

CONTENTS

PREFACE

page v

I. ON NORMS IN GENERAL

1. The heterogeneous nature of the field of meaning of the word 'norm'. The aims of a General Theory of Norms must be restricted 1
2. The meaning of 'law'. The laws of nature are *descriptive*, the laws of the state are *prescriptive* 1
3. The laws of logic. Are they descriptive or prescriptive? Realism *versus* nominalism in the philosophy of logic (mathematics). The conception of the laws of logic as 'rules of a game' 3
4. Rules—a main type of norm. Rules determine a concept. They are neither 'descriptive' nor 'prescriptive'. Rules of a game, rules of grammar, rules of a calculus 6
5. Prescriptions. Prescriptions are the commands, permissions, and prohibitions given by a norm-authority to some norm-subject(s). The notions of promulgation and sanction 7
6. Customs. Comparison with rules, prescriptions, and natural regularities. Customs determine patterns of conduct and exert a 'normative pressure' on the members of a community. Customs as anonymous prescriptions 8
7. Directives or technical norms concerning means to an end. Technical norms are based on necessary relationships (anankastic propositions). Technical norms must be distinguished from hypothetical norms 9
8. Moral norms. Their affinity to customs. Are moral norms prescriptions? Or are they directives for the realization of moral values? The deontologist position 11
9. Ideal rules. Their connexion with the notions of goodness and virtue. Ideal rules are conceptual 13
10. Summary of the main types of norm which we have distinguished in this chapter 15

CONTENTS

II. PRELIMINARIES ON LOGIC. THE LOGIC OF CHANGE	
1. In origin, deontic logic was an extension of modal logic. In the present work deontic logic is studied from a different point of view. Familiarity with modal logic and quantification theory not presupposed, but desirable. Familiarity with propositional logic presupposed	17
2. The fundamentals of propositional logic. Propositions and sentences. Sentences express propositions. Names of propositions and of sentences. Definition of <i>p</i> -expressions. The <i>p</i> -calculus	18
3. The fundamentals of propositional logic continued. Truth-functions. Tautological equivalences. Normal forms. State-descriptions, and possible worlds. Descriptive sentences express contingent propositions	19
4. What is a proposition? Generic and individual propositions. The occasion for the truth or falsehood of a proposition. Universals and individuals. General and particular propositions	22
5. Facts. Division of facts into states of affairs, processes, and events. Sentences which express contingently true propositions describe facts. Names of facts	25
6. The conception of events as ordered pairs of states of affairs. The event as state-transformation. The initial state and the end-state	27
7. The <i>T</i> -calculus. Definition of <i>T</i> -expressions. The four types of elementary state-transformations	28
8. Every state-transformation is a truth-function of elementary state-transformations. Tautologous state-transformations	30
9. The positive normal form of <i>T</i> -expressions	32
10. Change-descriptions	33
 III. ACT AND ABILITY	
1. Human acts. The importance of this notion to a theory of norms. There will be no discussion of free-will in this book	35
2. Acts and events. Types of act. Generic and individual acts	35
3. The occasion on which an act is performed. Occasion and opportunity	37
4. The agent. Types of agent	37
5. Results and consequences of action. The connexion between an act and its result is intrinsic. The connexion between an act and its consequences is extrinsic. Relativity of the notion of result. Result and intention	39

CONTENTS

6. Distinction between act and activity. Which concept is prior? Bodily activity as a prerequisite of human acts. Acting and doing	41
7. The four types of elementary acts. The conditions of acting	42
8. The notion of forbearance. Degrees of forbearance. Results and consequences of forbearance. The conditions of forbearance. The four types of elementary forbearance	45
9. Act and ability. The two meanings of 'can do'. 'Can do' and 'know how'. Ability, skill, and capacity	48
10. Doing and trying. Forbearing and unsuccessful trying	51
11. The reciprocal nature of the abilities to do and to forbear. The logical independence of the abilities with regard to the four types of elementary acts	53
12. Compelling and preventing. Their relation to the agent's ability to do and to forbear	54
IV. THE LOGIC OF ACTION	
1. The <i>df</i> -calculus. Definition of <i>df</i> -expressions	56
2. Elementary <i>d</i> - and <i>f</i> -expressions	56
3. Every <i>df</i> -expression is a truth-function of elementary <i>d</i> - and <i>f</i> -expressions. The distributive properties of the <i>d</i> - and <i>f</i> -operators. <i>df</i> -tautologies	58
4. The positive normal form of <i>df</i> -expressions	61
5. Act-descriptions. Corresponding state-descriptions, change-descriptions, and act-descriptions	62
6. External and internal negation of <i>df</i> -expressions. Compatibility and incompatibility of <i>df</i> -expressions	64
7. External and internal consequences of <i>df</i> -expressions	66
8. Uniform <i>df</i> -expressions. The intensional character of <i>df</i> -expressions with regard to <i>T</i> - and <i>p</i> -expressions	66
V. THE ANALYSIS OF NORMS	
1. The six 'components' of prescriptions. The concept of the norm-kernel	70
2. The norm-character. Division of norms into obliging and permissive norms, and of prescriptions into commands, permissions, and prohibitions	71
3. The norm-content. Division of prescriptions into regulations of action and regulations of activity. The secondary nature of the latter	71
4. (<i>Cont.</i>) Division of norms into positive and negative. Elementary norms. <i>OP</i> -expressions	72
5. The conditions of application of norms	73

