

SYSTEMICALLY RELATIVIZED STATEMENTS

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1. In the legal, ethical and political discourse we have to do with statements referring to some axiological or normative systems. These statements are expressed in the formulas such as «x is v-valuable according to the axiological system AS» and «ought to be x according to the normative system NS» where x stands for the evaluated object or the regulated behaviour. The statements in question serve for justifying evaluations or norms ⁽¹⁾, for a description of some objects or behaviour or for characterization of certain axiological or normative systems. These statements are used also to formulate axiological norms and for qualifying behaviour in terms of normative systems.

The rather differentiated use of the systemically relativized statements in the various kinds of discourse justifies their analysis ⁽²⁾. In the first part of the present essay the normal formulas of the systemically relativized statements are introduced with an outline of their typology. The second part analyzes the semantic properties of the singled out types of those statements, the third deals with some of their pragmatic properties.

I

2. Systemically relativized statements are formulated in various forms. Putting aside a description of the linguistic

⁽¹⁾ By «evaluation» I mean here a linguistic complex sign ascribing to an object x a property thought of as evaluative within a given language; by «norm» I mean a linguistic complex sign which is understood in a given language as formulating a pattern of due behaviour.

⁽²⁾ Cf. J. WRÓBLEWSKI, Statements on the Relation of Conduct and Norm, *Logique et Analyse* 49/50, 1970, p. 162 sq.

uses let us assume that all those forms can be reduced to some simple normal formulas, and that their analysis is sufficient to determine the semantic and pragmatic properties of the statements in question.

Systemically relativized statements **ex hypothesi** refer to some axiological system (AS) or to some normative system (NS). It is necessary, therefore, to describe the assumed characteristics of those systems ⁽³⁾.

The axiological system AS is treated as an ordered set of evaluations of the form «x is v-valuable», i.e. V/x/, where x is a name or description of the evaluated object and v an evaluative predicate. The variable x refers to the class of objects evaluated in the AS, the variable v to the set of values existing in the AS. The ordering of the AS consists in singling out primary evaluations and the derivated ones which are inferred from the former with the definitions and rules of inference accepted in the AS. Definitions determine the meaning of the terms used in the language AS (the primary terms excepted) and the conditions of the use of evaluative predicates. The rules of inference precise the ways of formulating derivated evaluations acknowledged in the AS (comp. point 10).

The normative system NS is treated as an ordered set of norms of the form «ought to be x», i.e. O/x/. The symbol

⁽³⁾ About the systems of evaluations and norms cf. e.g. I. LAZARI-PAWŁOWSKA, *Model dedukcyjny w etyce /in/* ed. I. Lazari-Pawłowska, *Metaetyka*, Warszawa 1975; TORE NORDENSTEN, *Sudanese Ethics*, The Scandinavian Institute of African Studies, Uppsala 1968, p. 27-33; A. IVIN, *Osnowanie logiki ocenok*, Moskva, 1970, p. 52-101 and passim; L. NOWAK, *U podstaw marksistowskiej aksologii*, Warszawa 1974, chapt. V, 1; C. E. ALCHURRON and BULGIN, *Normative Systems*, Wien-New York, 1971; J. WRÓBLEWSKI, *Systems of Norms and Legal System*, *Rivista intern. di filosofia del diritto* 2, 1972; Idem, *Relations Between Normative Systems*, *Archivum Iuridicumn Cracoviense* VI, 1973. The sytemic approach to current ethical systems seems to be an idealization/cf. M. OSSOWSKA, *Podstawy nauki o moralności*, Warszawa 1963, 3 ed., chapt. X/. Assumed properties of a system of evaluations and norms corresponds to the ideas of deductive science in its axiomatic intuitive version/cf. K. AJDUKIEWICZ, *Logika pragmatyczna*, Warszawa 1965, § 54/. The writings concerning the structure of legal systems are very extensive and cannot be cited here.

O/x/ can be read in various ways and the formula «ought to be x» in the present context is synonymous with any of the formulas used to express a norm within a given language or according to a concrete theory of norms⁽⁴⁾. The «ought» in the formula has to be understood in a wide meaning of this term so as to cover all normative modalities accepted within a given NS (e.g. duty, permission etc).⁽⁵⁾ The variable x refers to all objects regulated in the NS. Let us assume that NS regulates only human behaviour writ large so as to contain also the «inner behaviour» referred to in some systems of morality. This restriction accepted all other uses of the formula «ought to be x» are either metaphorical or can be translated into a proper norm.

Ordering of the norms in the NS is strictly analogous to that described for the AS above. The NS is, however, more complicated than AS in respect to the rules determining which norm belongs to the system. There are NS in which the «rules of recognition» do not require that the norm in question is inferred from the rules valid in the NS but specify the conditions of its creation: the norm belongs to the system if it is created according to some procedures, whereas the content of this norm is not determined at all or is only partially determined by the NS. In the former case we have to do with pure dynamic NS, in the former with some type of dynamic-static NS⁽⁶⁾.

