

# Kovesi and the Formal and Material Elements of Concepts

T. Brian Mooney · John N. Williams ·  
Mark Nowacki

Received: 1 September 2010 / Revised: 31 January 2011 / Accepted: 16 February 2011  
© Springer Science+Business Media B.V. 2011

**Abstract** In his seminal work *Moral Notions*, Julius Kovesi presents a novel account of concept formation. At the heart of this account is a distinction between what he terms the material element and the formal element of concepts. This paper elucidates his distinction in detail and contrasts it with other distinctions such as form-matter, universal-particular, genus-difference, necessary-sufficient, and open texture-closed texture. We situate Kovesi's distinction within his general philosophical method, outlining his views on concept formation in general and explain how his theory of concept formation is applied in moral philosophy.

**Keywords** Kovesi · Fact · Value · Morality · Concepts · Family resemblance

## Introduction

Julius Kovesi was a Hungarian philosopher who initially studied at the University of Budapest under George Lukács. He fled communist Hungary after the Second World War, settled in Western Australia and took a First in Philosophy at the University of Western Australia. He did his postgraduate work at Balliol College, Oxford, where his advisor was J.L. Austin. After spells at Edinburgh University and the University of New England (New South Wales), he spent the rest of his career teaching and researching at the University of Western Australia until his untimely death in 1989.

---

T. B. Mooney (✉) · J. N. Williams · M. Nowacki  
School of Social Sciences, Singapore Management University, Singapore 178903, Singapore  
e-mail: brianmooney@smu.edu.sg

J. N. Williams  
e-mail: johnwilliams@smu.edu.sg

M. Nowacki  
e-mail: nowacki@smu.edu.sg

Kovesi's most important contribution to philosophy and public discourse was his book *Moral Notions* (hereafter *MN*), the publication of which in 1967 was received with considerable fanfare.<sup>1</sup>

While he makes many notable contributions to moral philosophy and metaphysics, the key insight that drives Kovesi's work is his distinction between the formal and material elements in concepts. This distinction enables him to undercut the fact/value distinction bedeviling so much of post-Humean moral philosophy. With the seemingly unbridgeable fact/value distinction shown to be spurious, moral philosophy seemed poised to enter into a new era of philosophical analysis and growth. Indeed, this was precisely the view of Bernard Mayo in his Critical Notice of *MN* for *Mind* (1969), who claimed that Kovesi launched 'a lightning campaign of a mere 40,000 words which, I think, decisively and permanently alters the balance of power' in moral philosophy. Alasdair MacIntyre called *MN* 'a minor classic of moral philosophy that has not yet received its due' (*MN* 2004) and Philippa Foot has declared that '[Kovesi's] theory of morals...is radically different from anything else on the scene, then or now.' (*MN* 2004) As we will show on the metaphysical front, and despite his own claims to not be a metaphysician, in *MN* Kovesi produces a decisive *reductio* of Wittgenstein's family resemblance theory of universals that appears not to have been noticed in the subsequent literature. This decisive refutation of Wittgenstein's position also has implications for theories of universals more generally and neo-Platonic accounts of universals in particular.

While Kovesi's *MN* received some initially positive assessment (but for dissent see Thomas 1968) and while his work has remained influential among a heterogeneous group of thinkers, his work has still not received the attention that it deserves (though he has hardly been ignored: see Bambrough 1979; Brennan 1977; Clark 1980; Connolly 1972; Doughney 2005, 2006; Elshtain 2004; Ewin 2002; French 1977; Graham 1975; Harrison 1983, 1984; Jotterand 2004; Kim 1990; Kleinig 1996; Maclean 1984; Midgley 1980; Milbank 1999; Porter 1990; Shiner and Bickenbach 1976). We will not examine why Kovesi's work has not enjoyed as central a position on the philosophical stage as it might have. Nevertheless his undermining of the fact/value distinction is so important that it deserves further consideration. How Kovesi achieves this result has not so much been refuted as forgotten. His argument is dependent upon his formal/material element distinction, yet this distinction has proven opaque even to those readers who are sympathetic to Kovesi's project. Accordingly we will now clarify this distinction in order to reopen Kovesi's contribution to moral philosophy.

Kovesi's account of moral concepts starts with the formation of concepts in general. Central to this account is a distinction between the *formal* and the *material element* in concepts. The *formal element* is that which makes 'things, actions or situations' (*MN* 26) what they are. (*MN* 10). Thus the formal element in the concept of murder is what makes an action murder as opposed to blameless killing. The *material element* includes all of the materials or 'qualities, features or aspects' (*MN*

<sup>1</sup> Kovesi's book, *Moral Notions*, was originally published by Routledge & Keegan Paul, London, 1967. In this paper we work from the Cybereditions text, Christchurch, 2004.

26) that may vary within a thing, action or situation while it remains what it is—in a different terminology, it retains its quiddity (‘whatness’).<sup>2</sup> Thus, murder can be performed in an indefinite number of ways with an indefinite number of instruments and still remain murder, so the manner and instruments of murder constitute material elements in the concept of murder.

Despite the centrality of this distinction it remains opaque in four respects. Firstly, we are not told *why or how* the formal element makes ‘things, actions or situations’ what they are. Secondly, although Kovesi provides phenomenologically authentic insight into how we form and use concepts, we are not told what concepts are. What distinguishes a concept from anything else that is not a concept? Is the possession of the concept X the ability to reliably distinguish Xs from non-Xs? Thirdly, the formal element is supposed to arise from ‘our interests’ but Kovesi gives no explanation of what these are. Fourthly, the formal versus material element distinction is supposed to be different from more familiar distinctions such as genus versus species, necessary versus sufficient conditions, intension versus extension, or universal versus particular. Yet Kovesi says practically nothing of these more familiar distinctions. What sets the formal versus material element distinction apart from these?

In §2 we situate Kovesi’s distinction within his general philosophical method. In §3 we outline Kovesi’s views on concept formation in general and explain how Kovesi’s theory of concept formation is applied in moral philosophy. In §4 we show why Kovesi’s distinction does not coincide with others we have just mentioned.

### Kovesi’s General Philosophical Method

Kovesi’s starting point is that we are socially embedded creatures who already have working concepts—including moral ones—that we recognize as constitutive parts of our ordinary experience. Like Alasdair MacIntyre, Kovesi holds that social contexts are partially constitutive of our concepts. Like Aristotle, he thinks that we need not provide a foundation for all of our moral concepts since we are already working with them effectively. Kovesi’s appeal to the way ordinary language is used also recalls Aristotle’s gathering of the *endoxa* (‘beliefs of the wise’) and *ta legomena* (‘what is generally said’).<sup>3</sup> His method is deeply embedded within the tradition of ordinary language philosophy. Kovesi’s supervisor at Oxford was J.L. Austin and there are strong overtones of the later Wittgenstein in his work.

To begin, Kovesi observes that whether or not our concepts are moral ones, we (i) form them (ii) we operate with them, especially in giving evidence for their correct application, and (iii) we justify retaining or changing them. So we should ask three

<sup>2</sup> ‘Quiddity’ is a traditional Scholastic term which refers to the essence or nature of a substance or particular reality. It is agnostic with respect to the nature of the thing as found in the world and that same nature as conceived within the knower.

<sup>3</sup> The gathering of the *endoxa* and *ta legomena* refers to Aristotle’s method of starting his investigations by assembling the opinions of the wise and the many in terms of what is believed and what is commonly said. This methodology runs throughout Aristotle’s works.

related questions about any given concept.<sup>4</sup> Answering these will help identify its formal element:

- (1) What is the point or purpose or story behind the concept?<sup>5</sup>
- (2) What subdivisions and what diverse examples of the concept are there?
- (3) What would fall under the same concept?<sup>6</sup>

(1) is problematic because, contrary to Kovesi, ‘point’ ‘purpose’ and ‘story’ may be distinguished. For example, the point of lying is to deceive, whereas its purpose is the broader objective of the deceit, for example to conceal a crime. The point of doing something is more specific than one’s purpose in doing it, because human nature provides us with purposes and it is in our interest to have these.<sup>7</sup> Since the point of something is to be distinguished from its purpose, the point of a concept must be distinguished from its purpose. Nonetheless, investigation of the story behind a concept invites a genealogical account of the development of the concept. Point and purpose, which are often illuminated by a genealogical account, indicate the ways of life within which that concept finds its use and meaning.

