Moral Realism as a Moral Doctrine
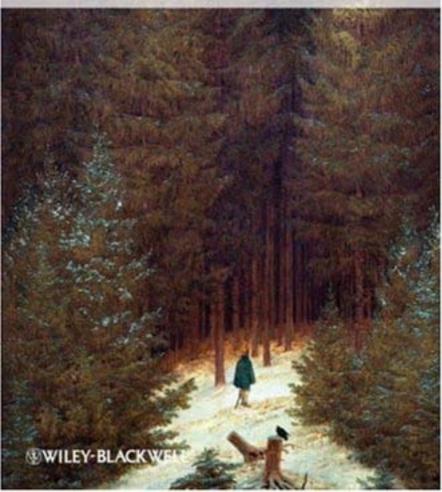
Matthew H. Kramer

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To the memory of two extraordinarily generous people:
A. Eunice Kramer (1926–93)
Alton M. Kramer (1924–2007)

Preface

I have incurred many debts of gratitude in the course of working on this book. I extend warm thanks to the Leverhulme Trust for conferring upon me a Major Research Fellowship, which was indispensable for the expeditious completion of this volume. (During my Major Research Fellowship, I also wrote Kramer 2007. Some paragraphs in the first chapter of that book overlap with some paragraphs in several chapters of the present book.)

I presented a couple of small portions of this book as a talk at the Rice University Philosophy Department in March 2008. I am extremely grateful to the audience there for their stimulatingly perceptive comments and questions (and also for their hospitality). At the risk of slighting somebody, I especially wish to thank Steve Crowell, Melinda Fagan, Tristram Engelhardt, Richard Grandy, Mark Kulstad, Donald Morrison, Nicoletta Orlandi, Hanoch Sheinman, and George Sher.

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Matthew H. Kramer
Cambridge, England
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Chapter 1

Introduction

This book seeks to establish two main conclusions. On the one hand, moral requirements and other elements of ethics are strongly objective in a number of senses that will be expounded in Chapters 2–8. On the other hand, the objectivity of ethics is itself an ethical matter that rests primarily on ethical considerations. It is not something that can adequately be contested or confirmed through non-ethical reasoning. Efforts to ground the objectivity of ethics on non-ethical foundations are misconceived and counterproductive. Moral realism – the doctrine that morality is indeed objective in the various respects to be elaborated here – is a moral doctrine.

This book will therefore be fighting battles on two fronts, but those fronts criss-cross complicatedly. Many philosophers who deny the objectivity of ethics have sought to base their arguments on non-ethical considerations of metaphysics or epistemology or anthropology. They take themselves to be impugning the intellectual solidity of ethical claims and values without advancing any such claims or endorsing any such values in the course of their reflections. Quite a few champions of ethical objectivity have responded in kind. They endeavor to counter the anti-realists by adducing alternative considerations of metaphysics or epistemology or anthropology that are thought to militate in favor of the objectivity of ethics. Hence, on both sides of the debates over the objective standing of ethics, many of the antagonists have supposed that the major points of contention are not themselves ethical matters. Those points of contention are about ethics rather than within ethics, or so the aforementioned antagonists believe.

Thus, while aiming to dispel doubts about ethical objectivity, this volume will likewise distance itself from the meta-ethical aspiration that unites many of the doubters and their realist opponents. As will be argued,

the chief differences between most issues of substantive ethics and most issues of meta-ethics reside in their levels of abstraction. Questions about the objectivity of ethics are often more abstract – sometimes much more abstract – than the familiar ethical problems that confront people from day to day. Nevertheless, those key questions concerning objectivity are not only about the domain of ethics but are also within it. My rebuttals of anti-realist doubts will frequently involve highly abstract argumentation, but they will generally be ethical ripostes that are grounded on ethical considerations. Most of the reasons for insisting on the objectivity of ethics are ethical reasons. Indeed, the efforts of many moral realists to base that objectivity solely or principally on non-ethical considerations are indicative of a curious lack of confidence in ethics. Such efforts convey the impression that ethical fundaments are not sufficiently sturdy to serve as their own supports; the assumption seems to be that some external buttressing is needed. By contrast, the present volume will persistently contend that basic ethical principles are their own rock-solid foundations. True in all possible worlds, they and their objectivity are unremittingly self-sustaining.

1.1. Two Preliminary Clarifications

My subsequent chapters will cumulatively delineate the different dimensions of ethical objectivity. Before we proceed any further, however, a couple of preliminary clarificatory remarks – applicable throughout this volume – are advisable. First is a matter of terminology. Although at most junctures in this book there will not really be any need for me to distinguish between "ethical" and "moral" (or between "ethics" and "morality"), I do not in fact use those terms interchangeably. The former term is more capacious than the latter. In other words, as understood here, the domain of ethics encompasses the domain of morality but also extends more widely. All moral propositions are ethical propositions, but not vice versa. In addition to comprising all matters that pertain to moral requirements and permissions and authorizations, the domain of ethics embraces a number of other evaluative and normative matters (concerning supererogatory deeds, basic virtues and vices, and the valuableness of sundry ways of life, for example). Though nearly all of my arguments and examples will concentrate on morality rather than on other precincts of ethics, many of the conclusions supported by those arguments and examples will be

applicable *mutatis mutandis* to ethics more broadly. Whenever my conclusions are peculiar to morality – for instance, in Chapter 5's discussion of the overridingness of moral requirements – the confined applicability of those conclusions will be clear from the context or else will be stated expressly.

A second preliminary item is a rough outline of the domain of ethics. The whole of this book will gradually demarcate that domain more refinedly by exploring many of the key characteristics of ethical phenomena. Nonetheless, although a much more elaborate account of the ethical realm will unfold throughout the remaining chapters, a terse comment at the outset will help to underscore that realm's expansiveness.

Specifically, we should guard against thinking that the domain of substantive ethics only comprises quite concrete moral matters such as the permissibility of abortion or the legitimacy of reverse-discrimination programs or the impermissibility of torture. Although those concrete matters and the particular cruxes to which they give rise are of course within the purview of substantive ethics, they are by no means the only things within that purview. Rather, substantive ethics comprehends a vast array of much more abstract propositions and problems as well. It embraces all the standards and normative implications articulable in statements that apply ethical predicates to objects of ethical assessment (such as actions or situations or human beings). Many of those predicates, such as "morally wrong" and "morally right" and "morally permissible" and "virtuous" and "benevolent" and "evil" and "morally required," are wide-rangingly abstract. Moreover, attributions of ethical properties come in a number of forms. They include straightforward indicatives such as the thesis that abortion is wrong, but they likewise extend to abstract counterfactual attributions such as the claim that many activities would have been morally wrong even if no one had ever believed them to be so. Numerous other complex forms of ethical ascriptions are similarly possible. Still more important, among those ascriptions are fundamental normative claims about things such as the point of the human condition or the ultimate basis of moral requirements. As Ronald Dworkin contends, ethics "also includes claims about morality as a whole that embed or presuppose direct or conditional or counterfactual ascriptions of evaluative properties. The utilitarian claim that the most fundamental point of morality is to maximize overall human happiness, for example, assumes that human happiness is a good, and the rival claim that its most fundamental point is to recognize and honor the inherent worth of every human being assumes that human beings have

inherent worth."[1] These highly abstract normative theses belong to the domain of substantive ethics as much as do mid-level moral principles and narrowly focused moral verdicts.

Attentiveness to the distinction between abstract ethical propositions and concrete ethical propositions is of crucial importance throughout this book, for the perception of a fundamental divide between meta-ethics and substantive ethics has been very widespread among philosophers largely because the character of abstract ethical propositions as ethical propositions has been neglected. As we shall see (especially in Chapter 10's critique of the work of Richard Hare), a common tack for underscoring the ethics/meta-ethics division resides in an emphasis on the logical neutrality of meta-ethical doctrines among any number of concrete ethical positions. Philosophers correctly point out that theorists of diverse meta-ethical persuasions commit no logical errors when they converge with one another in their stances on concrete ethical issues such as abortion and voluntary euthanasia and gun control, and that theorists who share some meta-ethical outlook commit no logical errors when they quarrel heatedly with one another on those concrete issues. Much the same can be said with reference to the stances of theorists on quite abstract ethical matters such as the merits of consequentialism. Thinkers of disparate meta-ethical allegiances, such as Hare and John Mackie and G. E. Moore and Simon Blackburn and Peter Railton, have all favored consequentialism over deontological credos. Given that motley meta-ethical positions are logically consistent with either side of the consequentialist/deontological dichotomy – a dichotomy that is itself pitched at a high level of abstraction – it is not really surprising that very few philosophers have credited the notion that all or most meta-ethical positions are in fact substantive ethical positions.

Nevertheless, that widely disbelieved notion is correct, and this book will be arguing in support of it persistently. Though the relevant arguments will

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[1]   Dworkin 1996, 90. The whole of my current paragraph draws heavily on Dworkin's informal demarcation of the domain of substantive ethics. Within this paragraph, obviously, I am not attempting to provide a non-circular demarcation; indeed, one message of this book is that a non-circular demarcation of the domain of ethics is impossible. Instead, my purpose is to emphasize the expansiveness of that domain. (For a stimulating essay that is marred by its failure to attend to the distinction between abstract and concrete matters of ethics – and by its consequent failure to recognize that abstract matters of ethics are indeed substantively ethical – see Tasioulas 1998.)

emerge in subsequent chapters, the chief message of those arguments can be stated pithily here. Whereas most meta-ethical theses are logically neutral among a vast array of concrete moral stances, none of them (or virtually none of them) is logically neutral among *all* such stances. Let us briefly consider this point in connection with the relationship of supervenience between ethical properties and empirical properties – a relationship that will be discussed at length in Chapter 10. A thesis affirming the reign of supervenience in the ethical realm is almost entirely neutral logically in debates over the concrete ethical issues mentioned above. It is logically consistent with assertions of the moral permissibility of first-trimester abortions and with assertions of the moral impermissibility of such abortions, and it is likewise logically consistent with either negative answers or positive answers to questions about the moral permissibility of voluntary euthanasia or of gun control. It is similarly neutral logically between virtually all positive answers and virtually all negative answers to countless other ethical questions. Nonetheless, as we shall behold in Chapter 10, such a thesis does conflict with some concrete ethical positions (and also with some quite abstract ethical positions). Precisely because it conflicts with those positions, it itself is a substantive ethical doctrine. Its neutrality is sweepingly wide-ranging but not exhaustive. Although the ethical stances that clash with an affirmation of supervenience are undoubtedly incorrect and in some cases are decidedly peculiar, they are indeed ethical stances. By ruling those stances out as false, an affirmation of supervenience reveals its own substantive ethical bearings.

Other meta-ethical theses will similarly prove to have such bearings, as substantive ethical doctrines. Some of the concrete ethical implications of those theses pertain to counterfactual worlds rather than to the actual world – as we shall see, for example, in Chapter 2's engagement with response-centered accounts of morality – but the implications pertaining to those worlds are substantively ethical through and through. Also substantively ethical, then, are the meta-ethical claims that generate those implications. Though most such claims in their abstractness are logically neutral among myriads of heterogeneous ethical propositions, their logical neutrality is not comprehensive. As a result, there is no fundamental divide between the meta-ethical and the ethical. Meta-ethical theses are distinctive in the specific issues that they address, and many of those theses are distinctive in their levels of abstraction, but we should not make the mistake of thinking that their distinctiveness places them outside the domain of substantive ethical principles.

1.1.1. Hume's Law

When I maintain that a meta-ethical thesis is a substantive ethical doctrine if it is inconsistent with some substantive ethical position(s), I am presupposing that some version of what has come to be known as "Hume's Law" is correct:

> HL   There is no valid argument in which all the premises are non-moral (and logically consistent) and in which the conclusion is a substantive moral proposition.

My reliance on HL may seem problematic, since HL has come under attack from certain quarters for the past few decades. Arthur Prior adduced several examples of arguments that appear to bridge the "is"/"ought" gap in a famous article published half a century ago (Prior 1960), and some other philosophers have subsequently come up with further apparent examples. Their arguments have convinced some highly astute meta-ethical theorists that HL is false. James Dreier, for instance, has opined that Prior's discussion is "an alarmingly simple refutation of Hume's Law" (Dreier 2002, 245). Hence, my presupposition of some version of HL is in need of vindication.

In pursuit of that purpose, I shall here briefly consider several alleged counterexamples to HL that have been marshaled in the relevant philosophical literature. We shall first look at Prior's three main counterexamples and at a cognate counterexample put forward much more recently by Mark Nelson, and we shall then look at one further specimen from an essay by Toomas Karmo.

Prior's formulations of his counterexamples to HL are needlessly elaborate. Hence, we shall ponder those counterexamples in the more concise forms in which they have been presented by Charles Pigden (Pigden 1989, 132):

> CE-I   (1A) Tea-drinking is common in England.
>   (2A) Therefore, either tea-drinking is common in England or all New Zealanders ought to be shot.
> CE-II   (1B) There is no man over twenty feet high.
>   (2B) Therefore, there is no man over twenty feet high who ought to show respect for elderly people.
> CE-III   (1C) All undertakers are church officers.
>   (2C) Therefore, if all church officers ought to be charitable, undertakers ought to be charitable.

We should probe these putative counterexamples to HL along with another one posed more recently by Mark Nelson (Nelson 2007, 214):

CE-IV   (1D) Stalin authorized the Katyn Massacre.
        (2D) Therefore, it is not the case that both (i) if Stalin author-
        ized the Katyn Massacre then Stalin was evil, and (ii) it is not
        the case that Stalin was evil.[2]

Building on some remarks by Prior himself (Prior 1960, 204), Pigden has soundly argued that the apt way of dealing with these apparent coun-terexamples to HL is to refine (or reconstrue) HL.

Borrowing some terminology from Prior, Pigden maintains that the moral predicate in the conclusion of each of these counterexamples is "contin-gently vacuous" (Pigden 1989, 133). He explicates that phrase as follows: "An expression E is contingently vacuous in the conclusion of a valid infer-ence if the inference would remain valid if [every instance of] E were [uni-formly] replaced by any expression whatsoever of the same grammatical type" (Pigden 1989, 133). Now, plainly, the moral elements of the conclusions in the counterexamples to HL above are contingently vacuous expressions. If we replace the predicate "ought to be shot" with "enjoy vanilla ice cream" in the conclusion (2A) of CE-I, the argument of CE-I remains valid. Likewise, if we replace "ought to show respect for elderly people" with "enjoys chocolate ice cream" in the conclusion (2B) of CE-II, the argument of CE-II remains valid. Similarly, if we uniformly replace each instance of "ought to be charitable" with "enjoy strawberry ice cream" in the conclusion (2C) of CE-III, the argument of CE-III remains valid. Finally, if we uniformly replace each instance of "was evil" with "enjoyed coffee ice cream" in the conclusion (2D) of CE-IV, the argument of CE-IV remains valid. In other words, as Pigden states, "the [moral predicates] which occur in the con-clusions of [the supposed counterexamples to HL,] though not vacuous *tout court*, *are* vacuous *given the premises*. If the premises are true, we can replace those expressions at will with grammatically suitable substituends, without prejudice to the truth-values of the conclusions which contain them" (Pigden 1989, 133, emphases in original).

In light of Pigden's discussion of contingent vacuity, we should under-stand the phrase "a substantive moral proposition" in HL as "a proposition

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2   I have made a few very small modifications in Pigden's and Nelson's formulations. I have also very slightly modified Karmo's formulations below.

with at least one moral component that is neither intrinsically nor contingently vacuous." (A moral element contained in some conclusion *C* is intrinsically vacuous if *C* is itself a tautology. If every instance of that moral element in *C* is uniformly replaced with any expression whatsoever of the same grammatical type, the necessary truth of the tautology remains unaffected – which is why a tautological sentence that contains moral language does not in fact convey any substantive moral proposition.) Thus, since the moral portion of the conclusion in each of the four ostensible counterexamples to HL above is contingently vacuous, none of those ostensible counterexamples is a genuine counterexample. Every one of them is consistent with HL.

We have to approach Karmo's putative counterexample to HL somewhat differently. While discussing a couple of the seeming counterexamples on which we have already bestowed attention, Karmo discusses as well the following pattern of reasoning (Karmo 1988, 253):

CE-V   (1E) Everything that Alfie says is true.
       (2E) Alfie says that it ought to be the case that everyone is sincere.
       (3E) Therefore, it ought to be the case that everyone is sincere.

The moral element of the conclusion (3E) is neither intrinsically nor contingently vacuous. Hence, if we are to see why CE-V is not a genuine counterexample to HL, we shall have to go beyond what has been said so far.

Karmo himself believes that CE-V is not a genuine counterexample to HL, but his approach to the matter is excessively elaborate and highly problematic. My own approach, which again amounts to a refinement of HL, is more straightforward. Given that (3E) is a substantive moral conclusion, and given that (2E) is a non-moral premise, we need to concentrate on (1E). Is that major premise correctly classifiable as non-moral? It may initially appear to be, because it contains no directly moral terms. However, the absence of such terms is plainly not decisive, since (1E) universally quantifies over propositions – or over sentences – which it affirms as true. CE-V's minor premise, (2E), asserts in effect that at least one of the propositions over which (1E) has quantified is a substantive moral claim. Consequently, (1E) in combination with (2E) is a substantive moral premise; it cannot be the case that (2E) is true, unless (1E) indirectly affirms a substantive moral proposition. (An ascription of truth to a substantive moral proposition is an indirect affirmation thereof if the proposition itself is not directly stated or specified but is instead included within the scope

of the ascription through universal quantification over a domain to which the proposition belongs.[3] An indirect *denial* of a substantive moral proposition would involve an ascription of falsity rather than an ascription of truth.)

In light of this discussion, the referential scope of the phrase "premises [that] are non-moral" in HL should be understood to exclude not only any premise that directly affirms or denies some substantive moral proposition, but also any premise that in combination with some other premise(s) of the same argument is an indirect affirmation or denial of some substantive moral proposition. Accordingly, because (1E) in combination with (2E) is an indirect affirmation of a substantive moral proposition, (1E) does not count as a non-moral premise. Rather, it is a substantive moral premise. Consequently, CE-V does not stand as a genuine counterexample to HL. It is instead a straightforward moral argument – albeit an utterly unilluminating and dogmatic moral argument. HL, properly construed, withstands all the challenges that have been mounted against it.

1.1.2. What is abstractness?

In the present section and in many other parts of this book, I ascribe high levels of abstractness to most meta-ethical theses. Explicating the property of abstractness rigorously is no easy endeavor, as Hare rightly acknowledged (Hare 1989a, 51). His own brief account of the matter is unsatisfactory, since it is subject to numerous counterexamples. According to him, a principle P_1 is more abstract than another principle P_2 if and only if (i) it is analytically true that anything inconsistent with P_2 is consequently inconsistent with P_1, and (ii) it is not analytically true that anything inconsistent with P_1 is consequently inconsistent with P_2. Though such an account may have been adequate for Hare's limited purposes, it is plainly not adequate for the purposes of this book. After all, my discussion in this

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[3]   There can also be indirect affirmations of a substantive moral proposition that are existentially quantified rather than universally quantified. Somebody might construct a putative counterexample to HL that contains such an affirmation. (The premises in a putative counterexample of that sort would have to be more numerous than in CE-V.) My way of dealing with CE-V can be extended, with a number of adjustments, to an argument containing a premise that is an existentially quantified indirect affirmation or denial of a substantive moral proposition. However, because I am not aware of the marshaling of any argument with such a premise in the literature on HL, I shall not further address the matter here.

section has maintained that many abstract meta-ethical principles are logically neutral among concrete ethical principles that are contrary to one another. Given that the property of abstractness has been invoked thus, we cannot have recourse to Hare's explication of abstractness. Instead, that property should be cashed out by reference to the wide-rangingness of ethical principles. An ethical principle P_1 is more abstract than another ethical principle P_2 if and only if the falsity of P_1 would have a bearing on the truth-values of a wider range of ethical principles than would the falsity of P_2. When I attribute high levels of abstractness to most meta-ethical principles, abstractness is to be understood in the sense just specified.

1.1.3. A caveat about concrete convictions

The foregoing remarks about abstractness lead smoothly into a caveat that is operative throughout this book. At a number of junctures in my subsequent chapters, I draw upon some fairly concrete moral convictions in my discussions of various matters. In most cases, quite deliberately, the concrete convictions are largely or entirely uncontroversial. For example, everybody who is at all inclined to read this book will think that torturing babies for pleasure is not a morally legitimate mode of conduct. By resorting mainly to such uncontentious concrete claims, my discussions avoid the distractions that would be engendered by the adducing of concrete claims that are more debatable. (Of course, the uncontentiousness of any concrete moral thesis MT is neither necessary nor sufficient for its correctness. Nevertheless, when the correctness of MT is obvious to anyone possessed of competence in moral reflection, I can take that correctness for granted without divagating from the main threads of my discussions by marshaling arguments in support of MT.)

   At several points, however, my arguments have drawn upon concrete moral convictions that are not wholly uncontroversial. At some of those points – for example, in Chapter 5's discussion of cannibalism – the disputability of my concrete moral assumptions is explicitly flagged. What is of key importance is that my main theses about the objectivity of morality are detachable from most of my concrete convictions that are brought to bear on particular topics (whether those convictions are controversial or not). Plainly, this detachability is not due to a fundamental divide between the meta-ethical character of those main theses and the substantive ethical character of the concrete convictions. As is repeatedly contended in this book,

my abstract affirmations of the objectivity of morality are themselves expressive of substantive moral propositions. Hence, instead of being attributable to any distinction between the non-ethical and the ethical, the detachability of my general account of moral objectivity from most of my concrete moral beliefs is chiefly ascribable to the limited scope of each such belief. If some concrete moral conviction relied upon in this book is false, then its falsity obviously has a bearing on the specific topic(s) in regard to which the conviction has been invoked; in most cases, however, it does not threaten the correctness of any of my broader claims about the objectivity of morality.

Of course, nothing in the preceding paragraph implies that the falsity of a concrete moral proposition can never have a bearing on the truth-value of a much more abstract moral proposition. Indeed, the falsity of *any* concrete verdict that affirms or gainsays some particular instantiation of a moral property MP will have a bearing on the truth-values of quite a few abstract moral propositions – such as an abstract proposition maintaining that MP is never instantiated, an abstract proposition maintaining that no moral properties are ever instantiated, and so forth. My point in this discussion has simply been that, given the nature of this book's multi-faceted insistence on the objectivity of morality and given the contents of the concrete moral convictions that are invoked from time to time herein, most aspects of that insistence are detachable from most of those concrete convictions.

Having noted as much, we should nonetheless also recognize that some of my abstract claims about the objectivity of morality do indeed hinge on the truth of some of my concrete moral convictions. Most notably, when Chapter 10 holds that all applications of moral principles are subject to the constraint of supervenience, it is taking a position that cannot be correct unless my concrete convictions about the untenability of certain supervenience-defying moral assertions are also correct. If any of those concrete convictions were false, then my much more abstract claims about the all-encompassing sway of supervenience would not be fully sustainable. Similarly, some of Chapter 4's abstract claims about the uniform applicability of moral principles would not be fully sustainable.

Thus, although in most cases the truth-values of my abstract pronouncements on ethical objectivity are independent of the truth-values of the concrete moral views articulated in this book, not all of the former truth-values are independent of all of the latter. Quite predictable is this state of affairs, on the basis of what has been said in this section about the

relationship between the abstractions of meta-ethics and the concrete judgments of most ordinary moral deliberation. The abstractions are not logically neutral among *all* the concrete judgments, but are logically neutral among most of them.

1.2. Two Senses of "Ethics" or "Morality"

Substantive ethical judgments are to be distinguished from empirical findings, such as those involved in sociological or anthropological reports of the moral convictions harbored by various people (Dworkin 2006, 76–77). Aetiological accounts of moral convictions are not to be equated with those convictions themselves. Confusion easily arises on this score, because the terms "ethics" and "morality" and "morals" are ambiguous. Let us distinguish between two senses that can attach to each of those terms. (1) On the one hand, each of them can refer to the whole array of correct ethical/moral standards that truly determine the ethical/moral consequences of people's conduct, and to the diverse categories and properties associated with those standards. Most such correct standards, including all of them that are basic, are decisively applicable independently of their being endorsed and heeded. We can label those standards as "ethics *tout court*" or "morality *tout court*." (2) On the other hand, "ethics" or "morality" or "morals" can refer instead to the contents of the ethical/moral convictions that generally prevail among the members of some society (or of some set of societies). In that connection, each term would likewise denote the observable practices of ethical/moral deliberation and judgment that actually give expression to those prevailing convictions.

Insofar as "ethics" or "morality" or "morals" is indeed used with reference to the prevailing attitudes and practices of some society – or of some set of societies, such as Western European societies – it is being used empirically rather than normatively. When so used, each of those terms is referring to phenomena that are ascertainable only through observation, notwithstanding that the orientation or tenor of those phenomena is of course normative. Although a theoretical account of the moral convictions and practices that enjoy general currency in some society can be ethically prescriptive or evaluative, it can likewise be strictly descriptive or aetiological; the value-judgments made in the course of such an account might be focused solely on theoretical-explanatory considerations. When we are

pondering certain social practices or the normative outlooks that impel those practices, we can aptly adopt a social-scientific perspective from which we seek simply to discover and understand rather than to applaud or denounce. For example, somebody interested in studying the morals of Canadians might simply wish to apprehend whether certain attitudes and beliefs are held by Canadians, and might simply wish to trace those attitudes and beliefs to various environmental or sociological or historical determinants. Such a project could also involve some justificatory or condemnatory evaluations, but – if carried out by someone with a high tolerance for boredom – it could instead be confined perfectly well to empirical investigations and social-scientific explanations.

By contrast, when we use "ethics" or "morality" or "morals" in the first of the two senses specified above, we are referring to something that can only be approached through ethical prescriptions and evaluations. That is, when we seek to identify the ethical/moral standards that genuinely apply to people's conduct irrespective of whether those standards are recognized and followed, we are not proceeding from any austerely social-scientific perspective. All assertions that profess to specify the transcendently correct principles of ethics are ethical pronouncements, however abstract or complicatedly oblique they may be. (As will become apparent in the course of this book, the claims in the last few statements encompass those statements themselves. In other words, although they are very abstract and although they are consequently neutral among most ethical or moral doctrines, they are substantive ethical/moral pronouncements. They are not entirely neutral. Opposed to them on their same level of high abstraction are theses that likewise amount to ethical or moral positions.)

At more than one juncture, we shall see that a failure to keep in view the distinction between the two senses of "ethics" or "morals" or "morality" has led to confusion among some philosophers. Nobody should doubt that, when any one of those terms is used in the second sense delineated above, we can appositely raise and answer questions about its referent that are not themselves ethical or moral. Aetiological questions and other empirical questions are pertinent when they are broached in application to empirical phenomena. No ethical judgments are needed in the pursuit of such questions. Hence, given that one of the chief messages of this book is that nearly all non-tautological and non-self-contradictory claims about ethics or morality are ethical or moral in content, readers can tell that my discussions generally use "ethics" and "morality" and "morals" in the first sense of each term rather than in the second. Except where the context or

an explicit comment plainly indicates otherwise, those terms herein refer to acceptance-independent basic standards of conduct and to all the verdicts and derivative precepts that follow from those basic standards – rather than to the empirically ascertainable outlooks and practices that form the ethical life of this or that community. Moral realism is predominantly a theory about the former array of things rather than about the latter.

Note, incidentally, that my distinction between the two senses of "ethics" or "morality" or "morals" does not beg any questions against the doctrine of ethical relativism. Proponents of that doctrine, whose ideas will undergo scrutiny in Chapter 2, contend that there are no correct principles of morality beyond the varying arrays of moral precepts that are embraced within sundry communities. Roughly put, the relativists deny the ultimate sustainability of the division between the two senses of "morality" that I have adumbrated (though they do not deny that the first sense is of central prominence in moral discourse). In rejecting that division, however, they are presenting an account of morality *tout court* – in other words, an account of the referent of "morality" in the first of my two senses. Although they might propound some anthropological or sociological reports of the moral frameworks that obtain in certain societies, their main aim is to draw conclusions about morality *tout court*: namely, conclusions that collapse morality *tout court* into those frameworks. Hence, in the very process of impugning the tenability of my distinction between the two senses of "morality," relativists take a firm stance on the nature of morality *tout court*. Consequently, as will be seen, they are espousing a moral creed that is to be assessed primarily on moral grounds. Far from begging the question against relativism, then, my separation between the two senses of "morality" renders perspicuous what the relativists are claiming. Their doubts about that separation cannot be properly understood until the separation itself has been introduced and elucidated.

1.3. A Brief Conspectus

Both in ordinary ethical discourse and in philosophical disputation concerning ethics, people tend to invoke the notion of objectivity in a number of diverse forms. Much of the rest of this book will furnish a map of the terrain by recounting the major dimensions of ethical objectivity. Although most of the principal facets of ethical objectivity overlap, and

although each of them is fully compatible with the others, none of them is completely reducible to any of the others.

1.3.1. Ethical objectivity: a triadic framework

Chapters 2–8 proceed within a tripartite classification. That is, we shall consider the central aspects of objectivity under three main categories: ontological, epistemic, and semantic. In the first category (covered chiefly by Chapters 2–5) are dimensions of objectivity that pertain to the nature and existence of ethical standards and relationships and properties, while in the second category – covered chiefly by Chapters 6 and 7 – are facets of objectivity that pertain to rational agents' judgments about those standards and relationships and properties. In the third category, covered chiefly by Chapter 8, are aspects of objectivity that bear on the connections between ethical matters and ethical assertions that express judgments about those matters.

The ontological dimensions of ethical objectivity explored in this book are mind-independence, determinate correctness, uniform applicability, and invariance; the epistemic dimensions are transindividual concurrence and impartiality; and the semantic dimension is truth-aptitude.

Table 1 Principal dimensions of ethical objectivity

Genus of ethical objectivity	*Species of ethical objectivity*	
Ontological (Chapters 2–5)	1	Mind-independence
	2	Determinate correctness
	3	Uniform applicability
	4	Invariance
Epistemic (Chapters 6–7)	5	Transindividual concurrence
	6	Impartiality
Semantic (Chapter 8)	7	Truth-aptitude

After we have investigated those seven principal facets of ethical objectivity, Chapter 9 will glance at some other varieties of objectivity that have frequently been discussed by moral and political philosophers. As will be argued, one of those additional aspects of objectivity – rational

compellingness – is not characteristic of ethics. Several of the remaining facets of objectivity (corrigibility, non-illusiveness, susceptibility to reasons, and cognitive reliability) are characteristic of ethics, but each of them is subsumable under one or more of the principal dimensions of ethical objectivity contained in Table 1. Hence, that table laconically delineates the full array of ways in which the sundry matters of ethics are objective. An insistence on the objectivity of such matters in all those ways is the hallmark of ethical realism.

Now, although this tripartite framework is invaluable for clarifying and systematizing the defense of moral realism that is mounted by this book, it necessitates two prominent caveats straightaway. First, the categories in my framework are by no means entirely impermeable. As will become especially evident in Chapters 3, 6, and 8, some of the issues addressed in this book are not fruitfully confined to a single category. In Chapter 3, for example, the ontological matter of determinate correctness has to be discussed in conjunction with the epistemic matter of intractable disagreement. In Chapter 6, conversely, our exploration of the epistemic matter of transindividual concurrence will lead us quite smoothly into mulling over the ontological matter of the causal inefficacy of moral properties. In yet another vein, Chapter 8 will examine some epistemic problems that have frequently been invoked by anti-realist philosophers to impugn the semantic objectivity of ethical assertions; epistemic matters and semantic matters are never simply equatable, but neither are they neatly disseverable. Thus, although the triadic ontological/epistemic/semantic schema followed in this book is highly serviceable for organizing the foci of my analyses, we should be alert to its porousness as well as to its solidity.

Second, my characterizations of the three categories in that schema are accurate, but only because they are fully consistent with the proposition that every dimension of ethical objectivity is fundamentally an ethical phenomenon. When we enquire into the nature and existence of ethical standards and relationships and properties, we are engaging in ethical enquiries. Much the same is true of investigations into the other facets of ethical objectivity. Most epistemic and semantic issues relating to the domain of ethics *tout court* are ethical issues, notwithstanding that they prescind from large swaths of the concrete ethical problems addressed by people in day-to-day life. Thus, although the matters broached in my discussions of ethical objectivity are indeed ontological and epistemic and semantic, they are profoundly ethical. Those matters belong to branches (highly abstract branches) of substantive ethics, or so this book will be arguing. With reference to the

ethical domain, most efforts to pin down what exists and what can be known and whether statements can be true are – implicitly or explicitly, wittingly or unwittingly – efforts to arrive at ethical judgments. Thus, for example, when this book later attributes to basic moral principles the properties of *a-priori* knowability and causal inefficacy and moral necessity and synthetic truth, those epistemological and ontological and semantic properties of such principles will all turn out to be ethical *au fond*. The questions addressed by my attributions of those properties are ethical, and the considerations that tell against or support any credible answers to those questions are ethical considerations.

As the title of this book indicates, then, my subsequent chapters will be expounding moral realism as a moral doctrine. They will insist on the veritable objectivity of ethics, while also arguing that the chief reasons for that objectivity are themselves ethical. At this early stage of the volume, such a position will doubtless puzzle many philosophers. Moral realism has long been defended and assailed as a meta-ethical doctrine that is based on austerely metaphysical and logical and epistemological considerations. Most of the participants in disputes over its merits have seen themselves as detached from substantive ethical concerns. As Dworkin has aptly observed, they generally believe that their perspectives on the domain of ethics are Archimedean (Dworkin 1996). That is, many of these disputants take themselves to be expatiating on the nature of ethical properties and ethical judgments without ascribing any such properties or engaging in any such judgments. Consequently, when this book proposes to defend moral realism as a moral doctrine, I may seem to be committing a crude category mistake. However, the succeeding chapters will endeavor to show that the ostensible mistake is in fact a singularly appropriate understanding of the doctrine of moral realism. Whatever some of the proponents of that doctrine may think, it is tenable only as a substantive moral credo (albeit at very high levels of abstraction). Like any theory of morality *tout court* – rather than of some particular moral practices or discourses – it is firmly within the domain of which it offers an account.

1.3.2. On the integratedness of ethical objectivity

Given the diversity of the several dimensions of objectivity that have been enumerated above, why should they all be grouped together under the heading of "objectivity"? Why should we see them as varieties of some single

overarching property? Three replies are pertinent here, in an ascending order of importance. First, so long as the key conceptual distinctions drawn in this book are adequately recognized in any alternative analytical taxonomies, there is plainly room for such alternative approaches. In other words, there is room for flexibility in selecting the labels with which we mark those conceptual distinctions. For example, in a long and illuminating essay, Jules Coleman and Brian Leiter have perceptively highlighted the distinction between mind-independence and determinate correctness by designating only the former as objectivity (Coleman and Leiter 1995). Instead of differentiating between the two properties by construing them as separate dimensions of objectivity, Coleman and Leiter opt to contrast them by differentiating between objectivity and determinacy. Now, although their account is terminologically inconsistent with my own taxonomy, the inconsistency is superficial. The cardinal conceptual distinctions drawn by Coleman and Leiter are essentially the same as mine, even though the arrangement of them is different. There is obviously room in moral philosophy for these differing taxonomical frameworks. Hence, insofar as the questions in the last paragraph are simply pointing to the credible possibility of alternative frameworks – in which some of the properties that I classify as dimensions of objectivity would instead be contrasted with objectivity – those questions do not pose any difficulties. Alternative ways of mapping the conceptual terrain are indeed credibly possible.

Second, notwithstanding that alternative analytical schemes are indeed quite feasible, the grouping together of the motley dimensions of objectivity is warranted partly because each of them is frequently understood as such a dimension in everyday discourse. Almost always, when somebody inquires about the objectivity of morality *tout court* or about the objectivity of some moral practice or judgment, the inquiry is centered on one or more of the aspects of objectivity enumerated in Table 1. Each of those aspects is very often understood and discussed as a type of objectivity. For example, when people affirm or deny the objectivity of answers to moral questions, they are frequently referring to the determinate correctness of those answers. If there is no uniquely correct answer to some moral question Q, then everybody enjoys discretion in choosing among the answers to Q that are not incorrect. In that respect, consequently, responses to Q are subjective rather than objective. Ordinary discourse reflects this connection between determinate correctness and objectivity, and between indeterminacy and the dispositive role of subjectivity. It likewise reflects the ways in which the other dimensions of ethical objectivity are indeed

such dimensions. Classifying those dimensions as species of a single over-arching property is in conformity with our normal patterns of speech and thought.

To be sure, the patterns of usage in everyday discourse are not unchallengeable or invariably decisive. Fine conceptual distinctions frequently get smudged or overlooked in the give-and-take of quotidian debates, and unglimpsed inconsistencies can proliferate when the participants in those debates fail to attend to the multiple meanings stored up in the language of "objectivity." Somebody looking at Table 1 might contend that such language is profusely ambiguous and that confusion will very likely ensue if philosophers invoke the notion of objectivity to cover so many distinct properties. I myself in some of my work on legal and moral rights have taken just such a stand in regard to the language of "rights" (Kramer 1998; Kramer and Steiner 2007). Because the term "right" is so promiscuously employed in ordinary discourse to refer to several different types of entitlements, and because discriminating among those types is essential for the avoidance of muddles in any philosophical analyses of moral or legal relations, such analyses should follow ordinary usage only in some respects and not in others. A quizzical reader of this chapter might initially be inclined to make a parallel point about the term "objectivity" and its cognates. Thus, although the appeals to everyday disputation in my preceding paragraph are important – since philosophical theories should generally aim to capture and respect the prevailing modes of linguistic usage unless there are ample grounds for departing therefrom – those appeals are not in themselves sufficient to clinch my approach to objectivity. We need to know whether ordinary discourse with its classing together of several distinct properties under the heading of "objectivity" is adequately reliable rather than promotive of confusion.

Third, then, is the most important reason for accepting that the features contained in Table 1 are all aspects of ethical objectivity. Each of those features is in opposition to an element of subjectivity. If any of those features were not characteristic of ethics *tout court*, then the ethical domain would be profoundly subjective in some respect(s). Likewise, if any one of those properties is missing from some ethical judgment or practice, then the judgment or practice is infected by subjectivity.

A full substantiation of the preceding paragraph's claims will unfold throughout the rest of this book, as we ponder each dimension of ethical objectivity in some depth. Even at this early stage, however, the opposition between each dimension and a corresponding dimension of subjectivity

should be quite evident. We have already noted, for example, that the absence
of any determinately correct answer to some moral question *Q* would entail
a dispositive role for the subjectivity of anyone who has to choose among
the answers to *Q* that are not incorrect. Generally, if the discretion of some
person engaging with a certain matter is significantly unrestricted because
of a dearth of moral solidity, then markedly inconsistent judgments by
that person concerning the specified matter would each on its own be cor-
rect in the sense of not being incorrect. Such a situation of significantly
untrammeled subjectivity is unproblematic when it pertains to only a very
limited number of matters, but it would be pernicious if it obtained more
broadly. At any rate, what is under the spotlight at present is not the
noxiousness of a situation of significantly untrammeled subjectivity on a
large scale, but the sheer fact that such a situation is squarely at odds with
the determinate correctness of answers to moral questions. Determinate
correctness is a type of objectivity because of that opposition between
it and subjectivity. (Lest there be any misunderstanding, incidentally, I
should underscore the difference between a state of significantly untram-
meled subjectivity and a state of moral permissibility. Suppose that some
act-type *x* is morally permissible in some context *C*. In that event, there is
a determinately correct answer to the question whether *x* is morally per-
mitted in *C*; the determinately correct answer is "yes." Suppose further that
declining to do *x* in *C* is likewise permissible. There is consequently a deter-
minately correct answer to the question whether declining to do *x* in *C*
is morally permissible. Again, the determinately correct answer is "yes."
Such a situation, then, is not characterized by significantly untrammeled
subjectivity in any sense that is relevant here. In regard to doing or not
doing *x* in *C*, the situation is fully determinate morally. If anyone believes
that either doing *x* or declining to do *x* in *C* is morally impermissible, then
her belief is determinately incorrect. Any morally dispositive workings of
her subjectivity are bounded by the fact that doing *x* and declining to do
x are each morally permissible. Yet the determinate moral status of doing
x in *C* and the determinate moral status of not doing *x* in *C* are together
such as to consist in full moral latitude for a person to select between those
two courses of conduct. Moral unconstraint in selecting among courses of
conduct, which obtains by virtue of one's being permitted to perform some
act-type and permitted to refrain from performing that act-type, is not moral
indeterminacy; at any rate, it is not moral indeterminacy of the sort
expounded in this paragraph. If genuine moral indeterminacy prevailed
– in relation to the performance of the act-type *x* and in relation to the

non-performance of that act-type – then there would not yet be any fact of the matter concerning the moral permissibility of doing *x*, and there would not yet be any fact of the matter concerning the moral permissibility of declining to do *x*.)

Each of the other facets of objectivity, similarly, is antithetical to a facet of subjectivity. We shall see as much in the next seven chapters. Though certain elements of subjectivity are indispensable in a number of ways for moral relations and moral judgments, other such elements contrast starkly with basic features of morality – basic features that belong together in a taxonomical analysis not only because each of them overlaps with some of the others to varying degrees, but even more because they are all united in opposition to inapt intrusions of subjectivity. So united, they together constitute the objectivity of morality.

1.3.3. The closing chapter

After Chapters 2-8 have collectively championed moral realism by exploring the seven main ways in which the domain of ethics is strongly objective, and after Chapter 9 has pondered a few ancillary dimensions of objectivity, Chapter 10 plumbs the relationship of supervenience between ethical properties and empirical properties. That is, it considers why every difference between the respective ethical properties of any two situations must be accompanied by some difference(s) between the respective empirical properties of those situations. Virtually all philosophers writing on the topic agree that the relationship of supervenience is logically or analytically necessary, and that it therefore amounts to a constraint on the applications of ethical principles that is antecedent to all such principles. Through explorations of relevant writings by Hare, Blackburn, and Russ Shafer-Landau, my tenth chapter takes issue with that widespread view of supervenience. Considerations of logic and the meanings of ethical terms are not in themselves sufficient to support the reign of supervenience. Only when that reign is recognized as an abstract and fundamental ethical principle can we adequately grasp why it does indeed moor all applications of ethical standards.

For at least three reasons, the chapter on supervenience is a fitting culmination to this book. First, as will become apparent, the topic of supervenience arises at more than one juncture in some of my other chapters. It is a topic that figures saliently in any exposition of the objectivity of

morality, for the constraint of supervenience is a significant restriction (though by no means the only significant restriction) on arbitrariness in the distribution of moral properties, and it is thus a significant restriction on any scope for arbitrariness in legitimate processes of moral decision-making. Second, by showing that that restriction on arbitrariness is fundamentally an ethical phenomenon, this book will accentuate the message that is expressed in its title. Moral realism – an insistence on the wide-ranging objectivity of morality – is a moral doctrine. Third, by sustainedly probing a central feature of the domain of morality, my final chapter illustrates the nature of meta-ethical enquiry when moral realism is defended as a moral doctrine. The original title of this book was *Against Meta-Ethics* (with *Moral Realism as a Moral Doctrine* as the subtitle), but, despite its catchiness, that title was discarded as inapposite. One reason for its inappositeness is that I have never remotely doubted that all the dimensions of ethical objectivity are subject to ordinary logical requirements; the charting of those requirements and their implications is one of the key tasks of meta-ethical theory. Even more important, my aim has never been to discredit the metaphysical and epistemological streams of meta-ethical philosophizing altogether. Rather, one of the paramount aims of this book is to highlight the substantive ethical character of most of the issues addressed within those streams. Properly attuned to the ethical bearings of those issues, meta-ethical philosophers can and should pursue their characteristic foci of enquiry.

Chapter 2

Mind-Independence

Nowhere is the contrariety between objectivity and subjectivity more manifest than in connection with objectivity qua mind-independence. This first conception of objectivity is perhaps more commonly invoked than any other, both in everyday reflections and in philosophical argumentation. When this conception informs somebody's remarks, a proclamation of the objectivity of some phenomenon is an assertion that the existence and nature of that phenomenon are independent of what anyone might think. Within a domain to which such a proclamation applies generally, the facts concerning any particular entity or occurrence do not hinge on anybody's beliefs or perceptions.

2.1. Two Dichotomies

Like some of the other dimensions of objectivity, mind-independence is an internally complex property. For a sound grasp of it, we need to take note of some salient distinctions. One such distinction lies between (i) the views of any individual, and (ii) the shared views of individuals who collaborate in a community or in some other sort of collective enterprise.[1]

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[1] Of course, the shared views to which I refer will often not be merely shared. Frequently, a key reason for the holding of those views by each participant is his knowledge that virtually every other participant holds them and expects him to hold them. That complicated interlocking of outlooks among the participants in a collaborative endeavor is not something on which this chapter needs to dwell.

Sometimes when theorists affirm the mind-independence of certain matters, they are simply indicating that the facts of those matters transcend the beliefs or attitudes of any given individual. They mean to allow that those facts are derivative of the beliefs and attitudes that are shared by individuals who interact as a group (such as the judges and other legal officials who together conduct the operations of a legal system). These theorists contend that, although no individual's views are decisive in ordaining what is actually the case about the matters in question, the understandings which individuals share in their interactions as a group are indeed so decisive. Let us designate as "weak mind-independence" the type of objectivity on which these theorists insist when they ascribe a dispositive fact-constituting role to collectivities while denying any such role to separate individuals. That mild species of objectivity is obviously to be contrasted with *strong* mind-independence, which obtains whenever the existence or nature of some phenomenon is ordained neither by the views of any separate individual(s) nor by the common views and convictions that unite individuals as a group. Insofar as strong mind-independence prevails within a domain, a consensus on the bearings of any particular state of affairs in that domain is neither necessary nor sufficient for the actual bearings of the specified state of affairs. How things are is independent of how they are thought to be.

Before we turn to a second major division between types of mind-independence, a brief clarificatory comment is advisable. When some phenomenon is weakly mind-independent, its existence or nature is ordained by the beliefs and attitudes (and resultant patterns of conduct) that are shared among the members of a group. However, the beliefs and attitudes need not be shared among *all* the members of a group. In any large-scale association or community, very few beliefs and convictions will be shared by absolutely everyone. What is typically present in a state of weak mind-independence – a state that is equally well characterized as "weak mind-dependence" – is not some chimerical situation of unanimity, but instead a situation of convergence among *most* of a group's members. Consider, for example, the loosely knit group of competent users of the English language in Canada. If most of those users regard the employment of "ain't" as improper in any formal speaking or writing (except when the term is deliberately wielded for comical effect), and if most of them accordingly eschew the employment of that slang term in formal contexts, then Canadian English includes a weakly mind-independent rule proscribing the employment of "ain't" in formal discourse. Probably, some competent users of the English language in Canada do not eschew "ain't" in

formal contexts. Such a fact, if it is a fact, is perfectly compatible with the existence of the aforementioned rule. Indeed, the exact difference between the status of some entity X as a weakly mind-independent phenomenon and the status of some entity Y as a strongly mind-*dependent* phenomenon is that the existence or nature of X (unlike the existence or nature of Y) is not ordained by the outlook of any particular individual. Instead, it is ordained by outlooks and conduct that prevail among most of the members of some group. Typically, convergence among a preponderance of a group's members – which falls short of convergence among all those members – will be sufficient to ground the existence or establish the nature of some weakly mind-independent phenomenon. Note furthermore that, when there is very little convergence among a group's members on some issue, and when the lack of convergence precludes the existence of some weakly mind-independent entity X (such as a linguistic norm that proscribes "ain't" in formal contexts), the weakly mind-independent character of X is evidenced by that entity's very inexistence. Precisely because X is weakly mind-independent rather than strongly mind-independent, the meagerness of the convergence among the outlooks of the group's members is something that matters to X's existence.

Let us now attend to another major dichotomy: the dichotomy between existential mind-independence and observational mind-independence.[2] Something is existentially mind-independent if and only if its occurrence or continued existence does not presuppose the existence of any mind(s) and the occurrence of mental activity. Not only are all natural objects mind-independent in this sense, but so too are countless artifacts such as pens and houses. Although those artifacts would never have materialized as such in the absence of minds and mental activity – that is, although in their origins they were existentially mind-dependent – their continued existence does not similarly presuppose the presence of minds and the occurrence of mental activity. A house would persist for a certain time as the material object that it is, even if every being with a mind were somehow straightaway whisked out of existence.

Something is observationally mind-independent if and only if its nature (comprising its form and its substance and its sheer existence) does not hinge on what any observer takes that nature to be. Whereas everything that is existentially mind-independent is also observationally mind-independent,

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[2] For some good, crisp statements of this distinction – which has been drawn in various terms by many writers – see Moore 1992, 2443–44; Svavarsdóttir 2001, 162.

not everything that is observationally mind-independent is existentially mind-independent. Consider, for example, an intentional action. The occurrence of any such action presupposes the existence of a mind in which there arises the intention that animates the occurrence, yet the nature of the action is not ordained by what any observer(s) – including the person who has performed the action – might believe it to be. Even if every observer thinks that the action is of some type Q, it may in fact be of some contrary type R.

These two fundamental distinctions, between weak mind-independence and strong mind-independence, and between existential mind-independence and observational mind-independence, yield four combinations:

Table 2   Types of mind-independence

	Existential	*Observational*
Weak	The occurrence or continued existence of something is not dependent on the mental activity of any particular individual.	The nature of something is not dependent on what it is taken to be by any particular individual.
Strong	The occurrence or continued existence of something is not dependent on the mental functioning of any members of any group individually or collectively.	The nature of something is not dependent on what it is taken to be by any members of any group individually or collectively.

When pondering the mind-independence of moral principles and moral relations, then, we should be alert to the range of ways in which anything can be mind-independent.

2.2. The Existential Mind-Independence of Moral Principles

Let us begin with the existential mind-independence of the correct principles of morality. (We need not try to pin down the contents of those principles here.) The existential mind-independence of basic moral principles is strong. Their continued existence as correct principles of morality does

not depend on the continuation of the mental functioning of any people individually or collectively. Every moral principle takes the form of a conditional proposition (Shafer-Landau 2003, 15 n. 2). That is, when formulated strictly, each such principle is properly expressed as a statement that some specified moral consequences follow if conduct of a certain type has occurred or if facts of a certain type obtain. Since no such principle affirms that any conduct of the relevant kind has actually occurred or that any facts of the relevant kind do actually obtain, the correctness of each basic principle is unaffected by the existence or inexistence of beings with minds. Even if there are no such beings at some juncture, the sway of each correct basic principle of morality abides. The connection between the antecedent and the consequent of each such principle is a tie of moral entailment that persists irrespective of whether the antecedent is true at any given time.[3]

2.2.1. A first caveat: alternative formulations

Four caveats should be appended to the preceding paragraph's terse discussion of the strong existential mind-independence of moral principles. First, although each such principle takes the form of a conditional proposition, each is usually articulated (in everyday discourse and also in philosophical disputation) as a simple indicative about some act-type(s): for example, "Torturing babies for pleasure is wrong." My general point in

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[3]   Note that a moral conditional – a conditional whose consequent follows morally rather than logically from its antecedent – is more robust than an ordinary material conditional. Here I am in agreement with Fantl 2006, 27. Any basic moral principle, or any derivative moral principle endowed with strong existential mind-independence, takes the form of a strict conditional governed by an ethical necessity operator. Its truth-value is determined across all morally possible worlds, including all such worlds in which its antecedent is true. (If a proposition is self-contradictory and therefore cannot be true, it is not the antecedent in any correct principle of morality.) It is never the case that a moral conditional is true simply because its antecedent is false; if such a conditional is true when its antecedent is false, it is so because it is also true (in all or some morally possible worlds) whenever its antecedent is true. Whereas all basic moral principles and any derivative moral principles endowed with strong existential mind-independence are true in all morally possible worlds, the remaining derivative moral principles are true in all morally possible worlds in which certain states of mind (which serve as their existence-conditions) are present. The truth-value of any derivative moral principle of the latter type hinges only on the presence or absence of the requisite states of mind and never on the falsity of the principle's antecedent.

the foregoing paragraph is wholly consistent with this observation. The indicative formulation just adduced, like any other formulation grammatically similar to it, does not imply that any token of the specified act-type has ever actually occurred. Hence, the persistence of the moral principle expressible by that formulation does not depend on the existence of any beings with minds or on the occurrence of any mental activity. Even if there were no babies and no potential torturers of babies at any given juncture, torturing babies for pleasure would still be wrong. In no way does the continued reign of the torture-proscribing moral principle hinge on the actual existence of beings who would be covered by that reign protectively or condemnatorily.

2.2.2. A second caveat: nothing mysterious

Second, the strong existential mind-independence of moral principles as conditional propositions is likewise characteristic of many conditional propositions that are not moral principles. For one thing, such existential mind-independence is obviously characteristic of conditionals that are not directly or indirectly about beings with minds at all. Consider for instance the proposition that, if there is any water in the world, its chemical composition is H_2O. This *a-posteriori* proposition is true of every metaphysically possible world, including every such world that does not contain any beings with minds. Its continued sway as a true proposition does not hinge on the existence of any minds or on the occurrence of any mental activity. More important, strong existential mind-independence is likewise characteristic of many non-moral conditionals that are about beings with minds. Consider the proposition that, if there are any human beings in the world, they are mortal. Whether the necessity of the truth of a statement expressing that proposition is analytic or metaphysical, the proposition is true of all possible worlds – including every world in which there are no human beings or other beings with minds. Its continued existence as a necessarily true proposition does not depend on the presence of any such beings. Moreover, this point is not confined to conditional propositions that are necessarily true. "If John Wilkes Booth was the man who assassinated Abraham Lincoln, then he murdered Lincoln in 1865" is a contingently true proposition. Though it is not true of some possible worlds, it is true of the actual world, and it will remain true of this world even if every creature with a mind disappears therefrom. In the actual world, the continued

status of the Booth/Lincoln proposition as a true proposition is not dependent on the existence of any minds or on the occurrence of any mental functioning. In short, if we focus solely on the fact that the correct basic principles of morality are strongly mind-independent existentially, we shall not yet have come up with anything that distinguishes them from many other conditional propositions. We should hardly think that the strong existential mind-independence of moral principles is something that marks them out as peculiar or mysterious.

2.2.3. A third caveat: no begged questions

Third, my account of moral principles' existential mind-independence may appear to have begged numerous questions quite egregiously against many noncognitivist theories of morality. My account has adverted to the correct principles of morality as propositions and has maintained that they are true. In so doing, it may seem to have brushed aside the noncognitivist theories that balk at such notions.

Any worry along these lines about begged questions is in fact groundless. For one thing, this book will later engage at length – especially in Chapter 8 – with some major noncognitivist strands of argument. What will become apparent, there and elsewhere in this book, is that the foremost proponents of noncognitivist theories leave room for entities such as propositions and for properties such as truth. Indeed, the differences between noncognitivism and moral realism, which loom so large at first sight, often dwindle upon closer inspection.

Not least among the reasons for the elusiveness of the differences between my doctrine of moral realism and many varieties of noncognitivism is that my invocations of propositions and truth and facts (and other such things) are all minimalist in tenor. This book's minimalist approach will be elaborated in subsequent chapters, especially Chapter 8. For the moment, suffice it to say that my account of the strong existential mind-independence of moral principles does not rest on the postulation of any esoteric entities. As has been emphasized (and as will be re-emphasized presently), nearly all the arguments throughout this book are substantively ethical. No strange metaphysical commitments are signaled by anything that has been said here. "The practice of torture perpetrated against babies for pleasure is wrong" is a true proposition – and thus a correct principle of morality – if and only if the practice of torture perpetrated against babies

for pleasure is wrong. Because the practice of torture perpetrated against babies for pleasure is indeed wrong, and because it is wrong irrespective of whether any acts of torture actually occur and irrespective of whether there even exist any beings who are capable of performing such acts, the moral principle forbidding the torture of babies for pleasure is strongly mind-independent existentially. Nothing more occult is conveyed by my ascription of strong existential mind-independence to that moral principle and to numerous other correct moral principles.[4] Hence, although there are of course some respects in which this book's advocacy of moral realism will conflict with theses espoused by noncognitivists, the present chapter's discussions clash with very few if any such theses (which are focused primarily on epistemic and semantic concerns rather than primarily on ontological issues).

2.2.4. A fourth caveat: moral objections to subjectivism and relativism

Whereas my account of the existential mind-independence of moral principles is not genuinely in tension with the doctrines of most noncognitivists, it is squarely at odds with the doctrines of subjectivists and relativists. In other words, it is incompatible with the notion that the correct basic principles of morality are either strongly or weakly mind-dependent existentially. Subjectivists contend that the moral convictions of each person fix the contents and sustain the existence of the correct principles of morality for that person. Relativists contend that the moral convictions shared by all or most members of some group fix the contents and sustain the existence of the correct principles of morality for that group. In the eyes of both subjectivists and relativists, then, the continued existence of the correct principles of morality presupposes the existence of some mind(s) and the occurrence of mental activity. Any theorist belonging to either of those camps would reject my attribution of strong existential mind-independence to moral principles.

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[4]   David Wong, brandishing a metaphor that is frequently wielded by anti-realist philosophers, contends that the alternative to viewing the correct principles of morality as "a social creation" is to view them as "part of the furniture of the world" (Wong 1984, 93). I am willing to embrace Wong's metaphor, so long as any cashing out of it is consistent with what I have said in this paragraph. I do not know of any other intelligible way of cashing that metaphor out.

This clash between moral realism and subjectivism or relativism leads into the most important of the four caveats in this section. My ascription of strong existential mind-independence to most of the correct principles of morality is a moral position founded primarily on moral considerations. Although that ascription has been elaborated in terms that may sound austerely metaphysical, its content and justification are principally ethical. Moral subjectivism and moral relativism are to be repudiated chiefly for moral reasons. That is, they are to be repudiated chiefly because they are moral doctrines that yield morally unacceptable conclusions.

To see as much, we should briefly compare the existential mind-independence of basic moral principles with that of legal norms. Unlike such principles, general legal norms are only weakly mind-independent existentially. (Most individualized directives within a legal system are not even weakly mind-independent existentially, since an individualized directive will typically cease to remain in effect if the mental functioning of its addressee has permanently terminated.) The general norms of any legal system cannot persist in the absence of all minds and mental activity. They abide as legal norms only so long as certain people – most notably, judges and other legal officials – collectively maintain certain attitudes and beliefs concerning them. Unless legal officials converge in being disposed to treat the prevailing laws as authoritative standards by reference to which the juridical consequences of people's conduct can be gauged, those laws will cease to exist. To be sure, some of the general mandates within a legal system (such as ordinances that prohibit jaywalking) can continue to exist as laws even though they are invariably unenforced. The requirements imposed by such mandates are inoperative practically, but they remain legal obligations. However, the very reason why inoperative legal duties continue to exist as legal duties is that myriad other legal obligations are quite regularly given effect through the activities of legal officials, who converge with one another in being disposed to treat those myriad obligations as binding requirements. In sum, the continued existence of laws (including inoperative laws) as laws will depend on the decisions and endeavors of legal officials. The existential mind-independence of general legal norms is only weak.[5]

Now, what is of paramount importance in the current context is that there are no moral reasons for declining to accept that general legal

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[5] For a much longer discussion of the existential mind-independence of legal norms, see Kramer 2007, 5–8, 11–13.

mandates are only weakly mind-independent existentially. At present, the proposition that acts of murder are legally impermissible in the United Kingdom is true. Suppose that every creature with a mind in the United Kingdom (and elsewhere as well) were whisked permanently out of existence. In that event, there would no longer be a legal system in the United Kingdom, and the proposition affirming the legal impermissibility of acts of murder in the United Kingdom would consequently be false. Hence, the proposition that acts of murder are not legally impermissible in the United Kingdom would be true.[6] There is nothing morally repugnant about that latter proposition, given the circumstances. Of course, the latter proposition would be horrifying in ordinary circumstances. If human beings and a legal system continue to exist in the United Kingdom, the truth of the proposition "Acts of murder are not legally impermissible in the United Kingdom" would be morally rebarbative. However, in the fanciful circumstances in which every creature with a mind has altogether disappeared from the world, such a proposition would simply reflect the fact that the conditions for the existence of a legal system – with laws that render acts of murder legally impermissible – are not present. (In any event, of course, the moral repulsiveness of a legal proposition does not necessarily undermine the truth of the proposition. Laws qua laws in some jurisdictions may have to satisfy threshold tests of moral legitimacy, but in other jurisdictions there are no such tests.)

Things are quite different when we turn to *moral* impermissibility. Given that subjectivists think that all correct principles of morality are strongly mind-dependent existentially, and given that relativists think that all such principles are weakly mind-dependent existentially, they have to accept the truth of the following proposition in application to a situation in which every person has been whisked out of existence: "It is not the case that torturing babies for pleasure would be morally wrong." In application to the situation just mentioned, they likewise have to accept the truth of countless other odious propositions such as the following: "It is not the case that the extermination of people with naturally brown hair would be morally wrong." Of course, these repellent propositions are not incoherent. In being committed to their truth, subjectivists and relativists are erring morally rather than logically. They have obliged themselves to endorse propositions that are morally untenable.

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[6] As should be plain, the phrase "the United Kingdom" throughout this paragraph refers to a certain expanse of territory rather than to the nation that exists on that territory.

The perniciousness of those creeds – as well as their logical shakiness – becomes apparent when we note that their posited conditions for the continued existence of moral principles include not only the presence of conscious human beings but also the occurrence of certain patterns of mental activity. If some particular person embraces moral values that lead to the conclusion that acts of torturing babies for pleasure are not morally wrong, then subjectivists have to accept that the proposition "Acts of torturing babies for pleasure are morally wrong" is false for that person. Similarly, if all or most of the people in some community embrace moral values that lead to the conclusion that acts of torturing babies for pleasure are not morally wrong, then relativists have to accept that the proposition "Acts of torturing babies for pleasure are morally wrong" is false for that community. If some particular person embraces moral values that lead to the conclusion that exterminatory onslaughts against human beings with naturally brown hair are not morally wrong, then subjectivists have to accept that the proposition "Exterminatory onslaughts against human beings with naturally brown hair are morally wrong" is false for that person. Equally, if all or most of the people in some community embrace moral values that lead to the conclusion that exterminatory onslaughts against human beings with naturally brown hair are not morally wrong, then relativists have to accept that the proposition "Exterminatory onslaughts against human beings with naturally brown hair are morally wrong" is false for that community. Thus, Gilbert Harman, one of the most distinguished contemporary exponents of moral relativism, writes that a critic of Hitler "will not be able to say, for example, 'It was morally wrong of Hitler to have acted in that way,' if the critic is a moral relativist who supposes that Hitler did not have a compelling objective reason to refrain from acting as he did [and] is using *morally wrong* so as to imply that the agent had compelling objective reason to refrain."[7]

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[7]   Harman 1996a, 62–63, italics in original. For some broadly similar criticism of Harman, see Wong 1984, 24–25; Scanlon 1995, 228–30. See also Rovane 2002, 275–78. Wong subsequently endeavors to establish that his own version of relativism is not vulnerable to any corresponding strictures (Wong 1984, 73–75). However, he does so only by caricaturing those strictures beyond recognition: "It is much too easy an argument – and too frequently repeated – to lament that everything is permitted once relativism is admitted. This is to arbitrarily associate with relativism the ludicrous view that a group could choose a morality as one chooses what to have for breakfast, with as much neglect of the past history of the group and of its present conditions" (Wong 1984, 75).

To be sure, doctrines known as "subjectivism" or "relativism" have been championed in diverse forms.[8] For example, the term "subjectivism" is quite often employed to refer to theories that construe moral utterances as first-person doxastic or affective reports. That is, such theories construe the utterance "Torturing babies for pleasure is wrong" as elliptical for "I believe that torturing babies for pleasure is unacceptable" or "I feel revulsion toward the torturing of babies for pleasure." Any such theory is hugely and fatally problematic, but it is not specifically my present target. Instead, as has been indicated, subjectivism is understood here more expansively as the thesis that all correct principles of morality are strongly mind-dependent existentially; according to that subjectivist thesis, the continued existence of those principles as such is dependent on the outlook of each particular individual. In a like vein, relativism is understood here as the thesis that all correct principles of morality are weakly mind-dependent existentially. According to that relativist thesis, the continued existence of those principles as such is dependent on the outlooks shared by all or most members of some group. When subjectivism and relativism are elaborated along these lines, they yield the morally unacceptable conclusions recounted in the last couple of paragraphs.

Subjectivists and relativists might respond to my moral reprehension by asserting that it does not genuinely engage with their doctrines. They might declare that they have to go where their philosophical arguments lead them, and that moral objections to their conclusions are no more apposite than are moral objections to other philosophical claims or to empirical claims. Suppose, for example, that researchers could somehow show compellingly that people of certain racial backgrounds are on average naturally superior to people of other racial backgrounds in long-distance running. Quite irrelevant to the accuracy of the researchers' findings would be criticisms that complain about unfairness to the people who on average are naturally inferior in marathons and other long-distance competitions. Concerns about unfairness or inequitability might well call for a particularly searching degree of scrutiny when the findings are subjected to confirmatory testing, but such concerns do not in themselves have a bearing on the answer to the empirical question of whether those findings are correct. Subjectivists and

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[8]   For instance, markedly different from what I style as "subjectivism" is the so-called sensible subjectivism championed in Wiggins 1998, 185–214. Wiggins's position is a sophisticated and somewhat elusive version of the response-dependent accounts of morality that are criticized later in this chapter.

relativists might contend that my moral qualms are similarly irrelevant to the philosophical question of whether their doctrines are correct. They might retort that, at most, those qualms warrant the subjection of their doctrines to especially exacting investigation. If such investigation reveals that those doctrines are sound, however, then we have to go where the philosophical arguments have led us – or so the subjectivists and relativists might insist.

To be sure, moral objections are obviously out of place when a proposition under examination is empirical or mathematical or austerely philosophical. Though sundry empirical issues become intricately intertwined with certain moral questions (as Chapters 3 and 7 will remark), the empirical issues themselves are not properly resolvable by reference to moral considerations. Much the same is true in respect of mathematical problems, of course, and also in respect of many philosophical problems. For example, if a philosopher of language is weighing the rival merits of a Russellian analysis and a Strawsonian analysis of presuppositional failures,[9] moral considerations do not bear on a resolution of the matter.

Very different, however, are moral subjectivism and moral relativism. Neither of those doctrines is austerely philosophical; each of them is indeed a philosophical theory, but each of them is likewise a substantive moral theory. As Chapter 1 has pointed out, subjectivists and relativists take stands on the nature of morality *tout court* when they collapse morality *tout court* into the norms accepted by individuals or groups. Any such stands taken by subjectivists or relativists are substantive moral theses (at an abstract level), for they deem certain types of factors to be morally decisive. By holding that each individual's acceptance of basic standards of conduct is determinative of what is morally forbidden or permissible for that individual, subjectivists expound an abstract moral credo. In combination with propositions about individuals' attitudes and beliefs, that abstract credo carries a host of more concrete moral implications. Likewise, by holding that the widespread acceptance of basic standards of conduct in some community is determinative of what is morally forbidden or permissible for the members of that community, relativists expound an abstract moral doctrine. In combination with propositions about the widespread sharing of attitudes and beliefs among the inhabitants of some community, the abstract doctrine of relativism carries a myriad of concrete moral implications. Both subjectivists and relativists ascribe moral dispositiveness to

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[9]   I discuss presuppositional failures in Chapter 8.

various features of people's outlooks. In so doing, they commit themselves to countless moral conclusions (some of which pertain to the actual world, and some of which pertain to motley counterfactual worlds). Thus, criticism of subjectivism and relativism on moral grounds is singularly appropriate. When a moral theory has been propounded – whether or not it is perceived as a moral theory by its proponents – ripostes to it focused on moral considerations are entirely pertinent.

2.2.4.1. Abstract moral theses are moral theses

In an impressively rigorous and piquant article, James Dreier has sought to formulate a moral-subjectivist thesis that does not carry any substantive moral commitments. However, in so doing, he has not fully taken on board the points made in my last paragraph above. His subjectivist thesis, which I shall label as "DS," is as follows (Dreier 2002, 259):

DS $\Box(x)$ (x is wrong $\leftrightarrow$ x is wrong according to my actual moral standards)

What this formulation states is that, as a matter of necessity, for every specification of the variable "x," x is wrong if and only if x is wrong according to my actual moral standards (that is, the actual moral standards of the person who utters the formulation).[10] Let us for convenience specify the "x" variable as "acts of arson," which yields the following instantiation of DS:

Necessarily, acts of arson are wrong if and only if such acts are wrong according to my actual moral standards.

Dreier is correct when he contends in effect that the utterance of this instantiation of DS by any person would in itself tell us nothing whatsoever about his or her moral attitudes toward acts of arson. We would not be able to discern whether the person disapproves of such acts or not. However, Dreier goes astray in suggesting that he has thereby established

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[10]   Quite infelicitous is the fact that "wrong" occurs on each side of the biconditional. Still, that shortcoming can easily be repaired through the substitution of "discountenanced by" for "wrong according to." I shall henceforth leave this point aside.

that DS or any instantiation of DS would carry no substantive moral commitments at all. On the contrary, as he himself acknowledges, DS carries countless substantive moral implications: "[T]here is . . . a perfectly good sense in which [DS] has normative moral implications . . . [T]here are certainly sentences it entails which are moral" (Dreier 2002, 259). He has in mind chiefly the myriad of moral conditionals that are entailed by DS. For example, DS entails the following conditional:

> Necessarily, if acts of arson are not wrong according to my actual moral standards, then acts of arson are not wrong.

Despite his recognition of the moral implications of DS, Dreier seeks to defend his claim that DS is thoroughly noncommittal morally: "Nonetheless, [DS] could not reasonably be called a normative moral theory, just because its assertion carries no normative moral commitment" (Dreier 2002, 259).

Dreier's position is that, because anyone who asserts DS itself or any instantiation of DS will not thereby have revealed whether she approves or disapproves of any particular course of conduct, DS is not properly classified as a substantive moral thesis. Dreier mistakenly presumes that an abstract moral thesis is not a moral thesis. Although any assertion of DS in application to any course of conduct is noncommittal concerning the moral bearings of that course of conduct, it is far from noncommittal concerning what determines those moral bearings. Such an assertion ascribes dispositive moral force to the attitudes of the person who utters DS. It thereby takes a stand on a major issue of substantive morality, even though it does not by itself take a more concrete stand on the moral tenor of any type or instance of conduct to which those attitudes pertain.

Among the chief reasons for rejecting Dreier's claims about the thoroughly noncommittal character of DS is that such claims conflict with Hume's Law, which I have discussed in Chapter 1 (§ 1.1.1). Of course, as was remarked there, Dreier himself believes that Hume's Law has been refuted by Arthur Prior. However, as I have argued, Dreier is mistaken on that score. Hence, the inconsistency between Hume's Law and Dreier's assessment of DS is fatally damaging to that assessment.

We can apprehend the inconsistency straightforwardly, by considering the following argument:

> (1)   Necessarily, acts of arson are wrong if and only if acts of arson are wrong according to my actual moral standards.

(2)   Acts of arson are wrong according to my actual moral standards.
(3)   Therefore, necessarily, acts of arson are wrong.

Plainly, the conclusion (3) is a substantive moral claim. Equally plainly, the second premise (2) is a non-moral claim; its truth-conditions reside in my mental states rather than in the moral order of the world. If (2) is true – as it indeed is, when uttered by Matthew Kramer – it is true because of facts about me rather than because of facts about the contents of the basic principles of morality. Hence, the inference from (1) and (2) to (3) cannot be valid unless (1) is a substantive moral thesis. Premise (1) is indeed a substantive moral thesis, in application to any person who utters it. It disconcertingly deems the moral attitudes of such a person to be possessed of sufficient moral force to determine the moral bearings of acts of arson. Though the assertion of that premise by anybody does not per se provide the slightest indication of his or her moral evaluation of arson, it is decidedly not neutral morally. In this respect, an assertion of any instantiation of DS – or of DS itself – is similar to an assertion of a general utilitarian principle. Like an assertion of DS or of any instantiation thereof, an assertion of a general utilitarian principle does not per se indicate the speaker's moral appraisal of any specific type or instance of conduct. All the same, it articulates a substantive moral position.

2.2.4.2. A logical interlude

Of course, to say that subjectivism and relativism are morally repugnant is not to imply that they are logically unimpeachable. Though most evil doctrines are not logically infirm, subjectivism and relativism are somewhat more dubious. Admittedly, relativists and subjectivists do not land themselves in logical incoherence by claiming that innumerable repellent moral propositions such as "It is not the case that torturing babies for pleasure would be morally wrong" are true in the absence of any minds; however, their accounts of the variable truth-values of moral propositions in the presence of the minds of moral agents are much more problematic. As has been remarked by many opponents of moral subjectivism and moral relativism – such as Thomson 1996 – the notion that moral judgments are true for some individual or group (and perhaps for no other individuals or groups) is not easily fathomed.

Suppose, for instance, that the moral utterance "Torturing babies for pleasure is wrong" were to be construed as elliptical for "According to the moral

values accepted by nearly everyone in this community, torturing babies for pleasure is wrong."[11] If the latter assertion is true, then it is true *simpliciter* rather than only for some person or group. However, the nature of that fully unfolded assertion is troubling. On the one hand, it might be a non-moral sociological or anthropological report. In that event, the unequivocality of the truth of the original moral utterance has been salvaged only through the reconstrual of the utterance as a non-moral assertion. (By contrast, the implicit or explicit relativization of a statement about the physical movements of some thing retains the character of the statement as an empirical claim. This point of dissimilarity between ethical judgments and empirical judgments is obscured in relativists' oft-invoked analogies between the relativity of motion and the relativity of morals. Some other points of dissimilarity will come to the fore shortly.)

On the other hand, the fully unfolded assertion with the "According to . . . this community" operator might itself be a moral claim that affirms or presupposes the morally decisive role of the widespread acceptance of certain values. After all, a morally decisive role of that sort is sometimes explicitly invoked in moral utterances. For example, somebody in a small town might chide a stranger for a certain instance of conduct by reproachfully declaring that "we don't behave in that way around here." In such a context, the perceivedly dispositive consideration invoked by the small-town resident is the sheer fact that he and his fellow inhabitants adhere to certain values. However, if relativists were to understand all moral utterances along these lines, they would encounter two grave difficulties. First, since every fully unfolded construal of such an utterance would itself be a moral utterance, relativists would be plunged into an infinite regress. For example, when "According to the moral values accepted by nearly everyone in this community, acts of torture perpetrated against babies for pleasure are wrong" is presented as a moral utterance akin to that of the small-town resident, it itself will have to be relativized through the addition of another "According to" operator. Yet if the formulation containing that additional

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[11] This explication of the utterance has relativized its truth-conditions rather than its scope, and is thus consistent with what David Wong says about his own version of relativism: "The form of moral relativism assumed here implies that moral principles can be relative in the sense that they can be true and justified in one society but not in another. It implies nothing about the scope of applying moral principles. It does not imply, for instance, that a moral principle such as 'It is wrong to interfere with another society's values' must be implicitly relativized, as 'It is wrong for our society (but perhaps not for others) to interfere with another society's values'" (Wong 1984, 188–89).

operator is likewise propounded as a moral utterance, then it too will have to be relativized – and so forth, ad infinitum.

