

PUBLIC TELEVISION AND THE "OUGHT" OF PUBLIC POLICY*

SIDNEY S. ALEXANDER**

If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair.

George Washington,
Speech to the Constitu-
tional Convention of
1787

Will the American people find happiness in Public Television? Is Public Television in the public interest? "This subject," I want to argue, "is within the cognizance of the rational faculty; and neither does that faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine."¹

By "Public Television," I refer specifically to the proposal, made by the Carnegie Commission for Educational Television, to build with federal support a system of public broadcasting based upon our present educational television system.² The proposed system would consist of 380 local television stations, enough to bring at least one public television signal of grade B quality to about 94 percent of the population of the United States, and at least one of grade A quality to about 68 percent. While all stations would produce material of local interest, many would also produce material of regional and national interest as well. To make available to each other programs of more than local interest, and to permit the broadcast of programs produced for nationwide distribution, the stations would be interconnected by cable or microwave. The entire system would cost about 270

* This paper was among those commissioned jointly by Resources for the Future, Inc. and the Brookings Institution, both of Washington, D.C., and served as the basis of discussion at a symposium held September 11 and 12, 1967, at Airlie House, Warrenton, Virginia. The views expressed by the author do not necessarily represent those of the trustees, officers, or staff of either sponsoring organization.

** Professor of Economics and Management, Massachusetts Institute of Technology; Consultant to The RAND Corporation.

1. Mill, *Utilitarianism*, in *THE ENGLISH PHILOSOPHERS FROM BACON TO MILL* 898 (E. Burt ed. 1939).

2. Carnegie Commission on Educational Television, *PUBLIC TELEVISION: A PROGRAM FOR ACTION* (1967).

million dollars a year. Of this total, some 54 million a year is to be spent on the production of national programs for broadcast by local stations.

The commercial television system is under pressure to produce the *most popular* programs that can be produced. The public television proposal is made in the belief that a public television system, supported largely by the government, but operating autonomously, would be motivated to produce the *best* programs that can be produced. The essential fact for this paper is that the proposed public television system will require the use of substantial resources for the production and distribution of television programs that are deemed by public officials to be the best for the American people. The assertion that public television is in the public interest is therefore the assertion that it is in the public interest to devote some 270 million dollars a year to provide the public with programs produced and distributed by an independently operated, though publicly supported, television system, whose policy is to produce and exhibit the best rather than the most popular programs. Whether or not one can rationally assent to that proposition raises the question—with which the next sections of this paper are concerned—whether one can rationally assent to any normative judgment. In the final section of this paper, I shall return to the examination of public television in the light of the conclusions on normative judgments.

I. THE ARGUMENT AD HOMINEM AND TO THE SCIENTIST

Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered. Luke 11: 52

The question I am raising in this paper is: what rational arguments can be made in support of public television? Social scientists believe, as a matter of faith, positivists as a matter of logic, that a normative question is not subject to rational inquiry. Rationality is taken to be a matter of means, not of ends, and to attempt to evaluate ends rationally is simply to be confused. The social sciences, like the natural sciences, can at most aspire to the discovery of that which *is*. That which *ought to be* cannot be found with the most powerful of microscopes. How then can I assert a public interest in public television?

The Carnegie Commission on Educational Television supported the public television proposal in a manner completely different from those today considered permissible. The difference remains large even if we allow

for the fact that the report is addressed to the general public rather than social scientists. The Commission took as a theme for one part of its report, the views of E. B. White:

Noncommercial television should address itself to the ideal of excellence, not the idea of acceptability—which is what keeps commercial television from climbing the staircase. I think television should be the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills. It should be our Lyceum, our Chautauqua, our Minsky's, and our Camelot. It should restate and clarify the social dilemma and the political pickle. Once in a while it does, and you get a quick glimpse of its potential.³

That excellence, and not acceptability, is to be the ideal directly challenges the standard of want satisfaction, or egoistic utilitarianism that underlies the normative analysis of economists and political scientists. The desired need not be the desirable. Even if people are willing to pay a lot less for public television than it would cost, it may well be desirable. For it may be that public television can help make better people of us, and a better country for us. That could well be worth more than the things we would otherwise buy with the \$270,000,000 a year. That argument, however, I shall defer until I am in a better position to make it. In the meantime, I should like to build a basis for bringing this question, and questions like it—questions of good or bad, desirable or not—into the range of discourse of social scientists.

I claim that it is particularly suitable for those engaged in the study of our social institutions to attend to the possibility of their improvement; that the belief that there is in the social sciences no room for the normative is an error; that that error is the root of much evil. It foists upon economics and political science mistaken standards of the good, and closes the door to inquiry into rival standards. The result is a conservative bias in the social sciences, a bias that whatever exists is good, or at least, that there is no possible basis for saying that a condition that does not exist is better than the one that does.

The economist, in the face of a normative problem, has, in different moods, three reactions. The first is to claim that notions of better or worse are strictly personal.⁴ When he suspends that tenet for purposes of public

3. *Id.* at 13.

4. Talk of ends is called ideology (the perjorative for other peoples' ideals), and an ideological proposition treated in a logical manner, "dissolves into a completely meaningless noise or turns out to be . . . circular. . . . Take the proposition: all men are created equal . . . [A]re all men the same weight?" J. ROBINSON, *ECONOMIC PHILOSOPHY* 2 (1964). But surely it is not meaningless to say that all men are created equal and few

policy discussion, he still believes that any judgment of better or worse can appropriately be made only as a function of incommensurate individual preferences and so is led to Pareto optimality.⁵ If he is very daring, he assumes commensurability of utilities as measured by money, and undertakes a cost-benefit analysis.⁶

These three forms of egoistic hedonism are all in violent opposition to the notion of excellence, for that notion implies that some wants are better than others, and indeed that what is not preferred may be better than what is preferred. The issue is posed particularly sharply by Public Television, since we already have commercial broadcasting, an institution that can give the public just about what it wants, at least as far as the majority is concerned, and even as far as very large minorities are concerned.

It is true that an economist can point out, as Wiles has, that programming television solely on the basis of aggregate popularity might fall short of the optimum that would be indicated by a cost-benefit analysis. Suppose that there should be an intense desire on the part of a small minority for cultural television programs, of which opera and the ballet are usually given as prime examples. If given the opportunity they would, let us assume, be willing to pay more for such programs than the viewers of the displaced programs would be willing to pay for the difference between their current program fare and the closest substitute to which they would be shifted if opera and ballet were to replace what they are now watching. Then a cost-benefit analysis would support, distribution considerations aside, programming other than the most popular program. Essentially this implies an interpersonal measure of utility.

The argument for excellence goes well beyond such cost-benefit analysis, however. It claims that some programs are better than others; that the

could have misunderstood it as requiring anthropological measurement, though many might differ over what that equality implies. That all men are created equal is a somewhat figurative expression of the normative truth that all men are rightly to be accorded equal rights under the law. Far from being a meaningless noise, this is a truth that we scorn at our peril.

5. We may consider one state of the world better than another if nobody concerned prefers the second to the first, and at least one person prefers the first.

6. An economist will allow that a proposal like public television can be evaluated by a cost-benefit comparison—whether potential viewers would be willing to pay for the programs the total cost of providing them. If income distribution effects are not adverse, the decision is then to be governed by whether the value of the benefits exceeds the costs. Otherwise, if the distributional effects are adverse, the decision would have to be made by an authorized policy maker referred to in the trade as “superman,” who has to decide whether the net excess of benefits over the costs outweighs the adverse distributional effects. I. LITTLE, *A CRITIQUE OF WELFARE ECONOMICS* 87 (1950). In the case of British television policy, we have an actual sample of this sort of analysis skillfully applied. Wiles, *Pilkington and the Theory of Value*, 73 *ECON. J.* 183-260 (1963).

incentives of the present commercial arrangements in television work in favor of the production of the most popular programs and against the production of the best. If, however, a special organization were created for the express purpose of producing the best programs that could be produced, the programs so produced would be better than those that are now produced. Better programs, it is usually assumed rather than argued, would be better for those who watched them.

A presupposition of this argument is that it is not meaningless to say that one program is better than another, or that one experience of program viewing is better than another, or that it is better to be one kind of man than another. If we are to deal with these contentions, we need to understand them and to determine their truth, both of which we are told, are impossible to do.

Three reasons are offered for the impossibilities of these undertakings. First, we are told that words like "should" and "better" are meaningless noises. Second, even if some sort of meaning can be assigned a normative sentence, it is still not capable of being true or false. Third, a normative sentence is a device, not for stating something, but only for expressing personal approval or disapproval, based only on the speaker's conscience. These three statements characterize respectively, semantic positivism, epistemological positivism, and personalism. To support the contention that the proposition that public television is in the public interest can be rationally assessed, one must show these three viewpoints to be mistaken.

The mansion of philosophy that we must build to house the normative has four levels. The first gives the least trouble. It is the level of a particular normative judgment, one that issues in a statement of the form "A should be done," where A stands for some specified act. The principal information required to support a particular normative judgment, given the rest of the structure, is the positive fact that A has those empirically verifiable characteristics that make it what should be done.