We might see (2) as a question about the open-texture of a concept. A concept such as ‘tall’ may be open-textured by being vague or non-precise, because there are borderline cases we cannot include or exclude in a principled way. Alternatively a concept may be open-textured because we cannot list all its non-borderline instances because there are indefinitely many types of them. Kovesi is concerned with this second kind of conceptual open-texture: ‘The concept of a table has an open texture not because tables can shade into other pieces of furniture, but because even the unmistakable tables can be made in a variety of ways and manners.’ (*MN* 11). Precise concepts may be open-textured in Kovesi’s sense. For example, being north of the equator—in other words being in the Northern Hemisphere—is a precise concept. But there are a variety of ways in which something may be clearly north of the equator. Being in London is one way of being north of the equator. So is being in Moscow. So is being in Glasgow. And so on. We cannot list all of these ways.

Not all precise concepts are open-textured in Kovesi’s sense. For instance, the concept of an empty set is precise, yet there is only one way in which a set may be empty, namely by containing nothing, although there may be diverse reasons for why it is empty.

<sup>4</sup> In our presentation of the following three questions we are indebted to Alan Tapper.

<sup>5</sup> See *MN* 26: ‘This is why we had to introduce the formal element, the point or reason for bringing certain qualities, features or aspects of things, actions or situations together.’ See also *MN* 37, where he introduces the story of the conductor. ‘When the conductor can use this word to tell the inspector that there is a misticket in the bus he is not merely saving time by using one word instead of several; the new word is shorthand not only for a story but for a story with a point.’

<sup>6</sup> See e.g. *MN* 15 in the discussion of inadvertency: “There is no observable similarity between the two inadvertent acts, and if we were to think of a third example we would not conduct our search for it with observable similarities in mind; we would look for cases which however empirically dissimilar, would nevertheless *come to the same thing*.”

<sup>7</sup> Ordinary English does tend to conflate these two distinct senses. Similar considerations to those we offer apply to collectivities we encounter as socially embedded beings. So, the point of my going to the hospital might be to get some time off from work and my purpose for doing so might be to go on a holiday. But a point of having hospitals might be to contain epidemics whereas a purpose might be to address the general health needs of a community.

Answering (2) helps us to answer (1). Examining the kinds and differences of examples of the same concept helps us see potential differences in concepts that we might otherwise conflate. Austin's (1961) distinction between doing something by mistake and doing it accidentally is a classic example of answering (3). In the case of the concept of murder, answering (3) involves considering the indefinitely many ways in which murder can be committed yet remain murder. It also enquires whether the concept is situated hierarchically with respect to other concepts. For example, murder necessarily involves injustice, unlike manslaughter, which unlike murder is mainly applied in legal contexts.

Kovesi introduces the method of asking (1)–(3) via his invented concepts such as *tak*, *wousin* and *misticket*.<sup>8</sup> Nonetheless the method should be applicable to any concept. It is surprisingly difficult to apply it to non-moral concepts, as we now illustrate with the concept of singing. This is because it is from the moral and practical points of view that we have transferred our core notions of 'value' and 'evaluation', so their centrality is clear in cases where actions and states of affairs must be weighed but less so in more removed contexts such as our own singing example or in even more abstract ones such as experiments in pure science.

Asking (1) involves asking which of our purposes this concept serves. Taking an external view, we might answer that it serves our interests to distinguish singing from other activities. Taking an internal view, we might ask what makes singing singing. Answering this question involves distinguishing the formal from the material elements of the concept of singing. If we ask for the story behind the concept, we might answer that we form the concept because singing plays a significant role in our social lives. The purpose of the concept of singing can be illuminated by delineating how singing fits in to or supports a way of life, for example the traditional Welsh or Irish way of life, as opposed to the Trappist or the Khmer Rouge way of life. To answer (2) we must specify the various sorts of activity—choral singing, traditional singing, operatic singing, *acapella* singing, and so on—that count as singing. Deciding which activities count as singing answers (3).

All three questions involve asking what we hope to achieve by distinguishing singing from other sorts of human activity. But have we identified the formal element of singing? We might suggest that it is the production of music through human vocalization. But are we to include humming, lilted, and yodeling? Should we include analogous cases such as the production of euphony by whales and birds? Despite these difficulties, we have advanced our conceptual understanding of singing. Everyone will agree that singing will not include snoring, whistling or the unpredictable euphonies of flatulence. These do not involve the human vocal chords even if they count as music.<sup>9</sup>

Kovesi employs an ordinary language analysis, one that presupposes that our ordinary use of language carves up the world in a way that is true to our purposes,

<sup>8</sup> 'Tak' is a made-up term for a meteorological phenomenon (*MN* 31 ff.); 'wousin' is a made-up term for an unfortunate and unlikely concatenation of events (*MN* 34 ff.); 'misticket' is a made-up excusing term for bus conductors (*MN* 37 ff.). Each of these invented terms helps bring out Kovesi's idea that concepts require an exposition of their point, purpose, or story since without these each of the three made-up terms is unintelligible.

<sup>9</sup> We might count Joseph Pujol, better known by his stage-name Le Pétomane, as someone who makes music by farting, but nobody would call him a singer.

interests, and way of life. At least in *MN*, Kovesi appears to commit himself to a ‘two worlds’ view common to his contemporaries:

In an important sense, in the world there is no value and there are no murders, tables, houses, accidents or inadvertent acts. But our language is not about a world in which there is no value or no tables, houses, accidents or inadvertent acts.’ (*MN* 17)

In other words, we start methodologically from our pre-given common language. There is the world of (mere) facts, which at best we are engaged in something like naming rather than describing, and then there is the lived world pregnant with meaning and purpose.<sup>10</sup> Within this world we inevitably adopt points of view answering to our shared purposes. In turn, the selection of a shared purpose carves out a range of relevant phenomena—facts taken from a point of view. Thus, purpose is built into any description. Suppose we bring a chair to Amazonians that have no use for chairs and lack the concept of one: that object might not be recognized as a chair. As Wittgenstein points out with his example of the duck-rabbit (1953, Part II, §xi) seeing an *X as an X* requires the concept of an *X*. In the same vein, Popper (1959, Ch 5, §25) points out that observation is theory-laden. For example, Toricelli performed experiments with a column of water in a tube sealed at one end, the other end of which was in a basin of water. He saw the water in the tube as being *pushed* by air pressure rather than as being *pulled* up by a vacuum, because he had the concept of a sea of air, which has weight. Thus the Amazonians would not see the chair *as a chair*. So there is no fact of ‘chair’ that they could overlook because there is no chair for them insofar as they lack the purpose and perspective from which the object would count as a chair.<sup>11</sup>

Here one of Kovesi’s central contributions to moral philosophy emerges. If his analysis of concept formation is correct, then much of post-Humean ethics rests upon the false assumption that there is a fundamental division between facts and values, that there is a world of facts (perhaps accessible to experimental science) and that this world of facts is to be contrasted with our world of valuing. But as our example of the chair shows, our common use of language is already purpose-laden. So our common use of language is already value-laden because we would not have the purposes that we have unless we valued (or disvalued) them and their fulfillment.

One might object that our example of the chair is of an artifact, and artifacts, unlike natural objects or kinds, embody human purposes. A hammer, for instance, can only be seen as a hammer by individuals who have a need for hammers. Left by themselves what we call a hammer might well be little more than a rock or a stick.

<sup>10</sup> Describing the Humean tradition of moral philosophy, emotivists in particular, Kovesi comments that “It is significant that the philosophers who claim that in the world there is no value attempt to ‘describe’ that world by a process more akin to naming than describing. The dichotomy between description and evaluation should be called the dichotomy between naming and evaluation.” (*MN* 112). See also *MN* 17–18.