CONTENTS

6. (<i>Cont.</i>) Division of norms into categorical and hypothetical. Note on Kant's 'hypothetical imperatives'	74
7. The norm-authority. Normative action. Division of prescriptions into theonomous and positive. Impersonal and personal norm-authorities. The concept of an office. Individual and collective norm-authorities	75
8. (<i>Cont.</i>) Division of norms into heteronomous and autonomous. Can an agent give orders and permissions to himself?	76
9. The norm-subject. Can there be prescriptions for the whole of mankind? Can a prescription address its subject 'disjunctively'? The 'someone ought to leave the boat'-case	77
10. The occasion	79
11. (<i>Cont. 9 & 10.</i>) Division of prescriptions into particular and general. Particular prescriptions and the meaning of 'law' and 'rule'. The opinions of Austin and Blackstone	81
12. Command and prohibition. Relation between 'ought to' and 'must not'	83
13. The concept of permission. Weak and strong permission. Only strong permissions are norms	85
14. Note on the principle <i>nullum crimen sine lege</i> . Closed and open systems of norms	87
15. Degrees of strong permission. Permission as toleration, as right, and as claim	88
16. Is permission an independent norm-character? Permission as toleration can be either a declaration of intention or a promise of non-interference. The normative status of promises	90
VI. NORMS, LANGUAGE, AND TRUTH	
1. Distinction between norm and norm-formulation. A prescription is neither the sense nor the reference of its formulation in language. The notion of promulgation. The language-dependent nature of prescriptions	93
2. Are all types of norm language-dependent? The relation of rules, technical norms, and customs to language. The different positions of norms and valuations in relation to language	94
3. Observations on sentences in the imperative mood. Not all typical uses of imperative sentences are for enunciating norms. Not all norms can be formulated by means of imperative sentences. When used as norm-formulations, imperative sentences are used mainly, but not exclusively, to give prescriptions (commands and prohibitions). 'Permissive imperatives'	96

CONTENTS

4. The language of morals is not a species of prescriptive discourse, and the language of norms is not the same as language in the imperative mood	98
5. Observations on deontic sentences. Their richer semantic capacity as compared to imperative sentences for the purposes of enunciating norms. The use of deontic sentences for stating anankastic relationships	100
6. The use of (ordinary) indicative sentences, in the present or future tense, as norm-formulations	101
7. Whether a given sentence is a norm-formulation can never be seen from the <i>signal</i> alone. Warning against a conception of deontic logic as a study of certain <i>linguistic</i> forms of discourse	102
8. Do norms have a truth-value? The question must be raised separately for the various types of norm which there are. Prescriptions are outside the category of truth. Norm-formulations have meaning, even if norms lack truth-value	103
9. The systematic ambiguity of deontic sentences. Their use as norm-formulations must be distinguished from their use to make normative statements	104
10. The truth-ground of a normative statement is the existence of a norm. Normative statements and norm-propositions	105

VII. NORMS AND EXISTENCE

1. The ontological problem of norms. Contingent and necessary existence	107
2. The principle that Ought entails Can. Discussion of 'Ought'. The extension of the principle to permissive norms	108
3. (<i>Cont.</i>) Discussion of 'entails'. The principle that Ought entails Can does not conflict with the idea of a sharp separation between norm and fact. Facts about human ability as a logical presupposition of the existence of norms	109
4. (<i>Cont.</i>) Discussion of 'can'. Failure to follow the norm in the individual case does not annihilate the norm. But generic inability to follow it is destructive of the norm	111
5. The application of the principle that Ought entails Can to ideals. What a man <i>ought to be</i> he <i>can become</i>	112
6. (<i>Cont.</i>) The application of the principle that Ought entails Can to rules and technical norms. The various meanings of 'want'. Pursuit of something as an end (of action) presupposes that the agent can do the things which are necessary for the attainment of the end	113

