The emergence of justification in ethics

DAGFINN FØLLESDAL

Staverhagen 7, Slependen 1341, Norway. E-mail:
dagfinn.follesdal@filosofi.uio.no

During the first half of the 20th century, it was quite common among
philosophers – ranging from the logical empiricists to existentialists like
Sartre and Heidegger – to regard ethics as beyond rational justification.
These tendencies are found even today, mostly among scientists who have
not followed the developments in philosophy, but also among postmodernists
and some other philosophers who seem to be unaware of what is going on in
philosophy today. This paper outlines how the picture has changed from the
early part of the century to now. Central figures in this development have
been Nelson Goodman, Israel Scheffler and John Rawls. However, many of
their ideas were interestingly anticipated by earlier philosophers, notably
Edmund Husserl. This essay focuses on the issues rather than on the people.
Its aim is to give a fairly accurate picture of the present situation with regard
to justification in ethics.

There is a steadily increasing interest in ethics. More and more countries,
organizations and institutions establish ethics committees. The demand for public
lectures and seminars on ethics is growing, and more students study ethics. Why
this increased interest in ethics? I believe that the developments in science have
played a crucial role here.

Modern science, in particular gene technology, has led to intensive ethical
discussions. There are a wide variety of conflicting views and the conflict extends
even into legislation, where the laws differ to such an extent from country to
country that some years ago a biologist complained that the same research
(non-therapeutic research on embryos) could in France and England lead to a
Nobel Prize, but in Germany to five years in prison.

Generally, the rapid developments in science have led to ethical discussions
because the range of our possibilities and the magnitude of the consequences of
our actions are becoming ever greater. These new possibilities have led to much

good, for example in medicine, but they also have been misused, for warfare and to destroy and pollute our environment.

However, one branch of modern technology, biotechnology – in particular gene technology – has created new situations, which are radically different from those confronted earlier. One cannot fall back on traditional ethics, which has been developed from encounters between humans. 'The golden rule': do to others what you want others to do to you, may be useful when we stand face to face with other humans, but it is of little direct use when we are manipulating genetic material.

So then, what can we do? Many tend to think that our feelings are good guides to what is right and what is wrong. If we feel that something is wrong, we should not do it, but if we have no feeling of wrongness, it is all right to do it. To take an example that is much debated nowadays, we have no strong particular moral feelings when we deal with stem cells, so what could possibly be wrong with it?

However, already David Hume has pointed out that the strength of our feelings is no good measure of the rightness or wrongness of what we do. So, what can we then do to find out what is right and what is wrong? During the first half of the 20th century it was quite common among philosophers, ranging from the logical empiricists to existentialists like Sartre and Heidegger, to regard ethics as beyond rational justification.

However, around the middle of the century, the situation started to change. This change in the view on justification in ethics was preceded by a similar development in justification in science, which I will now briefly describe before I turn to ethics.

Aristotle on justification in science

The traditional view on justification stems from Aristotle, who discussed three possible approaches to justification:
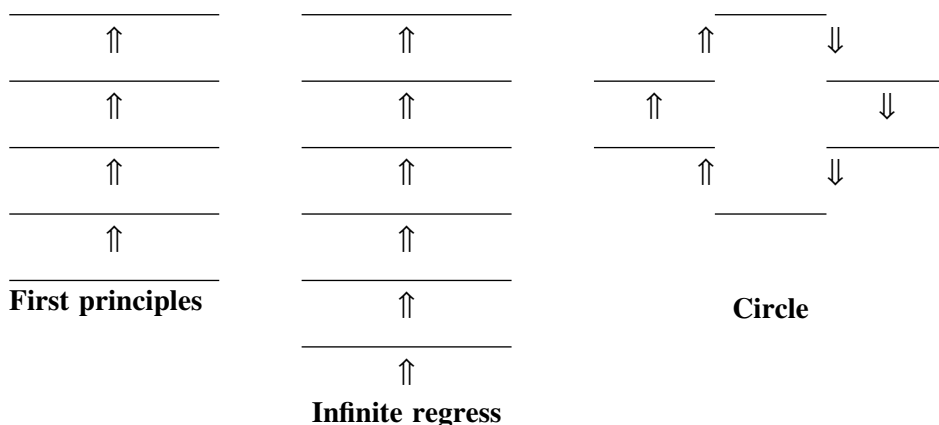

First principles   **Infinite regress**   **Circle**

Figure 1. Baron von Münchhausen lifting himself from a swamp.