<sup>11</sup> It might be objected that this point concerns itself with perceptual and not conceptual capacities. But our point is that when the concept is missing the perceptual capacity is also missing. We could always teach our concept to the Amazonians, but this makes no difference to whether or not they would see the chair as a chair prior to such teaching. *Something* is perceived; it is just not perceived *as* a chair.

Kovesi could reply that even our concepts for natural kinds are pregnant with purpose—in the sense that it is the concept of something *as having* a purpose—since we have reasons to classify natural objects and kinds. For example, identifying an object as a stick implies that we have a purpose in tracing its history and provenance to trees, and the purposes that can be served by sticks differ from those to which we put rocks and streams—for example for making dams and playing skipping stones. Indeed Kovesi's position is supported by the way we usually describe 'crossover applications' of concepts. We would say, for instance, 'He used a rock as a hammer' or 'He hammered the nail with a rock'. Note that we find it necessary to signal that the usual range of purposes we associate with rocks is being subverted and the rock is being employed for a different purpose from that which is usual.

At this point someone might raise the following objection to Kovesi. Suppose we grant (plausibly) that our use of language and concepts is purpose- and value-laden. That is, let us grant that our use of language and concepts always involves some purpose, or is always undertaken with some end, or guided by some interest of the speaker or thinker. From this it does not obviously follow that all of the things we talk and think about are purpose- or value-laden. This is shown by the fact that we have words for, and concepts of, things that have no purpose, value, or interest. ('Purposeless', 'valueless', 'uninteresting'.) For example, it is only because we have certain purposes and interests that we have the concept of an electron. But from this it does not follow that the concept of an electron is a concept of something purpose-laden.<sup>12</sup>

Kovesi might reply that to say that all of our concepts are purpose-laden is not to say that all of our concepts are of things having a purpose. Our concept of an electron has a purpose, but electrons themselves do not seem to be purpose-built like houses. Moreover, we do have an interest in marking off some things as uninteresting, a purpose in finding some things purposeless, and there is a value to recognizing some things as valueless.

Here it is important to note that what drives Kovesi's method is an appeal to ordinary language that is supposed to make no metaphysical commitments. We may summarize this stance with the slogan 'semantics precedes metaphysics'.<sup>13</sup> Our concepts as captured in language embody descriptions from a point of view. Thus those concepts that embody descriptions in turn embody reasons we have for valuing (or disvaluing) things from different points of view.

As Kovesi puts it, 'We can evaluate something as an *x* only when *x* tells us what the thing is supposed to be, and this can be done only by a description. Descriptions, unlike proper names, can provide standards' (*MN* 112).

<sup>12</sup> We are grateful to an anonymous reviewer for suggesting this interesting line of thought. As the same reviewer also notes, there is a striking parallel between Kovesi's approach and that of Kant's response to Hume on causation. Kant criticizes Hume for failing to recognize that the concept of causal power is already built into our concept of an empirical thing. So, Hume is wrong to say that our sense-impressions contain no basis for the concept of causal power. Similarly, Hume is wrong to say that our sense-impressions (and concepts) of empirical states of affairs contain no basis for a concept of normativity: they do contain such a basis, inasmuch as our concept of 'anything' is a concept of a something-that-we-care-about for such-and-such reasons. Space does not permit developing this thought further.

<sup>13</sup> Variations on this phrase appear in different philosophers. See Bigelow and Pargetter (1990, 9 *passim*) and Rodriguez-Blanco (2001).

Since judgments of what something is supposed to be constitute points of view, descriptions are always from a point of view.<sup>14</sup> Even the world of (mere) facts is talked about from a point of view, although it is a special case in the sense that we refuse to further characterize, at the level of kinds and repeatable instances, the things we may be tempted to name in it. (MN 112) To argue Kovesi's point differently, the attempt to characterize the value-neutral world of (mere) fact requires that we pick out *this* as opposed to some background *that*, so that *this* is not *that*. Thus we must return to the world of value and points of view, for the contrasted background is perforce a unified *non-this*, and we distinguish it as such. To name requires distinction, distinction requires sorting, and sorting requires point, and point requires purpose, even if our purpose (and hence our reason) is the mere establishment of identity, in order to identify and re-identify objects.<sup>15</sup> In this way the formal element guides the distinctions we make because of the interests we have.<sup>16</sup>

### Kovesi on Concept Formation in General

Having described Kovesi's philosophical method, we are now able to give a fuller account of his treatment of concepts. The following argument shows that concepts are socially constructed: Our needs, interests, and purposes motivate our formation of concepts. For humans, concepts are semantic entities that are expressed and captured in language. But there is no private language; language—and certainly our moral language—is necessarily public. (MN 81) That which is public is available to anyone. That which is available to anyone and which has been constructed by humans is a social construct. We could say 'This beach is beautiful'. But the notion of a beach requires public agreement so that the area of land in question is both identifiable and re-identifiable and distinguished from other things like dunes.

Moreover concepts are socially constructed because our reasons for forming them are *shared* needs and wants that serve our purposes and our purposes are always describable in general terms. Additionally, we have the concept of a tree because we find multiple advantages in distinguishing trees from other items. That is the point of having the concept. This in turn means that we have a use for trees, because

<sup>14</sup> The only alternative view of the relation between judgments of what something is supposed to be and points of view is that the point of view guides the concepts we form. But this is an uncharitable reading of Kovesi because then we would have a point of view temporally prior to acquiring concepts. But how could we have a point of view on anything if we had no concept of that thing?

<sup>15</sup> Against Kovesi, this implies that we must move beyond semantics into metaphysics, because logic itself requires metaphysical principles, as the Principle of Non-Contradiction shows. Although we will not argue here for the metaphysical basis of the PNC, note that dialetheists who reject the PNC must abandon a correspondence theory of truth, which is certainly a metaphysical consequence.

<sup>16</sup> A major lacuna for Kovesi is that he does not adequately account for conceptual change. For instance, certain moral concepts such as purity, chastity, piety and scandal are no longer central to our shared way of life. Other moral concepts such as privacy, racism, and sexism have newly become central. Have the former ceased to be virtues or vices? Are the latter equally transient? Should they be transient? We deal with these issues in 'Kovesi, Connaturality, and the Metaphysics and Epistemology of Virtues' in *Morality and Meaning: The Legacy of Julius Kovesi*, (eds.) T. Brian Mooney and Alan Tapper, under consideration with Wiley-Blackwell.

otherwise there would be no point in distinguishing trees from other items. If we were asked to give the reason why we have the concept of a tree, we could point to the various purposes to which we put that concept (including conventional linguistic purposes, as when we fill in ‘tree’ in a crossword puzzle).

Since we already exist as socially-embedded linguistic beings, our concepts are apt to arise as responses to abstract features of our socially-constructed world. Although Kovesi does not put it like this, we could well argue that concepts are socially constructed because they are rule-governed. Reasons generate rules, but rules also generate reasons because we already inhabit a non-Lockean world where much is already written on the tablet of our reason. In being rule-governed, concepts are reason-governed because (i) the reasons for having a concept give the point of the rule for its application, and because (ii) it is pointless to apply a rule unless there is a reason for having that rule and (iii) a reason for applying a concept is that the application conforms to a rule. This distinguishes having a reason to judge such and such to be an X from the reason for having the concept of an X. Why we would judge something to be a chair is that it is the sort of thing we normally sit on. In contrast, why we have the concept of a chair is that it is useful to distinguish what we sit on from what we do not sit on. Furthermore, reasons explain the sense in which concepts are rule-governed, since reasons are publicly challengeable: we may have to justify calling some object a chair or justify having the concept of a chair. In contrast, one might argue that some animals have concepts (since sheepdogs can distinguish sheep from other animals) but because they lack semantics, they neither justify why they apply their distinctions as they do, nor why they make such distinctions. Commenting on the social construction of concepts, Kovesi writes, ‘Language games are not word games; they are activities of which language is a part’ (MN 33).<sup>17</sup> His point is that activities such as warning, questioning, answering, naming, describing and so on, arise within the context of our relations with others and with physical objects. As he puts it, the ‘rules for the proper use of the word are also rules in the way of life in which it plays a part’ (MN 37). Again Kovesi writes:

