

The Is/Ought Distinction: Healing a Split in the Psyche

by Michael A Green, 2016, www.TheAllowableThoughtCage.com

The phrase 'the is/ought distinction' is intended to point to the difference between the way things actually 'are right now', the nature of current events or current reality, and the way things could be, should be or ought to be. Agreeing with others about how things currently stand, the nature of current circumstances or reality, is usually easier than agreeing with them about the way things should be. Though even this at times, can become incredibly difficult.

Discussing the structure of how things currently stand, typically requires direct and relatively straightforward descriptions. Talking about the way things ought to be, how they should be different from the way they are, requires lots of personal value judgments and opinions that will differ, somewhat, from person to person.

The 'Ought' issues often become buried under the 'Is' issues, which tend to occupy the full and sole attention and concern of very practically-minded people. The 'Is' issues often become discounted by idealists focusing on the 'Ought' issues. In what follows, I hope to demonstrate that both issues are fundamentally vital to a whole and balanced human psyche as well as a humane society. We can't keep leaving out selected pieces of ourselves and become or remain well and whole.

To Illustrate

For an example of how these two different dimensions of the human psyche play out in common living, let's consider the situation where, once upon a time, there was a happy family living in their happy home in a beautiful meadow with a great sweeping view of the vast plains around them. Over time, a few neighbors moved in and a small settlement developed where 20-some-odd homesteaders lived happily together in a small yet thriving community, slowly developing a local culture and a comfortably prosperous lifestyle.

Then some company from a big city far away, came through and built railroad tracks right in front of this pleasant little town. The townsfolk heard them coming from miles away before they actually saw them. Then the noise became obnoxiously loud and annoying when workmen were laying their train tracks right in front of their little neighborhood. Yet the men with the hammers and wooden ties, dragging huge spines of heavy metal, kept laying track and moving on, laying track and moving on. By the time they passed the town and the loud noises faded away in the distance, our little town had swelled to more than twice its earlier size.

Then one day, a couple of years later, a train passed by the town, pumping out black smoke and shaking the buildings so hard it seemed like the ground itself was vibrating. Then another passed and another. Eventually, watching these huge metal behemoths pass by became a fairly common occurrence and the townsfolk got used to it and talked at length about where they might be coming from and where they might be going.

Occasionally some hot sparks would fly from the engine room or the smokestack, and a couple of times small fires started in the dry brush near the tracks. The local kids who loved to watch the trains pass by, quickly got out their shovels and put the fires out before they did any damage.

Then one particularly hot and dry day, the hot sparks flew from the train as it passed, which set the brush afire and the flames took off with a brisk wind and before the kids could get their shovels out, quite a fire was raging. The flames reached the town, and burned the nearest house to the ground before everyone could get the fire under control and eventually put it out.

Whose responsibility is it to pay for reparations of the house? The owner of the house? Everyone in the town? The people running the railroad? The company that owns the railroad? Someone else?

Lawlessness

If there were no legal regulations in place, then perhaps the homeowner would have no recourse but to rebuild at his own expense, whether he could afford to or not. This might be the only practical way to address the problem. Still, would it be ethically fair for this private homeowner to lose his house and all his possessions due to no fault of his own? If a few more homes burned down this way, still with no legal system in place, then maybe the townsfolk would get together in revolt and sabotage the train tracks further up the line, so the train could never again reach their precious little town. That would be a way they could stand up for themselves, protect their town, or, in modern parlance, 'take the law into their own hands'.

Then the train company might have to hire a small army of people to watch and protect their tracks from sabotage from the many small towns that dotted the route their miles and miles of track pursued. This might be a lot more expensive for them than simply rebuilding the man's house they accidentally caused to burn down in the first place. Maybe they could invest in better containing their sparks so that the possibility of unintended fires would be dramatically reduced. This might *also* cost less than hiring people to guard the rails.