3. For our purposes it is sufficient to single out two normal formulas of the statements relativized to axiological and normative systems. Let us symbolize by «R» the words «according to». Then the simple evaluative systemically relativized statement has the normal formula $V/x/RAS$ («x is v-valable according to the AS»). The evaluation of x is related to an axiological system.

(4) Cf. K. OPALEK, *Z teorii dyrektyw i norm*, Warszawa 1974, chapt. III, IV and cited literature.

(5) Cf. e.g. Z. ZIEMBIŃSKI, *Logiczne podstawy prawoznawstwa*, Warszawa 1966, chapt. IV.

(6) Cf. J. WRÓBLEWSKI, *Systems of Norms.. op. cit.* p. 226-229.

The complex evaluative relativized systemically statement has the normal formula $V/x/R^*NS$ («x is v-valuable according to the NS»). The evaluation of x depends on its relation to a system of norms.

The typology of the normative statements with systemic relativization is strictly analogous. The simple normative statement has the normal formula $O/x/RNS$ («ought to be x according to the NS»), and the complex one has the formula $O/x/R^*AS$ («ought to be x according to the AS»). The former formula expresses the relativization to the normative system, the latter to the axiological one.

4. The systemically relativized statements are formulated in various languages. Let us single out some of them in order to determine the area of our analysis.

Firstly, the language AS or NS *sensu stricto* understood as the language in which there are only expressions necessary and sufficient to formulate the evaluations or norms as elements of the AS or NS. These evaluations or norms are interpretations of the formulas $V/x/$ or $O/x/$, where the values of «x» are the abstract names of the object of appraisal or regulation, and V and O determine the class of values or of normative modalities.

Secondly, the language AS or NS *sensu largo*, which is richer than the corresponding language *sensu stricto*, because it contains also singular names of evaluated or regulated objects. If the AS or NS contains such names then there is no reason to distinguish these two types of languages.

Thirdly, the metalanguage of the AS or NS in which one speaks about the systems in question. Metalanguage pragmatically appears in three principal forms: as «axiological metalanguage» in which one formulates the systemically relativized evaluations; as «normative metalanguage» in which one formulates systemically relativized norms; or as «descriptive metalanguage» in which one formulates sentences about the relation between an evaluation or norm and the corresponding system. According to the needs of a concrete analysis one can, of course, construct a more complicated typology of the

metalanguage in question.

For the present essay it is sufficient to single out those two kinds of languages and three kinds of metalanguage. The systemically relativized statements are treated as expressed in each of the three types of metalanguage according to the pragmatic function one ascribes to them in the concrete contexts of their use. In each of them they are meaningful, but their semantic properties are determined by their pragmatic use. In the following I shall speak simply about metalanguage, specifying its type only when it is relevant for the concrete analysis.

II

5. The semantic properties of the systemically relativized statements depend on the characteristics of the R («according to») in the normal formulas given above, provided the remaining elements of these formulas are determined with sufficient precision. In a relativized statement one relates an evaluation $V/x/$ or norm $O/x/$ with a system through the R or R^* (comp. points 3). The variable x in the evaluative statement refers to all objects evaluated in AS; the variable x in the normative statement refers to all behaviour regulated in the NS.

I single out three ways of understanding R in the normal formulas of simple evaluative or normative systemically relativized statements. Let us symbolize them by R_1 , R_2 and R_3 .

$V/x/R_1AS$ and $O/x/R_1NS$ stand for simple evaluative or normative systemically relativized statement. They mean that x is v-valuable or ought to be x in the language AS or NS (comp. points 6,7).

$V/x/R_2AS$ and $O/x/R_2NS$ stand for simple evaluative or normative systemically relativized statement in which one asserts that an evaluation « x is v-valuable» or a norm «ought to be x » is an element of the AS or NS (comp. points 8,9).

$V/x/R_3AS$ or $O/x/R_3NS$ stands for evaluative or normative statement asserting that an evaluation « x is v-valuable» or a norm «ought to be x » is inferentially deduced from the AS or NS (comp. points 10, 11).

Prima facie analogously one could single out three ways of using the R in the complex systemically relativized statements as R_1^x , R_2^x and R_3^x . I will demonstrate, however, that not all of them are meaningful according to the assumptions we had taken here as granted (comp. points 13-15).