A very important point to observe is that all this [i.e., introducing the notion of a *wousin*] must be a public process. The reasons for the occurrence of the event must be publicly testable and acceptable by anyone. Otherwise, people could not use the word in the same way, the word could not become part of our language. The way, then, in which the word becomes part of our language is at the same time the way in which we publicly check that we have correctly selected certain phenomena as the reasons for the occurrence of event *x*. (MN 36)

Things, acts, and situations have features by means of which we come to recognize that a given concept is instantiated. Kovesi calls these features ‘recognitors’. (MN 32) For instance, certain features may enable us to recognize an object as a wristwatch (e.g., its having a transparent case, numerals, and a strap). However Kovesi is careful to add that ‘We do not, then, first have words with “neutral descriptive criteria”—or recognitors, as I would like to say—and then load

<sup>17</sup> The discussion of taks that leads up to this passage makes it clear that Kovesi is talking about activities as social constructions. Taks are social constructions because they are inventions.

them with a theory, but we select the recognitors because they are relevant to the activity in which the word will play a role.’ (MN 34)

While concepts often have one formal element and many material elements, a concept may have several formal elements. This is because how we distinguish one formal element from another will itself be a matter of our interests, purposes, and point of view. Kovesi illustrates this with the example of a lever: ‘If one asks in a hardware shop for a lever now, the assistant cannot go out into his backyard and look for any piece of metal that would do the job. Manufacturing, buying and selling, introduced new criteria for what will or will not be accepted as levers.’ (MN 14) Kovesi’s point is that previously, ‘lever’ meant whatever could do the job, but now it means whatever can do the job within manufacturing standards. What was open in the concept of a lever has at least *for the moment* become more closed.<sup>18</sup> Kovesi thinks that this phenomenon also holds for moral concepts. ‘We have to observe, however, that as manufacturing or stocktaking have standardized tables, so the law has standardized some of our moral notions.’ (MN 16)

There are hierarchies of formal elements because some higher-order concepts include, as material elements, lower-order ones. As Kovesi puts it:

We must distinguish between the many particular instances of a thing when these instances are particulars in the world of space and time, and the many instances of higher order notions when these instances are other notions.... Although a higher order notion has several instances of lower order notions, this relationship is radically different from the relationship between a notion and its particular instances in the spatio-temporal world. (MN 112)

Kovesi thinks that while a concept like ‘Good’ is almost entirely formal element, at the other end of the scale a concept like ‘yellow’ is almost entirely material element. (See MN 27–28 and *passim*.) In the case of yellow he is clearly wrong. True, the range of appropriate material elements are more restricted for color concepts than for other concepts. The notion of a bush is much more open-textured than yellow. Nonetheless we can distinguish various hues of yellow, including primrose, butter, and canary yellow.<sup>19</sup> Kovesi’s point might still hold if each of these hues had only one material element, but even within the notion of canary yellow we can sub-distinguish further material elements as we may preserve its hue but vary its saturation and brightness levels.

*Pace* Kovesi, there are no examples (so far as we can discern) of concepts that are either almost purely formal element or almost purely material element. ‘Yellow’ will not do as almost purely material element because we need to specify values of hue, saturation and brightness, each of which may then require further qualification. Nor at the other end of the scale will ‘triangle’ count as a concept that is almost entirely formal because there are Euclidean, Riemannian and Lobachevskian triangles, each of which involves an appeal to the point of view from which we use one of the three corresponding concepts to serve our differently shared purposes and interests.<sup>20</sup>

<sup>18</sup> ‘For the moment’ because if the practices of manufacturing, buying, and selling, die out, then so might the new criteria for what will or will not be accepted as levers.

<sup>19</sup> For a similar point see Thomas 1968.

<sup>20</sup> Kovesi specifically discusses rectangles in MN 10–11.

Against Kovesi's putative example of the 'Good' as being almost entirely formal element, we would need to supplement this claim with a theory of analogy to specify, clarify, and explain the dazzlingly wide range of application of concepts like 'Good'. At least one reason for this appeals to the traditional thesis that 'Good' and 'Being' are 'convertible' (that is, interchangeable) terms.<sup>21</sup> If this is correct, then no addition of this good to that good would ever exhaust what is meant by 'Good'.

Recognitors are both in the world and parts of concepts. They are in the world insofar as they are features in things, acts, and situations. They are within concepts insofar as they are roughly the defining characteristics of the material elements of a concept. Thus, so long as a material element is part of a concept, the recognizer is also part of that concept, because the defining characteristic of anything is essentially a part of it, and anything that is a part of a part of a thing is itself a part of that thing. Thus the formal element is crucial in understanding what counts as a recognizer. Having a transparent case, numerals, and a strap may enable us to recognize an object as a wristwatch, but those features do not *explain* what makes it a timepiece, and a wristwatch being a timepiece is a requirement of its being a wristwatch instead of, say, a bracelet. Kovesi seems to think that recognitors are not formal elements, since he says that the recognitors 'do not provide us with the rules for the use of a word' (MN 32).

But consider the following case: suppose you are in a room full of wax dummies. You want to find out if your friend is hiding in the room. So you tell a joke. If your friend is in the room, he laughs. Actual laughing is indicative of the capacity to laugh, which is a recognizer for human beings. Clearly, laughing can take many forms, from belly laughs through guffaws to tittering and wry chuckles, and these are material elements of laughing. But when we consider the *capacity* to laugh, that is, risibility, this seems to be both a recognizer and a formal element for humans. As the scholastics would say, risibility is a *proprium*, that is, a necessary or proper accident, that flows from the essence of human beings. As a feature that follows necessarily upon the possession of human nature, it is impossible to suppress risibility yet still have human beings. Hence, contrary to Kovesi, it may well be the case that recognitors can be both formal and material elements.

How do the formal elements and the material elements of a concept fit together? For Kovesi, material elements never determine the nature of the concept:

The reasons why we cannot define what a thing or act is in terms of their material elements, or why we cannot make valid deductive arguments where the premisses contain only material elements and the conclusion tells what the thing or act is... has to do with the fact that the sort of things that can constitute a thing or act, their material elements, *cannot be enumerated in a final list.* (MN 10, our italics)<sup>22</sup>

<sup>21</sup> See MacDonald 1991. The notion of the convertibility of 'Being' and 'Goodness' is a standard thesis among Scholastic philosophers. Two terms are convertible if they are the same in extension but differ in intention because they describe the extension from a different point of view. As Albertus Magnus puts it: 'For the concept of being is the concept of the simplest thing, which is not analyzable into anything that is conceptually prior to it. But good is analyzable into "being ordered toward an end" (*ens relatam ad finem*)'. (Translated in *ibid.*, 34–35.)

<sup>22</sup> For a more metaphysically-tinged version of this claim, see Kovesi (2001) *Values and Evaluation* (hereafter *V&E*), 48.