Only positive facts are usually required because there is presumably already at hand a judgment at the second, or universal normative, level of the form "if anything has the positive characteristics of A and its consequences in its context, it should be done." A universal normative judgment expresses a normative commitment. In order to establish its truth, we have to use whatever methods are appropriate for so doing, and those methods are the concern of the third level, the epistemology of the normative. In the first instance that subject deals with the methods appropriate for testing the truth of a normative statement. Fundamentally, it concerns how we find out what we are committed to. Whether a universal normative state-

ment is true or not then depends upon two things. First, it depends upon the general values to which we are committed. Given our general substantive commitments, the determination of whether we are committed to a given *statement* of a universal normative character depends upon what that statement means, a matter of language. The fourth level is, accordingly, that of meta-ethics, or the language of the normative.

These four levels together constitute an apparatus for exploring our commitments, and our ways of judging how our commitments bear upon a particular action that lies before us. In short, if I want to argue that public television is a good thing, I find that I have to exhibit a language in which that statement is meaningful, an epistemology that offers impersonal conditions for the truth of such a statement, a set of ideals which govern what is good, and a set of positive facts sufficient to show that public television satisfies those ideals. It is my object to show that if this can be done it can be done rationally.

II. NORMSPEAK

"When *I* use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."

"The question is," said Alice, "whether you *can* make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master—that's all."

THROUGH THE LOOKING
GLASS

Our first task at the meta-ethical level of the language of the normative is to respond to the positivist's question: "What do you mean, 'should'?" by clarifying the meaning of normative terms. There is a great deal to be clarified, so much indeed that some of the leading contemporary moral philosophers regard the clarification of ethical language as the central task of ethics. R. M. Hare, in an encyclopaedia article, refers to ethics proper as dealing with the meanings of moral words or the nature of the concepts to which these words refer.⁷ What I call ethics proper, the substantive study of what things should be done or what things are good, he calls morality. Normative epistemology is not even given a separate name

7. Hare, *Ethics*, in *THE CONCISE ENCYCLOPAEDIA OF WESTERN PHILOSOPHY AND PHILOSOPHERS* 341 (J. Urmson ed. 1960) (unsigned but acknowledged).

by Hare, but in practice he regards it as part of the language of ethics, so adding to the general confusion.

What then, is meant, in a given context by a sentence of the form: "A should be done?"⁸

As a starter, we may suggest that the expression means, "A is rightly to be done." But the positivist will have as much trouble with *rightly* as with *should*, and if we define *rightly* as *appropriately*, *properly*, etc., he will be no less troubled. His difficulty, accordingly, lies with the normative no matter what verbal form it takes. He understands what we are doing—we are speaking from a viewpoint that it is right to do certain things and not right to do others, or that it is better to do some things than others. That is part of a way of life, and anyone who shares that kind of a way of life can understand the general use of *should*, even though, his way of life possibly being different from ours, he may think that different things should be done. The positivist understands all this, so he really does understand the meaning of the expression "A should be done" at least up to a semantic level of meaning.

That a positivist can recognize that "A should be done" is a normative expression immediately reveals that the expression is not semantically meaningless. Given a set of semantically meaningless sounds, it is not possible to clarify them as positive, normative, or anything else; they are just meaningless sounds. To recognize a statement to be normative is to understand it to refer, semantically, to something rightly to be done, or worthy of commendation or condemnation, etc. That is to understand the normative at the semantic level.

In order better to come to grips with our differences with the positivist, we need to distinguish different levels of meaning and of the correlative concepts of understanding and definition. We shall take it as agreed that an expression may properly be said to be meaningful if it can be understood, and the meaning of an expression is what we understand when we understand it.

One meaning of "meaning" might then be "that which is given in a definition," but just as we have to inquire into the meaning of meaning, we must inquire into the concept of definition, and indeed, much of the confusion in ethical theory for the past 60 years and possibly for the past 2500 years proceeds from confusion over the nature of definition. A great deal

8. This is a formula rather than a sentence, but here and in subsequent discussion we will take it for granted that when we talk about a formula using "A" in this manner, we are talking about the corresponding sentence to be formed by substituting for "A" the name of a particular act.

of modern philosophy, ranging far beyond ethics, has been generated in the attempt to clarify that confusion as it occurred in ethics.

When a man asks for a definition, there are at least three different things he may be asking for, which we may call a verbal equivalent, a specification, or an explication, respectively. As the term "definition" is defined in logic texts it is taken as a statement of symbolic equivalence.⁹ A new symbol is introduced, usually for the purpose of abbreviation, and is declared to be equivalent to a certain arrangement of symbols already in use. The statement declaring that equivalence is a definition. We may refer to this type of definition as a verbal definition and use a subscript 1 to denote it in any otherwise ambiguous case.

The definition₁ of "A should be done" that I propose is then "A is rightly to be done." This implies that the expressions "rightly" and "is to be done" have previously been introduced, but not necessarily previously defined. For any chain of definitions must end in a set of primitive terms. This simple fact of the logic of a system of discourse is frequently ignored by those who demand the impossible, that all terms be defined before they are used. The most important terms of any subject must remain undefined in the sense of definition₁.

Clearly, the positivist isn't interested in a definition₁ of our normative terms. If we give him one, he will have as much trouble with the definiens as with the definiendum. We might just as well, then, take the terms *rightly* and *is to be done* to be primitive in our system of normative discourse and use the above definition₁ for "A should be done."

The positivists and those close to them offer an alternative, emotivist, definition₁: "A should be done" means "I approve of A, do so as well." The trouble with this emotivist concept of *should* is that it just doesn't do the job we want it to do. If I say "A should be done" and you say, "You mean you approve of doing A and want me to do so as well," I simply reply, "No, that is not what I *mean*, though I do approve of doing A, and think that you would do well to approve it also. What I *mean* is that A is *rightly* to be done. The act and its consequences have those positive characteristics that qualify it as the best thing to do under the circumstances. I am not just venting my emotions. I am offering you a particular normative judgment based, first, on my positive judgment of the nature and consequences of A, and second, on my universal normative judgment of what sort of thing it is right to do. And that normative judgment is not a matter of preference but one of belief. It does not refer to my personal taste, but to a standard to which I, rightly or wrongly, believe the wise and hon-

9. See A. CHURCH, INTRODUCTION TO MATHEMATICAL LOGIC 76 (1956).

est can repair. I am making a public and not a private claim. If your definition of 'should' were accepted, I would have to use other language to say what I want to say, namely that A is rightly to be done, not because I approve of it, but because it is right."

At this point the positivist asks if I believe, then, in absolute truth. My answer is no, but the question is one of epistemology and not of language. When I say A should be done, I am implicitly claiming that other reasonable, moral men should agree with me—i.e., they would be right to agree with me. I am, accordingly, taking on a heavy epistemological burden. If I claim that something is the right thing to do, I must be able to justify my claim. Under the emotivist interpretation, no justification is necessary—I approve of what I approve. But under the interpretation I propose, a normative judgment must be defended, for it claims interpersonal validity. How that claim is to be defended is the subject of the epistemology of the normative.

A second type of statement that might be wanted when a definition is requested is what I call a specification, or definition. An example in the field of policy is Bentham's principle of utility according to which A should be done if it increases human happiness.

For the purpose of analysis of this principle, let us assume that we have positive criteria, previously agreed upon, to test whether something increases human happiness. On this assumption, Bentham's principle has been held up as an example of the so-called naturalistic fallacy. The fallacy, it is claimed, occurs in defining₁ "A should be done" so as to mean "A increases human happiness," then it can't be used to tell us that A is to be done, nor that A is *rightly* to be done. It does not, then, give us any of the normative force that "should be done" usually supplies. The expression simply ceases to be normative, and becomes strictly descriptive. Therefore, it is claimed, Bentham committed the naturalistic fallacy, by defining₁ "should be done" in positive terms, so robbing it of its normative force.

Bentham, and most of the "naturalists" after him, can be acquitted of the charge, however, if the principle of utility is interpreted as a specification, or definition₂, instead of a statement of verbal equivalence, or definition₁. A specification is to be taken as a statement of life rather than of language or logic, something that we find or judge, rather than something that we arbitrarily define as a symbolic equivalence. That Bentham actually meant his utilitarian principle as a specification is completely clear from his defense of it. If he meant it to be a statement of verbal equivalence, a definition₁, he could have defended it merely by saying, "That is the very

meaning of the term 'should be done.'” But that was not his defense. He defended the principle by challenging the reader to judge whether in deciding whether something should be done or not, he did not actually use the principle of utility.¹⁰

The widespread belief that Bentham adopted his utilitarian principle as a definition₁ is unfounded and completely contrary to the spirit of Bentham's approach. This point is stressed, not just to set the history straight, but because we have something to learn from the distinction between a definition₁, a verbal equivalence, and a specification, or definition₂, a substantive statement which can be true or false, depending on the way the world is, or what our commitments are. A definition₁ is an arbitrary act of language, while a definition₂, which we really shouldn't call a definition at all, but something else, say a specification, is a statement of a normative or positive judgment. It is perfectly proper to *specify* a normative concept in terms of descriptive characteristics, if what we are trying to do is to express a normative commitment. In the particular example given, the normative commitment is to utilitarianism, the use of the happiness of those affected as the test of the rightness of an action.