6. The semantic character of the statements formulated according to the formula $V/x/R_1AS$ is determined by the «linguistic» use of the R_1 . In this meaning the formula in question is interpreted as « x is v -valuable because it has properties $p_1, p_2 \dots p_n$ which in the language AS justify the qualification of x as v -valuable». In other words in the language AS there is a rule «for every x , if x has properties $p_1, p_2 \dots p_n$ then x is v -valuable in the language AS ». This rule can be formulated explicitly in the language AS or be reconstructed from the way in which the term « v -valuable» is used in this language. The rule in question specifies the criteria of singling out the v -valuable objects from the set which can be dealt with in the universe of discourse of the language AS .

The language AS can be described in the simplest way by identifying its vocabulary and its syntactic and semantic rules and, eventually, by its pragmatic properties. I will deal below only with the vocabulary and semantic rules whereas some pragmatic questions are discussed in the third part of this essay.

The rule of the language AS given above is treated either as a semantic rule of this language defining the meaning of the term in question or as a rule determining the partial or complete denotation of the term « v -valuable» or « x is v -valuable». For our present purposes, however, the difference between the first and the second way is not relevant, because it depends on the manner of describing the language AS in the given theory of connotation and denotation. I assume, therefore, that the linguistic rule in question is a rule of the language AS determining the way of using the term « v -valuable» or « x is v -valuable» by referring to the properties $p_1, p_2 \dots p_n$ denoted by the « p_1 », « p_2 » ... p_n in the language AS .

Properties of the language AS relevant for the interpretation of the formula $V/x/R_1AS$ depend of the way of determining $p_1, p_2 \dots p_n$. This is the area of a general axiology. For our present purposes I would not enter into the problems of this highly controversial field and I will limit myself to single out the following opinions concerning the nature of the properties in question:

(a) $p_1, p_2 \dots p_n$ are non-empirical properties of the evaluated object. The idealist ontology is then assumed: objects do have non-empirical properties the cognition of which is necessary for treating them as valuable or as values.

(b) $p_1, p_2 \dots p_n$ are empirical properties of the evaluated object. A materialist ontology is assumed and has two forms: (ba) the properties in question are stated in a description of the evaluated object without taking into account a reaction of the evaluating subject; (bb) these properties are empirically stated and include the subject's reaction to the object. Both forms reduce the evaluative properties to empirical ones, the difference being that of the relevance of the subject's relation to the evaluated object which can be a result of the properties of x and of the evaluational attitude of the subject ⁽⁷⁾.

From both axiological viewpoints (a) and (b) the $V/x/R_1AS$ in metalanguage can be understood in two ways: either it deals with the relation between AS and concrete x having properties $p_1, p_2 \dots p_n$ or between AS and every x with these properties ⁽⁸⁾.

In the first case the statement depends on the determining whether the concrete x has the properties necessary for its valuability in the language AS. These properties are empirical or not according to the accepted axiology. The statement

⁽⁷⁾ The singling out of these two conception rather simplifies the ways of determining the meaning of evaluations and norms. Cf. e.g. J. WRÓBLEWSKI, *The Problem of the Meaning of the Legal Norm*, *Oesterreichisches Zeitschrift für öffentliches Recht* 3/4, 1964; K. OPALEK, *Z teorii.. op. cit.* chapt. II; L. NOWAK, *U podstaw.. op. cit.* chapt. VII, VIII; M. OSSOWSKA, *Podstawy... op.cit.* chapt. II-IV.

⁽⁸⁾ The importance of differentiating these two ways is clear in the rhetorical perspective cf. C. PERELMAN, *Logique juridique*. Nouvelle rhétorique. Paris 1976, p. 120-121 and note 22 there.

about the existence of these properties is a proposition in the logical meaning of this term in a given metalanguage, if the truth is understood in a classical manner assuming the determined ontological concept of the existence. This is either (a) an idealistic or (b) materialistic ontology.

In the second case we have to do with a statement that in the language AS every x having determined properties is qualified («named») as v -valuable. This statement concerns the class of objects having determined properties. The semantic character of this statement depends on the accepted theory of classes and is solved analogously as that of the first case above. This statement, however, can be treated also as a metalinguistic one stating how in the language AS the term « v -valuable» or « x is v -valuable» is used. This statement is true if every x with properties $p_1, p_2 \dots p_n$ is qualified as « v -valuable» in the language AS.

7. The semantic character of an interpretation of the formula $O/x/R_1NS$ depends on the meaning of the R_1 . Then the interpretation in question states, that ought to be x because x has the properties $p_1, p_2 \dots p_n$ which in the language NS justify the norm «ought to be x ». One applies here analogously all that was said above concerning the formula $V/x/R_1AS$ (point 6).