An example from Merleau-Ponty (1962, Part 1: The Body) illustrates this. Drawing together particular instances of walking need not give you the concept of walking, as any walk could be seen as a series of interrupted falls. But of course to describe it thus would be to fail to discern the *purpose* of walking. Judgment of sameness to material elements is not governed by the material elements themselves, because two things or actions that have the same material elements may not be the same in the way in which we are interested.<sup>23</sup> Rather, two things or actions are the same in the way in which we are interested only if their formal elements are the same. In logical terms, intension is more important than extension considered as a determinant of identity. Thus the formal element of a concept determines what we count as a material element of that concept, according to our purposes in using that concept. Although knowing the formal element will not always yield a complete list of all the material elements, understanding it may enable us to usefully formulate rules about what we would count as material elements in at least some cases. Thus ‘the material and formal elements of a notion are inseparable....Without the formal element there is just no sense in selecting, out of many others, those features of a thing or an act that constitute it that thing or act.’ (MN 20–21) Formal elements can be material elements relative to a higher formal element, as Kovesi points out in his discussion of viciousness, instances of which include murder and cruelty. (MN 112)

A crucial feature of Kovesi’s position is that we see the world from a point of view.<sup>24</sup> For it is impossible for anyone to say anything from no point of view. Concepts describe a world from our point of view, which is fixed by the purposes and the uses to which we put the concept. Thus everything we describe is described from a point of view, and everything that is described from a point of view is valued (or disvalued), at least for fit with our interests captured by our point of view—although the values that shape our concepts include an interest in knowing how things are independent of human interests and needs. Hence everything we describe has a value (or disvalue) relative to a point of view. So valuing is not a foreign accretion supervening upon description but constitutive of the possibility of description. To show this, we have Kovesi’s ‘Argument *A*’, which can be run for any point of view, moral or non-moral:

We cannot say that two objects are exactly the same in every respect except that one is good while the other is not: that they differ only in their goodness.... Similarly,...two acts cannot be the same in every respect except in this, that one of them is right and the other is wrong; nor can we say that two situations are exactly the same except that in one I am under an obligation to do something, but not in the other. There must be some further difference between the two if one is right but the other is wrong, or if in one I am under an obligation but in the other I am not. (MN 23)

<sup>23</sup> This is why family resemblance will not explain the meaning of a concept, as we discuss in the next section.

<sup>24</sup> Kovesi continually emphasizes the collective, not the distributive, dimension of the ‘we’ in question here. Clearly individuals do have different viewpoints, but then so do communities and other collectivities.

One might think that Argument *A* is merely a requirement of moral universality: consistency demands that we make the same moral judgment in different circumstances if we cannot point to morally relevant differences. But Kovesi adds:

besides realizing that not just any factual difference will do for the requirements of Argument *A* we must also understand that we do not select these factual differences from the factual point of view. This is how the material and formal elements are inseparable. There must be some differences in the field of material elements between *x* and *y* if we want to judge them differently, but we would not know what differences would entitle us to do so without the formal element.... [I]t is pointless to ask how we move from the material elements to what we say the thing or action *is* once we realize that we *select* the material elements *because* they constitute that thing or act (*MN* 25–26).

Here Kovesi undercuts the putative distinction between description and evaluation as well as that between fact and value.<sup>25</sup> Valuing is prior to both description and evaluation, and hence is always present in both. As Kovesi puts it: ‘the field of moral philosophy differs from the field of evaluation just as fundamentally and radically as the field of evaluation differs from that of description.’ (*V&E* 15). Thus the universe is not bifurcated into a world of facts and a world of values. Accordingly, the fact–value distinction is a false dichotomy as is description versus evaluation, description versus prescription, objective versus subjective, and ‘is’ versus ‘ought’. All these distinctions are perspectively vantaged attempts to describe the world we live in, one to which we apply our conceptual scheme. We have a *purpose* in making distinctions such as fact versus value, so the range of that which is so distinguished is deliberately organized. Even the distinction between science and value is bogus, if it entails that science provides us with value-free descriptions. It is precisely because we have an interest in describing the world from a scientific point of view, one in which we are (among other things) interested in predicting, controlling, or explaining phenomena, that our factual descriptions can answer the questions we value in the pursuit of scientific inquiry. (See *MN* 105.)

Argument *A* runs, *mutatis mutandis*, for the concepts of our everyday lives. From the point of view of describing objects in our experience as furniture, there is no additional element we may add to a chair that turns it into furniture. It makes no sense to say that everything about this chair (to which I point under such and such circumstances) can be exactly the same yet in one instance it counts as furniture and in another it does not. It was furniture all along. This move is supposed to work for any point of view we might identify. Hence there is no gap between description and valuing because we always have an interest, one we value (or disvalue), in describing. Description is always done from a point of view in which we have interests. These interests embrace the values (or disvalues) we place on the things falling under that point of view, whether this involves valuing chairs as pieces of furniture to sit on or describing something as poisonous and hence not to be ingested.

Here it helps to note Kovesi’s distinction between *valuing* and *evaluating*. (*MN* ch. 5, *passim*.) What we *value* is what is in our particular range of human interests,

<sup>25</sup> For Kovesi the distinction between description and evaluation does not coincide with that between fact and value, because he distinguishes evaluation from valuing, as we explain below.

such as food. What we *evaluate* is whether some thing (or act) meets a standard of what it is supposed to be according to a description of the thing (or act). Thus we might evaluate a plate of food under the description ‘healthy *haute cuisine*’, thereby judging whether the food meets putative standards of healthy *haute cuisine*. We may even evaluate what we do not value. For example, we may evaluate someone as a burglar. We may even evaluate her as a good burglar, as when we judge that she meets the standards of what a burglar is supposed to be. Yet we need not value her insofar as she is a burglar, if we do not value burglars. Whatever we value, we evaluate under some description that answers to our interest in or point of view on that thing (or act). Valuing (or disvaluing) creates the possibility of evaluation. Consequently valuing is prior to evaluation. (*V&E* 20)

The formal elements of a concept are *used for* evaluation. Our point of view informs the concepts we form, with their various formal elements, because our point of view springs from the particular range of interests we value: ‘Standards, needs and wants also enter into the formation of terms [and so, for Kovesi, concepts] that we usually call descriptive terms. What makes a term descriptive is not the lack of these [standards, needs and wants] but the point of view from which we organize these and other elements into concepts.’ (*MN* 21) Accordingly, our point of view means that all our descriptions of evaluable things (or acts) embody *standards*.<sup>26</sup> Because standards permeate discourse, there is nothing special about moral discourse insofar as it appeals to standards or other normative perspectives.

Having argued for the vacuity of the fact-value distinction, Kovesi provides an explanation of its seductive appeal: we mistakenly assume a gap between fact and value because, in the classic Humean account, we seem to reason from facts in one domain (the domain of the scientific ‘is’) to values in another (the domain of ‘ought’). And, as Hume points out, there is an apparent chasm between these two domains. But in fact we hardly ever reason from facts in one domain (under one description) to values in another (under another description). What we do instead is reason from facts in one domain (under one description) to values in the same domain (under the same description). (*MN* 48–49) For illustration, contrast the culinary notion of wine with the chemical one. An oenophile, *qua* oenophile, wants something to complement her meal and elevate her mood, not a product of a laboratory. When a chemist becomes an oenophile, then certain chemical combinations could be moved across the house of the concept, as it were, and desired under the constituency’s oenophilic purposes.<sup>27</sup>

<sup>26</sup> ‘What enables us to evaluate things is that our descriptions of things are standards; they embody the purposes and intentions that made us form the notions of those things to begin with, and they are all capable of being exemplified by many particulars in space and time.’ (*V&E* 16). Also see *MN* 105 & 107.

<sup>27</sup> We are employing Kovesi’s metaphor here. He writes:

Our different sorts of notions do not cross the floor of the house: in order to get to the other side they have to go back to their constituencies and be elected for the other side. If certain material elements have been elected to serve a purpose then they serve that purpose. In order for them to serve another purpose they have to go through the same process again that enables them to serve a particular purpose: they have to be elected again. (*MN* 48–49)

Or take another example. When I say that it is raining, so I ought to take an umbrella, I am mentioning the first fact since I value not getting wet. In this case I describe the rain not *qua* meteorologist but *qua* pedestrian interested in avoiding being soaked.

Kovesi mentions several basic points of view, including the legal, prudential, functional, scientific, and moral (MN 22, 48, 105, 106). There are surely more. The ways in which we take up interests in the world are indicative of the ways in which we value or disvalue that lived world. What counts as a salient feature in a situation is picked out and described because we have certain interests and our descriptions track those interests. How we interpret a phenomenon depends upon the point of view from which it is looked at. For instance, if we come upon a couple engaged in intercourse in the bushes, do we categorize that act as incest, rape, marital congress, adultery or exhibitionism? We need a descriptive label that goes beyond the mere evidence of our eyes because the terms that apply merely to the visual field would not yield the requisite moral categories. This is because we need a point of view to see such-and-such *as* so-and-so. We need a point of view to even see the act as an act of sex.