Similarly, when the inquiry in *The Republic* was characterized as a search for the definition of the good, what was sought was hardly a verbal equivalent. The argument of *The Republic* clearly reveals, just as did Bentham's defense of the principle of utility, that what is sought is a specification, and not a definition in the logical sense. The inquiry is called definitional because the findings can be summarized in a statement that looks like a definition, but can sensibly be interpreted as a definition₂, a specification.

Similarly, when we are told by Schubert that the trouble with the concept of the public interest is that it is not, or cannot be, defined operationally, the complaint is not of the lack of verbal equivalents which are ready to hand, but of the lack of a suitable specification of the public interest in operational terms.¹¹ If we take Schubert's term "definition" to mean a definition₁, his complaint is an invitation to commit the naturalistic fallacy. For "the public interest" is a normative term, and he would then be complaining that there is no positive verbal equivalent of a normative term. If we take his "definition" to mean a definition₂, he is then asserting a positivist epistemological principle which I shall later challenge.

There is a third thing that might be wanted when a definition is demanded. That is the *meaning* of the expression in question. It is not easy

10. Bentham, *An Introduction to the Principles of Morals and Legislation*, in *THE ENGLISH PHILOSOPHERS FROM BACON TO MILL* 794 (E. Burt ed. 1939).

11. G. SCHUBERT, *THE PUBLIC INTEREST* (1960).

to give the meaning of an expression, but what I call an explication or definition³, may be offered in the attempt. An explication consists of a discursive description of the use of the term, consistent with the slogan of the ordinary language philosophers: "Don't ask for the meaning—ask for the use."

Normative language is used to say that something is to be done because something else is the case. The term *should* is used in recommending action in a context in which we have reasons for doing things, and the expression "A should be done" usually refers to such reasons implicitly, although it does not explicitly state what they are. In a context in which there is no particular reason for doing one thing rather than another, the notion of *should* has no application.

While "should" usually implies that there are reasons for doing the act in question, there is a sort of terminal or ultimate use of "should" in a context in which there is no question of giving further reasons. Thus, if we say "public policy should be directed toward increasing human welfare" or "all men should be given equal consideration in normative judgments" it is hard to think of any further reasons for these judgments but, rather, these are the ideals that furnish the reasons for other normative judgments. The use of "should" in such statements indicates, then, that it is not *primarily* used to give a reason, but to point out what is rightly to be done. The notion of *should* is, in a certain sense, logically prior to the notion of a reason. A reason becomes a reason because something should be done on its account. While the commonest use of "should" is in a context where reasons are taken to govern what is to be done, "should" is used to set up the reasons as well as to refer to them. More neutrally expressed, if we believe that certain things are to be done if they have certain characteristics, then the expression "A should be done" is used to state that A has those characteristics that qualify it as what is rightly to be done.

It may accordingly be recognized that a normative term in general, and "should" in particular, faces two ways.¹² That is its function. It has a normative aspect, from which it may be understood to say that something is rightly to be done. That normative aspect, by a principle somewhat pretentiously called universalization, contextually implies a positive aspect, namely, that A has those characteristics which qualify it for being the right thing to do.

If you are told that this is a good apple, you can infer many positive features of the apple: that it is ripe, juicy, has the sort of flavor that most

12. This "Janus principle" has been emphasized in P. NOWELL-SMITH, *ETHICS* (1954).

people like, is larger than a certain minimum size, and is free of worms and other imperfections. In this way, normative terms take on descriptive meaning in the contexts of their use. We use the word "good" to commend something, and if I hear you say that something is good, but I don't know what that something is, I know only that you are claiming for it those (to me unknown) properties which constitute excellence in a thing of its kind. This is the primary meaning of "good." But if I know that it is an apple you are calling good, and if I know anything at all about apples and what is generally found to be commendable in apples, then I know a good deal about the positive characteristics you are ascribing to the apple.

In its everyday use, normative language accordingly carries a heavy load of derivative positive meaning. It is this fact which has led, and I think misled, the instrumentalists, Dewey and his followers, to insist that normative expressions are empirical. They are right in the sense that in a typical problematic situation the question, "is this a good apple or isn't it" is a request for empirical information, because we are operating with accepted standards of quality. Indeed, as an empirical generalization we may observe that most normative issues center on the empirical considerations involved, so that the question, "*Should A be done?*" usually poses the empirical question, what are the consequences of A? The relevant norms are usually clearly enough recognized so that whether A should be done depends only on the empirical facts.

The instrumentalists, then, have their point. From a practical viewpoint, most normative problems *are* empirical. But that does not mean that a normative statement is an empirical one. Quite the contrary. A normative statement does not report on a positive state of the world; it says that something is worthy of being done. When viewed from what the statement *says*, the normative aspect is the most important. When viewed from the grounds for saying it, the positive aspect is usually what is at issue. Thus, when you tell me this is a good apple, the important information you are *giving* me is that it is an apple worthy of commendation and presumably suitable for eating. The information which you have to *have* in order to justify that judgment is empirical. So the controversy over whether normative statements are empirical or not may be resolved in that they do indeed contextually imply empirical criteria, but these empirical criteria are implied as the basis of rightful action rather than conveyed as description for its own sake. Along these lines there have been centuries of confusion.

While, then, a normative term may be thought of as being primarily normative, it will usually have, in use, positive implications. Some even go so far as to consider both as parts of the meaning of the term, though it

seems better to me to consider the normative aspect the meaning of the term, while the criteria of appropriate application are to be determined as a judgment of life and not of lexicography, and so are not part of the meaning. A specification of a normative term can then be understood as attaching the normative force of the term to certain positive criteria. If we say a good apple is one that is ripe and juicy and has a flavor of a certain sort, we are affirming the commitment that this is the set of positive characteristics that make an apple worthy of commendation. A commitment is involved because we have already made semantic and behavioral commitments to the commendatory aspect of "good." In applying the term to an apple, we are recommending to someone that he would be wise to prefer this apple to one which was not good. The term "good" is, accordingly, empirical only relative to what has been found to be commendable in the given context, and its primary meaning is given by its use in commending.

I will spare you further details of how *should* and *good* are used—you all know how to use them. It suffices to say that they are used in the very activity for which we want to use them—the recommendation of policy. And as so used, "A should be done," or "A is the best thing to do," means that A is rightly to be done.

The above discussion of the use of good and should, will I hope, serve double duty, explicitly as an example of definition₃ or explication of the normative, and implicitly as an explication of "explication."

As previously noted, the positivist has no trouble understanding our various definitions₁, statements of verbal equivalence; he could have offered them himself. And he was familiar with the general structure of usage referred to in definition₃, the explication. His problem lies with definition₂, a statement citing a normative commitment, in that he believes it is not possible meaningfully to specify an operational criterion of a normative expression.

The positivist's difficulty with the normative is encountered at two levels—the semantic and the epistemological, respectively. At the semantic level the complaint is that while "the cat is on the mat" has a very definite referent which can be pictured as a cat on a mat, there is no corresponding picture for the alleged pseudo-statement "the cat should be on the mat." Lacking a referent it cannot be either true or false. For if the cat is not on the mat, the statement "the cat is on the mat" is false, but whether the cat is on the mat or not surely does not affect the truth of the pseudo-statement that the cat should be on the mat.

The answer to the positivist semantic argument is that to be understandable is to be meaningful, and there are ways of understanding other than

by picturing a referent. We may, following R. M. Hare,¹³ distinguish two components of the meanings of the two sentences quoted in the preceding paragraph, which may be called, in terminology different from his, the referential component and the assertorial component, respectively. The two sentences have a common referential component, *cat on mat*, while their assertorial components are different, being respectively, *is* and *should be*. Consequently, the same referent or picture, that of cat on mat, will serve for both sentences. They differ in what they *assert* about the referent. Many other sentences, such as "the cat will be on the mat," or "it is odd for the cat to be on the mat," could have the same picture as referent, while *asserting* different things about that referent. Since we are willing to accept, with the positivist, the picture as the referent, any difficulty that remains must be with the assertorial component. That we can understand the whole meaning, including the assertorial component, derives from our understanding of the activities of describing, prescribing, recommending, commending, being puzzled, etc., for to each of these activities there corresponds an appropriate form of assertion. And if we understand these activities, we can understand the corresponding assertions.

If we wanted to picture the assertorial as well as the referential components of various statements about the cat on the mat, we should need, in addition to the picture of the cat on the mat, a deck of pictures showing the speaker engaged in various linguistic performances. Figurative imagination is required to convey the assertorial force of a statement by a picture, but it could be done once the convention was recognized. Thus, the speaker might be pictured as pointing at the referent picture in order to illustrate the "is" of description, looking into a crystal ball for the "will be" of prediction, wearing a halo for the "should be" of the normative or recommendation, a pleased expression for the "is good" of commendation. By means of the assertorial a linguistic performance is accomplished, and we might, at least figuratively, identify each performance by a suitably chosen pictorial convention. But we find it more convenient to use verbs.