The arrows in the diagram indicate that what is at the tip of the arrow is justified by what is at the base of the arrow. Aristotle held that only one of these three approaches is satisfactory, the one on the left. Neither retreating backwards into an infinite regress nor moving around in a circle will give us justification. One main aim of Aristotle was therefore to find first principles that can serve as a basis for the justification of the rest of what we claim to know. His assertions about the natural places of the various elements were claimed to be such first principles.

In this essay I shall argue for the third of these approaches, the circular one. This may seem preposterous, as it did to Aristotle. As an example, recall that Baron von Münchhausen was riding his horse and got stuck in a swamp, but by clamping his legs around the stomach of the horse and taking a firm grip around his hair he was able to lift himself and the horse out of the swamp (Figure 1).

In the centuries after Aristotle, many philosophers proposed alternative candidates for first principles. However, some of Aristotle's contemporaries, most

of them followers of Plato, claimed that at least in the natural sciences one has to work with tentative hypotheses that may be confirmed or disproved on the basis of how well they agree with the phenomena observed. This tradition continued up through the Middle Ages. Thomas Aquinas regarded this hypothetical method as the appropriate method in the natural sciences and contrasted it with Aristotle's method, which he regarded as more suitable for metaphysics. Aquinas gives as an example the view that the earth is round. One can argue for this in two ways, he said. One can either, as Aristotle did, start from a first principle, in this case the principle that all particles of earth have a natural location, namely the earth's centre, towards which they are all striving. They therefore group into a shape that maximizes their closeness to this point, namely a sphere. 'Or, one can, as in astronomy, confirm it from the shape of the lunar eclipse, or from the fact that the same stars are not seen from every part of the earth.'[1] Aquinas pointed out that the astronomer's hypotheses are not necessarily true:

> The astronomers have tried in different ways to explain the movements of the planets. But the hypotheses they have put forth are not necessarily true; even if these hypotheses seem to save the phenomena, it is not necessary that they are true, since one might perhaps explain the apparent movements of the stars by help of another assumption, which nobody has ever thought of. Aristotle used, however, such hypotheses about the nature of movements as if they were true.[2]

The search for first principles continued longest in mathematics and ethics, which seemed not to be based on empirical observations and where, especially in mathematics, various first principles or axioms were so intuitively convincing that they seemed to be beyond any doubt.

However, in 1843, John Stuart Mill claimed that mathematics, like the natural sciences, was ultimately founded on observation.[3] According to Mill, what makes mathematics so reliable are two features: (1) it is tested again and again when it is used in the marketplace or in surveying and other practical activities; (2) mathematics is systematized in an extremely simple and wide-ranging way, so that if one were to change part of it, most other parts would have to be changed as well. Given that these other parts have been repeatedly tested, we would look upon any observation that would seem to go against mathematics with great suspicion. Rather than starting on the immense enterprise of revising all of mathematics, we would blame the disturbing observation on something else: inattention, somebody trying to fool us, or the like.

Twentieth-century developments

One hundred years later, ideas similar to those of Mill were put forth by several philosophers, who went even further than he did. Three of these philosophers

deserve special mention: W. V. Quine (1908–2000), Nelson Goodman (1906–1998) and Morton White (1917–). In the following, their views will be presented and discussed, and we will, in particular, see how the basic idea in their views on justification was taken over and developed in ethics.

Quine gives at the end of his article 'Two dogmas of empiricism', a nutshell description of this method justification, applied to a broad field, comprising empirical science, mathematics and logic, but with nothing said about ethics:

> … total science is like a field of force whose boundary conditions are experience. A conflict with experience at the periphery occasions readjustments in the interior of the field. … Having re-evaluated one statement we must re-evaluate some others, which may be statements logically connected with the first or may be statements of logical connections themselves. … No particular experiences are linked with any particular statements in the interior of the field, except indirectly through considerations of equilibrium affecting the field as a whole.[4]