A second difficulty for relativists who take the approach discussed in the preceding paragraph is that the moral precepts widely endorsed in a community need not include a principle which holds that the widespread sharing of moral values is an important reason for abiding by those values. Whenever such a principle is not so included, the relativist elaboration of the original moral utterance about the wrongness of torturing babies will have distorted that utterance instead of illuminating it. If relativists append the clause "According to the moral values accepted by nearly everyone in this community," and if they maintain that that clause is expressive of the source of the original utterance's moral force, they will be violating their own relativist tenets unless the moral values broadly shared in the specified community encompass a principle decreeing that the widespread adherence to certain values by the members of the community is itself a morally decisive factor. Such a principle might be so encompassed, but it need not be.

2.2.4.3. *Taking morality seriously*

Still, although the last few paragraphs have very tersely explored some of the logical cruxes to which the doctrines of subjectivists and relativists give rise, the main focus here is on the *moral* shortcomings of those doctrines. Even if we can make adequately coherent sense of the notion that various basic moral principles are true for some individuals or groups and not for others, we should repudiate any such notion on moral grounds. We should reject any suggestion that the correctness of basic moral principles for some individual or group is dependent on the embrace of those principles by that individual or by most members of that group. Were morality outlook-dependent in that manner, iniquitous conclusions would follow.[12] For example, as is suggested by the quotation from Harman, the conclusion would follow that moral principles against genocide were not binding for Hitler. Obviously, Hitler did not accept such principles or perceive them as true; what subjectivism tells us is that his non-acceptance of those principles rendered them untrue for him. Admittedly, an

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[12]   Such conclusions would follow even in a world where everyone's outlook has always been morally impeccable; in that world, however, those conclusions would pertain solely to situations in other worlds.

endorsement of this subjectivist account does not completely exclude moral criticism of Hitler and his fellow Nazis. Morally decent advocates of subjectivism or relativism can deplore and will deplore Hitler's actions, but – to be consistent subjectivists or relativists – they will be obliged to acknowledge that their reprobation of those actions is unsustainable by reference to any moral principles that were correct for the Nazis. Now, although we should patently allow that the reprobation is not sustainable by reference to any moral principles that were *approved* by the Nazis, we should shrink from concluding that it is not sustainable by reference to any moral principles that were *correct* for them. Relativist or subjectivist slippage from the point about approval to the point about correctness is a species of moral fecklessness that should be resisted.

Moral relativists such as Harman often appeal to Albert Einstein's ideas about physical relativity in order to bolster their own claims about the status of moral principles. They point out that the motion and mass of any physical thing are relative to each spatio-temporal frame of reference, and that any satisfactory answer to a question about the motion of something must therefore implicitly or explicitly take such a frame of reference as its basis. No such answer can be independent of a spatio-temporal frame of reference, and "no spatio-temporal framework can be singled out as the one and only framework that captures the truth about whether something is in motion" (Harman 1996a, 3). Moral relativists contend that satisfactory answers to any moral questions are similarly relative to moral frames of reference. No such answer can be independent of a moral framework, and "no moral framework is objectively privileged as the one true morality" (Harman 1996a, 3). With a specific focus on the problem of treating animals appropriately, Harman poses a rhetorical question which he regards as weighing in favor of moral relativism: "Can we seriously suppose that there is an answer to the question about the justice of our treatment of animals that is independent of one or another moral framework?" (Harman 1996a, 18.)

Moral realists can readily acknowledge and indeed insist that Harman's rhetorical question is to be answered in the negative. Any satisfactory reply to any moral inquiry about a specified type of conduct is a product of some array of moral principles. Moral conclusions always derive justificatorily from moral frameworks. Nobody – apart from moral particularists, perhaps – should disagree with Harman on that point. Instead, what should be challenged is his relativist assumption that no array of moral principles is objectively superior to any other.

On the one hand, a challenge to that relativist assumption need not and should not presuppose that there is a uniquely correct reply to every moral inquiry. As will be indicated in Chapter 3's discussion of objectivity qua determinate correctness, there are no credible grounds for thinking that the domain of morality is characterized by perfect determinacy in all its reaches. Substantial determinacy can fall short of comprehensive determinacy.

On the other hand, there are determinately correct answers to most moral questions. The correct principles of morality cumulatively entail all and only those answers, whereas any moral principle that entails any contrary answers is *ipso facto* incorrect. For example, to the question whether torturing babies for pleasure is wrong, there is a uniquely correct answer. Much the same can be said about the question whether the perpetration of genocide against people with naturally brown hair is wrong. Any moral principle that generates a negative answer to either of those questions is incorrect for that very reason. A parallel point applies to every moral question to which there is a uniquely correct answer (notwithstanding that the uniquely correct answers to most such questions will not be as easily discernible as the answers to these questions about torturing babies and genocide). Indeed, this point can be extended – in a modified form – even to many moral questions to which there are not determinately correct answers. Suppose for instance that there is no determinately correct answer to the question whether abortions conducted under certain specified sorts of circumstances are acts of murder or not. Because the considerations for and against such a classification are evenly or incommensurably balanced, neither a straightforwardly affirmative answer nor a straightforwardly negative answer is superior to the other. All the same, countless potential answers would be incorrect. Ponder, for example, the thesis that abortions of the specified type are acts of murder if and only if they are conducted on Thursdays (or if and only if they are conducted by Jews). Though there might be no determinately correct answer to the question about those abortions, the answer just posited is determinately incorrect. Any moral principle that generates such an answer is not among the correct principles of morality.

Relativists, then, are quite wrong – morally wrong – in maintaining that no array of moral principles is objectively superior to any other. Regardless of the values that are embraced by people at any given time, the correct basic principles of morality are uniquely correct, and any contrary moral principles are wrong. Harman and other relativists would doubtless retort by wondering what the foundation for the objective superiority could be. Would

not any apparent superiority be grounded in the very principles for which the superiority is claimed, and consequently will not every array of moral principles be superior on its own terms to every other such array? How could there be any objective basis for upholding one claim of superiority and disallowing all others, given that every such claim is correct on its own terms?

These relativist queries blend an ontological issue and an epistemic issue. The epistemic issue, which will be put aside at present for consideration later in Chapter 7, pertains to the means by which people can gain justified beliefs concerning the correctness of moral principles. Important though that matter is, the central matter at the moment pertains to the correctness of the basic moral principles themselves. Given that every set of moral principles is correct by reference to its own contents and incorrect by reference to the contents of any contrary set of moral principles, how can any set be correct *tout court*? This relativistic worry bespeaks a failure to take morality and the distinctiveness of morality seriously. To see as much, we should glance at some of the differences between physical relativity and moral relativity.

One notable difference is that the Einsteinian account of physical relativity does not submit that the physical laws of nature – the physical counterparts of moral principles – are relative to spatio-temporal frameworks. On the contrary, when Einstein declared that the motion and matter of every physical thing are relative to such frameworks, he was specifying laws of nature that prevail across all those frameworks. Even more important in the present context is the difference between the grounding for Einstein's conclusions and the putative grounding for the conclusions of moral-relativist theories. The Einsteinian account of relativity is about empirical phenomena and is grounded by virtue of the correspondence between the physical features which it ascribes to those phenomena and the physical features of which they actually partake. Its conclusions are subject to empirical confirmation or disconfirmation (and have in fact been amply confirmed). For those conclusions, the ultimate touchstone of veracity resides in the facts of the physical world.

Moral-relativist theories are very different from the Einsteinian account of physical relativity. For one thing, they insist not only on the relativity of moral verdicts and consequences but also on the relativity of moral principles. Even more important, they are not about the empirical properties of any phenomena but are instead about the moral properties thereof. If a moral-relativist theory were true, its grounding would lie in the correspondence between the nature of the moral properties which

it ascribes to phenomena and the nature of the moral properties of which those phenomena actually partake. Its conclusions are not subject to empirical confirmation or disconfirmation; rather, given that it is a theory about the nature of moral properties, its conclusions are subject to confirmation or disconfirmation through moral reasoning. For those conclusions, the ultimate touchstone of veracity resides in substantive morality. (In either of two ways, moral relativists might contest my claim that their conclusions are not subject to empirical confirmation or disconfirmation. First, Harman and other moral relativists have adverted to the occurrence of intractable disagreements among people on moral issues, and have alleged that relativism provides the best explanation of the tenacity of those disagreements. Such a line of argument might be taken by some readers to indicate that the debates over the soundness of moral-relativist theories are largely empirical. However, as will be contended in Chapters 3 and 6, any such understanding of the disagreement-centered argument is mistaken – as is the argument itself. For now, suffice it to say that the relativistic or non-relativistic import of moral disagreements is itself a matter of substantive morality. A second tack that might be adopted by relativists would consist in pointing out that the widespread acceptance of specific moral standards among the people in any community is empirically ascertainable. Given that relativists take those standards to be determinative of what is morally obligatory and permissible and authorized for that community, their stance on the nature of morality might appear to be empirically verifiable. Any such argument would be patently unsound. Although the premise about the empirical ascertainability of the widespread endorsement of certain moral standards among the people in any community is of course true, it scarcely yields the conclusion that the relativists' stance on the nature of morality is itself empirically verifiable. Their stance concerns morality *tout court*, rather than anything that can be probed empirically. Specifically, the relativists' position collapses morality *tout court* into the moral norms that are widely embraced in various communities. Notwithstanding that the contents of those norms are open to empirical investigation, their putative status as morality *tout court* is not. That status is a matter of substantive morality that stands or falls on the basis of moral considerations.)

Whereas sundry empirical tests for verifying or disproving the Einsteinian account of physical relativity have vindicated that account in its essentials, moral reflection militates against moral-relativist theories rather than in favor of them. Even if those latter theories are coherent, they present

a conception of morality that is to be rejected for moral reasons. Though they do not discountenance all moral judgments made within any particular moral framework against any alternative moral framework, they do discountenance all such judgments that profess to articulate principles that are binding on everyone objectively rather than relatively (Foot 1982, 158–62). That is, such theories rule out the correctness of any judgments which profess to articulate principles that bind everyone irrespective of whether those principles have been embraced by the people against whom they are invoked. We have found Harman frowning upon such judgments in the first of my quotations from his work, and similar sentiments abound in other relativistic writings. Although those sentiments are undoubtedly well-intentioned, and although they might sometimes seem refreshingly modest,[13] they are morally pernicious. By insisting that the correct basic principles of morality are not correct for any community that does not recognize them as such, relativism is irresponsibly exonerative. It entails the conclusion that fanatical Nazis and Maoists and other arrant villains have not violated any moral principles that were correct in application to them.

Yet, relativists will counter, how can moral principles be correct for people who do not endorse them? How can the correctness of such principles extend across moral frameworks? Precisely in pressing these queries, relativists fail to take morality seriously. What they are presuming is that the foundation for the correctness of the basic principles of morality must lie beyond those principles themselves. We should resist that relativistic urge. The correctness of the basic principles of morality is its own foundation. In this respect (though not in certain other important respects), the correct basic principles of morality are similar to the Law of Noncontradiction. Although their necessity is moral rather than logical, they are on a par with the Law of Noncontradiction in serving as the fundaments of their own all-encompassing sway. If we ask why the Law of Noncontradiction logically binds everyone, the answer is that anything which runs athwart it is contradictory and therefore necessarily false. The obvious circularity of such

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[13]   Note, incidentally, that a moral-relativist doctrine does not *per se* generate the conclusion that differences among moral frameworks should be tolerated (Williams 1972, 20–26; Rovane 2002, 271–72). Relativists regard any principle of tolerance as itself relative to the moral frameworks in which it is included, and their adherence to relativism does not per se oblige them to endorse any of those tolerance-promotive frameworks. Relativists gainsay the existence of any objective moral grounds for either an intolerant stance or a tolerant stance, but their doctrine is perfectly consistent with the existence of other grounds for either of those stances.

an answer is wholly unproblematic, for there is nothing more profound than the Law of Noncontradiction itself from which the logical bindingness of that law could derive. Logically, it is its own foundation. Similarly, if we ask why the correct basic principles of morality bind everyone morally, the answer is that any patterns of conduct that violate those principles are wrong. The obvious circularity of such an answer is unproblematic, for there is nothing more profound than the correct basic principles of morality themselves from which their moral bindingness could derive. Morally, they are their own foundation. Though the moral necessity of those principles is different from the logical necessity of the Law of Noncontradiction, the nonderivative ultimacy of the latter is paralleled by the nonderivative ultimacy of the former.

Thus, when relativists quizzically inquire how basic moral principles can be binding on people who have never accepted those principles, they are taking a position of moral irresponsibility by supposing that such principles cannot prevail in the absence of props such as people's consent. Their position is a substantive moral position, which ascribes determinative moral force to those props. Moral realists reject that substantive moral position, on moral grounds. Realists avoid the overindulgingness of relativists by affirming that the correct basic principles of morality bind everyone in virtue of those principles' own correctness. In so insisting, realists are not displaying any regrettable dogmatism. Rather, they are displaying a clear-sighted awareness of the fact that the correctness of the basic principles of morality is not in need of any foundation beyond itself, and they are likewise displaying a clear-sighted awareness of the evils of any doctrine that attributes existential mind-dependence (either weak or strong) to the sway of those principles. Quite nefarious, for example, is the idea that the moral prohibition on torturing babies for pleasure is binding only on people who subscribe to moral principles that entail such a prohibition. Equally nefarious is the idea that the moral forbiddenness of the perpetration of genocide against human beings with naturally brown hair is dependent on some person's or community's endorsement of principles that entail the proscription of such genocide. We should firmly resist the notion that the moral obtuseness of people could shield them from the bindingness of the correct principles of morality.

2.2.4.4. *Averting two objections*

Before we move on to the observational mind-independence of moral principles, we ought to pause briefly to consider two closely related objections

that might be lodged against my claims about the self-sustaining ultimacy of basic moral precepts. First, some readers may worry that any endeavor to ascribe contents to those precepts will be disconcertingly peremptory. If the basic standards of morality are indeed basic, then we might appear to be precluded from offering any arguments in favor of specifications of their contents. Fortunately, any such worry is without foundation. As will become most conspicuously apparent in the latter half of Chapter 10, where I argue in support of the principle of supervenience as a basic moral precept, the nonderivativeness of such a precept leaves ample room for reasoning about its status as a fundament of morality. Such reasoning, as we shall see not only in my closing chapter but also in most of the other chapters, can especially fruitfully advert to interconnections among basic moral values and to the implications of such values for concrete circumstances. Hence, although efforts to identify the contents of the basic principles of morality cannot invoke anything deeper than those principles themselves, such efforts are not doomed to dogmatism. The ultimacy of basic moral principles is no bar to the elucidation of them.

Second, given what has just been said, some readers may query why this book has not yet expounded the contents of all the basic principles of morality. Such readers may be puzzled by what they perceive as my coyness about identifying morality's foundational precepts. Any such query would be misconceived. Each of the dimensions of moral objectivity plumbed at length in this book, including the principle of supervenience explored in Chapter 10, is a basic moral principle. To be sure, those dimensions of objectivity are not exhaustive of the foundational precepts of morality; there are other such precepts. Some of those other basic moral principles will be invoked herein from time to time – not least in Chapter 10 – but they will receive considerably less attention than will the chief aspects of moral objectivity that are the foci of Chapters 2–8 and 10. (Most of the moral precepts repeatedly invoked in this book, such as the principle that torturing babies for pleasure is wrong, are derivative rather than basic.) Nonetheless, because the chief aspects of moral objectivity on which this book concentrates are themselves fundaments of morality, and because each of those aspects is investigated in some depth, the objection about coyness is misdirected.

Moreover, there are two main reasons for my disinclination to attempt to provide a comprehensive account of the contents of the basic principles of morality. For one thing, such an endeavor is unnecessary and would be distracting. No comprehensive account of those contents is needed for my reconception of moral realism as a moral doctrine, since it is not the case

that the details of every basic principle of morality are directly at issue in such a reconception. In general, my arguments proceed at levels of abstraction high enough to prescind from most of those details. Thus, because specifications of such details are superfluous (save to the extent necessary for the elaboration of the basic moral principles that are the major dimensions of moral objectivity), and because they would be likely to divert attention from this book's main concerns, I have largely shied away from them. Quite inadvisable would be the gratuitous offering of hostages to fortune.

Another consideration is equally important. Recounting and elucidating the contents of all the basic principles of morality would be impracticable within the confines of this book. For example, although Chapter 10 only outlines the status of the principle of supervenience as a basic moral principle, it is a long chapter. A thorough exposition of the morally foundational status of that principle would extend to the length of a book. Ample expositions of all the basic precepts of morality would together extend to the length of multiple books. For instance, something along the lines of Ronald Dworkin's principle of equal concern and respect is among those precepts, yet the book in which Dworkin explicates that principle most illuminatingly and expansively is a massive tome (Dworkin 2000). An enquiry into the contents of all the basic standards of morality would involve an array of such tomes. A project of that kind is of great importance, but it is not the project of this book – where my focus in most of my chapters is more abstract, and where the aim is to present a one-volume reconception of moral realism as a moral doctrine rather than a multi-volume account of the contents of all the fundamental principles of morality. Within the scope of this book, then, detailed elaborations of all those contents are not only superfluous but also infeasible. Instead, we shall explore in some depth the basic moral principles that constitute the different dimensions of moral objectivity, and we shall look at other basic moral principles only insofar as is requisite for a satisfactory understanding of that objectivity.

2.3. The Strong Observational Mind-Independence of Moral Principles

As will be maintained in the Appendix to this chapter, the strong existential mind-independence of every correct basic moral principle is in stark contrast with the strong or weak existential mind-*dependence* of every moral

relationship. However, there is no comparable difference between moral principles and moral relationships in respect of their *observational* mind-independence. All moral principles and all moral relationships are strongly mind-independent observationally. In other words, the nature of each such principle or of each such relationship is independent of what any observers individually or collectively take that nature to be. Individually or collectively, people can be mistaken about the content or form or implications or very existence of any moral principle and of any moral relationship.

Quite evident is the strong observational mind-independence of basic moral principles, given that all such principles are strongly mind-independent existentially. As has already been remarked, everything that is existentially mind-independent is also observationally mind-independent. Furthermore, strong observational mind-independence is characteristic even of concrete moral principles that are existentially mind-dependent. Such principles are derivative of basic moral precepts, perhaps through quite a few inter-mediate layers of concreteness. Suppose for example that one of the cor-rect principles of morality is that in any ordinary circumstances a person should refrain from actions that are very likely to cause serious offense to most other people, unless the offense would itself be the product of illeg-itimate attitudes such as racism or anti-Semitism. Let us designate that principle as the "Serious Offense Precept." (The Serious Offense Precept as formulated here is almost certainly too broad to be one of the correct principles of morality. However, the qualifications that would have to be attached to it are immaterial for my present purposes. Hence, for ease of discussion, I shall assume here that it is one of those correct principles.) When combined with certain facts about people's convictions, this Serious Offense Precept – which is itself derivative of deeper moral standards – is generative of more concrete moral principles. Suppose that one of those concrete principles is that in any ordinary circumstances a person should refrain from publicly burning Leo Tolstoy's *War and Peace* when in Russia. This principle is not existentially mind-independent, for its correctness as a moral standard depends partly on the attitudes and scruples harbored by people generally in Russia. Though the moral prohibition on publicly burning *War and Peace* is not strongly mind-dependent existentially (since the correctness of the prohibition does not hinge on the presence of any particular individual's outlook), its weak existential mind-dependence is indeed existential mind-dependence. All the same, the *observational* mind-*in*dependence of that prohibition is always strong. Russians and other people individually or collectively can be mistaken about the content

or the implications or the very existence of the moral standard that pro-scribes the public burning of Tolstoy's great novel in Russia.

Some readers might initially balk at the notion that Russians could collectively be mistaken about the sway of a concrete moral principle that is existentially dependent on the Russians' own shared convictions. Any such reluctance to acknowledge the possibility of a collective error, however, would be misguided. In an extreme situation, every Russian adult could be mistaken about a set of convictions shared by all Russian adults. (In a more realistic situation, most Russian adults could be mistaken about a set of convictions shared by most Russian adults.) Suppose that every adult in Russia would be grievously offended if he or she were to learn that somebody there had publicly burned a copy of *War and Peace*. Suppose further that every adult in Russia erroneously believes that hardly anybody else there would feel any consternation if a copy of *War and Peace* were to be publicly burned. Every adult in Russia additionally believes that, unless all or most Russian adults who might become aware of a public burning of Tolstoy's epic novel would be seriously offended by the occurrence of such an action, no one there is morally obligated to abstain from putting *War and Peace* to the flames. In other words, every adult in Russia endorses the Serious Offense Precept and believes that no variant of it is applicable to actions that severely dismay only a small number of individuals. Every adult in Russia likewise thinks that, if a moral ban on publicly burning *War and Peace* there were operative, the only basis for it would be the Serious Offense Precept. Now, even if the Russians' assumption about the absence of any variants of the Serious Offense Precept is correct – though especially if it is incorrect – every adult in Russia is mistaken about the existence of a moral standard forbidding the public burning of *War and Peace* in that country. Every Russian adult believes that there is no such standard, when in fact there is.

Extremely unlikely, of course, is a situation in which every adult in some society is mistaken about the outlook of every other adult in that society. Still, such a situation is indeed extremely unlikely rather than impossible. At any rate, much more credible is a situation in which most adults in some society are mistaken about the outlooks of most adults in that society. Whenever such a situation does obtain, there will clearly be the potential for concomitant misapprehensions relating to the sway and contents and implications of existentially mind-dependent moral standards. Although the specified standards are mind-dependent existentially, they are strongly mind-*in*dependent observationally. Those concrete standards, such as the

moral principle forbidding the public burning of *War and Peace* in Russia, prevail (when they do prevail) regardless of whether they are thought to prevail by the people whose attitudes and convictions sustain them.

Given that existentially mind-dependent moral principles are strongly mind-independent observationally, the strong observational mind-independence of basic moral principles – and of the myriad other moral principles that are strongly mind-independent existentially – is especially clear. Plainly, people individually or collectively can be in error about the contents or implications or existence of basic moral standards. What those standards require and permit and authorize is independent of what people individually or collectively think that those standards require and permit and authorize. For example, irrespective of whether people think that a practice of torturing Italian-American babies for pleasure is consistent with a moral prohibition on torturing babies for pleasure, any such practice would violate that prohibition. Much the same can be said in connection with the countless other misunderstandings of moral principles that might arise, most of which will be less ludicrously aberrant than the countenancing of torture for Italian-American babies.

Indeed, even relativists and subjectivists, who believe that all of the correct principles of morality are existentially mind-dependent, can and should recognize that every such principle is strongly mind-independent observationally.[14] Harman does indeed perspicaciously recognize as much (Harman 1975, 16; Harman 1996a, 13–14, 15, 36). As he writes: "I emphasize again that moral relativism does not identify what is right in relation to a given moral framework with whatever is taken to be right by those who accept that framework. That would be like saying that Einstein's theory of relativity treats two events as simultaneous with respect to a given coordinate system if people at rest with respect to the coordinate system believe the events are simultaneous" (Harman 1996a, 19).

2.3.1. Are moral principles always discernible?

How robust is the strong observational mind-independence of moral principles? That is, must the correct principles of morality and their implications be discernible (even though many of them may frequently be

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[14] This point is glimpsed in Foot 1982, 158; and in Krausz and Meiland 1982, 8.

unglimpsed)? Or is discernibility not an essential feature of the contents and implications of correct moral standards? Might some of those contents and implications lie wholly beyond the ken of human beings and any other moral agents, even under optimal conditions for moral insight?

These questions clearly belong in the present discussion of moral ontology, even though – like a number of other matters – they straddle the divide between ontology and epistemology. Unsurprisingly, they will turn out to be fundamentally moral inquiries. If we are to consider them adequately, we have to grasp their distinctness from some superficially similar questions. Specifically, what should be made clear straightaway is that the questions above are not asking whether the moral properties of things consist in the tendencies of those things to elicit certain reactions from observers under ideal conditions. A number of prominent philosophers in recent decades have endeavored to explicate moral properties along those lines (McDowell 1985; Johnston 1989; Lewis 1989; Smith 1989; Wiggins 1998, 106–08; Pettit 2001; Smith 2004, 202–06, 297–317, *et passim*; Prinz 2006, 34–37). These philosophers' accounts of moral properties differ among themselves in many important matters of detail, and are variously labeled as "dispositional" or "response-dependent" or "response-centered" theories. (I shall henceforth refer to them by the last of those labels, and I shall ignore the differences among the theories on matters of detail.) Such analyses in their most sophisticated forms do not portray basic moral principles as existentially mind-dependent, for they lay down a criterion for the existence of moral properties that would leave those properties intact even if every being with a mind were somehow whisked out of the universe. Under the response-centered theories, torturing babies for pleasure would remain wrong even after the universe had been evacuated of beings with minds. No tokens of the act-type of torturing babies would any longer take place, but the wrongness of that act-type would abide. Still, although those theories do not attribute existential mind-dependence to basic moral standards, they do ascribe weak observational mind-dependence to all such standards. According to the response-centered theorists, what makes sundry actions right or wrong is that all or most moral agents under ideal conditions would feel certain attitudes toward those actions or harbor certain beliefs about them. Similarly, what makes the true principles of morality correct is that all or most moral agents under ideal conditions would – in response to any number of situations – form beliefs or attitudes that constitute applications of those principles. According to the response-centered theorists, in other words, the nature of every moral

principle does hinge on what most or all competent observers under ideal conditions would take that nature to be. Despite the idealization of the conditions for the observers' reactions, those reactions play a decisive role in fixing the contents of moral principles. Though no particular individual's responses (even under ideal conditions) are dispositive, the responses of competent moral agents collectively (under ideal conditions) are indeed dispositive. Morality is a domain of weak observational mind-dependence, or so the response-centered theorists contend.

As will be seen in my next subsection, the weaknesses of the response-centered accounts of moral properties are far-reaching.[15] For the moment, however, my purpose lies not in rebutting those accounts but in distinguishing between the questions which they address and the questions that have been posed in the penultimate paragraph above. Those latter questions are not seeking to pin down a test or criterion for the identification of moral properties, nor are they aiming to locate any fact(s) – about observers' reactions – that would be both necessary and sufficient for the existence and content of each such property. Nothing in the penultimate paragraph above has implied that the contents of moral principles might be observationally mind-dependent. Instead, the questions posed there are inquiring whether the discernibility of any correct principle of morality under optimal conditions is necessary for its obtaining as such a principle. To that inquiry the answer is affirmative.

On the one hand, even under optimal conditions the actual apprehension of any correct principle of morality by some particular moral agent or by moral agents collectively is never necessary for sustaining the existence or fixing the content of the principle. On the other hand, no principle can be a correct principle of morality if it resides inaccessibly beyond the ken of human beings even under optimal conditions. As numerous philosophers have rightly declared (Putnam 1995, 18; Blackburn 1996, 94; Marmor 2001, 170), no true moral principle can be radically recognition-transcendent.

The reason for this affirmative answer to the inquiry posed by the questions above is, of course, profoundly moral. Before we explore the basis for that answer, however, we should first note one important difference between my terminology and that of the response-centered theorists. Whereas they typically use the phrase "ideal conditions," I have used the

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[15]   For some previous expressions of doubts about response-centered theories, see, for example, Blackburn 1993, 159–62; Vallentyne 1996; Sosa 2001.

phrase "optimal conditions." Though the adjectives "ideal" and "optimal" may often be employed interchangeably in ordinary discourse, the former more strongly suggests unattainability. At any rate, the point which this discussion aims to underscore through the terminological departure is focused precisely on the attainability of the conditions under which the correct principles of morality must be discernible. Ideal conditions may be unrealizable. Indeed, as we shall presently see, ideal conditions of the sort required by the response-centered theories *will* be unrealizable, for those conditions involve infallible moral insight on the part of moral agents. By contrast, the optimal conditions highlighted here are attainable even if they are frequently unattained. If any moral precepts are among the correct principles of morality, they are discernible by human beings under conditions that are not themselves forever beyond reach. Those conditions might not be in place at any given juncture in any given society, but their realization is not wholly fanciful. (Chapter 7's account of impartiality will delineate the relevant conditions, which tend to maximize the acuity of people's moral faculties.)

Why, then, must the correct principles of morality be discernible – though perhaps not discerned – by human beings under optimal conditions? Why is Thomas Nagel right when he denies that "the truth about how we should live could extend radically beyond any capacity we might have to discover it (apart from its dependence on nonevaluative facts we might be unable to discover)" (Nagel 1986, 139)? The answer, a moral answer, to each of these questions is that any radically recognition-transcendent moral standard would lack bindingness and would therefore not be a veritable moral standard. Considerations of elementary fairness and respect for moral agency would militate against such bindingness. In this respect, the correct principles of morality differ from the physical laws of nature and the truths of mathematics. There might conceivably be physical laws of nature and mathematical truths that forever exceed the grasp of human beings even under optimal epistemic conditions, yet those unknowable laws govern our physical existence, and those unknowable truths constrain our mathematical reasoning (in that we cannot correctly believe anything that is inconsistent with them). By contrast, a starkly recognition-transcendent moral mandate would be grossly unfair and would thus be devoid of normative force – which in turn means, of course, that it would not be among the correct principles of morality.

To be sure, as this chapter's Appendix will remark, the sway of the "ought"-implies-"can" precept is far from unlimited. If certain individuals are

morally too obtuse to apprehend basic moral principles, or if a whole society is morally so backward that the members of the society are incapable of recognizing many moral truths, then there is no unfairness in deeming them to be morally derelict. Arrantly unfair, however, would be a world in which people are morally required to abide by some standard that hovers esoterically beyond the comprehension of everyone with admirably refined moral sensibilities. If any moral standards were not only unknown but also altogether ungraspable by any human being, then their demands or authorizations would not have any normative purchase on human life. Not only would such standards fail to guide people; in addition, they would fail to obligate anyone and would fail to authorize any exercises of ostensible moral powers. Should human beings generally (rather than merely some benighted people) stand no chance at all of learning of certain moral requirements or prescriptions, the value of moral agency would be flouted if anyone were genuinely subject to those inaccessible requirements or prescriptions. Whereas the contents of the correct principles of morality never depend on being recognized, they do depend on being recognizable (at least under optimal conditions). Without recognizability, they would possess no rightful claims on people's moral striving, and they would consequently not be the contents of the correct principles of morality.

Of course, nothing in this discussion presumes that competent moral agents under optimal conditions would all or nearly all converge in their answers to the most difficult moral problems. Moral principles and their implications must be ascertainable by such agents in such conditions, but they need not be ascertained by anyone – much less by everyone or virtually everyone. Optimal conditions are not perfect conditions in which everyone is apprised of every relevant fact (including every relevant implication of each correct principle of morality). Confronted with extremely complex moral quandaries, insightful moral agents in optimal circumstances for deliberation will almost certainly disagree with one another to some extent. All the same, it is highly likely that some of the participants in such a disagreement will have arrived at correct judgments on the matter(s) under dispute. The very fact that they have arrived at those judgments – through careful reflection and argumentation – is sufficient to establish that the implications of the correct principles of morality have been graspable in the circumstances. Because optimal conditions for moral deliberation are not perfect conditions, and because exceedingly complicated moral cruxes typically involve competing considerations that approximately balance each other, the graspability of the correct principles of morality will hardly

ever engender anything close to unanimity on the appropriate resolutions of those cruxes.[16] An insistence on the discernibility of moral requirements (under optimal circumstances) is fully compatible with an insistence on the abiding likelihood of incongruities between what those requirements are and what those requirements are perceived to be.

Note, furthermore, that nothing in this discussion suggests that the implications of the correct principles of morality are perfectly determinate. Chapter 3's exposition of objectivity qua determinate correctness will maintain that, although there are determinately correct answers to most moral questions, there are no such answers to a small proportion of those questions. While we should always remain attentive to the difference between indeterminacy and indemonstrability – that is, the difference between (i) questions to which there are no determinately correct answers, and (ii) questions to which the determinately correct answers cannot be demonstrated in ways that will win the assent of virtually every person who competently ponders them – some moral matters are genuinely indeterminate, for any of several reasons that will be explored later. Concerning any matter that is genuinely indeterminate, obviously, a determinately correct verdict is not discernible by anyone (whether under optimal conditions or otherwise).

2.3.2. The failings of response-centered theories of morality

Let us now return to the response-centered accounts of moral properties. Recall that, according to those accounts, moral properties consist in the

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[16]   Chapter 3 sustainedly expands on my terse remarks here about the intractability of some moral disagreements. Already, however, these remarks sketch one key component of my rejoinders to anti-realist philosophers – such as David Wong (Wong 1984, 117–19, 150–53, *et passim*) – who complain that moral realists do not adequately account for the aforementioned intractability. Given the multiple competing considerations at issue in any knotty moral crux, the persistence of divergences among people's ways of resolving that crux is no more mysterious than the persistence of divergences among theorists' positions on complicated philosophical issues. Having written at length in support of moral relativism and against moral realism, Wong presumably believes that there is a fact of the matter concerning the correct resolution of the abiding disputes between relativists and realists. Yet those latter disputes, which this book in any event takes to be principally moral, are no less durable than disputes over (say) the moral legitimacy of affirmative-action programs.

tendencies of things to evoke moral responses from observers under ideal circumstances. As has been stated, the fatal shortcomings of such accounts are legion. In the present subsection, we shall consider only a couple of those shortcomings.

First is a point that has already been signaled through my expression of misgivings about the phrase "ideal conditions." Unless the conditions denoted by that phrase are perfect in every respect, they will not serve as a guarantee against the commission of errors. In particular, those conditions will not serve as such a guarantee unless they include the comprehensive informedness of the agents whose moral responses determine whether courses of conduct are possessed of moral properties such as rightness and wrongness. If the agents are not thoroughly familiar with all relevant non-ethical facts and with the bearings of all applicable moral principles, their faculties of moral judgment will not have been secured against mistakes. Even if their faculties are operating impeccably in moving from premises to conclusions, the premises may be faulty if the possessors of those faculties are not apprised of absolutely everything that bears on the judgments which they are to reach. Chief among the things bearing on those judgments, of course, are the germane moral principles and their implications. Because moral agents will be prone to missteps if their apprehension of applicable moral principles is in any way imperfect, their reactions to situations cannot be determinative of the moral properties of those situations unless the agents divine the aforementioned principles flawlessly. Only then will their reactions be suitably reliable. Yet, if the ideal conditions specified by response-centered accounts of morality must include perfect moral acuity, then the whole apparatus of agents' responses is redundant.[17] That apparatus does not genuinely do any work and does not genuinely fix the bearings of moral properties, since all the work has already been done by moral principles and their implications – which is precisely why moral agents will be prone to errors unless they are perfectly acquainted with those principles and implications (and unless they are unfailingly motivated to form judgments in accordance with their perfect knowledge). In other words, if we jettison the device of the moral agents who respond to situations or actions under ideal conditions, and if we focus simply on the moral principles which the agents under ideal conditions

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[17]   For some broadly similar lines of criticism, see Railton 1996, 69–70; Dancy 1998, 240–41; Rosati 2004, 317–22.

would know perfectly, we will have lost nothing in our efforts to pin down the moral properties of situations or actions. The device of the moral agents is completely superfluous. What are crucial for the fixing of the moral qualities of things are the contents of the moral principles which the idealized agents know; in connection with the fixing of those qualities, nothing is added by the agents' knowledge of the principles.

In sum, even if we put aside worries about the very coherence of the idea of perfectly informed agents (Rosati 1995), we find that response-centered theories of morality muster a wholly dispensable layer of explanation in their accounts of the existence and nature of moral properties. At most, the idealized agents' moral reactions to things would be flawlessly *indicative* of the things' moral properties (Shafer-Landau 2003, 17). In no way would those reactions be *constitutive* of those properties, for the properties are already fully determined by the correct principles of morality (a perfect knowledge of which on the part of the idealized agents is what enables their responses to be flawlessly indicative of the moral characteristics of things). Yet, given that the idealized agents' moral responses would never be more than *indicative* of the moral features of things, we can and should leave aside the responses altogether when we account for those features. By adverting to the correct principles of morality directly without any mention of the device of idealized agents, we are drawing on exactly what we need in order to gauge everything's moral status. We plainly do not need to advert to the idealized agents for that purpose, since their status as properly idealized agents consists precisely in their unswerving adherence to the correct principles of morality – an unswerving adherence that derives indispensably from their perfect information and their perfect motivation. That to which they conform unremittingly, rather than the unremitting conformity itself, is the source of all moral classifications.

Another major vice of the response-centered theories of morality is their entailment of countless repugnant moral conclusions. Although most of those conclusions are counterfactual, they ascribe moral properties in ways that run athwart any minimally credible account of moral prescriptions. To see as much, we should note that the proponents of response-centered theories cannot rest content with claiming that the responses of idealized moral agents are *indicative* (even unfailingly indicative) of the moral properties of things. If such theories are to stand any chance of avoiding the problem recounted in my last couple of paragraphs, they will have to maintain that the idealized agents' reactions are *constitutive* of the moral

properties of things.[18] We shall be told that no standards external to those reactions can serve as a benchmark by reference to which the agents' judgments can be deemed erroneous. Their idealized reactions are themselves the benchmark of morality; the agents are infallible not because they flawlessly track the requirements and authorizations laid down by moral principles, but because their responses to things are themselves the ultimate measures of all moral precepts. So the proponents of response-centered theories have to argue, as they in effect contend that the observational mind-independence of everything's moral properties is only weak rather than strong.

Among the principal difficulties besetting such a line of argument is that it commits its proponents to any number of rebarbative moral conclusions. Those proponents are obliged to accept that the torturing of babies for pleasure would have been morally permissible if the responses of the idealized agents had been very different from what they are presumed to be. After all, the idealized agents are ordinary human beings who are stripped of their rational and perceptual and motivational failings.[19] Let us assume that ordinary human beings react unfavorably to the torturing of babies for pleasure and to the commission of genocide. In that event, the idealized agents likewise will react negatively to such atrocities. However, if ordinary human beings had been less benignly disposed, the idealized agents too would have been more malign. If there are no moral standards external to the idealized responses, then the agents would not have been committing any errors by impartially responding to things in horrible ways. They could

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[18]   In explication of his own version of the response-centered theory, David Wiggins writes that some thing "*x* is only really φ if it is such as to evoke and make appropriate the response A among those who are sensitive to φ-ness. That is a far cry from agreement about the φ-ness of *x* simply constituting the actual φ-ness of *x*" (Wiggins 1998, 205). I readily accept that, in Wiggins's account of property/response associations, neither individually nor collectively do the responses of moral agents "*simply* constitut[e]" the moral properties of things. His property/response associations do not involve any prioritization of the responses over the properties. In the sense that is relevant here, nonetheless, the responses of moral agents in Wiggins's account do collectively constitute the moral properties with which they are intertwined; that is, for the existence of moral properties as such, there are no standards beyond the agents' collective responses. (This point is of course compatible with Wiggins's repeated observation that the standards immanent in the agents' responses can include bases for contesting the regnant patterns of those responses.)

[19]   As will become apparent in Chapter 9, I am using "rational" narrowly here. Somebody exhibits a rational failing only if he lands himself in a logical contradiction or inconsistency.

not have been committing any errors of moral substance (since their responses are definitive of moral correctness), and they would not have been guilty of any rational or perceptual or motivational errors. Suppose for example that ordinary human beings had countenanced the torturing of babies for pleasure in certain circumstances or the perpetration of genocide in certain circumstances. In that event, the idealized moral agents – who share ordinary human beings' moral inclinations, albeit none of their rational or perceptual or motivational weaknesses – would have reacted favorably to some instances of torturing babies for pleasure and to some instances of genocidal slaughter. Since the response-centered theories take the agents' reactions as dispositive of the existence and nature of moral properties, the advocates of those theories are obliged to accept that the torture of babies for pleasure and the perpetration of genocidal slaughter would have been morally permissible in some circumstances in the envisaged counterfactual world (in light of the posited impulses of the agents).

This counterfactual entailment of the response-centered theories is morally pernicious. Those theories entail the conclusion that, had human beings been less benign than they are (or than they are assumed here to be), various atrocities would have been morally permissible and even perhaps morally obligatory. They would not have been atrocities. Such a position is iniquitous, for it implies that the turpitude of vile misdeeds has been contingent on the prevailing inclinations of human beings. Although the response-centered accounts locate moral properties in the features of things that trigger those prevailing inclinations, such features are possessed of inclination-triggering efficacy only because the inclinations themselves are as they are. Had people's moral dispositions been markedly different in the ways broached here, the qualities of things that activate those dispositions would likewise have been markedly different. Some qualities that are in fact wicked would have been admirable, and vice versa. No tenable theory of morality can condone such a conclusion. Had the ordinary moral sentiments of human beings differed strikingly from what they are (or, at least, from what they are here assumed to be), and had those sentiments approved of some acts of torturing babies for pleasure and some campaigns of genocide, human beings would have been even more often in violation of the correct principles of morality than they actually are. Basic moral standards would not have been different at all; what would have been different is the frequency of the transgressions of those standards.

Response-centered theorists would most likely retort by invoking the analogy which they generally draw between colors and moral properties. Just

as yellow things would remain yellow even if all or most human beings were somehow to lose the perceptual capacity to experience yellowness, so too any wicked modes of conduct would remain wicked even if all or most human beings were somehow to lose the moral capacity to grasp that those modes of conduct are evil. Hence, the response-centered theorists would likely insist, their account of moral properties does not imply that those properties are precariously dependent on the durability of people's ordinary dispositions.

Were such a riposte to be offered, it would founder because of its failure to distinguish between retrospective counterfactuals and prospective subjunctives. Though the distinction between the two can safely be ignored in many contexts, it is of vital importance here. My complaint in the penultimate and antepenultimate paragraphs above is not about what would be the case in the future if some specified development were to occur then. Rather, my complaint is about what would have been the case now if some specified development had occurred earlier.[20] The retort posited in the last paragraph above is about what would be the nature of certain moral properties in the future if the ordinary moral sentiments of human beings were to coarsen between now and then. On that point, the posited retort is undoubtedly correct. Just as yellow things would retain their yellowness in the future even if all or most human beings were somehow to lose the ability to perceive yellowness between now and then (Zangwill 2000, 606–07), the turpitude of odious misdeeds would abide in the future even if all or most human beings were somehow to become unable to fathom the wrongness of those misdeeds. However, although such a rejoinder is correct, it is irrelevant. It is an *ignoratio elenchi*. Response-centered theorists will fall back upon such a rejoinder because they are able to advert to the ordinary moral sentiments of contemporary human beings (whose reactions to things, when idealized, are determinative of the things' moral properties). Those prevailing sentiments provide the theorists with a rigidified baseline against which the moral properties of actions or situations in the future can be gauged. My complaint does not leave the response-centered theorists with any such baseline. My complaint concerns what the moral properties of things would have been at present if the ordinary moral

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[20] I am not sure whether this distinction is being heeded or missed by David Wiggins when he charts the following implication of any Humean moral theory: "If human nature had been different, then what we actually mean by morality – that is morality – might at many points be not fully intelligible to anyone" (Wiggins 1995, 308).

sentiments of human beings had hitherto – as well as henceforth – been less benign than they are (or than they are presumed here to be). Contemporary moral sentiments do not amount to a fulcrum for a rejoinder to that complaint, because contemporary moral sentiments are precisely what would have been different in the retrospective counterfactual scenario. Those sentiments cannot be rigidified and taken for granted in a response-centered theorist's effort to come to grips with such a scenario, even though they could rightly be rigidified and taken for granted in connection with a prospective subjunctive scenario. Accordingly, the response-centered theorists are committed to some odious counterfactual propositions. They are obliged to accept that, had the ordinary moral inclinations of human beings been favorably disposed toward some acts of torturing babies for pleasure and some acts of genocide, the countenanced actions would have been morally permissible at present.

Despite what has just been said, a response-centered theorist might insist on taking contemporary people's moral inclinations as a rigidified point of reference. Ronald Dworkin notes this possibility in his laconic critique of response-centered theories: "The dispositional account . . . might hold, for example, that what makes genocide wrong is the reaction, not of whichever kind of people happen to exist from time to time, but of us, that is, of people with the physiological structure, basic interests, and general mental dispositions that people actually have now" (Dworkin 1996, 102). When elaborated in this rigidifying way, the response-centered accounts of morality would appear to avoid the odious counterfactuals that have just been discussed. Such accounts enable the conclusion that, regardless of whether the ordinary moral propensities of human beings had been more vicious than they are, the idealized moral judgments that would have been correct are those impelled by the moral propensities of the human beings who occupy the actual present-day world. However, the price of avoiding the odious counterfactuals in this manner is the abandonment of the heart of the response-centered approach. A chief aim of that approach is to root moral properties in the reactions of idealized human beings. Although the human beings and their reactions are indeed idealized to eliminate rational and perceptual and motivational lapses, the reactions are supposed to be specified by reference to the moral impulses harbored by normal human agents. Those reactions are not supposed to be specified by reference to moral principles that transcend the normal moral impulses. Yet the pursuit of such an aim does not leave any room for circumventing the odious counterfactuals. Given that a response-centered

theory focused on the actual world takes the normal impulses of actual people (suitably idealized) as its rigidified point of reference, a response-centered theory focused on a retrospectively counterfactual world of less benign people should take as its point of reference the normal impulses of those counterfactual people (suitably idealized).

Perhaps response-centered theorists will refuse to embrace this corollary of their approach, and perhaps they will insist that the normal moral inclinations of people in the actual world (suitably idealized) are dispositive of the extensions of moral predicates in application to all retrospectively counterfactual worlds as well as in application to the actual world. If they do adopt such a position, however, they will be forsaking their hopes of eschewing all appeals to transcendent moral principles. The only credible ground for insisting that response-centered theories in application to retrospectively counterfactual worlds have to take the moral sentiments of people in the actual world as their rigidified benchmark is that those sentiments are morally correct on matters on which the moral sentiments of people in some of the retrospectively counterfactual worlds are noxious.[21]

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[21]   The response-centered theorists cannot justify the rigidification of actuality by analogizing moral necessity to metaphysical necessity. That is, they cannot maintain that the fixing of the moral qualities of situations by the responses of idealized agents in the actual world is relevantly parallel to the fixing of the nature of water by its microstructural composition in the actual world. The decisive disanalogy between morality and natural kinds such as water is somewhat oracularly suggested by Dworkin when he remarks *en passant* that "liberty [or any other moral value] has no DNA" (Dworkin 2006, 166). On the one hand, any natural kind's essence consists in its microstructural composition that underlies its macrostructural properties. We can thus distinguish between the essence of water and the ordinarily observable properties or roles of water, and we can posit retrospectively counterfactual worlds in which those very properties or roles are underlain by some alternative essence. We can therefore quite appropriately take the essence of water in the actual world as a rigidified baseline by reference to which we can deny that the exact semblance of water in any of those counterfactual worlds is genuinely water. On the other hand, there is no room for response-centered theorists to distinguish between the essence of any moral quality and its macrostructural character. According to those theorists, moral qualities are the tendencies of certain features of situations to elicit specified moral reactions from idealized agents. According to those theorists, such tendencies are both the essences and the ordinarily observable aspects of moral qualities. Hence, if response-centered theorists are confronted with retrospectively counterfactual worlds in which the idealized agents' reactions are very different from those of idealized agents in the actual world, there is no purchase for a distinction between the unfamiliar essences of the moral qualities and the familiar macrostructural roles or functions thereof. Precisely insofar as the retrospectively counterfactual essences of the moral qualities are different from their actual essences, the retrospectively

In some of those counterfactual worlds, the prevailing moral inclinations favor the torturing of babies for pleasure and the perpetration of acts of genocide in certain circumstances. Exactly because those inclinations in those respects are so hideously misguided, a response-centered theorist will be apt to resist the notion that such inclinations are morally dispositive for any retrospectively counterfactual worlds where they are operative. Most response-centered theorists who focus on any of those retrospectively counterfactual worlds will thus specify the moral properties of certain modes of conduct in those worlds not by reference to the idealized responses of people in those worlds, but by reference to the idealized responses of people in the actual world. *Pro tanto*, the approach of such theorists is not genuinely response-centered. They are taking their guidance from moral values that are external to the idealized moral reactions of the people on whose worlds they are concentrating. In sum, the price of avoiding the odious counterfactual propositions outlined in the last couple of paragraphs above is the renunciation of the central response-dependent thesis – the thesis that the moral properties of things are rooted in the moral dispositions of idealized human beings. In lieu of that thesis is the view that the moral properties of things are rooted in the moral dispositions of idealized human beings insofar as those dispositions are correct. Such a view amounts to a repudiation of the response-centered approach, since it invokes a response-independent standard of correctness.

To see how damaging this point is for the response-centered theories, we should now jettison the unrealistic assumption that the preponderant moral sentiments of human beings (properly idealized) in the actual world are appropriately benign in all respects. I have heretofore presumed *arguendo* that a response-centered theory will generate correct answers to moral questions about the actual world, and that it will lead to egregious errors only in its answers to moral questions about some counterfactual worlds. Such an assumption is far-fetched. Even if the rational and perceptual and

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counterfactual roles or functions of those qualities are different from their actual roles or functions. We here do not find any division between essences and roles that will enable a response-centered theorist to classify the moral qualities in a retrospectively counterfactual world as mere semblances of the moral qualities in the actual world. All that such a theorist can consistently say is that the two contrasting sets of moral qualities – the tendencies of certain features of situations to elicit moral reactions from idealized agents in the actual world, and the tendencies of certain features of situations to elicit moral reactions from idealized agents in some retrospectively counterfactual world – are different.

motivational failings that characterize actual human beings were to be overcome completely, there would undoubtedly remain some aspects of the prevailing moral outlooks that are untenable. For example, it may well be that a large majority of people look upon revenge favorably in circumstances in which the achievement of revenge is morally unjustifiable. That unduly positive attitude toward revenge might well withstand the elimination of people's rational and perceptual and motivational weaknesses. If so, and if response-centered theorists do not wish to be saddled with the conclusion that morally unjustifiable acts of revenge are morally worthy or at least permissible, they will have to resort to moral standards that are independent of the idealized responses of the people who inhabit the actual world. Thus, not only will response-centered theories in application to myriads of retrospectively counterfactual worlds have to eschew the response-centered approach in favor of response-independent standards; those theories in application to the actual world will have to do likewise.

A very closely related problem is that the degree of convergence among people in the domain of color-perception is not paralleled in the domain of morality. To be sure, two caveats should be entered straightaway. First, many of the ethical disagreements among people are products of rational or perceptual or motivational lapses from which the response-centered theorists prescind when they idealize human beings as moral agents. Second, although the degree of convergence among people in their moral judgments is not as high as the degree of convergence among them in their perceptions of colors, one should be wary of underestimating the considerable extent to which people across cultures do agree in their judgments on many moral issues. Still, despite these two caveats, the disanalogies between the domain of morality and the domain of color-perception remain salient (Kagan 2001, 57). Not only are color-blind people a small proportion of human beings overall, but in addition they can generally recognize that they lack a perceptual capacity that enables those endowed with it to experience aspects of the world which a color-blind person cannot discern. By contrast, divergences among people on controversial issues of morality often involve much larger swaths of humanity. Moreover, when some of the participants in a moral debate are greatly outnumbered by the participants on the other side of the debate, they do not typically infer that they are lacking in some capacity for moral insight. On the contrary, they are more likely to draw such an inference about their opponents. Hence, although we should be careful not to overestimate the scale and intractability of moral disagreements (especially when we are prescinding from people's rational

and perceptual and motivational shortcomings), we should likewise not overlook the shakiness of the analogy between color-perception and moral judgment. If there are significant disagreements across societies or within societies in regard to some moral problem, and if those disagreements would persist despite the overcoming of all rational and perceptual and motivational lapses, the response-centered theorists have to conclude that no moral properties can correctly be ascribed to the actions or situations that are under consideration (Vallentyne 1996, 102–03).

Suppose for example that the act-type of undertaking an abortion during the first three months of a pregnancy is something whose moral status is subject to insurmountable controversy. Suppose further that the opposing camps in the controversy are of approximately equal size, and that the division between them would abide regardless of the elimination of all rational and perceptual and motivational errors. Faced with this situation (which is by no means crazily fanciful), the response-centered theorists would have to conclude that – in the absence of special circumstances – the performance of an abortion during the first three months of a pregnancy is neither morally permissible nor morally impermissible. Having taken people's idealized reactions as dispositive of the extensions of moral predicates, those theorists would find that they cannot correctly attribute either moral permissibility or moral impermissibility to the act-type that they are assessing. What is more, their inability to attribute either of those moral properties correctly to that act-type is not due to uncertainty. Were the response-centered theorists uncertain about the idealized reactions of people to first-trimester abortions, they would have to withhold judgment on the matter altogether. They would not be in a position to deny that such abortions are morally permissible, and would likewise not be in a position to deny that such abortions are morally impermissible. In a situation of sharply divided reactions among idealized moral agents, however, the problem for response-centered theorists is not uncertainty. We can assume that there are ample grounds for those theorists to be robustly confident about the dividedness of the moral reactions. Instead, the problem lies in the clashes among those reactions themselves. Because the judgments of the idealized moral agents do not cumulatively furnish any basis for the ascription of either permissibility or impermissibility to first-trimester abortions, the response-centered theorists are obliged to deny that an ascription of either of those moral properties to such abortions is correct. In a situation of this sort, their theory commits them to a moral verdict that is at odds with the verdict of every individual among the

idealized human beings whose moral responses are deemed to be disposi-tive. In any such situation, then, the response-centered accounts of moral properties differ sharply and damagingly from response-centered accounts of properties such as redness.

2.3.3. Contractarian approaches

We should briefly examine another set of approaches to the fixing of moral properties and the grounding of moral principles: the diverse con-tractarian approaches that have become prominent during the past few decades. Although the modern revival of the great contractarian tradition in political philosophy is of course due above all to the work of John Rawls, the contractarian approach has more recently been extended to morality generally (Scanlon 1982; Gauthier 1986; Hardin 1988; Vallentyne 1991; Scanlon 1998; Scanlon 2000; Wallace 2002; Freeman 2006). Variously informed by ideas from rational-choice theory and Kantianism – two tra-ditions which, though conspicuously divergent in a number of respects, converge in seeking to derive moral precepts from the constraints of practical rationality – the resultant theories have been impressively sophist-icated and wide-ranging. Nothing close to a full-scale investigation of them is possible or necessary here. Instead, we shall consider only one point. Can contractarian theories succeed where response-centered theories have failed? That is, can the contractarian accounts show that the contents of the correct principles of morality are determined by the readiness of ideal agents to assent to certain propositions and arrangements, and can those accounts thereby demonstrate that such principles are not strongly mind-independent observationally?

As should be evident, the answer to each of these questions is negative. Most of the difficulties encountered by response-centered theories are likewise insurmountable for contractarian approaches. Before we ponder those difficulties afresh, we should take note of an important caveat. My rejoinder here is directed against contractarian accounts of morality only insofar as those accounts purport to show that the correct principles of morality are fixed by the ideal deliberations and exchanges that would be undertaken by thoroughly rational agents. Nothing said here will impugn the fruitfulness of contractarian theories of morality in other respects. For example, if the contractarian model is dissociated from the claim that the consenting responses of ideally rational agents would be *determinative* of

the contents of moral principles and the extensions of moral predicates, that model might still be a valuable device for *identifying* those contents and extensions. Perhaps it sets forth a method of moral reasoning that will stand moral philosophers and other people in good stead.[22] My terse discussion here will not in any way gainsay the possibility of such methodological fruitfulness. Instead, what will be challenged is the notion that the consent of ideal contractarian agents would antecede and determine the moral order of the world.

The chief stumbling stone for the contractarian philosophers is essentially the same as the principal problem that trips up the response-centered theorists. Unless the parties to ideal contractarian deliberations are perfectly informed of all moral principles and all the implications of those principles, their deliberations will be prone to generate incorrect conclusions. It is not enough that the ideal parties are perfectly rational and perfectly motivated and perfectly informed of all relevant empirical facts. Parties impeccable in all those ways might still adhere to incorrect moral values. As John Tasioulas rightly declares, "we can readily conceive of the possibility of deeply flawed moral standards that are not bound up with any kind of factual or non-ethical error" (Tasioulas 1998, 194). Through moral ignorance, contractarian parties who are perfect in rationality and motivation and empirical discernment might nonetheless embrace some improper moral precepts or decline to embrace some appropriate moral precepts. If their consenting responses are to be infallible touchstones of rightness and wrongness and other moral properties, the parties will have to be exhaustively familiar with the contents and implications of all the correct principles of morality. Yet, given that the contractarian model is not guaranteed to yield correct results unless the parties are indeed fully apprised of the aforementioned contents and implications, the whole model is superfluous. What guarantees the appropriateness of the outcomes of the deliberations is that the parties will be adhering unswervingly to the correct principles of morality when reaching their conclusions. In other words, the complete justificatory basis for any apt ascriptions of moral properties is provided by those principles; the device of the parties is entirely dispensable. Any conclusions rightly reachable by contractarian theorists through that device are so reachable only because they follow from the correct principles of morality.

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[22] For a similar point about rigidified response-centered theories, see Vallentyne 1996, 109–10.

A slightly different way of putting this point is that the deliberations of ideal contractarian parties will lack any justificatory force unless the idealized conditions of the deliberations and the idealized traits of the parties are endowed with justificatory force. However, on pain of vicious circularity, the endowment of those conditions and traits with justificatory force cannot itself be established through the deliberations of contractarian parties. It cannot itself be one of the authoritative outcomes which it has to antecede. Instead of *ensuing* from the negotiations of idealized parties, then, the correct principles of morality are *prior* to any such negotiations as the provenance of any justificatory force that the negotiations possess.

In short, contrary to what some proponents of contractarian theories have presumed, the correct principles of morality are strongly mind-independent observationally. Far from being derivative of the consenting responses of ideal agents under ideal conditions, those principles determine what the relevant idealization of the agents and the relevant idealization of the conditions are. Only inasmuch as those idealizations ensure that the contractarian parties will abide unfailingly by the correct principles of morality, does the contractarian setting generate authoritative results. Precisely because the contractarian model is utterly reliant on those principles for its authoritativeness, it is redundant as a wellspring of moral classifications. The principles themselves are the sole necessary and sufficient wellspring.

APPENDIX TO CHAPTER 2

My discussions of the existential mind-dependence and strong observational mind-*in*dependence of moral relationships are relegated here to an Appendix not because the topics are unimportant, but because the first of them lies slightly outside the principal threads of argument in this book. Although this Appendix's short closing account of the strong observational mind-independence of moral relationships is fully in keeping with my general exposition of moral objectivity as a fundamentally moral phenomenon, the Appendix's considerably longer opening account of the existential mind-dependence of moral relationships is quite different. It highlights the subjectivity, rather than the objectivity, of those relationships. Although it is perfectly consistent with the other portions of this book, its emphases diverge from those in most of the other portions. Consequently, if my discussion of the existential mind-dependence of moral relationships were presented in the main body of this chapter, it would somewhat

interrupt the overall flow of my defense of moral realism. Accordingly, since my two sections on moral relationships are best located together, I have opted to place both of them in this addendum to the main body of the chapter.

Still, although these discussions do not appear in the main body of the chapter, they plainly belong in this book. Quite often when moral properties are deemed by philosophers or ordinary people to be subjective, what is meant is that such properties are instantiated only if moral agents are present. In other words, what is meant is that moral relationships exist only if moral agents exist. Insofar as claims about the subjectivity of morality are to be cashed out along these lines, no sensible moral realist will contest them. Moral relationships are indeed always existentially mind-dependent, either strongly or weakly. An exploration of their existential mind-dependence here will help to underscore the innocuousness of an acknowledgment of that mind-dependence within a defense of the objectivity of morality. Indeed, as will become apparent below, such an acknowledgment is not only innocuous but also essential – for no adequate understanding of the elementary function of morality is possible without it.

The Existential Mind-Dependence of Moral Relations

Whereas the existential mind-independence of all basic moral principles is strong, the existential mind-independence of any moral relations is at most weak and is often absent altogether. Many moral relations are strongly mind-dependent existentially, in that the continued existence of each of them is dependent on the operativeness of the mind of some particular individual. Other moral relations are only weakly mind-dependent existentially, in that the continuation of each of them depends on the operativeness of the minds of most people who belong to some collectivity but not on the operativeness of the mind of any particular individual.

Among the principal positions within moral relationships are rights, duties, liberties, powers, immunities, and liabilities. Any of those positions can be occupied by collectivities as well as by lone individuals. Accordingly, the existential mind-dependence of some moral relationships will be weak rather than strong. When every position within a moral relationship is occupied by a collectivity, the continued existence of the relationship does not typically depend on the operativeness of the mind of any particular individual. Instead, it typically depends on the operativeness of the minds of

most people in each of the collectivities involved. Suppose, for example, that the government of Italy is morally (as well as legally) obligated to pay the Boeing Corporation in return for aeronautical equipment that has been delivered. Neither the continued existence of the moral duty owed by Italy nor the continued existence of the moral right held by the Boeing Corporation is dependent on the operativeness of any particular individual's mind. Consequently, the existential mind-dependence of the right/duty relationship between those two collectivities is weak rather than strong.

By contrast, when every position within a moral relationship is occupied by a lone individual, the existential mind-dependence of the relationship is always strong. The continued existence of such a relationship will frequently depend on the operativeness of the mind of each individual involved, and it will always depend on the operativeness of the mind of at least one of the individuals involved. Let us first consider a moral relationship (between individuals) of which the continued existence is dependent on the operativeness of the mind of each party to the relationship. Suppose that Joe has promised to tell Edward a story at bedtime. Joe is morally obligated to tell the story, and Edward has a moral right to Joe's telling it. If either the mind of Joe or the mind of Edward permanently ceases to function between the time of the promise and bedtime, the moral right/duty relationship between them will have dissolved. Existentially, that relationship is strongly dependent on the mind of each of them.

Let us now consider a moral relationship (between individuals) of which the continued existence is dependent on the operativeness of the mind of only one party to the relationship. Suppose that Herman earnestly promises Susan that he will endeavor to learn to play the piano, in accordance with her long-held wishes for him. He is under a moral duty to keep his promise, and she has a moral right to his fulfillment of it. Not long after the promise, Susan undergoes major cerebral hemorrhaging and becomes fully and irreversibly comatose. Her mental functioning has permanently ceased. Nonetheless, Herman is still under a moral obligation to keep his promise by endeavoring to learn to play the piano. Moreover, under the Interest Theory of rights – for which I have argued at length elsewhere (Kramer 1998, 60–101; Kramer 2001; Kramer and Steiner 2007) – Susan, though irretrievably and utterly comatose, still has a moral right to his fulfillment of his undertaking. Hence, the right/duty relationship between Susan and Herman has survived the permanent cessation of her mental functioning. That moral relationship has been strongly mind-dependent existentially, but only because its persistence has hinged on the continued

existence of Herman's mind. It has not hinged on the continued existence of Susan's mental faculties.

Moral relationships involving both collectivities and individuals as parties can be either weakly or strongly mind-dependent existentially. For a moral relationship marked by weak existential mind-dependence, let us contemplate a situation similar to that of Herman and Susan. Suppose that some authorized officials on behalf of a government have promised Andrew that the government's environmental agency will clean up a polluted lake as Andrew has long desired. In the wake of the promise, the government is under a moral duty to strive to decontaminate the lake, and Andrew has a moral right to the government's following through on its undertaking. (We need not inquire whether a legal duty and a legal right are also present.) Now suppose that Andrew becomes irreversibly and thoroughly comatose in much the same way as Susan. Even so, the government remains morally duty-bound to keep its promise by endeavoring to purify the lake, and Andrew continues to have a moral right to the fulfillment of that promise. Accordingly, the existential mind-dependence of the right/duty relationship between Andrew and the government is weak rather than strong. There is no strong existential mind-dependence, since the continued existence of that relationship has not hinged on the persistent presence of Andrew's mind or of any other particular individual's mind. It has, however, hinged on the continued existence and functionality of the system of government; consequently, the right/duty relationship between Andrew and the government is characterized by weak existential mind-dependence, because a system of government cannot abide unless the minds of a large proportion of the people who run it are still operative.

Some other moral relationships between individuals and collectivities are strongly mind-dependent existentially, for the continuation of each of those relationships does hinge on the persistent presence of the mind of a particular individual. Consider an undertaking by Samuel to carry out the responsibilities of some office in a Cambridge University college. As a result of the oath and his subsequent assumption of the responsibilities and prerogatives of the office, Samuel is morally duty-bound to fulfill those responsibilities. The Cambridge college has a moral right to his abiding by his oath of office. However, if he were to go the way of Susan and Andrew by suffering a permanent and blanket loss of his mental faculties, his duty/right relationship with the Cambridge college would cease to obtain. That relationship cannot continue to exist unless his mind continues to exist. Hence, although one of the parties to that right/duty

relationship is a collectivity, the existential mind-dependence of the right and the duty is strong.

Moral relations' existential mind-dependence: duties and liberties

Why are moral relationships existentially mind-dependent at all? Every basic moral principle and most derivative moral principles are strongly mind-*in*dependent existentially. Why, by contrast, are all moral relationships either weakly or strongly mind-dependent existentially? Naturally, the answer to this question is a matter of substantive morality. Were any moral relationship strongly mind-independent existentially, it could continue to exist even if every creature with a mind were to become wholly and perpetually devoid of the capacity to function mentally. No such relationship would be morally tenable. This point is especially obvious in connection with moral right/duty relationships, since no veritable moral duty could be incumbent on an entity that lacks any capacity to function mentally. Although a moral right held by somebody can survive the permanent cessation of the person's mental operations and even the person's death, a moral duty borne by somebody is not similarly resilient. For example, if Ellen dies or becomes completely and irretrievably vacant mentally, any moral duties that were theretofore incumbent on her will have come to an abrupt end. To be sure, some of those duties might transfer to some other person(s). For instance, if Ellen owed a moral duty to pay some money to Jack for his gardening services, her death or complete mental incapacitation would normally result in the transfer of that moral duty to a suitable surrogate such as her next of kin or the executor of her estate. Nevertheless, the new right/duty relationship between Jack and the next of kin or the executor has emerged precisely because the right/duty relationship between Jack and Ellen has dissolved. That latter relationship has vanished because no moral duty continues to lie on a person whose mind or life has been altogether lost. Although people are sometimes under moral obligations which they are incapable of discharging – and although the "ought"-implies-"can" principle is therefore not always true in morality any more than in law (Kramer 2004, 249–94; Kramer 2005) – nobody is ever under any moral obligations after dying or after becoming thoroughly and irreversibly comatose. Notwithstanding that the "ought"-implies-"can" principle is far from unlimited in its reach, no entities wholly incapable of acting and choosing are bearers of moral duties. Morality would be farcical if it imposed obligations on such entities.

Consequently, because every moral duty is at least weakly mind-dependent existentially, every moral right/duty relationship is at least weakly mind-dependent existentially. We can know as much without having to address here questions about how broadly we should range in classifying various beings as holders of moral rights. I have argued elsewhere that some moral (and legal) rights are held by dead people and animals and future generations, and a few other philosophers have argued that moral rights are held by some insensient natural entities such as trees and rivers (Kramer 2001, 29–57). Although I believe that the claims about trees and rivers as right-holders are untenable, there is no need here for any rejection of those claims. Even if some insentient beings were indeed holders of moral rights, no such beings would ever bear moral obligations. Hence, no matter how broad the category of holders of moral rights may be, every right/duty relationship is at least weakly mind-dependent existentially.

Moral relationships of other types are likewise always at least weakly mind-dependent existentially. Consider, for instance, liberty/no-right relationships. A moral liberty to φ consists in the absence of any moral duty not to φ, while a moral no-right concerning some other person's φ-ing consists in the absence of any moral right to the other person's not φ-ing. (Here the variable "φ" covers any instance of conduct, be it an act or an omission.) Now, given that a moral liberty to φ consists in the absence of a moral duty not to φ, one might be inclined to infer that moral liberties are ascribable to inanimate entities as well as to human beings. After all, such entities never bear any moral duties; hence, they may appear to be endowed with comprehensively applicable moral liberties. In fact, however, any inference along these lines would be badly mistaken. Although every moral liberty to refrain from φ-ing is the absence of a moral duty to φ, not every absence of a moral duty to φ is a moral liberty to refrain from φ-ing. No moral duty is ever correctly predicable of any inanimate or insentient entity, but the absence of every such duty from any such entity is a sheer absence rather than a liberty. Only a being who bears moral duties can hold moral liberties, for only in connection with such a being is there any concrete moral significance to the absence of any moral duty.

Although the imputation of a moral liberty to any inanimate entity is a category mistake, its status as such is a matter of substantive morality (at a high level of abstraction). Specifically, the exclusion of inanimate things from the category of liberty-holders is a product of the basic functions or purposes of morality. As will be argued in Chapter 10, any attribution of a function or purpose to morality is a substantive moral contention.

Moreover, any interesting attribution of that sort will almost inevitably prove to be controversial. Here, however, my discussion need not put forward anything more venturesome than the thesis that moral principles normatively regulate the conduct of human beings and other moral agents (if there are any). Such a bare ascription of a function or purpose to morality is a substantive moral claim, but, because it is neutral among a large majority of the more elaborate specifications of morality's function or purpose that have been propounded from time to time, it is not something from which many philosophers will dissent. Yet, despite its abstract open-endedness, it is sufficient to indicate why inanimate entities are not among the holders of moral liberties.

To fathom this point, we should begin – with what may appear to be a detour – by noting that nearly every moral duty calls for its bearer to adopt some mode of conduct, and that every moral duty that does not call for its bearer to adopt some mode of conduct has arisen from some prior instance of conduct on his or her part. Moral duties requiring their bearers to behave in certain ways are familiar and multitudinous; every duty discussed so far in this chapter is of that type. For an example of a moral duty that does not call for its bearer to behave in a certain way, consider the upshot of a situation in which Michael earnestly and knowledgeably assures Hazel that some particular day will be splendidly sunny. If Hazel reasonably relies on his assurances, and if she therefore goes ahead with some costly event that will be ruined if the weather is bad, and if the specified day turns out to be stormy, Michael will be morally obligated to apologize or otherwise make amends. His proneness to incur a remedial obligation derives from the fact that – in the aftermath of his assurances – he owes a moral duty focused on the sunniness of the weather. In other words, in the wake of his assurances he owes Hazel a moral duty of which the content pertains not to his conduct but to the occurrence of a certain state of affairs (which will obtain or fail to obtain independently of his conduct). What is crucial here is that a moral duty of this sort is never owed except by dint of some antecedent conduct on the part of the duty-bearer. Had Michael not provided Hazel with any assurances, he would not have owed her any moral obligation concerning the meteorological conditions on the specified day.

Far from being a detour, these remarks on moral duties lead us directly into my point about moral liberties. Central to the origin or the content of any liberty/no-right relationship is the conduct – the act(s) or the omission(s) – in which the liberty-holder has engaged or in which the liberty-holder is permitted to engage. Because morality normatively regulates the

conduct of human beings and other moral agents, and because the content or origin of any moral duty accordingly involves some type or instance of conduct, the content or origin of any moral liberty (as the negation of a moral duty) always likewise involves some type or instance of conduct. It is never the case that both the origin and the content of a liberty are centered solely on the operations of inanimate entities.

If there were moral liberties ascribable to inanimate entities, with both contents and origins centered solely on the operations of those entities, then the correct principles of morality would pro tanto be parallel to physical laws of nature. Such a bizarre state of affairs would sit incongruously with the very purpose of morality. Whereas the physical laws of nature non-normatively regulate the workings of natural forces and the movements (and stationariness) of all material bodies, the correct principles of morality normatively regulate the conduct of human beings. Of course, to say as much is not to say that the only parties to moral relationships are human beings. We have already seen that the category of right-holders is not so confined, and the category of bearers of no-rights similarly extends to some beings other than human beings. Nonetheless, invariably the bearers of moral duties and the holders of moral liberties are human beings (or other moral agents, if there are any). Just as every right/duty relationship in its content or its origin is oriented toward some act or omission on the part of the duty-bearer, every liberty/no-right relationship in its content or its origin is oriented toward some act or omission on the part of the liberty-holder; and, at least in the portions of the universe with which we have any acquaintance, the only beings capable of acts and omissions in any morally relevant sense are human beings.

There is, of course, nothing logically incoherent in the idea that creatures such as animals are under moral duties and are endowed with moral liberties. In bygone ages in some countries, such an idea enjoyed general currency. People who subscribed to it were not committing any logical errors; instead, they were displaying moral obtuseness. Putting animals on trial for harmful behavior, for example, is a fully coherent but morally benighted practice. Even more benighted morally, but also logically coherent, is the notion that insensient entities bear moral obligations and hold moral liberties. No logical mistake would be made if somebody were to maintain that trees are morally at liberty to grow and to spread their roots, or that rivers are morally at liberty to flow and morally duty-bound not to overrun their banks. Such ascriptions of moral liberties and duties would err morally rather than logically. They would exhibit unreasonableness rather

than irrationality. Although a person uttering such ascriptions would be misunderstanding or ignoring the basic function of morality that has been delineated above, a misapprehension of that function is a moral failing.[23]

Plainly, moral relations can pertain to inanimate entities in ways that superficially resemble the bearings of the ersatz moral relations described in the preceding paragraph. For example, a landowner will typically be morally at liberty to have trees growing on his land. He will usually not be under any moral duty to prevent them from growing or to keep them from spreading their roots (though of course he will normally be under a moral duty to prevent the trees from becoming dangerous to people or buildings through the excessive proliferation of the roots or through the existence of precariously overhanging branches). In such circumstances, the liberty held by the landowner pertains integrally to the trees but is indeed held by him rather than by them. The liberty/no-right relationship between the landowner and every neighboring person regulates the growth of the trees derivatively by regulating his conduct directly. Similarly, a governmental agency might be under a moral duty to prevent a local river from overflowing its banks. If so, then the obligation borne by the agency pertains integrally to the movements of the river's waters but is indeed borne by the agency rather than by the river. The duty/right relationship between the agency and the public regulates the movements of the river's waters derivatively by regulating the conduct of the agency and its officials directly. Similar points can be made about any other duty/right or liberty/no-right relationships that pertain integrally to insentient things. In every case, a duty concerning some insentient thing(s) is borne by some human being(s), or a liberty concerning some insentient thing(s) is held by some human being(s).

Note that this discussion can prescind from several matters of detail. For instance, there is no need here to settle whether all live and conscious human beings are holders of moral liberties and bearers of moral obligations, or whether some live and conscious human beings – such as babies and severely demented people – never occupy those moral positions. Though there are strong reasons in favor of attributing moral duties and liberties to such human beings, we need not examine here those reasons or any counter-vailing considerations. Whether or not those reasons should be deemed

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[23] I here disagree with Stephen Schiffer, who declares that "The earthquake wasn't morally wrong" is not a moral proposition (Schiffer 2003, 245–46). Schiffer does not indicate what sort of proposition he takes "The earthquake wasn't morally wrong" to be.

conclusive, the points made in this subsection concerning the existential mind-dependence of moral obligations and liberties will abide. Indeed, this discussion can even prescind from the question whether some of the mentally most advanced non-human animals are bearers of moral duties and holders of moral liberties. Even were the answer to that question affirmative, it would be so because the specified animals possess mental faculties of adequate sophistication. Hence, irrespective of the correct answer to the question about animals, my insistence on the existential mind-dependence of every duty/right relationship and every liberty/no-right relationship will withstand scrutiny. That insistence follows from a correct understanding of morality's fundamental purpose or function.

Moral relations' existential mind-dependence: powers and disabilities

The other principal moral relationships, power/liability relations and immunity/disability relations, are likewise always existentially mind-dependent either strongly or weakly. A moral power is an ability to effect some change in one's own moral relations or in the moral relations of others through one's deliberate or inadvertent adoption of some mode of conduct. A moral liability is a position of susceptibility to the exercise of a moral power by oneself or by somebody else. For example, if Chris promises to take his friend Sophie to the symphony on a certain evening, he has thereby exercised a moral power to place himself under a moral obligation and to vest Sophie with a moral right. His power has been correlated with his own liability-to-be-placed-under-an-obligation, and with her liability-to-be-vested-with-a-right. His power/liability relationship with himself and with Sophie is as much a moral relation as is the duty/right relationship between him and her that ensues from his exercise of his power.

