MEINONG ON THE FOUNDATIONS OF DEONTIC LOGIC

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I. THE PROBLEM AND TWO TRADITIONAL SOLUTIONS

Traditional moral theories appear to be unable to give a credible account of the relationship between deontic and axiological concepts. By deontic concepts I mean the concepts used by standard deontic logic: obligatory, permitted and forbidden. And by axiological concepts I mean the concepts good, indifferent (neutral) and bad.

Of the two traditional solutions to this problem, one emphasises the independence of the two realms and the other maintains that there is a relation of dependence between them. Kant, the leading spokesman of the former position, argues that there is no connection whatever between duty and value. At any rate, the oughtness of an action is certainly not determined by the value brought about by the action.\(^1\) Mill, a representative of the competing position, argues that duty is definable in terms of goodness. More exactly, he maintains that oughtness is directly proportional to goodness: the better the consequences of an action, the stronger the oughtness attached to the action.

Neither Kant nor Mill seems to do justice to our moral intuitions. Kant fails because he denies the existence of any kind of connection between goodness and oughtness. Mill fails because he takes this

1. It can, however, be argued that for Kant there is a connection in the opposite direction: the value of an action is determined by its oughtness. This is implied by Kant's brief and famous statement of his value-theory:

Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a good will. (Grundlegung, 1st section)

Later he makes it clear that a good will is the will to do one's duty. Thus it would be possible to argue that, in Kant's ethics, goodness depends on oughtness but not vice versa.
connection to be the simple relationship of direct proportionality.

To take just one counterexample to Mill, consider the case of a rich man who asks himself what is for him the right thing to do, i.e. his duty. Very often the right thing to do would be to deal out his money to the poor. It is the right thing because it maximises the general happiness. However, this solution is hardly acceptable in the light of our everyday moral intuitions for we do distinguish ordinary duties like keeping one’s promise from actions that are so good that they cannot be regarded as duties any more, like the rich man’s overly generous act. I will call such duty-exceeding actions supererogatory actions.

For a utilitarian, even the concept of a supererogatory action is quite incomprehensible, for according to him, we always ought to choose the best of the alternatives available. If the rich man gave his money to the poor, he would choose the best alternative, but we would be reluctant to say that it is his duty to do so.

Kantian ethics fares no better in trying to explain supererogatory actions. For Kant, an act is good if and only if (1) it is a duty and (2) it is done in order to fulfil a duty. Thus the concept of ‘a morally good action which is not a duty’ is a contradiction in terms for Kant.

Traditional utilitarianism failed to see that our duties are rather negative than positive: we have a much stricter duty to refrain from harming others than to positively promote their welfare. Thus it is a duty not to steal money from others, but it is no duty to give it to them. This doctrine has sometimes been called “negative utilitarianism”.

In what follows, I will present Meinong’s Law of Omission which offers, in my opinion, a promising alternative to these two traditional views.

II. MEINONG’S LAW OF OMISSION

Alexius Meinong puts forward a more refined conceptual scheme in § 29 of his book Psychologisch-ethische Untersuchungen zur Werth-Theorie. He divides moral acts into four classes:

2. Grundlegung, Preface.
4. Psychologisch-ethische Untersuchungen zur Werth-Theorie (abbrevia-