Before proceeding to discuss the various features of the method it may be instructive to consider an example of an application of the method to the problem of justification in logic. Let me quote Nelson Goodman's classical description of the method, in his *Fact, Fiction and Forecast* (1955):

> How do we justify a deduction? Plainly by showing that it conforms to the general rules of deductive inference.
>
> … But how is the validity of rules to be determined? Here again we encounter philosophers who insist that these rules follow from some self-evident axiom, and others who try to show that the rules are grounded in the very nature of the human mind. I think the answer lies much nearer the surface. Principles of deductive inference are justified by their conformity with accepted deductive practice. Their validity depends upon accordance with the particular deductive inferences we actually make and sanction. If a rule yields inacceptable inferences, we drop it as invalid. Justification of general rules thus derives from judgments rejecting or accepting particular deductive inferences.
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> This looks flagrantly circular. I have said that deductive inferences are justified by their conformity to valid general rules, and that the general rules are justified by their conformity to valid inferences. But the circle is a virtuous one. The point is that rules and particular inferences alike are justified by being brought into agreement with each other. *A rule is amended if it yields an inference we are unwilling to accept; an inference is rejected if it violates a rule we are unwilling to amend.*
>
> The process of justification is the delicate one of making mutual adjustments between rules and accepted inferences; and in the agreement achieved lies the only justification needed for either.[5]

Justification in ethics

These ideas on justification in science, mathematics and logic were carried over to ethics during the second half of the 20th century. Two of the central figures

in this development of justification in ethics were John Rawls (1921–2002) and Israel Scheffler (1923–). Rawls first presented this view on justification in ethics in 'An outline of a decision procedure for ethics'[6] in 1951 and developed it further in *A Theory of Justice* (1971).[7] Scheffler set forth his view in 'On justification and commitment' in 1954.[8] Scheffler gives credit to Goodman, but apart from this there are no cross references between these authors to tell us where this approach to justification in ethics originated first.

Reflective equilibrium

This emerging view on justification was dubbed by Rawls 'reflective equilibrium', and this fitting appellation will be used in the following.

Using the label 'reflective equilibrium' for a method of justification may be misleading, since when Rawls uses this label in A *Theory of Justice* and his later writings he does not have in mind a theory of justification, but a method for obtaining agreement. There is some vacillation in Rawls on this point. In 'Outline of a decision procedure for ethics' Rawls regards the method as providing justification (p. 186); he talks about the method helping us to attain moral knowledge and about moral rules being validated through the use of this method, and he states that he is not concerned 'with the problem of how to make it psychologically effective in the settling of disputes' (Ref. 6, p. 177). However, in his later writings, Rawls is more cautious, and he distinguishes more clearly between achieving agreement and providing justification. He no longer contends that the method provides justification, but settles for the more modest claim that it is a practical way of achieving agreement.

However, we will use 'reflective equilibrium' for any method that has certain general characteristics that we will now list, whether this method be conceived of as a method of justification or as a method of settling disputes, and whether it be applied in sciences, mathematics and logic, or in ethics. 'The hypothetico-deductive method' is less appropriate, since that method contains only some of the ingredients characteristic of the method of reflective equilibrium.

The method of reflective equilibrium, as I will use the term, is characterized by the following five features.

(i) Coherence

The method emphasizes the *coherence* of one's views. The coherence is of the kind that we typically strive for in scientific theories: deductive logical inference plays an important role, so do simplicity and other considerations. Some might, for example, want to make use of what is often called 'inference to the best explanation'. Typically, particular statements are justified by being deduced from

more general statements, but on the other hand, the general statements in their turn are justified by the fact that the desired particular statements follow from them.

So far, the method is nothing beyond the hypothetico-deductive method. However, now we come to its distinctive features, which set the method of reflective equilibrium apart as being one specific variant of the more general hypothetico-deductive method.

(ii) Total corrigibility

No statement in one's 'theory' is immune to revision (I use the word 'theory' in a broad sense, which does not require a theory to be fully worked out into a deductive system, but only requires the statements to be sufficiently related to permit transfer of evidence between them). Any statement may be given up when we find that giving it up brings about simplifications and greater coherence in our overall theory. The views of some of the logical empiricists on 'protocol statements' as non-revisable and unaffected by theory, are incompatible with this, and their methods are therefore not examples of reflective equilibrium, although they are examples of the hypothetico-deductive method. The method of reflective equilibrium is also incompatible with a theory of 'sense data', where statements about sense data are supposed to be incorrigible. Adherents of reflective equilibrium are 'fallibilists' not only with respect to some or most statements, such as the hypotheses of the theory, as in the case of the hypothetico-deductive method, but with respect to all, including reports of observations and other 'data'.

