, 568).

Searle started his derivation with a brute fact, viz. Jones said "I promise…" Then, he invoked the institution of promising, which is created and governed by constitutive rules. The constitutive rule that governs promises is that when someone promises someone else, he or she took an obligation to fulfill that promise. Hence, if you promise someone something, you ought to keep it. Thus, we could start with statements about facts (brute or institutional) and derive a statement about values from them. When you say, "I promise…" you are undertaking an obligation to fulfill this promise. Hence, you ought to do what you have prsomised. This is governed by the constitutive rules of this institution.

Searle's conclusions about the matter are as follows:

(1) The classical picture fails to account for institutional facts;
(2) Institutional facts exist within systems of constitutive rules;
(3) Some systems of constitutive rules involve obligations, commitments, and responsibilities; and
(4) Within those systems, we can derive ought-statements from is-statements on the model of the first derivation.

Thus, the assumption of fact/value distinction is here questioned. This amounts to possibility of deriving an ought-statement from a set of is-statements.

Searle's solution to the is-ought problem is an indirect result of his critique of the fact/value distinction. The speech act theory he helped developed asserts that the illocutionary component of speech is all that is being distinguished in descriptive and evaluative statements. This consideration would help us understand how we use words and sentences in producing arguments, including an argument having descriptive statements as premises, and an evaluative statement as a conclusion. We can have many other derivations of oughts from isses, and this is not the problem. The problem only comes in when we uncritically assume the classical fact/value distinction in our moral reasoning.

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