Of key importance for the present discussion is that a moral power is not just any ability to effect a change in some moral relationship(s). Rather, it is an ability to effect a change in some moral relationship(s) through the deliberate or inadvertent adoption of some mode of conduct. That distinctive feature of a moral power is what renders every such power existentially mind-dependent. The set of moral powers is a proper subset of the set of abilities to effect changes in moral relations, for many inanimate entities are able to bring about such changes. Notwithstanding that those entities are obviously incapable of deliberately or inadvertently engaging in modes of conduct, they can operate in ways that alter the moral

relations among human beings. Suppose, for instance, that Alan is stand-
ing not far from Helen when she is suddenly struck by a lightning bolt.
Nobody else is in the vicinity. Until the abrupt blow from the skies, Alan
was not under any moral duty to go to the rescue of Helen (who, of course,
was not thitherto in any need of his succor). In the aftermath of the light-
ning bolt, however, his moral relationship with her has been transformed.
He is now morally obligated to do what he reasonably can to tend to her
well-being. Thus, if all abilities to change moral relations were moral
powers, then the atmospheric formation from which the lightning bolt
emerged would be a power-holder. A similar conclusion would follow with
respect to countless other inanimate entities that are capable of modifying
various moral relationships.

   Let us note that, even if the conclusion just mentioned were correct, we
would still have no reason to doubt that all moral powers are existenti-
ally mind-dependent. After all, every moral power/liability relationship
presupposes the existence of some other moral relationship(s). In any
particular situation, the relationship immediately presupposed might be
another power/liability nexus, but some duty/right or liberty/no-right
relationship(s) would be ultimately presupposed. Higher-order moral
positions such as powers and liabilities cannot exist in the absence of first-
order moral positions such as duties and liberties. If there were not any
first-order moral positions, then there would not exist anything on which
the higher-order moral positions could together operate; there would not
exist anything in relation to which those ostensibly higher-order positions
would together be higher-order. Thus, given that every moral power/
liability relationship must immediately or ultimately presuppose the exist-
ence of some first-order moral relationship(s), and given that every first-
order moral relationship is existentially mind-dependent (as has already
been argued), every moral power/liability relation is itself existentially
mind-dependent either weakly or strongly.

   In sum, even if inanimate or insentient entities were among the holders
of moral powers, all moral power/liability relations would be existenti-
ally mind-dependent. In fact, however, no such entities are among the
holders of such powers. When inanimate things and forces bring about
changes in moral relations, they are impinging on the overall network of
moral relationships from the outside. They are not operating within that
network. Their transformative effects do not stem from any exercises of
moral powers, because those effects have not resulted from the deliberate
or inadvertent adoption of any modes of conduct by the inanimate things

and forces. Accordingly, every moral power is doubly mind-dependent existentially. Its presence immediately or ultimately presupposes the presence of first-order moral relations, which are all existentially mind-dependent; and, in any event, it is a moral position that can never be occupied by anything without mental faculties.

At this point, somebody might complain that there is no good reason for distinguishing between moral powers and mere abilities to alter moral relations. Such a complaint would maintain that all abilities to alter moral relationships are properly classifiable as moral powers. Any such objection would be misguided, for it would ignore the motivation behind my explication of moral powers. That is, it would ignore the fundamental purpose or function of morality. Morality normatively regulates the conduct of human beings and other moral agents (if there are any). The moral domain comprehends the ways in which such agents are normatively empowered to effect sundry modifications in moral relations, but it does not comprehend the ways in which the forces of nature are physically empowered to produce sundry material transformations that yield moral consequences. Of course, those material transformations are reflected in people's moral relationships, which undergo adjustments because of them. Still, although those changes occur *in* moral relations, they do not occur *through* such relations. When for example a person dies because of the havoc wrought by microorganisms within her body, and when her moral duties and liberties are all extinguished as a result, the microorganisms have not acted as moral agents wielding moral powers. Rather, as has already been suggested, their lethal workings disrupt matrices of moral relationships from the outside. The exclusion of their workings from those matrices on which they impinge is something that distinguishes morality's normative regulation of human conduct from the non-normative regulation of the universe's material operations by the physical laws of nature.

If moral powers are existentially mind-dependent in the two main respects outlined above, then so too are moral disabilities. A moral disability is the absence of a moral power. Anybody who lacks a moral power to accomplish some change in current moral relationships through some specified mode of conduct is disabled from producing that change through that conduct. For example, if Donald assures Mary that he will shoot some man who has irritated her by wearing a dark blue shirt, then his assurance is not a genuine promise that imposes upon him a moral obligation to shoot the blue-shirted man. He has tried to alter his moral relations with Mary by engaging in an utterance that resembles a promise, but he has not

succeeded in placing himself under a moral duty-to-shoot or in vesting her with a moral right to his carrying out the shooting. He is morally disabled from bringing about such changes in his moral relationships.

Any moral disability is correlated with a moral immunity. In the scenario just broached, the disability of Donald concerning the imposition of a duty-to-shoot upon himself is correlated with his immunity against the incurring of such a duty. Similarly, his disability concerning the vesting of Mary with a right-to-his-carrying-out-the-shooting is correlated with her immunity against the acquisition of such a right. (Note incidentally that, as this example illustrates, many moral immunities are undesirable from the perspectives of the people who hold them. Conversely, of course, many moral liabilities are desirable from the perspectives of the people who bear them. For instance, if Nancy is liable to acquire full proprietary rights over a huge fortune that is to be bequeathed to her by a wealthy aunt, her liabilities to acquire those rights are very much in her interest.)

Now, just as moral liberties may initially have seemed ascribable to countless inanimate entities, moral disabilities may likewise initially seem ascribable to such entities. Given that a moral disability is the absence of a moral power, and given that moral powers cannot be held by any beings apart from human beings (and other moral agents, if there are any), the conclusion seems to follow that inanimate entities are under comprehensively sweeping disabilities. Many such entities can give rise to modifications in moral relationships, but – as has been argued – the ability of any such entity to modify those relationships is not a moral power. Hence, every inanimate thing may appear to be under a moral disability in regard to every possible alteration of people's moral relations.

Once again, however, appearances are misleading. Just as not every absence of a moral duty is a moral liberty, not every absence of a moral power is a moral disability. Though every moral disability consists in the lack of a moral power, not every lack of a moral power consists in a moral disability. In connection with every inanimate thing, the absence of any moral power is a sheer absence rather than a veritable moral position. Albeit every inanimate thing is wholly devoid of moral powers, that state of affairs is due not to moral disabilities but to the fact that every such thing lies outside the lattices of moral agents who stand in moral relationships with one another. Just as liberties are not correctly attributable to anything that can never be a duty-bearer, disabilities are not correctly attributable to anything that can never be a power-holder. Moral disabilities are borne only by beings – human beings (and other moral agents, if there are any) – who

are within the moral order as subjects rather than solely as objects. Only such beings are generally capable of making and executing the sorts of choices that constitute exercises of moral powers, and therefore only in application to such beings do moral principles withhold opportunities to give effect to those choices. From a being of any other kind, the choices themselves are withheld; and they are withheld not by moral considerations but by the being's inanimate or insentient nature.

In short, moral disability/immunity relationships are like moral power/liability relationships in that they are doubly mind-dependent existentially. They are existentially mind-dependent firstly because every one of them immediately or ultimately presupposes the presence of first-order moral relations, which are all existentially mind-dependent. In addition, those disability/immunity relationships are existentially mind-dependent because all moral disabilities are borne by creatures with minds. Hence, unlike basic moral principles – which are strongly mind-*in*dependent existentially – every moral relationship is existentially mind-dependent either weakly or strongly. Though this is an ontological point, its status as such is indistinguishable from its status as a profoundly moral point; it rests on the fundamental purpose or function of morality, which is a thoroughly moral phenomenon.

The Observational Mind-Independence of Moral Relations

As should be apparent, the observational mind-independence of every moral relationship is strong. After all, as has been argued, the contents and implications of moral principles do not depend on what people individually or collectively take them to be. Since those implications consist in moral relationships of sundry types, the observational mind-independence of such relationships is plainly strong. Whereas no moral relationship is ever more than weakly mind-independent existentially, every such relationship is strongly mind-independent observationally. People can hold moral rights or powers of which they and everybody else are unaware, and they can bear moral duties or liabilities to which they and everybody else are completely unattuned. Perhaps nobody has apprehended a correct moral principle M under which some moral relationship R obtains, or perhaps people have recognized the status of M as a correct principle of morality but have failed to grasp that it entails the existence of R in certain circumstances. In each such case, R will obtain regardless.

Naturally, the fundamental reason for *R*'s strong observational mind-independence is moral. Morally pernicious would be the observational mind-dependence of moral relationships. For example, whether or not Nazis and Islamist extremists recognize that their general moral duties to abstain from murder are owed to Jews as well as to other people, those duties are so owed. Similarly, whether or not the people in some society recognize that each baby's right not to be tortured for pleasure is protective against all modes of torture and not only against some modes, that right does indeed encompass all the ways in which a baby might be subjected to severe pain for the enjoyment of his or her tormentor. In any such extreme cases and also in the countless cases that are more mundane, the moral consequences of people's conduct are independent of what those people or any other people individually or collectively take the consequences to be. Were the moral consequences not endowed with strong observational mind-independence, and were they instead determined by people's beliefs about their bearings, any number of iniquities might prove to be morally permissible, and any number of innocuous actions might prove to be morally forbidden. Since no such results are morally tenable, the strong observational mind-independence of moral relations is a matter of ethical necessity.

Now, although the nature of every moral relationship is independent of what anyone takes that nature to be, no such relationship is radically recognition-transcendent. In this respect, moral relationships are on a par with moral principles. At least under optimal conditions, the existence and the content of every moral position are discernible – though perhaps not discerned at all – by any mentally competent person who is aware of the non-moral facts on which the position supervenes. For example, if no amount of moral reflection under optimal conditions would reveal to anyone that Sidney owes able-bodied Harry a moral duty to fetch Harry's newspaper each morning before going to work, then Sidney does not owe any such duty. As Jonathan Dancy writes: "We can give no good sense to the thought that an object should merit a response which it would never receive, even in ideal circumstances; that there should be something about a good or a right action which lies beyond any possibility of recognition; that an action might be right even though there are no circumstances in which we could hope or be expected to notice the fact" (Dancy 1998, 242).

Although the discernibility of moral relationships is of course an epistemic property, it is also *au fond* a moral property. Just as the discernibility of moral principles is morally necessitated on grounds of basic fairness, the discernibility of moral relationships is necessary for the bindingness of

moral duties and for the efficacy of moral powers. If a putative duty (such as Sidney's ostensible duty to Harry) were starkly recognition-transcendent – that is, if it could not be detected by any human beings under optimal conditions – it would lack any binding force. Nothing so opaque to the human mind could satisfy basic requirements of fairness. No human agent can be morally obligated to adopt modes of conduct that neither he nor anyone else through sedulous moral deliberation could ever discover to be obligatory. Though obligations can be perfectly fair even if nobody has glimpsed their existence, they will not have satisfied the elementary requirements of fair notice if they are formidably beyond the ken of human beings. Going forever unrecognized is one thing, whereas being strictly unrecognizable is quite another. Since a strictly unrecognizable moral duty would be morally preposterous in its flouting of the moral agency of human beings, we can be sure that there never has been and never will be such a moral duty.

Equally, we can be confident that there never has been and never will be a moral power that is utterly indiscernible in its existence and potential effects. Once again, the requirements of basic fairness will have blocked the emergence of any recognition-transcendent moral position. Although anybody can undergo the effects of the exercise of a moral power (by herself or by somebody else) without any awareness of those effects, no such exercise could ever be wholly unascertainable by everyone. If nobody under optimal conditions could ever become aware of the existence and contours of some moral power, then nobody would have any opportunity to adjust his or her behavior to those contours. In that event, the basic requirements of fair notice would be unmet. Whether anyone has ever taken any notice of some particular moral power is one thing; whether anyone has ever had any notice of that power is quite another. Although the substance of some moral power might not ever be correctly construed, it must be correctly construable (at least under optimal conditions). Because a thoroughly unfathomable moral power would be morally outlandish – as it would epitomize disrespect for the moral agency of people – no such thing ever has existed or ever will exist. Its in-existence is a matter of moral necessity.

Now, given that all liberty/no-right relationships are negations of duty/right relationships, and given that all immunity/disability relationships are negations of liability/power relationships, every moral relation is susceptible to being apprehended by human beings (at least under optimal conditions). Though every such relation is strongly mind-independent

observationally, no such relation lies entirely beyond the capacity of the human mind. The nature of every moral relationship is independent of what people individually or collectively believe it to be, but it is not redoubtably inaccessible. In that respect (as well as in some other respects, of course), moral positions such as rights and duties and powers may differ from certain features of the physical universe. Perhaps some of the universe's physical workings forever exceed the investigative abilities of human beings, even under optimal conditions. If so, then the moral order structured by moral principles and moral relationships is more intimate – more closely tied to the limits of human capacities – than the physical order. Notwithstanding that whole societies can deplorably fail to grasp the correct principles of morality or the implications that follow from those principles, the principles and the implications are graspable. Through diligent reflection and deliberation, any of them can be ascertained. We should not be surprised, of course, that the unremittingly strong observational mind-independence of the moral order is accompanied by its intimacy. Without such intimacy, the role of that order in normatively regulating human conduct would be undone.

Chapter 3

Determinate Correctness

Frequently at the center of attention in discussions of the objectivity of morality is the property of determinate correctness. This dimension of objectivity is at issue whenever people wonder whether some way of dealing with a moral problem is better than every other way. The extent to which there are determinately correct answers to moral questions is inversely proportional to the extent of the moral leeway enjoyed by anybody who confronts those questions. Such leeway is effectively absent in connection with any moral question to which there is a uniquely correct answer (although any moral agent will still of course have to exercise his or her judgment in seeking to descry what the uniquely correct answer is, and although any such agent will typically have some latitude in pondering how to give effect to the correct answer). Even when there is more than one correct answer to a moral question, the range of the correct answers may be very small. If so, then the moral leeway left to any moral agent in grappling with that question is severely limited. The amplitude of that leeway is directly proportional to the breadth of the aforementioned range.

If none of the possible answers to some moral question would be incorrect, every answer would be correct in the sense of not being incorrect. In such circumstances, the latitude of any moral agent would be unrestricted; every answer to the particular moral question would be as good (or as bad) as any other answer. Such a situation would be marked by thorough indeterminacy, which is the negation of objectivity qua determinate correctness. Either the correct principles of morality would somehow not address at all the matter covered by the particular moral question, or – for whatever reason – they would be completely open-ended in their settling of that matter. In either case, there would be no objective answer to the specified

moral question. Every answer would be correct (in the sense of not being incorrect), and therefore no answer would be *determinately* correct.

Almost certainly, blanket indeterminacy concerning any moral question has never obtained and will never obtain. More credible is the proposition that some moral questions are characterized by high levels of indeterminacy, which fall well short of exhaustiveness. Indeterminacy is a scalar property; that is, it obtains in varying degrees. Claims about the existence of an objective answer to some particular moral question can be unsustainable even though the indeterminacy surrounding the question is expansive rather than thoroughgoing. Though many potential answers to the specified question will be incorrect, multiple contrary answers are each correct. Precisely because each of those contrary answers is correct, none of them is determinately correct.

We have pondered an example of such a state of affairs in the preceding chapter, where we briefly considered the moral status of abortions performed under certain circumstances *C*. Such abortions, we assumed, are neither determinately permissible nor determinately impermissible morally. They do not partake of any determinate moral status. Still, multitudinous potential answers to a question about the moral permissibility or impermissibility of such abortions are straightforwardly wrong. If somebody replies to such a question by claiming that the abortions in *C* are morally permissible when and only when they are carried out by people with red hair, the reply is determinately incorrect. Nonetheless, although the response focused on red hair and any similarly misguided responses can be rejected as erroneous, there is no basis for deciding with minimal determinacy between an affirmative answer and a negative answer to the question whether abortions conducted in *C* are morally permissible. Because the affirmative answer and the negative answer are each correct in the sense of not being incorrect, neither of them is objectively correct. Objectivity qua determinate correctness is missing, even though the indeterminacy engulfing the question is less than complete. The degree of indeterminacy is sufficiently large – encompassing both "yes" and "no" – to undermine any ascription of objective correctness to this or that answer.

3.1. Skeptical Doubts

An obvious inquiry poses itself, then. To what extent does the domain of morality partake of objectivity qua determinate correctness? To what

extent do the basic principles and derivative principles of morality ordain the moral consequences of people's conduct? Some philosophers and ordinary people alike have adopted quite a despairing stance on this matter. Extreme skeptics assert that the domain of morality is altogether devoid of determinacy, and quite a number of people claim that the determinacy within that domain is meager. Why have they fallen prey to such pessimism?

3.1.1. A fixation on disagreements: indeterminacy versus indemonstrability

One obvious factor behind the skeptical doubts about moral determinacy is that people are unduly impressed by the scale and heated intractability of various moral disagreements. On the one hand, to be sure, nobody can credibly deny that many important moral issues have given rise to abiding controversies within societies and across societies. Here and in Chapter 6, we shall explore the nature and persistence of moral disagreements at some length. Any tenable account of morality has to come to grips with them. On the other hand, for several reasons, the occurrence of moral disputes is no adequate basis for any conclusions about the indeterminacy of moral matters.[1]

   The main point to be considered here is a distinction mentioned fleetingly in Chapter 2: the distinction between indeterminacy and indemonstrability. Before we attend afresh to that distinction, however, we should take note of a couple of smaller points. In the first place, the salience and ferocity of many moral controversies should not be allowed to obscure the existence of countless areas of moral agreement. As numerous opponents of skepticism have pointed out, proclamations of indeterminacy based on observations of moral discord tend to overstate the extent and irresolvability of the discord. In response to such proclamations, "it is a commonplace for realists to point to the very great deal of moral consensus within and across societies."[2] Just as legal scholars are inclined to pay far more attention to excitingly contentious appellate cases than to the humdrum cases

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[1]   For a rigorous and wide-ranging critique of the notion that the occurrence of intractable moral disputation somehow poses grave difficulties for moral realism, see Enoch 2008.

[2]   Shafer-Landau 2003, 218. Many moral realists also emphasize the potential for further convergence among people's views through improved moral deliberations. See, for example, Brink 1989, 197–209; Brink 2001, 169–70.

that are the principal business of the lower courts and of the administrative/ policing agencies in any ordinary system of law, moral philosophers are inclined to pay far more attention to the ethical issues that prominently divide people than to the ethical issues on which most people agree. And just as a preoccupation with tricky appellate cases can lead juris- prudential scholars to overlook the substantial regularity of the workings of a functional legal system, a preoccupation with the sparks generated by moral controversies and quandaries can lead people to overlook the breadth of their common ground in the domain of morality. Vehement disputation on some moral questions is accompanied by unexciting uni- formity on innumerable others. Hence, even if the occurrence of tenacious divergences of opinion on moral issues were a basis for skeptical inferences, it would certainly not warrant any sweeping skepticism or any pronounce- ments of rampant indeterminacy.

A second relatively minor point, also noted by many opponents of moral skepticism, is that intractable disagreements are hardly confined to the moral realm. Myriad inquiries outside that realm are likewise genera- tive of abiding controversies. Not only do people differ with one another about the correct answers to those inquiries, but in addition they differ with one another about the sorts of evidence or considerations on which such answers would be based. This point is perhaps most obvious in regard to non-empirical matters such as those covered in most regions of philosophy. As Russ Shafer-Landau writes: "Disagreements in such areas as metaphysics, epistemology, and philosophy of language are pervasive and persistent, largely resistant to empirical resolution, and addressed without the benefit of determinate methods that are agreed by all to yield truth" (Shafer-Landau 2003, 220). Of course, some people – including a few icon- oclastic philosophers – might contend that there are no determinately cor- rect answers to the philosophical questions that have given rise to disputes for centuries. Even somebody who harbors such a dismissive attitude toward philosophy, however, should be loath to deny that there are deter- minately correct answers to the diverse empirical questions around which any number of people have irresolvably wrangled. There is, for example, a determinately correct answer to the question whether Lee Harvey Oswald was involved in some large conspiracy when he assassinated President John Kennedy in 1963. Much the same can be said about the more complicated question whether the disparities in average levels of academic achievements between different ethnic or racial groups are due partly to genetic factors. A similar point applies to questions about the most easily

controlled causes of price-inflation in various economies, and to questions about the accuracy of theories of human evolution. To each of these questions there is a determinately correct answer, yet the pinning down of the answer to each of them is intensely and persistently controversial. (Admittedly, the quarrels over the accuracy of theories of human evolution have been far more vigorous and widespread in the United States than in other Western countries.) Countless other empirical matters, likewise, have engendered a multitude of clashes among the people who address them; we shall encounter some further examples in Chapter 7. On each of those matters, notwithstanding, there is a determinately correct position.

In spite of what has been said in the last couple of paragraphs, the tussles that have swirled around sundry questions in the domain of morality are on the whole fiercer and more frequent than the tussles in some other important domains. Shafer-Landau readily acknowledges as much: "[T]here does seem to be broader agreement in physics and chemistry than there is in ethics, both about method and about substance. This needs explaining" (Shafer-Landau 2003, 218). We therefore need to address directly the appositeness or inappositeness of arriving at inferences of indeterminacy from observations of intractable disagreements. In other words, we shall assume henceforth that the skeptics who advert to moral disputation are – despite their hyperbole – largely correct in their premises. Can they validly draw the conclusion that the moral realm is rife with indeterminacy?

Here we return, then, to the distinction between indeterminacy and indemonstrability. An answer to a moral question can be determinately correct – that is, either uniquely correct or within a small range of answers that differ from all other answers in being correct – even though its correctness cannot be demonstrated to the satisfaction of some reasonable people who reflect carefully on the matter. If a way of resolving a moral dispute is determinately correct, it is so regardless of whether anyone discerns as much. By contrast, a resolution of a dispute is demonstrably correct only if its singular appropriateness would be perceived and endorsed by virtually every sensible person who might competently ponder the arguments in favor of it. As should be apparent, determinate correctness does not entail demonstrable correctness. The latter property involves more than the former. As should be equally apparent, the best answers to difficult moral questions are very seldom if ever demonstrably correct. Yet, because of the lack of any entailment between determinate correctness and demonstrable correctness, the absence of the latter property

does not entail the absence of the former; there may be a determinately correct answer to some thorny moral question, even though that answer is very likely not demonstrably correct.

This elementary point, which we shall explore further in Chapter 6, is often missed by writers who declare that moral matters are plagued by indeterminacy. Too frequently such writers simply point to the tenacity of the disagreements that revolve around moral cruxes, and they then assert that there are no determinately correct answers to the pivotal questions in which those cruxes consist. From there, they arrive at their conclusion that morality is racked by indeterminacy. Now, even if we put aside the fact that these writers should not be drawing general conclusions about morality from the peculiarities of especially tricky moral problems, we should resist their prior inference about the absence of determinately correct resolutions of those problems. Though there might indeed not be any determinately correct ways of dealing with some of those problems, the sheer fact that people differ vehemently with one another about the best outcome in any particular case is far from sufficient to establish that no resolution of that case is determinately appropriate. The persistence of the divergences among people's perspectives does not in itself negative the existence of determinately correct answers to the moral questions addressed by those perspectives. Only an elision of the distinction between the ontological phenomenon of determinacy and the epistemic phenomenon of demonstrability could impel anyone to think otherwise.

A skeptic who wishes to justify claims about indeterminacy by adverting to the intractability of disputes among people over moral quandaries will have to back up his or her position with pertinent arguments. Such a skeptic will have to maintain that there are solid reasons for attributing the irresolvability of the disputes to the absence of determinately correct answers rather than to other credible factors. The task of substantiating that skeptical position will be challenging indeed, since there are ample reasons for thinking that the contentiousness of difficult moral issues is due principally to factors other than indeterminacy (Frankena 1973, 109–10).

We can here take our cue in part from Chapter 2's discussion of response-centered theories of moral properties. As has been recounted there, the proponents of such theories prescind from the rational and perceptual and motivational failings of ordinary human agents in order to concentrate on the moral responses of ideal agents who share none of those weaknesses. Plainly, the need for this idealization of moral agents is ascribable to the fact that the aforementioned failings tend to skew people's moral

judgments. Equally plainly, those failings are common among the non-idealized human beings who inhabit the actual world. To recognize as much is to be acquainted with some major sources of the persistence of moral wrangling.

As Chapter 9 will suggest, errors of rationality – that is, outright logical inconsistencies and contradictions – are not our prime concern here. On the one hand, such missteps unquestionably are sometimes committed in moral disputation, and they can certainly contribute to the intractability of that disputation when they do occur. On the other hand, they are not especially frequent, and they can usually be exposed and rectified more easily than lapses of other sorts. More important in the present context are perceptual and motivational failings.

Perceptual shortcomings that affect moral argumentation can take the form of detectable inaccuracies in people's empirical beliefs, but they more redoubtably take the form of inadequately supported conjectures. Both objectively and in the eyes of many of the disputants involved, a number of controversial moral issues hinge partly on empirical questions to which the correct answers cannot readily be discerned. For example, in debates over the legalization of voluntary euthanasia for people in excruciating and unalleviable pain, some empirical matters – such as the extent to which any legalization of euthanasia will lead elderly people to feel pressured to end their lives sooner than they would otherwise wish – loom large. Those empirical matters are not easily settled; studies designed to ascertain the relevant facts are prone to raise at least as many questions as they put to rest. Hence, people on each side of the conflicts over the legalization of euthanasia must rely to a large degree on surmises in forming some of their key empirical assumptions. Given that many of those surmises are inconsistent with one another, at least some of them are incorrect. People's acceptance of those incorrect empirical beliefs is something that almost certainly tends to perpetuate the intense disagreements over euthanasia. Some (though undoubtedly not all) of the people who harbor those beliefs would have adopted positions on euthanasia contrary to their actual positions, if they had adhered to correct empirical assumptions. In other words, the perceptual limitations of people contribute significantly to the unabatingness of their quarrels over the moral status of voluntary euthanasia. *Pro tanto*, the intractability of those quarrels among reasonable people is evidence not of moral indeterminacy but of imperfections in empirical knowledge that are not straightforwardly rectifiable. (Similar points can be made about countless other moral controversies, of course.

For example, the debates over the moral status of affirmative-action or reverse-discrimination programs are concerned partly with murky empirical matters. Among those matters are the frequency with which such programs stigmatize their beneficiaries in the eyes of other people, and the frequency with which the people disadvantaged by such programs are consequently embittered. Not readily ascertainable are the facts of those matters, for empirical studies exploring them typically become caught up in the very controversies that are supposed to be resolved in part by those studies' findings.)

Greatly though perceptual failings in the form of clashing surmises exacerbate the unyieldingness of moral disagreements, the *motivational* failings that characterize ordinary human beings are even more important. As is quite evident, many of those disagreements cover issues that engage people's passions and prejudices. When people are so engaged emotionally on any particular issue, they are far from optimally disposed to ponder carefully the competing considerations that surround the issue. Many factors can cloud their judgments in such circumstances. They might have personal stakes in the matters on which they are pronouncing, and their verdicts might be consciously or subliminally skewed as a result. They might be blinkered by biases, whether those biases involve unjustified animosity or excessive solicitude. Or they might simply be precipitately inattentive to the merits of the positions that they passionately oppose. Whatever may be the specific sources and directions of the non-truth-conducive factors that inflect people's judgments in the heat of moral disputation, the role of such factors is prominent indeed in prolonging moral wrangles. Though self-interestedness and prejudices and headlong unheedfulness are hardly unique to the moral realm, they figure especially saliently therein. People in the grip of such influences are neither very likely to arrive at correct moral judgments nor very likely to show much willingness to take on board the concerns and convictions expressed by other people. Because of the widespread sway of those influences, observations of the protractedness of the disputes over many moral issues do not generally warrant any inferences about moral indeterminacy. Very often we can more plausibly infer that the protractedness is due to people's having succumbed to non-truth-conducive promptings.

Still, although rational and perceptual and motivational weaknesses on the part of actual human beings contribute hugely to the intensity and scale of moral disagreements, there are no compelling grounds for presuming that all such disagreements are attributable to those factors. Even if each

of the aforementioned weaknesses were magically overcome, some divergences among people's moral views would surely remain. (Indeed, in one of Chapter 2's rejoinders to response-centered theories of moral properties, I assumed that the views held by ideal agents would continue to diverge in some notable respects.) Are there any reasons for thinking that those differences of moral conviction might prove particularly resistant to being dispelled by deliberation and reflection? That is, are such differences among reasonable people likely to be more tenacious than the divisions among reasonable people on tricky empirical issues? Now, the answer to each of these queries is not evident; it is certainly not the case that the answer to each of them is obviously affirmative. Nonetheless, let us assume here that the clashes among people's moral convictions – even in the absence of any rational or perceptual or motivational lapses – are indeed less easily overcome than the contrarieties among their opinions on difficult empirical matters. Would we have to conclude, on the basis of such an assumption, that there are no determinately correct answers to the moral questions that provoke the clashes?

On the one hand, this chapter does not deny altogether the presence of indeterminacy in moral matters. *Au contraire*, the second half of this chapter will explore some reasons for the existence of such indeterminacy. Hence, the conclusion embedded in the query posed at the end of the preceding paragraph is sometimes true. On the other hand, as will be clear from my later discussion, the scope of indeterminacy in the moral realm is very limited. Because of its confinedness, the indeterminacy is unproblematic. Indeed, its confinedness is a matter of moral necessity, for the indeterminacy would be profoundly problematic morally if it obtained on a large scale; since its existence and scope are moral matters through and through, the restrictedness of that scope is morally preordained.

Thus, notwithstanding the presence of indeterminacy in the domain of morality, its reign is too cabined to account for all the intractable conflicts among people's moral convictions. Moreover, we are here assuming away errors of rationality or perception or motivation. What else, then, could account for the intractability of the moral conflicts? Why would people not converge in detecting the correct answers to the problems on which those conflicts are centered?

The best way of coming to grips with this crux is to concentrate on two features of the correct basic principles of morality: they are non-empirical, and they are synthetic rather than analytic (Moore 1988, 6–7). That is, they are knowable *a-priori*, and their truth is not due purely to the defined

meanings of the words with which they are formulated. Some of this book's later chapters will argue in support of my ascription of these two features to the basic principles of morality, and will explore both of them in greater depth. (For instance, Chapter 10 will sustainedly contest the view that certain abstract moral propositions are true purely by dint of the defined meanings of the words with which they are expressed.) For the moment, we should simply note that the combination of those two features – as opposed to either of them separately – is often not conducive to the formation of consensuses.

On empirical matters, people typically converge. Even if they disagree about the substance of those matters at present, they can usually concur on the sorts of enquiries that would in principle settle their disagreements. Perhaps the requisite enquiries cannot feasibly be carried out in the short term or even in the more distant term, and perhaps they will prove to be vexingly prolonged when they are carried out (Jardine 1995, 36–38), but people who competently mull over the disputed matters are normally able to form a shared view of the types of investigative methods that would be needed. In regard to analytic truths, likewise, competent enquirers are normally in agreement either about the truths themselves or about the methods that would in principle lead to virtual unanimity thereon. Some of those truths may be too fiendishly complicated to have elicited any convergence among enquirers at present, but their status as truths is in principle ascertainable through techniques on which there typically is a high degree of convergence.

Synthetic *a-priori* truths are rather different. In particular, the level of agreement on methods that could in principle resolve all outstanding disputes is usually lower than in the natural sciences and in disciplines such as mathematics and logic. Although moral philosophers and ordinary moral agents can normally concur on the basic logical properties (such as validity) that must be possessed by any satisfactory moral arguments, those properties alone are hardly sufficient to generate substantive moral consensuses. Something more is needed, akin to the observations that confirm the correct empirical claims of scientists. Yet no such cohesion-promotive factor presents itself. Moral intuitions and convictions are not adequate, for in difficult cases they foster disagreements more than convergence (Kagan 2001, 55–56). Hence, given the different moral and intellectual starting points from which the participants in moral disputes have entered, and given the absence of agreed methods for moving from those divergent starting points toward consentaneity in difficult cases, some of the disputes are bound

to prove intractable even in the ideal settings where all rational and per-
ceptual and motivational errors have been brushed away.[3]

Perhaps, then, the knottiest moral disputes are peculiarly resistant to unity-
promoting measures in part because of the lack of any consensus on how
such measures would promote unity. Let us consider an aetiological
explanation and a moral explanation of this state of affairs. Any aetiolo-
gical explanation has to be speculative, not least because the actuality of
the *explanandum* is somewhat speculative; as has already been remarked,
we should not feel great confidence in the proposition that vigorous moral
debates are less easily resolved than vigorous debates over empirical
matters. Still, if there is indeed a discrepancy to be accounted for, it might
be explained through a quasi-Darwinian hypothesis. Evolutionary pressures
that foster convergence among people in empirical matters may well
exceed the evolutionary pressures that foster convergence among them in
moral matters.

At least two main constraints will tend to channel people's empirical
faculties toward conformity with the actualities of the world and with the
empirical faculties of other people: the need for coordination of each
person's conduct with the conduct of others, and the need for quite a close
correspondence between people's perceptions of sundry things and the things
themselves. The latter constraint is so obvious that it can easily go un-
noticed. People whose empirical faculties match the realities of the world will
typically fare much better in myriad ways than people whose faculties are
significantly defective. They will be less prone to walk off cliffs or to smash
into trees or to burn down their houses. Over the millennia, they and their
offspring will tend to flourish in comparison with people whose faculties
are not similarly accurate in representing the world. Furthermore, because
human perceptual capacities will generally be channeled toward congruity
with the things that are perceived, those capacities among various people
will likewise be channeled toward congruity with the perceptual capacities
of other people. If human beings' perceptual abilities tend toward accur-
acy, they likewise tend toward uniformity. As a consequence, people will

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[3] Along with my later remarks about the complicatedness of the moral cruxes that
generate intractable disagreements, this paragraph – especially its closing sentence – is my
principal response to philosophers who are inordinately impressed by the fact that such
disagreements can occur between people who are "just as intelligent and imaginative as [each
other], with equal command of all relevant concepts and equal access to all relevant non-
moral facts, who reason as well as [each other], and have reasoned on this issue as well as
[each other]" (Schiffer 2003, 247).

be able to coordinate their conduct with one another more smoothly than would be possible if each person's sensory capacities diverged markedly from those of most other people. Indeed, the need for the harmonization of people's conduct is another powerful constraint that contributes to the phylogeny of people's sensory faculties.

Things are rather different when we turn to ponder the evolution of people's moral inclinations. Whereas a close correspondence between one's sensory perceptions and the actualities of the physical world is manifestly conducive to one's efforts to survive and reproduce in that world, a close correspondence between one's moral judgments and the actualities of the moral order is not to the same degree possessed of an obvious survival-enhancing and reproduction-enhancing value. Almost certainly, a close correspondence of the latter kind does to some extent promote one's efforts to survive and reproduce, but any such effect is more tenuous than in connection with a close correspondence of the former kind. Accordingly, the evolutionary pressures that channel people's empirical faculties toward conformity with the world are not paralleled by any comparably strong evolutionary pressures on people's moral dispositions. Of course, to say as much is hardly to imply that people's moral propensities are not channeled at all by phylogenetic factors toward conformity with the correct principles of morality. On the contrary, as will be explored at length in Chapter 7, there are very good grounds for thinking that those factors play just such a channeling role in some important respects (Axelrod 1984). Still, the respects in which the pressures of evolution impel the emergence of human beings with accurate moral judgments are almost certainly less far-reaching than the respects in which those pressures impel the emergence of human beings with accurate sensory faculties. Especially in application to any of the moral conundrums that divide people in ideal conditions – the conundrums that are the focus of the present discussion – any phylogenetic impetus will not reach far enough to favor a single accurate outlook over other plausible outlooks. The link between one's adherence to that accurate outlook and one's prospects for survival and reproduction is too meager to serve as the basis for any evolutionary thrust toward the alignment of people's views.

These very sketchy quasi-Darwinian remarks are scarcely put forward as a definitive explanation of the seemingly greater heterogeneity among people's moral judgments than among their empirical judgments. Nevertheless, if there is indeed a discrepancy to be accounted for, the best aetiological explanation may well be along the quasi-Darwinian lines

suggested here. Before we leave this discussion, we should glance at the moral explanation that was mentioned briefly above. Such an "explanation" is of course not an explanation in the same sense as the aetiological account. Whereas an aetiological approach focuses on causal processes or mechanisms in order to disclose how the physical workings of the universe would lead to a certain state of affairs, a moral approach focuses on the moral bearings of that state of affairs. The latter approach deals not with origins but with moral sustainability.

Specifically, we should ruminate on the present topic with an eye toward Chapter 2's comments about the moral necessity of the discernibility of moral principles and moral relationships. If as a matter of moral necessity such principles and relationships are discernible by moral agents under optimal conditions, then why would those agents continue to disagree about some moral perplexities even under ideal conditions? This "why" question is, of course, moral rather than aetiological. It is asking whether the persistence of some moral disputes under ideal conditions is morally tenable. To some extent, the answer to this question will emerge in the second half of this chapter, where the genuine indeterminacy surrounding certain moral issues will be explored. As has been noted, some of the intractable moral disputes under ideal conditions are intractable precisely because they pertain to problems for which there are no determinately correct responses. Hence, if we want to know whether the ineradicability of those disputes under ideal conditions is morally tenable, we have to ask whether the indeterminacy that underlies them is morally tenable. Exactly that query will be addressed later in this chapter. For the moment, we are concentrating on the moral cruxes that enkindle irresolvable controversies even though there are determinately correct solutions to those cruxes. Is the combination of determinacy and indemonstrability in each of those cruxes (under ideal conditions) morally sustainable?

On the one hand, as Chapter 2 has argued, all correct moral principles and relationships are discernible by human beings under optimal conditions. Consequently, whenever there is a determinately correct answer to a moral question, that answer is discernible by human beings under optimal conditions. On the other hand, as we are currently assuming, the determinately correct answers to some moral questions will go undiscerned by some human beings under ideal conditions (conditions which, if they were ever attainable, would be more strongly conducive to the detection of such answers than are optimal conditions). What is the moral justification for this gap between necessary recognizability and merely

contingent recognition? A suitable reply to this query has been suggested by Chapter 2. Whereas basic moral requirements of fair notice and respect for the moral agency of human beings will have rendered the discernibility of moral relationships a matter of moral necessity, those requirements are not flouted by the sheer fact that some people under ideal conditions would fail to descry certain of those relationships correctly. Fair notice consists in epistemic access, but does not consist in a guarantee of success for one's efforts to avail oneself of that access. Likewise, respect for the moral agency of human beings must involve opportunities for them to make choices without having to grope in the dark, but – even under ideal conditions – it does not involve any assurances that their choices will be made correctly. Indeed, any guarantees of success would themselves be morally unsustainable, for they would eliminate the role of human agency from the processes of moral enquiry and decision-making. Far from epitomizing due respect for such agency, the inevitability of the correctness of human beings' moral verdicts under ideal conditions would wholly remove their agency for the duration of those conditions. After all, the idealized human beings are devoid of all rational and perceptual and motivational failings. Were they also devoid of any failings in their faculties of moral judgment, they would be out-and-out automatons rather than agents. Only because the recognizability of moral relationships by human beings under optimal conditions is necessary, and only because the recognition of those relationships by human beings under ideal conditions (and any other conditions) is merely contingent, does the moral order of the world satisfy its own basic requirements concerning the import of human agency.

3.1.2. Indeterminacy versus unpredictability and uncertainty

Very closely related to the division between determinate correctness and demonstrable correctness is the non-equivalence of determinacy and predictability, along with the non-equivalence of indeterminacy and unpredictability. In many contexts in which moral quandaries have arisen, the decisions reached by people may be unpredictable because of the complexity of the issues in dispute and the resultant discordances among people's views of those issues. It may be exceedingly hard to pin down beforehand how moral agents will deal with heatedly controversial matters. Still, because the unpredictability of the agents' reactions in such circumstances has stemmed from the lack of any demonstrably correct answers to the questions under

consideration, and because the lack of any demonstrably correct answers does not entail the lack of any determinately correct answers, unpredictability and indeterminacy are decidedly not equivalent or even coextensive. They sometimes go together, of course, but not invariably. Much the same is true of determinacy and predictability. As is evident from what has just been maintained, determinacy does not entail predictability. Nor is there any entailment in the other direction. When people confront some moral predicament to which there is no determinately correct response, their handling of the predicament might nonetheless be amply predictable because of a palpable predilection on the part of each person for a particular resolution. (Perhaps the relevant people will predictably share a predilection for a particular outcome, or perhaps their divergent predilections will be well known and will render predictable their fractionated handling of the matter.) Thus, just as we cannot validly draw inferences about indeterminacy from the presence of unpredictability, so we cannot validly draw inferences about determinacy merely from the presence of predictability.

Overlapping with the foregoing distinction between indeterminacy and unpredictability is the difference between indeterminacy and uncertainty (Dworkin 1996, 129–39). Uncertainty is an epistemic state of inadequate beliefs, whereas indeterminacy is an ontological state of equally or incommensurably counterbalanced justifications. When somebody is uncertain about the correct answer to some moral question and is furthermore uncertain whether there is any determinately correct answer to that question, he is hardly in a position to deny the existence of any such determinately correct answer. He should be withholding judgment on that matter, just as much as on the specific content of the correct answer. His beliefs are insufficient for any verdict on either of those points. Contrariwise, if somebody announces that there is no determinately correct answer to some moral question, she is not giving voice to uncertainty. She is instead declaring that neither an affirmative reply nor a negative reply to the specified question is superior to the other. (If the question is not such as to lend itself to being pertinently answered "yes" or "no" – for example, an inquiry about the appropriate level of the minimum wage – then her denial of determinate correctness amounts to the claim that none of the principal competing answers to the question is superior to any other.) To substantiate her insistence that each answer is no better than the rival answer(s), she has to show that the counterpoised considerations are evenly balanced or that they are insusceptible to being ranked. Far from being a product of uncertainty, any such substantiation will have to be grounded on solid

argumentation at least as much as will any satisfactory effort to demonstrate that some particular answer is better than every other. Uncertainty is no basis at all for the substantiative arguments.

In any context where the main matters in contention are of tangled complexity and where there are significant justificatory grounds on each side of a problem, many knowledgeable observers may be inclined to feel uncertainty not only about the correct disposition of the problem but also about the very idea that a determinately correct disposition is attainable even in principle. Yet, as has just been indicated, any observers who do feel considerable uncertainty about those points are not in a position to deny that a determinately correct resolution of the problem is possible. Until their uncertainty has been overcome, they should be refraining from either affirming or gainsaying the existence of a determinately correct answer to the question of how the problem should be handled. Their verdict should instead be a verdict of indecision. All too often, however, when skeptics examine difficult moral problems and report their own uncertainty or the uncertainty of other knowledgeable observers about the existence of determinately correct responses to those problems, they then conclude that the sway of morality in application to those problems is indeterminate. Such slippage from uncertainty to declarations of indeterminacy is to be resisted. It is manifestly a non sequitur, and it leads skeptics to overestimate the scale of the indeterminacy to which the moral regulation of people's conduct is subject. The distortive effects of that non sequitur are exacerbated, of course, when skeptics commit the further misstep of generalizing from knotty moral predicaments to moral decision-making at large.

3.1.3. Indeterminacy oversimplified

Another factor behind the overemphasis on moral indeterminacy in some quarters is a simplistic understanding of indeterminacy itself. Some skeptics appear to think that a moral question is beset by indeterminacy if they can reveal that there are credible points in favor of each of the main potential replies to that question. Having shown that a plausible case can be made for each of the principal competing answers (such as "yes" and "no"), these skeptics infer forthwith that there is no determinately correct answer. Whether or not such a conclusion is true in any particular case, it is unacceptably facile when advanced on the basis of the argument just outlined. What that line of argument neglects is that indeterminacy consists in

more than a clash of conflicting considerations. Indeterminacy consists in a clash of conflicting considerations that are equally or incommensurably strong. That is, indeterminacy obtains only when the competing factors on each side of an issue are evenly balanced or are insusceptible to any comparisons that would rank their strength. None of the competing claims is better than any other, in a situation of equipollent counterpoises or incommensurably strong counterpoises. The occurrence of any such situation involves genuine indeterminacy, but it is far rarer than the occurrence of a situation wherein various relevant considerations (which may or may not be evenly balanced) are at odds with one another. Hence, to advert starkly to the existence of considerations on each side of an issue as a ground for inferring the absence of any determinately correct way of resolving that issue is to commit a flagrant non sequitur. Proclamations of the prevalence of indeterminacy in the domain of morality too frequently rest on non sequiturs of that sort.

3.1.4. Following rules

A philosophically momentous source of the tendency of skeptics to overestimate the presence of indeterminacy in moral matters is the crux famously exposed by Ludwig Wittgenstein and several other eminent philosophers in their analyses of the effects of rules. Wittgenstein and others have highlighted some formidable obstacles in the path of any attempt to specify philosophically the applications that constitute the following of a rule.[4] Summarized with the utmost terseness, the fundamental snag unearthed by those philosophers is that any specified set of applications will be consistent with a limitless abundance of rules rather than only with some rule *R* which the applications are supposed to instantiate or manifest. We are hard pressed indeed to say why the specified applications instantiate or manifest *R* rather than any of the countless other rules with which they are consistent. Now, while skeptics are plainly warranted in regarding this problem as important and profound, they go astray insofar as they

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[4] See Wittgenstein 1953, §§ 143–252. For a stimulating but dubious interpretation of Wittgenstein's remarks that has attracted almost as much attention as those remarks themselves, see Kripke 1982. For some other contributions to the huge literature on Wittgenstein's queries about the following of rules, see Kenny 1973, 170–77; Schauer 1991, 64–68; Dancy 1993, 83–84; Coleman and Leiter 1995, 219–23; Endicott 2000, 22–29; Green 2003, 1932–46.

regard it as a basis for alleging that massive indeterminacy engulfs the moral realm. Indeed, it is not a basis for any valid inferences about indeterminacy whatsoever.

For one thing, the Wittgensteinian problem extends not only to the following of rules in the domain of morality but also to the following of rules in every other domain. It extends, for example, to the following of rules in mathematics and logic and ordinary language. Hence, if that problem somehow undermined the determinate correctness of all answers to moral questions, it would likewise undermine determinacy in the domains just mentioned and in all other domains. Skeptics who utter bold pronouncements about the indeterminacy of moral precepts and moral judgments should hesitate before committing themselves to the notion that the sum of 2 + 2 is indeterminate.

What is more important, the Wittgensteinian problem does not really have anything to do with the determinate correctness of answers to moral questions (or of answers to questions in other domains). The conundrums that it unearths are not any hitches in the determination of normative consequences by rules within diverse activities, but are instead hitches in philosophical efforts to provide a comprehensive analysis of the rules' determination of those consequences. Exactly what Wittgenstein aimed to establish with his reflections on the following of rules is a matter for intense debate among specialists in his work; however, no one or virtually no one among those specialists would maintain that Wittgenstein was even remotely seeking to reveal that the following of rules in myriad activities is untenable or illusive. He was hardly seeking to discredit those activities or the apposite judgments that are reached within them. On the contrary, his work in this area is best read as a challenge to certain philosophical thinking about those activities and judgments. More specifically, it is a challenge to the idea that the task of philosophy is to come up with the foundations for those activities and judgments, which rest instead on themselves as their own foundations.

When Wittgenstein is understood in the way favored here, we can perceive that his central objective was to show that the notion of following a rule is basic. That notion, in other words, is not subject to being elucidatively analyzed by reference to anything deeper and more perspicuous. A couple of brief analogies may be helpful here. Suppose that somebody were to endeavor to supply a non-circular philosophical foundation for the Law of Noncontradiction. Any such project would be futile and pointless, for its theses would have to presuppose the truth of the Law

of Noncontradiction at every stage; the very coherence of those theses would depend on such a presupposition. As has been emphasized in Chapter 2, there is no deeper ground for the truth of the Law of Noncontradiction than the fact that everything in violation of that law is self-contradictory. Any other ground that might be adduced in support of that law would inevitably rest on the ultimate ground just stated. Entirely and unproblematically circular, that ultimate ground is the only foundation that the Law of Noncontradiction has ever needed, and it is the only foundation that could be fully adequate (since any other ostensible foundation would itself be derivative of that ultimate ground). The Law of Noncontradiction is basic, in that it is not susceptible to being justified or elucidated by reference to anything more profound than itself. There is nothing more profound than itself.

Consider also, in this connection, David Hume's critique of induction.[5] Exactly what Hume aspired to achieve with his critique of induction is as much a matter of controversy among specialists as are Wittgenstein's precise aims in his critique of the following of rules; however, one thing surely shown by Hume's arguments is that any full justification of induction will be circular. Any putative foundations for a thesis that declares the inferability of future regularities from past regularities will themselves have to presuppose the truth of that thesis, and will therefore be ersatz foundations. Like the Law of Noncontradiction, a general tenet upholding the propriety of induction (within limits indicated by the observed regularities themselves) is its own ground. It is not susceptible to being underpinned by anything deeper or more solid than itself.

We can best understand Wittgenstein as revealing that the notion of following a rule is similar to the Law of Noncontradiction and to a general tenet affirming the propriety of induction, in that it is basic. Anyone attempting to explain philosophically how some specified applications instantiate or manifest some particular rule will have to presuppose what he or she is purporting to demonstrate. Construed in this manner, the Wittgensteinian queries about the notion of following a rule do imply the futility of philosophical efforts to analyze that notion by reference to anything deeper than itself. Such a notion is opaque to non-circular philosophical analyses. Wittgenstein's critique hardly implies, however, that the ordaining of normative consequences by rules is itself problematic in

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[5]   See especially Hume 1978, bk. I, pt. III, § 6. For a discussion of some of the issues raised by Hume's critique, see Stroud 1977, 51–67.

any fashion. No inferences about indeterminacy can validly be derived from his critique. Questions about the implications of rules in various domains will continue to be answerable in determinately correct ways, just as will questions about the conformity or nonconformity of various propositions with the Law of Noncontradiction. To believe otherwise is to fail to grasp that the unanalyzable fundamentals of some domain are indeed fundamentals of that domain. Though their insusceptibility to analysis will have thwarted any philosophical elucidation, it does not even slightly impair their operativeness within the domain. That operativeness scarcely depends on our being able to provide a non-circular philosophical account of it.

Within the moral realm, of course, the unanalyzable fundamentals are the basic principles of morality. They determine which applications or judgments are correct and which are incorrect. Of course, to say that those principles are unanalyzable is hardly to maintain that we cannot meaningfully investigate their contents. My emphasis on the foundational status of the basic principles of morality is not some obscurantist endeavor to shut down moral enquiry. As will become apparent in some of my subsequent chapters (such as Chapter 10), we can fruitfully explore interconnections among basic moral principles, and we can likewise fruitfully explore the implications of those principles for any number of concrete circumstances. We can similarly enquire into the derivative precepts that follow from the axiomatic principles of morality. All such enquiries are perfectly consistent with my claim that those axiomatic principles are unanalyzable. What such a claim insists is simply that those principles are not subject to any philosophical analysis that would seek to derive them from something beyond themselves. In the present context, the key point of that claim is that the correctness or incorrectness of any coherent judgments about the implications of basic moral principles is determined by those principles rather than by anything ostensibly prior to them. If anybody wishes to argue relevantly about the correctness of some such judgments, he or she will have to invoke moral benchmarks and categories. To be sure, in a rare situation in which a moral utterance by someone contains an outright logical error – such as a statement that a certain person is both morally at liberty to abstain from φ-ing at some time t and morally obligated to φ at t – we can discern the incorrectness of the utterance by sheer recourse to the laws of logic. Much more credible, however, are the innumerable situations in which the moral utterances of people are logically coherent. In every such case, the sole touchstone for

the correctness or incorrectness of anybody's understanding of a basic moral precept is the precept itself in conjunction with any other germane moral principles. (Naturally, if somebody is applying a moral principle to a certain instance of conduct that has occurred, the correctness of her moral verdict can hinge partly on the accuracy of her apprehension of the conduct's physical details. If her beliefs about the physical aspects of the conduct do not correspond to what has actually taken place, then her verdict might itself be incorrect as a consequence. In the present discussion, however, we are not focusing on verdictive errors that might arise from mistaken non-normative beliefs. Wittgensteinian queries about the following of rules do not pertain to errors of that sort. Instead, the focus here lies on the potential for misunderstandings of moral principles themselves. As was noted in Chapter 2, every moral principle takes the form of a conditional proposition. A correct understanding of any such principle consists in grasping the moral consequences that follow from the occurrence of conduct of some type or from the presence of facts of some type. Such an understanding does not depend on one's knowing whether any conduct of the specified type has actually occurred or whether any facts of the specified type do actually obtain.)

Skeptics, then, cannot rely on Wittgensteinian queries in order to impeach the determinacy of moral principles. Properly construed, those queries simply lead to the conclusion that all implications of moral principles depend on the principles themselves and not on any metaphysical foundations (or pseudo-foundations) beyond those principles. The reasons for the status of each implication as a genuine implication of a correct principle of morality are moral reasons. Hence, if skeptics hope to contest the determinacy of morality by appealing to Wittgenstein, they will have to pursue their contestation on moral grounds. They will have to show that a world marked by the radical indeterminacy of all implications of moral principles is morally superior to a world in which those implications are largely determinate. Once we recognize that the proclamations of indeterminacy by Wittgenstein-inspired skeptics are moral pronouncements rather than austerely metaphysical or epistemological theses – despite what the skeptics themselves may have thought – the utter implausibility of those proclamations is evident. Indeed, the skeptics' assertions are not only implausible but also grotesque and incoherent. Their incoherence resides in the need for skeptics to mount a moral case in favor of the blanket indeterminacy of moral consequences. Any such case would encompass and thereby undermine itself.

3.2. Perfect Determinacy?

Given that the skeptics have wildly exaggerated the degree of the indeterminacy that is present in the domain of morality, how far should we go in rejecting their skeptical claims? In legal philosophy, Ronald Dworkin has long affirmed that there is a uniquely correct answer to every legal question or virtually every legal question that might arise in any particular jurisdiction (Dworkin 1977; Dworkin 1978, 279–90; Dworkin 1985, 119–45; Dworkin 1991). Is a similar stance warranted in moral philosophy? Dworkin himself has based his view of law's determinacy partly on his belief that – at least in any legal system relevantly similar to that of the United States – the answers to legal questions are determined not only by the familiar materials of law such as statutes and adjudicative rulings and administrative regulations and constitutional provisions, but also by the most attractive moral principles that are immanent in those materials. That is, he believes that the uniquely correct legal answer in every case is the uniquely correct moral response to the problem raised by the case (in the light of the institutional history within which the case arises). For him, the comprehensive determinacy of law rests on the comprehensive determinacy of morality. Is he right to think that the moral realm partakes of perfect determinacy?

On the one hand, Dworkin's affirmation of such determinacy is not to be derided as ridiculous. Particularly noteworthy in this regard is his emphasis on the distinction between indeterminacy and indemonstrability, and on the related distinction between indeterminacy and uncertainty. When Dworkin insists on the existence of uniquely correct answers to thorny moral questions, he is hardly implying that people will invariably concur on what those answers are. On the contrary, he has repeatedly accentuated the intractability of the disagreements that surround difficult moral or legal cruxes. The distinction between determinate correctness and demonstrable correctness is especially salient in his jurisprudential theorizing because of his contention that correct principles of morality will be among the legal norms in any morally authoritative system of law. Given that the correct basic principles of morality are strongly mind-independent not only observationally but also existentially, his claims about uniquely correct answers to vexingly complicated legal/moral questions plainly do not entail any claims about widely agreed-upon answers to those questions. Accordingly, the preposterousness of claims of the latter sort should not be attributed to claims of the former sort.

Similarly, when Dworkin declares that there is a uniquely correct answer to virtually every moral question, he is in no way suggesting that everybody or almost everybody will feel confidently inclined to take a stance on each such question. More than anyone else, he has highlighted the distinction between indeterminacy and uncertainty (Dworkin 1996, 129–39). He has done so precisely because he is keenly aware that many people are genuinely unsure about the best answers to difficult moral questions. Insofar as such people register their uncertainty as uncertainty – and insofar as they thus refrain from inferring that their divided and baffled feelings indicate that there are no determinately correct answers to the questions that puzzle them – they are saying nothing whatsoever that is at odds with Dworkin's position.

On the other hand, although Dworkin's insistence on the existence of a uniquely correct answer to virtually every moral question is far from risible, it is excessively bold. Notwithstanding all that has been said here in his defense, there are good grounds for declining to go as far as Dworkin. He is right to challenge the orthodox (and rather complacent) view that there are no determinately correct answers to numerous moral questions, but his challenge does not altogether succeed. There undoubtedly remain some moral issues in connection with which the competing considerations are either evenly balanced or incommensurably pitted against each other. Contrary to what some opponents of moral realism have suggested (Wong 1984, 141), realists can readily acknowledge the existence of some indeterminacy in the realm of morality.[6]

As should be plain, the scale of the determinacy or indeterminacy in the moral realm is itself a moral matter. In reply to Dworkin's overweening claims about the comprehensive determinacy of that realm, we have to pose

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[6]   Of course, Michael Dummett has for many years associated realism with the principle of bivalence and thus with a staunch denial of indeterminacy. As he declares: "The very minimum that realism can be held to involve is that statements in [a] given class relate to some reality that exists independently of our knowledge of it, in such a way that that reality renders each statement in the class determinately true or false . . . Thus realism involves acceptance, for statements of the given class, of the principle of bivalence, the principle that every statement is determinately either true or false" (Dummett 1993, 230). Let us leave aside here the fact that Dummett treats realism solely as a semantic thesis. Of greater relevance at present is his insistence – from an anti-realist perspective – that realism in any domain commits its proponents to the principle of bivalence throughout that domain. Like many other philosophers, I cannot see any reason whatsoever to accept Dummett's insistence. See, for example, Rosen 1995, 602–06; Nobis 2000; Rovane 2002, 269. See also Shafer-Landau 1994, 332–35, 342–43; Shafer-Landau 2003, 218.

moral inquiries. For each especially difficult moral issue, we have to ask whether the existence of a determinately correct way of handling the issue would be morally superior to the inexistence of any such way. Although Dworkin believes that the answer to such an inquiry will always be "yes," there are solid reasons for thinking otherwise.

3.2.1. Moral vagueness

Consider, for example, the problems engendered by the ineliminable vagueness of many moral concepts. Albeit a full-scale treatment of the topic of vagueness is well beyond the scope of this book, a laconic sketch of one mundane instance of the problem will suffice for my present purposes; the same basic considerations that bear on this instance will bear on countless other instances as well. Suppose that six months would be an unreasonably long period of time for students to be kept waiting for the disclosure of their examination results, and that three days would be a reasonably short period of time for such a wait. Yet, if a period of six months is unreasonably long, then so is a period of six months minus one tenth of a second. Any basis for deeming the former to be unreasonable in length would apply as well to the latter. Conversely, if a span of three days is reasonably short, then a span of three days plus one tenth of a second is likewise reasonable. Any distinction between those two lengths of time that is centered on their reasonableness or unreasonableness would be zany. No correct principle of morality would ever classify three days as reasonable while classifying three-days-plus-one-tenth-of-a-second as not reasonable. In this context, much the same can be said about every reasonableness-focused or unreasonableness-focused distinction between any span of length L and a span of L-plus-one-tenth-of-a-second or a span of L-minus-one-tenth-of-a-second. Whatever may be the numerical value of the "L" variable, any reasonableness-focused or unreasonableness-focused distinction between L and L-plus-one-tenth-of-a-second or between L and L-minus-one-tenth-of-a-second would be untenably arbitrary. Given as much, however, somebody who ventures to pin down the distinction between the reasonably short and the unreasonably long will proceed indefinitely in contemplating the addition of tenths of seconds to the length of three days, and will likewise proceed indefinitely – until reaching zero – in contemplating the subtraction of tenths of seconds from the length of six months. There is no point at which a non-arbitrary line will mark the end of the

reasonableness of the former length. Nor is there any point at which a non-arbitrary line will mark the beginning of the unreasonableness of the latter length. No correct principle of morality would ever sustain any such line. We therefore seem impelled toward the conclusion that a period of six months or even longer is reasonably brief, and that a period of three days or even shorter is unreasonably protracted.

To come to grips with this sorites paradox, which has been known since ancient times and which bears *mutatis mutandis* on many dichotomies rather than only on the reasonableness/unreasonableness distinction (Sainsbury 1988, 25–48), we have to allow that each such dichotomy is associated with a gray area of borderline cases. Within that gray area – the boundaries of which are themselves vague at a higher-order level – there is no determinate answer to the question how any particular borderline phenomenon is to be classified. Now, among the vague properties that give rise to such gray areas are many of the properties within the domain of morality. Those properties differ among one another in the extent of their vagueness and in the degree of its practical importance, but each of them can generate questions to which there are no determinately correct answers. The potential for some such questions is ineliminable, since any means of closing off vagueness in one or more of its manifestations within the moral realm will require the invocation of other moral properties that are themselves not impervious to lines of reasoning broadly parallel to the argument sketched in my preceding paragraph. Although vagueness can usually be lessened, and although it can always be shifted from one focal point to another, it can never be overcome completely. Its ineliminability, in the present context, stems from the unsustainability of any moral principles that would draw fundamental differences on the basis of extremely fine gradations such as those highlighted in my preceding paragraph. Because no defensible moral principle would ever classify L as a reasonably short length of time for the marking of examinations while also classifying L-plus-one-tenth-of-a-second as a length of time that is not reasonable – and because no defensible moral principle would ever classify L as an unreasonably long period of time for the marking of examinations while also classifying L-minus-one-tenth-of-a-second as a period that is not unreasonable – we shall find ourselves engulfed by sorites paradoxes unless we acknowledge the existence of a gray area in which some questions about the reasonableness or unreasonableness of certain spans of time are not determinately answerable. In other words, we have to acknowledge that there are no determinately correct answers to some moral questions. Moreover, *pace* Dworkin, such

an acknowledgment is required on moral grounds. We have to accept the notion of a gray area, because a rejection of that notion in this context entails the implicit or explicit postulation of outlandish moral principles.

Admittedly, the problems of vagueness are viewed as purely epistemic by a few of the most sophisticated contemporary analysts of such matters (Sorensen 1988, 217–52; Williamson 1994; Horwich 1998, 78–84; Sorensen 2001). If a defender of Dworkin were to embrace such a view, he or she could maintain that the gray areas of borderline cases surrounding vague concepts are regions of ineradicable uncertainty rather than of indeterminacy. However, as the epistemicist philosophers of vagueness are themselves aware, they are very much in the minority, and their views have been challenged at length (Endicott 2000, 99–136). As Roy Sorensen, one of the premier exponents of the epistemicist account of vagueness, has amusingly commented: "Unlike most paradoxes, the difficulty with the sorites paradox is not devising a subtle solution. The [epistemicist] solution is straightforward . . . The real problem is to explain why people have so much trouble accepting the simple solution. Including me" (Sorensen 2001, 20).

At any rate, there is no need here for me to enter into the debates over the general soundness of the epistemicist approach to vagueness. Whatever may be the merits and shortcomings of that approach in other areas, its shortcomings are insuperable and devastating in the domain of morality. According to the epistemicist account of moral vagueness, every divide between reasonably short spans of time and unreasonably prolonged spans of time is sharp. For some value of "L," L is a reasonably short period of time for the marking of an examination, whereas L-plus-one-tenth-of-a-second is an unreasonably lengthy period. Yet, the epistemicist theorists firmly insist, nobody can ever know – even in principle, much less in practice – where the sharp line between reasonableness and unreasonableness lies. No human being or any other rational agent could ever know that L-plus-one-tenth-of-a-second is an unreasonably long stretch of time for the marking of examinations, yet it is indeed unreasonably long. So the epistemicists assert. As a result, their accounts of vagueness in application to this moral problem and to other moral problems are doubly vulnerable.

In the first place, as has already been contended, no tenable moral principle would ever establish both that L is a reasonably short period of time for the marking of examinations and that L-plus-one-tenth-of-a-second is unreasonably long. Any such differentiation between those stretches of time would be crazily unprincipled and arbitrary. Moral principles cover morally significant differences, rather than differences that can never

truly matter morally. Still, this first retort to the epistemicist theorists of vagueness would probably strike those theorists as question-begging. They would presumably reply that, for some unknowable value of "*L*," the difference between *L* and *L*-plus-one-tenth-of-a-second is morally significant. That difference constitutes the division between a reasonably short span of time and an unreasonably protracted span of time for students to be kept waiting for the disclosure of their examination results. We can never know where that morally significant difference resides – so the epistemicist philosophers would maintain – but a correct principle of morality will capture it precisely among the principle's implications. Though such an implication will be strictly unknowable, it will obtain as a corollary of a correct principle of morality.

In the second place, then, in response to the epistemicist rejoinder that has just been posited, we should return to a point that has been discussed *mutatis mutandis* in Chapter 2. No correct principle of morality will ever yield implications that are wholly unknowable under optimal conditions. For the reasons expounded in Chapter 2, no such implications would have any normative purchase on human life. Let us consider this point in the context of the example involving the marking of examinations. According to the epistemicist account of the matter, some person *P* responsible for marking examinations might be committing a moral wrong against students simply by taking one tenth of a second longer in the process of marking than somebody who has finished the task within a reasonably short period of time. Neither *P* nor anyone else could ever know that the additional tenth of a second would render his conduct unreasonable. Yet, given that no one could ever know that *P* was under a moral duty to refrain from expending the additional tenth of a second, he was under no such duty. After all, his inability to apprehend such a moral duty is not attributable to any moral failings or other failings on his part. Instead, it stems from the fact that any such moral duty would lie utterly inaccessibly beyond the investigative efforts of every human agent even under optimal conditions. Consequently, we can be certain that there is no such duty. Nobody is ever under a moral duty to refrain from expending an additional tenth of a second in the marking of examinations, because nobody is ever under a moral duty that is not only unrecognized but also completely unrecognizable. A moral duty of that sort would ludicrously flout *P*'s moral agency. Given that morality is not ludicrous, the epistemicist account of vagueness – whatever its virtues and weaknesses in other domains – is unsustainable in the moral realm. Defenders of Dworkin cannot fall back upon the epistemicist approach in order to salvage their view that the moral realm is

comprehensively determinate. It is a matter of moral necessity that some moral questions lack any determinately correct answers.

3.2.2. Incommensurability and value-pluralism

This conclusion about the modest but abiding presence of indeterminacy in the domain of morality is strengthened when we ponder some other potential aspects of moral situations. Most obvious but perhaps least frequent as a locus of indeterminacy is any situation in which the morally relevant considerations on each side of an issue are exactly evenly balanced in importance. Dworkin himself has always acknowledged the possibility of such situations and has likewise accepted that they involve genuine indeterminacy (Dworkin 1978, 286–87). However, he has also rightly submitted that competing moral considerations are seldom balanced precisely evenly. Though by no means impossible, the occurrence of a moral problem with conflicting factors exactly matched in importance is exceptional rather than typical. Still, although such situations are uncommon, there are no determinately correct answers to the questions they pose.

Somewhat less rare than moral quandaries with precisely counterpoised considerations are moral cruxes that give rise to indeterminacy because of incommensurability.[7] Dworkin's claims about the existence of a uniquely correct answer to virtually every moral question are closely bound up with his resistance to the idea of the incommensurability of clashing moral factors, and with his concomitant rejection of value-pluralism in morality (namely, the thesis that basic moral values collide with one another in certain respects and that they therefore sometimes have to be traded off against each other).[8] To be sure, his doubts about incommensurability and value-pluralism in the domain of morality are salutary to some

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[7] For some sophisticated and illuminating essays on the topic of incommensurability, see Chang 1997.

[8] As should be evident, and as is aptly recognized in Mason 2006, value-pluralism differs markedly from the liberal doctrine of political pluralism. That latter doctrine calls for governments to adopt accommodatingly tolerant policies in connection with the diverse moral creeds to which the members of a heterogeneous society variously adhere. By contrast, value-pluralism pertains to potential conflicts between the values encapsulated in the basic principles of morality *tout court*. Moreover, although the thesis of value-pluralism certainly covers the fundamental values of political morality – and although my present discussion will in fact concentrate on some of those elements of political morality – that thesis does not in itself prescribe political tolerance.

degree; people are too ready at times to presume that the difficulty of recon-ciling certain moral desiderata is indicative of the sheer impossibility of doing so. Nevertheless, his stance is overweening insofar as it is meant to apply in a blanket fashion. The tenability of that stance is a moral matter, of course, and there are solid moral reasons for thinking that Dworkin has gone too far. Owing to problems of incommensurability, moral principles will fail to generate determinately correct answers to some moral questions.

3.2.2.1. Liberty and equality

In his efforts to show that the values of political morality and other moral ideals do all mesh in ways that overcome incommensurability and value-pluralism, Dworkin has to resort to some far-fetched lines of argument.[9] His lines of reasoning are to be rejected on moral grounds. For example, when Dworkin explicates major values of political morality as aspects or subdivisions of the sovereign virtue of equality, he eliminates the distinc-tiveness of those values. He adopts, for instance, a conception of freedom which I have criticized elsewhere as "moralized" (Kramer 2003, 100–03). He maintains specifically that the prevention of any person *P* from engag-ing in some conduct or from bringing about some state of affairs does not encroach at all upon *P*'s freedom unless the stymied conduct or state of affairs would have been legitimate. As Dworkin writes: "In my view,

[9] I shall be concentrating in this chapter on some values of political morality because Dworkin himself concentrates on them (as do the particular value-pluralists to whom he is retort-ing, most notably Isaiah Berlin). However, my chief points about the plurality of values are generalizable to all other areas of morality. Indeed, many of the foremost value-pluralists focus principally on those other areas; see, for example, Stocker 1990. My fourth chapter's discussion of overridingness, in § 4.4, makes clear that various moral values not only can clash with one another but also can sometimes be surpassed in normative importance by values of other types (supererogatory, aesthetic, prudential) with which they may clash. Additionally emphasized in that discussion of overridingness, as well as in the present chapter, is the key role of remedial obligations in any circumstances where moral require-ments are transgressed. Because transgressions of those requirements are inevitable when-ever basic moral values are in conflict with each other, the incurring of remedial obligations will likewise be inevitable in such contexts. As will become clear later in this chapter, and as I have argued at length elsewhere – in Kramer 2004, 249–94; and Kramer 2005 – the triggering of remedial obligations is what enables a moral requirement to operate as a require-ment in any situation where it is exceeded in normative importance by some clashing moral value (or by some clashing supererogatory or aesthetic or prudential consideration that is especially weighty).

liberty means the freedom to use what is properly or morally your property as you wish provided you respect the rights of others" (Dworkin 2006, 286 n. 14). For Dworkin, the rights of others are determined by the value of equality. Hence, under the conception of liberty encapsulated in this quotation, each person's liberty is entirely derivative of the value of equality. Dworkin also seems to have in mind a slightly different moralized conception of freedom, when he writes that "liberty is not infringed by just taxation" (Dworkin 2006, 286 n. 14). Given that this latter statement immediately follows the one quoted above, Dworkin presumably believes the two to be expressive of the same understanding of freedom. In fact, however, this second statement suggests a subtly different moralized conception, according to which the prevention of *P* from engaging in some conduct or from bringing about some state of affairs does not encroach at all upon *P*'s freedom unless the prevention is illegitimate. Since Dworkin believes that the justness of taxation rests on the principle of equality of resources, he is in effect quite straightforwardly claiming that a person's freedom is in no way constricted by governmental measures that are properly promotive of the ideal of equality. Hence, although the two versions of the moralized conception of liberty are subtly non-equivalent, they are alike in that each of them construes liberty as an aspect or offshoot of equality.

Dworkin's moralized conception of freedom is morally objectionable for several reasons. For one thing, such a conception disallows any appeals to freedom as an independent desideratum (Carter 1999, 71–72; Williams 2001, 13–14). By expounding liberty as a dimension of equality, the moralized approach has stripped liberty of any independence as a factor that can militate either in favor of various socio-political arrangements or against them. This point is most obvious in connection with the second of the two versions of the moralized conception, which addresses the legitimacy or illegitimacy of the constraints on what a person can do or become. Because the only constraints on human conduct that will count as limitations on liberty are unjust constraints, a denunciation of certain institutions as restrictive of liberty will add nothing to a denunciation of them as unjust. Likewise, because such a moralized theory treats of freedom as nothing more than the absence of *illegitimate* constraints, a commendation of certain institutions as promotive of freedom will add nothing to a commendation of them as legitimate and fair. In short, the fostering or impairing of freedom (as understood by a moralized theory of this kind) will have ceased to be a consideration that might carry some independent

justificatory or condemnatory weight. Though moralized approaches to liberty that are focused on the illegitimacy of obstacles might seem to elevate the status of liberty by imbuing it with a morally favorable hue, they in fact eliminate it as an independent value. They reduce all questions of greater or lesser freedom to questions of greater or lesser rectitude, by characterizing freedom as a facet of some other substantive moral ideal such as equality – an ideal on which the whole burden of any justification or condemnation of institutions must repose.

A very closely related reason for rejecting Dworkin's subsumption of liberty under equality is that his general technique for effecting such a subsumption trivializes liberty by allowing it to be squared with any values, including noxiously repressive values. An objection to Dworkin along these lines has been pressed by Robert Nozick in a 1991 workshop, as recounted by Ian Carter: "Nozick pointed out that [Dworkin's technique for reconciling freedom with equality] was rather an easy way to show that liberty and equality were compatible, and that a Muslim fundamentalist could just as easily show liberty to be compatible with Muslim fundamentalism by defining liberty as 'the power to do what one is able to do in an ideally Muslim fundamentalist society'" (Carter 1999, 72 n. 8). Of course, Dworkin can undoubtedly argue cogently that freedom as an aspect or offshoot of liberal-democratic equality is morally superior to freedom as an aspect or offshoot of Islamist extremism. Though correct in itself, however, such a retort would miss the point. Nozick's objection is not that Dworkin has endowed the ideal of freedom with an unattractive content. Rather, his complaint is that Dworkin has evacuated that ideal of all independent substance and has thereby obliterated everything distinctive about it. By eviscerating liberty as a separate element of political value, Dworkin effectively removes it from playing any role in the contestation of pernicious political creeds. For him, its role in such contestation must instead be taken over by the sovereign virtue of equality; for any theorist of a different political persuasion who similarly eviscerates the ideal of freedom by seamlessly reconciling it with some other value, the role of freedom in political disputation will have been taken over by that other value. Anybody who prizes freedom as a worthy desideratum in its own right – anybody who believes that socio-political arrangements are to be appraised not only on the basis of their justice or injustice but also (partly independently) on the basis of their conduciveness or inconduciveness to high levels of overall liberty for individuals – should eschew Dworkin's moralized account of freedom.

Perhaps the most obvious reason for forswearing that moralized account is that it gives rise to unacceptable ascriptions of freedoms and unfreedoms. Every moralized theory of liberty insists that even the severest constraints on the latitude of a person *P* might not deprive *P* of any of his or her freedoms. No loss of those freedoms will have taken place unless the constraints are wrongful or unless the prevented conduct would have been legitimate. Thus, for example, if Alec's prevention of Susan from wantonly setting fire to a neighbor's house is morally legitimate, then Alec does not interfere with her liberty at all when he manages to avert the arson by grabbing and restraining her. If she struggles to reach the neighbor's premises so fiercely that he has to pin her to the ground and even bind her hands and feet, she will still not have undergone any impairment of her freedom. Likewise, if the placement of a dangerous criminal in chains or a straitjacket is legitimate because of his uncontrollably violent behavior, neither of those means of immobilization will divest him of any freedoms. So a proponent of Dworkin's conception of liberty has to contend. His conception is to be rejected, then, because it entails judgments about people's freedom that are reminiscent of the mad utterances in an Orwellian dystopia. We shall enhance the clarity of our moral insight if we decline to accept that somebody justly confined in chains or immured in prison has not undergone any diminution of freedom. To think with proper moral acuity about freedom, we need to distinguish between the occurrence and the legitimacy of any loss thereof.