So what is the moral point of view? Kovesi approaches this question by asking what doing moral philosophy is. His answer is that we first examine the ways in which we classify the moral domain, thus ‘mapping the territory’. This requires us to distinguish moral from non-moral concepts (though not too sharply, and allowing for partial overlaps with law, etiquette, religion, etc.). Kovesi observes that moral concepts have three key features:

(a) moral notions have to be public twice over: they not only have to be formed from the point of view of anyone, but they also have to be about those features of our lives that can be the feature of anyone’s life; (b) they provide not only the rules for our thinking about the world but also the rules for our behavior, while other notions are not at the same time rules for the behavior of their subject matter; (c) partly as a consequence of (b), if other notions did not exist those events that are their subject matter would still go on happening, but without moral notions there would be nothing left of their subject matter. (MN 106).

The moral point of view in (a) is ‘the point of view of anyone’. This is vague because Kovesi does not specify the scope of ‘anyone’. We think that he means that if you form a moral concept such as ‘murder’, then you form it because you have the same range of human interests and values as anyone else who forms it. Otherwise it would not be the same concept.<sup>28</sup> Such *moral concepts must be about those features of our lives that can be the feature of anyone’s life in the sense that they are descriptive of our shared social world*. Thus, as Kovesi points out in (c), without our common concept of murder, there is nothing that would count as murder. In fact, part of the reason why Argument A is sound is that moral judgments must be universal: *consistency demands that we make the same moral judgment in different circumstances if we cannot point to morally relevant differences*. It follows from these two italicized premises that moral concepts such as ‘murder’ provide not only the rules for our thinking about the world of human social behavior but also the rules for our behavior, as Kovesi observes in (b).

As with all concepts, we form moral concepts because we share the same interests and hence share the same values (and disvalues). When a concept is a moral one, we

<sup>28</sup> This is one reason why the distinction between the formal and material elements of a concept is not the same as other distinctions such as that between necessary and sufficient conditions, as we will demonstrate shortly.

form it because we have a prior interest in moral valuation. Since our prior interest in moral valuation is an essential feature of human social life, our moral concepts are likewise essential. It follows that asking what would be the moral thing to do is not a matter of asking how we value a supposed neutrally described fact, but rather a matter of asking what relationships hold between the moral concepts that we already work with:

If we want to know what is moral then we must investigate the relations between our various moral concepts. The concepts and the distinctions between them *constitute* our moral knowledge. If we make the effort we will find in them a schematic rightness that we commonly overlook. And about this we have no choice, because we can only think by means of concepts.<sup>29</sup>

Thus moral philosophy is essentially taxonomic.<sup>30</sup> For Kovesi we are all supposed to have the same interests and hence the same moral concepts. Thus he must say that moral perplexity arises only when there are no adequate recognitors for the formal element of a moral concept. Moral concepts provide us with value-laden descriptions of a situation or act, under which we may evaluate that situation or act. But when a moral concept lacks adequate recognitors for its formal element, we are left with no clue of what value-laden descriptions we are to use as standards for evaluation. For example, abortion engenders moral perplexity because recognitors we normally associate with acts such as murder are absent. For in normal cases of murder, one necessary recognitor is that there is a paradigmatic instance of a human being who is the subject of the murder, whereas in abortion what counts as a paradigmatic human is not always obviously present. In fact, the moral questionability of abortion becomes more apparent as the pregnancy progresses.<sup>31</sup>

Since we may evaluate what we do not value, evaluation of an act or situation tells us nothing about whether we do place value upon it: ‘Neither the activity nor the logic of evaluation gives us any clue or help as to whether we value or detest something, whether we ought to choose or reject a course of action. . . . Evaluation is quite neutral to morals. We can and do evaluate both what we value and what we detest.’ (*V&E* 38)

### **The Importance of the Distinction between the Formal and Material Elements**

We may now differentiate Kovesi’s distinction between the formal and material elements of a concept from distinctions such as necessary/sufficient conditions, genus/species, definition/example, intension/extension and universal/particular. The way the world is will shape the concept—we would not have the concept of a mushfaker without

<sup>29</sup> Alan Tapper and Janet Kovesi Watt, Introduction to *V&E* 6.

<sup>30</sup> *Vide MN* 112–113. Also consider: ‘In our moral life we are interested in the descriptions under which our action falls and the description of the situations in which and because of which we are confronted with choices. . . . As we know by now, we evaluate particular objects or performances insofar as they fall under a description, when our knowledge of what the objects or performances are supposed to be indicates or provides us with the criteria of evaluation, a knowledge gained either by our experience or, if we are armchair evaluators, through good dictionaries.’ (*V&E* 38)

<sup>31</sup> We make no attempt to use Kovesi’s distinction between the formal and material elements to resolve such cases of moral perplexity. Our key point is that moral perplexity will remain as long as the recognitors are called in question.

umbrellas. For Kovesi, to form a concept is to form it because of the particular set of human interests we already have as embedded in a way of life with all its constitutive practices. These interests are described from the perspective of the point or the purpose of a concept or the story of how it is embedded in our way of life. The formal element provides the reasons why we make distinctions in one way rather than another. Unless we already had these particular interests, and unless these were partly the reason—the other part being the way the world is—why we formed the concept, it would not have the same formal element, and so would not be the same concept. Thus the *very identity of the concept* is determined by the formal element. So if we did not have those sets of interests we would not have that concept.<sup>32</sup>

The formal element of a concept does not merely stand to the point or purpose of the concept, or to the story of how it is embedded in our way of life, as definition to example, say the relationship between the definition of a bachelor as an unmarried man and Fred, who is a bachelor. This is because it is the formal element, one which captures our interests and particular point of view, that makes those points, purposes, and stories to be points, purposes, and stories *of the relevant sort*. Again, the relationship between the formal element of a concept and its various material elements is not that of definition to example because an indefinite variation in kinds of examples that fall under a concept may all share the same material elements. Thus both dining tables and coffee tables are examples of kinds of tables, but it might also be the case that both kinds of tables have five legs. As being five-legged is a variable material element of the concept table, it is possible for examples and material elements to diverge. We are now in a position to give the following schema of an argument:

- (1) For any two distinctions A and B—even those that capture the same extension of a term—suppose that we have an interest in A that differs from our interest in B. Thus (2) the formal element of our concept of A will differ from that of our concept of B. (3) The formal element of any concept is constitutive—arguably only partly—of the identity of that concept. Therefore (4) our concept of A differs from our concept of B. (5) The concept of A cannot explain this difference and nor can the concept of B. So (6) our concept of the formal/material distinction differs from our concept of either A or B—even if A and B capture the same extension of a term.

Turning to (1), let us take for illustration the distinction between the necessary and the sufficient conditions of being an X and the distinction between the species and the genus of an X. The correct analysis of the necessary and sufficient conditions of being X captures the very same extension of the term ‘X’ as does the correct analysis of the species and genus of being X.<sup>33</sup> Nonetheless we may still have an interest in one distinction that differs from that in the other. This is because when we are merely given a set of defining characteristics of what falls under a

<sup>32</sup> This point is illustrated by Kovesi’s example of the misticket, where the formal element of the new concept ‘misticket’ arises within a new point, purpose, story, interest, and way of life. Without these, it would not be this new concept ‘misticket’. The identity of the concept is bound up with the interests, points, purposes, stories, and way of life within which it finds application. (MN 36ff.)

<sup>33</sup> We also think that applying either distinction is essentially the same procedure.

concept, we are not thereby given any information about the set of interests that inform our formation of that concept. For example, suppose that we tell a Martian that someone is a bachelor if and only if that person is a unmarried male *homo sapiens*—as opposed to speaking analogically about animals such as ‘bachelor wolves’ for whom marriage is not an issue. We might teach the Martian the correct extension of the concept of a bachelor. But we would not necessarily give it any clue about why we are interested in discriminating unmarried male *homo sapiens* from married ones or unmarried male *homo sapiens* from unmarried non-male ones or even *homo sapiens* from non-*homo sapiens*. If the Martian is a hermaphrodite engaged in a way of life that values promiscuity but has no notion of marriage then it would not see the point or purpose of the concept of bachelorhood. We would have to tell it an Earthling-bound narrative to get it to see this. This would have to be a long story indeed.