(iii) Different fields of application

The method of reflective equilibrium can be applied in a number of different *fields*, four prominent ones being empirical science, mathematics, logic and ethics. Philosophers can regard the method as appropriate for one, two, three or all four of these fields. Philosophers can also be distinguished according to whether they regard these four fields as separate fields, where evidence from one field does not transfer to the other fields, or whether they are what we could call 'unbounded' holists, and regard all four fields as part of one whole, where coherence considerations involve all four of them and where evidence accordingly is transferred from one area to the other. Evidence from the empirical sciences will thus be relevant for questions of values and norms, and more remarkable, evidence from ethics may have a bearing on questions in mathematics, logic or empirical science.

The foremost representative of such unbounded holism is Morton White, in *Toward Reunion in Philosophy*[9] (Ref. 9, pp. 254–58 and 263), and in *What Is and*

What Ought To Be Done.[10] White here argues that all the four areas mentioned are interrelated in such a way that statements from all four areas can be put to test together, and that sometimes 'we may reject or revise a *descriptive* statement in response to a recalcitrant moral feeling' (Ref. 10, p. 122). By including statements from all four areas in the body of statements to be tested White includes more than Quine, who did not discuss ethics, and much more than Duhem, in *The Aim and Structure of Physical Theory*,[11] who was an important 'holist' but did not include mathematics and logic and did not discuss ethics.

However, on the other hand, White includes less than Quine in each separate test. While Quine holds that '*every* one of our beliefs is on trial in *any* experiment or test' (Ref. 10, pp. 22–23), White, like Duhem, thinks that only part of our 'web of belief' is involved in each test. To distinguish his view from Quine's, White therefore calls his view 'limited corporatism'. He uses 'corporatism' the way I am using the word 'holism', for the view that 'we do not test isolated individual statements but bodies, or conjunctions, of statements' (Ref. 10, p. 15). The qualification 'limited' indicates that White, like Duhem and unlike Quine, holds that the bodies of statements that are tested in any one test are less comprehensive than they are thought to be by Quine. Avoiding the word 'corporatism' that is also used in political theory, I will continue to use 'holism' for what White calls 'corporatism'. One might, if one wanted to, introduce different labels for the different variants of holism, for example 'piecemeal holism' for Duhem and White's view, where the bodies that are tested in any single test make up only limited pieces of our whole web of belief, and 'bounded holism' for a view like Quine's, where not all four fields are included. Duhem's view would hence be a 'bounded piecemeal holism,' while White's would be an 'unbounded piecemeal holism'. However, rather than burdening my reader's memory, I will spell out what kind of holism I am discussing whenever that is pertinent.

In *Science and Sentiment in America*,[12] White shows that William James vacillated between a 'trialistic' view and a holistic view. The former predominates in the *Psychology* and in *The Will to Believe*, where natural science, logic/mathematics, and ethics are three separate fields, each subject to a method like that of a reflective equilibrium, but with no transfer of evidence between the fields. The latter, holistic view, White finds advanced in some parts of *Pragmatism* and in *A Pluralistic Universe*, where all three fields are regarded as part of one unified whole, one stock of beliefs, in a broad sense, with evidence being transferred between the fields: strains in one field may be increased or reduced by what is happening in the other fields. According to White, 'an unsatisfied desire may challenge the stock as much as the discovery of a logical contradiction or a recalcitrant fact, and it is James' belief in the parity of unsatisfied desire with the two other creators of strain that distinguishes his later position' (Ref. 12, p. 205).

White's latest book, *A Philosophy of Culture: The Scope of Holistic Pragmatism*[13] gives a thorough historical and systematic examination of the development of this corporatist view. One important theme that is more thoroughly discussed in *A Philosophy of Culture* than in the earlier works is the status of the holism itself: 'I have maintained that thinkers who seek knowledge do and should use the method of holistic pragmatism in testing their views' (Ref. 13, pp. 184–185). Can pragmatic holism itself be tested and given up? White responds that we should regard it as a rule of good scientific methodology. It reflects the idea that epistemology is a normative discipline, but it should not be regarded as *a priori*, necessary or immutable. Like some other rules in ethics and science 'they are entrenched, but they may be removed from their trench for good reason' (Ref. 13, p. 182).