CONTENTS

7. (<i>Cont.</i>) The application of the principle that Ought entails Can to prescriptions. The giving- and the receiving-aspect of prescriptions. The existence of prescriptions as dependent upon the giving-aspect alone. Does this make existence independent of ability to follow the prescriptions?	114
8. Normative action. The result and consequences of normative action. The successful performance of normative action establishes a relationship between authority and subject. Analogy between prescribing and promising. The existence of a prescription is its being 'in force'	116
9. The intention and reasons involved in normative action. The aim of commanding is to 'make do'	118
10. Permitting is letting do. Active and passive letting	119
11. The will-theory of norms. Commands as an expression or manifestation of a norm-authority's will to make norm-subjects do and forbear to do things. Permissions and the will to tolerate	120
12. The art of commanding conceived of as ability to make agents do or forbear to do things. Ability to command does not entail that the commander succeeds in making the commanded do that which he wants him to do. The notions of obedience and disobedience. Deduction of the principle that Ought entails Can from the presuppositions of commanding	121
13. The matching of abilities to give and to take orders. Commanding, trying to command, and commanding to try	123
14. Promulgation and effective sanction as ingredients of normative action. The measure of efficacy	125
15. The ability to command presupposes a superior strength of the commander over the commanded. Commanding is not possible among equals	127
VIII. DEONTIC LOGIC: CATEGORICAL NORMS	
1. Deontic Logic. Its basis is a theory of norm-kernels. Its division into a study of categorical and a study of hypothetical norms	129
2. The prescriptive and the descriptive interpretation of <i>O</i> - and <i>P</i> -expressions. Truth-functional and non-truth-functional uses of the connectives	130
3. Consistency of norms. Consistency and possible existence	134
4. Norms and negation. The notion of a negation-norm	135
5. Compatibility of norms. Statement of definitions	141

CONTENTS

6. Theorems on compatibility and incompatibility of norms. Sisyphos-commands and the notion of deontic equilibrium	144
7. Compatibility and possible co-existence of norms. The notion of a <i>corpus</i>	147
8. Norms and necessary existence. Tautologous norms	152
9. Entailment between norms	155
10. Entailment and the necessary co-existence of norms. Derived prescriptions and the commitments of a norm-authority	156
11. 'Ought entails May'	158
12. The Rule of <i>O</i> -distribution	158
13. The Rule of <i>P</i> -distribution	160
14. The constituents of a norm	161
15. The internal consequences of norm-contents reflected in relations of entailment between norms	163
16. Truth-tables in Deontic Logic. Their use for deciding whether an <i>OP</i> -expression is a deontic tautology	165
IX. DEONTIC LOGIC: HYPOTHETICAL NORMS	
1. Hypothetical prescriptions. Difference between categorical and hypothetical prescriptions. The problem of conditionality involved in hypothetical prescriptions	168
2. Hypothetical propositions about categorical norms, categorical propositions about hypothetical norms, and hypothetical norms. In hypothetical norms it is the content and not the character which is subject to condition	168
3. Hypothetical norms and technical norms. The latter often belong to the 'motivation background' of the former. Technical norms are not hypothetical norms about means to ends	170
4. Conditioned action. <i>/</i> -expressions	171
5. The conception of <i>df</i> -expressions as degenerate cases of <i>/</i> -expressions	171
6. Elementary <i>/</i> -expressions	172
7. The conditions of consistency of atomic <i>/</i> -expressions. The 'shorter' and the 'longer' form of <i>/</i> -expressions	173
8. Uniform <i>/</i> -expressions	175
9. Every <i>/</i> -expression is a truth-function of elementary <i>/</i> -expressions	175
10. The constituents of a <i>/</i> -expression. Truth-tables. <i>/</i> -tautologies	176
11. The normal forms of <i>/</i> -expressions	176
12. The conception of categorical norms as degenerate or limiting cases of hypothetical norms. Redefinition of <i>OP</i> -expressions	177

CONTENTS

13. The principles of the logic of categorical norms are also the principles of the logic of hypothetical norms. Redefinition of the notions of the content, the conditions of application, and the negation-norm of a given norm. The metalogical notions of consistency, compatibility, and entailment	178
14. Some theorems on the relation between categorical and hypothetical norms	180
15. The conjunctive distributivity of the <i>O</i> -operator	181
16. The disjunctive non-distributivity of the <i>P</i> -operator	182
17. The notion of commitment. Discussion of some formulae of the old system of deontic logic and their equivalents in the new system	184
18. The Paradoxes of Commitment. Redefinition of the notion of commitment. Commitment as a voluntary loss of normative freedom	187
X. NORMS OF HIGHER ORDER	
1. Norms, norm-propositions, and normative acts as suggested contents of norms. Definition of norms of higher order. Norms of higher order and prescriptions	189
2. The issuing and cancelling of prescriptions. The two notions of cancellation	191
3. The notions of sub-authority, superior authority, and supreme or sovereign authority	191
4. The prominence of permissions among higher order norms. Competence norms and the delegation of power	192
5. The concept of validity. Factual and normative validity. Validity and truth. Invalidity	194
6. Chains of subordination. The notion of a normative system. Validity in a system. Do the laws of the state form a system?	198
7. Invalid normative acts and the usurpation of normative power. The concept of a revolution	200
8. Independent and intersecting normative systems	202
9. Conflicting normative systems	203
10. Is conflict within a normative system logically possible? The conception of competence norms as toleration of normative action and as right to normative action. The conception of the normative system as a corpus. The transmission of the sovereign will	203
INDEX	209