The analogy in question can be used in two manners. Firstly «ought to be x » can be transformed in « x is O -normative» and the latter can be treated as an expression isomorphous with « x is v -valuable». Secondly, one can find a strict analogy between the general axiology relevant for dealing with evaluations and a general deontology dealing with norms. Both ways of specifying the analogy in question are deeply involved in controversial philosophical issues of the value and the ought. Not entering into those controversies I state below in a rather summary form some characteristics of the $O/x/R_1NS$ referring to the explanation given above (point 6).

$O/x/R_1NS$ is formulated in the NS according to the rule: «for every x , if x has properties $p_1, p_2 \dots p_n$ then ought to be x in the language NS». What ought to be in the language NS

is determined by the assumed deontology either idealistic or materialistic, and is linked with the way of treating $p_1, p_2 \dots p_n$. The former conceptions are proper to the absolutism of normative ethics or to absolutist natural law doctrines; the latter conceptions link the ought with normgiving, either in the form of enactment or of an acknowledgement by a social group of naturally shaped patterns of due behaviour.

The statements whose normal formula is $O/x/R_1NS$ are understood in metalanguage as statements about a relation between NS and a concrete behaviour x or a class of behaviour x . In the former case one has to state the existence of the determined properties of a concrete x , in the latter case one has to state the ways of using «ought to be x » in the language NS (comp. point 6).

8. The semantic character of the $V/x/R_2AS$ is determined by the meaning of the relativizing constant R_2 . One understands the interpretation of the formula in question in two ways: (a) x as the statement that in the set of evaluations the AS consists of there is an evaluation « x is v -valuable»; (b) as a statement that an evaluation « x is v -valuable» can be inferred from the evaluations formulated in the AS and, hence, that it belongs to this system.

The difference between (a) and (b) consists in a way of stating the relation of « x is v -valuable» to the AS. In the (a) case one has only to compare the evaluation in question with the set of evaluations formulated in the AS, whereas for (b) one has to make an inference and this, according to our initial assumptions, belongs to the R_3 (comp. point 10).

We conclude, hence, that an interpretation of the formula $V/x/R_2AS$ is a metalinguistic statement dealing with the content of AS: it states that in the AS a determined evaluation is formulated.

9. The semantic character of the interpretation of the formula $O/x/R_2NS$ is strictly analogous to that of the formula $V/x/R_2AS$.

Not repeating our reasoning we conclude, therefore, that

the interpretation of the $O/x/R_2NS$ means a proposition that in the NS there is a norm «ought to be x». This proposition is a standard form of a deontic proposition stating that x ought to be according to the NS.

10. The formula $V/x/R_3AS$ is interpreted as a statement, that from the AS the «x is v-valuable» is inferred. The properties of these rules determine the semantic characteristics of the $V/x/R_3AS$. I will enumerate below the essential types of these rules not solving the controversial questions which depend on the accepted axiology, logic and the assumed structure of the AS.

(a) The logical rules of inference *sensu largo* ⁽⁹⁾ are the interpretations of the theses of the calculi of alethic or non-alethic logic, if the variables are understood as evaluations or their elements. Whether and in what a degree this use of calculi is possible depends on the accepted axiology, metalogic and the applied logical calculi. Accordingly one can speak about «logical» or «quasi-logical» rules.

(b) Systemic rules of inference ⁽¹⁰⁾ are those, which do not belong to the (a) type dealt with above, but are accepted within a given system. Especially there are rules of argumentation, rhetoric or topic which *ex hypothesi* cannot be formalized.

⁽⁹⁾ Cf. in general J. WRÓBLEWSKI, *Métody logiczno-jezykowe w prawoznawstwie* /in/ ed. A. Łopatka, *Metody badania prawa*, Ossolineum 1973, p. 53 sq. About formalism cf. N. BOBBIO, *Giusnaturalismo e positivismo giuridico*, Milano 1965, chapt. IV; C. PERELMAN, *Justice et raison*, Bruxelles 1963, chapt. XIV, Idem, *Logique.. op. cit.*, partie I, chap. 1; partie II, chap. 2; J. KALINOWSKI, *Logique formelle et droit*, Annales de Faculté de droit et des sciences économiques de Toulouse XV, 1967; Idem, *Introduction à la logique juridique*, Paris 1965, chapt. I, III, IV; Idem, *La logique des normes*, Paris 1972; H. KLUG, *Juristische Logik*, Heidelberg-New York 1966, 3 ed.; O. WEINBERGER, *Rechtslogik*, Wien-New York 1970.

⁽¹⁰⁾ C. PERELMAN and L. OLBRECHTS-TYTECA, *La nouvelle rhétorique. Traité de l'argumentation*, Paris 1958, 2 vol.; C. PERELMAN, *Logique.. op. cit.* I partie chap. 3; 2 partie; Idem, *Justice.. op. cit.* chapt. XI, XIV, XVI. Th. VIEHWEG, *Topik und Jurisprudenz*, München 1965, 3 ed.; G. STRUCK, *Topische Jurisprudenz*, Frankfurt 1971; J. STONE, *Legal System and Lawyers' Reasonings*, Stanford 1964, chapt. VIII.