We need not, accordingly, share the positivist's semantic difficulties with the normative. His epistemological difficulties are more serious, however. But what we learned from dealing with the semantic difficulty does not leave the epistemological issue where it was. Different assertions may require different verifications. The appropriate way of finding out whether the cat *should be* on the mat, or whether *it is odd for* the cat to be on the mat, may differ in some essential respects from the appropriate way of finding out whether the cat *is* on the mat. And in his epistemology, the positivist

13. R. HARE, *THE LANGUAGE OF MORALS* (1952).

claims that there is one and only one right way of verifying statements that are not analytically true, and that is operationally. Once we note that operational verification is by its nature confined to the verification of positive, descriptive statements, we need not be inclined to seek operational verification of sentences which make other than descriptive assertions. So the epistemological challenge to the normative is at last clearly posed: is there an appropriate mode of verification of a normative statement? Without such a mode of verification, what sense is to be made of a normative statement?

III. THE EPISTEMOLOGY OF THE NORMATIVE

Before I encountered Zen, I thought
a river was only a river and a moun-
tain was only a mountain.

As I studied Zen I came to realize
that a river is not only a river and
a mountain is not only a mountain.

But, now that I have mastered Zen,
I know that a river is only a river
and a mountain is only a mountain.

Zen Mondo

If I say "A should be done," meaning that A is rightly to be done, not as my personal judgment but as a judgment that is claimed to be right for any reasonable moral person, how can I know whether I have spoken truly? When faced with similar problems in positive inquiry, we can fall back on the power to predict, with some help from the principle of Occam's razor. But in normative inquiry we do not have that line of defense, although the power to achieve the good life might play a role in the normative comparable to that of prediction in the positive. But we are in much better agreement over what it is to predict successfully than over what constitutes the good life. It is here that the positivist charge that we do not know what we are talking about when we speak normatively comes closest to the mark. We must now take up the positivist's challenges by showing how to determine the truth of statements to which the empirical verification principle does not apply.

Positivism starts out from the presumably self-evident normative principle that we should not believe that which we cannot operationally verify. Our rejection of positivism proceeds from a contrary belief. If the positivist's belief is dogma, our contrary belief must be counter-dogma. We *should* believe some things that cannot be operationally verified. It is not easy to furnish a reason for so fundamental a belief, but it may help to consider

that we *do*, and must, believe things that are not operationally verifiable. Some of us, if we are positivists, even believe that we should believe only what can be operationally verified, which is, of course, a belief that cannot be operationally verified. Since we do believe such things as that human institutions should serve human welfare, or that it is evil to inflict unnecessary pain on another man, or indeed on any sentient being, then we must inquire whether those principles are worthy of belief, or in a word, true. The only basis we have for making that judgment is another belief for which there is no operational verification. So, we find that we are bound, not by logic but by life, to believe many things we cannot verify empirically. How shall we judge which of these things are worthy of belief?

Our answer is simply that we have our ways. That may disappoint you, but it is a lot better than if we had no way, or if I had my way and you had your way, as the positivists claim. The question still remains whether the ways that we have are any good. Are they valid? That normative question, how is *it* to be answered? Once again we must content ourselves with the rather lame reply that we have our second-level ways of judging whether those other first-level ways of judging the truth of a normative statement are good and valid.

By now the pattern should be clear. If, with respect to the second-level ways of judging we ask how we can tell whether *they* are good or bad, we can answer that we have our ways of making a third-level judgment. As Spinoza put it, and others since, thinking is the only test for thought.

What are these ways we have of judging non-operational truth? Is there any name for them? We may call them the methods of reason, of rational inquiry, or of reasonable judgment. The operation of these methods is best illustrated by the Socratic dialectic. Given a question before us, we consider the interaction of our normative and positive beliefs bearing on the question. Our first considerations reveal what additional positive facts or normative principles we need to deal with the question. Each missing piece, each issue of fact or of norm, becomes a question in its own right, to be dealt with in the same manner, in a sort of open spiral.

If this process of inquiry were to be described as collating our positive and our normative beliefs that together will settle the question before us, the description would fail to catch the sense of exploration, discovery and creation characteristic of the process. It isn't as if we had, at any time, a clearly recorded set of beliefs, so that determining our belief on a particular question was merely a matter of data retrieval. We don't have a huge book of beliefs, with each inscribed on the proper line. What we have rather is a certain predisposition at any time to generate and modify beliefs out of

the state of our selves, or should we say our souls or our intellects. This process of the Socratic dialectic may not seem very satisfactory as compared with the procedures of natural scientists in their white jackets, but it is still the best we have for this purpose, and very much better than the alternative of nihilism or personalism which is usually offered in its stead.

We do well, as C. S. Peirce has said, to proceed from where we are, and we are someplace. Or, to use a figure of Neurath's frequently quoted by Quine, we are like sailors who must rebuild our boat as we sail in it. We are prepared, upon inquiry, to believe certain things, including our principles for testing and modifying those beliefs. All these belief potentialities may be thought of as constituting a system of beliefs provided the word system is not taken so seriously as to imply consistency or order. To call them a heap or a jumble of belief possibilities might be a better figure of speech.

There are a number of our beliefs which appear, upon inquiry, to be self-evident, not in the profound sense that no reasonable man can deny them, for many would, but simply that we do believe them and have no further evidence for them other than that we have come to believe them. The classic example of such a self-evident belief is our belief in equal consideration for all men in valid normative judgments, or in brief, our belief in equality. To those who say that such a belief is incapable of being true or false, we can reply that they are using an unsuitable standard of capability of being true or false, namely amenability to empirical verification, and this is a normative and not an empirical belief.

This mysterious capability of being true or false does not, upon examination, come to very much. We need not stand appalled at the depth of Pilate's question. In fact, we don't have to work with the concept of truth at all, although we may, for convenience, continue to use it. We may simply use the adjective "true," but not the noun "truth." What we need to know is not what truth is, but what statements are true, and that is a much more humdrum question. It is a question to be answered in each context according to the standards appropriate to that context. We use the word "true" to claim that statements which we believe are worthy of belief, and we use "truth" to impute a common abstract quality to all true statements. Our belief in a statement does not *constitute* its truth, it does not *make* it true, although we sometimes say that we believe it *because* it is true. That's hardly a proper use of "because" in that there is no substantial difference between our believing the statement and our judging it to be true, or worthy of belief. That we do believe it leads us to call it true. What would make it *really* true? Nothing more than that which would *justify* our belief in it.

This manner of speaking permits us to state our beliefs while still allowing for the possibility that we may be wrong. We ascribe to those things we believe the character of truth, but should we find one of them to be no longer worthy of belief we can say "we believed it, but it wasn't true." We even use the word "know" if our belief is strong enough, though that is an especially odd verb, to be conjugated, "I know, you believe, he believes."

We can, accordingly, quite properly speak of a normative sentence as being true if we really believe it to be worthy of belief. For a sentence to be a statement, namely to be capable of being true or false, requires nothing more than our willingness to consider it eligible for being worthy or unworthy of belief.

If, for example, we regard the principle that all men should be given equal consideration under the law as something that some men can believe, we can then appropriately speak of it as being true or false. To say that it is true is to say more than that we believe it, for it implies that it is *worthy* of belief. It is some sort of inconsistency to say "I believe that all men should be given equal consideration, but the sentence 'all men should be given equal consideration' is not capable of being true or false." Since we do believe some such normative principles, we might as well grant their capability of being true or false, worthy or unworthy of belief.

What then, is to be the test of a normative truth? How are normative statements that are worthy of belief to be distinguished from those that are not? This is a question of life rather than of language, since what we should actually *do* is specified by the set of true statements involving "should." It is sometimes suggested as an answer, that we must each one of us consult his own conscience. But that is no answer, just a restatement of the problem, since conscience is merely the name, in the jargon of an antiquated theory of human faculties, for the process we are investigating.

How then are we to judge what we should do? The three principal modes of ethical judgment recently proffered are, respectively, the intuitionist, the decisionist, and one that I shall call the neopragmatic.¹⁴

The intuitionists are impressed by the apparently inescapable self-evidence of our basic normative beliefs. They accordingly argue that, upon careful examination of the case we just *see* that one thing is good and another bad, one thing obligatory and another immoral. If someone disagrees, we can only request him to look once again, being sure to view the matter coolly, clearly and free of bias. The intuitionists usually regard goodness and badness as somehow inherent in the nature of things and not rela-

· 14. The discussion of these three ethical viewpoints draws heavily on D. POLE, *CONDITIONS OF RATIONAL INQUIRY* (1961).

tive to human interests. This, said Santayana, was like claiming that whiskey stands dead drunk in the bottle, an image that Bertrand Russell admitted, divorced him from the intuitionist point of view, though one may suspect that he was already ripe for the separation.¹⁵

On the wave of positivism and its aftermath came the decisionist theory of ethical judgment. The decisionists said that normative standards are not found in nature but are conventional, matters for human decision.¹⁶ An operational test of that proposition seems hard to frame however. Even if we accept it as a fact that standards are not found in nature, it does not necessarily follow that our normative principles are matters for *decision*. We have them, it is true, not from nature it is agreed, but need we have *decided* to have them in order to have them? We may have come to have them by a process other than decision. Furthermore, it is not a question of *how* we came to have them, for to rest their truth or falsehood on their genesis would be to commit the famous genetic fallacy, which consists of using the way a man came upon a belief as a test of its validity. We may stumble upon a truth in all sorts of odd ways.

