ARCHIVIO DI FILOSOFIA

FONDATO NEL 1931 DA ENRICO CASTELLI

DIRETTO DA
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ANNO LV - 1987 N. 1-3 ISSN 0004-0088

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ESTRATTO

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Moral Rules and Paradigms

A startingpoint: rational decision-making

In 1789, Jeremy Bentham suggested that moral science could be founded on a single basic principle, which he referred to as « the principle of utility ». « By the principle of utility » he wrote « is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question »; and he went on to explain that happiness could be measured by weighing the pleasures and pains involved against each other. Two hundred years later, utilitarian ideas still form the core of one of the dominating traditions in moral philosophy, and they have found their way into the very foundations of such human sciences as social anthropology, economy and business administration. Man has come to be seen as a rational valuecalculator, whose basic aim is to find the suitable means to optimize his and everybody else's values and interests or at least, in his capacity as « satisficing man », to find an acceptable level of valuesatisfaction.

In this spirit, various models of rational decision-making have been formulated. The basic ideas have been summed up succinctly by the Swedish logician Dag Prawitz in a little paper which he published a few years ago when the Swedes were preoccupied with nuclear power as a political issue (similar presentations can easily be found in a host of other utilitarian-based publications):

First, the problem to be solved should be formulated; secondly, the action alternatives should be construed with the help of which the problem can be solved; thirdly, the consequences of each alternative should be investigated; fourthly, the probability that the various alternatives will lead to those consequences should be estimated for each of the consequences; fifthly, the positive and negatives values should be estimated for each

of those possible consequences; and, finally, the probabilities and values should be weighed against each other and a decision be taken in the light of this information.

Like other models, this six-step model should be taken as a simplified and schematized picture of what is involved in a decisionprocedure. If the model is taken with a pinch of salt and if one admits that the various steps must not necessarily come precisely in that order, and if one is also willing to concede that it might be very difficult to make rational estimates of such things as the probabilities and values involved, not to speak of the difficulties involved in drawing a rational conclusion from all those various estimations — if the model is taken in that vein, then it can no doubt contribute to clarify the procedure of decision-making in many situations. *Consequence analysis*, which is the *forte* of the utilitarian tradition, is certainly one of the standard methods in the field of ethics, along with its companion standard method from the Kantian tradition, viz. *consistency analysis*.

So far, one could say that there is nothing especially philosophical about the procedure. We are confronted with a model of a kind which is familiar from the whole field of the social sciences. We are beginning to approach more philosophically interesting things if we begin to reflect upon the presuppositions of this kind of model-building.

One such tacit assumption is that decision-making essentially has to do with values and norms which relate various forms of action to probable value outcomes. In the utilitarian tradition, the whole of ethics tends to be reduced to a value calculus. Sometimes, the values involved can be effectively quantified, e.g., by being expressed in terms of money. But usually, that is not so; but even then the utilitarian would treat the values *as if* they could be quantified and measured. It might be worthwhile to have a look at what might lie behind the admittedly fictional belief in the measurability of all ethical issues.

A second presupposition is that the acting person is assumed to be able to do a number of things. The six-step model of rational decision-making presupposes that she or he *can* construe alternatives, *can* survey the possible effects of the various alternatives, *can* estimate probabilities in the field in question, *can* make estimates of the positive and negative values involved, and that he or she *can* weigh those probabilities and values against each other and reach a decision in the light of all the foregoing steps, resisting the pressure of traditional norms and beliefs which the utilitarian procedure is supposed to replace in the mind of the clear-thinking agent who has left the conventional stage of ethics for good. The acting person must, in other words, be assumed to have acquired a certain amount of experience and knowledge. The moral agent must have a number of competencies at her or his disposal, including a general social and ethical competence.

By directing our attention to the presuppositions of the model of rational decision-making, we thus arrive at the theme of ethical competence and the role that the handling of value issues plays in the exercise of that kind of competence. We have then arrived at the field of tacit knowledge: what it means to be ethically competent is something that every normal person knows in a way, but what is involved, more precisely, in such knowledge can be just as difficult to formulate as the rules of grammar that we all intuitively observe when we use our mother tongue.