(c) Instrumental rules of inference⁽¹¹⁾ can be reduced to the formula «for every x and y , if y instrumentally leads to x , which is v -valuable, then y is i -valuable, provided that (ca) y is not evaluated in AS as v -valuable independently on its instrumental characteristics; or (cb) if y is evaluated as v -valuable then i -value of y does not contradict its v -value, or (cc) if these values are contradictory, then the rules of AS for solving such situations do not prefer its v -value over its i -value».

Not all AS contain the instrumental evaluations, but it seems that they include them as a rule when dealing with evaluation of the practical human activities or its products. The use of instrumental rules of inference presupposes a determined knowledge about the relations between y and x , which **ex hypothesi** is not axiological.

(d) Conditional rules of inference⁽¹²⁾ appear in two fundamental forms. In the strong form: «for each y and x , if y is a necessary and sufficient condition for the existence of x , which is v -valuable, then y is c -valuable, provided that (da) y is not evaluated in AS as v -valuable independently on its conditional character; or (db) if y is evaluated as v -valuable, then its c -value does not contradict its v -value; and (dc) if these values are contradictory, then the rules of AS for solving such situations do not prefer its v -value over its c -value».

In the weak form the rule deals with y which is only the necessary condition of x . If one treats the conditional rule of inference in a strong form as synonymous with the instrumental rule, then there would be only a weak form of the conditional rule.

Independently of the kind of the rules of inference we use the statement constructed with the formula $V/x/R_3AS$ is treated as referring to the relation between an evaluation $V/x/$ and the system AS. In the metalanguage this is a proposition about the existence of the relation in question, if the rules of inference, appearing as the criteria of the existence of this

⁽¹¹⁾ Cf. J. WRÓBLEWSKI, *Kryzys ekologiczny a niektóre problemy metaetyki i aksjologii ogólnej*, Etyka 13, 1974, p. 159 sq.

⁽¹²⁾ Ut supra p. 158 sq.; M. OSSOWSKA, *Podstawy.. op. cit.* p. 260 sq.

relation, can be stated descriptively. This is not evident at least in the situations in which one has to use the axiological rules of preference (letters cc and dc).

$V/x/R_3AS$ can be treated either as a statement that $V/x/$ belongs to AS or that $V/x/$ is «justified» by AS. The former situation deals with the connection between R_2 and R_3 mentioned above (point 8); the latter is that of a more loose relation of «justification» of an evaluation through an axiological system, which lies beside the scope of the present paper ⁽¹³⁾.

11. The semantic characteristics of the interpretation of the formula $O/x/R_3NS$ are analogous to those described above in reference to the $V/x/R_3AS$ (point 10).

One additional observation, however, should be formulated here. In several NS the systemic rules of inference contain the rule according to which norms are valid in NS because of the procedure of their creation or acknowledgement. E.g. there is a systemic rule of the form «for every N, N is valid if N has been created and is not derogated according to the norm N_s valid in NS» (comp. point 2). This is a rather simplified form of a rule of recognition, which can be made more detailed according to the accepted concept of validity and reconstruction of rules of recognition for a type of NS or for a concrete NS ⁽¹⁴⁾. This rule can be transcribed so, as to include the reference to the x as the object of a norm «ought to be x», but this requires rather complicated formulas which are not necessary here.

12. We have dealt above only with simple systemically relativized statements. Now we proceed to an analysis of the complex statements of this type, whose semantic properties

⁽¹³⁾ Cf. M. OSSOWSKA, *Podstawy.. op. cit.* chapt. IV. Concerning the justification of systems of norms cf. J. WRÓBLEWSKI, *Uzasadnianie systemów etycznych a etyka niezależna*, *Studia Filozoficzne* 5, 1974; W. LANG, *Uwagi o możliwości uzasadnienia systemów moralnych*, *Etyka* 10, 1972; H. JANKOWSKI, *Kłopoty z uzasadnianiem /in/ Metaetyka*, *op. cit.* p. 447 sq.

⁽¹⁴⁾ Cf. J. WRÓBLEWSKI, *Sadowe stosowanie prawa*, Warszawa 1972, p. 241-247 and lit. cit.

are determined by the understanding of the constant R^x . We shall analyze whether and if so under what conditions one can understand R^x according to the tripartite typology used for the constant R . We take as granted the results of the previous analysis of the statements constructed with the constants R_1 , R_2 and R_3 . The normal formula of the complex statement in question is $V/x/R^xNS$ and $O/x/R^xAS$ (comp. point 3).