3.2.2.2. Moral conflicts

As the last several paragraphs have maintained, Dworkin's effort to overcome value-pluralism by subsuming the ideal of liberty into the ideal of equality is morally unsustainable. My discussion has concentrated on those two values because Dworkin himself devotes far more attention to them in his discussions of value-pluralism than to other values. However, if we were to probe other basic ideals of political or general morality, we would arrive at parallel conclusions. Monistic attempts to collapse those ideals into one overarching desideratum are impoverishing and distortive.

Before we ponder the consequences of the failure of Dworkin's value-monism, we should examine one of his further arguments in support of his position. Dworkin claims that the postulation of potential conflicts between basic moral values is tantamount to the suggestion that everybody is subject to two or more distinct moral sovereigns (Dworkin 2006,

110–11). In an attack on Isaiah Berlin's value-pluralist view that govern-
ments sometimes cannot avoid acting wrongly, he asks: "When are we en-
titled, not simply to the negative idea that we do not know what it is right
for us to do, but to the positive claim that we know that nothing that we
do is right because, whatever we do, we do something wrong?" (Dworkin
2006, 110.) He raises this question with the hope of showing that the notion
of inescapable wrongness is at best extremely implausible if not downright
incoherent. His argument, presented with reference to controversies over
the banning of racist declamations, should be quoted at some length:

> [W]e might be uncertain whether a government does wrong when it pro-
> hibits racist speech, or, on the contrary, it does wrong when it permits such
> speech. What further argument or reflection could replace this indecision
> with the positive conviction that government does wrong in either case?
> ... [W]e are drawn to each of the rival positions through arguments that,
> if we were finally to accept them as authoritative, would release us from the
> appeal of the other one. If we really believe that citizens have a right to speak
> out even in ways that offend certain other citizens, then it would be odd
> also to believe that certain citizens have a right not to be offended by what
> other citizens say. And vice versa ... It seems puzzling how we could be
> persuaded, at one and the same time, that citizens have a right that racial
> insults not be uttered and that citizens have a right to utter racial insults.
> But unless we can finally accept both of these claims, and at the same time,
> we cannot claim the positive view that we violate citizens' rights whatever
> we do about racist speech. (Dworkin 2006, 111)

Dworkin in this argument commits several fallacies of equivocation, for
he trades repeatedly on the ambiguity of the term "right." Two distinctions
should be highlighted here: the distinction between claim-rights and
liberty-rights, and the distinction between moral rights and legal rights.
(A claim-right of a person normally consists in her being entitled to the
adoption of some specified course of conduct by some other person.
The other person is under a duty to engage in that course of conduct. A
liberty-right of a person consists in her being permitted to engage in some
specified course of conduct; a liberty-right to do x is the absence of a duty
not to do x.)

With these two distinctions in mind, let us examine the following sen-
tence from the passage above: "If we really believe that citizens have a right
to speak out even in ways that offend certain other citizens, then it would
be odd also to believe that certain citizens have a right not to be offended

by what other citizens say." The first right to which Dworkin refers here is clearly a liberty-right, while the second right to which he refers is equally plainly a claim-right. If the liberty-right is a legal entitlement, and if the claim-right is a moral entitlement, then there is no oddity whatsoever in the combination of beliefs that Dworkin mentions. Anybody can perfectly coherently maintain that each citizen *C* is legally at liberty to rant in ways that seriously offend other citizens, *and* that *C* is morally duty-bound to refrain from ranting in ways that seriously offend other citizens – who therefore each have a moral claim-right to *C*'s abstaining from ranting in those ways. Incoherence would be generated only if somebody were to contend that both the specified claim-right and the specified liberty-right are legal, or that both of them are moral. No perspicacious value-pluralist would commit such an error.

Now, it may well be that *C* has a moral claim-right against the governmental authorities' legally prohibiting him from ranting in ways that seriously offend other people. *C*, that is, might have a moral claim-right against their imposing on him a legal duty to eschew a mode of behavior that he is morally duty-bound to eschew. Such a state of affairs is perfectly possible and indeed fully credible. Governmental authorities may well be morally duty-bound to refrain from legally prohibiting certain moral wrongs. Hence, if the authorities do clamp down on racist speech by outlawing it, they will be violating citizens' moral claim-rights against the introduction of such legal regulation.

What might also be true is that the governmental authorities are morally obligated to take all feasible steps to prevent people from being seriously offended by tirades in public places. If so, and if the outlawing of venomously racist speech in public places is a feasible step that will be an effective deterrent, then the authorities are morally obligated to proscribe such speech in such places. Any person who might be seriously affected by racist speech in public places has a moral claim-right to the government's legal proscription of it. If the governing authorities decline to take such a step, they will be committing a moral wrong.

Thus, if the moral claim-rights broached in the last two paragraphs are indeed held by citizens, we encounter a situation in which the governing authorities cannot avoid committing a moral wrong. If they outlaw racist speech in public places, they will *pro tanto* be violating each citizen's moral claim-right against the legal prohibition of such discourse. If the authorities instead forbear from legally banning racist speech in public places, they will be violating the moral claim-rights of detrimentally affected citizens

to the imposition of such a ban. *Pace* Dworkin, the moral claim-rights against the prohibition of hate speech and the moral claim-rights to the prohibition of hate speech can perfectly coherently coexist. The governmental authorities can be both under a moral duty to φ and under a moral duty to abstain from φ-ing. What can never be true, of course, is that the authorities are both morally duty-bound to φ and morally at *liberty* to abstain from φ-ing. A combination of such a duty and such a liberty-right would indeed be incoherent. By contrast, the combination of a moral duty to φ and a moral duty to abstain from φ-ing is impeccably coherent – precisely because a duty to abstain from φ-ing is not at all the same as a liberty-right to abstain from φ-ing.

Of course, nothing just said is sufficient to support the view that the governmental authorities in the United States or in any other country are in fact under a moral duty to outlaw racist speech and simultaneously under a moral duty to abstain from outlawing racist speech. Though neither of those moral duties is outlandish, a solid case for the actuality of each one would require some extensive moral argumentation. My aim has simply been to show that the combination of those two duties is not self-contradictory or preposterous. Governmental authorities might be under both of those duties, and might therefore be unable to avoid acting wrongly on the matter of racist speech. Dworkin's brisk dismissal of the possibility of such an upshot is glib.

3.2.2.3. Incommensurability

Dworkin's resistance to the prospect of conflicting moral duties, with his oversimplification of the relevant issues, is especially regrettable because it is unnecessary for the sustainment of his thesis that every moral question or virtually every moral question lends itself to a uniquely correct answer. Fully consistent with his thesis is the specter of inescapable wrongness; sometimes, the uniquely correct response to a moral problem lies in opting for the lesser of two wrongs. If somebody faced with such a quandary does not choose the lesser evil in order to avoid the greater, he or she will have failed to adopt the uniquely correct course of conduct. (It should go without saying that "lesser" and "greater" need not be understood here in utilitarian terms.) Any sensible proponent of value-pluralism will recognize this point about gradations of wrongness.

Nevertheless, we should also recognize that the possible occurrence of conflicting moral duties does amount to a further potential source of

incommensurability in the moral realm. Although most pairs of conflicting moral duties do not give rise to any indeterminacy – because one of the duties in each pair is determinately more important and stringent than the other duty – the remaining such pairs do involve indeterminacy. Some clashes between moral duties are productive of indeterminacy because of the equal balance between the duties in each clash, while some others are productive of indeterminacy because the underlying considerations that generate the duties are incommensurable.

Incommensurability as understood here is a property of moral ontology rather than purely of moral epistemology. That is, it consists in a mind-independent state of unrankability rather than in an epistemic incapacity to detect rankings that nonetheless obtain. Of course, in circumstances in which two conflicting duties are strictly unrankable – in other words, in circumstances where neither of the duties is more important than the other and where they are not of equal importance – nobody even under optimal conditions will be able to perceive correctly any ranking of superiority or equality between them. However, that epistemic inability corresponds to the actualities of the moral situation; it is not a purely epistemic limitation that abides despite those actualities.

Now, as has already been stated, neither the plurality of basic moral values nor the potential for conflicts between moral duties is in itself sufficient to render inevitable the emergence of incommensurability and consequent indeterminacy. All the same, although incommensurability is not absolutely inevitable, and although it is not present in most situations, it is overwhelmingly likely in some circumstances. No full-scale investigation of this matter is possible within the confines of this book (which takes as one of its aims a vindication of the general determinacy of morality), but a few terse remarks should indicate that Dworkin has almost certainly pushed his point too far when he presumes that incommensurability is never or almost never lurking in the domain of morality. For moral reasons, we should decline to go as far as he does.

Let "*G*" stand for the size of the gap between the stringency of some moral requirement and the stringency of a conflicting moral requirement. If each of the moral duties in a clashing pair is exactly as weighty morally as the other, then $G = 0$. If one of the duties is morally more weighty than the other, then $G \neq 0$. Now, plainly, either $G = 0$ or $G \neq 0$. Hence, when somebody believes that two duties pertaining to inconsistent courses of conduct are morally incommensurable, he or she should not be seeking to specify a value for "*G*" in application to those duties. Instead of seeking

to come up with a value that is neither equal to zero nor not equal to zero, such a person should reject the proposition that there is any coherent parameter G to be specified at all. There is no G in such a situation, not even a G of zero magnitude. If conflicting obligations are morally incommensurable, there is no coherent moral basis for an overall comparison between them.

Given that incommensurability is a property of the sort just outlined, it is most likely to arise in a complicated situation where the only suitable basis for a moral comparison is multivalent and where the results of the multivalent comparison would not constitute any univocal or coherent G. Any such situation is epistemically challenging, of course, but – insofar as it is marked by genuine incommensurability – the epistemic barriers within it correspond to the absence of any determinate overall moral relation (of equality, superiority, or inferiority) between one course of conduct and another. Suppose that an overall moral comparison between two specified courses of conduct would have to advert to five key moral values at stake in any choice between those courses. Suppose further that the results of any accurate enquiries into those five key touchstones would be profoundly inconclusive. Some of the values would cut in one direction by various margins, while the remaining values would cut in the other direction by various margins. A defender of Dworkin will have to maintain either that the conflicts among the values are always ultimately illusory or that those conflicts are always ultimately generative of a determinate overall moral relation between the two courses of conduct under consideration. We have already seen that the first of these Dworkinian rejoinders would be unsatisfactory. Any effort to collapse the sundry basic values of morality into one sovereign virtue such as equality or maximal utility will distort rather than illuminate the issues that are being addressed. Anybody who construes freedom as a species of equality, for example, is thereby eliding some of the key normative features of situations that would be taken into account by an adequate investigation of political morality.

Is the second Dworkinian rejoinder more successful? On the one hand, it is admirably pertinent as an admonition against drawing any facile inferences about the sway of indeterminacy from the presence of complexity and uncertainty. Multivalent comparisons are bound to be complex and are frequently attended by uncertainty on the part of many people. Such complexity and uncertainty are hardly in themselves sufficient to establish that two obligatory courses of conduct are genuinely incommensurable.

Indeed, people who feel great uncertainty are in no position to deny (or affirm) the existence of a coherent *G* between the duties pertaining to those courses of conduct. Even so, notwithstanding that uncertainty and complexity are distinct from incommensurability, anyone who suggests that those phenomena are never accompanied by incommensurability is straining credulity.

Defenders of Dworkin might believe that the wholesale absence of incommensurability is necessary in order to ensure that any relevant moral obligations in situations of great moral complexity are binding as obligations. They perhaps think that, if none of the overall verdicts that might emerge from a complicated moral comparison between courses of conduct is determinately correct, then no moral obligations on either side of the comparison will be operative. Now, if such a line of thought were well-founded, then there would obviously be strong moral reasons for rejecting the notion of incommensurability in the moral domain. In fact, however, such a line of thought is baseless. As has already been discussed in my remarks on the regulation of racist invective, moral obligations can clashingly coexist on opposite sides of a moral quandary. Typically, the moral obligation(s) on one side of such a quandary will surpass in importance any moral obligation(s) on the other side. In such circumstances, as was suggested earlier, there is a uniquely correct way of dealing with the problem. That uniquely correct approach consists in opting for the lesser of two wrongs. In other morally problematic situations of conflicting obligations, however, there are no determinately correct responses. In any situation of the latter sort, it is not the case that the moral requirements on either side of an issue cumulatively exceed in importance the moral requirements on the other side. Those sets of requirements might be exactly evenly balanced (in which case the *G* between them is 0), or they might instead be incommensurably counterpoised (in which case there is no coherent overall *G* between them).[10]

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[10] Naturally, in any particular case we might not be able to tell whether the sway of indeterminacy is due to an even balancing of moral requirements or instead to their incommensurability. (Likewise, of course, we might not be able to tell whether the moral bearings of a given situation are genuinely indeterminate or not.) Nonetheless, the two types of indeterminacy are distinct. For example, a slight improvement in one of two evenly balanced alternatives will tilt the balance in favor of that alternative and will thereby eliminate the indeterminacy of the situation, whereas a slight improvement in one of two incommensurable alternatives will typically not eliminate their incommensurability and the consequent indeterminacy of the situation.

What is crucial here is that conflicting moral obligations will remain oper-
ative regardless of whether there is a determinately correct choice to be made
between them. In a moral predicament where the moral requirements on
one side are cumulatively more weighty than those on the other side – and
where there is consequently a uniquely correct way of resolving the
predicament – the requirements on each side are fully binding. Anyone faced
with the predicament must not only comply with the weightier set of require-
ments, but must also remedy his failure to comply with the other set. He
incurs remedial duties precisely because those less weighty requirements
remain binding despite their having been overtopped by countervailing obli-
gations that are even more pressing. Being overtopped does not amount
to being negated (Kramer 2004, 280–83, 290–93). In a similar vein, being
equally or incommensurably counterbalanced does not amount to being
negated. When somebody abides by certain moral duties at the expense
of equally stringent moral duties, she will thereby have incurred remedial
obligations under which she has to rectify her noncompliance with
the unfulfilled duties. She incurs those remedial obligations because the
neglected duties have remained fully operative despite being exactly offset
by the duties to which she has conformed. Likewise, when somebody
complies with certain moral duties at the expense of other moral duties
that are incommensurably juxtaposed with them, she will thereby have
incurred remedial obligations – which are triggered precisely because the
unfulfilled duties have remained fully operative despite being offset by duties
that are not less weighty morally. In other words, whenever a moral crux
throws up conflicting moral duties, those duties persist as binding moral
requirements irrespective of whether the relation between them is one
of inequality or of equality or of incommensurability. When conflicting
moral obligations coexist incommensurably, just as much as when they are
unevenly related or evenly balanced, each of them continues to obtain as
a moral obligation. A person's noncompliance with any such obligation is
a wrong that will have to be rectified.

Thus, insofar as Dworkinians may worry that the absence of any
determinately correct answer to the question posed by a moral plight is
inconsistent with the sway of any moral duties inside the ambit of that plight,
their fears are groundless. Whenever some inconsistent courses of conduct
C_1 and C_2 are incommensurably pitted against each other, any person faced
with such a dilemma might be under a moral duty to opt for C_1 and also
under a moral duty to opt for C_2. Being able to fulfill only one of those
duties, she will be morally obligated to remedy her noncompliance with

the other one. Clashes between moral duties are not unique to situations of incommensurability, of course, but neither are they precluded in such situations. Quite the contrary. The existence of a uniquely correct resolution of a knotty moral dilemma is not necessary for the moral obligatoriness of any course of conduct covered by the dilemma. Moral obligatoriness can obtain all the same. Even though C_1 is not morally superior to C_2 – and is likewise not morally inferior or equal to C_2 – any relevant person might be under a moral obligation to opt for C_1. (Naturally, an exactly parallel point is true of C_2.) If a person is indeed under a moral duty to opt for C_1, then her adoption of any contrary course of conduct will impose on her a moral obligation to remedy her non-fulfillment of that duty. That is, the moral consequences of the non-fulfillment will be broadly the same in circumstances of incommensurability as in circumstances where C_1 is morally superior to C_2 and where it is thus the uniquely correct course of conduct. To be sure, the consequences in the latter circumstances will differ in one significant fashion. When somebody has opted for C_2 and has therefore not complied with a moral duty to opt for C_1, the requisite remedy will be more severe if C_1 was the uniquely correct course of conduct for her than if C_1 and C_2 were incommensurably juxtaposed. When one's nonconformity with a moral obligation is due to one's conformity with an incommensurably potent moral obligation, the nonconformity is extenuated to a greater degree than it would be if it were due to one's conformity with a less important moral obligation. However, that dissimilarity is a difference of degree rather than a fundamental difference of kind. It pertains to the stringency, rather than to the existence and bindingness, of a moral obligation. As far as the existence and bindingness of a moral obligation are concerned, the fact that that obligation is in conflict with another moral obligation of incommensurable moral importance – rather than of equal or unequal importance – does not make a difference.

Accordingly, given that the sway of incommensurability in certain complex moral quandaries does not pose a threat to the bindingness of any moral duties that are involved, there are no credible moral reasons for declining to acknowledge that some such quandaries indeed fall under that sway. There are in fact solid moral reasons for recognizing the occasional presence of incommensurability, since we can thereby improve our grasp of the severity or leniency of the remedies that are due for particular breaches of moral obligations. Of course, the reign of incommensurability – like the reign of other types or sources of indeterminacy – would be devastating if it were far-reaching. No tenable account of morality can yield the

conclusion that incommensurability is commonplace. Morality would be undermined if its function of normatively regulating human conduct were generally thwarted by the prevalence of incommensurability. Still, what has been claimed here is certainly not that the phenomenon of incommensurability is prevalent; rather, what has been claimed is that that phenomenon is occasionally present in situations of great multivalent complexity. Some such situations involve not only complexity and uncertainty but also genuine incommensurability. To allow as much is hardly to endorse any wild-eyed skeptical pronouncements about pervasive indeterminacy. A firm rejection of skepticism is consistent with acknowledging that the competing factors at stake in some especially gnarled moral cruxes are incommensurable.

3.3. A Terse Coda: Skepticism Contrasted with Relativism

Before we move on to Chapter 4's discussion of ethical objectivity qua uniform applicability, the present chapter should close by briefly distinguishing moral skepticism from moral relativism.[11] On the one hand, as has already been remarked, the terms "skepticism" and "relativism" are employed by philosophers and ordinary people in a variety of senses. It is not my aim here to chart those multitudinous senses. On the other hand, the aforementioned terms have been employed quite precisely in this book. In this short concluding discussion, my aim is to distinguish between the relativism that has been criticized in Chapter 2 and the skepticism that has been criticized in the present chapter.

Differentiating between relativism and skepticism is of some importance because they can initially seem closely similar. Each of them seeks to cast doubt upon an aspect of moral ontology, and each is often championed with reference to the intractable disagreements that surround controversial moral topics. My exposition of each has made prominent mention of those disagreements. Nonetheless, the two doctrines are far from identical. Whereas moral relativists impugn the strong existential mind-independence

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[11]   For some laconic remarks on the differences between skepticism and relativism, see Krausz and Meiland 1982, 2–3. As is noted in Scanlon 1995, 221–22, relativism is also to be distinguished from noncognitivism.

of moral principles, moral skeptics query the existence of determinately correct answers to moral problems.

Relativists declare that the bindingness of any moral principles is peculiar to the groups (if any) that have embraced those principles as authoritative touchstones for the assessment of conduct. Relativists believe, in other words, that the bindingness of each moral principle is weakly mind-independent existentially. As Gilbert Harman proclaims: "Our moral principles are binding only on those who share them or whose principles give them reasons to accept them" (Harman 1977, 90). My second chapter has explored several of the fatal weaknesses of such a doctrine, but quite rightly it has not suggested that relativists are logically committed to denying the determinacy of morality. On the contrary, relativists can consistently maintain that there are determinately correct answers to all or most moral questions. They will simply add that those answers vary – to a greater or a lesser extent – across societies (or across other relevant groups). Although the answers that are determinately correct for some society S_1 may diverge in some significant respects from the answers that are determinately correct for some other society S_2, the moral order of each of those societies may well be marked by a very high degree of determinacy. So a relativist can contend. Of course, relativists do not *have* to espouse anti-skeptical positions. Their doctrine is consistent with skepticism, at least insofar as each of those credos is internally coherent. Nevertheless, the former credo does not go together very smoothly with the latter, for it largely loses its point when it is thus combined. Moral relativists do not have, and usually do not purport to have, any persuasive grounds for thinking that the moral codes of sundry societies are devoid of determinacy. Very few moral relativists in fact think along those lines. They are concerned to deny the transcendent reign, rather than the outcome-ordaining determinacy, of moral principles.

Similarly, although moral skepticism is compatible with moral relativism (insofar as each of those doctrines is internally coherent), very few skeptics are enticed by the combination. Albeit the two doctrines are not logically inconsistent, they are not easily squared with each other. If a skeptic embraces the relativists' thesis that the bindingness of moral principles is only weakly mind-independent existentially – and if he therefore accepts the relativists' message that the prevailing moral code in each society is dispositive of what is morally correct for that society – then he will need to argue for the outlandish proposition that every one of the numerous moral codes in societies throughout the world is racked by indeterminacy. Some of those codes, presumably, yield determinate answers to many of

the moral questions that arise within their respective purviews. Usually, then, moral skeptics are not moral relativists. They in effect maintain that the absence of determinacy in the moral realm is a strongly mind-independent fact not only observationally but also existentially. That is, they presume that the basic principles of morality are strongly mind-independent existentially and that those principles (along with any derivative principles) are incapable of generating determinate answers to any moral questions. Or they alternatively presume that there are no basic principles of morality. If there were any basic moral principles that are genuine rather than suppositious, they would be strongly mind-independent existentially; but, the skeptic announces, there are no such principles. Accordingly, no answers to moral questions are derivable from any veritable moral principles.

Whatever may be the details of a moral skeptic's challenge to the notion of determinately correct resolutions of moral problems, his challenge does indeed pertain to the property of determinate correctness and not typically to the property of strong existential mind-independence. Though some moral skeptics join the moral relativists in denying that there are any basic moral principles that are strongly mind-independent existentially, they do not typically draw on any relativist line of thought for that denial. Instead of declaring that the basic principles of morality are only weakly mind-independent existentially, the skeptics just mentioned will typically declare that there are no veritable principles of morality at all. People generally think that there are such principles, but by the lights of some moral skeptics they are mistaken. Such skeptics trace the putative indeterminacy of morality to what they perceive as the absence of any moral principles. Other moral skeptics trace that putative indeterminacy to what they perceive as the incapacity of moral principles to ground any determinately correct answers to moral questions. For skeptics of the latter sort, the property of strong existential mind-independence is not in contention at all. Not only do they accept that, if there are any basic principles of morality, those principles are strongly mind-independent existentially; in addition, they accept that there are some such principles. However, they then insist that those principles lack any determinate implications. Odd and unsatisfactory though their view is, it does not amount to a species of moral relativism. Their view concedes what relativists reject (namely, the strong existential mind-independence of basic moral principles), and it assails what most relativists countenance (namely, the determinate correctness of certain answers to various moral questions). We should not conflate these distinct modes of opposition to moral realism.

Chapter 4

Uniform Applicability

Another prominent aspect or dimension of ethical objectivity is that of uniform applicability, which overlaps with some of the other aspects or dimensions of ethical objectivity recounted in this book. Inasmuch as moral precepts are uniformly applicable to moral agents, they encompass everyone alike within their terms. The uniform applicability of moral standards is to be understood in contrast with several kinds of differentiated applicability.

4.1. Categorical Prescriptiveness

In the first place, uniform applicability consists in categorical prescriptiveness; that is, it consists in the applicability of moral requirements to each moral agent irrespective of his or her preferences and inclinations. A moral principle that proscribes murder, for example, is applicable with equal force to people naturally inclined toward pacifism and people naturally inclined toward violent sadism. Although compliance with such a moral prohibition will be effortless for the former people and frustratingly irksome for the latter, the former and the latter alike are strictly forbidden to commit murders. Nobody's desires or impulses have any bearing on the bindingness of the prohibition.

A few important qualifications should be appended to the proposition that the correct principles of morality are categorically prescriptive. One caveat is that the categorical prescriptiveness of a moral mandate does not mean that all the moral consequences of a person's breach of the mandate

will perforce be the same as those of a breach by anybody else. Some of the consequences may well differ from one person to another, and the differences can be partly or wholly due to divergences among people in their proclivities and objectives. As a moral matter, for example, a person of depraved desires who commits a murder for nefarious reasons will typically deserve a heavier legal penalty for the crime than will someone of a generally good character who commits a murder for much less ignoble reasons. Morally, many aggravating or mitigating factors of this sort – relating directly to people's predilections and temperaments – may call for lesser or greater leniency in the punitive responses to some murders than in the punitive responses to others. These variations are perfectly consistent with the categorical prescriptiveness of a moral mandate that forbids the perpetration of murders. The requirement imposed by the mandate is a requirement for everyone; its status as a moral requirement does not depend on anybody's objectives or desires. In that key respect, a moral prohibition is categorically prescriptive. Its disallowance of some specified type of behavior renders that type of behavior morally impermissible for everybody alike, even though the severity of the moral consequences of acting athwart the prohibition will not be similarly uniform for everyone.

Another crucial caveat that tempers any attribution of categorical prescriptiveness to moral standards is centered on the heterogeneity of those standards. Some moral principles, such as the norm that proscribes murder, clearly do partake of categorical prescriptiveness. Each such norm requires everyone to act in a certain way or to abstain from acting in a certain way, without regard to what anyone's aims might be. Other moral principles, however, do not in themselves produce any such effect. The most important distinction in this context is between duty-imposing norms and power-conferring norms (Hart 1961, 27–41). As jurisprudential theorists have emphasized with reference to legal norms for many decades, power-conferring standards – for example, moral principles vesting people with moral powers to bind themselves morally with promises – differ from duty-imposing mandates in that they do not categorically require people to adopt certain modes of conduct. Instead, they provide people with opportunities to achieve various aspirations. A person typically is morally at liberty to take advantage of those opportunities or to decline to take advantage of them, in accordance with his or her objectives. Of course, if anybody wishes to bring about an outcome made possible by a power-conferring moral standard, he or she can only do so by complying with the conditions or procedures prescribed for the exercise of the power in question.

However, the power-conferring standard itself does not obligate anyone to endeavor to bring about any outcome that it enables. Somebody's having to conform to the prescribed conditions or procedures for the exercise of a moral power is contingent on his or her seeking to exercise that power. (To be sure, people are sometimes morally obligated to exercise some of the moral powers with which they are endowed. For example, a parent might be morally obligated to promise her son a reward for helping his younger siblings with some tasks, if her making such a promise is the most effective way of furthering the well-being of her younger children. Nonetheless, any such moral obligation is itself established by some duty-imposing moral standard that accompanies the power-conferring moral standard under which the parent is vested with her power-to-bind-herself-with-a-promise. That power-conferring standard does not in itself render mandatory the performance of any action or function.)

A further caveat concerning the categorical prescriptiveness of morality is that, although categorical prescriptiveness is one species of uniform applicability, those two properties are by no means simply equivalent. We should note in particular that, although power-conferring moral principles are not categorically prescriptive, most of them are uniformly applicable in that they encompass every mentally competent person within their terms. Typically, any such principle lays down procedures that have to be followed by every mentally competent person who wishes to exercise the power(s) that the principle bestows. Prescriptions of such procedures are not categorical requirements – because they do not call for anybody to act in the prescribed ways unless he or she desires certain outcomes – but they are conditional requirements that obtain as such for everyone. Thus, for example, a moral principle that prescribes the steps for binding oneself with a promise is applicable to every mentally competent person. Nobody is required to take those promissory steps (except in special circumstances like those of the parent depicted above), but anybody who wants to achieve the result attainable through the performance of those steps will indeed have to undertake them. No mentally competent person occupies a specially favored or disfavored moral status that removes him or her from the ambit of the moral principle governing the articulation of promises. (Of course, nothing said here about the conditionality of the requirements that are contained in power-conferring norms is meant to suggest that the powers bestowed by those norms are exercisable only by people who want to exercise them. Most moral powers can be exercised inadvertently as well as deliberately. For instance, if somebody conducts himself in a fashion that

furnishes other people with strong grounds for believing that he has undertaken a promissory commitment, and if they reasonably rely on his perceived undertaking in arranging their own affairs, he will in many circumstances be bound by that undertaking even if he has never harbored the slightest intention to promise anything.)

Categorical prescriptiveness, then, is not necessary for the uniform applicability of a moral principle. Moral principles that confer moral powers or moral liberty-rights or moral immunity-rights are not categorically prescriptive, yet most of them are uniformly applicable in the manner recounted in the preceding paragraph. Of course, not all moral principles of the sorts just mentioned are uniformly applicable in that manner. Some derivative moral principles are applicable only to members of certain classes of people, rather than to every mentally competent person. Suppose for example that a derivative moral principle provides that mentally competent older siblings are endowed with certain moral powers to alter the moral entitlements of their younger siblings. Specifically, the principle provides that the elder siblings – at least in the absence of their parents – are morally empowered to effect any alterations that are significantly promotive of the younger siblings' well-being. (Nothing hinges here on the actual correctness of such a principle, which is adduced solely to illustrate the point that has been broached in this paragraph.) Now, not every mentally competent person is the elder sibling of someone. To everybody without any younger sisters and brothers, the postulated moral principle is inapplicable. Of course, that principle would have been applicable to each such person if he or she had in fact had at least one younger sibling. Given how things have turned out, however, each such person falls outside the principle's terms.

Still, although not all power-conferring moral principles are comprehensively uniform in their applicability, most such principles are – even though no power-conferring moral principle is categorically prescriptive. Conversely, just as a lack of categorical prescriptiveness does not entail a lack of uniform applicability in other respects, so too a lack of uniform applicability in other respects does not entail a lack of categorical prescriptiveness. Let us here ponder briefly a duty-imposing variant of the moral principle that was discussed in the preceding paragraph. For present purposes, that is, we may presume that a derivative moral principle imposes on every mentally competent older sibling a duty to further the general well-being of his or her younger siblings in various ways, especially in contexts where their parents are unavailable. As has been observed above *mutatis mutandis*, a moral principle of this sort is not uniformly applicable. It applies

to every elder sibling, but it does not apply to anybody who has no younger brothers and sisters. Notwithstanding, the principle is categorically prescriptive. Any requirements established thereunder do not differentiate among people at all on the basis of their desires and aims. The attitude of a person toward the responsibility of promoting the well-being of his younger siblings is irrelevant to the question whether he is morally obligated to fulfill that responsibility. Thus, although the envisaged duty-imposing moral principle is not comprehensively uniform in its applicability, it is uniformly applicable in the sense of being categorically prescriptive.

4.2. Uniformity as a Moral Matter

As is apparent from the last couple of paragraphs, uniform applicability goes well beyond categorical prescriptiveness. It stands in contrast with countless kinds of disparate applicability, indeed. Of central importance here is that the uniform applicability of moral standards is a profoundly moral matter. Though some types of differentiated applicability are morally legitimate and worthy, many other types – focused on properties such as race or ethnicity, for example – are generally pernicious. Thus, whereas the laws of a jural-governmental system might discriminate invidiously among people through the use of suspect classifications, no correct principles of morality would ever do so. Legal norms that subordinate certain people on account of their skin color or ethnic affiliations have unfortunately been present in many societies, but no genuine moral standards ever subordinate people by reference to such factors. Although some derivative moral principles in circumstances of past oppression might call for rectificatory measures that differentiate among people on the basis of those factors, the correct principles of morality outside such rectificatory contexts almost always prescind from people's racial and ethnic characteristics. Because those features of people are usually of no moral relevance, most moral principles are blind to them.

In all its other manifestations as well, the uniform applicability of correct principles of morality is a moral phenomenon grounded on moral considerations. As is evident, for example, the categorical prescriptiveness of moral mandates is a matter of moral necessity. Appalling and crazy would be a world in which the sundry requirements of morality – such as moral prohibitions on murder and arson – are contingent on the inclinations of

people to comply with those requirements. If each moral requirement were binding only on people who wish to conform to it, then countless acts of murder and arson would be morally permissible. There would in effect be no moral mandates at all in such a world. Patently, such a state of affairs would be morally perverse. Consequently, as a matter of moral necessity, such a state of affairs cannot ever obtain. The categorical prescriptiveness of duty-imposing moral principles is of the essence of morality.

Not every respect in which moral principles are uniformly applicable is as clear-cut morally as their categorical prescriptiveness, of course. One trickier question is the extent to which the requirements of morality differentiate among people on the basis of abilities and intelligence. A corresponding question about legal norms has frequently surfaced in various jurisdictions, especially in connection with tort law and contract law. Within Anglo-American tort law, the standard for classifying behavior as non-negligent is generally defined as the level of care that would be taken by a reasonable person. That standard gets applied by courts to people who lack the intelligence or the physical dexterity to exercise such a degree of care. Jurists accordingly often designate the negligence standard as "objective," and thereby distinguish it from an approach that would take the peculiar shortcomings of individual defendants into account. Albeit some exceptions are made for very young children and for lunatics and for people with severe physical handicaps, the normal practice in Anglo-American tort law is to hold people legally answerable for the harmful effects of their negligence irrespective of anybody's ability or inability to satisfy the standard of reasonable care. A number of other areas of Anglo-American law are broadly similar in favoring objectivity-qua-uniform-applicability over any accommodatingly subjective way of proceeding that would cater to individual weaknesses.

Do moral requirements likewise apply uniformly to people who are endowed with widely divergent degrees of intelligence and physical agility? We should initially understand this question as asking whether the uniform applicability of legal requirements (such as the requirement of reasonable care) is morally justified for reasons that are not purely pragmatic and institutional. To be sure, not every morally justified feature of Anglo-American law tracks an independently homologous feature of the correct principles of morality. Some types of conduct are appropriately permissible legally even though they are impermissible morally, and some types of conduct are legally mandatory – and, frequently, morally mandatory – for reasons of administrative or coordinative efficiency rather than because of

the intrinsic moral obligatoriness of the conduct. Some legal wrongs are *mala prohibita* and are not *mala in se*. Still, we are inquiring not merely whether the uniform applicability of legal requirements is morally justified, but whether it is morally justified for reasons that go beyond pragmatic and institutional concerns. If it is indeed justified for some further reasons, then the moral principles that supply the justification are themselves uniformly applicable in their reach.

After we consider the moral case in favor of the uniform applicability of tort-law remedies for careless conduct, we can then briefly ponder the moral case in favor of the uniform applicability of additional moral remedies for such conduct. That latter case can be treated in quite a short compass because its strength will be manifest from the strength of the moral case for the uniform applicability of legal remedies. If there are solid moral reasons that warrant the imposition of legal obligations requiring clumsy or obtuse defendants to compensate the victims of their slapdash behavior, then *a fortiori* there are solid moral reasons in favor of the incidence of moral obligations requiring those defendants to undertake remedies such as apologies.

Is, then, the disregard of individuals' physical and mental deficiencies in the law of negligence morally justifiable for reasons beyond administrative or coordinative convenience? On the one hand, a practice of differentiating among people by adverting to such deficiencies would not be glaringly invidious in the manner of racial or religious or ethnic bigotry. Applying a leniently subjective standard of tortious responsibility to people whose physical or mental inadequacies prevent them from abiding by a more demanding standard is solicitous of such people in some palpable respects. Even though the notion that "ought"-implies-"can" is not always correct as a moral principle (Kramer 2004, 249–94; Kramer 2005), it is often correct. There is something unpleasant about marshaling the coercive force of legal-governmental institutions against somebody for having brought about an untoward event which he or she was incapable of avoiding in the circumstances. On the other hand, there are several moral considerations that militate in favor of the current position in Anglo-American tort law (and in other relevantly similar areas of the law).

One such consideration centers on the very issue of fairness. Although an award of damages against a hapless defendant is undoubtedly quite a harsh burden for that person, a failure to award compensation to an innocent victim of the defendant's substandard conduct is – *ceteris paribus* – even more harshly unfair. A critic of the objective applicability of the negligence standard might retort that an alternative to the private-law

system of compensation would be appropriate in such a situation. Perhaps, for example, the compensation for the innocent victim should come from a publicly maintained fund. However, it is far from obvious why taxpayers should bear the burden of remedying the injurious consequences of somebody's slipshod conduct. The critic of private-law compensation might respond by invoking familiar arguments about the ostensible compassionateness of spreading the costs of mishaps among large numbers of people. Nevertheless, such arguments are more than offset by lines of reasoning about the disadvantages of impairing the financial incentives for people to refrain from participating in activities which they are incapable of performing safely. At any rate, even less appealing than a public compensatory fund would be a system in which the victims of others' carelessness have to rely on first-party insurance (that is, insurance policies purchased by potential victims to indemnify them for any harm suffered as a result of other people's actions). Any sustainable scheme of first-party insurance that is not itself heavily funded through public subventions will be marked by either of two undesirable features: either people who suffer more frequently from the remissness of others will have to pay higher premiums for their coverage, or else all the purchasers of the insurance will be paying higher premiums to defray the costs of the remissness-induced accidents. Thus, imperfect though a system of private-law compensation admittedly is, it is more attractive as a mechanism for remedying the effects of negligence than any arrangements that might be substituted for it. Given as much, and given the unfairness to innocent victims if they receive no redress for the detriments which they incur through the maladroitness of their fellows, the reluctance of Anglo-American jurists to indulge the shortcomings of dim-witted people is well-founded.

Another consideration that supports such reluctance has been fleetingly broached above. Many of the accidents caused by a person's characteristic clumsiness or oafishness are quite easily avoidable through the person's forgoing of certain activities. For example, if someone is physically not able to drive a car in an acceptably safe manner – maybe because of poor eyesight or maybe because of a lack of physical dexterity – he commits an error of judgment by driving at all. If his substandard driving eventuates in a mishap, then the attribution of negligence to him is a censorious reflection on his initial decision as much as on the inept bit of driving that immediately preceded the collision. Because he could have averted that harmful incident by refraining from driving, he will be in a weak position to request leniency when he has declined to avail himself of that option.

(Of course, in the unlikely event that his driving has been prompted by the occurrence of a dire emergency, this particular point against indulgence will lack its usual force. In such circumstances, his bad driving might well be classifiable as non-negligent.)

Another factor in support of the current position within Anglo-American tort law is that a practice of differentiating among people by reference to their physical and mental inadequacies could be a slippery slope. After all, an inveterately malign disposition is likewise an inadequacy or inability. Somebody unfortunate enough to be possessed of such a disposition is unable to conform to ordinary standards of decency and sociability. Quite unconscionable, however, is the notion that tort-law proceedings or even criminal-law proceedings should treat such a person in a notably favorable fashion by exonerating him whenever his wrongdoing is due to his ingrained disposition. To be sure, the provenance of his depraved character – its origin in a troubled childhood, for example – might be taken into account by a criminal-justice system at the stage of sentencing. Still, the idea that he should be absolved of all penalties simply because of his profoundly evil temperament is ridiculous. Yet, if the longstanding un-intelligence or physical clumsiness of a defendant in a negligence case were to be treated as a ground for deeming her slipshod conduct to have satisfied the standard of reasonable care, the courts would be hard pressed to say why a defendant's perdurably evil outlook should not be treated in a broadly parallel manner. Any inept defendant in a negligence case would be shielding herself by highlighting her inability to live up to an ordinary requirement of reasonableness. Correspondingly, then, a deeply depraved defendant who is sued for committing an intentional tort could shield himself by highlighting his inability to abstain from forming the evil intentions on which he has acted. Such a defendant would argue that he should not have to pay damages for giving effect to intentions of which the formation has lain wholly beyond his control; he should not have to pay damages for acting on intentions that have flowed irresistibly from his inveterate character, just as a maladroit defendant should not have to pay damages for instances of slapdash conduct upon which she was incapable of improving. If we wish to reject the conclusion reached by this nefarious intentional wrongdoer about his own situation, we ought *pari passu* to reject the chief premise of his argument. That is, we should reject the proposition that the standard of reasonable care in tort law is to be adjusted downward for people whose obtuseness or physical uncoordinatedness prevents them from satisfying that standard at its normal level.

An additional reason for querying the proposition just mentioned is that, although special treatment for people with paltry mental or physical endowments would not be rebarbatively invidious, it would very likely stigmatize such people. They would be classified not as full adults who are to be answerable for their conduct on a par with everyone else, but as degraded specimens of humanity to whom condescending indulgence is to be extended by the courts. Though some or all of those people might feel that the demeaningness of such treatment would be outweighed by the benefits of escaping the imposition of compensatory obligations, the demeaningness would be a genuine drawback both for them and for the society in which they interact with everyone else. So long as the general standard of reasonable care is itself set at an appropriate level by the courts, a person's being held to that standard is one of the indicia of her dignity as a full member of her society.

As has been stated, the focus here does not lie on considerations of administrative or coordinative convenience. Nonetheless, we should fleetingly note that such considerations do indeed militate in favor of the uniform applicability of the test for negligence within Anglo-American tort law. The uniform applicability tends to lower the administrative costs in the implementation of that test. If judges and other legal officials had to investigate the physical or mental shortcomings of defendants in order to gauge how stringent the test for negligence should be in application to each individual, the costs of administering the doctrine of negligence would significantly rise. Moreover, such an increase in administrative costs would be accompanied by an increase in the likelihood of fraud on the part of defendants. Though these concerns about greater costs and more frequent dishonesty are not in themselves dispositive, they strengthen the conclusion that the unaccommodating objectivity of the negligence standard should be retained. Whereas differential applicability in recognition of some people's physical and mental inadequacies is doubtless desirable in many criminal cases at the stage of sentencing (and maybe at earlier stages), it would be more detrimental than beneficial if it were introduced into the law of negligence.

So run the moral arguments for the continuation of the uniform applicability of the negligence standard in Anglo-American tort law. For moral reasons, the legal norms that regulate negligent behavior should apply to dexterous people and clumsy people alike, and to perceptive people and obtuse people alike. Should we arrive at a cognate conclusion about the correct principles of morality that regulate negligent behavior? Do they apply to people in a similarly uniform fashion? Not all the moral arguments for

the uniform applicability of the legal standard of reasonable care are relevant to these latest questions, since some of those arguments pertain to institutional workings that have no counterparts in the domain of morality. Still, the most important arguments – relating to fairness and equality – are of direct relevance. When they are transferred to the moral realm, they tell unmistakably in favor of the uniform applicability of the regnant moral principles.

If it would be unfair to leave an innocent victim of somebody's slipshod conduct without any compensation for the detriments that he has undergone, then it would be even more plainly unfair to leave him without any acknowledgment of the wrongness of what has been done to him. Both under Anglo-American legal norms and under the correct principles of morality, a maladroit person who has negligently injured somebody else is typically required to compensate the victim monetarily for the injuries; under the correct principles of morality, moreover, the negligent person is required to apologize for the infliction of those injuries or to avow in some other apposite way the wrongness of what she has done. While a failure to provide the victim with adequate monetary compensation would slight his status as someone whose physical and mental integrity is worthy of respect, a failure to extend an apology to the victim would in some key respects constitute an even graver slight. For one thing, the proffering of an apology is generally much less burdensome for a negligent injurer than is the payment of a substantial amount of money in compensation. Hence, the former remedy is the very least that an injurer can undertake in order to accept proper responsibility for the wrong committed against the victim. Furthermore, although the extension of an apology is generally not burdensome, it is in most contexts especially important as a means of expressing regret or remorse for what has happened. An apology without adequate monetary compensation would usually be hollow, but monetary compensation without a sincere apology would usually be cavalier. (A joltingly extreme example of such a cavalier course of conduct occurs near the end of the seventh chapter of Charles Dickens's *A Tale of Two Cities*, where the odious Marquis has killed a young child with his carriage. While berating the assembled commoners for allowing their children to wander in front of his vehicle, the contemptuous aristocrat tosses a gold coin to compensate the bereaved family for the death. As Dickens wrote: "Monsieur the Marquis leaned back in his seat, and was . . . being driven away with the air of a gentleman who had accidentally broken some common thing, and had paid for it, and could afford to pay for it" [Dickens 1970, 142].)

In short, an apology is usually indispensable for the full rectification of a wrong. It is normally less burdensome than compensation and is at least as important in conveying to a victim the wrongdoer's recognition of the unacceptability of his or her behavior. While the provision of compensation by wrongdoers to the innocent victims of their conduct is required under the correct principles of morality quite frequently, an apology is required under those principles on virtually *every* occasion when somebody has been harmed by the slipshod conduct of another person. What is crucial here is that the considerations that almost always call for the furnishing of an apology – considerations of fairness and of respect for the physical and mental integrity of other human beings – are operative regardless of whether a person's blunderingly maladroit conduct that has injured somebody is anomalous or characteristic. Irrespective of whether a person is capable of performing any particular activity with a degree of proficiency that is more than meager, she will owe an apology if her behavior has been clumsy and if somebody has been harmed as a result. Her inveterate oafishness might sometimes be an extenuating factor, but it will not wholly release her from the need to make amends for conduct that falls below the standard of due consideration for her fellow human beings. No correct principles of morality would ever countenance the incivility and arrogance involved in the withholding of an apology for such conduct.

Note that, unlike the payment of compensation, the furnishing of an apology is not usually something that is required under Anglo-American tort law (save in connection with the tort of defamation, where a public apology serves the purpose of restoring a traduced person's reputation). Notwithstanding that an apology is especially important for the rectification of a wrong, its mandatoriness is usually only moral rather than also legal. An apology does not fulfill its rectificatory function unless it is sincere, yet the law in liberal-democratic countries does not generally obligate people to experience and display certain feelings. Morality by contrast does obligate wrongdoers to experience regret or remorse, and it further obligates them to impart their feelings appropriately. Unlike the law of tort, it demands everything that is necessary for the righting of a wrong. Given that the remedial duties imposed by morality do demand as much while the remedial duties imposed by the law do not, the uniform applicability of the remedial principles of morality is crucial. If the remedial reach of the correct principles of morality were to omit the injuries caused by the slapdash behavior of people who are abidingly stupid or ungainly, the victims of such behavior would not be owed any apologies. They would thus not be owed

any recognition of their status as agents whose legitimate projects and pursuits are not to be subordinated to the careless bungling of others. Because such a state of affairs would be morally unconscionable, the uniform applicability of morality's remedial principles is a matter of moral necessity.

4.3. Uniformity Contrasted with Neutrality

My remarks on the objectivity-qua-uniform-applicability of the standard of reasonable care in Anglo-American tort law and in morality can alert us to an important distinction. Uniform applicability, at least as explicated throughout this chapter, is not equivalent to neutrality. A situation of uniform applicability is a situation in which the normative consequences of everyone's conduct are determined by the same criteria. When the normative consequences of everyone's conduct are so determined, some people will clearly tend to fare better than others. Uniform applicability will generate disparate outcomes. For instance, a criterion of reasonable care that is applicable to thick-witted people and percipient people alike will naturally tend to favor the latter.

Neutrality is quite another matter.[1] It consists not in uniform applicability, but in an absence of transformations or interventions. If some moral principle *M* were thoroughly neutral, it would leave the moral upshot of every course of conduct exactly as that upshot would be if *M* did not exist. Obviously, then, no moral principle is thoroughly neutral. What is true, however, is that every moral principle is neutral in some particular respects. For example, a moral principle that proscribes murder does not in itself have any bearing on the moral status of an act of theft that involves no lethal violence. Though the murder-forbidding principle certainly does not deem any act of theft to be morally permissible, it likewise does not deem any such act to be morally impermissible (unless lethal violence is involved, of course). In regard to the moral status of thievery, the murder-proscribing principle is neutral.

Neutrality in some particular respect(s) can be achieved or preserved through departures from uniform applicability in some particular respect(s). For instance, suppose that the residents of a neighborhood contribute equally

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[1]   I am focusing here on neutrality as a property of moral standards. Chapter 7 discusses epistemic neutrality, which – though naturally similar in some respects – is quite different.

to a fund for the maintenance of a playing field that is used for various recreational purposes. Suppose that some of the wealthier residents offer to increase their contributions in order to allow some of the less affluent residents to decrease their payments, and suppose that the offer is accepted. The wealthier residents are now morally obligated to make the larger contributions which they have undertaken to make, while the poorer residents are now morally at liberty to contribute less than they have previously paid. A charge that was heretofore uniform is now differentiated. Yet the overall amount of money paid into the fund has remained the same; the increases in the contributions from the richer people are offset by the reductions in the contributions from the less prosperous people. Albeit the scheme for raising funds to support the maintenance of the playing field has undergone a transition from uniform applicability to differentiated applicability, the transition has been neutral with respect to the overall level of funding generated.

Now, although uniform applicability and neutrality are decidedly not equivalent, any uniformly applicable moral standards will be neutral in some respects while being non-neutral in sundry other respects. As has already been observed, no veritable moral standard leaves the moral consequences of *every* potential course of conduct unaltered; what should now be added, conversely, is that no moral standard alters everything. The ways in which a moral principle is uniformly applicable may well be salient, and the ways in which it is neutral may be much less interesting and important and evident, but there are bound to be ways in which it is indeed neutral. Hence, notwithstanding that we should be attentive to the distinction between uniform applicability and neutrality, we should hardly think that those two properties never coincide. Inevitably, each of those properties in *some* form will coincide with the other in *some* form. We should recognize as much, while also recognizing the significant difference between determining the moral consequences of everyone's conduct by reference to the same criteria and leaving the moral implications of everyone's conduct unmodified.

4.4. The Overridingness of Moral Principles

The property of overridingness is marked by affinities with the property of categorical prescriptiveness, and each of those two features of moral principles is a species of uniform applicability. Nonetheless, they should not

be conflated. Categorical prescriptiveness, as we have seen, consists in the applicability of duty-imposing moral principles to moral agents irrespective of anyone's aims or desires. It is, in other words, a feature that pertains to the scope of the applicability of those moral principles. Overridingness, by contrast, is a feature that usually pertains to the strength – and always pertains to the persistence – of the duties imposed by those principles.[2]

As will become apparent, a somewhat better designation for the property of overridingness would be "unremittingness" or "insistence" or "unstintingness." However, because the term "overridingness" is much more commonly used, and because my own account of the phenomenon denoted by that term is sufficiently close to other moral philosophers' accounts to warrant the retention of their parlance, I have indeed retained it here. Morality's overridingness, then, consists partly in the fact that moral obligations typically surpass in normative strength any considerations of prudence or aesthetics or supererogatory ethics that militate against the fulfillment of those obligations. When the demands of morality are countervailed by prudential or aesthetic or supererogatory reasons for acting in ways that run athwart those demands, such reasons are usually subordinate in their normative force. Morality almost always prevails, whether or not its priority is heeded by the people who are subject to its injunctions. Furthermore, even in the rare circumstances in which a countervailing prudential or aesthetic or supererogatory factor does exceed a moral requirement in importance, the latter requirement remains binding. Any failure to comply with it will trigger remedial obligations. In other words, although the overridingness of moral duties does not quite amount to the supremacy of *every* such duty over all other pressures that cut in a contrary direction, it does amount to the irrepressible bindingness of each such duty. A moral duty can be terminated by the exercise of a relevant moral power or by the discontinuation of the conditions that are necessary for the duty's existence, but it can never be negated by even the weightiest prudential or aesthetic or supererogatory factors that call for nonconformity to it in some particular situation. Even when overtopped in normative importance by such factors, a moral obligation exerts its force unremittingly.

The main element in my account of morality's overridingness that diverges from the accounts advanced by quite a few other philosophers is

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[2] For a failure to mark this distinction, see Wallace 2004, 389, where categoricalness is characterized as a matter of stringency. For some further such failures, see Phillips 1977, 149–50; Wong 1984, 87.

my concession that moral obligations are sometimes (though very seldom) exceeded in normative importance by other considerations. While some philosophers have adopted a similar stance (Kalderon 2005, 27–28), many philosophers – especially consequentialists such as Richard Hare and Philip Pettit (Hare 1981, 52–61, *et passim*; Pettit 2001, 234–36) – have claimed that moral requirements are never subordinate in normative importance to any competing factors. Some of the proponents of the "never subordinate" thesis maintain that there are no factors genuinely in competition with moral duties, whereas other proponents of that thesis contend that moral duties always enjoy priority over the factors that do genuinely compete with them. Moral duties always reign supreme, either because their reign is never really in conflict with anything else or because it trumps everything else.

Though the understanding of morality's overridingness recounted in the last paragraph is quite widespread, it is unpersuasive. Suppose that Andrew has promised to meet Mary for a picnic lunch at noon. Because she will not be in reach of a telephone, he will be unable to make contact with her again until they get together at the appointed time. Now suppose that Andrew learns that his lottery ticket is a winner and that he will be awarded twenty million dollars if and only if he turns up at the lottery commission's office by noon. If he does journey to that office, he will be unable to get back in time to keep his engagement with Mary. In these circumstances, his moral obligation to abide by his promise is in conflict with a powerful prudential reason for acting at odds with the promise. Decidedly unconvincing, however, is the notion that the promise straightforwardly trumps the prudential reason and that the uniquely correct course of conduct for Andrew is to forgo the twenty million dollars in order to fulfill his undertaking to Mary. Andrew will be committing a wrong by departing from that undertaking, but it is a minor wrong and is heavily extenuated by the reason for the departure. He will be morally obligated to remedy his breaking of his promise, but the requisite remedy will be light. His breach of that promise is impermissible – he has to remedy the breach precisely because it is impermissible – but in the circumstances it is the best thing for him to do.

To be sure, utilitarians will wish to maintain that Andrew is not genuinely under a moral duty to conform to his promise in the posited situation. Since the best thing for him to do is to leave his undertaking unfulfilled by going to the lottery commission's office, the utilitarians will insist that he is under a moral duty to pursue that very course of conduct

and that he is not under any moral duty to engage in the suboptimal action of getting together with Mary for lunch. Utilitarian theorists endorse the proposition that promises should usually be kept, and they will maintain that one's perception of Andrew as being under a moral obligation to meet Mary for lunch is based on one's implicit or explicit acceptance of that proposition. However, the utilitarians will regard that proposition as inapposite in the posited situation, which stands as an exception to the general run of circumstances in which the fulfillment of promises is utility-maximizing. They will declare that, contrary to initial appearances, Andrew's sole moral duty is to travel to the lottery commission's office in order to collect his winnings. That duty is obviously not in conflict with any prudential or aesthetic factors. On the contrary, it derives from the very status of prudential considerations as key elements in any calculation – a moral calculation – of the consequences of one's actions.

At least two major weaknesses afflict the utilitarian analysis of Andrew's situation. First, anyone espousing such an analysis will be hard pressed to explain why Andrew has incurred a moral duty to remedy his failure to keep his promise. If his fulfillment of the promise was not morally obligatory, then there should not be any need for even a cursory apology or any other remedy. Yet, given that Andrew in the aftermath of his visit to the lottery commission's office is indeed under a moral duty to apologize at least briefly to Mary, we have to conclude that he was in fact morally obligated to join her for lunch at the agreed-upon time. Utilitarian pronouncements to the contrary are misconceived. Now, admittedly, utilitarians are likely to respond to this first objection by asserting that Andrew can be under a moral duty to apologize to Mary even though he was not genuinely under a moral obligation to get together with her for lunch. Utilitarians are accustomed to embellishing their theories in order to try to accommodate the sundry features of morality that clash with their ideas. They can seek to maintain that the apology to Mary is morally obligatory solely because it will be utility-maximizing rather than because it will remedy a wrong committed by Andrew's breach of his undertaking. Nonetheless, although such a response would not be logically incoherent, it would be woefully unconvincing and contrived. Utilitarianism's flexibility in accommodating various phenomena is often more a vice than a virtue, for the phenomena tend to be impoverishingly misrepresented in the process. If the utilitarian analysis of Andrew's situation is to be upheld, the champions of that analysis will have to portray his sincere apology to Mary as not genuinely remedial. In other words, they have to contend that the

central purpose of any sincere apology is not being served by his sincerely apologetic statements to her. To say the least, such an account of the matter is distortive rather than illuminating.

A second main objection to the utilitarian account is crucial here, however, because the objection posed in the preceding paragraph is not in itself sufficient to vindicate my own analysis of Andrew's dilemma. After all, my claim is not that Andrew faces a conflict between two countervailing moral obligations (an obligation to keep his promise and an obligation to secure his prize of twenty million dollars). Rather, my claim is that he faces a conflict between a moral duty to fulfill his promise and an extremely weighty prudential opportunity, and that the latter exceeds the former in normative potency. Hence, even though the utilitarians are wrong in declining to accept that Andrew is morally duty-bound to abide by his undertaking to Mary, my discussion has not yet shown that they are wrong in thinking that he is morally duty-bound to journey to the lottery commission's office in order to secure his prize. This point can be sharpened if we note that theorists other than utilitarians might believe that Andrew is so duty-bound. Consider the following line of argument, which is compatible with utilitarianism but which could also easily be associated with non-utilitarian moral credos. If Andrew were to cleave doggedly to his promise, and if he were thus to pass up the opportunity to acquire twenty million dollars, he would be showing inadequate respect for himself. As a moral agent, he is not morally obligated to discount his own interests altogether for the sake of other people's interests. Rather, he is morally obligated to treat his own interests on a par with those of other people. He should not privilege his own well-being above everyone else's, but he likewise should not disparage himself as a mere means for the furtherance of others' ends. To err in either direction is to breach a moral obligation. Yet Andrew would be erring in the direction of devaluing his own worth as an agent if he were to sacrifice his immense lottery winnings simply in order to carry out a minor commitment. Consequently, given that he is morally duty-bound to exhibit respect for himself as well as for others, he is under a moral duty to eschew the sacrifice just mentioned.

Not at issue here is the notion that a person can owe moral obligations to himself, and likewise not at issue is the proposition that one such obligation is the moral duty of a person to exhibit basic respect for himself. Instead, the mistake in the line of reasoning just summarized is its specific suggestion that one of the moral duties owed by Andrew to himself is a duty to collect his prize of twenty million dollars from the lottery

commission. To be sure, there could obtain circumstances in which Andrew would indeed owe himself such a duty. If he were indigent and very heavily in debt, he would not be showing proper respect for himself if he passed up the opportunity to secure his prize. However, I am assuming that no such circumstances obtain here. We can presume that, although Andrew is not fabulously wealthy, his standard of living is decently comfortable. He would benefit greatly from the receipt of twenty million dollars, but his failure to procure the money will hardly reduce him to penury. Given as much, he will not be breaching any moral duty to himself if he opts to keep his promise to Mary instead of claiming the money. While the availability of the twenty million dollars is a major prudential consideration, it is not the source of a moral duty. The absence of any relevant duty becomes plain when we ponder whether Andrew would owe any remedial moral obligation to himself after keeping his luncheon engagement with Mary. He might subsequently feel some regret about forgoing the lottery winnings, of course, but he would not be morally obligated to harbor such a feeling. He might instead take pride in his probity and his ability to resist a formidable temptation to breach a promise. As a consequence, he might undergo no regret whatsoever and might instead experience only satisfaction. If he were in fact to experience only satisfaction, he would scarcely thereby commit a wrong against himself. He would not have been under any moral duty to feel regret, nor would he have been under any other sort of remedial moral duty. Yet, precisely because no remedial moral obligation would ensue from his decision to forgo the lottery jackpot, we can soundly infer that he was never under a moral obligation to claim that jackpot. Had he been under a moral obligation to claim it, some sort of remedial moral duty would have followed from his forswearing of the twenty million dollars. The absence of any remedial duty entails – and is therefore indicative of – the absence of any original duty.

Consequentialists and various other philosophers err, then, in supposing that the overridingness of moral requirements always involves the normative supremacy of those requirements. Very rare though the circumstances are in which a moral duty is exceeded in normative import by some conflicting prudential or aesthetic or supererogatory consideration, there are no moral reasons for denying the possibility of such circumstances. There are indeed strong moral reasons for acknowledging that possibility, since the correct principles of morality would be somewhat silly if they entailed the conclusion that Andrew's minor promissory obligation necessarily prevails over his opportunity to gain twenty million dollars.

Lest the denial of that silly conclusion about Andrew's obligation may seem to slight or impugn the bindingness of morality, a key point should be re-emphasized here. In a situation in which the best thing for somebody to do is to act athwart a moral duty – that is, in a situation in which a moral duty is normatively overtopped by an extremely pressing prudential or aesthetic or supererogatory consideration – the duty continues to exert its force unstintingly. It is not negated or undermined by being outweighed. When it is breached (if it is indeed breached), it gives rise to a moral obligation requiring the violator to undertake a remedy of some kind.[3]

This point about the continuing force of a subordinated moral obligation was aptly highlighted by Bernard Williams in his writings on conflicts between moral duties (Williams 1973), but it was to some degree obscured by him in a passage in which he adverted to a conflict between two moral duties on the one hand and a prudential factor on the other hand. His general aim in the passage, laudably, was to distinguish between the deliberative "ought" and the moral "ought" in order to reject the notion that moral requirements invariably prevail over all competing considerations. In other words, he cogently contended that the "ought" in the deliberative question "What ought I to do?" is not equivalent to the "ought" in the moral judgment "I ought (as a matter of moral obligation) to do *x*." If the deliberative "ought" were identical to the "ought" of moral obligation, then any competent deliberation concerning a choice between a moral duty and a competing prudential or aesthetic or supererogatory factor would inevitably result in a verdict "I ought to choose *x*" that selects the moral side of the dilemma. Someone who regards the deliberative "ought" as identical to the "ought" of moral obligation would thus be committed to what Williams styled as "the necessary supremacy of the moral" (Williams 1973, 185). To avoid a commitment to that doctrine of necessary supremacy, we should recognize the distinctness of the former "ought" and the latter. Williams was correct to maintain as much, and he argued deftly in support of his point. However, he slightly muddied the issue when he rightly sought to underscore the fact that the deliberative "ought" and the "ought" of moral obligation are distinct even when

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[3]   Philippa Foot does not adequately recognize the persistence of moral duties, when she writes that "[i]n face of a sizeable financial consideration a small moral consideration often slips quietly out of sight," and even more when she writes that "it is sometimes *morally permissible* to . . . break promises (as e.g. when ill on the day of an appointment)" (Foot 1978, 184, 186, emphasis in original).

somebody is confronted with a choice between two morally obligatory courses of action. Williams wrote:

> This, if not already clear, is revealed by the following possibility. I think that I ought to do *a* and that I ought to do *b*, and I ask of two friends 'what ought I to do?'. One says 'You ought to do *a*', and gives such-and-such moral reasons. The other says 'You ought to do neither: you ought to go to the pictures and give morality a rest.' The sense of *ought* in these two answers is the same: they are both answers to the unambiguous question that I asked. (Williams 1973, 185)

Williams's conclusion in this passage is both true and profound, and his argument is adept. Moreover, Williams does not endorse either the content or the formulation of the second friend's advice ("You ought to do neither: you ought to go to the pictures and give morality a rest"). Nevertheless, the formulation of that advice is regrettable. The phrase "give morality a rest" suggests that the two moral duties – the duty to do *a* and the duty to do *b* – can simply be put aside, as if their bindingness could thereby be eluded. That wording is disquietingly reminiscent of a phrase to which Richard Hare disdainfully referred as "a somewhat revolting expression which I once heard a colleague use, . . . 'take a moral holiday'" (Hare 1981, 57). In any situation in which the best thing for some person to do is to breach a minor moral duty in order to take advantage of an enormously weighty prudential opportunity, the duty is not given a rest. Its requirement is unremitting, and the non-fulfillment of that requirement will generate a remedial moral obligation. Though the demandingness of the requisite remedy will be mitigated by the circumstances of the person's choice, some remedy – at least a quick apology – will perforce be due. Regardless of what anyone might think, he or she is never on a moral holiday (Phillips 1977, 147–48). If the courses of conduct *a* and *b* are really morally obligatory for a person, then her failure to pursue either of them will land her with remedial moral duties. Hence, an appropriate formulation for the advice offered by Williams's second friend would have been: "You ought to do neither: you ought to go to the pictures and remedy your transgressions of your moral duties afterward." (Of course, it is extremely doubtful whether the gratification derived from attending a film on some particular occasion would ever be sufficiently weighty to exceed a veritable moral duty in normative importance, however minor that duty might be. For present purposes, however, we can leave aside that oddity in the second friend's advice.)

Let us close this discussion of overridingness and indeed this whole chapter by briefly pondering two central aspects of this topic. First, as is evident from the inclusion of a section on this topic in the present chapter, overridingness is a species of uniform applicability. Because moral duties are overriding – that is, because they are almost always normatively supreme, and because they retain their force insistently even in the highly unusual situations in which they are not normatively supreme – their applicability to moral agents is not dependent on the absence of any powerful prudential or aesthetic or supererogatory considerations that militate in favor of departing from the duties. Whether those powerful considerations are present or absent, and whether when present they are sufficiently hefty to surpass the import of the moral requirements with which they respectively conflict, any moral requirements that are operative will continue to apply. Those requirements will continue to apply in that, if they go unmet, remedial moral obligations will ensue. In that key respect the applicability of moral obligations is uniform, instead of being differentiated in response to the presence or absence of various countervailing reasons-for-action.

Second, as should also be evident, the overridingness of moral principles and duties – like the other ways in which those principles and duties are uniformly applicable – is a moral property through and through. The unremittingness of the demands of moral duties is a matter of moral necessity, for the outright negation of those demands by any prudential or aesthetic or supererogatory concerns would be morally outlandish. When we ask why moral obligations persist as such in the face of contrary pressures, the answer lies in cardinal moral values such as the dignity and equality of human agents. If for example the promissory obligation owed by Andrew to Mary were canceled by dint of the marvelous opportunity open to him, and if as a consequence no apology or any other remedy whatsoever were due to her after he has availed himself of that opportunity, her status as an agent deserving of respect would be flouted. *Pro tanto*, that status would be obliterated by Andrew's pecuniary interests and desires. Because no such upshot is reconcilable with the cardinal moral values just mentioned, the avoidance of such an upshot through the persistence of Andrew's promissory duty is indeed a matter of moral necessity. Much the same can be said, *mutatis mutandis*, in connection with the countless other moral obligations that may come into conflict with prudential or aesthetic or supererogatory concerns.

Just as the insistent force of moral duties is a moral phenomenon, so too is the fact that the normative strength of such duties almost always

prevails over the normative strength of competing pressures of other types. Moral duties are almost always supreme in relation to prudential and aesthetic and supererogatory factors because a world in which they were frequently subordinated to those other factors would be morally preposterous. Moreover, in any truly exceptional situation in which some moral obligation is surpassed in its normative weight by a consideration of prudence or aesthetics or supererogatory ethics – for example, in a situation such as that of Andrew and Mary – the subordination of the obligation is likewise a moral matter. Any limits on what Williams called "the supremacy of the moral" are set by morality itself,[4] which imposes those limits to avert silliness.

In short, like the uniform applicability of moral requirements in other respects, the overridingness of such requirements is a moral feature. In that regard, it is like each of the other dimensions of moral objectivity. Moral realism, which affirms each of those dimensions, is a moral doctrine.

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[4] This point is recognized in Shafer-Landau 2003, 211.

Chapter 5

Invariance

In the eyes of some philosophers, the linchpin of objectivity is invariance (Nozick 2001). Invariance is itself a multi-faceted property, of course. Though a few of its principal aspects are explored primarily in this chapter, several of its aspects have been probed in some of my previous chapters or will be probed in subsequent chapters.

5.1. Invariance qua Uniform Applicability

For example, one sense in which the correct principles of morality are invariant is that they are uniformly applicable in a number of ways. Not every moral principle is categorically prescriptive, but every such principle is uniformly applicable in some respects – often by being applicable to every mentally competent person. Any basic duty-imposing moral principles and many derivative duty-imposing moral principles impose requirements on every mentally competent person, and any basic power-conferring moral principles and many derivative power-conferring moral principles invest every mentally competent person with abilities to effect changes in moral relationships through specified patterns of conduct. Some power-conferring moral principles are even more expansive, in that they bestow moral powers not only upon mentally competent people but also upon all other people. Similarly expansive are myriad moral principles that confer liberty-rights and immunity-rights; many of them extend not only to all mentally competent people but also to all other people. The uniformity of the applicability of any moral principles is obviously a type of invariance.

Both in the preceding paragraph and in Chapter 4, uniform applic-
ability has generally been construed as uniformity of address. That is, the
uniformity of the applicability of duty-imposing moral norms is the uni-
formity with which those norms place people under duties; the uniformity
of the applicability of power-conferring moral norms is the uniformity with
which those norms endow people with powers; and so forth. In other words,
each such norm is uniformly applicable if it is addressed to people across
the board. However, there is another sense in which all basic duty-imposing
moral principles and numerous derivative duty-imposing moral principles
are uniformly applicable. Most such principles encompass every person within
their protective ambits. For example, a moral principle that proscribes the
torturing of anyone for pleasure is not only addressed to all human beings
but is also protective of all human beings – and doubtless other animals
as well. It not only imposes a duty or an array of duties on everyone, but
also confers a right or an array of rights upon everyone. Each person's moral
duty to abstain from torturing anybody for pleasure is owed to everyone,
and consequently everyone holds a moral right that is correlative to the
aforementioned duty of each person. Nobody is left outside the protective
purview of the torture-forbidding principle. In that respect, as well as in
the comprehensive sweep whereby that principle lays down the duties which
it establishes, the moral prohibition on torturing anybody for pleasure is
uniformly applicable. Its uniform applicability in each of those respects is
a species of invariance, for neither the all-inclusive scope of its address nor
the all-inclusive scope of its right-conferring protection leaves room for any
variations among people under its terms. Everyone alike is subject to its
requirement, and everyone alike is within the compass of its normative shield.

5.2. Invariance qua Transindividual Concurrence

Chapter 6 will explore one of the chief epistemic dimensions of moral objec-
tivity, that of transindividual concurrence. Roughly stated, this facet of moral
objectivity consists in widespread agreement among people – among
people generally, or among people who have largely rid themselves of biases
and other corrupting factors – on the contents and implications of moral
standards. Insofar as those contents and implications are viewed in essen-
tially the same ways from individuals' sundry perspectives, they are objec-
tively discernible. When people do indeed converge with one another in

their perceptions of those contents and implications, the variations among their individual outlooks are subordinated (in their perspectives on matters of morality) to the commonality of those perceptions. Such a state of affairs, wherein human beings broadly share certain understandings of moral principles, is therefore importantly marked by invariance. Within the sway of the concurrence of their understandings, people's assessments of any given moral matter are largely invariant across individual vantage points.

My purpose at present does not reside in considering the extent to which our practices of moral judgment are characterized by transindividual congruence. We have pondered that matter to some degree in Chapter 3, and we shall ponder it further in Chapter 6. Here, however, the sole purpose of introducing the phenomenon of transindividual concurrence is to indicate that it amounts to an epistemic species of invariance. Some of the philosophers who regard invariance as the hallmark of objectivity are especially concerned with epistemic invariance, for they doubt that any entities can correctly be said to partake of objectivity if people's perceptions of those entities do not generally coincide. Indeed, we have glimpsed this point in Chapters 2 and 3, which explored the ways in which the proponents of relativism and skepticism have sought to ground their respective doctrines on observations of intractable moral disagreements. Thus, although the focus of the present chapter is on ontological invariance, we are well advised to keep in mind that the property of invariance figures saliently in the epistemic objectivity of morality as well.

5.3. Invariance qua Timelessness and Ubiquity

Important though the foregoing types of invariance are, the principal modes of invariance to be contemplated in this chapter are timelessness and ubiquity. Insofar as the domain of morality partakes of those two characteristics, the correct principles of morality are always and everywhere the same. Those principles are invariant both diachronically and synchronically.

5.3.1. Mind-independence and beyond

To a large extent, the features of unchangingness and pervasiveness follow from the fact that the basic principles of morality are strongly mind-independent

both existentially and observationally. All of the correct principles of morality, including any correct derivative moral principles that are not strongly mind-independent existentially, are strongly mind-independent observationally. Because their contents and implications do not necessarily tally with what people individually or collectively believe them to be, they do not vary in accordance with any misunderstandings harbored by people individually or collectively. Although some derivative moral principles unendowed with strong existential mind-independence might eventually be altered by persistent misunderstandings, their contents and implications at any given juncture would not be altered at that juncture. Correct principles of morality that are possessed of strong existential mind-independence – that is, all correct basic moral principles and most correct derivative moral principles – are never altered by people's misconceptions. As a consequence of being unresponsive to people's misapprehensions and mistaken interpretations, the correct principles of morality are such that many of them can be strictly invariant both temporally and geographically. Though their strong observational mind-independence is not sufficient in itself to establish that any such principles are timeless and ubiquitous, it is necessary for their being so.

Even more plainly supportive of the attribution of unchangingness and pervasiveness to most of the correct principles of morality is their strong existential mind-independence. Indeed, Chapter 2 has gone a long way toward justifying such an attribution in the course of presenting moral reasons for that strong existential mind-independence. The status of every correct basic principle of morality as such must be independent of the existence of any mind(s) and the occurrence of any mental activity, because the absence of that independence would render true any number of iniquitous propositions (some of which have been discussed in Chapter 2). As a matter of moral necessity, the correctness of basic moral principles never hinges on the actual presence of the beings – human beings, and other moral agents if there are any – whose conduct is normatively regulated by those principles. Likewise as a matter of moral necessity, the substance and general implications of those basic principles do not hinge on the contents of anyone's thoughts or mental states. Accordingly, an insistence on the strong existential mind-independence of the basic principles of morality is a long step toward an insistence on the timelessness and pervasiveness of those principles.

Still, although the strong existential mind-independence of the correct basic principles of morality is crucial for their unchangingness and ubiquity,

it is only a necessary condition rather than a fully sufficient condition. Even though the presence or absence of mental activity in the world would not occasion any variations in those principles, there could conceivably be other factors that would occasion such variations. At any rate, the strong existential mind-independence of morality's basic principles is not alone sufficient to rule out the possibility of such factors. Nonetheless, on the basis of the same general lines of reasoning that highlight the mind-independence, we can safely conclude that those principles are indeed always and everywhere the same.

As will be recalled, the relevant lines of reasoning adduce moral values that tell in favor of the perdurability and the all-encompassing sway of every correct basic principle and most correct derivative principles of morality. Not only are those principles unaffected by the presence or absence of people's minds and by the contents of people's thoughts; in addition, they are unaffected by any other phenomena or occurrences. Let us ruminate afresh on the derivative moral principle that prohibits the torturing of babies for pleasure. If that principle were not always and everywhere regnant, then at some times or in some places the torturing of babies for pleasure would be morally permissible. Any such state of affairs would be morally extravagant, even if no one would ever become aware of the moral permissibility of the torture (perhaps because no one would exist at the specified times or in the specified places). Consequently, as a matter of moral necessity, no such state of affairs would ever obtain anywhere. Basic moral values, which prohibit self-indulgent cruelty and the gratuitous infliction of pain, are utterly at odds with the permissibility of the practice of torturing babies for pleasure. Since those values reign as binding values at all times and in all places in all possible worlds – that is, since any times or places in which they do not reign as binding values are morally impossible – there is no world in which that practice is ever morally permissible anywhere. If there are any other beings in the universe who are intelligent enough to qualify as moral agents, the torture-forbidding principle is applicable to them just as much as to human beings.