This illustrates the fact that regardless of how things 'are', the issue of how things 'ought to be' cannot be summarily dismissed, as the potential actions of the abused townspeople demonstrate. If their sense of fairness or justice is violated, they might act in pursuit of achieving greater justice, and feel justified in defending their lives from unwarranted abuse and destruction.

Legal Constraints

If there *were* a legal system in place, then theoretically the homeowner could sue the train company for damages and have his home restored. If the cost to the train company of repairing the houses their trains had caused to burn down was significantly less than the amount of money they made shipping goods by their trains, this might satisfy everybody. We might suspect, however, that the customers would pay a little more for shipping their goods by train, in order to offset the costs of the train company doing business, as their costs now include rebuilding the houses their sparks keep causing to burn down.

“But wait!”, say the practically-minded 'Is-oriented' folks, what exactly does the law say? What are the train company's actual legal obligations? We're not concerned with the way things ought to be, we're only concerned with the way things are. Screw justice, that's just someone's opinion, what's the law?

Okay, well, let's say the law states that the train company has to clear any burnable brush or debris within a half-mile before or after any town that lies within 1000 yards of their tracks. They have to create a safety margin, a buffer zone, of at least four feet of cleared dirt on the side of any tracks that adjoin a populated area.

Now the homeowner can check the tracks with a friend, and see if the sparks that caused the fire that burned down his house, jumped across four feet of naked earth to reach the dry brush on the far side of it, or if there is brush growing almost all the way up to the tracks. With a photo of the non-cleared brush he might be able to sue the train company for not maintaining their legally-mandated safety zone of cleared earth, win his case, and have the train company pay to rebuild his house. Again, if the train company can continue to pay to rebuild in cases like this, and still make money, then all might be considered relatively well and good.

Still, one of the key drivers of this entire situation remains the issue of whether or not the homeowner himself 'ought' to have to pay for the damages caused by someone else or not. Without this 'ought' consideration, presumably the law protecting the towns with a buffer zone, would never have come into existence.

What if the train company did maintain the ground and did clear four feet of bare earth as it was legally required to do? What if the sparks were carried 10 feet from the train by some odd twist of wind? Now the homeowner has no recourse because the train company is not in violation of the law. There is no case for the homeowner to make. In this case, the homeowner is out of luck and the way things ought to be remains an abstract wisp of wishful dreaming, of little import in the real world.

What if the train company not only maintained a four foot buffer zone, but they sent their experts out to look at the situation and decided that the four foot zone the law dictated wasn't wide enough? What if they maintained an eight foot buffer zone just to be extra careful? If the sparks were carried 10 feet it would again make no difference and the homeowner would have no recourse but to rebuild his own home, in spite of the fact that in this example the train company was acting in the interest of the way things ought to be (a wider buffer zone for added safety) at their own expense.

So who made the law in the first place? Who decided four feet was a wide enough buffer zone? Should they be held accountable for making a law that didn't solve the problem it was intended to? This brings up many questions both about the way things currently are in the law-making apparatus, and how they ought to be if the lives of good and innocent people are to be effectively protected from unjust assaults.

It also brings into question whether the law should be changed, and if it is changed, perhaps to require a 20-foot buffer zone, then how does this effect all those people who lost their homes from sparks that flew 10 feet but were denied compensation because the law at the time of their loss only required a buffer zone of four feet?

Who among the lawmakers has any culpability for these horrible outcomes? Who *should* have culpability? Should people that make laws that effect other peoples' lives have zero responsibility for the eventual outcomes of the laws they create? If they had more personal responsibility for these outcomes, would they likely make better laws, and also, perhaps, fewer of them?

'The way it is' includes the obligation to correct, rescind or improve laws that prove ineffective, unjust, or tyrannical. You can't construct a 'way that it is' without some foundation for guidance as to how 'it ought to be'. No matter how noble or diabolical, your formulations are shaped by your idea of the way things ought to be.

In any event, we have a seemingly innocent homeowner living peacefully before the train came along, and whose house has now burnt down, and the question of who is responsible for making reparations for this disaster begs an answer.