Familiarity, skills and propositional knowledge

When philosophers and other theorizing persons speak of knowledge, they tend to think of something that can be illustrated with examples like the following: knowing the name of the capital of Ethiopia, knowing Kepler's laws of planetary motion, being able to give an account of the social structure on the Trobriand islands. But the knowledge that philosophers and everybody else actually have includes much more. The photographer Peter Gullers has given a graphic description of how he, as an experienced industrial photographer, makes estimates of light conditions, which is as good as any conceivable example for our present purposes. Let me quote from him at some length:

> What I do when I am in a concrete estimation situation is to observe a number of different factors which will all affect the quantity of light and the photographic result. Is it summer or winter, is it morning or evening? Is the sun shining through the clouds, or do I find myself in the half-shadow under the leaves of a tree? Are some parts of the motif in deep shadow and the rest in stark sun-light? Then I have to weigh the dark and the light against each other... In similar ways, I collect experiences from other situations and environments. In a novel situation, I shall recollect earlier situations and environments of a similar kind. They will function as objects of comparison and association; and the earlier experiences, mistakes and lessons learned will be the basis of the present estimate. But not only recollections from the process of photographing will play a role. The hours spent in the dark room when I developed the films, the curiosity concerning the result, the laborious recreation of reality in the graphic world of pictures — all that come to my mind ... All those earlier memories and experiences which have been stored throughout the years will only reach the conscious part of my mind to some extent. With my right hand, thumb and pointing finger, I turn the ring for time-exposure to the place where it feels right, and at the same time the left hand will adjust the light exposure ring of the objective. It goes almost automatically.

The professional knowledge that the photographer has acquired over the years exists above all in the form of familiarity and skills. He has indeed managed to give a masterly account of his experiences, but what is involved in those experiences can only partly be formulated verbally.

If we compare these forms of knowledge with the earlier examples (knowing Kepler's laws, etc.), we can divide the field of human knowledge into three compartments: propositional knowledge, which contains all knowledge which can be adequately expressed in the form of statements (like « Paris is the capital of France »); knowledge by familiarity (like knowing what it sounds like when Tina Turner sings); and the knowledge we have when we have acquired various sorts of skills (like the skills so graphically described by Gullers).

Our knowledge, in other words, surpasses our verbal possibilities. There are things which can be known but not said. In Ludwig Wittgenstein's terminology, the things that cannot be talked about have to be shown, for instance in our doings. Knowledge is essentially tied to human beings in their capacity of actors in the world. The *locus classicus* on this theme is § 78 of the *Philosophical Investigations*, where Wittgenstein asks us to compare knowing and saying the following: (1) how many feet high Mont Blanc is, (2) how the word « game » is used, (3) how a clarinet sounds, and comments: « If you are surprised that one can know something and not be able to say it, you are perhaps thinking of a case like the first. Certainly not of one like the third ». (The red thread in my colleague Kjell S. Johannessen's writings might be said to be variations on precisely this Wittgensteinian theme).

The professional knowledge we acquire when we are trained in a certain specialized field consists to a large extent of such skills and familiarity. The same is true of all those competencies which we build up over the years in other fields of activity — our social competence as individuals in a particular society, our more or less developed competence in those fields in which we happen to be interested, be it football or chess or baroque chamber music or Tibetan mysticism. The formal rules that might exist in those fields are surrounded by a mass of informal rules which are embedded in our actions and thoughts. When we sometimes talk of « tacit knowledge », it is this mass of skills and familiarity with the relevant aspects of the world which we have in mind.

To a certain extent, but not wholly, our tacit knowledge can be articulated and thus transformed into propositional knowledge. This is for instance what a social anthropologist does when he describes the social structure in a foreign society. (Kroeber once spoke of the cultural anthropologist's job as transportation of knowledge from one place to another, from one culture to another, a task which requires considerable skill in the art of cross-cultural translation. Cf. Jakob Meløe's admirable treatment of translation in Böhler - Nordenstam - Skirbekk, *Die pragmatische Wende*, 1987).

It seems reasonable to suggest that our moral experiences and insights also exist largely in the form of tacit knowledge in the sense just indicated. The visible part of ethics, the part which comes out in

discussion and verbal thinking, is only the top of an iceberg. As we grow up in a society, we gradually get to know more and more about the bulk of ethics which is there all the time. This leads me to suggest that the explicit evaluations and norms which we sometimes formulate and discuss in ordinary life and which philosophers tend to concentrate upon when doing moral philosophy nowadays, are based upon a mass of tacit assumptions and experiences. I tend to think that this part of the iceberg is more important than those more easily available parts which have tended to dominate academic thinking about these things in this century.

In the following two sections, I want to have a look at two aspects of our moral skills, our moral knowledge if you wish, viz. our ability to follow rules in our doings and the role that examples or paradigms play in our rule-following behaviour.

Open and closed rules

Let ut distinguish between formulated rules and tacit rules. Legal rules are examples of explicitly formulated rules (at least to a large extent and in our form of culture). The rules for moving the figures when playing chess is another illustration of formulated rules. But most of our actions are governed by rules which have not been formulated explicitly.