One way in which we might have an interest in one distinction that differs from that in the other is that we do not realize that the correct analysis of the necessary and sufficient conditions of being X captures the very same extension of the term ‘X’ as does the correct analysis of the species and genus of being X. In that case we might form the concept of one distinction because we have one set of valued purposes while we form the concept of the other distinction because we have a *different* set of valued purposes. Even when we realize that the correct analysis of the necessary and sufficient conditions of being X captures the very same extension of the term ‘X’ as does the correct analysis of the species and genus of being X, we still might form the concept of one distinction for one set of purposes and form the concept of the other distinction for a different set of purposes. Our purpose in applying the distinction between necessary and sufficient conditions is normally logical or mathematical, whereas our purpose in applying the distinction between genus and species is normally taxonomic, that is, botanical or zoological. Of course this does not exhaust the ways in which we use the terminology of genus/species and necessary/sufficient conditions, and these two distinctions may blend into one another. Nonetheless we may have an interest in the logical but not the botanical, just as we may have an interest in the zoological but not the mathematical.

In either case the two concepts would then have different formal elements—establishing (2). In support of (3) we have already observed that the identity of a concept is determined by its formal element. What follows is that (4) our concept of the distinction between the necessary and the sufficient conditions of being an X is a *different concept* from our concept of the distinction between the species and the genus of an X. In support of (5), the distinction between necessary and sufficient conditions of being an X will not explain the fact that our concept of the distinction between necessary and the sufficient conditions of being an X is a different concept from our concept of the distinction between the species and the genus of an X. The distinction between the species and the genus of an X will not explain it either. What does explain it is the distinction between the formal and material element of our concepts of the two distinctions. It follows that (6) the distinction between the formal and material elements of a concept does not coincide with the distinction between the necessary and the sufficient conditions of being an X, nor does it coincide with the distinction between the species and the genus of an X—despite the fact that the two distinctions capture the same extension of a term.

Kovesi's distinction between the formal and the material elements of our concepts also entails his rejection of Wittgenstein's 'family resemblance' theory. This theory appears in discussions of topics as diverse as aesthetics, (Gaut 2000; Dissanayake 1990; Dutton 2006) the morality of suicide (Windt 1981) feminism (Hale 1996) philosophy of science (Dupré 1993) symbolic logic (Gómez-Torrente 2002) and animal cognition (Allen, and Hauser 1996), yet we know of no acknowledgment of Kovesi's influence in discrediting it.

The theory consists of two claims, the first of which is that some concepts are so open-textured (in the Kovesian sense) that there is no set of necessary and sufficient conditions of what falls under these concepts. (Wittgenstein 1953, 31–32, §66) Wittgenstein's second claim is that we count instances of such open-textured concepts as the same because we see empirical commonalities between one instance and another, although we may also see that there are pairs of instances that do not share these empirical commonalities. Hence, there may be nothing common to all instances of the same concept. (*MN* 19) Drawing on Wittgenstein's famous example of a game, Kovesi writes: '...we call both football and chess games because football is played with a ball, and so is tennis, while tennis is played by two people and so is chess.' (*MN* 19). Yet there is no discernible commonality between football and chess. On the Wittgensteinian picture the 'similarities are connected like threads in a rope' (*MN* 19) although there is no one thread that connects one end of the rope to the other.

Interestingly, Kovesi does not quarrel with Wittgenstein's first claim. Instead he argues against the second. Kovesi asserts that seeing a family resemblance that runs from football to chess is 'insufficient to explain that connection between football and chess which makes both of them games.' (*MN* 19) Since this is just an assertion, it begs the question. However he has a decisive *reductio* against Wittgenstein: '[on Wittgenstein's view] we could connect everything to everything else. We could turn off at a tangent at any similarity and what we would get in the end would not be a rope but a mesh. Balls—cannonballs—were used to bombard cities, and duelling is a matter for two people.' (*MN* 20) We do not want to accept the absurd conclusion that bombardment and dueling both count as games.<sup>34</sup> The *reductio* may be extended even further, since with enough ingenuity, we could find a continuum of overlapping commonalities that spans all phenomena. As Kovesi puts it, 'With family resemblances we could connect the whole universe in a web of relationships.' (*MN* 129) Then we would have to say that there is only one concept, one that is the concept of everything and we may call that concept whatever we like.

Kovesi's third point against Wittgenstein is that looking for the commonalities need not involve looking for *empirical* similarities: 'In our language, to be able to understand the ... meaning of a term, we have to be able to follow a rule in using

<sup>34</sup> It might be objected that bombardment and dueling could be regarded as instances of games because we have the concept of war games. We reply that war games are games, not wars. The purposes of bombardment and dueling are different when described from the perspective of a game and when described from the perspective of martial engagement. Moreover, it might well be asked that, since there cannot be a final enumeration of things falling under a concept, on what basis does one exclude bombardment and dueling from the list of games? We reply that they can be excluded from games because they do not answer to what counts as a point, purpose, or story of a game. This is Kovesi's answer, one unavailable Wittgenstein. We would like to thank an anonymous referee for inviting these clarifications.

that term, *not to be able to perceive an entity* of which our term is a name.’ (MN 18, our italics) We do not need to look for empirical similarities between various instances of the same thing or same act in order to explain why they are instances of the same.<sup>35</sup> The material elements of a concept need not share any observable resemblance. As Kovesi argues:

One day I inadvertently break a teapot while reaching for the salt. Another day I am walking on the beach and I jump back from a sudden wave. In so doing I destroy a sandcastle, inadvertently. There is no observable similarity between the two inadvertent acts, and if we were to think of a third example we would not conduct our search for it with observable similarities in mind; we would look for cases which however empirically dissimilar, would nevertheless *come to the same thing*. Now the various ways in which we can perform inadvertent acts constitute what I call the material elements of inadvertency. Inadvertency is not an extra element over and above our doing what we do, it is what these various doings all amount to. The formal element is that same thing they all come to. (MN 15–16)

We count the material elements as the same because the formal element of the concept is really a ‘principle of selection’ that enables us to ‘pick out what constitutes what in the web of empirically similar and dissimilar relationships.’ (MN 129). For the concept of a table, we count objects as being the same ‘because, only by being made more or less similar, can they meet the need that tables were invented to meet.’ (MN 16). Moral concepts are no different in this respect. So contrary to Wittgenstein, there *is* something in common to all instances of any concept, even the most open-textured ones, namely that we select their material elements and their recognitors for their fit with formal elements according to what serves our human interests. In turn the formal element of a concept enables us to follow a rule of selecting appropriate material elements:

unless I understood that...[any] two instances...of murder are examples of the same thing, I would not know that they were murders however long I stared at each of them. Nor could I understand that they were examples of the same thing unless I could understand why they were, and only when I could understand why they were could I follow a rule in looking for new examples. (MN 19–20)

We have seen that all concepts are open-textured to at least some degree because the formal element never fully specifies the material elements. Let us exemplify this point with a new example in order to set up a different argument. Imagine a ‘table’ created by directing a strong gust of air capable of supporting cups and saucers placed upon it.<sup>36</sup> Given our interests in tables, we would have good reason to count this oddity as a table. This shows that ‘the sort of things that can constitute a thing or act, their material elements, cannot be enumerated in a final list.’ (MN 10) It also explains why the neo-Platonists (and their modern followers, such as Bertrand

<sup>35</sup> This is Hume’s mistake as well as Wittgenstein’s. Hume tried to find empirical commonalities of the instances of moral concepts, and having failed to find them, concluded that the extension of such concepts is not to be found in the empirical world at all (in other words it has no ‘real existence’) but rather existed only in his own breast. This conclusion does not follow, because although we do count instances of moral concepts as ‘the same’ we do not do so because of empirical commonalities. See also Thomas 1968.