Enter the Is/Ought Distinction

The 'Is' answer is that whoever the law says is responsible is responsible; current, legal, practical reality.

The 'Is' answer, however, might not settle the problem for several reasons. If the law says the homeowner is responsible, and enough homes get burned down, the disgruntled homeowners might get together and sabotage the train tracks in revenge for what they perceive as the unjust destruction of their homes and their lives.

This could lead to injuries or fatalities for any passengers or workers traveling on the trains that get derailed, and who do *they* appeal to for their unjust, unwarranted calamities?

If the law says the company is responsible, the company might appeal and delay paying for reconstruction beyond the homeowner's financial ability to sustain a legal battle long enough to force them to pay.

The 'Is' orientation is not concerned with human justice, ethics, morality or shattered lives. The 'Is' orientation leans on current practical reality, that's just the way it is, and that's the end of it. No problem and all is well because all that matters is what is, and as we all know 'it is the way it is'. Case closed.

The 'Ought' answer is that the homeowner can't reasonably be held responsible for actions entirely outside his or her control; the search for moral, ethical, corrective, forward-looking improvements and more humane possibilities becomes an endlessly compelling quest. The Ought answer is concerned with the destruction of a family and their shattered lives.

The Ought answer seeks justice, fairness and human welfare regardless of 'the way it is'. It seeks justice according to the way conscience, human welfare and a sense of fair play dictate things should be, or ought to be. The Ought answer will seek to rectify the problem more fairly on the basis of humane values and principles.

If the Ought answer cannot see justice prevail in the current situation, it will seek to improve the system, change and improve the way it is, in an attempt to bring more justice into the system at least for those whose homes might be destroyed in similar fashion in the future.

The Ought answer will seek to educate people about the potential hazards of building homes near train tracks, to protect people from unknowingly subjecting themselves to undue risk in the future, and perhaps come up with some legal restrictions about where and when any

company can build train tracks.

Imagine the following dialogue between someone with predominantly 'Is' values versus someone with predominantly 'Ought' values:

Is: "It's not as bad as you believe it is."

Ought: "It's not as good as it could be."

Is: "It's far more complicated than you're giving it credit for being."

Ought: "That's because of a, b, and c. As soon as we stop doing a, b and c we don't won't have to deal with most of those complications and it would only inconvenience a very few people if we stopped doing a, b and c."

Is: "Yeah, but those very few people are in control of keeping it the way it is and it's currently working to their advantage. So, they have no motivation to change it."

Ought: "Yet if more people realized that just a very few people are keeping it the way it is, then it would become increasingly difficult for them to keep it this way."

Is: "Yeah, well good luck with that. My career depends upon keeping things just the way they are, even if it is a lousy situation."

Ought: "Yeah, well it's people with attitudes like yours that are keeping it lousy."

Is: "Yeah, but there are a ton of us."

Ought: "Yeah, but if we all worked together we could change the way it is. I just need your help in getting more people to appreciate what's actually going on."

Is: "Well, once I'm retired and my kids are out of school I'll consider it."

Ought: "And until then?"

Is: "Until then what?"

Ought: "Until then will you explain to your children that you're helping to keep the world a lousy place for them to grow up in so you can afford to keep sending them to schools that will teach them how to keep the world a lousy place?"

Is: "Oh, jeez, you're such an idealist."

Ought: "What did I say that's not currently true and accurate?"

Is: "Hey, it is what it is."

Ought: "Brilliant."

The central point to all this is that we need to include the whole human psyche in our orientations. We need to consciously, willfully include both dimensions, both the 'is' and the 'ought'. They are both essential to the health and welfare of the human psyche and to human society in general.

For more writing like this about 'integrating the psyche' and related topics, check out the articles and posts on theallowablethoughtcage.com and read the book [*Unlocking The Allowable-Thought Cage Imprisoning Our Imaginations*](#).