When I greet my colleagues, I usually go through some standard motions. If my colleagues actually take my motions to be greetings, then we might be said to take part in the same practice, being familiar with the same rules. The rules for greeting people in different kinds of situations are normally learned with the help of examples. One might be corrected, more or less clearly, if one does it the wrong way; or one might not be understood at all, and will have to make a new attempt. Similarly, there are hosts of rules embedded in more complex activities like playing the sopranino, dancing classical Russian ballet or performing as an executive in the financial world; and again those are rules which are normally not formulated to a great extent. Such activities have to be learned under the guidance of an experienced master. The musician, the dancer or the economist shows and explains; the learner listens and makes his own attempts. Through training (Wittgenstein even spoke of « drilling ») the student will gradually acquire the experience, the skills and the knowledge required for independent activities in the field.

In such learning processes, a number of rules are learned with the help of a number of examples. Sometimes, the rules are simple and can easily be formulated, if one wishes to do so. If somebody says « 3, 6, 9, 12 - please continue », I have no difficulties, and the rule embedded in the relevant actions can easily be formulated.

Rules of this kind, which even a computer can « learn », I shall refer to as « closed rules ».

But our rules of action are often of a more complex kind, which demand more than a computer can do. Normally, our rules of action and thinking are firmly anchored in a number of paradigms (or clear cases). The acting person must have a certain amount of experience and good judgment in order to be able to decide how one should best get on from the previous cases to the new one. When it comes to such rules which demand both experience and good judgment from the side of the actor, I shall talk of « open rules ».

In the hermeneutical tradition, it has become a commonplace to talk of the circle involved in all interpretation. In order to understand a part of a text, one has to take the whole to be of a certain kind (is it a poem or a legal rule?); and in order to take the whole in the right way, one has to interpret the parts in the right way. Heidegger and others refer to this kind of whole-part relationship as « the hermeneutic circle ». But this part-whole-relationship is not the only hermeneutic circle. Our understanding of rules and examples is normally characterized by a similar circular movement. In order to understand an example, it has to be taken as an example of something; and in order to understand a rule, one has often to go through a number of examples in which the rule is embedded. Our understanding rules and paradigms is also a hermeneutic circle. And the rules in question are more often than not both implicit and open. They cannot be applied mechanically because there is an internal relationship between the rules and the examples. The examples (paradigms) are not detachable, one could say, in such cases. Philosophers, on the other hand, would seem to have concentrated on such rules and concepts where the examples are detachable — instead of paradigms internally related to the rules or concepts in question, you then get mere illustrations.

THE EXAMPLES' ROLE

If what we have said so far is on the right way, then it is fairly misleading to present ethics as a system of general rules (norms, evaluations). That is only one side of the coin. The other side consists of the examples.

In the field of ethics, there are good reasons for saying that it is the examples which play the leading roles. The decisive factor in all ethical competence is the ability to go from given paradigms and countercase to new situations. This demands insights and abilities on the side of the acting person which must be acquired through his or her own personal experience initially, under the guidance of a more ex-

perienced one, gradually more and more independently. An independent moral agent, that is a moral agent in the full sense of the word, must amongst other things be able to structure novel situations in a fruitful way, so that a spectrum of action alternatives opens up for her. She must have the empirical experience with the relevant part of the world required in order to be able to imagine possible consequences of the different alternatives. And she must master a range of paradigmatical examples and have taken a stand with regard to their order, so that she can order the new case in relation to the previous cases and other possible situations.

It is, I think, this ability to rank new cases in relation to the given paradigms that utilitarians are after when they speak of evaluations of the positive and negative values of the consequences and of weighing the different values against each other. The evaluative ability which in the utilitarian perspective is in the very centre of ethics is, then, an aspect of the familiarity with examples and the ability to structure new situations in the light of previous experience. In Aristotle's ethics, there is an emphasis on the role of examples in the moral field and a conspicuous absence of references to rules and norms and values. If one wants to learn what generosity is, for instance, then one might formulate a general rule of the following kind: « Give enough, not too much and not too little, to the right persons at the right times in the right situations and see to it that you do so for the right reasons ». (Cf. the *Nicomachean Ethics*, which is arguably still the best introduction to ethics). But for a person who does not already know what « generosity » means, in the culture in question, this does not tell very much. What is enough and who the right persons and situations and motives are, must be learned with the help of examples. (In my *Sudanese Ethics*, I did precisely this kind of exercise for a number of key concepts in contemporary Arab ethics like honour, dignity, self-respect, generosity, hospitality and courage). The general rules cannot be detached from the examples, in the same way as elastic legal rules gain substantial meaning through getting tied to precedents established in the practice of the courts of law. (The brilliant history of the concept of dangerous article in American case law in E.H. Levi's *An Introduction to Legal Reasoning* also illuminates the process of concept formation in ethics and might be read with profit in conjunction with the only other existing detailed study of concept formation that I know of, viz. Fleck's remarkable analysis of the history of the concept of syphilis).