13. A complex evaluative statement constructed according to the formula $V/x/R_1^xNS$ can be understood as a statement

that it has properties $p_1, p_2 \dots p_n$ characterizing what is v -valuable in this language (comp. point 6). This way of understanding the statement in question is possible under two conditions: (a) an existence of the rule: «for every x , if ought to be x and x is consistent with the norm valid in NS then x is v -valuable»; (b) this rule is treated as a semantic rule of the language in which the interpretation of the formula $V/x/R_1^xNS$ is formulated.

The assumption (a) is proper to an ideology in which one evaluates positively the consistence of a behaviour with a valid norm (an evaluation of a formal legality). This assumption can be ascribed to any NS , which assumes that it is the unique system regulating the behaviour in question or, at least, that it is the system preferred when there is a conflict between various NS regulating this type of behaviour. The existence of such a rule can be viewed as justified, hence if the norms in question are the criteria of a qualification of the behaviour regulated by them ⁽¹⁵⁾.

The assumption (b) depends on the type of language in which the interpretation of the formula $V/x/R_1^xNS$ is formulated (comp. point 4). The acceptance of the assumption (b) in a metalanguage determines the way of using the state-

⁽¹⁵⁾ Cf. J. WRÓBLEWSKI, *Wartości a decyzja sądowa*, Ossolineum 1973, chapt. III.

ments in question. If pragmatically such statements function as evaluations, then the metalanguage is an axiological one; if, however, these statements are treated as a description of a relation between $V/x/$ and NS, then the metalanguage in question is a descriptive one.

More complicated problems arise if we treat the interpretation in question as formulated in the language NS. If this language is the language NS *sensu stricto*, i.e. it uses only the terms needed for formulating norms of the NS, then either the rule in question does not belong to the language NS, or in this system there is a valid norm; «for every x , if ought to be x , then one ought to evaluate x consistent with a norm valid in NS as v -valuable». This norm regulates a behaviour of evaluation. Whether such norm is valid in NS is a *quaestio facti*. If the language in which the interpretation of our formula is formulated is the language NS *sensu largo*, i.d. it contains not only terms necessary for formulating norms valid in NS, then there are no obstacles for accepting the assumption (b).

There is a question, whether we can apply the results of our analysis to a complex normative statement constructed according to the formula $O/x/R_1^xAS$? The needed assumptions

are: (a) the rule: «for every x , if x is v -valuable in AS, then ought to be x »; (b) this rule is treated as a semantic rule of the language in which the statement in question is formulated. The assumption (a) implies, that AS is correlated with a normative system in such a way, that for each evaluation there is a norm commanding a realization of a positively evaluated behaviour. This assumption is, then, restricted to those AS which evaluate the objects which can be regulated, that is to an evaluation of behaviour (comp. point 2). This is a serious limitation.

The assumption (b) depends on the type of language in which the statement in question is formulated. If this language is a metalanguage, then semantically this statement could be treated as an analytic proposition in a descriptive metalanguage, although pragmatically it can also function as a norm in

a normative metalanguage too. The language in question could be also a language AS *sensu largo*, but cannot be a *sensu stricto* language — there is the difference between interpretation of the formulas $V/x/R_1^x NS$ and $O/x/R_1^x AS$.

14. The complex evaluative statement constructed according to the formula $V/x/R_3^x NS$ is understood as a statement that

the evaluation $V/x/$ is inferred from the NS. The inference in question is determined loosely as was stated in reference to the $V/x/R_3^x SA$ (comp. point 10). This inference is possible when the following rule of systemic inference is accepted: «for every x , if ought to be x and x is consistent with the norm valid in NS, then x is v -valuable». This rule was formulated above when analyzing the linguistic understanding of the complex evaluative statement and can be treated as a norm regulating a behaviour of evaluation in NS (point 13). It can be also treated as the basis for construction an AS parallel to the NS.

When this rule is accepted the statement in question is a proposition of a descriptive metalanguage about the relation of inference between the NS and an evaluation, or, generally, between the NS and the corresponding AS.

The complex normative statement constructed according to the formula $O/x/R_3^x AS$ is understood as stating that a norm

$O/x/$ is inferred from the AS. This inference is based on a rule: «for every x , if x is v -valuable in AS, then ought to be x ». This rule *ex hypothesi* cannot be an element of the AS. It can be, then, only a systemic rule of the NS conceived as a system of norms parallel to the AS, i.e. a system of axiologically based norms. The necessary additional assumption is that the class of x dealt with in AS can be regulated by norms, i.e. that it is a class of behaviour (comp. point 2). This assumption granted, the complex normative statement in question is a proposition of the descriptive metalanguage stating the relation of inference.