In short, although the strong observational mind-independence of all correct moral principles and the strong existential mind-independence of most correct moral principles do not by themselves suffice to ensure that such principles are unchanging and omnipresent, the same broad considerations that lead us to recognize those two types of mind-independence are grounds also for ascribing full-blown unchangingness and omnipresence to moral standards. Just as the basic principles of morality cannot hinge

on the existence of people's minds or on the contents of people's thoughts, so too they cannot hinge on any other variable factors. There is no room for variations in the sway and substance of those principles, for any variations would be morally absurd.

5.3.2. Moral necessity

Although the topic of moral necessity is in some respects a concern of moral semantics as well as of moral ontology, and although it is also closely bound up with certain epistemic issues, no adequate discussion of moral invariance can omit it.[1] After all, the property of moral necessity has been invoked repeatedly in this chapter and the preceding chapters. We here should plumb briefly the nature and scope of that necessity, while deferring a few other aspects of this topic to later chapters.

The nature of moral necessity should be apparent by now. Whereas logical necessity inheres in the logical form of any tautological proposition, and whereas analytic necessity inheres in the defined meanings of the words with which analytic truths are expressed, and whereas metaphysical necessity inheres in the essences of things as they have been fixed in the actual world, moral necessity inheres in the moral properties that are ascribed to actual or potential occurrences by basic moral principles. If some normative consequence or conclusion is morally necessary within a specified situation, then the absence of that consequence or the falsity of that conclusion within the specified situation is morally impossible; it is morally impossible, in that the absence or falsity would be inconsistent with the existence of some basic value(s) of morality. Inconsistencies with the existence of basic moral values are to moral necessity what logical inconsistencies are to logical necessity. That is, some normative state or proposition is morally necessary if and only if its absence or negation would constitute or entail the negation of some basic principle(s) of morality. Obviously, the basic principles themselves are morally necessary, since the negation of any such principle would manifestly be covered by the biconditional criterion in the preceding sentence. As has been contended, each of those basic principles is its own foundation. Each of them obtains by

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[1]   For a collection of essays that shed light on some of the matters discussed in this subsection, see Gendler and Hawthorne 2002. Especially valuable for my purposes are Chalmers 2002; and Fine 2002.

moral necessity, because the absence of any one of them would be at odds with the inexorable sway of that putatively absent principle itself.

In serving as its own foundation, each of the correct basic principles of morality is similar to the Law of Noncontradiction, whose truth is inexpugnably guaranteed because anything at odds therewith is self-contradictory. Each such principle is also similar to that logical law in being knowable *a-priori*. As has been noted in Chapter 2, however, the basic principles of morality are different from the Law of Noncontradiction in some other respects. They are necessarily true not by dint of their forms nor purely by dint of the defined meanings of the words with which they are accurately articulated, but by dint of their moral substance. Whereas the Law of Noncontradiction constitutes an elementary condition for all rationality and logical coherence, the basic principles of morality constitute the elementary conditions for all moral decency and reasonableness.

To say that all correct basic moral principles and many correct derivative moral principles are morally necessary is to say that they reign as such in all possible worlds. The relevant notion of possibility here is, of course, moral. A world is morally possible if and only if every normative state of affairs within it is consistent with the existence of all the basic principles of morality. Thus, for example, a world is a moral impossibility if some instances of torturing babies for pleasure within it are morally permissible. There can never be such a world, for the moral permissibility of those instances of torturing babies for pleasure would be incompatible with the existence of some basic moral principles. (Though there cannot ever be a world in which any such instances are morally permissible, there might be a world where – in an exceedingly unusual context – an act of torturing a baby for pleasure would be the best thing for someone to do. Suppose that, unbeknownst to anyone on the planet Earth, some enormously sophisticated extra-terrestrial enemies of humankind are bent on destroying the human race unless their marvelously advanced surveillance equipment detects at least one act of torturing a baby for pleasure by a human being within the next hour. In these circumstances, somebody who does in fact stoop to such an act during that hour may unwittingly be carrying out the best course of conduct that he could carry out. In the preposterous circumstances, such an act is the best thing for him to do. All the same, his torturing of a baby for pleasure is grotesquely wrong, and the normative consequences of his vile conduct will be severe. Among those consequences is his having come under a moral duty to submit himself to an appropriately heavy legal punishment.)

Of course, not only impossible but also inconceivable is a world in which some instances of torturing babies for pleasure are morally permissible. No one who is engaged in moral reflection under optimal conditions – indeed, no one who is engaged in moral reflection with at least a moderate degree of competence under virtually any credible conditions – could conceive of such a world.[2] However, not every morally impossible world is inconceivable. As has been observed in Chapter 3, most intractable moral disagreements revolve around questions to which there are uniquely correct answers, and a small proportion of those disagreements would remain intractable even if they were conducted under optimal conditions. Even under such conditions, in other words, reasonable people may abidingly disagree about certain moral propositions that are each determinately true or false. Consequently, some people under optimal conditions could reasonably believe that the moral status of this or that course of conduct is other than what it genuinely is. Not only can they conceive of a world in which that moral status is as they have mistakenly identified it; in addition, they believe such a world to be actual. All the same, given that their perception of the moral status in question is incorrect (*ex hypothesi*), the

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[2]   I here disagree with Stephen Schiffer, who asserts that "it is not all that hard to think of people with not entirely outrageous moral views who wouldn't accept the principle [that it is morally wrong to torture children for the mere fun of it]" (Schiffer 2003, 248). Unsurprisingly, Schiffer's effort to substantiate his assertion – by referring to an extreme variety of normative egoism – is decidedly unpersuasive. Likewise unpersuasive, in light of what I have said in the text, is David Wong's claim that "[i]t is not obvious that we need any moral absolutes by which to live" (Wong 1984, 175). Schiffer, when expanding on his doubts about the inconceivability of the correctness of a moral principle that permits the torture of children for fun, proceeds to insist that veritable moral principles are synthetic rather than analytic (Schiffer 2003, 249–50). I agree with that latter insistence, as should be evident from § 3.1.1 in Chapter 3. Hence, when I declare that the correctness of the torture-permitting principle is inconceivable, I am not claiming or presupposing that the negation of that principle is analytic. Rather, the inconceivability stems from the limits imposed on any decent person's imagination by the overwhelming unreasonableness of certain patterns of conduct. (If Schiffer's doubts about the inconceivability of the correctness of the aforementioned principle were to be given a utilitarian spin, they could easily be accommodated. Instead of focusing on a moral principle that permits the torturing of babies for pleasure, I could focus on a moral principle that permits the torturing of babies for pleasure in circumstances where any pleasure to be derived is significantly exceeded by the misery to be inflicted. No utilitarian theorist would acquiesce in such a principle. Still, I do not feel a need to accommodate utilitarianism in that manner, since any version of utilitarianism that ascribes positive moral weight to ghoulishly sadistic pleasure is not a doctrine that can be endorsed under any optimal conditions for moral deliberation.)

world which they believe to be actual is in fact morally impossible. Though that world is conceivable, it can never exist. Its inexistence is a matter of moral necessity. After all, as will become apparent in Chapter 10's discussion of the generative relationship between empirical properties and moral properties, basic moral values rule out the joint possibility of two worlds that are identical in every respect except in regard to the moral status of some course or mode of conduct. No more than one of those two worlds is possible. Thus, since the only point of difference between the world believed to be actual by one side in a persistent moral dispute and the world believed to be actual by the other side is indeed focused on the moral status of some course or mode of conduct, at least one of those two worlds is morally impossible. (An exception to what has just been said, of course, is any protracted moral dispute in which the divergence between the parties' moral assessments is due to divergences between their respective beliefs about some key non-normative facts. In a disagreement of that kind, it need not be the case that either disputant is envisaging a world that is morally impossible.)

Like logical and conceptual and metaphysical necessity, and unlike physical necessity, moral necessity is trans-world rather than merely intra-world. Morality not only determines whether any specified normative state of affairs is possible within the actual world, but also determines whether any such state of affairs is possible in any world. It therefore determines whether worlds are genuinely possible or not. Still, although moral necessity is similar to logical and conceptual and metaphysical necessity in the way just mentioned, it is not equivalent to any of them or even coextensive with any of them. The worlds ruled out as impossible by logical necessity – or by conceptual necessity or by metaphysical necessity – are not all the same worlds that are ruled out as impossible by moral necessity. For instance, as a matter of logical necessity there can never be a world containing a circular disk that is triangular, whereas the inexistence of any such feature of a world is not a matter of moral necessity. Similarly, as a matter of metaphysical necessity there can never be a world containing any veritable gold (as opposed to a gold-resembling substance) that is different at an atomic level from the gold that is in the actual world, whereas the inexistence of any such feature of a world is not a matter of moral necessity. Conversely, as a matter of moral necessity there can never be a world containing any morally permissible act of torturing a baby for pleasure, whereas the inexistence of any such normative feature of a world is not a matter of logical or metaphysical necessity. Thus, although moral

necessity delimits the range of genuinely possible worlds, its delimitation is distinctive. It rules out worlds not by reference to logical coherence or metaphysical essences, but solely by reference to the consistency of each world's normative states of affairs with the sway of the correct basic principles of morality.

5.4. Limits on Invariance

Though there is no room for variations in the sway and substance of the basic principles of morality, some derivative moral principles do indeed vary. Whereas all derivative moral principles are strongly mind-independent observationally, some of them are not strongly mind-independent existentially. That is, the contents of some correct derivative principles of morality depend partly on the occurrence of mental activity.

We have encountered the prospect of such principles in Chapter 2, where we briefly investigated the Serious Offense Precept – a precept which provides that in any ordinary circumstances a person should refrain from actions that are very likely to cause serious offense to other people, unless the offense would itself be the product of illegitimate attitudes such as racism or anti-Semitism or obscurantism. (Let us assume for the moment that the Serious Offense Precept is a correct principle of morality. Nevertheless, the truth of that assumption is not essential for my present purposes, since the precept is invoked here solely in illustration of my point about the limits on moral invariance. Indeed, I shall shortly query whether the precept as formulated here is correct.) As is evident, the contents of the more concrete principles generated by the Serious Offense Precept in any particular context will depend partly on the attitudes and convictions that are harbored by people. Because those attitudes and convictions are variable, the contents of the more concrete principles generated by the Serious Offense Precept are likewise variable. A mode of conduct MC that is grossly offensive to people in some society might be regarded as innocuous by everyone in some other society. In the former society, then, MC would violate the Serious Offense Precept, whereas it would not constitute any such violation in the latter society. Consequently, while an operative moral principle in the former society would forbid anyone to engage in MC, no such principle would be operative in the latter society. These differences among societies, moreover, are paralleled by differences among

individuals. Even within a single society – especially within a large and heterogeneous society – individuals typically diverge in their views concerning what is severely offensive and what is not. Though they probably are unanimous or virtually unanimous in many of their judgments on the matter, they will disagree in quite a few other such judgments. Taking into account these divergences of opinion, and also taking into account the importance of context-specific factors in influencing how conduct is perceived, apposite moral standards generated by the Serious Offense Precept will proscribe certain modes of behavior in some settings and not in others. For example, conduct universally condoned at a sporting match or a rock-and-roll concert might be grievously offensive if undertaken in a church or a synagogue. Both with regard to the people likely to be present and with regard to the context-specific attitudes of those people toward raucousness or salaciousness, the former settings will almost certainly differ markedly from the latter; the concrete moral standards respectively applicable to those settings under the Serious Offense Precept will differ accordingly. Even within a single society, then, the prevailing moral standards can vary from one situation to another on some important points.

Of course, the diversity just described is perfectly consistent with the objectivity-qua-invariance of morality. For one thing, any principle along the lines of the Serious Offense Precept obtains as an invariant fixture in the domain of morality only by giving rise to variable concrete moral prohibitions. If no derivative moral principles could reflect the changing and diverse sentiments of people, then neither the Serious Offense Precept nor anything relevantly similar in content to that precept could be among the timelessly correct principles of morality. Yet, even though the Serious Offense Precept itself is undoubtedly too broad in its interdictory scope to be correct, a significantly narrower version of that precept is almost certainly sound; people's sentiments are sometimes determinative of the correct answers to questions about the moral legitimacy of specific types of conduct. If such sentiments could never be registered in the correct derivative principles of morality, those principles would be missing something of moral importance. Hence, we should conclude that people's sentiments can indeed be so registered, and that a suitably circumscribed version of the Serious Offense Precept is a timeless and ubiquitous moral standard. By accepting that some derivative moral principles are variable in content, we can accept that certain invariant moral standards (from which those derivative principles arise) are operative as such.

Furthermore, the concrete moral principles generated by the Serious Offense Precept – like that invariant precept itself – are strongly mind-independent

observationally. The people whose attitudes and convictions fix the contents of those principles can be individually or collectively mistaken about the contents when they ruminate on the matter. We have seen as much in Chapter 2, where we noted that people in Russia could all be mistaken about the existence there of a concrete moral principle that forbids the public burning of Leo Tolstoy's *War and Peace*. If any such principle is operative within Russia, it is so because of the contents of Russian people's attitudes and convictions; yet each person there might misapprehend the attitudes and convictions of all other Russians, and might consequently believe that the necessary conditions for the existence of such a principle do not obtain. Though an error of that kind on the part of absolutely everyone is very unlikely, it is possible. Considerably more likely is an error of that kind on the part of many people. Nonetheless, regardless of how widespread such an error might be, the specified moral principle exists in Russia if all or most people there are apt to be severely offended by the public burning of *War and Peace*. Because the weak existential mind-independence of that principle is accompanied by its strong observational mind-independence, its reign does not vary in response to the presence or absence of any mistake of the sort envisaged. *Pro tanto* – albeit only *pro tanto* – its reign is invariant.

In short, the variability of some derivative principles of morality is fully compatible with all the ways in which morality is invariant. Naturally, like the invariance of the moral domain, the degree of the variability of some derivative moral principles is a moral matter. That is, the limits on morality's invariance are determined by moral considerations just as much as is the invariance itself. To get a flavor of the complexity and multifariousness of those considerations, we should briefly probe an example adduced for a somewhat different purpose by Gilbert Harman (Harman 1977, 97–98, 105–06).

Suppose that a practice of cannibalism has evolved in some society S. To keep the example from being too easy, we should suppose further that neither any residents of S nor any outsiders are killed or mistreated for the purpose of consuming their flesh. Instead, the cannibalism is practiced on people in S who have died of natural or accidental causes or of injuries suffered in war. We should additionally suppose that no one in S is forced or badgeringly exhorted to eat any portion of the body of anyone else. Everyone who consumes any such portion does so willingly.

What should we conclude about this practice? Can the moral status of cannibalism vary across societies, and is the practice legitimate in a society where it is very widely embraced and where no one is being deliberately

harmed in pursuit of it? Though the moral status of cannibalism may well be variable – within tight constraints – our ability to answer these questions in application to S will depend on the provision of further information (not discussed by Harman). Specifically, we need to know the purpose of the cannibalism.

Let us assume that people are not being eaten in S simply because of a lack of alternative sources of nourishment. Though a desperate shortage of food might render cannibalism legitimate in a dire emergency, it could not underlie any cannibalistic practices of long standing; either the emergency would quite rapidly come to an end and would therefore no longer necessitate the practice of cannibalism, or the cannibalism would quite rapidly come to an end along with everyone who has engaged in it. Let us concentrate instead, then, on two other purposes that might underlie a longstanding practice of cannibalism in S.

Perhaps the inhabitants of S carry out their cannibalistic practices because they perceive such practices as a means of showing esteem for the dead, or perhaps instead they engage in cannibalism because they find the taste of human flesh especially appealing. To be sure, these two plausible motivations for their consumption of human corpses are not mutually exclusive. Those motivations could very smoothly coexist. All the same, we should examine them here separately – by ascribing the first of them to the inhabitants of S and the second of them to the inhabitants of a distinct society S*. In each case, of course, we are assuming that the cannibalistic practices do not involve the deliberate killing or harming of any live person, and we are assuming that nobody in S or S* is forced to consume human flesh.

Plainly, there is room for reasonable disagreement about each of the two scenarios under consideration, and nothing in my main lines of argument hinges on my coming up with the correct answer to the question posed by each scenario. Rather, the point of the present discussion is to highlight the intricacies of the moral considerations that bear on the variability of moral standards. My brief remarks in the next two subsections can attune us to those intricacies, even if my specific verdicts on the activities depicted in the scenarios are incorrect.

5.4.1. Cannibalism as veneration

A key consideration affecting the moral status of the cannibalism in S is the respect or lack of respect shown for the people whose carcasses are eaten.

Ex hypothesi, those people are not mistreated during their lifetimes. Does the consumption of their corpses degrade them posthumously, and does it therefore amount to a form of mistreatment that violates their dignity? Given that cannibalism is practiced in S as a means of exhibiting esteem for the dead, the answer to this question may be "no." Undoubtedly, however, we would need to know some further details of the situation in order to answer with ample confidence. For instance, we would need to know whether the perception of cannibalism as respectful of the dead is prevalent in S or whether that perception is instead confined to a fairly small number of people who actually engage in the practice. Similarly, we would need to know whether people during their lifetimes can opt out of being consumed posthumously, just as people in many Western societies can opt out of donating their organs posthumously for medical transplantation and research. If the view of cannibalism as a way of honoring the deceased is indeed very widespread in S, and if people while alive do have opportunities to decline to be honored in that fashion after their deaths, then we should conclude that the practice of cannibalism in S is morally legitimate. Contrariwise, if at least one of those two conditions is not satisfied, the moral status of the practice is most likely negative. Even so, the practice might conceivably be morally legitimate if only one of those two conditions is unsatisfied. If neither of them is met, however, we should firmly conclude that – whatever the intentions of anyone who cannibalizes others – the practice of cannibalism in S is morally wrong, especially in application to people who have not consented to the involvement of their bodies in it. It flouts the dignity of such people by using their bodies nonconsensually as means for ends which they themselves do not believe to be served by the practice. Admittedly, those ends consist in showing admiration for the human beings whose corpses are eaten. However, any such admiration is fatally tainted by the high-handed manner in which it is displayed. As is quite familiar from the occurrence of sexist tributes to the delicate fineness of women, cavalier expressions of esteem undermine themselves.

Nonetheless, the practice of cannibalism in S is morally permissible if the purpose of that practice is pervasively endorsed within S and if each person while alive has opportunities to decline to become involved in it posthumously. Now, in two important respects, this conclusion about the moral status of cannibalism is fully consistent with the invariance of morality. First, although the reign of the moral principle in S that permits the practice of cannibalism is only weakly mind-independent existentially,

it is strongly mind-independent observationally. Second, as has been underscored, cannibalism is morally legitimate in S only if the several conditions mentioned in this discussion are satisfied (not merely the conditions stated at the outset of this paragraph, but also the absence of any deliberate killing or harming of people and the absence of any coerced participation in the consumption of human flesh). When all of those conditions are satisfied in any other society, cannibalism will be morally permissible there as well as in S. That is, an invariant moral principle provides that cannibalism is morally legitimate in any society in which those conditions obtain. That timelessly invariant principle is strongly mind-independent existentially as well as observationally. Whenever the conditions specified by it are met, it gives rise to a further moral principle – a principle straightforwardly permitting cannibalism – that is only weakly mind-independent existentially. The variability of the latter principle, which obtains as a moral standard in S but not in most other societies, is set within the invariance of the former principle.

In two respects, the moral norm that straightforwardly permits cannibalism in S is to be characterized as variable. In the first place, as has just been noted, it is not operative as a moral standard in most societies. (Indeed, it is probably not operative as a moral standard anywhere in the actual world.) If people from S were to travel to those other societies, they would not be morally permitted – or legally permitted – to engage in cannibalism there. In the second place, the inhabitants of those other societies are morally forbidden to consume human flesh not only when they are in their own lands but also when they journey to S. Except in the unlikely event that some foreigner has very frequently and sustainedly sojourned in S and has become accepted as a full-fledged participant in the curious practices there, nobody from another land is morally entitled to partake of human flesh while visiting S. The conditions that make cannibalism morally permissible for the residents of S do not lend themselves to being invoked by outsiders. After all, those conditions include the fact that all or most of the members of S endorse and sustain the practice of cannibalism as a pertinent vehicle for exhibiting their reverence for their deceased contemporaries. Unless outsiders become genuinely integrated into the community of S and its mores, the legitimative force of the condition just mentioned will not be applicable to them. Even if they happen to subscribe to the perception of cannibalism as an apt means of showing affection and veneration for the dead, they as outsiders are not absorbed into the community's way of life which incarnates that perception and which – in

combination with the other requisite conditions – thereby confers legitimacy upon cannibalistic practices.

5.4.2. Human flesh as a tasty treat

Let us now investigate the second of my two scenarios, in which the chief purpose of cannibalism in S* is to provide tasty meals for the people who consume human flesh. We can assume that the main elements of the scenario are otherwise parallel to the ones in the situation we have just considered. That is, nobody while alive is ever mistreated in any way for the furtherance of the practice of cannibalism; no one is forced to partake of human flesh; everyone has ample opportunities to decline to be eaten posthumously; and a zest for consuming the bodily remains of dead human beings has been very widespread in S* for many generations. We can further assume that, although the residents of S* do not regard cannibalism as a means of expressing their esteem for their deceased contemporaries, they likewise do not regard it as disrespectful at all. Apart from the few people who opt out of being devoured after death, nobody feels dismay or apprehension over the prospect of being so devoured. The attitudes of the people in S*, in other words, are similar to the attitudes of many Western people toward the prospect of the posthumous use of their organs for medical transplantation and research. Though the use of human organs for such purposes is not usually perceived as a way of showing esteem for the donors,[3] it is something which many people in Western societies anticipate with equanimity in regard to their own organs.

What should we conclude about the practice of cannibalism in S*? The situation is not as clear-cut as in S. Not only is the provision of tasty meals a less important purpose than the promotion of medical research and life-saving organ transplants; in addition, it is less important than the sustainment of ritualistic displays of admiration and affection for the dead. In sum, the purpose served by the practice of cannibalism in S* is less important than the purpose served by that practice in S. Given the parallels between the two societies in other respects, is this discrepancy between them sufficient to undermine the moral legitimacy of the cannibalistic practices in S*?

The answer to this question is far from obvious, partly because of the difficulties of thinking about a society as weird as S*. Remote though S is

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[3] Sometimes it is so perceived, however, especially when a young child has died in an accident.

from the mores of Western countries, it is not outlandishly different from some small and primitive societies that have actually existed. S* is significantly more fanciful. Still, if we overcome the initial bafflement caused by the sheer strangeness and unsavoriness of S*, we should conclude that the practice of cannibalism there is morally permissible. Nobody is wronging anyone else through that practice. A wrong would have to consist in harm of some sort, but *ex hypothesi* nobody is being harmed in any way within S*. Nobody is being maltreated during his or her lifetime, and the eventual consumption of each person's corpse does not run athwart his or her expectations and wishes. Though the ingestion of human flesh in any Western country W would constitute an affront to human dignity even in a situation where some inhabitant of W has happily consented to being posthumously devoured, the context of the cannibalism in S* is so markedly different as to alter the moral status of such conduct. Something very widely regarded as grossly disrespectful in W is viewed much more positively by all or most inhabitants of S*.

To be sure, the perceptions of people concerning their own practices and institutions are by no means always dispositive of the moral character of those practices and institutions. If for example a certain practice in some society significantly constricts the range of opportunities for women there to pursue most careers or to engage in sundry activities, it is disrespectfully sexist even if everyone in the society (including each woman) believes that the practice is commendable. Such a practice harms people even if they themselves and all their compatriots are unaware of the perniciousness of its effects. However, the practice of cannibalism in S* is readily distinguishable. Given the further conditions that obtain in S*, the fact that people there do not regard the consumption of human flesh with revulsion or any other negative feelings is sufficient to render such consumption innocuous. Unlike harsh restrictions on women's careers or activities, the cannibalism in S* is not producing any injurious effects. Like the hypothesized restrictions, the cannibalism is viewed favorably in the society in which it prevails; but, unlike those restrictions, the cannibalism does not inflict damage on any individuals' interests or on the public weal.

Of course, most outsiders will look askance at the cannibalistic practices of the people in S* as distasteful if not downright shuddersome. As Steven Lukes remarks, cannibalism has always been viewed in the West as "exotic and utterly repellent" (Lukes 2003, 28, 31, 42). However, Westerners' feelings are not decisive in this context, any more than – in a different context – are the feelings of people from some Asian and African societies who

frown upon certain Western practices such as cremation and organ trans-plants. In the absence of any other type of harm, feelings of revulsion on the part of outsiders are not sufficient to undermine the moral permissibility of cannibalism in S* (just as such feelings on the part of some het-erosexual people are not sufficient to undermine the moral permissibility of homosexual intercourse between consenting adults). We should there-fore conclude that among the correct moral principles operative with regard to S* is a principle which affirms that the consumption of human flesh by the members of that community is morally legitimate.

Doubters might raise one further objection to such a conclusion. They might maintain that, instead of looking for victims who would be harmed, our enquiry into the moral status of the practice of cannibalism in S* should be focusing on the degradation of the people who participate in such a practice. Even if no detriment is inflicted on the decedents whose bodies are devoured, the people who devour them are sullied by indulging in such a repast. No self-respecting human being would stoop to such a sordid enterprise. The consumption of human flesh by the inhabitants of S* is immoral not because those who engage in such consumption are injuring others, but because they are injuring themselves by debasing their natural inclinations and faculties. Or so the critics of S* might contend.

We should readily grant that the moral impermissibility of some modes of behavior is due primarily or exclusively to their dehumanization of anyone who participates in them. Political and legal philosophers often distinguish between right-focused and duty-focused justifications for legal prohibitions (Kramer 1998, 35–41, 59–60), and a homologous distinction is pertinent here. A right-focused justification for a moral prohibition on some mode of conduct *MC* pertains to the harm that will be suffered by victims of instances of *MC* if such instances occur. By contrast, a duty-focused justification for a moral prohibition on *MC* pertains to the degrad-ing effects of instances of *MC* on the people who stoop to such conduct. A duty-focused justification is undoubtedly the apposite sort of justification in some circumstances. For instance, if there is a sufficient moral basis for a strict prohibition on the wielding of torture against people who are known to be mass-murdering terrorists, it most likely pertains to the degrading effects of torture on the governments and individuals who resort to it. Similarly, if people are under moral obligations to refrain from abusing their bodies through addiction to narcotics or alcohol, the justificatory basis for those obligations most likely pertains principally to the psychological and physical debasement suffered by anyone who plunges himself into such

addiction. Duty-focused justifications for moral requirements, then, can be quite as pertinent as such justifications for some legal requirements.

However, the question here is not whether duty-focused justifications for moral requirements are ever appropriate, but whether any such justification supports the conclusion that the cannibalism in S* is morally illegitimate. As the examples in the preceding paragraph suggest, a duty-focused justification for a moral prohibition is sound only if the behavior that falls under the prohibition is significantly detrimental to oneself or to somebody else. Yet, as has already been argued, the practice of cannibalism in the peculiar conditions of S* is not harmful to anyone. A duty-focused justification for a moral principle that forbids such a practice in S* is consequently without support. A justification of that sort would have to maintain that the sheer act of deliberately ingesting human flesh is so degrading as to corrupt the character and faculties of anyone who indulges in it. Yet, given the admittedly strange conditions that obtain in S*, there are no corrupting effects of the cannibalism there. Though the widespread relish for human flesh in S* is strange and disconcerting to outsiders, it is not eroding anyone's mental acuity or inflicting any injuries. Thus, a duty-focused complaint about the practice of cannibalism in S* is similar to a duty-focused complaint about the practice of homosexuality among consenting adults. Homosexuality may elicit feelings of aversion in many heterosexual people, and the cannibalistic practices in S* may elicit feelings of consternation in most outsiders who become aware of those practices, but – as has already been remarked – such feelings are insufficient to vitiate the moral permissibility of an activity that does not cause any other kind of harm. Though the inhabitants of S* would perhaps lead somewhat better lives if they were to abandon cannibalism, they are not morally obligated to improve themselves in that fashion. Accordingly, a duty-focused justification for a moral ban on their cannibalism is unavailing.

5.5. Concluding Remarks

A few caveats are advisable here, in conclusion. First, my vindication of the cannibalistic practices in S and S* is hardly intended as a general defense of such practices. Very rare indeed are the conditions that have been presumed here to exist in S and S*. In fact, it is probable that those conditions have never existed anywhere in the actual world. If a cannibalistic society

in the actual world falls short in regard to any of those conditions, then the consumption of human flesh in that society is almost certainly illegitimate. Cannibalism is not a mode of conduct that easily passes moral muster.

Second, as has already been indicated, there is ample room for reasonable disagreement about the moral legitimacy or illegitimacy of the cannibalistic practices in S and S*. Though I believe that my concrete conclusions about the moral bearings of such practices are correct, the correctness of those conclusions is by no means essential for the soundness of the main arguments (the much more abstract arguments) in this chapter. The chief point of this discussion has not been to uphold the possibility of legitimate cannibalism, but has instead been to reveal the complicated richness of the considerations that are relevant to questions about the variability of moral standards. When we ponder the limits on the invariance of such standards, we quickly become absorbed into detailed investigations of the moral properties of the activities that can trigger those limits. Moreover, the range of such activities extends widely through the domain of human conduct. Cannibalism is one pursuit that tests the limits of moral invariance, but myriad other pursuits can do so as well.

Third, as has been noted, the variability of morality is always located within an array of invariant moral principles. Cannibalism is morally legitimate in some possible communities and morally illegitimate in other possible communities (including all or virtually all actual communities), but the operativeness or inoperativeness of a cannibalism-countenancing moral principle in application to any particular community is due to the satisfaction or non-satisfaction of key conditions. Those conditions are specified in invariant moral principles, which deem the consumption of human flesh to be legitimate in any society that fulfills them. In other words, variably operative moral principles are always derivative of invariant moral principles (which in turn may be derivative of still further invariant moral principles).

Finally, despite my emphasis on the timelessness and universality of basic moral standards, the scenarios of S and S* serve to underscore the fact that the general invariance of those standards will have left ample room for diversity. Such scenarios belie David Wong's claim that moral realists "assert that there is only one valid ideal of the good for man."[4] I have deliberately focused

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[4]   Wong 1984, 158. Moral realists can and do instead agree with Wong's own view that "there is no feature or set of features [of human nature] that eliminates all but one ideal as valid" (Wong 1984, 158). For some related remarks, see Scanlon 1995, 238–45.

my discussion on the practice of cannibalism, because eminent thinkers such as Martin Hollis have taken that practice to be paradigmatically beyond the moral pale (Hollis 1999, 36; O'Hagan 2006, 369). Cannibalism is undoubtedly beyond the pale in virtually all of its incarnations, but in suitable conditions – which have perhaps never existed in the actual world – it could be morally legitimate. Its *potential* legitimacy, though perhaps never actualized, need not be denied by anyone who seeks to vindicate the strong objectivity of morality.

Chapter 6

Transindividual Concurrence

Having pondered the chief respects in which morality is ontologically objective, we shall now turn to some epistemic aspects of objectivity. For any domain of enquiry, one central hallmark of its epistemic objectivity is a tendency toward transindividual concurrence among people's perceptions of the things within it. In other words, a domain of enquiry is epistemically objective insofar as people who competently investigate the entities within the domain are able to agree on the nature or specifics of each such entity. If all or nearly all competent enquirers do align with one another in that manner, then – within the relevant domain – the tastes and peculiarities of individuals are not dispositive touchstones for what can warrantedly be affirmed. If any field of enquiry is such that individuals' tastes and peculiarities *are* epistemically dispositive touchstones within it, then the field is thoroughly subjective (as an epistemic matter); contrariwise, if a field of enquiry is such that individuals' tastes and peculiarities are subordinate to very widely shared perceptions that sustain virtual unanimity on the matters to which the perceptions pertain, then those matters are epistemically objective. In sum, the epistemic objectivity of any phenomena consists in the pronounced tendency of individuals to converge in their beliefs and judgments about those phenomena.

As should be apparent, epistemic objectivity in the sense just expounded is a scalar property rather than an all-or-nothing property. That is, things partake of it to varying degrees. An area of enquiry can be epistemically more objective or less objective than any number of other areas of enquiry, and the issues covered within such an area will themselves almost certainly differ from one another in the extent to which they elicit agreement.

Furthermore, the epistemic objectivity of some or all of those issues can evolve over time. Topics formerly controversial can eventually evoke consentaneous views among people, and topics formerly agreed upon widely can become heatedly unsettled. Thus, in its epistemic standing, an issue can become more objective or less objective than it used to be.

What has just been said about changes over time in the epistemic objectivity of certain areas of enquiry does not imply that the epistemic objectivity of a matter will always hinge on the existence of a current consensus concerning that matter. If there is widespread agreement on appropriate methods for arriving at a consensus on the answer to some question *Q*, and if the employment of those methods will indeed ultimately eventuate in approximate unanimity on some answer, then the topic raised by *Q* is currently classifiable as epistemically objective notwithstanding that the state of approximate unanimity might remain out of reach for quite a while. Indeed, even if those agreed-upon methods are not employed, and even if a state of approximate unanimity on the answer to *Q* is consequently never reached, the topic raised by *Q* is correctly classifiable as epistemically objective if the use of those methods would have resulted ultimately in a virtual consensus on the matter. Epistemic objectivity is lacking – or is significantly diminished – only if there is neither broad agreement on the answer to some question nor broad agreement on techniques by which the disagreements over that question can in due time be resolved. (For an example of a matter that is correctly classifiable as epistemically objective even though nothing close to a consensus on its specifics will ever emerge, let us ponder a question about the total number of blades of grass on the playing fields of all the colleges in Cambridge, England. People's estimates of the number will most likely vary significantly, yet the people putting forward those divergent estimates can almost certainly agree on appropriate methods of investigation that would yield a definitive answer to the question. They can almost certainly agree, for instance, that elaborately detailed and meticulous processes of counting – whether computerized or manual – would yield an answer, within a small margin of error, on which everybody should concur. All the same, those methods will not be employed to produce a consensus on the matter, since the sheer pointlessness and fatuousness of such an investigation will deter people from engaging in it. Thus, although virtual unanimity is attainable, and although the topic raised by the question about the blades of grass is therefore epistemically objective, nothing approaching unanimity will in fact ever be achieved.)

6.1. The Distinctness of Types of Objectivity

Objectivity qua strong existential mind-independence does not entail objectivity qua transindividual concurrence, nor does the latter entail the former. Similarly, objectivity qua determinate correctness does not entail objectivity qua transindividual concurrence, nor does the latter entail the former. These points are crucial for a proper account of the objectivity of morality. Hence, although some of them overlap with points made in previous chapters, we should mull over each of them here.

6.1.1. Strong existential mind-independence and transindividual concurrence

Let us begin, then, with the lack of any entailment between strong existential mind-independence and transindividual concurrence. The lack of any entailment is perhaps most evident in connection with entities that might be altogether recognition-transcendent rather than merely unrecognized. Some of the questions plumbed by the discipline of cosmology – dealing with the origins and dynamics of the universe as a whole – well illustrate the potential disconnection between strong existential mind-independence and transindividual concurrence. Although the answers to some cosmological questions are now widely agreed upon (among experts), and although the answers to many of the remaining questions are pursued with great mathematical rigor, cosmologists are far from forging a consensus on what the answers to those remaining questions are. They have devised multiple sophisticated models, each of which generates answers that are largely inconsistent with those generated by the other models. Some of the models have attracted more adherents than others, but there is not at present anything close to unanimity on any of them; nor is there anything close to unanimity on appropriate methods for adjudicating among them. Across many questions of cosmology, then, the epistemic objectivity of the discipline is currently quite low. All the same, the existential mind-independence of the facts and occurrences to which the moot questions of cosmology pertain is paradigmatically strong rather than weak. Those unresolved questions of cosmology are therefore some striking manifestations of a general phenomenon. When expert enquirers probe things whose occurrence or continued existence is completely independent of the

enquirers' minds and everyone else's mind, there are no guarantees against the emergence of intractable disagreements among them. The experts will undoubtedly converge with one another in many of their judgments, but persistent divergences are abidingly possible and sometimes actual.

However, the lack of any entailment between strong existential mind-independence and transindividual concurrence is apparent not only in connection with entities that might be radically recognition-transcendent, but also in connection with the correct principles of morality. As has been argued in Chapter 2, those principles – as a matter of moral necessity – can never be radically recognition-transcendent. Though some of them might go altogether unrecognized in any given place or time, none of them can be thoroughly unrecognizable. In that respect, as has been emphasized, moral principles are different from the things that are studied by cosmologists and other natural scientists. Nevertheless, the strong existential mind-independence of all correct basic moral principles and most correct derivative moral principles is not always accompanied by transindividual concurrence relating to the contents and implications of those principles. Quite the contrary; as has been observed, moral disagreements among people are fairly often vigorous and prolonged. On the one hand, as Chapter 3 has remarked, the extent and severity of the disputes among people on moral issues are frequently overestimated. On the other hand, save perhaps in small and homogeneous communities, divergences among people on moral issues are familiar features of everyday life. Many of those divergences are doubtless due to epistemically corrupting factors that are transcendable, but some of the divergences would persist even under optimal conditions (as Chapter 3 has readily acknowledged). As John Rawls discerned in his later work, a number of moral cruxes – including some to which there are uniquely correct solutions – are such that "it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion[s]" (Rawls 1993, 58). Thus, even though the strong existential mind-independence of most correct principles of morality never involves radical recognition-transcendence, it is not invariably associated with widespread agreement.

Indeed, the lack of any entailment between objectivity qua strong existential mind-independence and objectivity qua transindividual concurrence may seem to some readers so obvious as to be in no need of any emphasis. Worthy of note at this stage, then, is that epistemic objectivity – transindividual concurrence – is arguably most conspicuous in some domains whose entities are strongly mind-independent existentially as well as observationally.

Most of the physical phenomena of the natural world, studied by the natural sciences, are epistemically objective and are also strongly mind-independent (existentially as well as observationally). Though experimentation and theorizing at the frontiers of the natural sciences are inevitably attended by controversy, the correct answers to untold other questions about natural objects and forces are recognized by virtually everyone who ever addresses those questions. Countless elementary matters concerning the size and substance of natural objects do not provoke any disputation whatsoever, and a vast medley of scientifically more sophisticated matters are likewise wholly uncontroversial among all the people who are competent to understand them. Even in regard to the contentious questions at the edges of the natural sciences, there is often very widespread agreement (among people with relevant expertise) on the appropriate methods for coming up with firm answers to those questions. In most of the domains of enquiry that are the precincts of the natural sciences, in short, the strong existential mind-independence of the phenomena under investigation is accompanied by a very high degree of epistemic objectivity.

The realm of mathematics is another domain in which the strong existential mind-independence of certain phenomena is associated with extremely high levels of transindividual concurrence. For anyone beyond infancy, indeed, a grasp of elementary arithmetic is an earmark of his or her rationality and normal intelligence. Schoolchildren who study arithmetic and the older students who pursue more advanced branches of mathematics can usually be brought to converge with one another (and with their teachers) on most points, as they develop their competence in the discipline. Even on the frequent occasions when they make mistakes, they can usually be induced to see that they are in error, and they can usually thereby join their abler peers in grasping what the correct answers to mathematical problems are. Professional mathematicians who work in the far more arcane reaches of their discipline are in virtually full agreement with one another on multitudes of mathematical matters. In their debates over the cutting-edge topics of mathematical enquiry, they typically agree widely on the sorts of techniques that could ultimately resolve those debates – even if some applications of those techniques lie beyond the current capacities of human beings and computers. Thus, although the axioms and theorems of mathematics are not only strongly mind-independent existentially but are also potentially recognition-transcendent, human beings' explorations of mathematical problems are characteristically marked by a singularly large degree of convergence across individuals' outlooks.

In sum, the absence of any relationship of entailment between strong
existential mind-independence and transindividual concurrence is not
quite as tediously manifest as some readers might initially think. Still, that
absence is plain enough. Likewise clear is that a state of transindividual
concurrence does not entail the strong existential mind-independence
of the things to which the concurrence pertains. People can often agree
widely in their perceptions of entities or states of affairs that are, at most,
weakly mind-independent existentially. Consider, for example, the man-
dates and other norms of a legal system. As I have argued very briefly in
Chapter 2 and much more sustainedly elsewhere (Kramer 2007, 5–8,
11–13), nearly all general legal mandates and nearly all general legal
standards of other types are only weakly mind-independent existentially.
Those general laws are operative as such in any particular legal regime only
because the regime's officials share certain beliefs and attitudes that impel
them to treat the aforementioned laws as authoritative. What is more, as
has been tersely mentioned in Chapter 2, individualized legal directives –
that is, legal mandates addressed to named persons – are typically not even
weakly mind-independent existentially, since typically any such directive
will lapse if the mind of its addressee permanently ceases to function. Yet,
although the existential mind-independence of general laws is only weak,
and although the existential mind-independence of individualized legal direc-
tives is usually altogether missing, those laws and directives and the sys-
tem which they compose are characterized by a high degree of epistemic
objectivity. Under any functional legal regime, the jural consequences of
people's conduct are clear-cut in an enormous range of circumstances. In
fact, those consequences most of the time go unstated precisely because
they are so obvious to everyone who is competent to discuss them. Only
in a small proportion of circumstances do significant disagreements arise
(among people with relevant expertise) over the legal implications of vari-
ous instances of conduct. Admittedly, those atypical circumstances frequently
receive much more attention from journalists and scholars and citizens
than do the run-of-the-mill circumstances in which nobody doubts the
implications of the prevailing legal norms. Moreover, there is seldom very
widespread agreement on appropriate methods for resolving disputes
among legal experts when they do occur. Disharmony among jurists on
problematic points of law quite often proves to be intractable. In that respect,
the epistemic objectivity of law is more tenuous than the epistemic object-
ivity of mathematics and most of the natural sciences. Nonetheless, the
epistemic objectivity of law in most situations is robust. Convergence (at

least among experts) is typical, and serious disaccord is exceptional. Given as much, and given that the existential mind-independence of every legal norm is at most weak rather than strong, the epistemic objectivity of some phenomenon clearly does not per se presuppose the strong existential mind-independence of that phenomenon. Things dependent on human minds for their occurrence or continued existence can be things on whose bearings there is generally a consensus.

6.1.2. Determinate correctness and transindividual concurrence

We should next contemplate the absence of any relationship of entailment – in either direction – between determinate correctness and transindividual concurrence. *Mutatis mutandis*, my short discussion of cosmology above has made clear that the existence of uniquely correct answers to various questions does not entail the existence of a consensus (even among experts) on the substance of those answers. After all, to each of the unsettled questions of cosmology there is a uniquely correct answer, even if human beings might never know what the answer in each case is. Given that there is currently nothing close to unanimity (even among experts) on the content of the uniquely correct answer to each of those unsettled questions, we can infer quite readily that determinate correctness does not entail epistemic objectivity.

Furthermore, this point is applicable not only to entities whose existential mind-independence is strong, but also to entities – such as legal norms – whose existential mind-independence is weak at most. We have seen as much in Chapter 3's discussion of the distinction between determinacy and demonstrability. The determinately correct answers to legal questions in multitudinous easy cases are very widely agreed upon, but difficult cases in appellate courts are typically much more controversial. Still, especially within a legal system where the officials have incorporated the correct principles of morality into the law to fill in where the ordinary sources of legal norms run out, there will be determinately correct answers to the questions of law in some heatedly contentious cases. Suppose for example that such a legal system exists in a society in which racial relations are at a stage similar to that reached in the United States by the early 1950s. Suppose that the system's highest court must decide whether racial segregation in public schools is consistent with constitutional provisions requiring equal protection of the laws. Given the specified state of racial relations in the

imagined society, the legal question of the constitutionality of segregated public schools will be intensely controversial (as it was when the US Supreme Court reached a landmark decision on the matter in 1954). Legal experts will disagree with one another, and numerous lines of reasoning will be advanced on each side of the question. Some of the arguments affirming the constitutionality of segregation in public schools may evince racial prejudice, but many of them will focus quite reasonably on factors such as the proper role of courts in a liberal-democratic society. Nevertheless, despite the vigorous disaccord among jurists on the issue, there is a uniquely correct answer to the legal question whether the sustainment of racial segregation in public schools is consistent with constitutional provisions that require equal protection of the laws. Notwithstanding the genuineness of some countervailing considerations, the uniquely correct answer to that legal question is negative. For the court addressing that question, then, only a decision that disallows the segregation is appropriate. To say as much, however, is hardly to say that that decision will be commended by all or nearly all legal experts at the time when it is rendered. Determinate correctness does not entail transindividual concurrence. (As was indicated at the outset of this paragraph, the dispositive legal norm in this scenario – like any other general law – is only weakly mind-independent existentially. That norm, requiring equal protection of the laws, coincides in content with a correct principle of morality. Qua correct principle of morality, the substance of that norm is strongly mind-independent existentially as well as observationally. Qua constitutional requirement, however, the substance of that norm is weakly rather than strongly mind-independent existentially. Its role as a constitutional constraint is dependent on its being collectively regarded as such by all or most of the officials who run the legal system in which it occupies that role.)

Let us turn to the absence of any entailment between transindividual concurrence and determinate correctness. The lack of any entailment between that epistemic dimension and that ontological dimension of objectivity is sometimes manifest across a whole body of ostensible knowledge. Suppose that the wise men and magicians of ancient Egypt fully concurred with one another about the most effective incantations and ceremonies for various occasions. They all agreed, we may assume, that a spell or ritual of such and such a type would propitiate the gods in such and such a context, and that a spell or ritual of some other type would propitiate the gods in some other context. Their ersatz wisdom consisted in a host of answers to a host of questions about the optimal means of currying favor with the gods. In fact, however, there was no determinately

correct answer to any of those questions – except an "answer" that would brand each question itself as utterly misconceived because of the wildly false assumptions underlying it. Whenever the Egyptians posed one of their questions, such as an inquiry whether the gods would look more favorably upon the sacrifice of a goat at a funeral than upon the sacrifice of a sheep, every non-dismissive reply was wrong and was therefore no worse and no better than every other non-dismissive reply. There was, in short, no determinately correct answer to any of the Egyptians' questions; a wholesale rejection of each such question was the uniquely correct response. Hence, although the Egyptian wise men and magicians converged with one another in their views of the gods' wishes, the epistemic objectivity of the topics covered by their body of pseudo-knowledge was not matched by the determinate correctness of any of their claims. Those claims were baseless, in spite of the transindividual concurrence on their putative pertinence.

More often, the absence of any link of entailment between transindividual concurrence and determinate correctness is manifest not in relation to a whole practice or a whole body of thought, but in relation to certain theses that are advanced within some practice or some body of thought. Consider, for instance, a legal system in which a question arises to which there is not any determinately correct answer. (Perhaps the question is whether a skateboard falls under the scope of a ban on any vehicles in a public park. Or perhaps it is a loftier issue revolving around a constitutional provision that guarantees equality or liberty or justice. We need not concern ourselves here with the specifics of the matter or of the case that raises it.) Now, although there is not genuinely any determinately correct answer to the question that has arisen, all or most of the legal officials and other legal experts who address the problem may incline toward one view. To be sure, insofar as the legal officials' decisions on the matter carry precedential force, their shared view will henceforth constitute the uniquely correct answer to the legal question that has been posed. Their shared view will become the binding law on that question. At the time when the officials articulate that view authoritatively, however, there is (*ex hypothesi*) not yet any determinately correct position. The transindividual concurrence of experts on a certain position does not entail its determinate correctness.

6.1.3. Distinctness laconically summarized

Although this chapter has emphasized that transindividual concurrence is separable from strong existential mind-independence and from

determinate correctness, I obviously do not mean to suggest that those types of objectivity will invariably or typically diverge. They will frequently coincide. What these remarks have sought to highlight, rather, is simply the persistent possibility that epistemic objectivity will not consort in this or that particular context with some major kinds of ontological objectivity. Ontological objectivity pertains to how things actually are, whereas epistemic objectivity pertains to how things are collectively believed to be. Thus, although there are solid reasons for expecting epistemic objectivity and ontological objectivity to be frequently conjoined in many domains of enquiry – reasons centered on the evolutionary pressures that have formed human minds to be similar to one another and to be generally responsive to the actualities of the world – there is never a guarantee of their coinciding. There always abides the potential for incongruity between how things actually are and how things are collectively believed to be.

6.2. Morality and Disagreement

The opposite of transindividual concurrence is, of course, disagreement. As has been observed in Chapters 2 and 3, the prominence of discord in the domain of morality has fueled quite a few anti-realist accounts of that domain. On the basis of the perceived scale and insurmountability of the discord, moral relativists conclude that the moral outlooks shared by all or most people in some community establish the correct principles of morality for that community, while moral subjectivists conclude that the moral outlook of each individual establishes the correct principles of morality for that individual. That is, they deny the strong existential mind-independence of moral principles. As Brian Leiter declares in a forceful expression of that denial, "perceptions [of moral value] fail to generate the sort of convergence in judgment that we would expect a genuinely objective feature of reality to produce. Things that are really perceived ought to be largely perceptible to others, but the sheer diversity of evaluative judgments based on the same perceptual evidence suggests that value is really *not* among the features of reality there to be perceived" (Leiter 1995, 27, emphasis in original, footnote deleted). Moral skeptics respond to the phenomenon of moral disagreement by focusing primarily on morality's determinate correctness rather than on its existential mind-independence. They maintain that the irresolvability of moral disputes is something that results not from

the mere indemonstrability of the correct answers to moral questions, but from rampant indeterminacy in the moral domain. In other words, although the skeptics principally concentrate on a dimension of objectivity different from that on which the relativists and subjectivists principally concentrate, all of these anti-realist thinkers gainsay the objectivity of morality – and they do so largely because of the intractable contentiousness of many moral issues.

Chapters 2 and 3 have challenged the claims of relativists and subjectivists and skeptics, and Chapter 3 in particular has devoted considerable attention to the scale and persistence of moral disagreement. This chapter will not rehash those previous ripostes, but will instead scrutinize a couple of the lines of reasoning that have accompanied the anti-realist inferences drawn by many philosophers from their observations of moral disputation. In so doing, this chapter will have to address some ontological issues as well as epistemic matters. Let us begin with a novel line of reasoning recently propounded in a stimulating book by Mark Kalderon.

6.2.1. Reasoned expostulation

Whereas the term "noncognitivism" is frequently used by moral philosophers to refer to semantic theories that marshal certain epistemic claims in order to deny the truth-aptitude of moral statements, Kalderon germanely reserves the term for an epistemic doctrine (which he endorses). Though he allows that countless moral statements are truth-apt, he contends that any person who competently utters them is adopting a conative stance rather than a cognitive stance toward them. The semantics of a moral utterance are representational, whereas the pragmatics are affective and noncognitive. So, at any rate, Kalderon believes as he elaborates his fictionalist account of morality. Now, for my present purposes, his general theory is not the object of our perusal. Rather, what is of interest here is the initial line of reasoning that leads him to embrace noncognitivism. That line of reasoning is focused squarely on what Kalderon perceives as the nature of moral disputation.

Kalderon affirms that anybody who accepts a moral judgment is presuming the judgment to be true for everyone rather than only for herself. He then maintains that, if accepting a moral judgment consists in adopting a cognitive attitude toward it (specifically, a cognitive attitude of belief), a moral agent whose position on any particular moral issue is contested

by some other sensible person will have a reason to enquire further into the grounds for her own acceptance of that position. Contrapositively, if a moral agent in such circumstances does not have any reason to enquire further into those grounds, "then moral acceptance is noncognitive" (Kalderon 2005, 34). Kalderon endeavors to show that the antecedent of this latter conditional is true, and that the consequent must therefore also be true. According to him, the acceptance of a moral judgment by anyone does indeed turn out to be noncognitive. "I will argue for noncognitivism on just these grounds" (Kalderon 2005, 34).

Kalderon adduces an example that supposedly tells in favor of his hypothesis (Kalderon 2005, 34–36). He asks us to envision a disagreement between Edgar and Bernice over the moral status of abortion. Edgar is a liberal who regards abortion as morally permissible, and he is stoutly convinced of the correctness of his position. He adheres to his conviction so firmly that he is not only devoid of any inclination to relinquish it, but is also devoid of any inclination even to subject it to inspection. Bernice strikes Edgar as rational and reasonable and well-informed, yet her disagreement with him about the moral status of abortion does not even slightly dispose him to re-examine the grounds for his liberal view of the matter. As Kalderon describes the situation: "Edgar feels no embarrassment about this. His persistence in his liberal morality is unflinching. Edgar is intransigent in the sense that he lacks a motivation to inquire further into the grounds of moral acceptance." Kalderon then adds:

> Nor is Edgar alone in this. I suspect that we too would be unmoved by such a disagreement. Our own persistence in liberal morality would be unflinching as well. We too would be intransigent in the sense of lacking a motivation to inquire further into the grounds of moral acceptance. In normal circumstances, we are under no obligation to re-examine the foundations of moral claims that we accept as unproblematic even if they are disputed by otherwise rational and reasonable, informed, and interested people who coherently accept reasons that, if genuine, would undermine them. (Kalderon 2005, 35)

Kalderon concludes that the acceptance of a moral judgment by anyone must be noncognitive. After all, if that acceptance were cognitive, then anyone confronted by a sensible person who endorses a contrary moral judgment would have a good reason to probe further the grounds for her own moral position. Given that somebody like Edgar has no such reason, the epistemic attitude involved in embracing a moral judgment must be

noncognitive. Or so Kalderon declares: "[I]f moral acceptance were cognitive, then in the context of a disagreement about reasons, a person would be under a lax obligation to inquire further into the grounds of moral acceptance. However, in the context of a disagreement about reasons [such as that between Edgar and Bernice], a person is under no obligation to inquire further into the grounds of moral acceptance. Therefore moral acceptance must be noncognitive" (Kalderon 2005, 37).

Before we ponder the soundness of Kalderon's argument, we should look at one further passage. Therein, Kalderon seeks to characterize the import of his conclusion and reasoning:

> I am not making an empirical claim about the actual extent of moral intransigence – that would require a sensitive interpretation of a moral sociology that has yet to be written; rather, I am making a conceptual claim about the norms that actually govern moral acceptance: Given the norms that we actually accept, it is intelligible to fail to be motivated to inquire further. If we can conceive of cases where such intransigence is intelligible, then it must be so at least by the norms governing moral acceptance that we actually accept and tacitly appeal to in so conceiving . . . And if the failure to adopt the end of further inquiry is intelligible, then we are under no rational obligation to adopt this end, at least by the norms of moral acceptance that we actually, if implicitly, accept. (Kalderon 2005, 36)

We should start by examining this final passage. Kalderon asserts that he is not making an empirical claim about the actual extent of moral intransigence, and indeed he is not. However, when he goes on to say that he is "making a conceptual claim," he conveys the impression that he is not advancing an empirical assertion at all. Yet he also indicates that he is writing about "the norms that actually govern moral acceptance" and "the norms that we actually accept" and "the norms of moral acceptance that we actually . . . accept." His readers should feel quite puzzled. If a conclusion is about the implications of the norms that we actually accept, then how can it not be partly empirical? If one's approach to the matter is not partly empirical, then how is one to know whether certain norms (countenancing the intelligibility of certain degrees of intransigence) are actually accepted or not? At any rate, we can understand Kalderon's position either as a partly empirical thesis about the implications of the procedural moral standards that we actually accept, or as a purely normative thesis about the procedural moral standards that should prevail. How well does his position withstand scrutiny, in each case?

6.2.1.1. The first problem: dogmatic hauteur

Construed either as a partly empirical claim or as a strictly normative proposition, Kalderon's conclusion about the norms of moral acceptance suffers from two fatal difficulties. First, what is most salient in his account of the dispute between Edgar and Bernice is the account's moral and political smugness. With his use of first-person plural pronouns, Kalderon simply takes for granted that all of his readers are on the left-liberal side of the controversies over abortion (as I myself am). Indeed, he presumes not only that they all share his left-liberal outlook, but also that they all adhere to it dogmatically and complacently. However, even within the myriad of predominantly left-liberal academic departments in American and British universities, the moral and political outlooks of people are not as rigidly condescending and self-satisfied as Kalderon suggests. Not everyone is haughtily resistant to reconsidering the bases for his or her stance on the complicated moral matter of abortion. Some people in those departments are more flexible, if only to reassure themselves of the soundness of their current views.

   All the same, let us suppose for a moment that everybody who takes a stand on abortion is as smug and dogmatic as Kalderon indicates. In that event, the best conclusion to be drawn is that the procedural moral standards endorsed by people are far short of what they should be. Kalderon is of course correct in saying that Edgar's obstinate unwillingness to engage in reasoned debate with Bernice is perfectly intelligible, but its intelligibility derives precisely from the tiresome familiarity of people who are mulishly disinclined to let their moral convictions be subjected to challenge and perusal. The numerousness of such people does not lessen the objectionableness of their arrogance. In connection with a complicated moral matter such as abortion, where weighty moral considerations are present on each main side of the issue, anyone who feels no inclination whatsoever to probe the underpinnings of her own outlook in response to challenges from a serious interlocutor is abdicating some of her moral responsibilities. Of course, nobody is under a moral obligation to enquire afresh into the foundations of her moral beliefs on absolutely every occasion when those beliefs are impugned by some other well-informed person. Plumbing the foundations of one's own convictions is an endeavor that consumes time and effort, and even somebody who aspires to live an examined life will usually have many other worthy claims on her attention and energy. Still, a person as unflinchingly close-minded as Edgar in

Kalderon's scenario is neglecting the duty of a moral agent to form moral judgments in ways that show respect for other moral agents and for the complexities of the problems to which the judgments pertain.

Kalderon's scenario touches on the richly multi-faceted controversies over the moral status of abortion. In relation to those controversies, anyone as hidebound as Edgar is to be condemned. However, there are of course many moral matters that are much more straightforward. In relation to them, neither Edgar nor anyone else falls short by being utterly undisposed to re-examine the bases for his own convictions. Faced with Samantha who declares that the torturing of babies for pleasure is sometimes a morally permissible course of conduct, Edgar would be mad if he were to feel inclined to reinspect his own reasons for cleaving to a contrary view. He can take for granted that he is correct and that his interlocutor Samantha is woefully misguided – too woefully misguided to deserve any detailed response. Of course, in a scenario of this sort, it is exceedingly difficult to imagine that Samantha would ever strike Edgar (or virtually anyone else) as somebody who fits Kalderon's description of Bernice: "an otherwise rational and reasonable, informed human being who coherently accepts a reason that, if genuine, would undermine [the moral impermissibility of torturing babies for pleasure]" (Kalderon 2005, 35). Given the extreme iniquity of the notion that torturing babies for pleasure is sometimes a morally permissible course of conduct, a person who subscribes to such a notion is probably not "otherwise rational and reasonable." Still, in the light of what we know about the ability of some Nazis to compartmentalize their lives and to keep their perpetration of atrocities against Jews quite separate from their everyday doings, Samantha might indeed be an otherwise reasonable person despite her grotesque stance on the torturing of babies for pleasure. If so, then Edgar is fully justified in remaining firmly intransigent in a moral dispute about underlying moral considerations with an otherwise rational and reasonable and well-informed human being. Does the possibility of such an upshot lend any support to Kalderon's thesis that our ordinary acceptance of moral judgments is noncognitive?

6.2.1.2. The second problem: nothing distinctive

Here we come to the second fatal difficulty that undoes Kalderon's non-cognitivist account of moral disputation. If his account is to succeed on its own terms, then it cannot extend to every domain (including every domain in which the relevant judgments and convictions are uncontestedly cognitive).

In fact, however, as Kalderon himself makes clear at a slightly earlier junc-
ture in his book, utter intransigence can be as patently justifiable in the
domain of natural science as in the domain of morality. He initially
depicts Edgar and Bernice not as putting forward rival claims in a moral
debate, but as putting forward rival claims concerning a scientific matter.
That initial portrayal of them recounts a situation that foreshadows the
disagreement between Edgar and Samantha over the moral status of
torturing babies for pleasure:

> Suppose that Bernice accepts that the Earth is flat and is ideally coherent in
> so accepting: Bernice is otherwise rational and reasonable, informed, and
> can offer what Edgar would regard as a question-begging argument for her
> acceptance of the flat Earth hypothesis. If Edgar is like us, he would reject
> any suggestion that there is a perfect epistemic symmetry between himself
> and Bernice but would maintain, instead, that he, and not Bernice, is
> appropriately related to the shape of the Earth. Thus, it is implausible to
> suppose that Edgar's disagreement about reasons with an ideally coherent
> flat-earther would generate reflective doubt about his reasons for rejecting
> the flat Earth hypothesis, and hence it is implausible to suppose that he would
> be motivated to inquire further into the grounds of his rejection. (Kalderon
> 2005, 21–22)

Bernice's belief in the flatness of the planet Earth is just as outlandish as
Samantha's contention that torturing babies for pleasure is sometimes
morally permissible. In each case, consequently, Edgar does not have any
reason to reconsider the basis for his adherence to an opposing view. In
other words, moral disputation and scientific disputation are on a par in
every respect relevant to the present discussion. In disputation of either
type, when Edgar is faced with a rational and otherwise reasonable and
well-informed person who dissents from his stance on a certain issue, he
will not have any good reason to re-examine the grounds for his own con-
victions unless the position espoused by the dissenter is not preposterous.
Sheer intransigence is appropriate in response to a ludicrous doctrine, whether
in the domain of morality or in the domain of the natural sciences.
Contrariwise, such an attitude is generally not appropriate in response to
divergences of opinion on complex matters where potent cross-cutting
factors have to be taken into account, whether in the domain of morality
or in the domain of science. Thus, given that the basic conditions for the
appositeness or inappositeness of intransigence in scientific disputation are
the same (*mutatis mutandis*) as those in moral disputation, and given that

the judgments made in scientific disputation are uncontestedly cognitive, Kalderon's focus on the pertinence of intransigence does not provide any basis for thinking that the judgments made in moral disputation are noncognitive. On the contrary, that focus tends to reveal the closeness of the affinities between those latter judgments and other doxastic states.

Kalderon himself contends that the appropriateness or inappropriateness of intransigence will hinge on the way in which somebody endorses something (Kalderon 2005, 22–36). Somebody can accept a certain view only for herself or for other people as well. Unyieldingness is warranted when one's acceptance is only for oneself, whereas it is unwarranted when one's acceptance is also for everyone else. Kalderon maintains that anybody who endorses a moral verdict or principle is accepting it for other people as well as for herself. Yet, if we recognize this feature of moral acceptance, and if we assume that moral disputation is cognitive, Edgar in his debate with Bernice over abortion will have a good reason (albeit perhaps an inconclusive reason) to re-examine his grounds for deeming abortion to be morally permissible. However, Kalderon declares, Edgar is fully justified in cleaving intransigently to his liberal position without any re-examination. Thus, the proper conclusion to be drawn is that moral disputation is noncognitive. So Kalderon contends.

Now, I have already oppugned the proposition that Edgar's smugness in his debate with Bernice over abortion is a justified attitude. However, let us put that point aside here and assume *arguendo* that Edgar's narrow-minded dogmatism is indeed to be applauded. Having acquiesced purely *arguendo* in that premise of Kalderon's reasoning, we should embrace a further one of his premises wholeheartedly; as will be explored in Chapter 10, Kalderon is on solid ground in believing that any proper acceptance of a moral verdict or principle is for other people as well as for oneself. His premise to that effect is unimpeachable. From his two premises, should we conclude that moral disputation is noncognitive?

This question should plainly be answered in the negative, because Kalderon has once again failed to single out anything that is peculiar to morality or to other domains that are supposedly noncognitive. Bernice as a believer in the flat-Earth hypothesis undoubtedly takes her reasons for her bizarre belief to be reasons for everyone, and Edgar as an opponent of that silly hypothesis likewise takes his reasons for his sensible belief to be reasons for everyone. Thus, according to Kalderon's model of cognitive disagreement, each party to the flat-Earth dispute must be obligated to re-examine the grounds for his or her own position in the dispute. Yet, as

Kalderon himself rightly insists, the opponent of the flat-Earth hypo-
thesis is not so obligated. Edgar can and should content himself with
recognizing that, although Bernice is reasonable and well-informed in
other respects, her flat-Earth doctrine is ludicrous. Her pressing of that
doctrine upon him does not provide him with any basis for thinking that
he ought to explore afresh his reasons for believing that Earth is largely
spherical. Although Edgar accepts the reasons for his own round-Earth belief
as reasons for everyone, an attitude of epistemic complacency on his part
is amply warranted in response to Bernice's blather. Renewed reflection on
those reasons would be a waste of his time, and he is therefore right to feel
no inclination toward such reflection. All the same, his relationship to those
reasons is unmistakably cognitive. That relationship consists in his beliefs
about certain features of the physical world. Hence, from the sheer fact that
a person is justifiably intransigent while he accepts some view for other
people as well as for himself, we cannot infer anything about the cognit-
ive or noncognitive character of the relationship between that person and
that view. Kalderon goes astray in presuming otherwise, and he consequently
goes astray in believing himself to have shown that moral disputation
is noncognitive.

6.2.2. Disagreement and causation

Some of my earlier chapters have pondered the relativistic inferences and
skeptical inferences that have been drawn by numerous philosophers from
their observations of intractable moral disagreements. What has not yet
been highlighted, however, is the relationship between those anti-realist infer-
ences and another prominent complaint raised by anti-realist philosophers:
namely, their animadversions on the causal inefficacy of moral properties.[1]
Quite a few philosophers, perhaps most forcefully Gilbert Harman and Brian
Leiter, have posed queries about the existence or knowability of moral prop-
erties by pointing out that such properties do not play any causal role
in our perceptions of them. Harman relies on a negative variant of the
strategy of inferring to the best explanation (Harman 1977, 6–10). As he

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[1]   For some important discussions of morality and causation, from various perspectives,
see Sturgeon 1985; Quinn 1986; Sturgeon 1986; Sayre-McCord 1988; Brink 1989, 182–97;
Dworkin 1996, 103–08; Hampton 1996, 27–30; Sturgeon 1998; Rovane 2002, 266; Shafer-
Landau 2003, 98–114; Sturgeon 2006; Zangwill 2006; Leiter 2007, 203–24.

argues, the presence of some physical object or the occurrence of some physical event is typically central to the best explanation of a competent observer's judgment that such an object is present or that such an event has occurred. By contrast, Harman maintains, the presence of some moral property is never an element in the best explanation of a competent observer's ascription of such a property to some person or some course of conduct. Instead, the best explanation will refer exclusively to factors such as the observer's upbringing and psychological processes: "There does not ever seem to be, even in practice, any point to explaining someone's moral observations by appeal to what is actually right or wrong, just or unjust, good or bad. It always seems to be more accurate to explain moral observations by citing facts about moral views, moral sensibility" (Harman 1977, 22).

6.2.2.1. Straightforwardly discernible moral properties

Harman does not develop his point explicitly along the following lines, but we can best ruminate upon the problem of causal inefficacy by reference to a distinction which has been encountered several times previously in this book and which is of pivotal importance in the present chapter: the distinction between uncontroversially straightforward judgments and gnarledly controversial judgments. Let us ponder first a straightforward moral matter such as the moral impermissibility of an act of torturing a baby for pleasure. Any competent moral agent will recognize that such an act is morally impermissible. Now, there may seem to be a strong homology between a competent moral agent's perception of the moral status of torturing a baby for pleasure and a competent physicist's perception of the presence of a proton in a cloud chamber (Hookway 1995, 52–53, 62). The person arriving at the moral judgment is of sound moral acumen, just as the physicist arriving at the scientific judgment is of sound scientific acumen. Given as much, it may appear that the best explanation of the moral judgment's being reached will crucially include the fact that torturing a baby for pleasure is evil and that the judgment is therefore correct, just as the best explanation of the scientific judgment's being reached will include the fact that a proton is present and that the judgment is therefore accurate. In each case, in light of the relevant facts, nobody possessed of the requisite competence would have formed any contrary judgment.

Despite the similarity just broached, there are two major differences between the scenario of the moral agent and the scenario of the physicist

– differences that underscore the causal inefficacy of moral properties. First, since any complete causal explanation of a phenomenon will advert to physical laws of nature that govern the workings of the material entities and forces that are involved in the phenomenon, a complete causal explanation of a competent moral agent's judgment about the moral wrongness of torturing a baby for pleasure will advert to such laws. Accordingly, if the wrongness itself is to figure in such an explanation, it has to be subject to those laws. Yet, although the property of wrongness supervenes on natural properties that are indeed subject to the physical laws of nature, it itself is not governed by those laws. Unlike a proton, it is not a material entity or force. (I am assuming here that ethical properties are not reducible to empirical properties. Such an assumption has been challenged by some estimable philosophers in recent years. My rejoinder to a couple of them appears later in this chapter.)

Second, any causal explanation entails counterfactual conditionals that have to be intelligible if the explanation is to be satisfactory. With regard to the scenario of the physicist and the cloud chamber, the pertinent counterfactuals are unproblematic. We ask whether, if a proton had not moved through the cloud chamber, the competent physicist would still have arrived at the judgment that such an entity was present. Largely because the answer to that counterfactual question is negative, the presence of the proton is a key element in a causal explanation of the physicist's judgment. Had there been no proton, there would have been no trail of vapor, and the competent physicist would therefore not have inferred that any such particle was passing through the cloud chamber.

Things are not similarly unproblematic when we turn to the scenario of the moral agent and the torturing of a baby for pleasure. We have to be careful here to fix upon the germane counterfactual. We should not be varying the actual situation by asking about a counterfactual situation in which no act of torturing a baby for pleasure has taken place. Were we to vary that feature of the actual situation, we would be inquiring not about the causal efficacy of the moral property of wrongness but about the causal efficacy of the occurrence of the specified act. Such an inquiry would be beside the point. We instead should be asking whether, if the occurrent act of torturing a baby for pleasure had not been wrong, the competent moral agent would still have arrived at the judgment that that act was morally impermissible. Now, in two respects, this counterfactual question is deeply problematic. In the first place, insofar as it can be answered, the correct reply to it is affirmative. A competent moral agent would denounce any

act of torturing a baby for pleasure as morally impermissible. Consequently, under any of the principal tests for causal efficacy,[2] the moral property of wrongness would not be a cause of the agent's censorious response to the torture; his response is the same irrespective of the presence or absence of that property. Furthermore, and equally important, the counterfactual question is largely unintelligible because – as was remarked in Chapter 5 – the normative state of affairs posited in the antecedent of the counter-factual is not merely impossible but also inconceivable. Nobody competently engaging in moral reflection can conceive of a world in which some act of torturing a baby for pleasure is morally permissible. Hence, although the necessary falsity of the antecedent renders necessarily true the counterfactual conditional of which it is a component, the sheer inconceivability of the antecedent deprives the conditional of informativeness as a guide to causal efficacy.

Before moving on to contexts of moral discord, we should take note of a feature of the last two paragraphs that would strike some philosophers as objectionable (Sturgeon 1985). When the penultimate paragraph above has envisaged a counterfactual situation in which no proton is moving through the cloud chamber, it has assumed away all the effects of a moving proton. By contrast, when the last paragraph above has envisaged a counterfactual situation in which some act of torturing a baby for pleasure is morally permissible, it has assumed away nothing except the actual moral status of such an act. Some philosophers would maintain that this asymmetry is unwarranted and that my discussion of the shift from actual moral impermissibility to counterfactual moral permissibility should take account of everything that would be entailed by such a shift. Specifically, these philosophers would declare, my discussion should take account of the inconsistency between a state of moral permissibility and the occurrence of an act of torturing a baby for pleasure; that is, my counterfactual scenario should exclude such an occurrence and should replace it with a morally permissible mode of conduct. If the causal relations between a proton's

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[2]   I especially have in mind the "but-for" test and the NESS test. Under the "but-for" criterion, given the actuality and logical distinctness of two events or states of affairs C and E, C is a cause of E if and only if the occurrence of C is physically necessary in the prevailing circumstances for the occurrence of E. Under the NESS criterion, C is a cause of E if and only if C is physically necessary for the sufficiency of a set of existing conditions that is physically sufficient for the occurrence of E. See Kramer 2003, 277–300, where I discuss many complexities pertaining to these tests for causation (complexities that surface from time to time in discussions of the causal efficacy or inefficacy of moral properties).

movements and various other events are acknowledged in my treatment of the scientist's judgment, then the relations of supervenience between moral properties and empirical properties should be acknowledged in my treatment of the moral agent's judgment. So some philosophers would contend.

My reply to such a demurral is that the asymmetry between the two counterfactual scenarios is entirely justified. We are broaching counterfactuals for the purpose of testing the causal efficacy of certain things. Crucial, then, for the elaboration of an apposite counterfactual is that we chart the full causal impact of the removal of each thing whose causal efficacy is under investigation. For example, were we to neglect to notice that the trail of vapor will be missing if the proton is missing, we would be overlooking a key element of the very feature of the proton – its causal efficacy – that we are seeking to gauge. Given that the connection between the absence of the proton and the absence of the vapor trail is causal, we manifestly cannot ignore that connection when we are aiming to ascertain the proton's causal status. By contrast, the relationship of supervenience between moral properties and empirical properties is not a causal relationship at all. (Chapter 10 argues at length that that relationship of supervenience is profoundly moral. However, even if it were logical – as most philosophers believe – it would plainly not be a causal relationship.) Thus, if our enquiry into the causal efficacy of the moral impermissibility of torturing a baby for pleasure were to take account of the supervenient relationship between the impermissibility and the sundry components of the act of sadistic torture, and if our counterfactual scenario were thus to assume away many of those components when it assumes away the state of impermissibility, we would be going astray. We would be gauging not the causal efficacy of the property of moral impermissibility, but the causal efficacy of the physical and mental events to which the impermissibility is linked in a non-causal relationship. If we are to isolate the causal potency or impotence of the moral impermissibility, we have to focus only on the impermissibility itself and on anything to which it is causally connected. When we prescind from the relationship of supervenience specified above, we are not neglecting any elements of the causality of moral impermissibility; rather, we are singling out that non-existent causality from all other factors and relationships.

6.2.2.2. *Contested territory*

Let us now reflect on the causal inefficacy of moral properties in a situation in which the moral status of a course of conduct is hotly disputed.

Consider, for example, the debates over affirmative action (or reverse discrimination) in many Western countries. To some extent, as has been mentioned in Chapter 3, the intractability of those debates is due to the apparent irresolvability of certain empirical questions on which the debates partly hinge; indeed, the irresolvability of those empirical questions is one reason for doubting whether moral values in themselves are much more contentious than other foci of enquiry. Still, to some extent the intractability of the debates over affirmative action is due to far-reaching differences among people concerning the identification and application of several major moral values. Reasonable people disagree persistently over those moral matters.

In one respect the situation of significant moral disagreement surrounding affirmative-action programs is less disquieting than a situation involving an utterly straightforward moral matter, but in another salient respect it is equally disquieting (at least in the eyes of anyone who shares Harman's perspective). On the one hand, an enquiry into the causal efficacy of the moral status of affirmative action does not generate any counterfactuals with inconceivable antecedents. The moral permissibility of affirmative-action programs in particular contexts is plainly conceivable, because some reasonable people under optimal conditions for moral reflection do or would believe that such programs in those contexts are morally permissible. Much the same can be said, *mutatis mutandis*, about the moral *im*permissibility of such programs in those contexts (and about their being morally obligatory and about their not being morally obligatory). Indeed, not only is the moral permissibility of affirmative-action programs in particular contexts conceivable by someone who judges such programs to be actually permissible, but in addition it is conceivable by many people who regard such programs as actually impermissible. Though some people undoubtedly are rigidly dogmatic on the issue, many can recognize the complexity and the fine balance of the considerations involved, and they therefore quite readily allow that their own assessments of the moral bearings of affirmative action might be incorrect. They of course believe that their own views are correct, and they stand by those views; however, they do not regard as bafflingly unimaginable the notion that the moral status of affirmative action might be other than what they currently think it to be. Thus, the pertinent counterfactual question generated by the application of a causal criterion to the moral properties of affirmative action is fully intelligible. We have to ask whether, if the moral status of affirmative action had been the opposite of what it in fact is, a competent

moral agent would still have formed the judgment about that status which he has in fact reached. Although the antecedent in that conditional question is false as a matter of moral necessity, it specifies a normative state of affairs that does not outlandishly elude all comprehension. Accordingly, the counterfactual conditional as a whole is a serviceable guide to causal efficacy.