I suggest, after David Pole and the neo-pragmatists, that we call that *faculty* by which we adopt and reconsider our norms simply by the name of judgment. The *process* by which we form and reform our norms through rational consideration might appropriately be called rational inquiry, or the dialectic. "Reason" may then be used to denote the methods we have, and regard as the right methods, for making that sort of inquiry we call rational. To eliminate circularity of terminology, we may say that we have certain methods of inquiry which we have come to regard as appropriate for certain questions, and we have certain methods of evaluating those methods of inquiry in turn. These ways of proceeding we may call rational methods of inquiry. It would indeed be better if we were entirely to abandon this faculty language that assigns certain of our ways of doing things to reason, others to will, others to judgment and so on. If we do so, we merely come to recognize that we do things in certain ways, most of them without knowing how we do them.¹⁷

At first sight it might seem that there is little to choose between judgment, on the one hand, or intuition or decision on the other, as the basis of recognition of our norms. But there are, in my opinion, the strongest reasons for preferring judgment. The trouble with both intuition and decision is that

15. Santayana, *Winds of Doctrine*, in W. SELLARS & J. HOSPERS, *READINGS IN ETHICAL THEORY* 257 (1952).

16. K. POPPER, *THE OPEN SOCIETY AND ITS ENEMIES* ch. 5 (1950).

17. See M. POLANYI, *PERSONAL KNOWLEDGE* (1958) for a discussion of the nature of our tacit knowledge.

they yield results which are incorrigible and indisputable, and what we need most in normative judgments is the possibility of correction and discussion. If Brown intuits that A should be done, and Jones intuits that B should be done, both having looked at the same complete set of positive facts, that would seem to be the end of it. They just see things differently, as we say. Similarly, if, under the same circumstances, Brown decides that A is to be done and Jones, B, with no particular grounds for either decision other than each man's will, there is nothing further to be done. But if Brown judges that A should be done, and Smith judges otherwise, there is just that room for argument that we need. The method of inquiry appropriate to intuition is to look and see; to decision it is to look and decide; to judgment it is to look and discuss.

The intuitive interpretation regards the normative judgment as the outcome of a human constitution, partly congenital and partly imposed by previous experience of culture and personal history. There is no reason, however, why men should then agree in their intuitions, and yet each is to take his intuition as infallible. The intuitionists do assume, as a matter of empirical fact, that men will intuit similarly, even though there seems to be much evidence to the contrary.

Those who base norms on decision need not be fazed by any failure of different men to agree, for why should they? The weakness in their position, however, is what value or importance should we attach to decisions so arbitrarily made? If there is some *reason* for deciding, then we are no longer grounding the normative judgment on a decision, but rather on the reason for the decision. But that is not the way the decisionists have proposed decision as the basis for normative judgment. Their argument runs to the effect that there are no standards in nature, so normative judgments are conventional, and conventions are matters of decision, possibly not arbitrary decision, but decision nonetheless.¹⁸ It is not usually made clear what saves these decisions from being arbitrary. Hare who most conspicuously, along with Popper, adopted this decisionist point of view (though he may not have stuck to it), claimed that if the decision is made in contemplation of an entire way of life, it is anything but arbitrary since it has, by assumption, taken into account all the considerations that can be taken into account.¹⁹ A man must decide how he wants to live, and the way of life which he chooses will imply, as a corollary, whether any particular thing should be done or not.

An arbitrary decision is not rendered less arbitrary by governing a whole

18. K. POPPER, *supra* note 16.

19. R. HARE, *supra* note 13, at 69.

way of life rather than a single act. A judge in a law suit who examines the facts ever so comprehensively can still decide the case arbitrarily if he decides by his will and not according to the law. What saves a judgment from being arbitrary is its being in accordance with some rightful principle. If then I simply decide between two ways of life, without any further basis than my own willful preference, it is an arbitrary decision, even if, according to Hare's assumption, I have considered the alternatives in the most complete detail. For if the decision is of that sort, I need not be concerned with defending it, and it would have validity only for me.

But, in the normative, we are judging for all reasonable, moral men, and I am accordingly bound to judge in the way that a reasonable, moral man should judge. We claim interpersonal validity for our judgment, and we must then conform that judgment to those standards that can reasonably be applied to judgments claimed to be impersonal by a man claiming to be reasonable and moral. These claims entail responsibilities. Our language of the normative commits us to judge impersonally. We have our standards for the methods of impersonal judgment. If we have sincerely applied those standards we are subjectively justified in offering the resulting judgment impersonally. Whether we are objectively justified is a judgment for a third party to make using methods he is subjectively justified in making. Whether his judgment is objectively justified is for a fourth party to judge, etc.

As we proceed with normative inquiry, we try to make normative judgments impersonally, basing them on those of our commitments which are ours not as personal taste, but in our capacities as reasonable moral men. We must be prepared then to work for a convergence of our normative views with those of other reasonable moral men.

We have now reached a critical point in our reply to the positivist where his thrust was deepest. We did not need to worry about his claim that the normative was non-referential, for we could establish the role of the assertorial alongside the referential. We are concerned, however, to meet his contention that there is no basis for impersonality in normative judgments. The claim of impersonality, I am maintaining, is justified if the judgment is actually made in an impersonal way. That does not mean that it is made in such a way that all men *will* agree with it, for there is no such way. It must, however, be made in such a way that all reasonable, moral men *should* agree with it. As such, a normative statement is addressed to other men who share not only our language and our standards of natural scientific inquiry, but also some of our moral beliefs. If then comes one Hitler and says, not equality of human dignity but the supremacy of the German people is to be the basis of social institutions, I cannot convince him he is

wrong, and I would waste my time addressing my normative statements to him, but I know what to think of him as he knows what to think of me. And my normative language is, indeed, addressed, as Murphy frequently put it, to whom it may concern.²⁰

What I mean by judgment is no more nor less than the faculty which you are exercising as you listen to me now. I am calling to your attention considerations which support a viewpoint from which it will be appropriate to make interpersonally valid normative statements. You are taking these considerations into account and collating them with your beliefs in the very process I am talking about. I am not proposing that you make, out of this process, an empirical inference or a strict logical deduction, but I do hope that it will lead you to a *viewpoint* from which you will be prepared to make a judgment which agrees with mine. I expect this because I do not believe that there is anything particularly personal in the judgment I have made, but rather that I have come to it from a position which I think you share, using methods which I think you are prepared to use. It is that notion of the convergence of views and viewpoints that come out of rational inquiry that is the basic concept I am trying to present.

Sometimes to avoid the rather harsh claim of intuitive self-evidence, we use the somewhat gentler term "natural" to describe those of our beliefs for which we do not have further evidence, but which we judge to be worthy of acceptance. For example, Arrow, in proposing the conditions that a system of voting could reasonably be required to satisfy, if only they weren't contradictory, calls them "natural" conditions.²¹ So we may say of the condition that all men should be given equal consideration, it is a natural one to impose. For most of the millennia man has been on earth this principle of equality was found to be anything but natural. Only within the past two or three centuries has it come to be judged as natural or intuited as self-evident.

We may use the words reasonable or natural to describe both the methods which we have come to judge appropriate for the conduct of normative inquiry, and the findings of that inquiry. Thus the utilitarians start from the recognition that the natural reason to give for doing something is that you enjoy doing it. They may even claim that it is a natural step from that to say that a social arrangement is justified if people are, on some net balance, suitably determined, happier under that arrangement than under any available alternative. So too we may come to regard the demands of

20. A. MURPHY, *THE USES OF REASON* (1943); A. MURPHY, *THE THEORY OF PRACTICAL REASON* (1965).

21. K. ARROW, *SOCIAL CHOICE AND INDIVIDUAL VALUES* 2 (1951).

justice as in some way natural. The psychologists may be able to explain what sort of unnatural conditioning has led us to hold that these are natural viewpoints, but such explanations do not concern us here.

What does concern us is that we do hold these viewpoints, whether they are natural or not. We hold them jointly, so we can, in our joint inquiry into what we should do, use these jointly-held viewpoints as fulcrums on which to rest our levers. Where we differ we may seek for some common ground to start our inquiry as to whether we can resolve the difference.

The presupposition which makes sense of the impersonality of the normative is that each of us is trying to apply a standard that is not conditioned upon his own temperament or the accidents of his personality or his personal history but is valid for all men who are reasonable and moral. We may grant, as a matter of psychology, that we are biased by our culture, by our personalities and our experience, but however biased we may be, we are still trying the best we can to form an unbiased judgment. Our discourse and our mode of inquiry must be fitted to that purpose.