It is worth stressing that there is no strict analogy between the theoretical problems of the statements based on a formula

$V/x/R_3^xNS$ and $O/x/R_3^xAS$, because a formulation of the latter type of statements requires a wider set of assumptions than the former. This is a consequence of the restriction put on x as object of regulation, which is absent when we deal with x as object of evaluation.

III

16. The pragmatic properties of the systemically relativized statements are defined by their use in various types of discourse or in various types of arguments in a given type of discourse. In the present essay I am, however, not interested in the typology of discourses and argumentations, which require a rather specialized study. It is sufficient to single out typical uses of the statements in question assuming, that those uses depend strictly on the concrete situations of linguistic communication.

I single out the following uses of the systemically relativized statements: (a) for a description of AS and NS; (b) for a justification of evaluative statements and norms in situations of controversy; (c) for a construction of AS or NS.

17. The systemically relativized statements are used for a description of AS or NS in a descriptive metalanguage. The term «description» is used here in a wide meaning: description consists in stating what is named in a certain way in a language of a given system, in the determination what belongs to the system and what can be «inferred» from it.

Statements of the type $V/x/R_1AS$ and $O/x/R_1NS$ are used for asserting that x is v -valuable in the language AS or that ought to be x in the language NS (comp. points 6, 7). Used in this way these statements are describing the language AS and NS.

Statements of the type $V/x/R_2AS$ and $O/x/R_2NS$ are used for stating that a given evaluation or norm is an element of the AS or NS. This type of statement is a partial description

of the system in question. The complete description is offered by a complete enumeration of the elements of the system, but this would not characterize the system in terms of the relations between its elements (comp. points 8, 9).

Statements of the type $V/x/R_3AS$ and $O/x/R_3NS$ are used for a description of the systems in question at least when the relation of inference justifies the ascription of the inferred evaluation or norm to the system it is inferred from (comp. points 10, 11).

The systemically relativized statements are used for a description as a rule in the «dogmatics» of corresponding systems. «Dogmatics» is viewed traditionally as an analysis, systematization and elaboration of a conceptual apparatus and as doctrinal interpretation of evaluations and norms belonging to the determined AS and NS. The most detailously elaborated dogmatics is the legal one. The borderline, however, between a description of a given system and its construction in dogmatic analysis is not always easy to determine and requires an identification of the assumptions characterizing dogmatic procedures and the conditions, which the system should fulfill to be suitable for dogmatic treatment. Not all evaluations and norms operative in a society do constitute systems sufficiently precise for a dogmatic analysis.

18. Systemically relativized statements are used for justifying evaluations or norms by reference to a determined system. We have here to do with controversies in which a given evaluation or norm has to be justified, because it is not accepted by the participants of a given discourse⁽¹⁶⁾. The repertory of persuasive arguments is rather wide and differentiat-

⁽¹⁶⁾ One asserts that a norm demands justification if this norm is not consistent with an existing one / C. PERELMAN, *La justification des normes* /in/ ed. K. Kuypens, *Human Sciences and the Problem of Values*. The Hague, p. 51/. The controversy concerns either knowledge or attitudes or both/ cf. C. STEVENSON, *The Nature of Ethical Disagreement*, Sigma 1948, p. 1-9; A. ROSS, *On Law and Justice*, London 1958, chapt. XIV./. In my text I am dealing with a justification of norms and evaluations and not with a justification of behaviour/cf. C. PERELMAN, *Justice and Justification*, *Natural Law Forum* 10, 1965, p. 4-5/.

ed, and their effective use depends on the ability of the subject and on the properties of the audience ⁽¹⁷⁾.

One of the ways to justify evaluations and norms is their systemic relativization. I present below a simplified description of the use of such relativization in typical situational contexts.

Systemic relativization can be used as an argument for an acceptance of a determined evaluation or norm. If we assume that there is an agreement concerning the acceptance of a determined language AS or NS or the global acceptance of the AS or NS, then relativization expressed in statements using constants R_1 , R_2 and R_3 does justify the corresponding evaluation or norm: one demonstrates that within the proper use of the language in question x is v -valuable or ought to be x , and a rejection of these statements is based on a misuse of this language ⁽¹⁸⁾; one demonstrates that the controversial evaluation or norm is an element of an accepted AS or NS, and, hence, the consistent acceptance of these systems doesn't allow to deny the validity of their elements; one demonstrates that the controversial evaluation or norm can be properly inferred from the accepted AS or NS, and, hence that, rejecting it one cannot be consistent or rational.

Analogically one argues against an acceptance of an evaluation or norm demonstrating, that its formulation is a result of a misuse of a language, that this evaluation or norm does not belong to an accepted system AS or NS or cannot be inferred from it ⁽¹⁹⁾.