Nevertheless, for people who are worried by Harman's critique, the application of a causal criterion to the moral status of affirmative-action policies is profoundly disconcerting. After all, the answer to our counterfactual question is clearly positive. Given that the participants in disputes over the moral permissibility of affirmative-action programs are roughly evenly divided, approximately half of them have arrived at their judgments on the matter despite the fact that the actual moral status of those programs is the opposite of what they think it to be. If that status had been what they believe it to be, they and their opponents would have respectively reached exactly the same judgments which they have in fact respectively reached. In other words, both for them and for their opponents, the actual moral status of affirmative-action policies – which they and their opponents can each imagine to be other than what they respectively presume it to be – does not play any causal role in eliciting their perceptions of that status. It obviously does not cause the perceptions which mistakenly construe that status as the opposite of what it is, but it likewise does not cause the opponents' accurate perceptions, since they would have occurred in any event. In short, in a situation of moral controversy as much as in a situation of moral consensus, the moral properties of courses of conduct do not possess any causal efficacy. They cannot fruitfully be invoked in any causal explanation of our awareness of them.

6.2.2.3. Causal inefficacy and persistent disagreement

Harman himself, of course, does not ultimately conclude that there are no moral properties or moral facts. Rather, he concludes that all such properties or facts are relative to the frameworks of moral precepts embraced by various groups of people. Leiter, while conceding that Harman's arguments about causal inefficacy do not decisively disprove the existence of any moral properties, concludes that "there are no objective facts about value" (Leiter 1995, 28). Pronouncements of these sorts have undergone criticism on moral grounds in Chapters 2 and 3, and we shall return to them shortly. In the present subsection, however, we should briefly mull

over the relationship between the causation-focused critiques of morality and the principal topic of this chapter.

What the last two subsections have sought to make clear is that relativists' and skeptics' causation-focused critiques of moral values are separate from any relativistic or skeptical critiques that center on the tenacity of moral disagreements. Even in connection with the countless moral questions on which there is no significant disagreement among people – such as the question whether the torturing of babies for pleasure is wrong – the moral properties to which those questions pertain are devoid of causal efficacy. Were causal inefficacy a feature of moral facts that is genuinely disturbing, its troublesomeness would be independent of the occurrence or non-occurrence of moral discord.

Most anti-realist philosophers who discuss these matters are alert to the fact that the causation-focused worries are separable from those associated with the ineradicability of moral disharmony. They articulate those two sets of worries independently (though often in very close proximity). However, the abidingness of the causal impotence of moral properties across contexts of moral disagreement and contexts of moral concurrence is not usually highlighted to the degree that it has been here. When the matter of causal inefficacy is probed with direct reference to the division between controversial and straightforward moral questions, we can see that it applies across the board.

Of course, the independence of the problem of causal inefficacy from the problem of intractable disputation is consistent with their being combined in some critiques of moral objectivity; indeed, the fact that they can be invoked together and have been invoked together is one of the chief reasons for broaching the matter of causal inefficacy in this chapter. For example, someone might trace the irresolvability of moral discord to the causal inefficacy of moral properties (which in turn might be traced to the inexistence of such properties). A rigorous variant of this line of thought could derive from the work of Crispin Wright, who submits that an earmark of the full-blooded objectivity of a domain is the attributability of any serious disagreement within it to some cognitive defect(s) – such as a lack of germane information (beyond the point directly in contention) or a general shortcoming of intellect – on the part of one or more of the disputants.[3]

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[3] See Wright 1992. For some illuminating remarks on Wright's line of thought, see Dworkin 1996, 106–08.

This requirement for robust objectivity is said to follow from the fact that people operating within a domain are representing to themselves and to one another how things stand therein. It must be the case that, if two people in a thoroughly objective domain receive the same input, and if they nonetheless adopt incompatible representations of the matter(s) to which the input pertains, at least one of them is proceeding in a cognitively faulty fashion (beyond the sheer fact of being wrong about the answer to the particular question that he or she is addressing). So Wright contends. He seeks to support his position with an analogy concerning electronic representational devices such as photocopiers (Wright 1992, 91–93). If a page from a typescript is placed in exactly the same manner first on one photocopier and then on another, and if the copy produced by one of the machines is markedly different in content from that produced by the other, then at least one of the photocopiers is not functioning properly as a representational device. Much the same can be said, according to Wright, about the representational capacities of human beings within robustly objective domains. Similar inputs should generate similar outputs. Consequently, if people disagree intractably about some moral issue, then either the domain of morality is lacking in full-blooded objectivity or else at least some of those people when addressing the issue are cognitively deficient (beyond simply being incorrect about the particular matter in dispute).

Now, what is noteworthy here is that – as is rightly observed in Dworkin 1996, 107 – Wright's requirement for the robust objectivity of an area of enquiry is based on a causal conception of representation. His reliance on such a conception is made clear by his analogy to electronic duplicative devices. Any such device produces representations through causal processes involving its activated components and various materials (such as ink and paper). When representations are the products of such causal processes, similar inputs should indeed generate similar outputs, and the emergence of disparate outputs from similar inputs is an indication of some defect in the machinery. Thus, Wright's test for the full-blown objectivity of a domain of enquiry presupposes that any objectively knowable entities in such a domain can contribute causally to the production of representations of themselves. Insofar as his test is marshaled to impugn the objectivity of morality,[4] it amounts to a complicated variant of Harman's argument about the causal inefficacy of moral properties – a variant

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[4]   Wright himself does not marshal the test for this purpose.

focused on the irresolvability of moral discord. In short, although the problem of causal inefficacy and the problem of insurmountable disagreement are separate, they can readily be brought together.

6.2.2.4. What is the upshot?

Having already pondered the upshot of the intractability of many moral disputes, we should now consider the upshot of the causal inefficacy of moral properties. One way of responding to the problem, of course, is to deny that such properties are causally inefficacious. Some proponents of moral realism as a metaphysical doctrine do endeavor to go down that route (Sturgeon 1985; Sturgeon 1986; Boyd 1988; Brink 1989, 182–97; Sturgeon 1998; Sturgeon 2006), but it is disfavored here because it is unconvincing and because it is misconceived. Its unpersuasiveness has been deftly exposed by other philosophers (Quinn 1986, 533–37; Sayre-McCord 1988, 272–73; Leiter 2007, 216–23), and should in any event be apparent from the foregoing subsections of my discussion of morality and causation. Let us concentrate here instead on why the ascription of causal efficacy to moral properties by defenders of moral realism is misconceived.

Even philosophers who regard the reality or knowability of moral properties as a purely metaphysical or epistemological matter rather than as a profoundly moral matter should not strive to attribute causal efficacy to moral properties, since there are ample grounds for assailing any metaphysical or epistemological criterion that would rule out the reality or knowability of causally inefficacious properties. As Geoffrey Sayre-McCord and Russ Shafer-Landau and Jean Hampton have trenchantly observed (Sayre-McCord 1988, 277–78; Shafer-Landau 2003, 113–14; Hampton 1996, 39–41), the substance of any such criterion would be evaluative, and its applications would be normative. Of course, the values that inform such a criterion would not themselves be moral. They are most likely to be epistemic values, such as those that determine which of several competing explanations is best. Still, if those values are real and knowable – as they have to be, if the aforementioned criterion is genuine and knowable – then anti-realists will be hard pressed to say why moral values are not likewise real and knowable. As Shafer-Landau comments: "If epistemic obligation and justification pass ontological muster, it is difficult to see why we shouldn't also allow moral obligations and justification into our world." In regard to obligations and justifications of each type, "[w]e can't touch or taste them; they don't cause anything of their own accord; but only an overassertive

empiricism [an overassertive empiricism that would undermine its own criterion for reality or knowability] would force us, from these claims, to deny their existence" (Shafer-Landau 2003, 113).

Even more important is that the reality and knowability of moral properties are not starkly ontological or epistemological matters; they are fundamentally moral matters. As has been emphasized throughout this book, the key questions of moral ontology and moral epistemology are abstract moral questions. To address them adequately, we have to have recourse to basic moral considerations. In this respect, of course, the problem of causal inefficacy is on a par with the problem of intractable disagreement. Quite apart from the fact that those two problems can be intertwined in anti-realist critiques, they parallel each other in that each of them is *au fond* a moral challenge with which we have to grapple through moral reflection.

When some of my previous chapters examined the problem of irresolvable moral disagreement, they proceeded on moral grounds in rejecting any relativistic or subjectivistic or skeptical inferences that might be drawn from that problem. Such inferences would be morally unacceptable. Much the same hostile approach to those inferences is germane here. Harman's relativistic position, for example, is morally no more worthy of support when it emerges in conjunction with a focus on the causal inefficacy of moral properties than when it emerges in conjunction with a focus on the unendingness of moral disputation.

Many anti-realists who highlight the causal inefficacy of moral properties are inclined to gainsay the reality or knowability of those properties. Yet – as is suggested in Sayre-McCord 1988, 280–81 – the reality and knowability of such properties are always themselves moral matters. If we are enquiring into the reality of a moral property such as turpitude or permissibility, we are asking whether anything ever really does or could partake of that property. Any coherent and relevant reply to such a question is an abstract substantive moral thesis.[5] If somebody replies in the negative about a moral property such as wrongness, then he or she is logically committed to the proposition that nothing is ever really wrong. He or she is thus

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5 Of course, not every proposition that is an element of such a reply is in itself a substantive moral thesis. Consider, for example, the following two propositions: (1) The sole necessary and sufficient condition for any action's moral rightness is that the action pleases at least one god. (2) No gods have ever really existed, and no gods will ever really exist. Though the first of these propositions is a substantive moral thesis, the second is not. Nonetheless, when the second is conjoined with the first, the two of them yield a substantive moral position – a negative position – on the matter of the reality of moral rightness.

committed to the proposition that the Soviet system of slave-labor camps
and the Nazi system of concentration and extermination camps were not
really morally wrong. What is notable for our present purposes is not the
iniquity of such a view concerning those ghastly camps, but the simple fact
that that view is a substantive moral thesis. As Simon Blackburn has aptly
emphasized,[6] deeming some course of conduct to be really wrong or really
legitimate or really heinous is equivalent to deeming it to be wrong or legit-
imate or heinous: "To say that an ethical view is true is just to reaffirm it,
and so it is if we add the weighty words 'really', 'true', 'fact', and so on"
(Blackburn 1998, 296). Blackburn makes his point colorfully: "[W]e know
[some] moral propositions to be true. Or, really true, or really factually
true, or really in accord with the eternal harmonies and verities that
govern the universe, if we like that kind of talk. We can add flowers with-
out end" (Blackburn 1998, 79). In sum, any claim about the reality of a
moral property is a substantive moral contention. If affirmative, such a claim
allows that some things do partake or might partake of the specified prop-
erty. If negative, such a claim denies that anything ever partakes of that
property. In either case, we are in the territory of substantive morality
(albeit at an abstract level).

Given that the reality of any moral property is always itself a moral
matter, and given that in countless circumstances there will be dispositive

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[6] Because this book sets out to champion moral realism, and because Blackburn is
normally classified as an anti-realist (and indeed will be so classified, at least for heuristic
purposes, in my final chapter), some readers may be bemused by my alliance with him here.
However, what this book defends is moral realism as a moral doctrine. When moral real-
ism is so elaborated, the similarities between it and Blackburn's quasi-realism – especially
the quasi-realism articulated in his later writings – greatly overshadow the differences. I have
suggested as much in Chapter 2 (§ 2.2.3), and Blackburn has indicated that quasi-realism
could appropriately be labeled as "sophisticated realism" (Blackburn 1998, 313). The key to
discerning the affinities between his position and mine is to recognize that, despite initial
appearances to the contrary, his quasi-realist theorizing is an exercise in moral justification
rather than in aetiological speculation. Instead of conjecturing about the causes that have
led to the propositional character of moral discourse, Blackburn is recounting the moral
values that are vitally served by that propositional character and by the reality of moral prop-
erties. Far from being aetiological, his quasi-realism amounts to an insistence that any account
of the fundamental features of morality *tout court* has to proceed from the inside by refer-
ence to moral values. See, for example, his answer to Q2 in Blackburn 1998, 311–12. (As I
have intimated in Chapter 2, Blackburn is not the only supposedly anti-realist philosopher
whose position aligns in many respects with moral realism as a moral doctrine. For another
noteworthy example, see Gibbard 2003, 183–88.)

moral reasons for the reality of various moral properties, the causal inefficacy of such properties is no bar to their existence as such. Accordingly, there are no grounds for anyone to decline to acknowledge that those properties are indeed causally inefficacious. No embarrassment is warranted.

Faced with my deflationary defense of the reality of moral properties and with my breezy dismissal of the notion that the causal inefficacy of those properties should occasion any sense of unease, some anti-realist philosophers may resort to quite a familiar line of complaint. That is, they are likely to retort that a deflationary certification of the reality of moral properties will have opened the ontological and epistemological floodgates to all sorts of weird entities. They are apt to maintain that, if we do not insist on causal efficacy or empirical verifiability as a necessary condition for the reality or knowability of any phenomenon, we shall lose our basis for gainsaying the genuineness of any number of disreputably fanciful things. Leiter voices this objection with characteristic verve and lucidity. He declares: "Science has earned its claim to be a guide to the real and the unreal by depopulating our world of gods and witches and ethers and substituting a picture of the world and how it works of immense practical value." He adds that "causal power has shown itself over the past few centuries to be the best-going indici[um] of the knowable and the real, and therefore it is natural to subject any putative fact to this test." He throws down the gauntlet at philosophers who wish to affirm the reality of moral properties: "Now no one should be surprised that if we repudiate the demands of a scientific epistemology we get a promiscuous ontology, replete with moral facts, aesthetic facts, theological facts, and the like. But unless we are given a good reason for repudiating this epistemology – other than the patently question-begging reason of making room for our favorite (heretofore) suspect facts – the real question about any putative facts is whether they can answer to our best-going criteria of the knowable and the real" (Leiter 2007, 238–39). In a footnote, he forcefully summarizes his challenge to moral realists as follows: "Anyone who would repudiate a scientific epistemology must also provide some new, principled account of the distinction between the real and the unreal, demonstrating that while it makes room for, e.g., moral facts, it still excludes from our best picture of the world various pseudofacts" (Leiter 2007, 239 n. 35).

Though the substance of the footnoted challenge is entirely correct, Leiter errs in thinking that moral realists cannot rise to the test. Before this chapter takes up that gauntlet directly, however, we should note two other significant shortcomings in his pronouncements. First, what he repeatedly

labels as a "scientific epistemology" should instead have been characterized as a "scientistic epistemology" or as "scientific imperialism." Though he articulates his scientistic approach incisively, it is in fact non-scientific and is indeed self-impugning. When Leiter offers an account of ultimate reality by reference to the methods and successes of science, he is engaging not in a scientific project but in a metaphysical endeavor (which, in application to the domain of morality, is also a profoundly moral enquiry). He is going where scientists qua scientists do not tread. Scientists are in the business of coming up with causal-explanatory accounts of the composition and workings of material entities and forces. They are not in the business of determining whether such entities and forces – and the various relationships among those entities and forces – are exhaustive of reality or not. Anyone who tackles that latter question about the scope of reality is proceeding beyond the empirical foci and concerns of scientists, into the domain of philosophy. Indeed, as has been stated, Leiter's scientistic strictures run afoul of their own injunctions. When Leiter queries the reality of moral properties, he is doing nothing that contributes to improving any causal-explanatory accounts of the composition and workings of material entities and forces. Of course, he can reply that someone who upholds the reality of those properties is likewise not doing anything that contributes to the improvement of the causal-explanatory accounts. Such a reply would be correct in itself but would be irrelevant. My point is not that an alternative angle – a realist angle – on moral properties would be scientifically superior to Leiter's. Rather, my point is that neither a realist affirmation of the reality of moral properties nor a Leiterian denial of that reality is addressing a scientific matter at all. Why, then, does Leiter think that his demarcation between the reality of empirical properties and the unreality of moral properties is itself possessed of any genuineness? That demarcation is not empirically verifiable or causally efficacious. Nor does his drawing of it serve to further any scientific enquiries. Hence, given that Leiter takes causal efficacy or empirical verifiability to be the decisive hallmark of what is real, he has to regard his own division between the real and the unreal as lacking in genuineness. That division has no scientific cash value. (*Mutatis mutandis*, this first criticism of Leiter echoes the many philosophers who objected to logical positivism's Principle of Verifiability by pointing out that such a principle was in contravention of its own requirement.)

A second dubious aspect of Leiter's remarks is his lumping together of moral facts with putative facts about witches and gods and astrological beckonings. Virtually anybody who believes in witches or gods or angels or ghosts

or astrological influences will assume that such occult beings or forces are endowed with causal efficacy. To be sure, virtually anyone gullible enough to believe in such beings or forces will think that their causal powers are combined with supernatural powers that lie outside the sway of the ordinary physical laws of nature. Nonetheless, those supernatural powers are presumed to bring about various events by operating within, as well as beyond, the ordinary physical laws of nature. In that respect, witches and gods and angels and ghosts and astrological influences are very different from moral properties. Supernatural phenomena are different from non-natural phenomena. Unlike propositions asserting the existence of moral values, propositions asserting the existence of any of the preternatural things just mentioned are subject to confirmation or disconfirmation through everyday observation and through scientific experimentation. Since there are no scientifically respectable grounds for believing that such supernal entities or forces exist, and since there are scientifically cogent grounds for believing that they do not exist – grounds such as the repeated testing and falsification of claims about the workings of their magical powers – a genuinely scientific epistemology, with its emphasis on the careful testing of causal-explanatory hypotheses, should strongly disincline us to place credence in such entities or forces. By contrast, a genuinely scientific epistemology is fully consistent with an affirmation of the reality of moral values. Though scientific experimentation cannot lend any support to such an affirmation, it likewise cannot cast any doubt thereon. Ascriptions of moral properties to people or actions or states of affairs do not in themselves make any causal claims that can be disproved or verified by scientific testing. Thus, whereas such testing can expose the baselessness of the causal claims that are presupposed or asserted by people who express credence in gods or witches or angels or ghosts or astrological impulses, it is entirely neutral with regard to moral pronouncements. Anybody who properly esteems the achievements of science should spurn the empirically confuted doctrines of people who believe in witchcraft or astrology or deities or angels or wraiths, but her due admiration for scientific methods and accomplishments should not per se dispose her to feel the slightest unease about the genuineness of moral values. Those values are not, and cannot be, empirically discredited to the slightest degree.

Still, although modern science does not go any way toward impugning the reality of moral properties, it does not vindicate their reality, either. How, then, can a moral realist meet Leiter's challenge? That is, how can a moral realist provide a principled account of the distinction between the

real and the unreal that will classify moral properties as real? As should be abundantly evident at this stage of my book, anyone who seeks to uphold the reality of moral values will have to have recourse to moral considerations and moral argumentation. Obviously, such a maneuver is question-begging, in that it presupposes the reality of moral values while providing argumentative support for their reality. However, the circularity is virtuous rather than vicious. As has been repeatedly emphasized, the basic principles of morality are their own foundations; their correctness as basic moral principles is the sole source of their timeless and universal sway. Hence, any response to Leiter's challenge that does not beg the question would be misconceived. A non-question-begging response would mistakenly presume that the fundaments of the reality of moral properties lie outside morality itself.

There are no sound moral grounds for the correctness of any hypotheses that assert the existence of witches or astrological influences or gods or specters. Hence, given that there are likewise no scientific grounds for the correctness of such hypotheses, there are no grounds at all in favor of them. Morality is quite a different matter. There are overwhelmingly strong moral reasons for the reality of many moral properties. A proposition affirming the reality of the wrongness of genocide, for example, is a proposition affirming the wrongness of genocide. Similarly, a proposition affirming the reality of the moral legitimacy of peaceful campaigns against systems of racial subordination is a proposition affirming the moral legitimacy of those campaigns. Conversely, a proposition that denies the reality of either of those moral properties is a proposition that denies the wrongness of genocide or the legitimacy of peaceful campaigns against racial domination. Any such denial is deplorable, and is therefore in sharp contrast with a denial of the reality of witches and ghosts. Moral properties are real because their unreality would be at odds with fundamental moral principles, which obtain as such in every possible world; nothing comparable can correctly be said about witches and astrological influences and ghosts.[7]

Of course, not everything thought to be a genuine moral property is real. Some moral properties are merely ostensible rather than genuine. For example, suppose that the Germans and other people who strove to exterminate Jews and Gypsies during the Second World War believed that their

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[7] Though I am retorting directly here to Leiter, my remarks are also a response to David Wong's repeated calls for his opponents to explain the reality of morality (Wong 1984, 95–96, 103–04, *et passim*). Any apposite explanation of that reality is a moral explanation.

exterminatory labors were morally legitimate and indeed morally obliga-
tory. They may have held to such a conviction with great fervor, but their
view was of course heinously wrong. Hence, the moral legitimacy and moral
obligatoriness of their efforts were unreal. Each of those moral properties
was perceived by them as genuine (*ex hypothesi*), but the perception was
an arrant illusion. Neither of those moral properties was real. Note, how-
ever, that the unreality of each of those properties derived not from the
causal inefficacy of each of them or from anything else that is character-
istic of genuine moral properties; instead, it derived from the unsustain-
ability of each of those properties as a matter of substantive morality. Each
of them was unreal because it was an incorrect moral quality, rather than
because it was a moral quality.

The moral reasons for the reality of many moral properties and for the
unreality of others are dispositive precisely because those properties are indeed
moral. There can of course be strong moral reasons for the occurrence or
non-occurrence of some course of conduct CC, but those reasons scarcely
ordain the answer to the empirical question whether any instance of CC
has occurred. The correct answer to that question is given by the empir-
ical facts of the world. By contrast, the correct answer to a question about
the reality of some moral status ascribed to CC is a moral matter deter-
mined by moral principles. Naturally, empirical considerations may bear
on CC's moral status – as has been mentioned earlier in this book in con-
nection with affirmative-action programs and voluntary euthanasia, for exam-
ple. Nonetheless, if any relevant empirical facts are taken as given, the reality
or unreality of any moral status ascribed to CC is a purely moral matter.
Consequently, moral reasons are decisive. If for example there are power-
ful moral grounds that favor the reality of the moral illegitimacy of tor-
turing babies for pleasure, and if there are no significant moral grounds
that militate against the reality of that status, then torturing babies for plea-
sure is really illegitimate. Questions about the reality of the illegitimacy are
substantively nothing more than questions about the illegitimacy itself, and
the answers to the latter questions are plainly ordained by moral prin-
ciples. Whereas moral reasons can never determine whether some event has
occurred in the world, they – in combination with any relevant empirical
facts – bear dispositively on the reality or unreality of moral properties.

In short, although Leiter's important challenge did indeed have to be
answered, it has proved to be much less daunting than it may initially have
appeared. While there are very solid scientific grounds for a proposition
gainsaying the reality of ghosts or witches or gods or angels or astrological

tuggings, there are no scientific grounds for a proposition gainsaying the reality of moral values. Conversely, while there are no moral grounds for a proposition affirming the reality of any of the aforementioned supernatural beings or forces, there are compelling moral grounds for a proposition affirming the reality of many moral values. Those compelling grounds consist in the correct basic values of morality themselves, whose reign as such is inexorably self-sustaining. Once we recognize that the reality of those values is a moral matter rather than a starkly metaphysical or epistemological matter, we can see that placing them on the "reality" side of the reality/unreality divide is wholly unproblematic. Only an outright moral nihilist would locate them on the other half of that divide. Such a person would be guilty of inept metaphysics and grotesque moral judgment.[8]

6.2.2.5. A coda: on the irreducibility of moral properties

In the second paragraph of § 6.2.2.1, I have noted that some of my remarks on the causal inefficacy of moral properties presuppose that such properties are not reducible to empirical properties. Because that presupposition has come under attack in some quarters in recent years, this brief closing subsection will endeavor to vindicate it by parrying the most prominent such attack. Specifically, we shall here examine a line of reasoning propounded by Frank Jackson and recently defended at length by Bart Streumer (Jackson 1998, 117–29; Streumer 2007). Although this short discussion will not attempt to mount an exhaustive critique of Jackson's argument, it will tersely make three points: (1) Even if his argument were unimpeachable in other respects, it would not affect the specific way in which I assume that moral properties are irreducible to empirical properties. (2) On its own terms as a starkly metaphysical line of reasoning, his argument is unsuccessful. (3) His argument in fact reveals that the reducibility or irreducibility of the moral to the empirical is a moral matter.

Jackson's principal tack is to rely on disjunction. The gist of his reasoning can best be conveyed through a sizeable quotation:

> Now each world at which [an ethical sentence *E*] is true will have some descriptive nature: ethical nature without descriptive nature is impossible (an evil

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[8] Leiter himself is far from being a moral nihilist. As many of his writings attest, he is a man of firm moral convictions.

act, for example, must involve death or pain or . . .). And, for each such world, there will be a sentence containing only descriptive terms that gives that nature in full. Now let w_1, w_2, etc. be the worlds where E is true, and let D_1, D_2, etc. be purely descriptive sentences true at w_1, w_2, etc., respectively, which give the full descriptive nature of w_1, w_2, etc. Then the disjunction of D_1, D_2, etc., will also be a purely descriptive sentence, call it D. But then E entails and is entailed by D. For every world where E is true is a world where one or other of the D_i is true, so E entails D. Moreover, every world where one or other of the D_i [is] true is a world where E is true, as otherwise we would have a violation of [the strong supervenience of ethical properties on descriptive properties]: we would have descriptively exactly alike worlds differing in ethical nature. Therefore, D entails E. The same line of argument can be applied *mutatis mutandis* to ethical and descriptive predicates and open sentences: for any ethical predicate there is a purely descriptive one that is necessarily co-extensive with it.

It follows that ethical properties are descriptive properties. For it is a consequence of the way the ethical supervenes on the descriptive that any claim about how things are made in ethical vocabulary makes no distinctions among the possibilities that cannot in principle be made in purely descriptive vocabulary . . . [E]thical ways of partitioning the possibilities make no distinctions that are not mirrored in descriptive ways of partitioning them. (Jackson 1998, 122–23)

Jackson is contending that any ethical property such as wrongness is equivalent to a descriptive property denoted by an infinitely extensive disjunction of descriptive predicates (in which each disjunct ascribes the full set of descriptive properties that make up a possible world wherein the ethical property is in some way instantiated). "[E]thical properties are . . . infinitely disjunctive descriptive properties" (Jackson 1998, 124). My first response to his argument focuses on the disjunctive character of the descriptive property to which this or that ethical property is said by him to be equivalent. On the one hand, no objection will be posed here to the notion of disjunctive properties or even to the notion of infinitely disjunctive properties. For my purposes, at any rate, those notions are unproblematic. Moreover, at least for the sake of argument, we can grant Jackson's view that some disjunctive properties are endowed with causal efficacy (Jackson 1998, 105–06). On the other hand, however, precisely because of the heterogeneously disjunctive character of the descriptive property with which Jackson equates this or that ethical property, his argument does not conflict with anything in my own discussions of the causal inefficacy of moral values. What is underlain by my assumption about the irreducibility of moral

properties to empirical properties is my claim that moral properties are not governed by the physical laws of nature. Although such properties supervene on material entities and relations that are governed by those laws of nature, the moral features themselves are not so governed. Now, even if Jackson's argument were unassailably correct in demonstrating that each ethical property is reducible to an infinitely disjunctive descriptive property, we would have no grounds for concluding that ethical properties are governed by the physical laws of nature. Although each disjunct of the disjunctive descriptive property is governed by the physical laws of nature, the disjunction as a whole is not. After all, as Jackson himself emphasizes (Jackson 1998, 106), a disjunctive property is not causally efficacious if it is "excessively disjunctive" – that is, if some or all of its disjuncts are markedly heterogeneous. Yet the disjuncts in the infinitely disjunctive property with which he equates an ethical property such as wrongness are markedly heterogeneous. They amount to an endlessly diverse medley of descriptive states of affairs in an endless array of worlds. Thus, even if Jackson's line of reasoning were wholly sound, it would not threaten the specific way in which I assume that moral values are irreducible to empirical properties. My assumption has been that moral values are irreducible to any empirical properties that are subject to the physical laws of nature (whether those properties be logically simple or non-excessively disjunctive).

My first response to Jackson's argument has not contested the soundness of his reduction of the ethical to the descriptive. My second rejoinder, while not yet querying whether his reduction is starkly metaphysical in its substance, will indeed cast doubt upon the soundness of his line of reasoning. Jackson's argument – as is evident from the quoted passage – includes the premise that, if two predicates are necessarily coextensive, they ascribe the same property. Jackson and Streumer recognize that such a premise is in need of defense, and each of them endeavors to support it. In so doing, however, each of them underestimates the force of some of the objections that can be raised against it. Their ripostes to some of those objections are inconclusive at best. Let us concentrate here on the example discussed by each of them: the example of triangularity and trilaterality.

Jackson and Streumer construe the triangularity/trilaterality demurral in a way that subtly dulls its edge. They consequently fail to put it to rest. Jackson believes that the problem is centered on the property of being an equilateral triangle and the property of being an equiangular triangle. He writes: "[S]ome hold that the property of being an equilateral triangle and the property of being an equiangular triangle are distinct properties,

despite the logical equivalence of '*x* is an equiangular triangle' and '*x* is an equilateral triangle'" (Jackson 1998, 125). Streumer initially construes the objection differently. He initially suggests that the relevant predicates are "has three sides" and "has three angles," and he accepts that those predicates ascribe different properties. However, he then maintains that those two predicates are not necessarily coextensive. He points out that, while many open geometrical figures each have three sides, any such trilateral open figure has only two angles. In other words, whereas each trilateral open figure falls within the extension of "has three sides," none of them falls within the extension of "has three angles." Thus, if those two predicates are to be necessarily coextensive, the triangularity/trilaterality objection will have to focus exclusively on closed figures. He therefore reformulates the objection as follows: "The predicates 'is a closed figure that has three sides' and 'is a closed figure that has three angles' are necessarily co-extensive, but these predicates ascribe different properties" (Streumer 2007, 8). Just as Jackson readily concedes that the predicates "is an equilateral triangle" and "is an equiangular triangle" are necessarily coextensive, so too Streumer readily concedes that the predicates "is a closed figure that has three angles" and "is a closed figure that has three sides" are necessarily coextensive. However, like Jackson, Streumer contends that the property ascribed by each predicate in his pair is exactly the same as the property ascribed by the other predicate in that pair. Streumer – like Jackson – concludes that, whenever two predicates are necessarily coextensive, the property ascribed by either predicate is identical to that ascribed by the other. Necessary coextension and identity are one and the same relation.

Jackson is persuasive in arguing that the predicates "is an equilateral triangle" and "is an equiangular triangle" ascribe one and the same property, and Streumer is likewise persuasive in arguing that the predicates "is a closed figure that has three sides" and "is a closed figure that has three angles" ascribe one and the same property. Nevertheless, those predicates are not the ones that will be invoked by anybody who properly formulates the triangularity/trilaterality objection. By training their attention on those predicates, Jackson and Streumer miss the full force of the objection. (Purely for expository ease, I shall concentrate in the following paragraph on Streumer's version of the reply to the triangularity/trilaterality worry.)

Streumer believes that, because the predicates "has three sides" and "has three angles" are not coextensive in application to open geometric figures, the triangularity/trilaterality criticism has to be rearticulated with the predicates "is a closed figure that has three sides" and "is a closed figure

that has three angles." However, anyone broaching that criticism should instead retain the original predicates while insisting on a narrowing of the class of things over which they range. Whenever we are enquiring into the extensions of predicates, our enquiry proceeds implicitly or explicitly by reference to some class of things over which the predicates can range. We need not pin down exactly how broad Streumer has taken the relevant class to be, in his discussion of "has three sides" and "has three angles." He has plainly assumed that the class is at least broad enough to encompass all geometric figures. Somebody pressing the triangularity/trilaterality criticism should insist on narrowing the class, so that it comprises only closed geometric figures. When the relevant class is so specified, the predicates "has three sides" and "has three angles" are necessarily coextensive. Would Streumer seek to claim that those predicates, in application to the class of all closed geometric figures, ascribe one and the same property? What would be the basis for such a position? The only apparent basis is that those predicates, in application to that class of things, are necessarily coextensive. Yet the very point in question between Streumer and his opponents is whether the necessary coextension of properties is tantamount to their identity. Any adequate demonstration of the affirmativeness of the answer to that question cannot rely upon such an answer as its chief premise.

My third main response to Jackson's and Streumer's arguments, which will be announced here fleetingly and then fleshed out in Chapter 10, is in accordance with one of the chief themes of this book. The very line of reasoning marshaled by Jackson and Streumer to reduce the ethical to the descriptive is in fact an ethical argument (on a high plane of abstraction). As is evident in the long quotation from Jackson's book, his reductionist argument relies indispensably on the premise that ethical properties are strongly supervenient upon descriptive properties. Such a premise is unexceptionable in itself, but, as my remarks on the generative relationship between empirical properties and moral properties in Chapter 10 will indicate, it is a profoundly ethical thesis. Of course, Jackson himself believes that the relationship of strong supervenience between the ethical and the descriptive is linguistic-conceptual rather than ethical. However, as Chapter 10 will maintain, that understanding of the phenomenon is mistaken. (Important to note here is that Jackson conflates the distinction between global supervenience and local supervenience with the distinction between strong or trans-world supervenience and weak or intra-world supervenience. The relationship of global supervenience that he detects between moral properties and empirical properties is strong rather than weak, yet

he seems to think that that relationship is what most moral philosophers denote with the term "supervenience." In fact, most moral philosophers are referring to weak supervenience when they use that term. They believe that the weak supervenience of moral properties on empirical properties is a logical relationship, but, unlike Jackson, most of them do not believe anything similar about the relationship of strong supervenience between those two sets of properties. We shall return to these matters more extendedly in Chapter 10.)

In sum, the admirably sophisticated reasoning with which Jackson and Streumer attempt to subsume the ethical into the descriptive is itself grounded on fundamental ethical values. Instead of demonstrating the reducibility of ethical properties to descriptive properties, they have helped to reveal that the connections between the two are always an ethical matter. Basic ethical values are the irreducible underpinnings of any exploration of those connections, even when an exploration is aimed at establishing that such values cannot be distinguished from the empirical states of affairs with which they are necessarily coextensive.[9]

6.3. Concluding Remarks

The topic of this chapter illustrates the porousness of the tripartite framework within which this book is unfolding. Some prominent aspects of the present chapter's topic were best treated in Chapters 2 and 3 – even though the principal orientation of each of those chapters is ontological, whereas the principal orientation of the present chapter is epistemic. Conversely, in the second half of this chapter, my focus on the epistemic phenomenon of transindividual concurrence has led into some matters that are predominantly ontological. As is suggested by this interweaving of the ontological dimensions and the epistemic dimensions of ethical objectivity, the separateness of those dimensions is consistent with their being brought together in sundry ways by the philosophers who ponder them (whether for the purpose of upholding those different aspects of objectivity or for the purpose of impeaching them).

In some cases, of course, the combinations of ontological theses and epistemic theses involve full-blown entailments. For example, if a moral

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[9]   It should go without saying that the necessity of the coextension is ethical.

skeptic denies that there are ever any determinately correct answers to any moral questions, then he is logically committed to denying that we can ever have knowledge of any determinately correct answers to any moral questions. Very often, however, the links in the combinations fall short of outright entailments. For instance, if a relativist such as Harman observes intractable moral disagreements and arrives at relativistic conclusions, he is not engaging (and is not purporting to engage) in a logical deduction. Instead, he is inferring to what he believes to be the best explanation of the perceived dearth of transindividual concurrence among people's moral judgments. Still, regardless of the exact nature of the connections that are drawn between ethical ontology and ethical epistemology by various philosophers, such connections do indeed abound. Because of that abundance, no systematic account of ethical objectivity can keep ontological issues and epistemic issues neatly compartmentalized in all respects. At a number of junctures, the issues have to be addressed together.

This pattern of interpenetration among the three categories of this book's tripartite framework will continue in subsequent chapters, not least in Chapter 8 where the semantic matter of objectivity qua truth-aptitude will have to be examined in tandem with several epistemic and ontological matters. (Also worth noting here is that in Chapter 7 we shall consider a problem – namely, the contingent aetiology of each person's moral convictions – that is frequently broached in conjunction with the problem of intractable moral disharmony.) These interconnections underscore the integratedness of moral realism as a moral doctrine. Though one should never lose sight of the distinctness of moral ontology and moral epistemology and moral semantics, an awareness of the multiplicity of ways in which they become intertwined is invaluable for anyone who seeks to defend moral realism. Realism's insistence on the objectivity of morality, with its consequent attentiveness to limitations on the sway of subjectivity in morality, encompasses the full range of the dimensions of objectivity precisely because those dimensions cannot be sealed off from one another. Hence, as has been suggested in this book's Introduction, the spread of the present chapter's topic into some of my other chapters is representative of the theory of morality propounded by the book as a whole. No adequate treatment of objectivity qua transindividual concurrence can neglect the bearing of that dimension of ethical objectivity on the other dimensions thereof.

Chapter 7

Impartiality

7.1. The Ingredients of Impartiality

Another epistemic variety of ethical objectivity is impartiality, which consists of disinterestedness and open-mindedness, and which can also be designated as "detachedness" or "impersonality." It stands in contrast with bias and partisanship, but also with impetuosity and whimsicalness (though not always with genuine randomness). Like some of the other aspects of ethical objectivity, impartiality is a scalar property rather than an all-or-nothing property; it is realized to varying degrees.

7.1.1. Impartiality differentiated from neutrality

Chapter 4 has distinguished between uniform applicability and neutrality. A broadly similar distinction is advisable here between impartiality and neutrality. Admittedly, as some commentators have observed (Lucy 2005, 13), "impartiality" and "neutrality" are quite often used interchangeably in ordinary discourse. Each of those terms can denote the detachedness of someone whose decisions are not inflected by any peculiar predilections or by any direct personal stakes in the matters to which the decisions pertain. All the same, the two terms are differentiated in ordinary discourse as readily as they are assimilated. Whereas "impartiality" ordinarily denotes a property that relates to the conditions under which decisions are made, "neutrality" frequently denotes a property that relates to the consequences or implications of decisions. The latter property, as has been indicated in

Chapter 4's discussion of it, consists in the retention of the existing distribution of normative relationships among the people in a society. No application of a moral principle can ever be neutral in all respects, but every application of a moral principle is neutral in some respects (though its lack of neutrality in other respects may be far more conspicuous and important).

Impartiality is different. Usually, when somebody asks whether certain moral judgments are impartial, she is not inquiring about their implications. Instead, she is inquiring about the processes through which those judgments have been reached. A rigorously impartial decision can be strikingly non-neutral.

7.1.2. Impartiality qua disinterestedness

Impartiality is, obviously, a lack of partiality. Among the things essential to it in the moral domain is either (i) the absence of any belief by a moral agent that he has a personal stake in a moral judgment which he has to reach, or (ii) the ability of a moral agent to let his moral verdict be un-affected by his belief that he has a stake therein. Somebody usually has a personal stake in a moral judgment insofar as his own moral advantage or that of a close relative or friend will be furthered significantly if the judgment is reached in some direction(s) rather than in some contrary direction. To be sure, such a stake is not present when a person has a close relative or friend on each side of the issue under consideration. For example, if a mother has to decide which of her two sons should be allowed to play with a certain toy, her impartiality is not undermined by the fact that she has at least one close relative whose moral advantage will be significantly furthered in the event that her decision goes in one direction rather than in the other direction. After all, she has two close relatives who are each in such a position, and what is to the moral advantage of either is to the moral disadvantage of the other. Precisely because the personal stake of each of those relatives is offset by that of the other, the mother's impartiality is unimpaired. However, when there is not an even balance of this sort on the competing sides of an issue, a decision-maker's impartiality is tarnished by her knowing that the moral advantage of a close relative or friend will be significantly affected by the upshot of her deliberations.

Impartiality in the moral domain is strongest when there is no personal stake on the part of anyone who renders a moral judgment on some

matter. Still, the avoidance of a personal stake in some matter on which a moral judgment has to be passed is not always possible. Consider, for example, the legislators who have to vote on a bill that will affect the distribution of the burdens of taxation among people with differing levels of income. If the proposed bill will be quite sweeping in its effects, then every legislator will to some degree have a personal stake in the outcome of the vote. Much the same can be said about judges and administrators who have to interpret central provisions of the bill or who have to arrive at other determinations that will significantly bear on the distribution of the burdens of taxation. If the absence of any personal stakes in these legislative and administrative decisions were prerequisite to the impartiality of the processes through which the decisions are reached, then those processes could not be impartial. Every legislator or judge or administrator will have a personal stake in the aforementioned decisions (and in a number of other determinations that will have to be rendered in the course of fulfilling his legislative or adjudicative or administrative responsibilities). We should not conclude, however, that impartiality concerning these matters is impossible. In regard to any decision of political morality for which the avoidance of a direct personal stake on the part of the decision-maker(s) is not feasible – because everyone who might act as an official will have such a stake – each official involved should strive for impartiality by seeking to prescind from his personal fortunes as he arrives at the decision in question. There are no grounds for thinking that people are incapable of mentally stepping back from their personal prospects in order to assume disinterested perspectives on matters with which they have to deal as moral agents. Efforts to step back may founder in particular instances, but not all such efforts are inevitably doomed to failure.

Nevertheless, although impartiality is possible even in circumstances in which the personal interests of a decision-maker will be substantially affected by a decision that has to be reached, it is obviously less likely in such circumstances. An endeavor by a decision-maker to prescind from his personal prospects may fail in either of two respects: he might remain prejudiced in favor of his own interests, despite his sincere attempt to ascend to a disinterested stance; or, more subtly, he might overcompensate for his personal stake in the matter by showing more sympathy for the position opposed to his own well-being than is really due. All in all, then, his quest for impartiality in his moral judgments is best advanced when he is genuinely disinterested concerning the matters addressed by those judgments.

This point about genuine disinterestedness is particularly weighty when the issue on which somebody has to pass moral judgment is not some broad concern of public policy such as taxation, but a matter that impinges on his own interests far more than on those of all or most other people. For example, a paradigmatic deviation from impartiality would be Jack's participation as a juror in a trial of somebody who is accused of having murdered Jack's daughter. Some of the judgments which Jack must make in such a capacity will pertain to questions of law, and some will pertain to questions of empirical fact, but – especially if the jurors are called upon to determine whether the death penalty should be administered – he will likewise have to reach certain moral judgments. For any of those determinations, his impartiality is heavily compromised. He might still arrive at correct judgments on the various points that he has to address, but the processes by which he arrives at those judgments are tainted by his huge personal stake in the outcome. Although he might be capable of standing back from his own involvement so that he can prevent the skewing of his moral faculties, and although he might indeed take the view that the accused man should be acquitted or should at least be spared from the death penalty, the searing intensity of his personal stake in the case is sufficient to render unreliable his deliberations on the matter. Hence, even if he is heroically able to prescind from his personal interest in the proceedings when he engages in those deliberations, a morally defensible system of criminal justice will exclude him from serving as a juror. After all, the situation is hardly comparable to that of the legislators who have to fix upon a fair distribution of the burdens of taxation. Because everyone in the legislators' society has a personal stake in their decision, there are no genuinely disinterested people from that society who could substitute for those legislators. By contrast, myriad people in Jack's society have no personal interests (or, at least, no personal interests remotely comparable to his) in the outcome of the trial of the accused man. Anybody among those people can perform the role of a juror in lieu of Jack with genuine disinterestedness, and can *pro tanto* enhance the impartiality of the proceedings.

Moreover, even in circumstances in which a moral agent's personal concerns are not at stake to a far greater degree than those of most other people, genuine disinterestedness should be sought if it is reasonably attainable. Suppose, for instance, that Jill has been chosen to head a panel that will pass judgment on the fairness of a company's business practices, and suppose further that she holds a large number of shares of stock in that company. Virtually everyone else in her community holds a similar

quantity of the company's stock. Nonetheless, notwithstanding that Jill will lose or gain no more from the panel's judgment on the fairness of the company's dealings than will virtually everyone else in her community, she should take measures – and should be legally required to take measures – to achieve a posture of genuine disinterestedness. At the very least, she should place her shares of stock (and should be legally required to place her shares of stock) in a blind trust that can be managed by an independent third party. Perhaps, more robustly, she should even divest herself of her shares altogether before taking on the role of chairing the investigative panel. Her situation illustrates a general point. When people confront a serious problem that obliges them to judge between competing claims and interests, and when they can deprive themselves of any personal stakes in the matter by taking steps that are not unreasonably onerous, they are morally obligated to take those steps. In many circumstances, they should be legally obligated as well. Though impartiality would not be impossible without those steps, it would be far more difficult and precarious.

7.1.3. Impartiality qua open-mindedness

Whatever may be the exact measures by which somebody strives for disinterestedness, the importance of a very high degree of disinterestedness on the part of a moral agent in most contexts of moral decision-making is palpable. We shall ponder the reasons for that importance shortly, but we should first consider the other main element of objectivity qua impartiality. An impartial perspective for moral deliberations is not only disinterested but also open-minded.

   One evident component of open-mindedness is the absence of prejudice and favoritism. If Amos harbors special animosity or special fondness toward certain people (particularly on grounds such as race and religion and ethnicity, which are unrelated to people's merits and probity), then he lacks the open-mindedness that is essential for reaching impartial decisions on matters that pit such people against other people. To be sure, Amos might still be able to render impartial judgments on matters that involve only the sorts of people toward whom he feels peculiar antipathy or affection. If he is biased in favor of Hispanic people, for instance, he might nevertheless be suitably impartial when passing moral judgment on a point of contention between two Hispanic men. However, insofar as his prejudices do bear on an issue that he is called upon to judge – and, consequently, insofar as those

prejudices are likely to inflect his stance on the issue – his perspective is not open-minded and is therefore not impartial. Of course, to say as much is not to say that his verdict on such an issue will inevitably be incorrect in its substance. On any particular matter, his biases might incline him toward a position that is independently justifiable because of its accordance with the correct principles of morality. Still, that happy coincidence between his invidious predilections and the actualities of moral requirements is indeed a coincidence in that it is fortuitous. Because of the fortuity of any match between those predilections and those actualities, any processes of moral judgment influenced by his bigotry are unreliable even when they eventuate in correct decisions.

Admittedly, biases vary in intensity. If Amos is only mildly prejudiced (favorably or unfavorably) toward people of a certain kind, then his open-mindedness when dealing with such people is not very materially compromised. Moreover, just as somebody may be able to prescind from her personal stake in some matter in order to deliver an impartial judgment thereon, Amos might be able to put aside his prejudicial attitudes in order to reach decisions fair-mindedly. All the same, the likelihood of a genuinely impartial viewpoint in such circumstances is far lower than in circumstances in which Amos does not harbor any invidious biases (or, at least, does not harbor any invidious biases that bear on the problems which he is addressing). Even less likely, if his attitudes have become known, is that his judgments will be perceived as impartial. Consequently, both for the actual objectivity of a moral agent's deliberations and for their perceived objectivity, a lack of bigotry on the part of the agent is crucial.

Another central component of open-mindedness – and thus of impartiality – is the absence of whimsicalness and impetuosity. Someone who plunges ahead without attending to the specifics of a situation is failing to display open-mindedness, just as dramatically as somebody whose prejudices have blinded him to those specifics. To be open-minded when confronting some quandary is in part to be scrupulously ready to learn of the sundry facts from which the quandary arises. Of course, like Amos with his prejudices, a person who proceeds on the basis of caprices and conjectures might fortuitously arrive at a correct determination in any particular context. Even so, the person's verdict will not have been reached through a reliable process that aims to avoid favoring or disfavoring anyone arbitrarily. When people do aim to avoid arbitrariness in their moral deliberations, they seek to become apprised of all relevant facts to which they can reasonably gain access.

7.1.3.1. A first caveat

Three caveats should be entered here. First, notwithstanding the general invaluableness of the receipt of accurate and relevant information in a quest for impartiality, such a quest will sometimes be enhanced by the exclusion of certain information that is both relevant and accurate. As has long been familiar in Anglo-American criminal law, some truths have to be left unstated if a trial of a defendant is to be acceptably impartial and fair. Those truths, though they are indeed truths, can be unacceptably prejudicial. That is, the disclosure of such a truth engenders a high probability that the jurors will become fixated on it and will neither apply proper moral standards nor assess the other evidence dispassionately. In many jurisdictions, for example, the commission of past crimes by a defendant is in most circumstances not something that can permissibly be divulged to a jury before the stage of sentencing. Information about those previous misdeeds is accurate and relevant (since people who have perpetrated crimes in the past are much more likely than other people to commit crimes now and in the future), but the presentation of it to the jurors would tend to warp their moral judgment and their non-moral factual judgment. It might well induce some of them to pay scant attention to the other evidence, and it might likewise induce some of them to apply inordinately severe moral standards when appraising the defendant's character. Thus, in order to bolster the impartiality of a trial as a whole, the withholding of information about a defendant's past convictions can be warranted.

   This opening caveat is itself in need of two qualifications. First, the exclusion of accurate and relevant and reasonably ascertainable information from a moral agent's deliberations is only ever warranted as a means of counteracting some other failing in the agent's impartiality. If every juror were suitably circumspect and attentive in probing what a defendant has done and in passing moral judgment on the defendant's character, the withholding of information about past convictions would be neither necessary nor justified. That is, if every juror were sufficiently self-disciplined to decide a defendant's fate under optimal conditions of open-minded receptivity, the exclusion of information about past convictions would generally impair rather than enhance the reliability of a jury's determinations. A rule against the disclosure of that information is obviously based on the recognition that many jurors in the actual world lack the degree of self-discipline that would obviate such a rule. In other words, my opening caveat about the exclusion of certain truths does not advert to anything that will

further the realization of optimal conditions for moral judgment. Rather, it recounts a means of compensating for the frequent unrealizability of such conditions in institutional settings where important moral decisions have to be rendered.

Second, the withholding of accurate and relevant information will less often be justifiable when the object of moral assessment is an act-type than when it is an act-token. If moral agents are passing judgment not on some particular instance of conduct but on some general kind of conduct, there will be relatively few circumstances in which they are prone to be led astray by the provision of accurate and relevant information. Nonetheless, even in connection with moral judgments about some act-types, there can obtain circumstances in which the exclusion of certain items of accurate and germane information is necessary for promoting the impartiality of individual or collective deliberations. As has been suggested in the preceding paragraph, the exclusion of any of those items of information is not a means of ensuring that the deliberations take place under optimal conditions; instead, it is a means of mitigating the suboptimality of the actual conditions.

Suppose for example that Sandra is asked to pronounce on the moral status of abortion. (Perhaps she has been called upon by somebody else for advice about the moral bearings of abortion, or perhaps she is participating in a legislative body's ruminations on the appropriate modes of legal regulation of abortion, or perhaps she is pursuing some other purpose. We need not concern ourselves here with the exact reason why Sandra is forming and articulating a moral judgment on the act-type of abortion.) Now suppose that a strikingly disproportionate number of the women in Sandra's society who undergo abortions are black, and suppose that Sandra is deeply prejudiced against blacks. Is the impartiality of her reflections on the moral status of abortion likely to be diminished by her acquaintance with the information about the racial classifications of the women who opt to undergo abortions? The answer to this question, against the background of her inveterate prejudices, is probably affirmative; the impartiality of her moral judgment will probably be lessened if she is provided with the specified information.

Note that the tarnishing of Sandra's impartiality will not be due to the predictability of the impact of the specified information on her ultimate verdict. That impact could credibly reverberate in either direction. On the one hand, Sandra might become more inclined to discountenance abortion at least partly because she is gratified by the thought that the moral

forbiddenness of that act-type would negate the moral legitimacy of certain patterns of behavior in which many black women are especially apt to engage. On the other hand, she might become more inclined to countenance abortion at least partly because she now perceives it as an effective vehicle for limiting the number of black people in the overall population. Each of these ways in which her moral judgment might be bigotedly inflected by the additional information is credible, and – in the absence of further knowledge of her specific traits – we cannot readily say beforehand how she will balance these considerations against each other. Hence, when I claim that the information about the disproportionate number of black women who undergo abortions will probably diminish the objectivity-qua-impartiality of Sandra as a moral agent, I am not claiming that the provision of such information will in itself preordain (or virtually pre-ordain) the outcome of her reflections on abortion's moral properties.

Nor is the diminution of her impartiality due to the wholesale irrelevance of the information just mentioned. Though some of the disputants on either side of the controversies over abortion might attach no weight to that information, some others might recognize that the fact that black women would be disproportionately burdened by the moral impermissibility of abortion is a morally significant consideration (albeit a consideration that might be greatly overtopped in importance by other factors that favor or disfavor the moral permissibility of abortion). The mere ascription by Sandra of moral significance to the information about black women is hardly itself a failing in her objectivity or her moral reasoning.

Rather, the derogation from her impartiality consists in the activation and accentuation of her racial bigotry. Had the issue of race not been broached at all, Sandra might have undertaken some largely impartial ruminations on the other morally significant factors that bear on the moral status of abortion. When the issue of race is introduced, however, she will very likely attach excessive weight to it; moreover, any weight that she does impute to it will very likely be imputed thereto for the wrong reasons, as she focuses on considerations that are of no positive moral significance. In other words, the activation of her strong racial prejudices will very likely lead her to slight a number of morally pregnant considerations and to concentrate instead on considerations that are morally dubious at best. Because of her rigidly closed mind on matters of race, the disclosure to her of the information about black women will suffuse her deliberations with arbitrariness. (Of course, even if the matter of race is not introduced, and even if Sandra proceeds to ponder the other aspects

of abortion with a high degree of impartiality, her deliberations are not conducted under optimal conditions. When such conditions are present – and, thus, when strong biases are absent – the impartiality of a moral agent's deliberations is worsened rather than improved through the withholding of any accurate and relevant information.)

7.1.3.2. A second caveat

Although whimsicalness and impulsiveness are to be eschewed in any serious process of moral judgment, there can occasionally be a place for aleatory techniques such as the flipping of coins or the casting of dice or the drawing of names from a hat. Let us glance again at the example of the mother who has to decide which of her two sons will be allowed to play with some toy during a certain period. (We can assume that the toy does not lend itself to being used by the two boys jointly.) If there are no ethical considerations by reference to which she can reach a non-random decision to elevate one son over the other, then she is very likely best advised to employ an aleatory procedure that will make explicit the absence of any principled basis for the outcome. A procedure of that sort in this context will not be arbitrary in any pejorative sense, for it will not supplant any operative moral principle that could select between the boys without the intervention of such a procedure. On the contrary, the aleatory technique will amount to an overt acknowledgment of the absence of any independently sufficient prioritizing principle. It will be strictly impartial, and it will lead to an upshot that is fully consistent with the correct principles of morality. Both procedurally and substantively, then, it is a morally correct measure.

In the preceding paragraph, I have assumed that the mother's resort to an aleatory method of prioritization stems not from baffled uncertainty but from an accurate judgment that the competing merits of the two sons are either evenly balanced or incommensurably counterpoised. However, the employment of an aleatory technique can also be justifiable in circumstances where a moral agent is thoroughly uncertain about the correct resolution of some moral crux. Suppose that, instead of believing confidently that neither of her sons has a better claim to the toy than does the other, the mother is deeply uncertain whether either of them has a better claim. Suppose further that her uncertainty is not due to any remissness or obtuseness on her part. Her uncertainty is not a product of ignorance that could be remedied through any further reasonable expenditure of investigative and deliberative effort. In that event, given that

she cannot indefinitely delay her rendering of a decision on the matter, she is very likely justified in having recourse to some aleatory technique even though such a technique might generate a substantively incorrect outcome. As was noted at the outset of this chapter, impartiality is a procedural property; although it is strongly truth-conducive, it of course falls short of infallibility. Processes of moral judgment can be admirably impartial even though they eventuate in erroneous verdicts. Some of those admirably impartial processes of moral judgment can involve aleatory methods adopted under conditions of faultless uncertainty.

Aleatory modes of decision-making can sometimes be promotive of impartiality not only at the level of the individual moral agent but also at the level of governmental institutions (Duxbury 1999). For example, aleatory methods have long been used within some countries for the distribution of certain responsibilities such as jury service. Because juries are supposed to be representative of the communities in which they are formed, the employment of aleatory methods to assign the burdens of jury service to randomly chosen adults of sound mind is strictly impartial. Of course, the results of the random selection undergo sifting through subsequent challenges and choices by the lawyers involved in the cases for which juries are empaneled. However, the aleatory selection of the initial pool of jurors is very likely the fairest mechanism for composing that pool and for apportioning the burdens of participating in it.

Aleatory techniques can likewise be the optimal means for distributing some of the benefits that are at the disposal of governmental institutions. Consider, for instance, the apportionment of scarce resources for medical treatment in a country with a nationalized health-care system. Among a group of ailing people who are not distinguishable on the basis of the sundry touchstones that are normally determinative of medical priorities – the gravity of one's malady, the length of time spent waiting for treatment, the remediability or alleviability of one's malady, one's age and general health, the costs of a suitable course of treatment, and so forth – the best way of assigning resources for treatment may well be the adoption of an aleatory procedure such as a lottery. As was true of the mother's recourse to an aleatory method for elevating one of her sons over the other, the use of an aleatory device in this medical context would not be arbitrary in any opprobrious sense. It would not displace any known principled basis for selecting among the potential recipients of the medical treatment. As a straightforward acknowledgment of the absence of any such basis, it would be an impartial procedure.

Like the circumstances that can justify the mother's employment of an aleatory method of selection between her sons, the circumstances that can justify the employment of such a method for selecting among the medical patients are of two main types: indeterminacy and uncertainty. On the one hand, there might indeed be no principled grounds for prioritizing any particular patients over others. *A fortiori*, in such a situation, there are no known principled grounds for the prioritization. In that event, an aleatory process of selection is impartial and is likewise guaranteed to yield an outcome that is in accordance with the correct principles of morality. On the other hand, even if there are veritable moral grounds for favoring some particular patients over others, the officials who run the health-care system might fail to apprehend those grounds with any confidence and might remain deeply uncertain whether there are any such grounds (and uncertain what the substance and implications of those grounds might be). Moreover, their uncertainty might not stem from any lackadaisicalness or blinkeredness. Just as someone who engages in moral deliberations under optimal conditions can arrive at an incorrect judgment, someone who conducts such deliberations under such conditions can remain unsure whether there is any determinately correct answer to a moral question that is in fact determinately answerable. If the uncertainty of the health-care authorities is of this faultless kind, then their employment of an aleatory mechanism for apportioning vital medical resources can be justifiable as impartial even though it is not guaranteed to generate an outcome that independently accords with the correct principles of morality.

In some cases, then, the officials who run governmental institutions can be morally justified in resorting to aleatory techniques for assigning burdens or benefits. Nonetheless, although those techniques can sometimes be the best means of achieving impartiality, the contexts in which they can genuinely play such a role are few. In most cases, there will be determinate moral grounds for apportioning burdens or benefits to certain people and not to others. Moreover, although random selection can be justifiable as impartial if the governing authorities are faultlessly uncertain about the presence of the aforementioned moral grounds, the uncertainty of governing authorities is seldom faultless. On most occasions when governmental administrators are unsure about the relative merits of people's competing claims, their lack of certitude is attributable to remissness or blinkeredness. On such occasions, the employment of aleatory procedures would be inimical to impartiality rather than promotive of it.

Furthermore, methods of random selection will be improper in some governmental institutions even when there are no grounds of moral principle for prioritizing among people. In a typical adjudicative setting, where the task is to ascertain the legal consequences of people's conduct, and where those consequences can sometimes depend on the moral bearings of that conduct, and where (in common-law countries) an outcome and its rationale will be endowed with precedential force until it is overruled, the use of aleatory devices such as the flipping of coins will be inappropriate even in the small number of difficult cases that hinge on moral questions to which there are no determinately correct answers. A court is morally and legally obligated to explain why its ruling is correct, even if there are no grounds for maintaining that that ruling is uniquely correct.

7.1.3.3. A third caveat

Although impartiality does consist in detachedness, it plainly does not entail a dearth of empathetic understanding of human actions and intentions.[1] A moral agent who has to gauge the morality of countless instances of conduct – the agent's own conduct and the conduct of myriad other people – will not be able to reach her judgments adequately unless she grasps the typical mainsprings of human behavior and the specific mainsprings of particular individuals' behavior. She has to be able to identify herself with other people sufficiently to fathom why those people have acted in certain ways. Such identification does not in itself constitute or imply approval, and therefore does not amount to a departure from impartiality. Though a moral agent will undoubtedly countenance some of the motivational patterns that she encounters, she may well deplore some other such patterns; the sheer feat of gaining an empathetic understanding of other people's motivations, a feat that can take place in response to evil conduct as well as in response to laudable conduct, is per se neither a condonation nor a condemnation. It is fully consistent with impartiality.

Indeed, the attainment of an empathetic understanding of other people's concerns and objectives is often essential for impartiality, since a moral agent

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[1]   I am responding here to critiques of impartiality by feminists such as Iris Marion Young, who wrote: "The impartial reasoner is detached: reason abstracts from the particular experiences and histories that constitute a situation . . . [T]he impartial subject need acknowledge no subjects other than itself to whose interests, opinions, and desires it should attend" (Young 1990, 100, 101). For a discussion of impartiality that highlights the role of empathetic understanding, see Scheppele 1988, 64–65.

cannot guard against arbitrariness in her judgments unless she bases those judgments on all reasonably accessible information that is both accurate and relevant. In most contexts, that information squarely includes what can be gleaned through empathetic understanding. Thus, although the different dimensions of ethical objectivity are united partly in their opposition to the dispositiveness or primacy of subjectivity, we should not infer that this book's insistence on the objectivity of ethics is an insistence on the exclusion of subjectivity from the ethical domain. Any such exclusion would be ludicrous – after all, the existential mind-independence of every moral relationship is at most weak – and it would in fact be destructive of ethical objectivity in most respects. Nowhere is the role of subjectivity in the ethical domain more apparent than in connection with objectivity qua impartiality. Though this dimension of ethical objectivity requires the shedding of subjective involvements in the form of biases and in the form of prospects for personal enrichment, it requires the presence of subjective involvements in the form of attentiveness and empathetic understanding. More broadly, of course, it requires the presence of subjective involvement through the activation of one's faculties of moral judgment.

7.2. Why Does Impartiality Matter?

The fact that somebody has achieved a high degree of impartiality when passing judgment on some moral matter is not in itself enough to establish that he or she has reached a judgment under optimal conditions. Though impartiality is crucial for the optimality of the conditions under which a moral decision is reached, it is not quite sufficient. Also necessary is the reasonable attainability of any knowledge that is materially relevant to the matter on which a moral judgment is being passed.

Our benchmark is a capable moral agent in circumstances of ordinary transparency or opacity. Accordingly, we can note two ways in which the second element of optimal conditions for moral deliberation might be missing: the person engaging in the deliberation might lack some ruminative abilities possessed by any capable moral agent, or the circumstances might be unusually opaque to human understanding. A person can lack some of the ruminative abilities of a capable moral agent either because he is too young and inexperienced to have developed them or because his mental functioning is in some way significantly impaired (perhaps as a result of

gross ignorance or perhaps as a result of a malady such as the onset of dementia in old age). A situation can be extraordinarily opaque to human understanding for any number of reasons. For example, deliberate obfuscation by some person can prevent other people from becoming adequately acquainted with the key facts of some occurrence on which those people aim to pass moral judgment. A similar effect can arise through the sheer passage of time and through the consequent loss of documents and memories. Of course, these difficulties in gaining access to information about the central aspects of various occurrences do not affect the optimality of the conditions for abstract moral reflection that is not focused on the actualities of any particular event or state of affairs; if a person is endowed with the intellectual abilities of a capable moral agent, and if his outlook partakes of a high degree of impartiality, then the conditions for his contemplation of moral principles *in abstracto* are optimal even if the conditions for his contemplation of the ways in which those principles apply to some actual instances of conduct are markedly suboptimal (because the chief facts of those instances of conduct are for some reason inaccessible). Still, insofar as anybody does seek to gauge the moral status of some actual happening or situation, the opacity of his circumstances will significantly detract from the reliability of his verdict.

The impartiality of the outlook of a person, then, is not per se sufficient to ensure that the conditions under which he reaches a moral judgment are optimal. All the same, as has been emphasized, his impartiality is indispensable for the optimality of those conditions. Why is impartiality so important?

7.2.1. Outcome-focused considerations

Impartiality is of great importance partly because of its truth-conduciveness or epistemic reliability. (One should keep in mind, of course, that these matters of moral epistemology are substantive moral matters.) That is, insofar as moral decision-making is not swayed by self-interested motivations or skewed by prejudices or clouded by ignorance, it is considerably more likely to yield determinately correct results. When a moral agent is called upon to arrive at moral judgments and to answer moral questions, she should be endeavoring to reach the judgments and answers prescribed by the correct principles of morality. She should be endeavoring to apprehend those principles accurately and to grasp their implications rightly. Toward that

end, a posture of impartiality is vital. If a moral agent allows her deliberations to be inflected by her own selfish interests or by invidious biases or by uninformed impulses, she is substantially reducing the probability that those deliberations will culminate in correct decisions. After all, the distortive factors just mentioned are distortive precisely because they are not – and are not positively correlated with – the sorts of factors to which the correct principles of morality ascribe any affirmative weight. Selfishness and bigotry and capriciousness are not features of moral agents that typically and non-fortuitously lead those agents to focus on the considerations that are picked out by the correct principles of morality as dispositive.

Some meta-ethical theorists would undoubtedly regard this point about truth-conduciveness purely as a matter of general epistemology rather than as a matter of substantive morality. They would point out that the distortive factors mentioned above are impediments to reliable enquiry in every field of investigation, and they would submit that my objections to those factors with reference to the domain of morality are simply offshoots of the broader epistemological objections thereto. Any such view of impartiality's epistemic reliability in the moral domain is misconceived. On the one hand, it is of course true that the factors which undermine impartiality in the realm of morality are inimical to the reliability of enquiries in other fields as well. Scientists are as ill-advised as moral agents to let their theories be inflected by selfish interests or invidious prejudices or frivolous vagaries. On the other hand, however, my point about truth-conduciveness with reference to the domain of morality is a substantive moral thesis (even while it is also a general epistemological thesis). In the preceding paragraph's terse explanation of why impartiality is so important for the reliability of one's moral judgments, my key claims refer to the considerations that are picked out by the correct principles of morality as dispositive or as endowed with affirmative moral weight. Those claims of mine are, unmistakably, substantive moral contentions. They are not about starkly epistemological concerns, but are instead about the substance and implications of the correct principles of morality. Although those claims are abstract and largely uncontroversial, they are inconsistent with some substantive moral positions (however implausible those moral positions may be).

For example, an extreme version of ethical egoism would firmly reject my insistence that a focus on one's own selfish interests is a distortive perspective that vitiates the reliability of one's moral judgments. According to the extreme version of such an ethical doctrine, an overriding focus on one's own selfish interests is the only truth-conducive stance in any matters of

morality. Likewise inconsistent with my account of the epistemic reliability of impartial judgments are racist creeds which maintain that, unless someone invidiously differentiates among people by reference to their racial characteristics, he or she will be prone to reach many moral conclusions that are at odds with the requirements of morality. According to such creeds, a perspective free of racist biases is distortive rather than truth-conducive. Of course, the disagreement between the tenets of those creeds and my own account of impartiality can alternatively be understood as centered on the question of the nature of impartiality rather than on the question whether impartial judgments are epistemically reliable. Still, even if the clash is best understood as revolving around the former question rather than around the latter, it is a clash over matters of substantive morality; no starkly epistemological considerations can settle whether the contents of the correct principles of morality are racist or non-racist.

Also centered on matters of substantive morality is the conflict between my exposition of impartiality and some extreme existentialist doctrine that extols undisciplined intuitions and impulses as uniquely reliable sources of moral insight. According to that extreme doctrine, a moral agent who seeks to subsume his assessments under moral principles – with careful attention to the specificities of the situations on which he passes judgment – is exhibiting bad faith. He is refusing to accept that the determinative source of moral values must lie in his own choices and ascriptions. Extreme existentialists will contend that, far from having attained to a posture of admirable impartiality that promotes moral clarity, a moral agent who eschews impulsiveness is obscuring from himself the nature of morality. He is obscuring from himself the dispositiveness of his own subjectivity as the fountainhead of moral classifications. This strange variant of the subjectivist creeds discussed in Chapter 2 is to be abjured for essentially the same reasons that all such creeds should be rejected. That is, it should be abjured on moral grounds.

7.2.2. Procedural considerations

One major reason for the importance of impartiality in a moral agent's deliberations, then, is focused on the outcomes of those deliberations. A high degree of impartiality markedly increases the probability that the outcomes will be correct. Further major reasons for the importance of impartiality are focused on the processes of moral decision-making themselves.

While helping to ensure that the principles of morality are identified and applied correctly, the impartiality of a moral agent also helps to ensure that her ruminations on moral matters are fair and are perceived as fair. If a decision-making procedure lacks impartiality, it is doubly injurious to any person *D* who is disadvantaged by the upshot of the procedure. It is injurious partly because the upshot itself is detrimental to *D*'s interests, but also because the whole procedure bespeaks contempt – or, at least, a paucity of respect – for *D*. That second type of harm would have occurred even if the outcome of the arbitrary procedure had coincidentally gone in *D*'s favor.

If the meagerness of a moral agent's impartiality stems from the dominance of self-seeking motivations on her part in the course of reaching a moral decision, then her pursuit of her own interests at the expense of *D*'s interests is a cavalier devaluation of his status as a person who is deserving of elementary respect. That devaluation is a baneful slight quite apart from the disadvantageousness of the agent's verdict. Of course, nobody is morally required to neglect his or her own interests altogether. In many contexts, people can quite legitimately consult their own interests and desires as the dominant factors that will guide their choices. Even in contexts where a moral agent has to reach moral judgments, she often can legitimately take account of her own well-being on a par with that of everyone else to whom her judgments pertain; if her own interests are among the factors that bear germanely on a moral issue which she has to address, then her failure to take those interests into consideration (on a par with those of any other affected people) would amount to a lack of open-mindedness and thus to a lack of impartiality. However, in many contexts where a moral agent has to reach moral judgments, her self-interest is not a factor that bears germanely on the moral issues which she has to address. Think again, for example, of the moral judgment which Jill is called upon to render as the head of a panel responsible for determining whether the business practices of some company are fair. As was contended in § 7.1.2, Jill is morally obligated to place her shares of the company's stock in a blind trust or even to divest herself of the shares completely. At any rate, if for some reason neither of those disinterestedness-securing steps is feasible, and if she consequently retains her shares of stock within her control while she is chairing the panel, she should strive to ensure that her assessment of the fairness of the company's dealings is not inflected in any way by her status as the owner of those shares. Her consultation of her personal interests as such an owner would be a morally impermissible deviation from

impartiality. It would seriously weaken the reliability of her verdict, and would bespeak a dearth of elementary respect for anybody who might be disadvantaged by her panel's decision.

If the meagerness of a moral agent's impartiality is due to bigoted prejudices against some person *D* who stands to be detrimentally affected by the agent's judgment, then the indignity inflicted upon *D* is especially noxious and palpable. In addition to the harmful effects of the outcome of the agent's deliberations, those deliberations themselves harm *D* by denying him a fair investigation of the merits of his position. Similarly, if the exiguity of a moral agent's impartiality is instead attributable to a state of uninformedness that could have been overcome by her without unreasonable difficulty, then the agent is displaying the scantiness of her concern to do justice to *D*. She has insouciantly subordinated any such concern to her own convenience.

The evils just recounted will have occurred whether or not *D* is aware of their occurrence. In many contexts, moreover, the people disadvantaged by moral agents' deviations from impartiality will possess at least a general awareness of what has been done to them. They will sense, in outline if not in detail, that they have been treated disdainfully. Thus, a credible stance of impartiality adopted by a moral agent is vital not only for the actual fairness and legitimacy of her processes of moral evaluation, but also for their perceived fairness and legitimacy. Admittedly, a moral agent's sedulous adherence to impartiality in her judgments does not guarantee that everyone adversely affected by those judgments will accept that he or she has been treated justly. People who do not fare well when their conduct undergoes moral evaluation by somebody else will occasionally feel aggrieved irrespective of the actual reasonableness of the ways in which their situations have been handled. Nonetheless, although the actual impartiality of a moral agent's outlook does not ensure that her ruminations and verdicts will be perceived as impartial by all the people to whom those ruminations and verdicts pertain, it is the best means of eliciting such perceptions. In most contexts, a moral agent will be maximally effective in conveying an impression of impartiality if she and her deliberations are in fact impartial. Insofar as such a state of affairs does obtain, justice is done and justice is seen to be done.

Whenever a moral agent significantly strays from the ideal of impartiality in the course of reaching her moral judgments, she derogates from the objectivity of those judgments by overweeningly infusing them with elements of her own perspective. She skews her processes of moral decision-making

as she lets her determinations be shaped by her selfish interests or her invidious biases or her impulses and conjectures; she discounts other people's interests and concerns, on the basis of her selfishness or bigotry or capriciousness. She thereby deviates from her responsibility as a moral agent to gauge the moral consequences of people's conduct by reference to the correct principles of morality rather than by reference to her own predilections. In deviating from her responsibilities in that self-absorbed fashion, she increases the likelihood that she will arrive at morally inappropriate verdicts, and she diminishes the procedural fairness of her deliberations. She evinces disrespect for the people who might be negatively affected by her decisions, and she hazards the risk that those people will develop a commensurate sense of disrespect for her. Hence, both from a vantage point that concentrates on the legitimacy of processes and from a vantage point that concentrates on the correctness of outcomes, we can grasp that impartiality is a regulative ideal for any moral reflections.

7.3. Challenges to Epistemic Reliability

As has been argued throughout this chapter, a person's moral judgments will be unreliable if the person does not arrive at them from an outlook that is impartial to a high degree. Though some judgments reached from a perspective badly lacking in impartiality may be correct, their correctness is incidental rather than something that can generally be counted on. Because of this very close connection between impartiality and epistemic reliability in the moral domain – that is, because an ample measure of impartiality is indispensable (though not always sufficient) for the dependability of the accuracy of an agent's moral conclusions – the present chapter is the best place for us to consider some challenges that have been posed to the reliability of anyone's moral judgments.

On the one hand, as was mentioned at the end of Chapter 6, the present section could have been included in that chapter; quite a few of the challenges to the reliability of anyone's moral judgments are mounted with reference to the moral questions on which people abidingly disagree. Although the epistemic challenges under examination here differ from the relativistic and subjectivistic and skeptical responses to intractable moral disputation, they too aim at impugning the objectivity of the moral domain. Specifically, they query whether anyone can ever be warranted in

thinking that his or her moral beliefs are true. They therefore query whether anyone can ever have any knowledge of moral truths.