That we can presuppose a tendency toward agreement as a consequence of our joint attempt to judge policy questions not from our personal points of view, but from the impersonal point of view of a reasonable moral man, comes close to a doctrine of truth propounded by Charles S. Peirce. He held that "human opinion universally tends in the long run to a definite form, which is the truth."²² While he had in mind opinion on descriptive matters, the doctrine applies as well to the normative.

Suppose it to be true, as Peirce maintained, that human opinion, even of the normative, tends to converge in the long run. This, if it is true, is a descriptive fact. How can we derive from it a normative conclusion that the judgment toward which opinion converges is worthy of acceptance? Would this not be another example of the naturalistic fallacy? We can accept the convergence as pointing toward the truth only because we have already made the normative judgment that we should accept what reasonable men would come to accept—that we should follow the argument. The process of inquiry is central in neo-pragmatic thought.

Possibly there might be different lines of convergence, each starting from a different initial position. One might lead to a race of pigs, one to a race of tigers, one to a race of philosophers. Would we not judge that of the philosophers to be best? Perhaps that would reflect our particular cultural bias. Would we not accept as better a judgment which transcended that bias? The answer between tigers and philosophers may be in doubt,

22. C. PEIRCE, *VALUES IN A UNIVERSE OF CHANCE* (P. Wiener ed. 1958); Peirce, *The Works of George Berkeley, D.D.*, NORTH AMERICAN REV., Oct. 1871, at 455.

but the question is not senseless. The answer is in doubt because a reasonable man's preference may be in doubt. But starting from where we are, if there is convergence from where we are, should we not be prepared to follow that path? It does not seem to me that this empirical question of whether there is to be ultimate convergence of opinion on the normative need greatly influence our judgments of policy. For right now we do believe certain things, such as the equality of rights, the happiness of mankind as a test for policy, and the validity of the claims of justice, and we can proceed from these beliefs on the presumption that we are judging not in our individual personal interests, but as rational moral men. This is not a circular argument because we have very definite ideas as to what it is to be moral. We also have modes of inquiry on the basis of which we may come to change those ideas as we gain new experience and insight.

The Peircian notion that there is a normative truth to which reasonable moral men would eventually come if they considered the matter carefully and thought clearly is nothing other than Washington's standard to which the brave and honest can repair, a standard that appeals to what is right against what is popular. This is also the essence of the argument for public television. It is a claim of a present minority in behalf of a future majority.

IV. THE PUBLIC INTEREST AND THE HUMANIST CRITERION

We are now in a position to specify the positive criterion of serving the public interest. First, however, let me offer some statements of verbal equivalence. "Serves the public interest" may be defined₁ as "serves the general welfare," or "advances the general good" or "is to the net benefit of the public," and so may be recognized as a thoroughly normative expression. Like all normatives it serves as a link between what is rightly to be done and what is the case. Consequently, viewed from the descriptive side, it appears to be normative, and viewed from the normative side, it appears to be descriptive, once our normative commitments are recognized.

If we are asking the normative question what we, as a social body, should do, we may look to the public interest to furnish a link to the positive, even though "serves the public interest" is, as generally used, itself a normative term. For it, in turn, has descriptive criteria, embodying our normative commitments.

I propose that we consider for acceptance as consistent with our normative commitments the following pair of specifications or definitions₂:

If A serves the public interest, A should be done.

A serves the public interest if it has certain positive characteristics, B.

I shall assume without further argument that we accept the first of these

specifications, and that the only question worth discussing is what characteristic, B, of an Act, A, justifies the judgment that A serves the public interest. In short, how shall we specify (define₂) "serves the public interest?"

We might do worse than to follow Bentham and say "A serves the public interest if A best serves the happiness of all concerned." But the right-hand side of this expression may be regarded as too highly tinged with the normative to be operational. We may specify, as a more clearly operational criterion, that A serves the public interest if a certain sort of man who had to take an equal chance of being anyone concerned would rather be in the state of the world consequent on A than in any other state consequent on any alternative in view. This criterion we may briefly refer to as the Humanist Criterion. By this device we can specify the normative expression "serves the public interest" in terms of a positive expression "satisfies the Humanist Criterion."

The Humanist Criterion, as proposed, is positive because it depends only on the potentially "revealed" preference of a particular sort of man from among specified states of the world. We may then specify the characteristics of the test-man in whatever detail is required for our normative purposes to be satisfied. Thus, to transcend cultural bias we require that he be a reasonable man perfectly informed as to what it is like to live in any one of a number of different cultures. To transcend personal bias he must also be perfectly well informed as to the nature of different human temperaments, because in making his decision he is presumed to face with equal probability the chance that he might be anyone in the community affected by the action contemplated. In taking anyone's place he is presumed to take that place not with his own congenital nature and acquired preferences, but those of the person whose place he takes. The device is an analytic device only, but its intent and workings should be clear. It reduces the notion of "serves the public interest" to a matter of human preference, and so permits us to work out a positive criterion for that normative notion.

Our defense of the Humanist Criterion must be along the same lines as Bentham's defense of the principle of utility. We must ask anyone who doubts the Criterion whether he would not, upon fuller consideration, use it as the test of serving the public interest. Ethical inquiry in general, and policy inquiry in particular, is essentially an exploration of our commitments. The Humanist Criterion implies that we are committed to the principle that human institutions are to serve human welfare. Our randomization of the test-man over all concerned with equal probability of being anyone affected is an embodiment in the test of our commitment to the principle that all men are to get equal consideration. In general, as we recog-

nize our normative commitments we can usually impose corresponding constraints on the Humanist Criterion so that it will remain the positive specification of our normative commitments to the public interest.

There is an objection to the Humanist Criterion that is so clearly beside the point that I would hesitate to mention it if it had not been repeatedly raised by some of my most distinguished colleagues. That objection is that there is no such person as our test-man. The positive content of this objection is undoubtedly true. No perfectly informed man exists. Does that render conceptually non-operational what was advanced as an operational condition? I did not specify that the test-man was to be existent. This whole device is only to clarify what we are talking about when we say better or worse. A conceivable though non-existent test-man is enough for such clarification. Even though we do not know what a perfectly informed man would prefer, that concept is enough to guide our inquiry aimed at improving that knowledge.

Schubert found three different views of the public interest current in the literature of political science, which he called rationalist, idealist, and realist respectively.²³ The differences can be briefly characterized by the definition of the public interest that each would propose. The rationalists, who regard the voice of the people as the voice of God would propose the definition "A is in the public interest if it is desired by a majority of the people." The idealists would advance the definition, "A is in the public interest if A is good for the public." The realists would offer the definition that "A is in the public interest if it is the outcome of the appropriate political process."

I cannot go into the relative merits of these viewpoints, other than briefly to state, rather than to defend, the reasons why I find the so-called rationalist and realist positions untenable. The defense of the "idealist" point of view is, of course, the subject of this paper up to this point, although I would not call it idealist.

It is not clear whether the proposed definitions should be taken as definitions₁ or definitions₂. If they were offered as definitions₁, I would simply say of the rationalist and realist proposals, "that's not what we mean by the public interest." To accept either one of them as a verbal equivalent of "public interest" would be to commit the so-called naturalistic fallacy. Whether that is a fallacy or not, the argument against defining₁ a normative term, like the public interest, in positive terms would apply to the rationalist and realist proposals.

If, alternatively, the rationalist and realist proposals are interpreted as specifications, they must be rejected on normative grounds. The majority

23. G. SCHUBERT, *supra* note 11, *passim*.

may want something that is not good for the public at large, and so contrary to the public interest. Similarly, what comes out of the political process may not be in the public interest, it may simply not serve the public welfare. The realist specification is like specifying a good apple as one purchased from grocer Brown. He may sell you, on the average, the best apples you can get, but he may sometimes sell you a bad apple. What comes out of the political process is legally binding, and presumably the best we can do, but it need not be in the public interest.

After the most exhaustive study of the concept of the public interest known to me, Schubert concluded that

. . . our investigation has failed to reveal a statement of public interest theory that offers much promise either as a guide to public officials who are supposed to make decisions in the public interest or to research scholars who might wish to investigate the extent to which governmental decisions are empirically made in the public interest. For either of the latter purposes, it would be necessary to have operational definitions of the public interest concept; and neither my analysis nor that of other contemporary critics suggest that the public interest theory prevalent in America today either is or is readily capable of being made operational.²⁴

The Humanist Criterion is proposed to meet this requirement of operability. But it is not so new that Schubert could not find earlier examples of the "idealist" viewpoint that could offer an operational specification of the public interest.

But what does idealism have to offer, other than moralistic exhortations to do good? It leaves the decision-maker to rely upon his own best lights, whether these are conceived of as a Platonic soul, a Calvinistic conscience, or as Catholic natural law. It may be that any one of these provides the best standards available for guiding some decision-makers in some situations; but labeling as "the public interest" either such a process or the result that it produces adds nothing to what we would have—except from the point of view of the engineering of consent—if there were no such phrase as public interest. With or without the label we must rely upon the prior political socialization and the ethical preconditioning of the individual decision-maker for whatever kind or degree of responsibility that ensues in such circumstances.²⁵

There is a confusion here. What is to be expected from a label? It should certainly surprise no one that a label cannot provide the basis for a substantive judgment of policy. The label "serves the public interest" cannot do

24. *Id.* at 220.