<sup>36</sup> We owe this example to Ilya Farber.

Russell (1912))<sup>37</sup> had an inadequate account of the problem of universals. For no matter how many forms (or general terms) we layer one upon another, we are never able to come down to a particular. In other words, we could always have our descriptions (or those same Platonic forms) apply truly to more than one instantiable particular. Layer on as many universals as we like, we will never reach a point where in principle only one particular could satisfy the description. Thus there is an unbridgeable gap between the universal and the particular. The universal nature of the formal element helps explain this. The formal element is similar to the quiddity (‘whatness’) of a thing. It is a thing’s quiddity that makes a thing to be what it is, i.e., the kind of thing it is. But any kind of ‘whatness’ can be instantiated by more than one thing of that sort. Quiddities (like formal elements generally) are repeatable structures, like the score of song that can be played any number of times yet stay the same tune. Moreover what serves our interests to count as the same is not something we can specify in advance. Since the distinction between the universal and the particular cannot itself explain the gap between the universal and the particular, it is distinct from Kovesi’s distinction between the formal and the material elements of a concept.

## Conclusion

We have made Kovesi’s distinction between the formal element and the material element in concepts less opaque. The formal element of a concept is a principle of selection that enables us to group features of experience in a way that serves our interest to see those things so selected as the same. The formal element is also partly constitutive of the identity of a concept—the other part being the way the world is. Moral concepts are no different in this respect. This is what is unique about Kovesi’s distinction, one he is able to make, unlike other ethicists, because his analysis starts with concept-formation. Our common use of language is already purpose-laden so our common use of language is already value-laden because we would not have the purposes that we have unless we valued (or devalued) them. Thus there is no fundamental divide between facts and values, contrary to what has been assumed in much moral philosophy since Hume. Herein, we contend, lies Kovesi’s enduring significance.

## References

- Allen, C., & Hauser, M. (1996). Concept attribution in nonhuman animals: Theoretical and methodological problems in ascribing complex mental processes. In M. Bekoff & D. Jamieson (Eds.), *Readings in animal cognition* (pp. 47–62). Cambridge: MIT Press.
- Austin, J. L. (1961). A plea for excuses. In J. O. Urmson & G. J. Warnock (Eds.), *Proceedings of the Aristotelian Society*, 1956–57, reprinted in *Philosophical Papers* (pp. 175–204). Oxford: Oxford University Press.

<sup>37</sup> Evidence that Russell counts as a follower of Plato on this issue may be gathered from the beginning of chapter 9 of *The Problems of Philosophy*: “The problem with which we are now concerned is a very old one, since it was brought into philosophy by Plato. Plato’s ‘theory of ideas’ is an attempt to solve this very problem, and in my opinion it is one of the most successful attempts hitherto made. The theory to be advocated in what follows is largely Plato’s, with merely such modifications as time has shown to be necessary.”

- Bambrough, R. (1979). *Moral scepticism and moral knowledge*. London: Routledge & Kegan Paul.
- Bigelow, J., & Pargetter, R. (1990). *Science and necessity*. Cambridge: Cambridge University Press.
- Brennan, J. (1977). *The open-texture of moral concepts*. London: Macmillan.
- Clark, S. (1980). The absence of a gap between fact and value. *Proceedings of the Aristotelian Society Supplement*, 54, 225–240.
- Connolly, W. (1972). On ‘interests’ in politics. *Politics and Society*, 2, 459–477.
- Dissanayake, E. (1990). *What is art for?* Bellingham: University of Washington Press.
- Doughney, J. (2005). Moral description: overcoming the fact-value dichotomy in social research. *eCOMMUNITY, International Journal of Mental Health and Addiction*, 2, 6–12.
- Doughney, J. (2006). No ‘ought’ from ‘is’: faulty thinking in ethics and social science. *Journal of Business Systems, Governance and Ethics*, 1, 27–40.
- Dupré, J. (1993). *The disorder of things: Metaphysical foundations of the disunity of science*. Harvard: Harvard University Press.
- Dutton, D. (2006). A naturalist definition of art. *Journal of Aesthetics and Art Criticism*, 64, 367–377.
- Elshtain, J. (2004). What’s morality got to do with it? Making the right distinctions. *Social Philosophy and Policy*, 21, 1–13.
- Ewin, R. (2002). *Reasons and the fear of death*. New York and Oxford: Rowman and Littlefield.
- French, P. (1977). Institutional and moral obligations (or merels and morals). *The Journal of Philosophy*, 74, 575–587.
- Gaut, B. (2000). The cluster account of art. In N. Carroll (Ed.), *Theories of art today* (pp. 25–45). Madison: University of Wisconsin Press.
- Gómez-Torrente, M. (2002). The problem of logical constants. *Bulletin of Symbolic Logic*, 8, 1–37.
- Graham, K. (1975). Moral notions and moral misconceptions. *Analysis*, 35, 65–78.
- Hale, C. J. (1996). Are lesbians women? *Hypatia: A Journal of Feminist Philosophy*, 11, 94–121.
- Harrison, B. (1983). Meaning, truth, and negation. *Proceedings of the Aristotelian Society, Supplementary Volumes*, 57, 179–205.
- Harrison, B. (1984). Moral judgment, action and emotion. *Philosophy*, 59, 295–321.
- Jotterand, F. (2004). Moral identity and the natural law theory: A response to Tollefsen’s “Natural law and modern meta-ethics: A guided tour”. In J. Cherry (Ed.), *Natural law and the possibility of a global ethics* (pp. 57–67). Dordrecht: Kluwer.
- Kim, J. (1990). Supervenience as a philosophical concept. *Metaphilosophy*, 21, 1–27.
- Kleinig, J. (1996). *The ethics of policing*. Cambridge: Cambridge University Press.
- Kovesi, J. (2001). In A. Tapper (Ed.), *Values and evaluations: Essays on ethics and ideology*. New York: Peter Lang.
- Kovesi, J. (2004). In R. Ewin & A. Tapper (Eds.), *Moral notions*. Christchurch: Cybereditions.
- MacDonald, S. (1991). *Being and goodness: The concept of good in metaphysics and philosophical theology*. Ithaca: Cornell University Press.
- Maclean, A. (1984). What morality is. *Philosophy*, 59, 21–37.
- Mayo, B. (1969). Critical notice of *Moral notions*. *Mind*, 310, 285–292.
- Merleau-Ponty, M. (1962). *The phenomenology of perception*, trans. C. Smith. London: Routledge and Kegan Paul.
- Midgley, M. (1980). The absence of a gap between fact and value. *Proceedings of the Aristotelian Society Supplement*, 54, 207–224.
- Milbank, J. (1999). Knowledge: The theological critique of philosophy in Hamann and Jacobi. In J. Milbank, C. Pickstock, & G. Ward (Eds.), *Radical orthodoxy*, ch. 1. New York: Routledge.
- Popper, K. R. (1959). *The logic of scientific discovery*. New York: Basic Books.
- Porter, J. (1990). *The recovery of virtue*. Louisville: Westminster/John Knox.
- Rodriguez-Blanco, V. (2001). ‘Genuine’ disagreements: a realist reinterpretation of Dworkin. *Oxford Journal of Legal Studies*, 21, 649–671.
- Russell, B. (1912). *The problems of philosophy*. London: Williams and Norgate.
- Shiner, R., & Bickenbach, J. (1976). Misconceptions about moral notions. *Analysis*, 36, 55–67.
- Thomas, A. (1968). Review of *Moral notions*. *Philosophical Quarterly*, 18, 375–376.
- Windt, P. (1981). The concept of suicide. In M. Pabst-Battin & D. Mayo (Eds.), *Suicide: The philosophical issues*. London: Peter Owen.
- Wittgenstein, L. (1953). *Philosophical investigations*, trans. G. Anscombe. Oxford: Basil Blackwell.