On the other hand, precisely because the challenges just mentioned do take as their target the reliability of anyone's moral judgments – and also because many of those challenges do not advert to the occurrence of irresolvable moral wrangling – they are best addressed in the current chapter, where we have explored at some length the conditions that are optimal for moral deliberations. As will be seen, the challenges under scrutiny here do not contest the pertinence of impartiality in a moral agent's outlook. Instead, they concentrate on aetiological considerations. They in effect maintain that, regardless of how admirably impartial a moral agent's perspective may be, the origins of his substantive moral convictions cast doubt upon those convictions and thus upon any inferences that are drawn therefrom. Though the impartiality of an agent's moral reflections is truth-conducive, the provenance of the beliefs that inform those reflections is not. So contend the philosophers whose arguments we shall probe in this section.

Albeit those philosophers' arguments all concentrate on the aetiology of people's moral beliefs, the arguments are of two main types. In § 7.3.1 we shall consider the claim that, because the moral convictions of any individual are heavily influenced by the familial and societal circumstances of his or her upbringing, there are no grounds for him or her to have confidence in the veracity of those convictions. We shall then move on (in § 7.3.2) to ponder the view that, because the moral sentiments shared by most human beings have been forged largely by Darwinian evolutionary pressures, the correspondence of those sentiments to any strongly mind-independent standards of morality is suspect. According to the Darwinian philosophers who espouse such a view, anybody who believes in the reality of such strongly mind-independent standards has to accept that we lack any reliable epistemic access to them. In other words, if the correct principles of morality are strongly mind-independent existentially, they are unknowable. Such is the anti-realist conclusion affirmed by many of the philosophers who highlight the role of evolutionary pressures in shaping the moral attitudes of human beings.

Quite predictably, the general aetiological challenges parried in § 7.3.1 have typically been advanced with a focus on the persistence of moral disharmony among people, whereas the Darwinian challenges parried in § 7.3.2 have typically not involved such a focus. After all, the former challenges emphasize the influences that tend to differentiate individuals from one

another, while the latter challenges emphasize some of the key influences that tend to result in transindividual concurrence. Accordingly, notwithstanding that the discussions in this section bear some obvious connections to the chief topic of Chapter 6, they plainly belong here. What unites the proponents of the various aetiological critiques of human beings' moral beliefs is that they all impeach the reliability of those beliefs. Given the closeness of the links between impartiality and epistemic reliability in the moral domain (and elsewhere), a rebuttal of the aetiological attacks on such reliability is a matter of great consequence for the topic of this chapter.

7.3.1. Familial and societal influences

As is evident to philosophers and non-philosophers alike, the contents of the moral convictions harbored by particular individuals are typically attributable in numerous respects to the familial and societal settings in which the individuals have formed their identities. Though most people are able to transcend their backgrounds to varying extents through detached reflection, the moral outlook of virtually everyone is in large part a product of his or her upbringing. As George Sher, in one of the most perceptive philosophical treatments of the matter, has written: "[E]ven our most deeply held moral beliefs have been profoundly affected by our upbringing and experience . . . [I]f any of us had had a sufficiently different upbringing and set of experiences, he almost certainly would now have a very different set of moral beliefs and very different habits of moral judgment" (Sher 2001, 64). In other words, although few people are entirely trapped in the moral tenets that have been inculcated into them during their formative years, the very fact that the upbringing of some individual has initially imbued her with certain moral convictions rather than with alternative moral convictions is a key determinant of the moral beliefs that she currently holds. Had the familial and societal contexts of her development as a person instilled into her a markedly different set of moral principles, she would now almost certainly harbor a markedly different moral outlook. This observation holds true even if she has abandoned many of the moral precepts with which she was reared, for the upshot of leaving behind some specified precepts will almost always diverge pronouncedly from the upshot of leaving behind some sharply contrasting precepts. The starting points of a person bear importantly on where she ends up, even if she repudiates many of them along the way.

Why would anybody think that these aetiological remarks – which are apparently innocuous – undermine any justification for confidence in the correctness of one's moral convictions? Sher propounds the following line of reasoning, with reference to situations in which he disagrees with other people about sundry moral matters:

> [M]y belief that I have more reason to act on my own moral beliefs than on yours appears to rest on a further belief that my own moral beliefs are somehow *better* – that they are truer, more defensible, more reasonable, or something similar. However, if I believe that it is only an accident of history that I hold my own moral beliefs rather than yours, then I must also believe that which of us has the better moral beliefs is also an accident of history. This of course does not mean that my belief that my own moral beliefs are better is wrong or baseless, but it does mean that I would have that same belief even if it *were* wrong or baseless. However, once I realize that I would have this belief whether or not it were true, I no longer seem entitled to use it in my practical deliberations.[2]

7.3.1.1. A first criticism: proving too much

One of the lesser shortcomings of the argument broached here by Sher is that, if his reasoning were soundly applicable to our moral judgments, it would likewise be soundly applicable to most of our other judgments. If a person in a modern Western society had been born in ancient times or in a primitive and isolated society in some distant part of the globe at the present day, he would very likely have believed that the planet Earth is flat, and he would have held bizarrely erroneous views concerning the composition and size and distance and movements of heavenly bodies such as the stars. Should we therefore conclude that our modern scientific beliefs about the shape of our planet and the properties of the stars are unjustified? Should we feel obliged to suspend judgment on the question whether the planet Earth is flat? Sher cannot retort that those modern scientific beliefs are utterly uncontroversial. Even if we take no notice of

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[2] Sher 2001, 66. Sher's moral epistemology involves an internalist focus on epistemic justification, whereas my own moral epistemology involves an externalist focus on epistemic reliability and warrantedness. Nonetheless, my present discussion's rejoinders to his aetiological critique of moral knowledge do not need to take exception to his internalism at all. In this discussion, therefore, I accept the internalist terms in which he has framed his arguments. My aim is to show that, on those terms, his arguments fail.

the inhabitants of primitive communities, there have been citizens of modern Western countries who doubt the largely spherical shape of Earth; some people in the United States and elsewhere have enthusiastically advocated flat-Earth theories (Garwood 2007). Moreover, some other scientifically solid beliefs about Earth and the stars – concerning their age, for example – are more widely controverted. Lamentably numerous (and sometimes intelligent and well-educated) are fundamentalist Christians and Muslims who believe that our planet is only several thousand years old.[3] Are the rest of us really unjustified in crediting the huge quantities of evidence adduced by scientists in support of the proposition that Earth and the stars are far, far older than the religious fundamentalists acknowledge?

In a footnote, Sher allows that the terms of his argument are applicable to empirical judgments as well as to moral judgments. However, he seeks to defuse the problem of overbreadth by contending that empirical disagreements are less common than moral disagreements and that they are more often straightforwardly attributable to cognitive defects on the part of some disputants:

> [V]ery few of my actual empirical beliefs *are* disputed by thoughtful, conscientious people who have simply weighed the evidence differently . . . It is worth noting, too, that if those with whom I disagree have not merely assessed the shared evidence differently but either lack or are unresponsive to evidence I have – if, for example, they are members of a prescientific society that attributes diseases to spirits rather than microorganisms, or are creationists – then the fact that I would have their beliefs if I had their background does *not* undermine the authority of my own beliefs. Here I can see that, and why, my background is the more favored. (Sher 2001, 72 n. 10, emphases in original)

Sher here appears to disregard the drift of his own argument. He is helping himself to standards of evidence and inference which he would have rejected if his upbringing and subsequent experiences had been sufficiently different. Creationists and other fundamentalists who assail the veracity of evolutionary biology are not ineptly attempting to comply with the same standards of evidence and inference to which Sher adheres. Rather, they reject his standards, which they regard as inconsistent with the one inerrant source of truth and wisdom. In their eyes, any scientific

[3]   On the prevalence of pseudo-scientific humbug among academics in many parts of the Islamic world, see Sardar 2008.

judgments that clash with the words of the Holy Scriptures are intellectually as well as spiritually unsound. With energetic dexterity, indeed, Creationists and some other fundamentalists try to show that the Scriptures provide the best ultimate explanations of phenomena (such as fossil records) that seem to conflict with Biblical accounts of the origins of the universe. Had Sher been brought up in a manner strongly conducive to the acquisition of a fundamentalist outlook, he would very likely have subscribed to the criteria for evidence and inference to which these fundamentalists cleave, and he would very likely have scorned the criteria to which he himself adheres in the actual world. Thus, given his own insistence that one's beliefs lack any justification if one would not have held them in the event of one's having been reared in a markedly different fashion – that is, given his insistence that "the import of this claim [namely, the claim that 'my having the moral outlook that informs my moral judgment is itself an accident of my history'] is to cast doubt not only on my judgment itself, but also on whatever evidence or arguments I take to support it" (Sher 2001, 70) – he is committed to the proposition that most of our empirical beliefs lack any justification. If Sher wants to avoid such an unpalatable proposition, he should cease to maintain that the contingency of the influences on our moral outlooks will have undermined our justifications for adopting those outlooks.

Also worth noting here is that Sher hugely underestimates the extent of the empirical disputation that occurs among thoughtful and conscientious people. As has been remarked in Chapter 3 and elsewhere in this book, many intractable moral disagreements are intractable largely because they involve empirical questions that are themselves intensely controversial. Let us glance at an example, which can be added to those that have already been adduced: the example of the fierce disagreements over the invasion of Iraq by the United States and its allies in 2003. Numerous aspects of those disagreements were and are centered on empirical matters. Among those matters are the possession of weapons of mass destruction by Saddam Hussein; the intention and ability of Hussein to acquire such weapons in the event of his not already having them; the likelihood of averting widespread insurgencies through the deployment of various numbers of troops; the degree of the involvement of Iran in funding and fostering the insurgencies within Iraq; the number of people murdered by Hussein's regime; the willingness of Iraqi people from different ethnic groups to live within a unitary nation-state comprising all of them; the number of additional deaths attributable to the invasion and the resultant insurgencies; the

motives of the chief American and British policy-makers; the likelihood of the toppling of Hussein's regime without an invasion; the scale and very existence of Hussein's links to international Islamist terrorism; and so forth. Notwithstanding that some of these matters are counterfactual and probabilistic in their orientation, they are all empirical rather than moral. Much of the wrangling over the 2003 invasion of Iraq has revolved around these contentious empirical issues. Some of the quarrels concerning that invasion have concentrated directly on points of political morality, of course, but many of those quarrels have instead focused primarily or exclusively on empirical cruxes such as those that have just been listed. In short, when we ponder a complicated real-world dispute, we can see that Sher is precipitate in assuming that the moral domain is much more ridden by controversy than is the empirical domain. Reality is less clear-cut.

7.3.1.2. A second criticism: doubt swallowed up

A second weakness in the argument presented by Sher is even more grave. That argument in fact carries no implications at all for the justifiability of our beliefs, because it extends to everything and thereby leaves everything undisturbed. Sher himself fleetingly glimpses this point, but he fails to recognize its full import. He writes as follows: "There is, to be sure, a real question about what it would be rational for me to do if I did lose confidence in my own moral beliefs – I would, after all, have exactly the same grounds for doubt about your moral beliefs as I would about mine – but at a minimum, this loss of confidence would reopen many questions that my own moral beliefs were previously thought to settle" (Sher 2001, 68). Although Sher's observation is correct as far as it goes, it does not go far enough. His argument about the undoing of one's justifications for one's moral beliefs would apply not only to anybody's moral convictions but also to any posture of moral incertitude. Sher makes the mistake of presuming that a doubt-ridden reluctance to take any firm stand on some moral issue would not itself be subject to the loss of justification that he describes. In fact, however, his line of argument is as plainly applicable to such reluctance as to straightforward beliefs. Had his upbringing and experiences been sufficiently different from what they have been, he would not have felt the loss of confidence that he is currently undergoing. His moral convictions would have been sufficiently robust to withstand any philosophical argumentation, and he might in any event have been able to discern the unsoundness of the ultimate inference in that argumentation. To a very

large degree, then, his credence in his conclusions about the undermining of our justifications for our moral beliefs is a product of the contingent influences on his upbringing and his subsequent experiences. Consequently, he should feel a loss of confidence not only in his moral beliefs but also in his loss of confidence itself. His doubts about the justifications for his beliefs should be matched by his doubts about the justifications for his doubts; in connection with those doubts, as in connection with those beliefs, "it is only an accident of fate that I assess the situation in my way rather than yours" (Sher 2001, 65). If Sher feels uneasy about the justifiability of his cleaving to his moral beliefs, he should feel equally uneasy about the justifiability of his declining to cleave to them. After all, his attitude of unease is no less attributable to his intellectual and moral temperament – and thus to the contingent determinants which have shaped that temperament – than are his moral beliefs. Hence, that attitude of unease is not deserving of any greater respect than are those beliefs.

In sum, because Sher's line of reasoning applies to doubts and hesitancy as much as to beliefs and confidence, it does not militate in favor of doubts and hesitancy. It carries no implications at all for what we are justified in believing or doing. Though one's awareness of particularly suspect influences on one's moral outlook should naturally impair one's confidence in certain aspects of that outlook, the sheer fact that one's moral beliefs have been heavily shaped by contingent influences – along with the sheer fact that one would almost certainly have held significantly different moral beliefs if the operative influences had been markedly different – is not something that discredits one's justifications for one's moral convictions in any way. It is not a reason for distancing oneself from those convictions. If it were such a reason, it would also be a reason for distancing oneself from the misgivings that have led to one's distancing of oneself from one's convictions, and it would thereby warrant one's renewed embrace of those convictions.[4] In other words, because the misgivings (as products of a temperament that has been profoundly influenced by contingent determinants) are self-subverting, we can very safely leave them aside.

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[4]   I of course am not obliged to accept that the renewed embrace of the convictions would itself be unjustified. I have never endorsed Sher's thesis about the loss of epistemic justification. Rather, I have posited that thesis *arguendo* in order to reveal its radical instability through the construction of a *reductio ad absurdum*. Having carried out the *reductio*, I can now set aside Sher's thesis. By contrast, somebody who endorses that thesis will be caught in an infinite regress of collapsing justifications that will yield no justified conclusions (not even the conclusion that no justified conclusions can be drawn).

Sher has not pointed to anything that detracts from the justifiability of our moral beliefs.

7.3.2. Darwinian evolutionary pressures

Quite a few philosophers (and some scientists) in recent years have drawn upon ideas from evolutionary biology in order to impugn the reliability of our moral judgments and the strong existential mind-independence of moral principles. Though these philosophers' accounts of the development of human beings' moral sentiments are highly speculative and quite sketchy, the general notion that such sentiments are partly due to Darwinian evolutionary pressures is compelling. Some of these philosophers highlight the role of cultural evolution as well as of biological evolution (Kitcher 2006), but we shall concentrate here on a recent essay by Sharon Street that adverts only to the role of the latter. Street's essay is illuminating because it lengthily and pungently articulates the sorts of anti-realist strictures that are more tersely voiced by other philosophers who are writing in a similar vein.

Street seeks to impale moral realists on the horns of a Darwinian dilemma. She repeatedly asserts that "the forces of natural selection have had a tremendous influence on the content of human evaluative judgments" (Street 2006, 113), and she endeavors to show that moral realists cannot properly come to grips with the formative sway of those forces. She declares that realists have to pursue either of two routes, each of which is untenable. On the one hand they might maintain that, in respect of moral matters, evolutionary pressures are non-truth-conducive; if the moral sentiments that ensue from those pressures are in accordance with the correct principles of morality at all, the accordance is meager and purely incidental. This first option is unenticing for any moral realist because it "leads to the implausible skeptical result that most of our [moral] judgments are off track due to the distorting pressure of Darwinian forces" (Street 2006, 109). On the other hand, moral realists might instead insist that evolutionary constraints favored human beings who were able to grasp the correct principles of morality, and that those constraints have therefore "tracked the truth" (Street 2006, 125). Although this response to the Darwinian dilemma avoids the pitfalls of the first response, Street argues that it is equally problematic. She contends that a truth-tracking account of the development of our moral sentiments does not add anything of any explanatory value to an account that traces the development of those sentiments to their efficacy in

impelling reproductively advantageous behavior. Furthermore, according to her, the truth-tracking hypothesis leaves obscure the grounds for the alleged convergence between the correct principles of morality and the actual moral inclinations of people that have eventuated from the processes of natural selection. As she mockingly writes, a truth-tracking account of those inclinations does not "explain the remarkable coincidence that so many of the truths it posits turn out to be exactly the same judgements that forge adaptive links between circumstance and response – the very same judgements we would expect to see if our judgements had been selected on those grounds alone, regardless of their truth" (Street 2006, 132).

7.3.2.1. A first criticism: a misleading dichotomy

Trenchantly phrased though Street's article is, it suffers fatally from an array of misconceptions. We shall first consider two relatively small shortcomings in her argumentation, and we shall then move on to two especially damaging weaknesses therein. First, then, the stark pair of alternatives with which Street confronts moral realists is simplistic. Although no moral realist will opt for the epistemic bleakness of her first alternative, one's rejection of that grim path does not entail one's acceptance of the notion that the forces of natural selection unswervingly track the truth of morality. An intermediate position is far more credible. Instead of alleging that our naturally evolved moral instincts correspond to the correct principles of morality with virtual inerrancy, a moral realist should maintain that those instincts correspond to those principles in many respects (several of which will be elaborated presently). Albeit the correspondence falls well short of inerrancy, it is sufficiently high to enable people to progress through critical reflection toward greater and greater degrees of moral acuity. Because people are oriented toward many of the correct principles of morality by the moral impulses with which they have been endowed through natural selection, they possess the moral resources necessary for proceeding to distance themselves from some of their other naturally selected impulses. As Street herself writes, "we come to reject some of our basic evaluative tendencies on the basis of other evaluative judgements we hold" (Street 2006, 161 n. 36). Of course, whether the people in any given society or era make salutary use of their capacities for moral reflection is a contingent matter. There is no guarantee that the people in any particular society will engage in much moral reflection, nor, if they do engage extensively in it, is there any guarantee that they will have improved their initial moral outlooks.

Nevertheless, because there is a sufficiently strong match between the upshot of biological evolution and the demands of morality, all of those demands are within the epistemic reach of human beings. A sufficiently strong match, rather than a relationship of virtually flawless tracking, is all that is required.

Street, when commenting on the bleak alternative to the tracking account which she tries to foist upon moral realists, explains why the epistemic dismalness of that alternative cannot be overcome through recourse to the capacity of people for moral reflection:

> [I]f the fund of evaluative judgements with which human reflection began was thoroughly contaminated with illegitimate influence [consisting in naturally evolved moral impulses that bore little or no correspondence to the correct principles of ethics] . . . then the tools of rational reflection were equally contaminated, for the latter are always just a subset of the former. It follows that all our reflection over the ages has really just been a process of assessing evaluative judgements that are mostly off the mark in terms of others that are mostly off the mark. And reflection of *this* kind isn't going to get one any closer to evaluative truth, any more than sorting through contaminated materials with contaminated tools is going to get one closer to purity. (Street 2006, 124, emphasis in original)

Street's argument on this point is sound, but it does not detract from what has been said here about her simplistic dichotomy. Moral realists should of course reject her desolate first alternative – not least because, as Street here contends, the state of affairs recounted in that alternative would thwart the efficacy of critical reflection in leading human beings toward moral insights – but realists should hardly think that their repudiation of that alternative commits them to the implausible proposition that the evolutionary influences on people's moral instincts have harmonized those instincts almost perfectly with the correct principles of morality. A substantial degree of harmony, with many imperfections that need to be transcended, is enough to orient moral reflection in appropriate directions. Moral realists should limit themselves to claiming that there is such a substantial degree of harmony. They need not and should not make any claims about perfection (Copp 2008).

7.3.2.2. A second criticism: impulses versus judgments

Quite closely related to my first objection to Street's analysis is my second minor query, about her tendency to elide the distinction between moral

instincts and moral judgments. As has already been indicated, her article teems with assertions that our moral "judgements have been tremendously influenced by Darwinian selective pressures" and that our moral "judgements . . . are saturated with evolutionary influence" (Street 2006, 140). These many pronouncements are unfortunate in that they efface the divide between instinctive propensities and veritable judgments. Even with regard to the instinctive propensities, the application of Darwinian evolutionary theory is conjectural (though plausible). With regard to full-blown moral judgments, the application of that theory is often downright implausible.

Street herself is scarcely unaware of the distinction between naturally evolved impulses and articulable moral judgments. She in fact devotes several pages to discussing that distinction (Street 2006, 118–21), and she readily concedes that the "influence of Darwinian selective pressures on the content of human evaluative judgements is best understood as *indirect*." She adds: "The most plausible picture is that natural selection has had a tremendous *direct* influence on what I have called our 'more basic evaluative tendencies,' and that these basic evaluative tendencies, in their turn, have had a major influence on the evaluative judgements we affirm" (Street 2006, 119–20, emphases in original). She importantly also recognizes the potential for inconsistencies between our moral impulses and our moral judgments:

> I do not mean that we automatically or inevitably accept the full-fledged evaluative judgements that line up in content with our basic evaluative tendencies. Certainly not. For one thing, other causal influences can shape our evaluative judgements in ways that make them stray, perhaps quite far, from alignment with our more basic evaluative tendencies. For another thing, we are reflective creatures, and as such are capable of noticing any given evaluative tendency in ourselves, stepping back from it, and deciding on reflection to disavow it and fight against it rather than to endorse the content suggested by it. (Street 2006, 120, footnote omitted)

Street quite sensibly summarizes her position as follows: "My point here is instead the simple and plausible one that had the general content of our basic evaluative tendencies been very different, then the general content of our full-fledged evaluative judgements would also have been very different, and in loosely corresponding ways" (Street 2006, 120).

Though the position articulated in these latest quotations is largely unexceptionable, the quotations expose the sweeping overconfidence of

Street's myriad assertions about the tremendous influence of evolutionary pressures on the contents of our moral judgments. Even when those pressures have undoubtedly colored our evaluative instincts, their effects on our considered moral convictions can often be much more tenuous. Street acknowledges as much in the longest of the quotations above, but her acknowledgment becomes submerged under the host of overconfident assertions just mentioned. To grasp how frequently the reflective moral judgments of people can deviate from their instinctive reactions – instinctive reactions that were very likely advantageous in the course of Darwinian natural selection – we should briefly contemplate three examples.[5] (The evolutionary biology underlying these examples is of course somewhat speculative, but no more so than in any of Street's examples of reproductively advantageous impulses.)

First, in most contemporary Western liberal-democratic countries, quite a few people have arrived at the view that homosexual intercourse between consenting adults is morally permissible and that it should be legally permissible. Such a view is still rejected by many people, of course, but it is much more widely held among citizens of Western countries now than in previous periods, and it has come to be largely embodied in the relevant laws of most of those countries. Doubtless, some of the heterosexual people who adopt that broad-minded outlook do not regard homosexuality with distaste. Although they themselves are undisposed to enter into homosexual relationships, they do not shudder internally when they behold other people in such relationships. However, the view of homosexual intercourse as morally permissible is also endorsed by many heterosexual people who do feel an instinctive aversion toward homosexuality (an aversion that goes beyond a mere disinclination to engage in same-sex copulation). These latter people experience an unreflective sense of revulsion when they witness displays of affection between homosexuals, but their moral judgments about such displays are not dictated by their visceral emotions. Through moral ruminations, they have come to recognize that homosexual intercourse between consenting adults does not involve the commission of any wrongs. In reaching that moral judgment, they have distanced themselves from their primal evaluative attitudes concerning homosexuality. Now, what is most interesting for our present purposes is that those instinctive attitudes – which are also harbored by most people who believe

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[5] These examples are also problematic for an emotion-centered moral theory such as that in Prinz 2006 and Prinz 2007.

that homosexual intercourse between consenting adults is morally im-permissible – have very likely been reproductively advantageous both at the level of the individual and at the level of the community or species. Somebody feeling innate repugnance toward homosexual activity would be especially loath to participate in that activity and would thus be espe-cially loath to expend his or her procreative energies on a practice that is bound to generate no offspring. Hence, when someone who harbors such repugnance has nonetheless reached an enlightened judgment about the moral status of homosexuality, he thereby exhibits a gaping discontinuity between his considered convictions and his reproductively advantageous instincts.

Second, a proclivity to wreak revenge is an element of human nature almost certainly because it was primevally beneficial in the processes of natural selection, both at the level of the individual and (to some degree) at the level of the community. Somebody possessed of a propensity to take revenge for the harms committed against him or his family or his com-munity would tend to deter the infliction of those harms much more effec-tively than would somebody who responds with meek quiescence to such occurrences. *Pro tanto*, a vengeful human being would enjoy advantages over a meek human being in the struggle for reproductive success. We should not be surprised, therefore, that an impulse toward the exacting of revenge is very widespread among human beings. Nonetheless, despite the pervasiveness of that impulse, many people in contemporary liberal democracies have transcended their instincts by arriving at the view that vindictiveness in most of its manifestations is a vice rather than a virtue. Forswearing the primitive lust for revenge, they maintain that forgiveness is in most contexts a morally superior quality. Often when they find that they cannot entirely live up to their own considered convictions on the matter, they continue to believe in the truth of those convictions, and they consequently regret their inability to conform fully thereto.[6] Such a stance epitomizes starkly the potential fissures between unreflectively inveterate impulses and reflective moral positions.

Third, an instinctive tendency to discount sharply (or even ignore or oppose) the interests of people outside one's immediate circles of family and friends and local community is a common trait among human beings. That trait was very likely advantageous in the struggle for natural selection, which took place in the primordial times when people's

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[6]   For a striking example, see Jones 2006.

resources and their ability to trust outsiders safely were extremely limited. However, some of the people who continue to feel the pull of this instinctive tendency do not hold reflective moral views that are thoroughly in accordance with it. Though hardly anybody doubts that a person is morally permitted to show more solicitude for his family members and friends than for the vast majority of other people in the world, some philosophers and political activists believe that we owe extensive moral duties even to people in distant lands with whom we have no acquaintance beyond our common membership in the human species.[7] Of greatest interest for the current discussion is that some of the thinkers who espouse such a cosmopolitan position have done so not because they lack instinctive tendencies to discount the interests of outsiders, but because they as reflective moral agents cannot discern any credible moral principles that would warrant the indulgence of those instincts. Their cosmopolitan moral judgments squarely diverge from the parochial impulses that they share with most other people. Hence, notwithstanding that Darwinian evolutionary forces have heavily influenced those impulses, the impact of such forces on the cosmopolitan judgments is scarcely to be described as "tremendous."

7.3.2.3. Causal efficacy revisited

Far more regrettable than the foregoing flaws in Street's argument is her insistence that moral realists must be offering a causal-explanatory account of human beings' moral sentiments. Throughout her article Street presumes that, if a moral-realist position on the strong existential mind-independence of moral principles does not contribute to a causal-aetiological theory of our moral inclinations, it is untenable. In other words, like so many other anti-realist moral philosophers, she is assuming that the reality of moral properties will hinge on their being endowed with causal efficacy. When she points out that the moral principles and properties invoked by realists are not endowed with such efficacy – that is, when she points out that the invocation of such principles and properties is redundant in any causal-explanatory aetiology of human beings' evaluative instincts – she triumphantly concludes that those principles and properties are an extravagance to which we should ascribe no reality. Her critique of moral realism, then, is fundamentally the same as Leiter's and Harman's and is

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[7]   I of course especially have in mind here many of the writings in recent years on global justice, such as Pogge 2002; Tan 2004; and Caney 2005.

consequently vulnerable to fundamentally the same objections that were leveled against their critiques in my sixth chapter.

Street's insistence on treating moral realism as a causal-explanatory theory is evident in her discussions of the so-called tracking account (namely, the thesis that evolutionary influences on the ethical impulses of human beings have tracked the correct principles of ethics to quite a considerable degree). She proclaims:

> The first thing to notice about this account is that it puts itself forward as a scientific explanation. It offers a specific hypothesis as to how the course of natural selection proceeded and what explains the widespread presence of some evaluative judgements rather than others in the human population. In particular, it says that the presence of these judgements is explained by the fact that these judgements are true. (Street 2006, 126, footnote omitted)

She adds:

> In putting itself forward as a scientific explanation, the tracking account renders itself subject to all the usual standards of scientific evaluation, putting itself in direct competition with all other scientific hypotheses as to why human beings tend to make some evaluative judgements rather than others. The problem for realism is that the tracking account fares quite poorly in this competition. (Street 2006, 126)

In particular, Street believes that the tracking account fares poorly in competition with her own "adaptive link account," which consists in the thesis that evolutionary influences on the ethical inclinations of human beings have fixed upon principles that prescribe behavior advantageously adapted to the circumstances wherein human beings have lived.

What is so strange about Street's line of attack against moral realism is that her principal targets are non-naturalistic realists such as Ronald Dworkin, Thomas Nagel, and Russ Shafer-Landau (Street 2006, 111–12). Such moral realists deny that moral properties are endowed with any causal efficacy. They would thus be deeply confused indeed if they were inclined to present a tracking account along the lines envisaged by Street. In fact, of course, no such moral realist ever has put forth or ever would put forth a tracking account along those lines. When a non-naturalistic moral realist contends that the evolutionary pressures which shaped the ethical instincts of primeval human beings have tracked the correct principles of ethics to a considerable extent, he or she is simply contending that

there is a substantial overlap between the correct principles of ethics and the principles of behavior to which people are instinctively drawn. Proponents of this sensible version of the tracking account do not attribute any causal efficacy to the correct principles of ethics, and they do not maintain that invocations of those principles can contribute to a scientific aetiology of human beings' ethical sentiments. These philosophers certainly do not suggest that the correct principles of ethics have somehow caused people's ethical sentiments to develop in specified directions. Rather, they are propounding a substantive ethical doctrine about the contents of those correct principles.

Instead of being in *competition* with Street's adaptive link theory of the development of human beings' ethical impulses, the sensible version of the tracking account is an *elaboration* or *extension* of that theory. In other words, her aetiological model fits together nicely with the moral realists' substantive ethical tenets. Combined with her aetiological model, those substantive tenets support the conclusion that many of the correct principles of ethics prescribe behavior that is or was reproductively advantageous. Drawing upon the adaptive link account in order to ascertain which principles of behavior were reproductively advantageous in the primordial eras of human development, moral realists can then affirm that those principles coincide in content with the correct principles of ethics to a considerable degree. Such an affirmation, about the contents of the correct principles of ethics rather than about their putative causal efficacy, is the gist of any tracking account that would actually be offered by the moral realists who are Street's chief targets. Her volleys at those targets are thus very wide of the mark.

7.3.2.4. Not a fluke

Street may seem to have one further arrow in her quiver, however. If a tracking account that would actually be offered by moral realists is not a causal-explanatory account, then it appears to provide no reasons for the substantial convergence between the correct principles of ethics and the principles of behavior favored by natural selection. That convergence thus appears to be characterized by moral realists as a miraculous fortuity. So, at least, Street alleges. She repeatedly declares that, if moral realists cannot provide a satisfactory causal-explanatory account of the overlap between the two aforementioned sets of principles, they have to accept that that overlap is a "remarkable coincidence" or a "complete fluke" or an "implausible coincidence" (Street 2006, 132, 142, 143). She sneeringly asserts: "Of

course it's *possible* that as a matter of sheer chance, some large portion of our evaluative judgements ended up true, due to a happy coincidence between the realist's independent evaluative truths and the evaluative directions in which natural selection tended to push us, but this would require a fluke of luck that's not only extremely unlikely, in view of the huge universe of logically possible evaluative judgements and truths, but also astoundingly convenient to the realist" (Street 2006, 122).

It is certainly true that the moral realists who are Street's chief targets do not offer any *causal-explanatory* reasons for the significant convergence between the correct principles of ethics and the principles of behavior favored by natural selection. As has been emphasized, their accounts of ethics are substantive ethical doctrines rather than causal explanations. However, obviously, they can offer *substantive ethical* reasons for the convergence. That is, moral realists can appeal to substantive ethical considerations in order to show why many of the evaluative tendencies engendered by Darwinian forces are in conformity with the objective demands and prescriptions of ethics. As a substantive ethical matter, that conformity is no fluke.

As we ponder the relevant ethical considerations, we should keep in mind three points. *First*, the ethical impulses promoted by natural selection are indeed impulses rather than full-blown judgments. Their contents are quite simple – quite crude or rough – rather than elaborately ramified. *Second*, the ethical inclinations that can credibly be portrayed as promoted by natural selection are not huge in number. The situations confronted by the primeval human beings on whom the forces of natural selection operated were not nearly as complicated and diverse as the situations confronted by modern human beings. Accordingly, the range of the evaluative inclinations elicited by the need for dealing with the former array of situations was relatively narrow. Street herself adduces only a handful of such inclinations. *Third*, and most important, the biologically evolved ethical instincts of human beings correspond only imperfectly to the correct principles of ethics. There is a sufficient overlap to avert any far-reaching epistemic worries, but moral realists have ample room to point out discrepancies between the contents of those instincts and the contents of those principles. This third point – like my first point – has, of course, already been stressed.

Street enumerates six precepts that are prominent among the evaluative inclinations that would be fostered by evolutionary influences. (Although she labels these precepts repeatedly and confusingly as "judgements," she indicates that she is in fact referring to unreflective inclinations, which she

characterizes as "'proto' versions" of judgments [Street 2006, 114].) Her six precepts are as follows:

(1) The fact that something would promote one's survival is a reason in favor of it.

(2) The fact that something would promote the interests of a family member is a reason to do it.

(3) We have greater obligations to help our own children than we do to help complete strangers.

(4) The fact that someone has treated one well is a reason to treat that person well in return.

(5) The fact that someone is altruistic is a reason to admire, praise, and reward him or her.

(6) The fact that someone has done one deliberate harm is a reason to shun that person or seek his or her punishment. (Street 2006, 115)

I shall assume here *arguendo* that Street is right in thinking that each of these precepts encapsulates an evaluative inclination that has become very widely shared among human beings through the processes of natural selection. To what extent do those precepts coincide in content with the correct principles of ethics, and what are the substantive ethical reasons for their coinciding? Let us briefly examine each precept in turn. (I am referring here broadly to ethics rather than more narrowly to morality, because some of the precepts above are best construed as principles of good or admirable conduct rather than as principles of morally obligatory conduct.)

Precept (1) is slightly too broad, but is largely in accordance with the correct principles of ethics. One reason for perceiving it as somewhat too broad is that there can be circumstances in which a person has appropriately been sentenced to death for heinous crimes. In that event, although the person undoubtedly has prudential reasons for seeking to escape the execution of the sentence, he does not have any ethical reasons for doing so. Another exception to precept (1) is a situation in which some person is grievously and irreversibly ill with unalleviably excruciating pain and a desperate wish to die. In such circumstances, the person does not have any ethical reason – nor, indeed, any prudential reason – to take steps that will prolong his miserable life. Still, so long as we assume that precept (1) includes an implicit operator such as "Normally" or "Usually" or "In most circumstances," and so long as we assume that any reason to which the precept refers is a *pro-tanto* reason, we should accept (1) as a proposition that tallies with the correct principles of ethics. Its correspondence to those

principles is readily explicable on ethical grounds. Except in very rare situations (of the kinds mentioned above), a person will manifestly fare better in the pursuit of his worthwhile projects if he stays alive than if he dies. He will not henceforth be able to flourish if he ceases to exist. In general, then, he will have strong ethical reasons to favor actions that will promote his survival. To be sure, those reasons are strong rather than invariably dispositive. Somebody can be in a plight in which he has a powerful reason to undertake an act of heroism that will almost certainly result in his death; his reason for undertaking that act may well exceed in ethical importance his reasons for seeking to ensure his own survival. Moreover, even in less dramatic circumstances, a person may well have a very strong reason for adopting a course of conduct that to some degree lowers his chances of survival in comparison with another course of conduct that is open to him. It may well be that the reason for adopting the former course of conduct carries greater ethical weight than his reasons for maximally enhancing his prospects for survival. Nonetheless, in all such circumstances, the latter reasons abide. Even when they are outweighed by a countervailing consideration, they count in favor of his doing what will best keep him alive. Thus, the conformity between Street's first evaluative precept and the correct principles of ethics is hardly a fluke. On the contrary, that conformity is grounded on fundamental ethical considerations relating to human well-being.

The overlap between Street's second precept and the correct principles of ethics is not as glaringly obvious as the overlap involving her first precept. All the same, so long as precept (2) is subject to qualifications parallel to those that are needed in precept (1), and in particular so long as it is subject to a qualification that discountenances nepotism or other varieties of favoritism that misappropriate the resources of people outside one's family, it does indeed tally with the aforementioned correct principles. Because of the importance of positive familial attachments in forming each person's sense of self-esteem and her very sense of identity, and because of the responsibilities that are implicitly if not explicitly assumed by family members toward one another in the course of their interaction, the interests of the members of a person's family should normally be regarded favorably in her deliberations and decisions. Moreover, not only does each member of a family normally owe quite extensive obligations to the other members, but in addition each member owes obligations to himself and to the family as a whole. The furtherance of the interests of one's family members is typically a source of gratification for oneself; so long as the

furtherance does not transgress any moral restrictions on nepotism or on other ways of exploiting outsiders for the ends of oneself and one's intimates, the gratification is an ethical desideratum. Likewise, a family with close bonds of love and supportiveness is in most circumstances an ethically valuable institution. Since an action whereby one member of a family legitimately promotes the interests of another is usually conducive to the vibrancy of that family, such an action will usually be conducive to the sustainment of an institution that is normally of ethical value. On the basis of these several considerations, then, a suitably restricted version of Street's second precept is a sound ethical principle. There are solid ethical reasons for the correctness of such a version of that precept. Accordingly, the correspondence between precept (2) and the correct principles of ethics is not a lucky accident. Rather, that correspondence follows from some major moral responsibilities and ethical desiderata.

Under precept (3), a parent owes his children not only the same moral obligations that are owed to complete strangers, but also some further moral obligations. Such a precept is quite clearly correct as a matter of substantive morality in virtually every society, largely on the basis of some of the same considerations that were adduced in my last paragraph. Parents in virtually every society normally assume for their children, and are morally obligated to assume for their children, numerous responsibilities that they have never assumed or been obligated to assume for complete strangers. They are morally obligated to ensure that their children are adequately nourished and clothed and housed and educated throughout the period of the children's dependence, whereas – except in strikingly unusual circumstances – they do not owe similar moral obligations to complete strangers. Of course, the vast majority of parents are undoubtedly also much more willingly inclined to fulfill these responsibilities for their children than they would be in connection with complete strangers.[8] However, irrespective of the inclinations of the parents, they owe those extensive responsibilities to their children and not to complete strangers (except in rare circumstances). By opting to occupy the role of parents, they have normally taken on moral obligations to their children that go beyond the moral obligations owed to everybody else. Whether grudgingly or eagerly, they have brought about a situation in which the satisfaction of their children's needs and the promotion of their children's well-being are dependent primarily on them. Hence,

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[8] Mrs Jellyby in Charles Dickens's *Bleak House* is a famous counterexample to this generalization.

precept (3) with some implicit qualifications is a correct statement of a parent's moral situation in virtually every society.

To be sure, there could exist a society or a portion of a society in which all the children are reared communally and in which no parents bear greater moral responsibilities for the well-being of their own offspring than for the well-being of any other youngsters. In application to such a setting, precept (3) would be false. However, although such a setting is not impossible, it differs markedly from virtually every social system that has actually existed. Notwithstanding that societies vary in the extent of the discrepancies between the moral obligations of parents to their own children and the moral obligations of parents to everyone else, some such discrepancies obtain virtually everywhere. In every society or nearly every society, somebody who becomes a parent has thereby incurred moral duties that exceed the moral duties which he or she owes to people outside his or her family. The operations of each society are such that certain responsibilities for the well-being of children are typically assigned predominantly or exclusively to the adults who have brought the children into the world. Given that implicit or explicit assignment of responsibilities, the adults in question are morally obligated to show special solicitude for their own offspring. In application to any such situation, precept (3) is straightforwardly true.

Equally obvious is the correctness of precept (4) as a moral principle, so long as that precept is subject to some appropriate limitations. Some modest restrictions are necessary to exclude any circumstances in which an act of treating a person well involves a heinous course of conduct. Let us recall, for instance, a scenario broached in the Appendix to Chapter 2. Suppose that Donald treats Mary well by heeding her sundry requests, however outlandish they may be. Suppose that she asks him to torture and murder Ken for wearing a blue shirt with brown trousers, and that he complies with her request. Does she now have any ethical reason to treat Donald well – by commending him or by helping him to conceal his iniquitous conduct or by declining to testify against him, for example? The answer is unequivocally negative. Although Mary herself bears at least as much guilt as Donald in the envisaged situation, she is morally obligated to condemn his conduct and to help the authorities in convicting him of his crimes. (She is morally obligated to do the same things in respect of herself, of course.) Thus, precept (4) is in need of some minor qualifications. With those qualifications in place, the precept is manifestly in accordance with the correct principles of morality. Basic moral principles concerning

human equality and fellowship require the reciprocation of benevolence, at least insofar as such reciprocation is reasonably feasible. Though nobody is morally required to reciprocate absolutely every act of kindness toward him with a cognate act of his own, everyone is morally required at least to evince gratitude in response to any such act. Moreover, a practice of reciprocity is likely to encourage benevolent deeds, whereas a contrary practice is liable to discourage them. Like Street's third precept, then, her fourth precept – with some modest restrictions – is unmistakably convergent with the correct principles of ethics.

Perhaps even more evident is the conformity between Street's fifth precept and the correct principles of ethics. Of course, the evidence of that conformity hinges on a certain construal of the term "altruistic" in the formulation of precept (5). I am assuming that any behavior rightly classified as "altruistic" is morally legitimate; if self-sacrificing behavior in furtherance of other people's interests is evil, then it is merely self-sacrificing rather than genuinely altruistic. In the absence of that assumption about the nature of altruism, precept (5) – without any significant restrictions – would not amount to a correct principle of ethics. After all, a non-German might feel passionate esteem for Nazi Germany and might therefore participate with self-sacrificing determination and energy in the extermination of millions of Jews, Gypsies, and Slavs. There are no ethical reasons for extending any admiration or praise or rewards to such a person in cognizance of his self-sacrificing exterminatory endeavors. Hence, since precept (5) without any restrictions would call for such admiration and praise and rewards, it must be incorrect as an ethical principle. Such problems are removed when we assume that the referential scope of "altruistic" does not encompass behavior that is morally wrong. When that term is so construed, the formulation of precept (5) patently expresses a correct principle of ethics. Morally legitimate acts whereby a person sacrifices her own interests for the sake of others' interests are paradigmatic instances of ethically good conduct.

By contrast, precept (6) is considerably more problematic. It is not utterly incorrect as a principle of ethics, but it is far too sweeping. In many contexts, and in regard to many types of detriments, the fact that another person has deliberately harmed oneself is not a reason for shunning that person or for seeking his punishment. In the context of competitive sports, for example, somebody who loses to an opponent is thereby deliberately harmed. Nonetheless, the shunning of a victorious opponent is a puerile and petulant course of conduct, and is not in accordance with any correct principles of ethics. Even more bizarre would be an effort to have

the opponent punished for his triumph. Of course, the loser can quite legitimately strive to defeat the victorious foe when they next compete. Such striving is admirable. However, it is hardly equivalent to shunning the foe or to seeking his punishment.[9] Additional situations to which Street's final precept would not be correctly applicable are those wherein legitimate punitive measures have been imposed. If a mother properly reprimands her son for his naughty behavior, he does not have any ethical reason for shunning her or for seeking to have her penalized. He might feel inclined to avoid her presence for a while, but, in so doing, he is acting on the basis of pique rather than on the basis of any veritable ethical reasons. In short, although there will be many contexts in application to which Street's sixth precept is correct as a principle of ethics, there will be many other contexts in application to which it is not correct as such a principle. More than any of Street's other precepts, the sixth is in need of heavy qualifications.

Thus, in our brief investigation of Street's six evaluative inclinations, we have found a substantial degree of convergence – falling quite some way short of perfect convergence – with the correct principles of ethics. The moral realists who are Street's primary targets do not aspire to offer any causal explanation of the development of human beings' evaluative instincts, but they can offer and do offer ethical explanations of the conformity between those instincts and the correct principles of ethics. Those ethical explanations do not tell us why the instincts developed as they did, but tell us instead why the instincts that did develop are in accordance with the correct principles of ethics to a substantial extent. For these ethical explanations, of course, the relevant factors to which the moral realists must appeal are substantive ethical considerations such as those that have been very tersely invoked in the last several paragraphs above. Only such considerations can establish why each precept does or does not tally with the genuine demands and prescriptions of ethics.

When we move from a precept-by-precept investigation to ponder the whole array of evaluative inclinations engendered by the processes of

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[9] I am assuming that the term "punishment" in the formulation of precept (6) is being used in its ordinary legal and moral sense to refer to a penalty imposed as a means of remedying the commission of a wrong. Of course, that term is sometimes used loosely by devotees of sports to refer to a triumph against a previously victorious opponent. When the word "punishment" is so wielded, it is largely interchangeable with "revenge." Had the latter term been used in lieu of "punishment" in the formulation of precept (6), the principle expressed by that altered formulation would have been even more problematic than the principle expressed by the current formulation.

natural selection (not all of which are specified by Street), we can ask whether the substantial accordance of those inclinations with the correct principles of ethics is a miraculous fluke. Though some of those inclinations are morally noxious or strange, most of them square fairly well with the correct principles of ethics. Is the large degree of conformity an amazing coincidence? Given that the processes of Darwinian selection tended to foster evaluative instincts that would promote both the flourishing of individuals as the agents of reproduction and the flourishing of communities as the social environments required by those agents for elementary security, the answer to this question is plainly negative. Although the correct principles of ethics diverge on quite a few points from the evaluative impulses bred by biological evolution, a general orientation toward the thriving of individuals and communities is common between those principles and those impulses. Hence, we should scarcely be surprised or puzzled by the many areas of convergence between them. Rather, we should be amazed and baffled if there were very few such areas of convergence.

7.4. Conclusion

Like several of the other dimensions of ethical objectivity, impartiality is a scalar property. Moral judgments, or the deliberations by which they are reached, are characterized by impartiality to varying extents. Indeed, each of the main ingredients of impartiality – disinterestedness and open-mindedness – is itself a scalar property. When those ingredients are present at high levels in the deliberations of some person who is morally assessing a certain matter, and when all the material facts pertaining to that matter are reasonably ascertainable, the person's verdict will have been reached under optimal conditions. Under such conditions, and only under such conditions, all the correct principles of morality are discernible (though there are no guarantees, even under optimal conditions, that those principles will be discerned accurately on any given occasion). Hence, the attainment of impartiality in one's deliberations is crucial for the reliability of one's moral judgments.

Because of the close connection between impartiality and cognitive reliability, the second half of this chapter has sought to parry some general challenges to the reliability of our ethical judgments. As has been argued, those challenges – however sophisticatedly pursued – come to naught. Neither

the influences that differentiate us as individuals nor the influences that assimilate us as members of the human species are perforce such as to weaken our justifications for our moral convictions. Of course, some particular instances of those influences (or, indeed, some types of those influences) are indeed to be distrusted; we should be wary of placing confidence in any judgments that are evoked by perceptibly dubious determinants of our outlooks. Nonetheless, the bare fact that our moral convictions are shaped by contingencies and by evolutionary forces is no basis whatsoever for any distrust. As one strives for objectivity qua impartiality in one's deliberations, one should not be worried at all by the fact that one's striving proceeds from a perspective that has been so shaped.

Chapter 8

Truth-Aptitude

Having explored some ontological and epistemic aspects of ethical objectivity, we now turn to the chief semantic aspect. Semantic objectivity, of course, pertains to the relationships between people's assertions and the things about which those assertions are propounded. Such objectivity, as expounded here, consists in statements' being endowed with truth-values. If meaningful declarative statements can be made in a certain domain, and if many of those statements are possessed of truth-values, then the domain is semantically objective to a greater or a lesser extent. Contrariwise, if no meaningful declarative statements are assertible in some domain, or if all or virtually all such statements that can be asserted therein are not evaluable as true or false, then the domain lacks semantic objectivity.

This account of semantic objectivity stands in need of some elucidation before we can ponder it in connection with morality. As is plain, the account in its initial presentation takes certain semantic matters for granted by confining itself to meaningful declarative statements. We shall later explore some arguments by anti-realists who contend that – despite appearances to the contrary – the characteristic statements of moral discourse are not genuinely declarative. For the moment, however, let us simply note the effects of the restrictions imposed on my exposition of semantic objectivity.

My exposition concentrates on meaningful statements in order to exclude nonsensical utterances such as "Green ideas sleep furiously" or "The eyelashes of the number seven become triangular more rarely than a non-existent baseball game." Because such utterances are devoid of any intelligible meanings, they are likewise devoid of truth-values. The possibility of such utterances should not count against the semantic objectivity of a body of discourse in which they might occur, unless no meaningful utterances

can ever occur therein. Much the same can be said about nondeclarative sentences. Such sentences, most notably imperatives (such as "Shut the door" and "Watch your back") and interrogatives (such as "On which day of the week were you born?") and interjections (such as "Hello" and "Bah, humbug!") and desideratives (such as "Would that I were in England!"), do not possess any truth-values. The evident possibility of the articulation of such sentences in some domain of enquiry is hardly a factor that should count against the semantic objectivity of that domain. If meaningful declarative statements are possible in some body of discourse, and if all or some of those statements are each evaluable as true or false, then that discourse is semantically objective regardless of how many questions might be asked or how many imperatives might be issued within it.

In any domain of enquiry that is not artificially restricted, some of the meaningful declarative statements assertible within the domain will lack determinate truth-values. For example, every paradoxical statement – such as "The present statement is not true" – will lack any coherent truth-value, since the truth of any such statement entails its falsity, while its falsity entails its truth. Some other examples of meaningful declarative statements without determinate truth-values are statements involving presuppositional failures, of which the most striking instances are statements that involve radical reference failures. The assertion "There reigns at present a King of France" is importantly different from the assertion "The present King of France has run a one-mile race in under four minutes." Whereas the former assertion directly *affirms* the current existence of a French monarch, the latter assertion merely *presupposes* the current existence of such a person. Consequently, the former statement is possessed of a determinate truth-value – it is false – whereas the latter statement is not possessed of any such truth-value.[1]

Of considerable interest to moral philosophers is another class of meaningful declarative statements without determinate truth-values: a class comprising statements that apply vague predicates to borderline phenomena. Here we return to a theme explored briefly from a slightly different angle in Chapter 3. A vague predicate, such as "tall" or "short" or "thin" or "bald" or "large enough to be a heap," neither determinately encompasses

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[1]   Not all philosophers accept this analysis of presuppositional failures. Some philosophers continue to endorse Bertrand Russell's view – first propounded in Russell 1905 – that statements characterized by such failures are determinately false. For a recent endorsement of Russell's approach, see Horwich 1998, 78.

nor determinately excludes some of the phenomena to which it might intelligibly be applied. Across the gamut of those phenomena there is an unsettled region of borderline cases – an unsettled region whose beginning and end are themselves only vaguely specifiable. Within that area of indeterminate application, we can neither correctly affirm nor correctly deny that some entity partakes of the property denoted by the vague predicate in question. For example, a certain man may be of such a height that we can neither correctly affirm nor correctly deny that he is tall. Likewise, an accumulation of grains of sand may be of such a size that we can neither correctly affirm nor correctly deny that it is large enough to be a heap. (In each case, we might not know or even be capable of knowing that we can neither correctly affirm nor correctly deny the relevant proposition.) Examples of this phenomenon in the domain of morality are abundant. In Chapter 3's short discussion of the matter, we looked at one such example. Insofar as the moral predicate "unreasonable" is vague, some possible instances of conduct are such that we can neither correctly affirm nor correctly deny that they are unreasonable. In that event, a statement asserting or gainsaying the unreasonableness of any such borderline instance of conduct is not possessed of a determinate truth-value.

8.1. A Minimalist Account of Truth

Thus, when we seek to ascertain whether the statements advanced in moral discourse are semantically objective, we need to keep in mind that many statements are to be excluded from our investigation. We are putting aside statements that are unintelligible or nondeclarative, and we are likewise putting aside meaningful declarative statements that lack determinate truth-values because of paradoxicalness or presuppositional failures or vagueness. We are concentrating on the other meaningful declarative statements (if any) that can be articulated in the domain of morality.[2] Can each of those statements be assigned a value of truth or falsity?

Anybody who aspires to answer this question about truth-aptitude will plainly need to draw upon a conception of truth. For the purposes of moral philosophy, and perhaps for any purposes, the best approach to truth is

[2] As has been mentioned, this chapter will presently examine the arguments of antirealist philosophers who claim that no moral pronouncements are genuinely declarative.

what is often labeled as "minimalism."[3] That label covers a number of cognate theories and techniques, pertaining not only to the quality of truth but also to kindred phenomena such as facts and properties. Specifically in connection with truth, the minimalist approach favored here is the so-called disquotational account. Under that account, the nature of truth is given by the following equivalence schema:

The proposition "*P*" is true if and only if *P*.

Here "*P*" stands for any proposition, expressible through a meaningful declarative assertion. Thus, one of the countless potential instantiations of the equivalence schema for truth is as follows:

The proposition "Abraham Lincoln was assassinated in 1865" is true if and only if Abraham Lincoln was assassinated in 1865.

From the domain of morality, potential instantiations of the equivalence schema for truth are legion. Consider, for example, the following:

The proposition "All acts of torturing babies for pleasure are morally forbidden" is true if and only if all acts of torturing babies for pleasure are morally forbidden.

According to the disquotational approach, the nature of falsity is given by the following equivalence schema:

The proposition "*P*" is false if and only if not-*P*.

Given the restrictions on the scope of my discussion, the expression "not-*P*" can here be construed as "it is not the case that *P*." Hence, one of the innumerable potential instantiations of the equivalence schema for falsity is the following:

The proposition "Abraham Lincoln was assassinated in 1864" is false if and only if it is not the case that Abraham Lincoln was assassinated in 1864.

[3]   The most prominent elaboration of a minimalist theory of truth is Horwich 1998, though I disagree with some of Horwich's sophisticated arguments on a few important points. For an excellent recent discussion of minimalism, see Holton 2000. Minimalism has been prominent in the later work of Simon Blackburn; see, for example, Blackburn 1998, 75–80; and Blackburn 2005.

Because of the absence of any presuppositional failure, this instantiation can equally well be formulated as follows:

> The proposition "Abraham Lincoln was assassinated in 1864" is false if and only if Abraham Lincoln was not assassinated in 1864.

From the domain of morality, one of the multitudinous potential instantiations of the equivalence schema for falsity is the following:

> The proposition "All acts of torturing babies for pleasure are morally permissible" is false if and only if it is not the case that all acts of torturing babies for pleasure are morally permissible.

Under the minimalist account of truth, then, the semantic objectivity of moral assertions will hinge on the applicability of the disquotational technique to them. For example, the statement "All acts of torturing babies for pleasure are morally impermissible" is true if and only if all acts of torturing babies for pleasure are morally impermissible, and is false if and only if it is not the case that all acts of torturing babies for pleasure are morally impermissible. Torturing babies for pleasure is in fact a morally impermissible mode of conduct, everywhere and at all times. We can ascertain as much through a modicum of moral reflection. Thus, the specified moral statement about the impermissibility of all acts of torturing babies for pleasure is true, and we can straightforwardly know that it is true. Conversely, the statement "Attending a production of *Much Ado about Nothing* is a morally impermissible mode of conduct in any ordinary circumstances" is false because attending a production of *Much Ado about Nothing* is not a morally impermissible mode of conduct in any ordinary circumstances. Once again, we can ascertain as much through a modicum of moral reflection. Hence, the statement about attending a production of the aforementioned Shakespearean comedy has a determinate truth-value, and we can straightforwardly know that that truth-value is falsity. Countless other moral pronouncements will likewise be possessed of determinate truth-values,[4] though in many cases the requisite methods for ascertaining those truth-values will be much more complicated than the methods for ascertaining

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[4] Among those pronouncements, of course, are moral statements containing indexicals. When the disquotational technique is applied to any such statement, the reference of any indexical on the right-hand side of the equivalence schema has to remain fixed by the context of the statement's actual or potential utterance.

the truth-values of the assertions singled out here. (For one thing, in relation to act-types and especially in relation to act-tokens, processes of moral assessment can sometimes involve the tackling of elusive empirical questions.) In short, we can conclude that – subject to the confines within which this discussion of semantic objectivity has heretofore unfolded – moral discourse is semantically objective.

8.2. Correspondence Theories of Truth Deflated

Correspondence theories of truth, which maintain that statements are true if and only if they correspond to the reality of the world, are usually put forward as rivals to minimalist theories. However, minimalist accounts of truth are perfectly consistent with a deflationary version of the correspondence account. Whether a correspondence theory can be sustained in a non-circular form in application to any domain (such as the realm of the natural sciences) is not a crux on which we need to dwell. What is clear is that a deflationary rendering of the theory is singularly apposite in application to the domain of morality. Such a rendering, in application to that domain, can be presented as two theses: (1) A statement articulating the moral consequences of any pattern of conduct in any given circumstances is true if and only if the content of the statement follows from the correct principles of morality that are applicable to the specified conduct in the specified circumstances. (2) A statement affirming the existence of some moral standard is true if and only if that standard is one of the correct principles of morality. As was to be expected, these two theses do not make any easier the task of ascertaining whether any particular moral assertion is true. To judge the truth or falsity of a statement that recounts the moral bearings of some pattern of conduct, we shall have to endeavor to discern the correct principles of morality that are applicable in any specified circumstances, and we shall have to engage in any moral deliberation and disputation that may be necessary to pin down the implications of those principles for the conduct in question. To judge the truth or falsity of a statement that affirms the existence of some moral standard, we shall have to enquire whether the standard in question is among the correct principles of morality. Again, any enquiry of that kind will be conducted through individual reflection or through exchanges among moral agents or through some combination of such reflection and such exchanges.

In other words, if we let "*S*" stand for a moral statement, the processes required for verifying or disconfirming "The statement '*S*' is true" are the same as those required for verifying or disconfirming "*S*" itself. For example, the processes required for verifying or disconfirming "The statement 'Acts of torturing babies for pleasure are morally forbidden under all circumstances' is true" are exactly the same as those required for verifying or disconfirming "Acts of torturing babies for pleasure are morally forbidden under all circumstances." Quite predictably, the epistemic upshot associated with the deflationary version of the correspondence theory of truth is the same as that associated with the disquotational version of the minimalist theory. Each account highlights the indistinguishability of pondering whether "*S*" is true and pondering whether *S*.

8.3. Is Minimalism Adequate?

At first glance, the disquotational approach to truth can seem so obvious and jejune as to be trivial. That approach can seem utterly uncontroversial simply because there might appear to be nothing about it that is worth controverting. In fact, however, it brims with technical difficulties and has given rise to some protracted and illuminating debates over its sustainability. Although the aims of its proponents are indeed deflationary – that is, although they rightly present its message as "attractively demystifying" (Horwich 1998, 5) – the disquotational theory itself is hardly uncomplicated. This chapter would stretch into a separate book if it explored all the technical gnarls raised by deflationary accounts of truth.[5] In any event, the pursuit of such an overweening aim is superfluous; those accounts have already been cogently defended by their ablest champions. Accordingly, instead of dealing with minimalism in all its ramifications, the rest of this chapter will ponder some difficulties that arise most prominently in connection with

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[5] Thus, for example, I will not address a technical gnarl that is examined with admirable lucidity and sophistication in Holton 2000. That is, I will not investigate the ostensible inconsistency between the minimalist account of truth and the claim that some meaningful declarative moral statements lack determinate truth-values. I largely endorse Holton's approach to resolving that putative inconsistency, though I favor a non-Lukasiewiczian variant of his approach. Elaborating that variant, however, would take me too far afield in this chapter; I will instead carry out the task in a separate article.

the application of minimalism to moral assertions. Anti-realist philosophers and some realist philosophers have expressed doubts about the adequacy of minimalism as a means of securing the solidity of moral discourse.

8.3.1. The floodgates reopened?

Chapter 6 examined Brian Leiter's worry that the reality of causally inefficacious moral properties would open the ontological or epistemic floodgates to a medley of dubious properties and entities. Some readers may experience a similar worry about this chapter's minimalist vindication of the semantic objectivity of moral discourse. After all, when the minimalist account of truth is brought to bear on moral pronouncements, a key element of its message is that evaluations of those pronouncements as true or false are to proceed by reference to the correct principles of morality. Some readers may consequently fear that, when minimalism is brought to bear on a myriad of disreputable creeds such as Scientology and Creationism and Maoism and Nazism and Druidism, it will lead to unpalatably indulgent conclusions. Are the proponents of such creeds somehow entitled to insist that the truth-values of their statements are to be gauged by reference to the standards toward which those ridiculous creeds are oriented? For example, is a follower of Nazism somehow entitled to insist that the truth-values of his fascist assertions are to be ascertained by reference to genuinely Nazistic standards, and is a follower of Scientology somehow entitled to insist that the truth-values of his daft assertions are to be determined by reference to genuinely Scientological standards?

   Such a complaint seriously misunderstands the point of this chapter, not least by overlooking the fact that semantic objectivity is only a single type of objectivity. On the one hand, let us suppose that many of the characteristic utterances that occur in Scientological and Creationist and Maoist and Druidistic practices are meaningful declarative statements. Let us suppose further that some of those statements in each of those practices are not marred by incoherent paradoxicalness or vagueness-induced indeterminacy or presuppositional failures such as radical reference failures. If so, then the discourses respectively associated with those practices are each semantically objective to a greater or a lesser extent. Each such discourse includes statements that can pertinently be evaluated as true or false. On the other hand, an ascription of semantic objectivity to each of those discourses is perfectly compatible with – and indeed presupposed by – the view

that all or most of the aforementioned statements to which truth-values can pertinently be assigned are false. We cannot consistently denounce the central theses of Scientology and of the other pernicious doctrines as false unless we assume that their formulations are semantically objective.

Once we properly keep in mind the distinction between semantic objectivity and other dimensions of objectivity such as mind-independence and determinate correctness, we can see that an imputation of semantic objectivity to some discourse is hardly in itself a commendation. However, the complaint posited in the penultimate paragraph above is not focused solely on such an imputation. Rather, it is focused primarily on the notion that the truth-values of the statements uttered in some practice are to be ascribed on the basis of the standards toward which the practice is oriented. In other words, the worry is that my minimalist vindication of the semantic objectivity of moral discourse rests on an indulgently relativistic position.

Among the fatal errors that undermine any such complaint, the most egregious is the central assumption that a minimalist account of truth perforce attributes a dispositive role to the specific standards that are perceived as dispositive by the participants in some practice or discourse. On the contrary, a heinous moral/political doctrine such as Nazism or Maoism is to be judged by reference to the correct principles of morality (including the correct principles of political morality), rather than by reference to Nazistic or Maoist principles. Hence, under my minimalist approach, the truth-values of any moral utterances by Nazis or Maoists are determined by those correct principles rather than by the preposterously and iniquitously incorrect moral principles to which Nazis and Maoists themselves adhere. Likewise, any wayward empirical doctrine such as Creationism or Scientology is answerable to the empirical facts of the world rather than to the fantasies propagated by the proponents of such a doctrine. Under my minimalist approach, the truth-values of the empirical assertions voiced by Creationists and Scientologists are determined by those facts rather than by those fantasies.

Suppose, for example, that a Nazi asserts that exterminatory campaigns against Jews and Gypsies are morally permissible. Under the disquotational approach, the proposition "Exterminatory campaigns against Jews and Gypsies are morally permissible" is true if and only if exterminatory campaigns against Jews and Gypsies are morally permissible. To the question whether exterminatory campaigns against Jews and Gypsies are morally permissible, the correct answer (a negative answer, obviously) is given by the correct principles of morality rather than by the outlandishly erroneous moral

principles to which the Nazi cleaves. Under my minimalist approach, truth-values are determined by what is genuinely the case rather than by what is wrongly believed to be the case. Under that approach, accordingly, the truth-values of moral utterances are determined by the moral principles that genuinely govern people's doings – rather than by any moral principles that are wrongly believed to govern those doings. Whether moral pronouncements are attractive or unattractive, their truth-values depend solely on the conformity or nonconformity of those pronouncements with what morality in fact prescribes.

In connection with empirical matters as well (including the empirical matters that are involved in moral judgments), of course, my minimalist exposition of truth and falsity is strongly anti-relativist. Suppose, for example, that a votary of Creationism asserts that the planet Earth and the stars are merely several thousand years old. Under the disquotational approach, the proposition "Earth and the stars are merely several thousand years old" is true if and only if Earth and the stars are merely several thousand years old, and is false if and only if it is not the case that Earth and the stars are merely several thousand years old. That is, the truth-value of that proposition – its falsity – is determined by the facts of the material world rather than by Creationists' egregiously incorrect beliefs about the material world. Far from being indisseverably associated with an irresponsibly indulgent relativism, my minimalist account of truth is fully supportive of a robust insistence on the strong existential and observational mind-independence of sundry features of the world.

This subsection should close with two caveats. First, what has just been said is not meant to suggest that minimalist approaches to truth are ineluctably associated with realist positions on the ontology of morals. Though minimalism is highly serviceable for a moral-realist insistence on the strong existential and observational mind-independence of moral principles, it can also be embraced by opponents of realism such as moral relativists. When moral relativists do espouse a minimalist account of truth, they naturally maintain that the truth-values of moral pronouncements are determined by moral principles that are weakly mind-independent existentially. Like the realists who embrace minimalism, they will maintain that the moral proposition "Torturing babies for pleasure is a morally impermissible type of conduct" is true if and only if torturing babies for pleasure is a morally impermissible type of conduct; but, unlike the realists, the relativists will maintain that the moral impermissibility of that type of conduct within each society hinges on the moral standards that are widely accepted

therein. In other words, minimalism itself does not settle the chief points of contention between moral realists and moral relativists. It lends itself to being wielded on either side of those controversies.

Second, this chapter's discussion of minimalism has referred at various junctures to what is in fact the case and what is genuinely the case. As was suggested fleetingly near the outset of § 8.1 (and as should also be evident from my discussion of the property of reality in Chapter 6), this book's minimalism extends to the notions of genuineness and factuality as well as to the notion of truth. Exterminatory campaigns against Jews and Gypsies are genuinely impermissible if and only if such campaigns are impermissible, and it is a fact that such campaigns are morally impermissible if and only if they are morally impermissible. Facts and genuine states of affairs are to be understood here along minimalist lines, rather than as mysterious entities. If there is any difference at all between "Exterminatory campaigns against Jews and Gypsies are genuinely impermissible morally" and "Exterminatory campaigns against Jews and Gypsies are impermissible morally" – or between the latter formulation and "It is a fact that exterminatory campaigns against Jews and Gypsies are impermissible morally" – the difference lies simply in a matter of emphasis. The addition of "genuinely" or "It is a fact that" is a means of underscoring the strong existential and observational mind-independence of the moral principles that condemn any such exterminatory campaigns as impermissible. That difference of emphasis does not amount to any difference of substance.

8.3.2. Are moral assertions what they appear to be?

During the past century, most of the worries about the truth-aptitude of moral statements have been pressed by philosophers who deny that any such statements are genuinely declarative. Such philosophers claim that the superficial grammar of moral pronouncements is misleading. Although many moral pronouncements certainly appear to be declarative, their underlying substance and functions are said by these philosophers to be quite different. We are sometimes told that those pronouncements are interjections (akin to "Hurray" and "Boo") or sheer imperatives (akin to "Stay off the grass"). Their function is to express or elicit noncognitive attitudes rather than to convey truths. At the extreme end, philosophers who adopt such a view of the underlying functions of moral utterances do not leave any room for construing such utterances at face value as declarative prescriptions.

Now, as has been noted, interjections and stark imperatives are devoid of truth-values. Utterances such as "Boo!" and "Sit down!" are never either true or false. Accordingly, if the extreme emotivists' analyses of moral discourse were correct, then such discourse would completely lack semantic objectivity. My minimalist account of truth and falsity would have no purchase on moral discourse, since that account does not encompass statements that are nondeclarative. Hence, if the view taken by the most zealous emotivists were correct, and if there were consequently no genuinely declarative moral assertions, my minimalist approach to truth and falsity would not be sufficient to vindicate the semantic objectivity of the moral domain.

Fortunately, however, the extreme emotivists were led astray by a faulty assumption to which the best antidote is the minimalist account of truth and falsity. According to that assumption, any non-tautological and non-self-contradictory statement to which a truth-value can be assigned is about some entity or event whose existence or occurrence (if any) is in the world explored by the natural sciences. If something is such that it could not ever exist as a component of the natural world of matter and energy, then any statement about it is not genuinely meaningful and declarative. Such a statement, if it is performing any role at all, must be performing something other than an informational role. Any moral pronouncement, in particular, is a means of venting or evoking affective attitudes – or so the extreme emotivists contended. In sum, what underlay their analyses of moral discourse was a non-deflationary version of the correspondence theory of truth coupled with a severely naturalistic ontology.

A proponent of the minimalist approach to truth will forswear the assumptions of the extreme emotivists not by becoming embroiled in metaphysical disputation with them, but by showing that such disputation is utterly beside the point. Minimalism does not involve either an endorsement or a repudiation of the metaphysical theses derided by the extreme emotivists. Instead, it reveals that those theses never have to be broached in a perfectly satisfactory vindication of the semantic objectivity of moral discourse. It reveals as much because it indicates that the questions to be answered about the truth or falsity of any moral pronouncements are moral – and often partly empirical – rather than austerely metaphysical. By collapsing the distinction between discovering whether some moral statement "*S*" is true and discovering whether *S*, the minimalist approach (along with the deflationary version of the correspondence theory of truth) makes clear that assignments of truth-values to moral statements do not

depend on any recondite metaphysical buttressing. Assignments of those values require moral perspicacity and empirical clear-sightedness rather than metaphysical clairvoyance.

8.3.2.1. A first addendum

Of course, although I have looked askance at the extreme emotivists' suggestion that moral statements are nothing more than vehicles for the expression or evocation of emotions, no one should deny that moral assertions almost always do play expressive or evocative roles. My point has certainly not been to discount those expressive and evocative functions, which will shortly be explored further. I have sought, instead, to emphasize that one's recognition of those functions should be conjoined with one's firm awareness that the central role of meaningful declarative statements about moral properties is to articulate beliefs about facts. Although that central role is very often in the service of justificatory purposes on the part of moral agents who wish to present the grounds for their actions or decisions, it is indeed a fact-reporting role. Meaningful declarative statements about moral properties are not other than what they appear to be; they are meaningful declarative statements in their substance as well as in their grammatical form. (Lest my attribution to moral statements of a fact-reporting role may seem to introduce some new mysterious entities known as "facts," one should keep in mind that facts as well as truth are understood throughout this book along minimalist lines. Note also that facts are not here taken to be in contrast with norms. The beliefs articulated and facts reported by moral statements are normative in their contents.)

8.3.2.2. A second addendum

Glib and misguided though the extreme emotivists' arguments are, they may seem to gesture toward a deep tension between my espousal of moral realism and my embrace of minimalism. As my present discussion has suggested, one of the chief reasons for endorsing minimalism is that it prescinds from the metaphysical controversies in which the traditional moral realists and their opponents have participated. Yet, if those controversies are being brushed aside, why should my account of morality be classified as "realist" at all? Moral realism as traditionally understood is a doctrine with a number of metaphysical and epistemological commitments. If this

book is eschewing those commitments, then it may appear to be abandoning rather than advocating a realist account of morality.

Any such objection would seriously misunderstand the whole drift of this volume – a volume with a title that indicates my reconception of moral realism as a moral doctrine. My theory of morality is realist because it insists that morality is objective in the sundry respects that have generally been associated with moral realism. Each dimension of ethical objectivity expounded in this book is one of the central features attributed to morality by virtually all moral realists; together, my expositions of those dimensions constitute the outline of a comprehensive realist account of the moral domain. Of course, unlike most other moral realists, I take the dimensions of moral objectivity to be profoundly moral features that are properly ascribable to morality *tout court* on the basis of moral considerations. Again, that understanding of moral objectivity is precisely what is signaled by this book's title. Still, despite that major difference, my theory of morality joins with other moral-realist theories in affirming that the moral realm is strongly objective ontologically and epistemologically and semantically.

Moreover, although my reconception of moral realism as a moral doctrine plainly does not involve the postulation of any abstruse entities of the sorts that are derided by emotivists, and although it maintains that the correct answers to any questions directly about morality *tout court* are themselves matters of morality, it does not shrink from imputing certain epistemological and ontological and semantic properties to moral principles. From my opening chapter onward, this book has attributed *a-priori* knowability and causal inefficacy and moral necessity and synthetic truth to basic moral principles. In that respect, my exposition of morality tallies with many other non-naturalistic varieties of moral realism. Again, of course, my rendering of moral realism has parted ways with all or most of the other non-naturalistic varieties by insisting that the aforementioned epistemological and ontological and semantic properties in application to the domain of morality *tout court* are moral properties. The determinative grounds for my ascriptions of those properties to that domain are moral grounds. Nonetheless, those ascriptions align my project with the projects of other moral realists of a non-naturalistic bent.

In sum, the posited objection goes astray in suggesting that my minimalist account of moral truth (and of moral facts and moral reality) is irreconcilable with my realist insistence on the objectivity of morality. Far from being irreconcilable with that realist insistence, the minimalist account is an essential component of it. By making clear that all questions directly

about the truth of any moral principle are internal to morality *tout court* – that is, by making clear that all questions directly about the truth of any moral principle are concerned with the principle's substance rather than with semantic or alethic considerations that are somehow separate from substantive moral values – this book's minimalism contributes indispensably to the re-elaboration of moral realism as a moral doctrine. My espousal of minimalism indicates that, while I join other moral realists (especially non-naturalistic moral realists) in highlighting the robust objectivity of morality, the objectivity is itself a multi-faceted array of moral values. Statements correctly expounding the nature of morality's ontological and epistemic and semantic objectivity are moral pronouncements that recount fundamental precepts of the moral domain. The truth-values of the propositions expressed by such statements are determined by nothing more and nothing less than those very precepts.

8.3.3. Once again, are moral assertions what they appear to be?

Noncognitivists have raised some epistemic concerns that lead them to query the truth-aptitude of moral assertions. Precisely because noncognitivists have pressed those concerns, some philosophers have declared that the minimalist account of moral truth is inadequate (Jackson, Oppy, and Smith 1994; Dreier 1996; Smith 2004 184–88). These philosophers have pointed out that the minimalist approach is not in itself sufficient to counter the noncognitivists' worries about the evaluability of moral pronouncements as true or false. Minimalism, in its disquotational version, takes the surface grammar of a statement as dispositive. Suppose, for example, that an interjection such as a greeting were to be expressed – by a young child, say – in a propositional form. Instead of uttering "Hello" in order to greet Peter, somebody might utter "Peter is hello" for that purpose (Dreier 1996, 42–44). Because of the propositional form of that latter greeting, the disquotational technique may appear to generate the following instantiation of the equivalence schema for truth:

The proposition "Peter is hello" is true if and only if Peter is hello.

Now, of course, no proponent of minimalism would acquiesce in this instantiation or any similar instantiation of the equivalence schema. Despite the grammatical form of "Peter is hello," that statement is an interjection and

is thus not genuinely declarative. It is not genuinely expressive of a proposition, and it cannot possess any truth-value. However, the challenge for proponents of the minimalist account is that that account does not itself provide any basis for disallowing the application of the disquotational technique to "Peter is hello." Minimalism does not in itself indicate how genuinely declarative statements are to be distinguished from statements that are merely ostensibly declarative. Indeed, the absence of any such indication within the minimalist approach is what has prompted me to stipulate (near the outset of this chapter) that my exposition of minimalism encompasses only statements that are genuinely declarative and meaningful. Such a stipulation would be unnecessary if ersatz declarative statements – along with other truth-inapt statements – were already excluded.