25. *Id.* at 221.

anything for us, but the specification of "serves the public interest" as "satisfies the Humanist Criterion" can do a great deal for us. What it can do for us is the job that normative judgments normally do. They connect something that is rightly to be done with the criteria for its rightly being done. It would certainly be odd if a concept like the public interest which is so liberally sprinkled through our political discourse should have no function to perform. The function it has to perform is the function of a normative term: to state that something is to be done because something is the case. More precisely, as we are construing the expression "is in the public interest," it says that a favorable normative quality adheres to a particular situation by virtue of that situation having certain descriptive qualities. The normative quality is that of being in the public interest. That is associated with, but by no means the same as, the normative concept "should be done." The association is through a normative judgment, in this case a specification of one normative in terms of another, that whatever is, on net balance, in the public interest should be done. The normative notion of the public interest is also associated with a descriptive quality or criterion, for which I have been nominating the Humanist Criterion, such that something serves the public interest if it meets that criterion.

More serious than the confusion over the difference between the function of a label and of a normative concept is the assumption that in order to determine what is right a man must rely upon *his own* best lights. Why not *our* best lights? My earlier arguments against personalism, whether right or wrong, were certainly not beside the point. Is the Humanist Criterion merely *my* best light, or is there not some reason to judge that it should be acceptable (possibly with further qualifications) to any reasonable moral man? The political scientist's rejection of the so-called idealist concept of the public interest proceeds both from positivist epistemology and from the doctrine of personalism of the normative. If the Humanist Criterion, or anything like it, is accepted, the concept of the public interest is given operational significance, not by its verbal definition, but by its specification.

V. THE PUBLIC INTEREST IN PUBLIC TELEVISION

But to others in parables; that seeing they might not see and hearing they might not understand.

Luke 8: 10

Would a reasonable man, perfectly informed about the alternatives, and randomized over all concerned, rather live in a state of the world in which there was public television, or one in which there was available

\$1.15 more per capita to be spent annually on consumption or investment? If he would prefer the former, our argument runs, public television is in the public interest.

From this point on, our problem is not with the normative but with the positive, and we must face our real difficulty—our ignorance of the facts. We don't know how public television would work in our political and social framework, nor how television programs affect us, nor what a well informed man would prefer. These are matters of fact in the behavioral sciences, so our real trouble with the normative turns out to be our ignorance of the positive. Once again we must have recourse to judgment, but this time we need judgment of what *is* rather than of what *ought to be*.

The facts that, if they were facts, would support the argument for public television may be simply stated. First, television can do great things. Second, our present system of commercial television is not achieving that potentiality. Third, a publicly supported television system, properly insulated from governmental interference, could more nearly achieve that potential.

The great things that television can achieve are not limited to the provision of better information, though that is certainly one important opportunity for improvement. Commercial network television already does a truly remarkable job in bringing important events into the homes of the American people with a vividness unmatched in history. But, great as are the feats of the network news and public affairs programs, which take us into the very foxholes of Vietnam, there remains a gap between seeing something and understanding it. And commercial television has not, in the opinion of men expert in this field, bridged that gap as well as it can be done. Sometimes it does, and so reveals how much remains to be done.

The principal complaint of those involved in the production of news and public affairs programs for commercial television is the timidity imposed by the ownership of the television networks.²⁶ It will be interesting to see whether public television can escape that timidity. It is said that nothing is so timid as a million dollars, but I would guess that a bureaucrat dependent on a Congressional appropriation can offer a million dollars a lesson in timidity. How far a Public Television Corporation can be insulated from this timidity is a question of fact for political science. The best way to find out is to try.

26. See, e.g., Murrow, *Address to the Radio and Television News Directors' Association Convention*, in H. SKORNIA, *TELEVISION AND SOCIETY* 227-38 (1965), or the testimony of Fred Friendly, almost anywhere.

Next to timidity, the biggest subject of complaint from the public affairs fraternity in television is the limited amount of broadcast time allocated to their programs. Here we should expect Public Television to do better. Broadcast time is so valuable in dollars and cents to commercial television that not much can be spared for treatment of the news in depth. On the other hand, at those local stations where more time can be spared, the broadcasts are given such meager support that the time is wasted. An extra half hour of news bulletins off the wire read from an invisible projector by a personable announcer is of rather dubious value, other than to afford an opportunity to hear the news at a time different from that of the regular network broadcast, an opportunity usually available over radio in any case. The networks spend large amounts of money on news and public affairs, but accord it limited broadcast time. The local stations that grant it more time begrudge it the money.

Ideally, Public Television could be expected to devote a great deal of broadcast time to public affairs programs that will furnish the basis of a deeper understanding of our world. When I say it could be expected, I mean if, by some miracle of political science, it were run by a responsible management free to program the way it thought most in the public interest. If, however, the institutional arrangements are such that an appropriate deference to the sensitivity of Congress is required, all bets are off. It is one of the greatest threats to Public Television that what is good is not likely to be welcomed by important sectors of our governmental establishment, or by influential groups outside of government. This is, in my opinion, likely to furnish a counter-example to the "realist" viewpoint that whatever comes out of the process of government is in the public interest. There is no reason to expect a high degree of congruence between the sensitivities and values of Congressmen, bureaucrats, or interest groups, and what is in the public interest in public television programming.

In any case, the need for programming in news and public affairs different from what now appears on the commercial networks is partly the result of spectrum limitation. Because the spectrum is limited, there is simply not enough opportunity, after more lucrative entertainment demands are met, for the extensive treatment of our public problems that those problems deserve.

But it is not only the limitation of time that blocks the way to understanding. The pressure common to all commercial journalism to deliver that which titillates rather than that which illuminates is also felt in television, though somewhat more successfully resisted there than elsewhere. The great opportunity for Public Television in public affairs programming,

if it is not inhibited by bureaucratic timidity, is the achievement of deeper understanding on the part of the viewer. The information communicated by the extensive news coverage of the networks, vivid and concrete as it is, very seldom generates understanding. Sometimes it does and it is wonderful to experience, but not nearly as often as it could if that were more clearly recognized as the object of the game.

There is a bias imposed on the marketing of news in this country by the necessity of selling the carrying medium, whether it be a newspaper or a commercial program. Consequently, there is a premium for any reporter to make a great scoop, to provoke an incident, or to capitalize on an incident provoked by others, in order to provide excitement. The need to excite gets in the way of the need to inform. Reporters who are skillful in digging up and creating a good story should not be expected to be profound analysts of what is happening.

For news reporters, in general, to develop understanding in the American public would be for water to run uphill. When, for example, Krushchev visited the United States and submitted to questions at the Overseas Press Club, the questioning reporters, instead of trying to elicit from him answers that would illuminate the problems of Soviet-American relationships, tried the impossible, to embarrass Krushchev. They failed to do so, and even more seriously they failed to seize an opportunity to create for the American public a television program of transcendent importance for developing an understanding of a crucial problem.

This should not be taken as a personal criticism of the fine men who are American news reporters. They too are responding to the demands of their environment. Understanding does not make headlines, and they are dealers in headlines. But neither do headlines make for understanding. So if it is the function of the American news media to make headlines, some other agency is required to make for understanding. The fault lies with us, the American public, in that we demand headlines rather than understanding, but we too are responding to our environment.

But it hardly pays to argue over who is at fault. The question is, what is to be done about it? What is proposed is to construct an institutional arrangement whose operating goal would be to generate understanding rather than to make headlines and capitalize on them. It may very well be that our society and our form of government is incapable of that task. There may be no way to escape the fate of headline journalism. Our experience to date need not be conclusive, even though it is unequivocal. That experience reflects the institutions so far used. Whether it is possible within our political framework to give governmental support to a non-govern-

mental agency dedicated to the development of understanding, rather than of headlines, in its treatment of news and public affairs remains to be seen. The proposal before us is designed to that end, and it is worth trying to find out whether it can be done. Its failure would not necessarily prove that it can't be done, but we certainly will never know whether it can be done if we don't try. My own judgment, for what it is worth, is that it hangs in a delicate balance, depending on the nature of the people who come to manage the process and their skill in withstanding the onslaughts of those powers and those interests that would destroy the freedom of public television to do what it might and should do if it were only free.

Even in entertainment programs, especially in entertainment programs, there are potentialities which are unrealized in commercial television, that must remain unrealized so long as it is commercial. These potentialities arise from the nature of art and the creative performance. Commercial television, in meeting its commercial requirements, finds itself constrained to produce that which pleases the majority and offends nobody, and this is a completely different incentive from what has been found in art to be the basis of great artistic performance: the will of the performer. We have no formula by which great art can be produced to order; what has been found most effective in the past is to give those who are driven by their own compulsions to the production of great art the opportunity to do what they feel compelled to do. This applies as much to public affairs programs as to entertainment programs, and indeed we risk misconceiving the nature and function of a program when we call it entertainment. It is entertainment from the point of view of the viewer, but art transforms us as it entertains us. It enhances our experience and is itself a part of our experience. It helps make us what we are. So, while we may be impelled to watch a television program by our desire to be entertained, entertainment does much more than give us pleasure. A program must hold our attention if it is to do anything to us at all, and whether it holds our attention through entertainment or through excitement or edification is less important than what becomes of us because of our experiencing the program.