19. Arguments described above have different persuasive power in various situations assuming that the level of argu-

⁽¹⁷⁾ The fundamental work is that of C. PERELMAN and L. OLBRECHTS-TYTECA, *op. cit.* Concerning the concept of audience cf. *ibidem* §§ 3-7; C. PERELMAN, *Logique.. op. cit.* § 52.

⁽¹⁸⁾ The controversies concerning the sense are those ascribed to rhetoric, cf. C. PERELMAN, *Logique.. op. cit.* p. 106.

⁽¹⁹⁾ Such arguments can be treated as kinds of quasi-logical techniques of argumentation, cf. C. PERELMAN and L. OLBRECHTS-TYTECA, *op. cit.* §§ 46, 47, 50, 56.

mentative technique and the receptiveness of the audience for such types of arguments is the same. Not presenting here the whole range of the persuasive power of a systemic relativization I will limit myself to describe the extreme situation of the maximum and minimum of effectiveness of such argument under the assumptions stated above ⁽²⁰⁾.

The greatest persuasive power of the systemic relativization argument occurs when the audience accepts the common AS or NS ⁽²¹⁾ and when this system is adequately constructed. By «adequacy» here is meant a degree of a precision of definitions and of the rules of recognition and of inference, provided that the conditions of the use of these rules are sufficiently determined, including the extra-systemic knowledge of the instrumental and conditional relations, if any.

The lowest persuasive power of systemic relativization is to be expected when among the audience there are accepted different AS or NS which in relation to the discussed evaluation or norm are «contradictory», and when these systems do fulfill all the conditions enumerated above in reference with the highest persuasive power. In these situations **res ad principia venit**: either one does seek some convergence of the opposed systems in terms of a metasystem, or one does leave out this type of argumentation as dysfunctional.

Between these extreme situations there are those in which the systems in question are determined rather loosely or even are constructed **ad hoc** for the purposes of argumentation; when the relevance of the system for deciding a controversy is challenged; when one does not attach much importance to a consistency in evaluative and regulative behaviour preferring the «sense of the situation», equity etc.

Systemic relativization appears as an argument in various controversies concerning e.g. a moral or legal qualification of an act, validity of a rule or an acceptance of some political

⁽²⁰⁾ About the persuasive power cf. ut supra § 97.

⁽²¹⁾ The common AS or NS is then the core «L'accord préalable» which determines the scope of controversy, cf. C. PERELMAN, *Logique.. op. cit.* p. 174.

program. The arena of such controversies is not only the practical activity in which there are institutionalized ways of dealing with controversies (e.g. the judicial controversy) but also when there are no such ways (e.g. settling of a controversy in an informal social group), or in the doctrinal controversies of the dogmatics of axiological or normative systems.

The systemically relativized statements used as arguments justifying evaluations or norms are formulated in the axiological or normative metalanguage. Their function is to justify an acceptance of determined evaluation or norm, and not only to describe its relation to determined system. In this sense pragmatically the «pure description» in these situations would only be spurious.

20. Systemically relativized statements can be used for construction of axiological or normative systems. There are several situations of this kind and I give some of the typical ones below.

(a) The systemically relativized statements are used for a construction of parallel systems AS and NS accepting the adequate rules of inference which serve to infer norms from evaluations and evaluations from norms (comp. points 13, 15).

(b) Simple systemically relativized statements serve for formulating evaluations or norms when they are used for stating that a determined evaluation or norm is inferred from a given system and this inference is the basis for including this evaluation of norm in the system (comp. points 10, 11).

(c) Formulation of systemically relativized statements can practically influence formulation of axiological and normative systems when these systems are not given *a priori* for a given discourse but are shaped when discussing the issue. Then for formulating a systemically relativized statement one ought to precize the system in question; the statement and the system are constructed in the same process. This is an argumentative situation which lies between the extremes of the persuasive power of systemic relativization used as argument (comp. point 19). Then the systemically relativized statement is *de*

facto a constructed evaluation or norm and is not taken from a system ⁽²²⁾).

The construction of axiological and normative systems is an activity of various subjects depending of the type of systems in question. Lawmakers, politicians, moralists, etc. create axiological or normative systems and the dogmatics cooperates when analyzing and systematizing them. Also in the practice of argumentation one constructs in certain situations fragments of AS and NS when formulating relativized statements.

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21. The present essay has demonstrated some of the most general problems related with the formulation of systemically relativized statements, both on the semantic and pragmatic level. My theses, of course, are open to discussion since my aim was rather that of demonstrating the relevance of such kind of statements, than to give definite solutions in this unexplored area.

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⁽²²⁾ It seems that this fragmentary construction of elements of a system for the purposes of argumentation can be linked with the «practical attitude» as contrasted with the «legal attitude» and a «diplomatic» one, cf. C. PERELMAN and L. OLBRECHTS-TYTECA, *op. cit.* vol. 1, p. 266.