Ethical paradigms

I want to distinguish two traditions in moral philosophy: one which puts an emphasis on the role of experience in ethics and one which puts an emphasis on the role of rules in ethics. I shall refer to the first tradition as *the Aristotelian tradition in ethics*, since Aristotle was the first to pay full attention to the theme of moral experience. I shall call the second tradition *the Kantian tradition in ethics*, since Kant is perhaps the philosopher who more than everybody else has contributed to spreading the picture of ethics as a system of rules (which according to Kant is crowned by the rule of rules which he called « the Categorical Imperative »: You should always act in such a way that you could wish your rule of action to be followed by everybody else who is in the same kind of situation).

I want to suggest that the Kantian tradition is the result of an onesided philosophical diet. Kant and his followers have been so interested in the possibility of establishing universally valid moral rules that they tend to neglect other aspects of ethics. An unusually clear example of this kind of approach to ethics is to be found in the writings of the American psychologist Lawrence Kohlberg and his students. According to Kohlberg, moral thinking in terms of universalizable rules represents a higher stage of development than moral thinking in terms of contextual thinking and examples. If the thesis of the internal relationship between rules and examples in ethics holds water, then the developmental sequence postulated by the Kohlberg school would crack down or least it would have to be reconstructed rather much. (The material presented by Carol Gilligan in *In a Different Voice* could, I think, be reconstructed along the lines suggested here).

Kant and the utilitarians certainly differ when it comes to the foundations of ethics, but they share at least one general assumption, viz. that ethics can be said to rest on a single fundamental norm (the categorical imperative, according to Kant; the utility principle, according to the utilitarians, possibly supplemented with one or more irreducible principles of justice). For the present purposes, the Kantians and the utilitarians might, therefore, be bundled together and said to belong to the same rule-dominated tradition in moral philosophy.

In contrast to the lopsidedness of the Kantian tradition (in the wide sense just indicated), I wish to emphasize a number of different but related aspects of ethics which I shall refer to *in toto* as « ethical paradigms ». Here the word « paradigm » is used in the same way as in Kuhn's philosophy of science: both as a designation for a number of paradigm cases or master achievements in a field of activity and as a designation for the ensemble consisting of the paradigms in the narrow sense plus a number of basic assumptions about the nature of the field of activity

and its surroundings (cf. *Research and Development in the Sudan* for elaborations on the theme of the generalized concept of paradigm).

The views on what is right and wrong in a field of action exist primarily in the form of tacit knowledge of the actors in the field. The views on what is right and wrong is there in the form of familiarity with a number of persons and their actions in a number of situations and social structures and the ability to get on to new cases on the basis of that familiarity.

Round the core of paradigm examples one can distinguish attitudes of different sorts, which again are based on one's own and others' experiences and which are embedded in the thinking and acting of the persons involved. It might be worthwhile to try to distinguish and name some such components which would seem to be essential features of all ethical paradigms.

In all ethical paradigms (I suggest) one might expect to find the following basic components:

(1) a number of examples functioning as paradigms in the narrow sense;

(2) more or less clear expressions of the attitude that like cases should be treated alike (e.g., the Golden Rule or Kant's Categorical Imperative; such rules should, I think, be regarded as belonging to the logic of ethical thinking and acting rather than as substantial moral rules);

(3) views on the nature of the activity in question (for instance, views on the nature of health-care and illness-treatment in medical ethics);

(4) views on the nature of the surroundings of the activity in question (for instance, a social philosophy, a perspective on the world in general, a world-view, including views on the existence of God and so on, or an assumption to the effect that it is not reasonable to assume that any such thing exists);

(5) views on the nature of man, including assumptions of equality or assumptions to the effect that there are basic differences between different types of human beings, and views on the nature of man in relation to (other) animals (racism, sexism, speciesism etc.);

(6) attempts to clarify those aspects of the paradigm examples which are relevant in the context in point (such attempts often take the form of attempts at rule-formulation, but one can think of other ways of tackling the often difficult task of making someone see a perhaps unexpected or totally novel aspect of people's characters and actions).

Ethical paradigms with all those components are (I suggest) the background against which all attempts to condense ethics into a system of rules in analogy with Roman law must be understood.