Commercial television is reproached by its critics for not doing more to make us as good men as we might be. The very words we use become so distorted as to be misleading. The critics certainly do not mean that public television should have the duty of making us obey the regnant sexual code more faithfully. There is another and deeper meaning of a good man, one capable of participating in the good life, and that is the sort of man which television might help make. Nor do they mean, heaven forbid, that television program producers should sanctimoniously strive to make better

men of us. What a sorry mess that would be! They do mean that, in manufacturing programs for the popular market, the producers are not letting the best artists follow their own standards of what makes a good work of art. And the effect of good works of art, they hold, is to make better men of us; the effect of bad art is to degrade.

In Randall Jarrell's twist on Oscar Wilde's epigram, human nature copies art,²⁷ and the art of the commercial television program is not a model which we should prefer for human nature. The complaint of critics like Jarrell is that while "Art lies to tell us the (sometimes disquieting) truth; the Medium tells us truths, facts, in order to make us believe some reassuring or entertaining lie or half truth."²⁸ The main objection then to popular television programs from the point of view of their intrinsic artistic value is that they transmit false values, values known by their authors to be false, because they are found to be the values that will make the product sell. It is this distinction between the true and the contrived that is most important basis of adverse criticism of television production by the intellectual critics.

Perhaps it is too much to ask that television make better men of us, but we might hope for it to tend in that direction. Such a hope is currently not as well realized as it might be, not for any lack of good will and moral responsibility on the part of those in the television industry, for I think that the moral responsibility and integrity of those in the television industry will, in spite of the quiz scandals, stand comparison with those in any other industry. The trouble is not that this is an immoral industry, but that it is an *industry*, that it is the economics of advertising which provides the environmental stimulus to which television programming responds. If the business and legal responsibility to the stockholder for making profit is set on one side of the scale, and the moral responsibility to the public for great art on the other, even though the responsibility to the public may be felt more heavily in this industry than in any other, it must be outweighed by commercial considerations. There is room for moral responsibility only within the non-competitive interstices of the commercial television structure. The commercial networks do sacrifice each year, in their public affairs programming, millions of dollars of potential profits to their moral standards of responsibility. Some may view this cynically, or as they would say, realistically, as the tribute the networks pay, on behalf of their owned and affiliated stations, to the responsibility for serving the public interest that is the legal presumption of the station licenses, a long-run cost of maintaining their

27. Jarrell, *A Sad Heart at the Supermarket*, DAEDALUS, Spring 1960, at 366.

28. *Id.* at 368.

avored positions. But such, in my judgment, is not the case, or, at least, not the whole story. I think that the good opinion of the community, and more especially of the elite of the community, as well as their own integrity, is highly valued by those who govern the network treatment of news and public affairs, so that the extra expenditures for high-quality programming are made in spite of the profit motive rather than from the profit motive.

The desire for programming distinction has become a motive alongside the profit motive, so that there will be some tradeoff between the quest for distinction and the quest for profits, not only in news and public affairs but in entertainment programming as well. But, granting all this, the quest for profits is dominant. It is only within the extra freedom afforded by its higher-than-normal profitability that television can afford to trade profits for distinction. The higher profitability results partly from spectrum limitations, and the consequently restricted numbers of competing stations. It partly also proceeds from the pattern of audience flows. It is more profitable to place a new program, whatever it may be, on a network which leads in the ratings than on a network that is behind. There is a certain inertia of the public in tending to leave the dial turned to the station to which it was last tuned unless there is a positive reason for switching. There is indeed a great deal of switching, but nevertheless there is a certain residual probability of a higher rating for a given program if it follows a popular program than if it follows an unpopular one. It is for this reason that a low-audience public affairs program may be costly not only in failing to get full sponsorship, but also in endangering the sponsorship of adjacent programs. This "Dustman Doolittle" theory that morality is a luxury good might be given an empirical test by a comparison of the revealed moral standards in the programming of the third network as compared with the first.

We, the American people, are in a poor position to reproach the television industry for the immorality of giving us what we want. There is, however, another reason why, if commercial television does not program in the public interest, we should reproach ourselves and not those in the industry. It is up to us to structure our institutions so that they work in the public interest even if we depend on private interests to serve that end. As Adam Smith observed long ago, one need not pay much attention to the claims of businessmen that they trade in the public interest.

Television programming is mass culture, designed to please majority tastes rather than to realize what the artist feels is best. What is wrong with mass culture? When Dorothy Parker prefers a positive Wasserman test to a poem by Eddy Guest, is that simply snobbery? Undoubtedly snob-

bery plays a part in the complaints of the long-haired intellectuals against the mass media, but we must not fall into the genetic fallacy. There may be something in the complaint, whatever its motive. The principal shortcoming of a work that is produced to meet a market requirement is that it is likely to lack sincerity, and those critics who turn most strongly against mass culture object principally to the insincerity of the product. They distinguish between popular art and folk art largely on this basis.

Sincerity has long been recognized as a fundamental characteristic of a great work of art.²⁹ The power of an artist derives from his ability to communicate more than he can understand, and if he produces a product for market, he loses that power, as Robert Sherwood demonstrated when he wrote for television. In one sense, an artist cannot produce for the market, for then he ceases to be an artist and becomes a manufacturer, a producer. And this is not a tautology, but the entailment of a substantive specification of the nature of true art.

Dwight McDonald claims that "there are theoretical reasons why mass culture is not and can never be any good."³⁰ Culture, he claims, can only be produced by and for human beings and the mass is not a human being. This argument I take to be nonsense. Popular television programs are produced for beings that are all too human. The trouble is that they are being *used* as human beings. McDonald comes closer to the point when he complains that the "technicians of our mass culture" treat people as things just as do the "questionnaire-sociologists" and other social scientists. They violate Kant's categorical imperative in its second form, in which it commands us to treat people as ends and not means. But, as a social scientist, however heretical, I must object to putting manipulation and investigation on the same moral plane. And even the manipulation has the defense of consumer sovereignty; it is demanded by the subject, not imposed upon him. The charge against mass culture in general, and commercial television in particular then comes down to this: it is wrong to give the public what it wants if what the public wants is not good for it, and if you give the public what it wants rather than what you believe in, that is not likely to be good for the public.

James Baldwin claims that the only method by which the mind can be improved is by disturbing the peace.³¹ And, clearly the man who wants the greatest possible audience is not interested in disturbing the peace.

29. See in particular Tolstoy, *What is Art?*, in *AESTHETICS AND THE PHILOSOPHY OF CRITICISM* (M. Levich ed. 1963).

30. McDonald, *A Theory of Mass Culture*, *DIOGENES*, Summer 1953, at 1-17, reprinted in B. ROSENBERG & D. WHITE, *MASS CULTURE* 59-73 (1957).

31. Baldwin, *Mass Culture and the Creative Artist*, *DAEDALUS*, Spring 1960, at 374.

Baldwin's complaint that the "movies are designed not to trouble, but to reassure; they do not reflect reality, they merely rearrange its elements into something we can bear. They also weaken our ability to deal with the world as it is, ourselves as we are,"³² may be misplaced, even if the media do what he says they do. We clearly do not really know the relationship of the content of a piece of literature to its effect on our lives. It appears to the serious artist that escapist literature, literature that transforms reality so that it is more bearable, is in some sense a weakening of the moral fiber or at least tends to deteriorate the quality of life. But anesthesia is not always without value. Possibly life as it is is too horrible to contemplate and a literature which transforms it into something that seems more pleasant may have a function. If the role of popular art is to confirm and validate values, and the role of high art is to disturb, challenge and transform values, there may be a place for each. For most of the time on commercial television and for much of the time on public television it would seem to be appropriate to confirm the existing values. But some of the time it is valuable to challenge them and to help transform them. It is that process which disturbs the peace, and a disturbance of the peace is not welcome on commercial television. How welcome it will be on Public Television is an important question. I can hardly believe that Congress will willingly support an institution that, either in news and public affairs or in entertainment programs, seriously challenges generally accepted values. The problem may be too deep for remedy within our institutional arrangements. The Philistines may so constrain Public Television as to defeat that true art that upsets the viewer to his advantage. This is a dangerous business. Whether it can be done or not is a matter of fact which nobody can estimate reliably. The best we can do is try and see, even though the odds are against the maker.

If, then, excellence rather than acceptability is a worthy ideal for television, may it not be an ideal for our other activities as well? As the perceptive reader may well have suspected, I am after bigger game than public television. In all social policy, is it not excellence that is to be achieved rather than want satisfaction? Is it only in television that we should raise a standard to which the wise and honest can repair?

32. *Id.* at 375.