Note here the three features of the method of reflective equilibrium that we have discussed so far: justification, coherence and total corrigibility. The passage I quoted from Goodman brings into focus a further, highly important feature, to which we shall now turn: pre-reflective, intuitive acceptance as the basic source of evidence.

(iv) Pre-reflective, intuitive acceptance

The method of reflective equilibrium makes crucial use of our *pre-reflective, intuitive acceptance* of various statements. Through reflection, systematization and observation it seeks to gradually modify our acceptances, strengthen some of them and weaken others, but it does not attempt a wholesale rejection of all of them in order to replace them with something radically new. There is no source of evidence upon which such a new edifice could be built, all the evidence there is, is imparted through these intuitive acceptances.

(v) Perception and other sources of evidence

Our intuitive acceptances come in various strengths and are influenced by various factors, some of which we consider more reliable than others. Perception influences many of our acceptances of what the world that affects our senses is like. Perception would, at least by empiricists, be looked upon as one privileged source of evidence, which, although not infallible, provides whatever evidence there is, in addition to the coherence considerations.

While most philosophers would attribute to perception and observation such a privileged role in the sciences, the situation is not so clear in ethics. Rawls, in 'Outline of a decision procedure for ethics', seems to hold that some *particular* moral judgements have such a privileged status, and that the *general* ethical principles have whatever acceptability they have in virtue of how well they

systematize our particular moral judgements. Our acceptance of some of the particular judgements may be modified through this systematization, but the particular judgements remain the ultimate source of evidence for the ethical principles, much as in science the particular observation statements are the ultimate source of evidence for the general hypotheses of the theory.

However, Rawls in his later writings no longer gives particular moral judgements a privileged status when compared with the general judgements, but holds that judgements of both kinds, particular and general, serve as evidence and that both kinds of judgements become modified through our attempts to create a coherent theory of ethics, where our general principles and our judgement in the individual cases are in equilibrium with one another.

Our intuitive acceptances of ethical statements are often unreliable, depending on egoistic considerations, cultural influences, etc. Reflecting upon them we come to regard some as less reliable than others. These considerations of reliability are part of the reflections we perform in order to arrive at a reflective equilibrium and these considerations themselves have to fit into the reflective equilibrium. Only a careful study of how various observations, experiences, and changes in our system affect our acceptance can tell us whether, in addition to coherence considerations, which are crucial to the method of reflective equilibrium, there is any source of evidence that is of particularly great importance.

Reflective equilibrium in Husserl

The recent changes in science and technology, in particular bio-technology, surely affect us all. So do the developments in our understanding of justification in science as well as in ethics. However, while the early developments in our view on justification took place in Europe, the later developments I have described have taken place in the United States. Quine, Goodman, Rawls, White and Scheffler are all Americans. I will therefore use the last part of this paper to bring to light a very important European contribution to our conception of justification in science as well as in ethics.

This contribution was made by the Czech-German philosopher Edmund Husserl (1859–1938) early in the 20th century. It antedates the American contributions that I have mentioned by 20 years and throws light on the crucial issue of why and how the method of reflective equilibrium provides justification and is not merely a method for settling disagreements.

In an earlier article, I have argued that Husserl held a reflective equilibrium view on evidence.[14] He accepted all the features of this view that we have discussed: coherence, total corrigibility, pre-reflective acceptances, etc. He does so separately within all the four areas that we have described, natural science,

mathematics, logic and ethics. Like the English 'moral sense' philosophers he claims that sentiment (Gemüt) is the basic source of evidence for moral philosophy:

> And thus also in ethics we have to ask: where is the source of the primitive ethical concepts, where are the experiences [*Erlebnisse*], on the basis of which I can grant these concepts the evidence of conceptual validity?[15]

Further, Husserl writes:

> The English moral sense philosophy [*Gefühlsmoral*] has after all established beyond doubt: If we imagine a being, who is *sentiment-blind* in the same way as we know beings who are *color-blind*, then everything moral loses its content, the moral concepts become words without sense.[16]

From this basis, Husserl builds up an ethics, developing the method of reflective equilibrium as I have described it above. However, he gives a special twist to the method, based on how what he calls the 'life-world' plays a crucial role in justification. The life-world is for Husserl the world as we experience it, each of us from our own point of view, shaped by our culture, our education, our previous experiences and our reflection. What is particularly important about the life-world is that most of it we are not consciously aware of. All that we experience and all that we do in our lives leaves sediments in the life-world, but only seldom are we reflecting on this and taking a conscious stand, judging that the world is so-and-so. We could simply not go on living if we should constantly bother to pay attention to all that is constantly coming in.

This feature of the life-world, that it mostly consists of acceptances that we have never made thematic to ourselves and which have therefore never been the subject of any explicit judicative decision, is for Husserl the main reason why the life-world is an ultimate court of appeal, behind which there is no point in asking for further justification:

> … where such completely self-giving intuition of the judicative substrates takes place, there is absolutely no possible doubt with regard to the 'so' or 'otherwise' and hence no occasion for an explicit judicative decision.[17]

Every claim to validity and truth rests upon this 'iceberg' of largely unthematized pre-judgmental acceptances. Every request for justification ultimately has to lead back to this same sort of acceptances. There is nothing more ultimate to turn to, and there is nothing more that can be asked for.

I shall not go more deeply into an examination of Husserl's writings here; I only wanted to mention him as a highly important, but neglected European contributor to the discussion of justification, in ethics as well as in science.

Reflective equilibrium and current contested ethical issues

Finally, a few words on what the method of reflective equilibrium may teach us about the controversial issues in contemporary biological research and biotechnology, such as research on and use of stem cells.

As I noted at the beginning of this paper, one does not have any strong moral feelings when one deals with cells in a test tube – if one has any at all. However, we have strong moral feelings when it comes to dealing with other human beings, adults as well as children and babies. What kind of connections are there between these cells and human beings? There are obvious connections between humans and certain kinds of cells, for example, those that have the same kind of DNA as humans. However, do these connections have any ethical implications? The challenge is clearly to work out an ethical theory that tells us what the connections are and to what extent they are ethically relevant. Such a theory has to fit in with our moral feelings when we encounter human beings, and it has to tell us what are the relevant moral similarities and differences between these cells and human beings. There are, of course, lots of differences, but we need a theory that tells us to what extent these differences have consequences for our moral evaluations of what we do to these cells.

The ethical theory must certainly tell us much about what it is to be human, why it is wrong to inflict pain on humans and why it is wrong to take human life. Immanuel Kant is one of the philosophers who have gone most deeply into these issues of human dignity. However, he did of course never reflect on stem cells. In order to do a competent job in this field one has to know both biology and ethics. Modern biology confronts us with a number of difficult moral challenges. As I noted above, we cannot just rely upon our feelings when we make ethical decisions, we have to use our reason. When our reasoning is weak and we are far from having a satisfactory ethical theory in this field, we should proceed with caution. When the benefits are negligible and when there are other, ethically less problematic ways of achieving the same ends, we do not have much of a problem. The difficult problems come when it is likely that research in such an ethically intricate and unsettled field will bring highly important insights and we do not know how we could reach these insights in another way. Then we are faced with a serious dilemma. However, difficult dilemmas arise also in other, less exotic areas of life, where norm stands against norm and value against value and where, whatever we do, we will do something that violates certain norms or values. A main aim of ethics is to help us to deal with such situations in an enlightened and reasonable way. Within the realm of bioethics we are, unfortunately, very far from clarity. However, as I have tried to argue in this essay, there are ways of using our reason to deal with these difficult issues. And when this is possible, we have a responsibility for doing it.[18]

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About the Author

Dagfinn Føllesdal is C. I. Lewis Professor of Philosophy at Stanford University and also Professor of Philosophy at Oslo University. He is a past President of the Norwegian Academy of Sciences. His interests have been mainly in the philosophy of language and contemporary continental philosophy, in addition he has been an editor of the *Journal of Symbolic Logic*. He is presently writing a book on the interpretation of the philosophy of Husserl.