Moral agreement and moral disagreement will then be dependent

upon the degree of unanimity on all those points. If the principle of equal treatment of equal cases belongs to the logic of ethical thinking and acting (a consistency demand), then it might be expected that discussions on equality and discrimination will soon move on to other aspects of the ethical paradigms concerned. This is, in fact, what one finds happening in, say, arguments about apartheid or sexism or speciesism. The discussion will soon move to the nature of man, the nature of man and woman, or the nature of man and beast.

In similar ways, the rest of the components of ethical paradigms can become the focus of disagreement, leading eventually to different options. But there is (I think) a hard core of all ethical paradigms which is *not* open to discussion and disagreement, viz. the hard core of paradigm examples seen in the right ways (i.e., the hard core of 1 and 6 in the list above). This leads me to the last topic that I want to touch upon in this brief survey of the moral landscape.

On moral certainty

Practical wisdom, as we have construed it here, consists in the internalized ability to handle all the different ingredients of one's ethical paradigms in a reasonable and humane way. (Practical wisdom, or ethical competence, in this wide sense takes care of what Aristotle referred to as *phronesis*, as well as of the Kantian tradition's conception of good judgment in the application of general rules to particular situations (« reflektierende Urteilskraft »); but it is a wider concept, as should have become clear from the foregoing pages).

The core of practical wisdom in this sense consists of tacit knowledge — all our familiarity, experience and skills in handling new situations in satisfactory ways on the basis of preceding series of paradigm examples. This kind of tacit knowledge in the field of ethics has often been presented as « intuition ». Moral intuitions have traditionally just been taken for granted. If I remember rightly, this is so even in my favourite moral intuitionist, W.D. Ross who published *The Right and the Good* in 1930. In the pragmatic perspective which these notes are attempting to convey, our so-called moral intuitions are seen as the result of education and experience. But from this, I do not want to draw the conclusion that all moral matters are relative. For there is a core of ethics that is simply not open to disagreement, viz. that central part of ethics which is the necessary basis for all ethical disagreement. Disagreement in ethics, as in other fields, presupposes a certain amount of agreement. For the enlightenment philosophers from the 18th century to our own days (including Kant, Karl-Otto Apel and Jürgen Habermas, to name a few prominent examples), this is not so. In ethics, as in all other fields, every-

thing is said to be open to rational scrutiny; nothing is to be accepted unless it has passed the test of rationality. To illustrate this approach to ethics, a quotation from one of Habermas' recent books will be to the point. « For the critical eye of the discourse participant », writes Habermas, « the social world dissolves into conventions which stand in need of validation; the actually existing mass of received norms will fall into social facts, on one side, and norms, on the other side — and those norms have now lost their foundation in the certainties of the life-world and have to be validated in the light of principles » (*Moralbewusstsein und kommunikatives Handeln*, 1983, p. 179).

This Cartesian stance is, however, just as impossible in ethics as in other fields. From the fact that we sometimes make mistakes, it does not follow that it is possible that we always are mistaken. Descartes maintained that it is possible to put all truths in to doubt. But how could he possibly have doubted that he was a *man* with the *name* René Descartes? Our criteria for deciding on biological sex are necessarily tied to a repertoir of paradigm examples. Given that Descartes was a paradigm case in this respect, he had no real possibilities of raising doubt about his own sex. In the same way, there is simply no place in the naming institution for raising serious doubts about one's own name. And in a similar way, I suggest, our moral concepts are necessarily tied to series of paradigm examples. If someone in all seriousness wants to discuss the moral rightness of torturing children, one must simply ask oneself if that person knows what ethics is and, indeed, if he realizes what it means to torture a child. In some situations, we find ourselves in the position of excusing actions which are not acceptable in themselves. But now I am referring to what Ross called the *prima facie* rightness of actions (an action being *prima facie* right if it is inherently right, right in itself, and not just as a means, for instance). To understand that a number of actions are *prima facie* wrong or right is an essential part of the acquisition of a concept like « torture ». To accept a number of statements about the rightness and wrongness of *particular* situations (viz. the paradigmatic cases) is a necessary step on the road to mature ethical competence. That there is, in fact, a vast range of unproblematic, certain statements in the field of ethics which simply « stand fast », as Wittgenstein put it in a related context (*On Certainty*), is easily overlooked; they are too close.

The transition from the conventional stage of moral thinking and acting postulated by Lawrence Kohlberg to the post-conventional, critical level seems, then, to be much less abrupt than what the discourse ethicists would have us to believe. A vast mass of moral certainties must of necessity remain on the post-conventional level. They are the background without which critical reflection would run empty.

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