At least at first glance, the problem recounted in the last paragraph seems straightforwardly surmountable. After all, realists who are minimalists can advert to patterns of ordinary usage. Although a young child might utter "Peter is hello," no competent user of the English language in any ordinary circumstances would seriously express a greeting in that form. Nor would any other statement that is purely an interjection ever be non-facetiously articulated in a propositional form by a competent user of the language. Nobody except perhaps a young child or an ill-taught foreigner would seriously utter "Peter is boo" to express disapproval of Peter, or "My arm is ouch" to express a feeling of pain resulting from an injury to one's arm.[6] By contrast, numerous moral judgments are routinely enunciated as declarative assertions. Unlike "Peter is hello," the declarative statement "Any abortion carried out after the first trimester of a pregnancy is morally impermissible" is perfectly standard English. Hence, a distinction between genuinely declarative statements and ersatz declarative statements can be drawn straightforwardly on the basis of ordinary patterns of usage. Moreover, that distinction so drawn will plainly include many moral utterances among the genuinely declarative statements.

Ordinary usage is accurately reflective of moral necessity. As has been argued in Chapter 2, it is a matter of moral necessity that the basic principles (and many derivative principles) of morality are strongly mind-independent both observationally and existentially. Were those basic

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[6]   Of course, the statement "My arm hurts" is frequently used in ordinary discourse to express feelings of pain. However, the propositional form of such a statement is genuine rather than spurious, for the statement's expressive role is accompanied by its fact-reporting role. "My arm hurts" is properly evaluable as true or false.

principles not strongly mind-independent existentially as well as observationally, any number of iniquitous propositions would be true. Yet, if there were no moral facts to be articulated in genuinely declarative assertions, the strong existential mind-independence of the basic principles of morality would be undone. If there were nothing more for moral utterances to express than affective attitudes, there would be no room for the strong mind-independence of moral principles. Consequently, given that the strong existential mind-independence of basic moral principles (and of many derivative moral principles) is a matter of moral necessity, what is also a matter of moral necessity is the presence of moral facts that can be declared by countless moral assertions. Albeit the status of those facts as facts is to be understood along minimalist lines, they are strongly mind-independent facts all the same. Hence, the declarative form of numerous moral pronouncements is not at all deceptive. Those pronouncements are what they appear to be. That is, they declare moral facts whose general status as such is morally indispensable.

In short, both considerations of ordinary usage and considerations of moral necessity militate overwhelmingly in favor of the view that myriad moral utterances are genuinely declarative and that they are therefore truth-apt. To each of those utterances the equivalence schema yielded by the disquotational method is unproblematically applicable. However, some philosophers will balk if the discussion of this matter is left here. As has been remarked at the outset of this subsection, noncognitivists have advanced certain lines of argument that supposedly reveal the declarative character of moral assertions to be illusory. Unless those arguments are addressed, the discussion so far will strike some philosophers as incomplete at best. We should therefore now turn our attention to the two noncognitivist lines of reasoning that have been most prominent.[7] (Quite a few noncognitivists also focus on the intractability of moral disagreements. However, because that phenomenon has already been probed at length in some of my earlier chapters, we shall not ponder it afresh here.)

8.3.3.1. Judgment-internalism

The most common factor adduced by noncognitivists to contest the truth-aptitude of moral assertions is the supposedly ineluctable connection

[7]   I address here the two lines of reasoning that are broached in Jackson, Oppy, and Smith 1994, 298.

between the sincere utterance of a moral judgment and the existence of an inclination to act in accordance with the tenor of the judgment. Philosophers who posit such a connection are frequently known as "motivational internalists" or "judgment-internalists"; I shall use the latter label here. What these philosophers maintain is that, insofar as anyone genuinely harbors some moral conviction, he or she is disposed to conform his or her conduct to that conviction. If Tony is of the conviction that every act of torturing a baby for pleasure is morally wrong, he is disposed to refrain from performing any such act. Likewise, if he is of the conviction that keeping one's promises made to one's friends is morally obligatory, he is disposed to keep promises that he has made to his friends. Of course, unlike the strength of his disposition to refrain from torturing any baby for pleasure, the strength of his promise-keeping disposition is almost certainly not absolute. That latter disposition is susceptible to being overtopped by some of his other ethical dispositions in certain circumstances. Nonetheless, if he is not endowed with any disposition at all to keep his promises made to his friends – in other words, if he fails to fulfill his promises to his friends even when there are no significant ethical or prudential considerations that militate against his fulfilling them – then he is not sincerely of the conviction that keeping one's promises made to one's friends is morally obligatory. So these philosophers contend.[8]

Having postulated this conceptual link between moral convictions and motivations, noncognitivists parlay that link into an attack on the semantic objectivity of moral discourse by trading upon a widely accepted view about beliefs (a view usually traced to David Hume). That is, they hold that no belief is ever in itself possessed of any motivational force. Only when a belief is combined with some desire(s) concerning the event or the state of affairs to which it pertains, will a person be motivated to act on the basis of its content. There is never a conceptual connection between someone's

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8   For some of the many important discussions of judgment-internalism (from sundry perspectives), see Hare 1963, 67–85; Harman 1975, 8–11; Mackie 1977, 40, 49; MacIntyre 1978, 101–02, 103–06; McDowell 1981, 154–55; Moore 1982, 1120–23; Blackburn 1984, 187–89; Nagel 1988, 105–06; Brink 1989, 37–50; Hare 1989a, 179; Dreier 1990; Moore 1992, 2473, 2504–05; Waldron 1992, 168–69; Blackburn 1993, 113–14, 199–201; Dancy 1993, 1–17, *et passim*; Smith 1994, 60–91; Lawrence 1995, 139–43; Dworkin 1996, 115–16; Railton 1996, 61–62, 71–74; Audi 1997; Blackburn 1998, 59–68; Svavarsdóttir 1999; Copp 2001, 2–3, 37–38, 42–43; Pettit 2001, 256–58; Svavarsdóttir 2001, 192 n. 56; Gibbard 2003, 152–58; Schiffer 2003, 240–43, 257–58, 264; Shafer-Landau 2003, 119–61; Zangwill 2003; Lenman 2006, 365–66; Prinz 2006; Svavarsdóttir 2006; Wallace 2006, 182–85.

harboring of a belief and her being motivated to behave in some way. Given as much, however, moral convictions cannot be beliefs. No belief is ever linked conceptually to any behavioral dispositions in the way in which every moral conviction is. Accordingly, moral convictions must be conative rather than cognitive. Thus, moral utterances express emotions rather than beliefs; they are not genuinely declarative.

8.3.3.1.1. The argument's first step

Though the first step of this noncognitivist argument (which asserts a conceptual tie between moral convictions and motivations) is less dubious than the second step, it is far from unproblematic. As has been conceded by some of the noncognitivists, the postulation of conceptual ties between moral convictions and motivations is unsustainable if such ties are presumed to align all positive moral verdicts with pro-attitudes and all negative moral verdicts with con-attitudes. There are undoubtedly some people who are altogether amoral, and the even more striking exceptions to ordinary moral valences are the outlooks of people who derive intense gratification from the knowing perpetration of wicked deeds. These latter people recognize that their acts are heinous, and they are impelled to perform those acts by precisely that recognition. Their awareness of the iniquity of their conduct is what drives them on with special delight. Hence, although there are links between their moral convictions and their motivations, the links are the opposite of what would normally obtain. These people's favorable moral assessments are connected to con-attitudes, while their unfavorable moral assessments are connected to pro-attitudes.

Simon Blackburn offers the example of Satan in Milton's *Paradise Lost*, who proclaims "Evil be thou my Good" (Blackburn 1998, 61). Vivid though the example is, it is not maximally illuminating. After all, Satan as a superhuman fallen angel is dauntingly far outside the range of ordinary moral agents. Fortunately, however, we can turn to Shakespeare for a literary example that is more realistic and thus more informative. On the one hand, Shakespeare's character Aaron in *Titus Andronicus* – who, when facing execution, declares "If one good deed in all my life I did, I do repent it from my very soul" (V. iii. 189–90) – is not greatly more serviceable for my present purposes than is Satan. He is a thinly one-dimensional evildoer whose love for his son is the only leavening trait of his personality. On the other hand, however, we can more fruitfully turn to Shakespeare's greatest villain. Iago in *Othello* perfectly exemplifies the thirst for wickedness

on which we are concentrating, even though he is also a full-blooded character. Capable of convivial discourse with men and women of various ranks, he identifies himself with Satan and repeatedly evinces his awareness of the monstrous knavery of his machinations. What drives him on to pursue his nefarious ends is, among other things, his firm sense that they are nefarious. In this respect, Samuel Taylor Coleridge's famous attribution of "motiveless malignity" to Iago is apt. Coleridge's wording should not be taken to indicate that Iago has no other reasons for carrying out his heinous plot against Othello and Desdemona.[9] Rather, what it correctly signals is that one of the powerful motivating factors impelling him to implement his plot is his sheer delight in evil for evil's sake. When he sincerely asserts that his conduct is demonic, he is specifying a feature of the conduct that strongly inclines him to engage in it. He does so, moreover, while remaining a credible and richly drawn character – one of the most fascinating characters in the whole of Western literature.

   Iago is a telling counterexample to any claim that every sincerely held moral conviction is marked by a disposition to act in accordance with the terms of that conviction. Iago's sincerely held convictions concerning the turpitude of his own actions are marked by strong dispositions to act athwart the terms of those convictions rather than in conformity thereto. Note, furthermore, that judgment-internalists cannot successfully defend themselves against this counterexample by maintaining that Iago's apparent moral judgments are mere simulations or recapitulations of ordinary people's moral judgments. Ever since Richard Hare wrote about the ways in which ethical terms can be used in quotation marks or inverted commas (Hare 1952, 124–26, 164–65), judgment-internalists have been inclined to dismiss counterexamples to their doctrine by contending that moral judgments not appropriately connected to motivations are simply imitations or representations of veritable moral pronouncements. Those anomalous judgments are said to be similar to the reports of anthropologists (Prinz 2006, 38). Any such tack in response to the example of Iago would amount to a serious misunderstanding. Iago is not seeking to reproduce the moral

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9   Iago suspects that he has been cuckolded by Othello; he resents the perceived slight of being passed over for promotion; he obviously envies Othello; and some of his utterances bespeak a racist animosity toward the Moor. (Jonathan Dancy correctly remarks that Satan in *Paradise Lost* is motivated by a lust for dominion over the world, but he incorrectly concludes that Satan is not also motivated by the prospect of evil for evil's sake. See Dancy 1993, 6.)

judgments of ordinary people when in his soliloquies he utters his verdicts on the monstrousness of his own actions. When he declares to himself that his contrivances are diabolical, he is delightedly expressing his own view rather than anyone else's view. For his purposes, he needs to grasp what is morally right and obligatory; it is not enough for him to grasp what is thought to be morally right and obligatory. Only by apprehending what is actually right and obligatory can he fulfill his objective of acting in defiance of what is right and obligatory.

In short, if noncognitivists' claims about the conceptual connections between moral convictions and motivations are construed to mean that every favorable moral assessment is linked to a pro-attitude and that every negative moral assessment is linked to a con-attitude, those claims are unsustainable. Noncognitivists cannot blithely ignore Iago. Still, the first premise of their argument can be construed quite differently, in a manner that enables them to come to grips with Iago and with any other counter-examples to the extreme rendering of their doctrine. What that first premise should be taken to mean is that any sincerely held moral conviction not appropriately connected to a behavioral disposition is parasitic on the myriad moral convictions that are so connected.[10] In other words, had Iago not lived in a world in which people usually act in accordance with the terms of their moral judgments rather than athwart those terms, he would not have possessed the conceptual resources needed for the formation of his own moral judgments and inclinations. A world where all the moral convictions of everyone are not properly connected to motivations is no more a possibility than is a world where all the utterances by everyone are mendacious.

Only against a general background of truthful communications do people have opportunities to engage in prevaricative communications, since in the absence of such a background the people who undertake the prevaricative communications would not be presented with any established patterns of reference and meaning which they could distort for their own dishonest purposes. In that respect, mendacious utterances are parasitic on honest

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[10]   For a cognate view, see Blackburn 1998, 59–68. A similar view is also fleetingly broached in Harman 1996b, 179. Note that, when I refer to moral convictions as "appropriately" or "properly" connected to dispositions, I am not necessarily suggesting that the convictions and dispositions themselves are appropriate. Rather, I am simply indicating that positive moral judgments are linked to pro-attitudes and that negative moral judgments are linked to con-attitudes.

utterances.[11] Likewise, only against a general background of moral judgments appropriately connected to moral motivations does anyone like Iago have opportunities to arrive at moral judgments that are not so connected. In the absence of such a background, Iago would not be presented with the moral concepts by reference to which he pursues evil as such. He cannot identify evil as something to be pursued, unless he can differentiate it from moral goodness as something to be pursued and from evil as something to be shunned; and he cannot achieve that differentiation unless the sundry contexts of his life have supplied him with the requisite concepts. If everyone throughout those contexts were devoted to evil as such, then there would be no established patterns of perceived moral goodness (as something to be sought) and perceived moral badness (as something to be eschewed) from which the pursuit of evil as such could be differentiated. Only because there are those established patterns in the world in which Iago forms his identity, does he have any point of reference from which he can dissociate his own quest for wickedness. His quest is profoundly reactive. Its momentum is entirely that of a reaction against a regnant moral order. In that respect, his satanic perversity is parasitically dependent upon the sway of ordinary motivational patterns among other people. Because a satanic orientation like Iago's is parasitic upon the prevalence of appropriate connections between moral convictions and moral motivations, those connections can aptly be characterized as "quasi-conceptual." They are not invariably present, but they are not merely contingent. Without their general presence, moral discourse – including Iago's participation in it – would be impossible. If the first premise of the noncognitivists' argument is reformulated to refer to quasi-conceptual connections along the lines just recounted, we can and should acquiesce in it.

8.3.3.1.2. The argument's second step

Far more dubious is the second premise, the Humean thesis, in the noncognitivists' attack on the semantic objectivity of moral discourse. According to that Humean thesis, no belief by itself can ever be motivationally efficacious; there are no conceptual bonds between beliefs and motivations. Consequently, inasmuch as there are conceptual links between moral convictions and behavioral dispositions, those convictions cannot be beliefs.

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[11]   For a corresponding observation about simulative statements such as those uttered by actors in plays, see Austin 1975, 21–22.

If this second premise is to yield a valid argument in combination with the first premise, it will have to be reformulated in light of the sustainable rendering of that first premise. Thus, the ties between moral convictions and behavioral dispositions to which the second premise refers are not to be understood as genuinely conceptual. They are not invariable connections; rather, they are general connections upon which any anomalous orientation (such as that of Iago or of an amoralist) is parasitically dependent. Given that there are quasi-conceptual links of that sort between moral convictions and behavioral dispositions, are the Humean noncognitivists correct in concluding that those convictions cannot be beliefs? For at least two reasons, the answer to this question is negative.

First, if we assume for the moment that the Humean insistence on the motivational inefficacy of beliefs is correct, we can still maintain both that moral convictions are cognitive and that they are quasi-conceptually tied to motivations. Under this approach to the matter, such convictions are to be understood as beliefs that are quasi-conceptually connected to desires. More specifically, beliefs about the negative moral bearings of actions or states of affairs are quasi-conceptually bound to con-attitudes concerning those actions or states of affairs, while beliefs about the positive moral bearings of actions or states of affairs are quasi-conceptually bound to pro-attitudes concerning those actions or states of affairs. Not every favorable or unfavorable moral belief is appropriately connected to a corresponding pro-attitude or con-attitude, but most moral beliefs have to be appropriately connected if there is to be any conceptual space for moral beliefs that are not. Now, virtually everyone accepts that desires are intrinsically motivating (though of course the motivating force of any particular desire might be overtopped by the force of countervailing considerations). Hence, if there are quasi-conceptual ties between moral beliefs and moral desires, there are quasi-conceptual ties between the beliefs and behavioral dispositions. Those quasi-conceptual ties do not run afoul of the Humean insistence on the motivational inefficacy of beliefs themselves.

Some defenders of that Humean insistence will probably balk at the notion of a quasi-conceptual link between moral beliefs and moral desires. They will query why any such link is to be credited. However, the support for such a link has in effect already been provided by my argument for the defensible version of the noncognitivists' claim about conceptual connections between moral convictions and motivations. If their claim is to be combined with the Humean thesis about the motivational inefficacy of beliefs,

then the only alternative to positing a quasi-conceptual tie between moral beliefs and moral desires is to conclude that moral convictions are desires rather than beliefs. That latter conclusion is not available to noncognitivists, however, since it would commit them to the proposition that the connections between moral convictions and motivations are firmly invariable; after all, desires are invariably motivating in accordance with their contents. Such a proposition about invariable connections is exactly what has proved to be untenable in the preceding subsection. In the face of counterexamples such as that of Iago, claims about invariable connections between moral judgments and behavioral dispositions do not withstand scrutiny. Consequently, noncognitivists who want to combine the second premise of their argument with a tenable version of the first premise will have to accept that moral convictions as moral beliefs are quasi-conceptually connected to moral desires. To accept as much, of course, is effectively to abandon noncognitivism – for it is to accept that moral convictions are essentially cognitive.

A further reason for resisting the purported upshot of the noncognitivists' argument (namely, their conclusion that moral judgments are conative rather than cognitive) is that the Humean doctrine about the motivational inefficacy of beliefs is hardly incontestable. Although that doctrine is unexceptionable in application to beliefs with non-evaluative and non-normative contents, it is inapposite in application to beliefs with such contents. Of course, many of the proponents of that doctrine deny that there are any such beliefs. However, as has been argued in the last paragraph, moral convictions have to be beliefs rather than desires. Given as much, they are beliefs with normative contents. Moreover, those beliefs with normative contents are quasi-conceptually linked to behavioral dispositions. As has just been maintained, somebody who wishes to cleave to the Humean doctrine will have to contend that moral convictions are quasi-conceptually tied to moral desires, which in turn are invariably motivating. An alternative route, of course, lies in repudiating the Humean doctrine. Someone taking this approach will maintain that moral convictions as moral beliefs are themselves quasi-conceptually connected to corresponding motivations. Although those beliefs might of course be accompanied by desires (which, when present, are invariably motivating), their normative contents are themselves sufficient to sustain quasi-conceptual links with corresponding motivations. Because of the normative orientation of those beliefs, they themselves generally dispose anyone harboring them to act in accordance with their terms.

This disavowal of the Humean tenet about the motivational inefficacy of beliefs will undoubtedly elicit protests from some of the philosophers who understand the distinction between beliefs and desires by reference to a distinction between directions of fit. Philosophers have long cashed out the former distinction by declaring that someone who forms beliefs will typically aim to fit them to the world, and that someone who forms desires will typically aim to fit the world to them.[12] If a belief does not tally with the world, the lack of congruity is a reason for modifying or discarding the belief; beliefs should be adapted to the world, rather than the other way around. By contrast, until desires are fulfilled, they do not tally with the world. The lack of congruity between the content of a desire and the state of the world is scarcely in itself a reason for abandoning the desire. On the contrary, it is a reason for acting to alter the world in order to bring things into conformity with one's desire.

If the direction of fit for beliefs is the opposite of the direction of fit for desires, how can a belief be quasi-conceptually connected to motivations? How can it perform a desire-like role? In answer to these questions, two observations are germane. First, the standard distinction between the directions of fit is plainly premised on the assumption that the contents of beliefs are non-normative or at any rate non-moral. Insofar as the possibility of beliefs with moral contents is taken into account, the distinction loses its pertinence. A belief with such a content will be characterized by both directions of fit. Let us consider, for example, the belief that everyone is morally obligated to refrain from ever torturing a baby for pleasure. On the one hand, such a belief aims to fit the world by accurately representing the correct principles of morality. If the torturing of babies for pleasure were somehow not proscribed by those principles, then the belief just mentioned would be false and would thus be appropriately discarded by anyone who had recognized its falsity. Only because the correct principles of morality do in fact proscribe such torture, does the belief about its forbiddenness succeed as a cognitive representation. On the other hand, that belief also generally aims to make the world fit with it – not, of course, in the sense that it superfluously aims to bring about a moral order in which the torturing of babies for pleasure is morally impermissible, but in the sense that it generally aims toward a world in which the forbiddenness of

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[12] See, for example, Smith 1994, 111–25. For a classic illustration of the divergent directions of fit, see the scenario of the shopping list in Anscombe 1963, 56.

such torture is matched by the non-occurrence thereof. Characterized by this orientation toward the world as it should be, the belief about the moral wrongness of torturing babies for pleasure is performing a desire-like role. Though its desire-like role is different from its role as a belief, the two are fully consistent.

A second observation begins where the first observation has left off. Although we can correctly attribute a desire-like role to nearly every instance of a moral belief, such a role is not tantamount to the status of a desire. No moral belief is inherently or invariably motivating. Iago can believe that he morally ought not to bring about the deaths of Desdemona and Othello (and Roderigo and Emilia), without having the slightest motivational orientation toward a world in which those deaths do not occur. Instead of being inherently or invariably motivating, a moral belief is typically motivating. It is so not only in a statistical sense, but more importantly in the stronger sense that any instances of moral beliefs not appropriately connected to motivations are parasitically dependent on the prevalence of instances of moral beliefs that are properly connected. Still, the strong connections between favorable moral beliefs and pro-attitudes and between unfavorable moral beliefs and con-attitudes – connections sufficiently strong to have been designated as "quasi-conceptual" here and in the preceding subsection – are not invariable ties. Accordingly, my apparent repudiation of Humeanism may well be consistent with Humeanism. Michael Smith, who sophisticatedly appeals to the divergent directions of fit in his championing of the Humean position on beliefs, writes as follows:

> [W]hat Humeans must deny and do deny is simply that agents who are in belief-like states and desire-like states are ever in a *single, unitary kind of state*. This is the cash value of the Humean doctrine that belief and desire are distinct existences. And their argument for this claim is really quite simple. It is that it is always at least possible for agents who are in some particular belief-like state not to be in some particular desire-like state; that the two can always be pulled apart, at least modally. This, according to Humeans, is *why* they are distinct existences. (Smith 1994, 119, emphases in original)

Smith adds that "the Humeans' claim must be that it is always at least *possible* for agents who are in a belief-like state to the effect that their φ-ing is right to none the less lack any desire-like state to the effect that they φ; that the two can always be pulled apart, at least modally" (Smith 1994, 119, emphasis in original). Given Smith's framing of the chief point of contention

between Humeans and their opponents, my rejection of Humeanism in application to moral beliefs has turned out to be consistent with Humeanism. Indeed, my preceding subsection has argued that the normal desire-like role of a moral belief can be missing not only as a matter of logical possibility but also as a matter of plausibility. People like Iago are credibly possible rather than just barely possible. Hence, the consistency of my position with the Humean position as espoused by Smith is palpable.

The only mildly objectionable feature of these quoted passages is that they make reference to the "belief-like" state of someone who harbors a moral conviction. A moral conviction is a veritable belief and is therefore not merely "belief-like." Its normative content typically endows it with a desire-like role (in the stronger as well as the weaker sense of "typically"), but its being endowed with that role is perfectly consistent with its status as a full-blown belief. We should not make the mistake of thinking that a belief with a moral content or any other normative content is somehow less respectable – less solidly cognitive – than a belief with a non-normative content. Certainly, no considerations pertaining to directions of fit are any grounds for doubting whether beliefs with moral contents are genuine beliefs. As Smith comments, the divergent directions of fit associated with any such belief are "with respect to two different [though very closely related] contents" (Smith 1994, 118). Accordingly, the fact that a single belief is generally associated with both of those opposing directions of fit does not warrant any accusations of incoherence or unintelligibility.

8.3.3.2. With what does a moral belief fit?

A second line of reasoning advanced by some noncognitivists is well summarized (though not endorsed) in the following passage by three opponents of noncognitivism:

> Another traditional case for non-cognitivism in ethics derives from our knowledge of the naturalistic or descriptive nature of the conditions that prompt the production of ethical sentences, combined with an argument that no descriptive translation of ethical sentences is possible. Again, this is precisely an argument that [a] necessary condition for truth aptness . . . is violated by ethical sentences. The state that underlies the production of ethical sentences could only be a belief if its content were descriptive – it is at best the descriptive facts it is trying to fit – and [the proponents of non-cognitivism] have, it is argued, a proof that the content could not be descriptive. (Jackson, Oppy, and Smith 1994, 298)

A terse rejoinder to this latest argument in favor of noncognitivism will be sufficient, since the inadequacies of the argument should be evident in the wake of the preceding subsection. What is correct in the argument is its suggestion that the content of any moral judgment is irreducibly normative. What is egregiously incorrect, however, is the contrary suggestion that the status of such a judgment as a belief involves its trying to fit "at best the descriptive facts." Rather, as has been remarked in the preceding subsection, any such judgment aims above all to fit the correct principles of morality. Like the content of such a judgment, the chief thing that it aims to fit as a belief is irreducibly normative.

We should distinguish here between moral judgments relating to the contents of moral principles and moral judgments relating to particular instances of conduct. Many judgments about the contents of moral principles do not rest on empirical claims at all. They pertain to types of conduct, but they do not in themselves assert that any instances of such conduct have actually taken place or will actually take place. Many such judgments, then, are purely normative in their orientation. Instead of trying to fit any empirical actualities, those purely normative judgments aim solely to fit the correct principles of morality. At the same time, of course, some other judgments about the contents of moral principles do rest partly on empirical claims. These latter judgments ground their moral assessments of certain act-types partly on propositions concerning the probable effects of the actualization of those act-types. Chapter 3 has mentioned some judgments of this kind, pertaining to voluntary euthanasia and affirmative-action programs. When propositions about consequences do inform moral judgments about types of conduct, those judgments are partly empirical in their orientation.

Judgments about the moral bearings of particular instances of conduct are somewhat different. They too aim to fit the correct principles of morality, and they too can stem partly from predictions or observations of consequences, but they also aim to capture accurately the specificities of the particular occurrences or situations that are being assessed. All judgments of this sort do involve empirical claims, though of course those claims are combined with moral appraisals. Thus, unlike some judgments about moral principles in abstraction from actual instances of conduct, judgments about the moral properties of such instances are not purely normative in their orientation. We should hardly be surprised, of course, since the contents of those latter judgments are not purely normative. Still, although the contents and orientation of any judgments about particular instances

of conduct are partly empirical, they are predominantly normative. As beliefs with moral contents, such judgments aim primarily to fit the correct principles of morality by charting accurately some of the implications of those principles.

In short, the argument synopsized in the latest quotation above is mistaken in suggesting that the orientation of moral convictions is exclusively or preponderantly empirical. Some such convictions are not empirical at all in their contents or orientation, and any other such convictions are only partly empirical. All moral judgments are primarily and irreducibly normative. They are beliefs, but they are beliefs concerning how things ought to be or ought to have been.

8.4. Conclusion: Moral Semantics as a Moral Matter

This excursion into the argumentation of noncognitivists has reinforced the conclusion that was reached by this chapter near the outset of the excursion. That is, it has reinforced the conclusion that the semantic objectivity of moral discourse is in key respects a moral matter. After all, my ripostes to the noncognitivist lines of reasoning have repeatedly contended that moral judgments aim to fit the correct principles of morality. Those ripostes thus presuppose that there are correct principles of morality and that they are independent of what people take them to be. As has been recalled already in this chapter and emphasized in Chapter 2, the strong observational mind-independence of the correct principles of morality is morally necessary. Hence, when this chapter's defense of the semantic objectivity of moral declarations has appealed to the sway of observationally mind-independent moral principles, it has not been propounding a peculiar metaphysical doctrine about entities in some Platonic realm. Instead, it has been propounding a moral doctrine. Although a thesis affirming the strong observational mind-independence of the correct principles of morality is much more abstract than most of the theses articulated in everyday moral disputation, it is itself a basic moral principle. Accordingly, my marshaling of that thesis in my rejoinders to noncognitivists is a resort to fundamental moral considerations.

Just as the reality of moral properties is a moral matter, the truth-aptitude of ordinary moral assertions is a moral matter. Philosophers such as Frank Jackson and Michael Smith are correct in maintaining that a

minimalist account of truth does not alone suffice to establish the truth-aptitude of moral assertions.[13] Something more is needed. What are needed are fundamental moral considerations – considerations pertaining to the strong observational mind-independence of moral principles, and also considerations pertaining to the strong *existential* mind-independence of those principles. Were there no moral facts (in a minimalist sense) to be declared and presupposed by moral assertions, and were all moral utterances therefore expressive only of noncognitive attitudes, the basic principles of morality would altogether lack their strong existential mind-independence. Countless iniquitous retrospective counterfactuals, along the lines considered in Chapter 2, would consequently follow. If those counterfactual moral conclusions are to be rejected, as they patently should be, then noncognitivism is to be rejected as well. The semantic objectivity of moral discourse is morally indispensable.

[13] On this point, I disagree with Horwich 1993.

Chapter 9

Further Dimensions of Ethical Objectivity?

Throughout the preceding chapters, this book has examined the seven principal dimensions of ethical objectivity. In the philosophical literature on the topic, further conceptions of objectivity quite frequently surface. This short chapter will present each of those remaining conceptions only cursorily. In most cases, the brevity of the expositions will be due to the subsumability of the additional aspects of objectivity under the aspects that have been expounded in Chapters 2–8. However, the terseness of this chapter's opening main section will instead be due to its focus on a type of objectivity that is of very limited relevance to the domain of morality.

9.1. Objectivity qua Rational Requisiteness

Within several traditions in moral philosophy, especially within the Kantian tradition, the objectivity of morality has often been understood as the rational compellingness of moral requirements. That is, some philosophers believe that those requirements are objective in the sense that they cannot be violated by any moral agent except at the cost of outright irrationality. According to these philosophers, anyone who transgresses any of the correct principles of morality has landed himself in a logical contradiction. Not only is such a pattern of behavior morally wrong, but in addition the maxim underlying it is incoherent. In the eyes of these philosophers, moral obligations are objective in broadly the same way as the Law of Noncontradiction; compliance with those obligations is indispensable for the sustainment of one's practical rationality, just as compliance with

the Law of Noncontradiction is indispensable for the sustainment of one's rationality generally.

As I have argued elsewhere in response to the moral philosophy of Alan Gewirth (Kramer 1999b, 174–99), this attempted assimilation of the force of moral duties to the rational compellingness of logic is to be rejected. Breaches of such duties are moral failings rather than instances of logical incoherence (Hills 2004). On this point, indeed, the moral-realist position defended in this book is to quite a large extent in agreement with moral relativists such as Gilbert Harman and David Wong (Harman 1996a, 50–56; Wong 1984, 80–87). What is so objectionable about the efforts to assimilate moral obligatoriness to logical requisiteness – apart from their unsoundness – is that they evince a dearth of trust in the solidity of moral principles and moral requirements. As has been remarked in Chapter 1, various philosophers betray a lack of confidence in morality when they endeavor to ground its objectivity on non-moral underpinnings such as the laws of logic. By seeking to come up with props for basic moral requirements, these philosophers in effect impugn those requirements by suggesting that morality is somehow inadequate without such props. We should instead recognize that basic moral principles sustain themselves as their own foundations.

Moral principles are of course in conformity with the laws of logic, but their distinctively moral force is not a species of logical necessity, and that force is in no way tarnished or diminished by not being such a species. In other words, we should not attribute to moral requirements a type of necessity that they lack, and we should not slight the very type of necessity that is of their essence. Moral requirements are *morally* necessary, even though they can almost always be violated without any logical inconsistencies or contradictions. In being morally necessary rather than logically necessary – that is, in obtaining by dint of their sheer moral correctness rather than by dint of the logical form of any proposition that rightly affirms their existence – they do not fall short in any way as moral requirements.

To be sure, the occurrence of logical inconsistencies and contradictions in moral discourse is always possible. If somebody maintains that the perpetration of unprovoked assaults is invariably forbidden, and if she simultaneously asserts that the perpetration of unprovoked assaults is permissible on Tuesdays or against Italians, then she is adopting logically inconsistent stances. Likewise, if she declares that Joe is morally at liberty to walk down Huntingdon Road and morally obligated to refrain from walking down Huntingdon Road, then she is contradicting herself. These and

kindred instances of sheer irrationality are certainly possible in the moral domain. However, they are far from common. Most transgressions of moral requirements do not involve such logical missteps; and the endeavors by some philosophers to disclose subtler logical contradictions in those transgressions have been quite unavailing. (More common than logical inconsistencies and contradictions in moral discourse are invalid inferences. If Susan contends that Joe is morally at liberty to win a race in which he is running, and if she infers therefrom that the other competitors in the race are morally obligated to refrain from outrunning Joe, then she has committed a non sequitur. Although logical mistakes of this sort are more frequent in moral discourse than are logical inconsistencies and contradictions, and although they are *pro tanto* more important, they are not the errors that are purportedly revealed by the philosophers who aspire to assimilate the force of moral duties to the rational compellingness of logic. Such philosophers train their attention not on invalid inferences, but on what they perceive as inconsistencies and contradictions.)

Thus, notwithstanding that the conception of objectivity as rational compellingness is scarcely to be dismissed altogether – in other words, although it specifies "an intelligible and adequate sense of objectivity" (Williams 1985, 206) – it is a conception that does not illuminate the nature of morality. Morality is objective in many senses, but not in the sense that everyone acting athwart its demands is guilty of a self-contradiction. Most misapplications or contraventions of moral principles do not involve any arrant illogicality. When somebody goes astray in his understanding of the contents and implications of moral principles, or when he elects to disregard some of those principles in order to act immorally, he has not thereby embraced an incoherent position; instead, he has exhibited insufficient sensitivity to the balance of considerations on which his interpretations or decisions should hinge. A lapse of that sort is hardly in itself a failure to comply with the fundamental laws of logic. Hence, when we ask whether the domain of morality is objective, we are not asking (or should not be asking) whether its requirements are such that everyone who flouts or misapprehends them is mired in irrationality. No moral requirement is objective in that respect. On this point, Philippa Foot is correct when she declares that "the man who rejects morality because he sees no reason to obey its rules can be convicted of villainy but not [usually] of [logical] inconsistency" (Foot 1978, 161).

Admittedly, the term "irrational" in everyday discourse is often used quite expansively (as are the terms "illogical," "senseless," and "incoherent," for

that matter). For example, that epithet sometimes gets applied to particularly horrific misdeeds or to egregiously silly misjudgments or to dismayingly mulish bouts of obstinacy. Very seldom indeed, however, is this pattern of usage intended to suggest that the people responsible for the misdeeds or misjudgments or obstinacy have contradicted themselves. Rather, the term "irrational" in application to ghastly wrongdoing is almost always meant to indicate that the unrestrained savagery that has impelled the wrongdoing is far outside the range of motivations that can be comprehended (in a manner at least minimally empathetic) by any decently civilized person. In application to stupid misjudgments, that epithet is meant to indicate that the level of blundering obtuseness manifested by those misjudgments is far greater than would normally be expected from anyone who possesses even a modicum of intelligence. In application to somebody's severe obstinacy, an accusation of irrationality is generally meant to indicate that the degree of unyieldingness displayed by the obdurate person is so extravagant or unwarranted as to be detrimental to the person's own interests.[1] The epithet "irrational" is likewise tellingly wielded against fields of enquiry – such as astrology and sorcery and alchemy and homeopathy – that have been discredited by modern science. Most of the claims asserted by the practitioners of such fields are not self-contradictory, but those claims amount to shuddersomely disreputable humbug that is wholly unsupported by scientific principles and woefully unconfirmed by any reliable evidence. Leveled against those practitioners, a charge of irrationality focuses on the failure of charlatans to satisfy elementary standards of scientific method.

In my present discussion, the notion of irrationality is invoked more narrowly and precisely to refer to instances of logical incoherence. When

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[1] Foot seems to have in mind both stupid misjudgments and severe obstinacy, when she states that "[i]rrational actions are those in which a man in some way defeats his own purposes, doing what is calculated to be disadvantageous or to frustrate his ends" (Foot 1978, 162). She may also have *akrasia* in mind. The issues surrounding *akrasia* are extremely complex. For some illuminating explorations of the complexities – from a variety of perspectives – see Elster 1984, *passim*; Rorty 1985; Mele 1987; Mele 1991; Lawrence 1995, 128–29, 135–39; Holton 1999; Arpaly 2000; Stroud and Tappolet 2003. Given the complicatedness of the matter, I have omitted to discuss *akrasia* here, because no such discussion is necessary for my purposes. I can concede that *akrasia* is possible and that some instances of it involve irrationality in the sense of logical incoherence. That is, I can allow (for the sake of argument) that *akrasia* sometimes involves an agent's committedness to logically inconsistent maxims of conduct. Even so, only a small proportion of people's violations and misrepresentations of moral principles are due to *akrasia*. Hence, my concession here does not affect my claim that few instances of immoral conduct are attributable to logical errors.

I contend here that breaches or misconstruals of moral principles are very seldom irrational, I am simply contending that they very rarely consist in commitments to logically inconsistent theses. Whether they are typically irrational in some more expansive sense is not a matter on which my present discussion needs to take any position.

Given the conception of irrationality on which my remarks here are centered, any investigation of this aspect of objectivity stands to benefit from the highlighting of a distinction between irrationality and unreasonableness.[2] Whereas irrationality resides in logical incoherence, unreasonableness resides in moral or intellectual blameworthiness. If some action or judgment is unreasonable, it falls below a threshold of moral extenuability or intellectual credibility. A designation of "unreasonableness" in such a situation is singularly appropriate because the person undertaking the action or judgment is blind or indifferent to the preponderant reasons that militate in favor of a contrary course. Inadequate sensitivity to those reasons, stemming either from one's unawareness of them or from one's depreciation of them, is the earmark of an action or outlook that is unreasonable.

What makes the distinction between irrationality and unreasonableness noteworthy here is that, whereas very few contraventions of moral requirements are *irrational*, most contraventions of such requirements are *unreasonable* (to a greater or a lesser degree). When a person is under a moral duty-to-perform-some-action-x and is not under a moral duty-to-eschew-x that is equally or incommensurably or more stringent, and when no extraordinarily weighty prudential or aesthetic or supererogatory factor militates against his performing x, there is a conclusive reason for him to perform it. A failure by him to perform x in such circumstances is therefore unreasonable; such a failure betrays insufficient sensitivity to the considerations on the basis of which he should be conducting himself. Of course, the severity of the unreasonableness will vary in proportion to the weightiness of the duty and to the consequent gravity of the wrong committed through the non-performance of the obligatory action. Any breach of a moral duty, however, is unreasonable to some degree unless the duty has been offset by a moral obligation that is equally or incommensurably

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[2] My distinction between irrationality and unreasonableness – which is adumbrated in some sketchy remarks by Wiggins 1995, 325 n. 19 – is quite different from a distinction drawn in similar terms by Paske 1989. Closer to my distinction is the division between simple rationality and basic reasonableness in Greenawalt 1992, 176–79, though Greenawalt's initial exposition of his dichotomy is bemusing.

or more weighty (or unless it has been offset by an extraordinarily impos-
ing prudential or aesthetic or supererogatory factor).[3]

Thus, although objectivity qua rational compellingness is not generally
an aspect of the objectivity of moral requirements, there is a manifest
connection between such requirements and reason. Anyone can violate moral
principles without being irrational – that is, without having become
entangled in logical inconsistencies – but in most cases the immoral
behavior is unreasonable. Although such behavior does not bespeak any-
thing as strong as a self-contradiction in a person's thinking, it does in
most circumstances bespeak faulty moral reasoning. Most moral duties are
not pitted against other moral duties that are equally or incommensurably
or more pressing (nor against prudential or aesthetic or supererogatory
considerations that are overtoppingly powerful); consequently, a transgression
of such a duty typically bespeaks a deficient grasp of the balance of rea-
sons that should sway a person's actions and decisions. Having recognized
this frequent connection between immorality and unreasonableness, we
can more readily accept that there is usually not a connection between
immorality and self-contradictoriness.[4]

9.2. Objectivity qua Corrigibility

Some philosophers have submitted that the central dimension of object-
ivity is that of corrigibility. According to this conception of objectivity, a
domain of enquiry is objective only if there is genuinely room for mistakes
within it (Hookway 1995, 48; Raz 2001, 198–99; Rosati 2004, 278–79). As
Nicos Stavropoulos writes, for example, "we shall try to test for objectivity

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[3]   Note that, even when a breach of a moral duty is not unreasonable, it is still wrong in
that the person committing it will have thereby incurred a moral obligation to remedy it in
some way. On this point, see Kramer 2004, 249–94; Kramer 2005. See also § 4.4 in Chapter
4 above.
[4]   Although I agree with Foot's rejection of Kantian efforts to characterize the maxims of
immoral actions as logically problematic – Foot 1978, 172–73 – my discussion here obvi-
ously disowns her further claim that Kant's conception of duty-imposing moral principles
as categorically prescriptive is untenable. My disavowal of her position on that point ensues
from my repudiation of her reasons-internalism. As should be evident from my remarks on
Harman in § 2.2.4 in Chapter 2, my externalist approach to moral reasons is itself an abstract
moral position.

by investigating whether the relevant domain is such that there is space for *error*." He elaborates: "We should expect that for a domain to be objective there should be some logical space between how we understand or judge or perceive or believe things to be and what discriminations we make among different objects or properties in the domain, on the one hand, and what the case is, on the other" (Stavropoulos 2005, 316, emphasis in original).

As should be evident, this conception of objectivity as corrigibility is subsumable under several of the conceptions expounded in previous chapters of this book. Most obviously, it is subsumable under Chapter 2's discussion of objectivity qua mind-independence. That chapter makes clear that the domain of morality is characterized by exactly the sort of "logical space" to which Stavropoulos refers: the space between how things are thought to be and how they genuinely are. All moral principles, whether basic or derivative, are strongly mind-independent observationally. Thus, at any time, people collectively as well as individually can be in error about the contents and implications of those principles.

Another portion of this book under which Stavropoulos's conception of objectivity as corrigibility can be partly subsumed is Chapter 3's account of objectivity qua determinate correctness. As was observed in that chapter, a question to which there are no incorrect answers is a question to which there is no determinately correct answer. Consequently, insofar as there are determinately correct answers to moral questions, the domain of morality contains the space for error that Stavropoulos perceives as the hallmark of objectivity. Now, as a matter of moral necessity, there are determinately correct answers to the large majority of moral questions (whether those questions concern act-types or whether they concern act-tokens). Accordingly, there is ample room for errors within the moral realm. Morality patently satisfies Stavropoulos's criterion for objectivity.

One other previous discussion into which the conception of objectivity as corrigibility can to some extent be absorbed is Chapter 7's exposition of impartiality. As was remarked there, arbitrariness is introduced whenever moral deliberations proceed on the basis of factors (such as surmises and invidious prejudices and selfish interests) that are generally unconducive to the attainment of correct outcomes. Plainly, the singling out of certain factors as unconducive to the attainment of correct outcomes is premised on the notion that some outcomes are incorrect. Hence, my account of impartiality presupposes that the domain of morality is objective in Stavropoulos's sense.

In sum, the conception of objectivity as corrigibility has already been well covered by this book. While the possibility of mistakes within some domain is indeed crucial for the domain's objectivity,[5] there is no need to treat that possibility as a dimension of objectivity that is distinct from all the dimensions explored heretofore. Even if it is not precisely equatable with any single aspect of objectivity that has been investigated in one of my earlier chapters, its nature and implications have been captured cumulatively by those chapters.

9.3. Objectivity qua Non-Illusiveness

In ordinary exchanges and in philosophical disputation, objectivity is very frequently taken to consist in non-illusiveness. An entirely illusive thing is a figment of the mind of anybody to whom it seems to be present. It does not exist at all outside the putative experience of it by some person(s); it exists not in the external world, but only within some of the conscious states of the aforementioned person(s). If something that appears to exist externally is objective in the sense of not being entirely illusive, then it is not a sheer figment of somebody's imagination. It exists in the external world in some fashion, albeit perhaps only as something that tends to elicit certain experiences. (Of course, perfectly genuine mental phenomena such as headaches and fear and anguish and elation are devoid of any existence in the external world. Unlike those phenomena, an illusive thing *appears* to exist externally.)

Illusions need not be thoroughgoing. Sometimes what is illusory is not a thing's very existence, but its apparent endowment with some property. Suppose for example that a line appears to somebody to be of the same length as another line, when in fact their lengths are different. What is illusive in such circumstances is not the existence of either of the lines, but each one's ostensible property of being equal to the other in length. Still, the opposition between objectivity and illusiveness is essentially the

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[5]   For a sophisticated attempt to accommodate this feature of the moral domain within an anti-realist theory of morality, see Timmons 1999, chs. 3–4. Like other anti-realists, Timmons gravitates toward moral realism when taking account of fundamental features of morality. Indeed, unsurprisingly, the momentum of the gravitation is unstoppable; see Dreier 2005, 26–31.

same in regard to partial illusions as in regard to total illusions. An object-ive property is a feature that is actually present in something that is itself real, whereas an illusory property is a feature which appears to someone to be present in something but which in actuality is not present therein.

Unquestionably, non-illusiveness is a central facet of objectivity. Equally clearly, however, it has been covered at a general level by Chapter 2's exposi-tion of objectivity qua mind-independence. Still, the present context is a good juncture at which to refine the account of mind-independence by draw-ing a distinction that has been pertinently underscored in the work of philo-sophers such as John McDowell: a distinction between response-centered properties and illusory properties (McDowell 1985, 113–14). Though the properties in each of those two categories are mind-dependent, the nature of the mind-dependence is importantly divergent between the categories.

An illusory property is profoundly mind-dependent in the manner specified above. That is, it exists only in the mind of the person who under-goes the experience of seeming to perceive it. It is not present at all in the world outside that person's psyche. Any appearance to the contrary – no matter how strong – is deceptive rather than veridical. When somebody succumbs to that appearance and consequently believes that the illusory property is real, he or she is straightforwardly mistaken.

Response-centered properties, such as redness and sourness, are quite different. They are genuinely present in the things of which they appear to be features, though they exist as the powers or dispositions of those things to evoke certain types of experiences in human beings (and some non-human animals) who are endowed with normal perceptual faculties. A belief in the reality of a response-centered property is correct rather than mistaken (Fine 2001, 26). For example, when someone with normal eyesight looks at a Granny Smith apple under good visual conditions and ascertains that its skin is green, he or she is entirely correct in concluding that the skin of the apple really is green. The greenness is not a figment of the person's imagination with no existence outside his or her mind. On the contrary, it is a fully genuine property of the apple's skin; the microstructural com-position of that skin reflects light under good visual conditions in ways that educe sensations or experiences of greenness in any human being possessed of normal perceptual faculties. In McDowell's useful phrasing, the greenness of the apple's skin is "there to be experienced" (McDowell 1985, 114).

Insofar as a distinction between the objective and the subjective is drawn to correlate with a distinction between real properties and illusory

properties or between veridical experiences and deceptive experiences, response-centered properties such as redness and sourness should clearly be classified as objective. Such properties are real, and one's experiences of them are not deceptive. However, the demarcation between the objective and the subjective can of course also be drawn along alternative lines. One way of elaborating that demarcation is to differentiate between (i) any property whose nature can be fully specified without reference to certain actual or potential experiences in human beings, and (ii) any property whose nature cannot be fully specified except by reference to certain actual or potential experiences in human beings. Insofar as the objective/subjective dichotomy is understood in this fashion, response-centered properties are to be classified as subjective. Although they are perfectly real rather than illusive, and although they are mind-independent in some respects, they are not mind-independent in the respect that is central to this latest formulation of the objective/subjective distinction.

In what ways are response-centered properties mind-independent? At first blush, they may seem both existentially and observationally mind-*dependent*. A somewhat fanciful thought-experiment can indicate otherwise, however, in line with what was fleetingly suggested in Chapter 2. Suppose that, as a result of very widespread genetic mutations over a few generations, all or nearly all human beings in eighty years will lack the ability to perceive redness. In such circumstances, that color will not have ceased to be instantiated. That is, we should not think that roses and tomatoes and rubies will no longer be red. Instead, the continuing redness of those things will not be perceptible by the human beings who are then normal. As has been noted, the property of redness exists because the microstructural constituents of various objects' surfaces reflect light in ways that evoke sensations of the color red in people who are equipped with visual faculties that are currently normal. If pervasive genetic mutations will significantly alter the optical abilities that are normal for human beings, the microstructural constituents of various objects' surfaces will still reflect light in ways that educe sensations of the color red in people who are endowed with optical abilities that are normal *at present*. Perhaps there will not be any such people in the aftermath of the mutations; nevertheless, if there were any such people, the objects' surfaces under ordinary conditions of visibility would elicit sensations of the color red in them. Because the surfaces retain the capacity to elicit those sensations, they continue to be red. Though their redness will have become imperceptible to all or most human beings, it will still exist as such.

Numerous complications could be introduced into the foregoing thought-experiment. For example, instead of resulting in an outright loss of the ability to perceive redness, the imagined genetic mutations might transpose certain visual abilities. In eighty years, all people or nearly all people might experience the color red when looking at things that would currently lead any normal person to experience the color blue, and they might experience the color blue when looking at things that would currently lead any normal person to experience the color red.[6] Were the discussion in this section integral to this book's general defense of moral realism as a moral doctrine, we would be well advised to ponder such complications. For my purposes, however, the remarks in the preceding paragraph are enough. What that paragraph suffices to indicate is that, although response-centered properties are mind-dependent in one important respect, they are mind-independent in some other important respects. A response-centered property is mind-dependent in that its nature cannot be fully specified without reference to human beings' actual or potential experiences, but it is mind-independent in the respect made salient by my scenario of the genetic mutations. That is, it can continue to exist as such even if no human being is any longer capable of perceiving it or its effects.

This discussion should close with a disclaimer. As should be obvious from my critique of response-centered theories of moral values in Chapter 2, the last few paragraphs have not aimed to suggest that such values can be illuminatingly analogized to response-centered properties. On the contrary, as we have seen, any such assimilation is fraught with insuperable difficulties. My comments here on response-centered properties, then, have patently not sought to champion such an assimilation. Rather, those comments have been a short digression for the purpose of drawing attention to some involutions in the conception of objectivity as mind-independence. Although the distinctions delineated in Chapter 2 (weak/strong and existential/observational) are much more important for an understanding of morality than is the distinction between illusory properties and response-centered properties, a grasp of the latter distinction is necessary for a full understanding of the phenomenon of objectivity. Not only does that phenomenon comprise multiple dimensions, but in addition each dimension is internally complex.

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[6] Alternatively or additionally, we could mull over a situation in which some comparable transpositions are characteristic of the visual faculties of some heretofore unknown beings elsewhere in the universe. See, for example, Zangwill 2000, 608–11.

9.4. Objectivity qua Susceptibility to Reasons

Some major philosophers have contended that the defining characteristic of objectivity is that of susceptibility to reasons. If the claims asserted and positions taken within some domain are susceptible to reasons – that is, if they are open to alteration through reasoned persuasion rather than only through emotional or subliminal manipulation – then the domain in question partakes of objectivity. A view along these lines has been articulated by David Wiggins, among others. He writes that the objectivity of a field of enquiry consists in "the existence of publicly accepted and rationally criticizable standards of argument, or of ratiocination towards truth" (Wiggins 1998, 101). Gerald Postema has given voice to a similar outlook on the matter: "Objectivity makes possible, or presupposes, that expressions not only can coordinate or conflict, but also can be in agreement or disagreement, and that this agreement or disagreement can be pursued, articulated, discussed, deliberated about in virtue of genuine joinder of issue on the matter in question." Postema adds: "Where objectivity resides it is reasonable to hope that reasoning can move subjects to agreement. By the same token, it is an important mark of objectivity that consideration of reasons for judgments in an objective domain can move subjects from agreement to disagreement" (Postema 2001, 108).

The epistemic dimension of objectivity highlighted in these quotations (and in similar pronouncements from a number of other philosophers) is obviously central to a wide range of human activities and institutions. Within moral discourse it is especially prominent in Western liberal democracies, for moral agents' deliberations and disputes in those countries typically involve high levels of reflective argumentation. Such argumentation proceeds through the reasoned exchanges – the public practical reasoning – which many philosophers have in mind when they write about objectivity as susceptibility to reasons. Especially in universities and in some legal-governmental institutions and in journals or other media oriented toward public debate about issues of great moral import, controversies over problems of political morality are a crucial arena within which this aspect of objectivity is pursued and realized.

Despite the manifest importance of this conception of objectivity for an understanding of the moral domain, there is no need here for a separate chapter on it. Though the idea of susceptibility to reasons is not fully captured by any single conception of objectivity that has been explicated

hitherto, it has been covered cumulatively by the accounts of transindividual concurrence and impartiality in Chapters 6 and 7 respectively. As was remarked in Chapter 6's discussion of epistemic objectivity as transindividual concurrence, such objectivity exists not only when there is already a consensus on some matter(s) but also when there is agreement on the methods or lines of enquiry by which a currently non-existent consensus can eventually be forged. Those methods or lines of enquiry can be highly esoteric avenues of investigation that are familiar only to advanced specialists, but they can alternatively be more general procedures and touchstones for public deliberations. Public practical reasoning of the sort envisaged by Postema will be a non-starter unless people converge in implicitly or explicitly accepting various standards for their collective ruminations – standards that differentiate between relevant and irrelevant considerations or between sufficient evidence and inconclusive evidence or between cogent lines of argument and unpersuasive lines of argument, for example. Of course, such standards are themselves open to modification and amplification as people engage with one another in their deliberations. Moreover, except in some small and specialized fields of enquiry, there will very seldom be unanimity or near-unanimity on the prevailing standards. Public practical reasoning is in part an array of debates about its own nature. Still, even in freewheeling disputation concerning broad matters of public policy and moral principles, the upshot will be chaotic frustration if there is not a sufficient degree of convergence among people on procedural benchmarks and substantive tenets. Exchanges cannot unfold in even a minimally rewarding fashion as *reasoned* exchanges if they are excessively unfocused. In short, objectivity qua susceptibility to reasons is crucially dependent on objectivity qua transindividual concurrence.

However, as Postema observes, susceptibility to reasons is not only about convergence. In circumstances (such as those of the ancient Egyptian wise men discussed in Chapter 6) where transindividual concurrence stems from the sharing of illusions or prejudices, reasoned persuasion should be a vehicle for overturning consensuses rather than for promoting or consolidating them. Even in circumstances in which the unanimity of enquirers is based partly on correct insights but also partly on errors or bias or ignorance, the role of reasoned deliberation should be at least as disruptive of received opinions as confirmatory of them. Thus, although objectivity qua susceptibility to reasons is dependent on objectivity qua transindividual concurrence, the former goes beyond the latter. Any thorough realization of the ideal of susceptibility-to-reasons must involve not only transindividual

concurrence but also impartiality (in the expansive sense elaborated by Chapter 7). Under any such thorough realization, that is, the considerations that influence people's judgments are not to be ersatz reasons grounded in prejudices or ignorance or panic or venality. All of those corrupting factors generate arbitrariness in decision-making, as they lead people away from reliable processes of enquiry that conduce to the discovery of the truth about any particular matter(s). Even when the outcomes of arbitrary decisional procedures are fortuitously correct, they will not have been reached for the right reasons. Thus, in any domain in which objectivity qua susceptibility to reasons is both an actuality and a desideratum to be pursued, impartiality is an ideal for which people should strive. The attainment of that ideal can potently contribute to the formation of consensuses, by helping to eliminate disaccord that has been due to the sway of non-truth-conducive factors such as invidious prejudices and ignorance; but it can also disrupt the existing consentaneity on any particular issue by helping to reveal that people have concurred with one another because of shared illusions or biases rather than because of shared insights.

In sum, given the breadth of the ideal of impartiality as recounted in Chapter 7, objectivity-qua-transindividual-concurrence and objectivity-qua-impartiality together constitute objectivity-qua-susceptibility-to-reasons. Although a vital element of the objectivity of any discourse is the extent to which the participants therein can undertake reasoned exchanges that affect the formation of their views, that element is not in need of a separate chapter. On the one hand, reasoned deliberations and remonstrations are of huge importance in the shaping of moral judgments. Public practical reasoning is the lifeblood of a society's moral progress. On the other hand, the ingredients of public practical reasoning can best be understood within the theoretical framework which this book has already developed. An additional chapter on those ingredients would be superfluous.

Much the same can be said about a very closely related conception of epistemic objectivity. Brian Leiter, among other philosophers, has suggested that the epistemic objectivity of a field of enquiry consists in the cognitive reliability of the processes by which the participants in the field form their beliefs about the objects of their investigations (Leiter 2001, 1). Central to such reliability, as Chapter 7 has emphasized, is the minimizing of distortive influences such as narrow self-interest and bigotry and uninformed whims (Raz 2001, 195–96; Svavarsdóttir 2001, 153–54). While Leiter is clearly correct in attaching great importance to this conception of objectivity, my seventh chapter has already expounded it. Admittedly, as that chapter has

indicated, cognitive reliability and impartiality are not quite equivalent. The latter is indispensable for the former, but what is also needed for the cognitive reliability of any moral judgments pertaining to actual occurrences is the absence of an extraordinary degree of opacity in the situations about which those judgments are reached. Still, because that additional constituent of cognitive reliability has been duly noted in Chapter 7, no further treatment of the matter is required here.

In short, for the purposes of my defense of moral realism as a moral doctrine, Chapters 2–8 have explored all the main dimensions of ethical objectivity. My final chapter will now endeavor to underscore the status of that objectivity as an ethical phenomenon.

Chapter 10

Supervenience as an Ethical Phenomenon

In moral philosophy during the past several decades, the property of supervenience has received considerable attention. While virtually everyone writing on the topic agrees that the ethical features of any world supervene on that world's empirical features, the exact character of the relation of supervenience is a matter of some dispute. One thing on which most theorists concur, however, is that the relation in question is logically or analytically necessary. That is, they believe that any failure to recognize its dominion would be an instance of irrationality or linguistic incompetence.[1] That dominion is very seldom perceived as rooted within substantive ethics. Contrariwise, what the present chapter will argue is that the supervenience of the ethical on the empirical is a fundamentally ethical phenomenon. In so arguing, the chapter will be showing that a key issue of moral ontology is an abstract issue of morality.

Supervenience as understood throughout this chapter is handily encapsulated in two formulations propounded by Simon Blackburn in a deservedly famous essay:

(S)   A property M is supervenient upon properties $N_1 \ldots N_n$ if M is not identical with any of $N_1 \ldots N_n$ nor with any truth function of them,

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[1]   Many philosophers express this prevalent view by declaring that the necessity of supervenience is conceptual. I avoid that terminology because I want to emphasize that conceptual truths – propositions true in all possible worlds and knowable *a-priori* – are not confined to logical and analytic truths. In particular, I take basic moral principles to be conceptual truths, even though their truth is synthetic rather than analytic. Hence, when I want to contrast certain conceptual truths with basic moral principles, I shall designate the former as "linguistic-conceptual" truths.

and it is impossible that a world should become M, or cease to be M, or become more or less M than before, without changing in respect of some member of $N_1 \ldots N_n$.

(S$_2$)   A property M is supervenient upon properties $N_1 \ldots N_n$ if M is not identical with any of $N_1 \ldots N_n$ or with any truth function of them, and it is impossible that two things should each possess the same properties from the set $N_1 \ldots N_n$ to the same degree, without both failing to possess M, or both possessing M, to the same degree. (Blackburn 1993, 115)

I have made a crucial though seemingly small modification in each of these formulations.[2] In each of them as originally presented by Blackburn, "impossible" was "logically impossible." An alteration of that point is essential for the arguments that will unfold here; although this chapter readily acknowledges the sway of supervenience and endorses the characterization of it as a relation of impossibility or necessity, the relevant type of impossibility or necessity is a key matter to be addressed. Blackburn himself has not retreated from the view that supervenience is a logically or analytically necessary relation – as we shall see – but he has avowed the need for an exploration of alternative views. We shall have to undertake a similar exploration.

While engaging in that exploration, we should keep in mind something that has been emphasized since the opening pages of Chapter 1. That is, we should remember that the domain of substantive ethics comprises abstract and comprehensively applicable principles as well as more concrete standards and verdicts. When the current chapter maintains that the supervenience of ethical properties on empirical properties is rooted in substantive ethics, it is expounding one of the deepest ethical principles – a principle that is neutral among nearly all of the detailed ethical doctrines that are invoked in ordinary ethical debates. Thus, when philosophers think that their recognition of the constraint of supervenience does not commit

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[2]   I have also changed "thing" in (S) to "world" in order to indicate that the relationship of supervenience is global rather than local. (To the same effect, the properties $N_1 \ldots N_n$ in both [S] and [S$_2$] should be understood to include all relevant relational properties as well as intrinsic properties.) By contrast, I have left unmodified another questionable aspect of Blackburn's formulations: namely, his stipulation that no property supervenes upon itself. Such a stipulation in effect maintains that naturalistic ethical realism is inconsistent with the notion that ethical properties supervene upon empirical properties. Any such stipulation is dubious, but I have retained it, since it is irrelevant to my own discussions of supervenience. Nothing in this chapter depends on the thesis that properties do not supervene upon themselves.

them to any specific positions in such debates, they are largely correct. They go wrong, however, in believing that they are not taking stands on any ethical issues at all. They perceive themselves as specifying the logical status of ethical judgments or the austerely metaphysical status of ethical properties; that view of the matter is what this chapter will challenge. Once we duly take account of the fact that many substantive ethical theses are highly abstract, we shall find that – in application to the phenomenon of supervenience, at any rate – the dichotomy between the ethical and the meta-ethical proves to be unsustainable.

This chapter will chiefly proceed by critically investigating the views of three major moral philosophers on the topic of supervenience. We shall first consider the efforts by Richard Hare to maintain that the universalizability of moral judgments is a logical feature of those judgments. Though Hare's notion of universalizability extends beyond supervenience, it encompasses supervenience as one of its two main elements, and his discussions of the matter have certainly helped to lift it to prominence. We shall next look at Blackburn's treatment of the topic. His analyses and formulations have been invaluable in enhancing the precision of the debates over the nature of supervenience, and Blackburn has brought into sharp focus the issues that must be addressed by my own contribution to those debates. We shall finally then ponder some recent reflections on the topic by Russ Shafer-Landau, one of the leading contemporary moral realists. He has offered some powerful arguments to account for the general phenomenon of supervenience, but – like Hare and Blackburn – he cleaves quite firmly to the view that he is dealing with a starkly meta-ethical matter rather than with a matter of substantive ethics. That presupposition underlying his explanation of supervenience, a presupposition that also pervades Hare's and Blackburn's discussions, is my paramount target in this chapter.

10.1. Hare on Universalizability

As is well known, Hare throughout his career insisted that there are two basic logical properties of any moral judgment: universalizability and prescriptivity. Important though the matter of prescriptivity is, we shall not ponder it here. Instead, the focus will lie on Hare's understanding of the nature and status of universalizability. As has already been indicated, one principal element of Harean universalizability is the property of

supervenience. Hare conceived of supervenience along essentially the same lines that have been given rigorous articulation by Blackburn.[3] In addition to the presence of supervenience, however, Harean universalizability consists in the absence of individual references (that is, the absence of references to particulars such as individual persons, times, or places). In the moral principles that overarch moral verdicts, no rigid designators or individual constants are to appear. All references in those principles must be to universal features of particulars rather than to the particulars themselves.[4]

10.1.1. The disallowance of individual constants

Hare was certainly correct to declare that, with his insistence on the absence of individual constants in moral principles, he went beyond merely affirming that moral properties are supervenient on empirical properties.[5] All the same, because his conception of supervenience is closely tied to his insistence on the absence of individual constants, we should ruminate upon the latter before tackling the former directly. To assess that latter insistence fairly, we should begin by noting that it differs from a view sometimes imputed to him. According to some critics and supporters of Hare, his doctrine of universalizability disallows partiality toward oneself in one's moral judgments.[6] Because first-person indexicals and rigid designators cannot

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[3]   Hare's conception of supervenience appears in Hare 1952, 80–81, *et passim*. Hare usefully clarified that conception in Hare 1989b.

[4]   An insistence on this point appears throughout Hare's work, but it is especially salient in Hare 1963. Note that I will not be entering here into the debates over moral particularism that have raged in recent years. For an excellent collection of essays on that topic, see Hooker and Little 2000. For two recent and impressively argued contributions to those debates from opposing sides, see Dancy 2004; and McKeever and Ridge 2006. See also Audi 2006; Lance and Little 2006. Throughout this book, I side with Hare – and implicitly oppose the moral particularists – in an important respect. Like him, I take the view that all sound ethical judgments must be universalizable. What is at issue in my challenge to Hare is not the requirement of universalizability, but the tenor of that requirement. He persistently regarded the constraint of universalizability as a matter of semantics and logic, whereas I shall be contending that it is a substantive ethical constraint.

[5]   The absence of individual constants will have entailed the satisfaction of the requirement of supervenience, but not vice versa. Conversely, a violation of the requirement of supervenience is always a violation of the prohibition on individual constants, but not vice versa.

[6]   See, for example, MacIntyre 1978, 104–05; Hudson 1983, 186; Blackburn 1984, 220; Blackburn 1998, 226–27. For some correctives, see Mackie 1977, 84; Nagel 1988, 101, 102.

figure in the moral principles that underlie those judgments, an egoistic outlook is unsustainable as a matter of logic. Such is the notion ascribed to Hare from time to time. What that ascription overlooks, however, is that egoism as a moral position can take a fully universalized form. In the principle "Everyone should pursue his or her own selfish interests ahead of everyone else's interests," there are no individual constants. To suppose otherwise is to misconstrue bound individual variables as individual constants – a misconstrual that Hare warned against (Hare 1981, 140; Hare 1988, 249). Self-favoritism in one's judgments about how one ought morally to behave is consistent with the universality of moral principles, provided that the self-favoritism is prescribed by some such principle in a universalized fashion. Hare never maintained anything to the contrary. He did regard egoism as a largely unsustainable position, but he did not contend that its failings are perforce due to logical errors relating to universalizability. Rather, he argued that its prescriptions – when universalized – would prove unacceptable to virtually everyone, given the realities of human inclinations (Hare 1963, 105–06).

Had Hare in fact submitted that the sheer universalizability of moral judgments altogether excludes egoism as a tenable moral position, he would unmistakably have been espousing a substantive ethical stance when insisting upon that universalizability. In fact, however, the status of his meta-ethical thesis as a substantive ethical doctrine is not quite so glaringly evident. Still, a substantive ethical doctrine – albeit at a high level of abstraction – is precisely what the thesis of universalizability, with its disallowance of individual references, will turn out to be.

10.1.1.1. Plausible counterexamples

Hare's thesis does not rule out all varieties of egoism, but it does rule out any egoistic principle that involves some individual constant(s). It is consistent with the principle "Everyone should pursue his or her own selfish interests ahead of everyone else's interests," but (for example) it is inconsistent with the principle "Everyone should pursue Matthew Kramer's selfish interests ahead of everyone else's interests." It is also inconsistent with many varieties of chauvinistic or patriotic doctrines. For example, although it is compatible with the principle "Everyone should seek to promote the interests of his or her own country ahead of the interests of any other countries," it is incompatible with the principle "Everyone should seek to promote the interests of France ahead of the interests of any other countries."

More important, it is inconsistent with any number of non-egoistic and non-chauvinistic doctrines. Given Hare's thesis of universalizability, the aforementioned principles about Matthew Kramer's interests and France's interests are logically inadmissible as moral principles not only for Matthew Kramer or French people, but also for everybody else. No one, according to Hare, can coherently maintain that Kramer's identity as a particular person or France's identity as a particular nation is a basic justificatory ground for moral decisions. At most, Kramer or France instantiates some basic justificatory ground that consists in some universal property (such as the property of personhood or nationhood).

Many more moral principles and judgments are likewise ruled out as such by Hare's thesis of universalizability. As John Mackie observed, the Harean thesis bars us from classifying as a moral judgment "the view of the ascetic that something that he does not condemn in others would be wrong for him, even though he does not claim that there is any relevant qualitative difference between himself and others" (Mackie 1977, 87). If one's pursuit of self-denial or one's adherence to especially exacting standards of conduct is not universalized in one's judgments concerning how one ought to behave – and if any accurate formulation of the principle underlying those judgments will consequently contain an individual constant referring to oneself – then those judgments are not ethical in character at all, in Hare's scheme of things. Perhaps even more curious is another point noted fleetingly by Mackie (Mackie 1977, 87, 88). Not only will a principle about the interests of any particular person such as Matthew Kramer never be coherently classifiable as a moral precept; much the same is true of the principle "Everyone ought to strive to please God in his or her dealings with other people." We may presume that that pious formulation is advanced not as an encapsulation of certain general patterns of behavior that can each be characterized as pleasing to God, but as an affirmation that acting in compliance with God's wishes is a supreme desideratum for everyone (irrespective of whether one's so acting will consist in any discernible patterns of behavior). An affirmation of the latter sort might, for example, be voiced or presupposed by people who feel that the patriarch Abraham behaved admirably in being fully prepared to sacrifice his son Isaac. Insofar as the principle about seeking to please God is to be understood in that latter way – in strict accordance with its terms – it cannot, as a matter of logic, be classified as a moral principle. Or so a supporter of Hare must maintain. Such a supporter would have to adopt much the same tack in response to the principle "One should love Jesus Christ with

all one's heart and with all one's soul and with all one's might in whatever one does."

Some of these conclusions derivable from the Harean ban on individual constants in moral principles are perhaps more troubling than others. Least troubling for some people will be the notion that an egoistic principle with an individual constant is not really a moral principle at all.[7] According to such a notion, we should not be content with saying that an egoistic precept of that type is a repugnant or false or silly moral principle. Rather, we must deny that it qualifies as a moral principle in any way (Hare 1963, 98–99). Although such an approach even in application to an egoistic doctrine is untenably wooden, there is no need here for any contestation of that particular application. After all, the other applications of the Harean approach – to many chauvinistic principles, to many non-egoistic principles that favor or disfavor specifically designated persons, to many non-chauvinistic principles that favor or disfavor specifically designated nations, to principles that exalt God or Jesus Christ as the unique lodestar for people's conduct, and so forth – are far more dubious. In all these cases, the relevant principles may be deplorable or false or peculiar, but they are deplorable or false or peculiar moral precepts rather than something else.

For instance, if people in France and in other countries believe as a matter of basic principle that they are obligated to promote France's interests in preference to those of other nations and in preference to their own personal interests, and if the motivating reason for their acceptance of such a proposition is simply that France is France, they are cleaving to a strange and invidious moral doctrine rather than to a non-moral doctrine. Even more plainly, if people believe as a matter of basic principle that they and others are obligated to act always in accordance with God's wishes (regardless of whether those wishes call for any patterns of behavior that can be specified in advance), and if the motivating reason for their acceptance of such a proposition is simply that God is God, they are cleaving to a moral doctrine that is admittedly false but by no means outlandish. To describe them as upholding no moral principle at all is to distort their situation rather than to illuminate it. One cannot with minimal plausibility contend that such a distortive description is necessitated by the very

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[7]   Frankena 1966 denies that any "basically egoistic" doctrine, whether universalized or non-universalized, is moral. As I shall maintain in § 10.2.3 below, however, such a denial stems from a conflation of two important distinctions: the moral versus the prudential, and the moral versus the non-moral.

meaning of some moral term or by any other logical-semantic considerations. Nor would such a distortive description be minimally credible with reference to an abstemious person's non-universalized adherence to singularly exacting standards of conduct, or with reference to somebody's fulfillment of a principle requiring love of Jesus Christ in whatever one does.

10.1.1.2. A preliminary point: linguistic amplifications versus linguistic mistakes

Given that the insistence by Hare on the absence of individual constants in moral principles is woodenly unconvincing when construed as a thesis about the logical-semantic properties of moral words, we need to explore his arguments in support of that insistence. We shall have to see whether he came up with any more solid grounds for his position. Before doing so, however, we should pause to recognize that his position would be infirm even if the prevailing patterns of usage in moral discourse were as he envisaged. In other words, even if we were to suppose *arguendo* that the meanings of basic moral terms in ordinary discourse do disallow individual constants within moral principles, we would still have to reject Hare's contention that any inclusion of such a constant in the articulation of a moral principle will perforce be an error of language. His contention effaces the distinction between linguistic mistakes and linguistic amplifications or expansions. Sometimes when words are used in ways that go beyond their familiar meanings, the uses are indeed erroneous (at least initially). On other occasions, contrariwise, an unorthodox use constitutes an amplification or elaboration of some established meanings rather than a misunderstanding or defiance of them. That is, it renders explicit various aspects or elements of those meanings that have theretofore been only implicit, and it consequently reveals to people certain implications of their linguistic conventions that they have not thitherto consciously noted. If we wish to ascertain whether any particular instance of atypical usage is an error or a revelatory expansion, we obviously cannot advert simply to the fact that it is atypical. We additionally have to enquire into the purpose(s) served by the standard employment of the term(s) in question. An unusual use of a word that tallies with the purpose(s) behind the standard employment of the word will normally be classifiable as an amplification, whereas an unusual use that runs athwart the aforementioned purpose(s) will normally be classifiable as a blunder or distortion (at least initially). Now, as will be argued later in this chapter, any specification of the purpose(s) of morality – or the

purpose(s) of the basic vocabulary of morality such as "ought" and "right" – is itself a substantive moral thesis. Hence, even if the regnant semantics of moral discourse were fully supportive of Hare's insistence on universalizability, we would have to resort to moral reflection in order to determine whether any universalizability-contravening pronouncement is linguistically mistaken or linguistically revelatory. We cannot draw the distinction between missteps and revelations without recourse to the point or purpose of morality, and we cannot locate that point or purpose without the exercise of moral judgment.[8]

10.1.1.3. Hare's first main argument: logical simplicity versus logical complexity

Let us proceed, then, to probe the efforts by Hare to shore up his doctrine of universalizability. We may begin with a passage in which he sought to underscore the logical-semantic character of that doctrine:

> Offences against the thesis of universalizability are logical, not moral. If a person says 'I ought to act in a certain way, but nobody else ought to act in that way in relevantly similar circumstances', then, on my thesis, he is abusing the word 'ought'; he is implicitly contradicting himself. But the logical offence here lies in the *conjunction* of two moral judgments, not in either one of them by itself. The thesis of universalizability does not render self-contradictory any single, logically simple, moral judgement, or even moral principle, which is not already self-contradictory without the thesis; all it does is to force people to choose between judgements which cannot both be asserted without self-contradiction. And so no moral judgement or principle of substance follows from the thesis alone. (Hare 1963, 32)

We should first note that, even if the argument in this passage were unimpeachable in other respects, it would not amount to a full defense of the thesis of universalizability. It deals with only one way in which the constraint of universalizability can be transgressed, and does not address other transgressions such as those involved in the principles focused on France and God and Jesus Christ. (The subject in each of those latter principles is universally quantified, but the object in each is fixed with an individual constant.) At any rate, the argument is not only incomplete but

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[8]   The point or purpose can be formulated at different levels of abstraction. Fixing upon the appropriate level is itself a task that requires the exercise of moral judgment.

also unsound. When viewed in light of its premises, its conclusion – that "no moral judgement or principle of substance follows from the thesis [of universalizability] alone" – depends on the notion that all moral judgments and principles are logically simple. Such a notion is especially strange in connection with moral *principles*, since the structure of every such principle is that of a conditional (though the entailment between the antecedent and the consequent of the conditional is moral rather than logical). Even in connection with moral *verdicts*, moreover, the aforementioned notion is untenable.

For present purposes, let us concentrate on the principle of non-universalized asceticism envisaged by Mackie. The abstemious person who subscribes to that principle believes both that he is morally obligated to eschew certain things and that other people who are qualitatively indistinguishable from himself are not morally obligated to eschew those things. A defender of Hare will maintain that the conjunction of those moral judgments is self-contradictory. Such a defender will uphold the following conditional: "If some person X is morally obligated to eschew certain things, then other people who are qualitatively indistinguishable from X are morally obligated to eschew those things." Let us designate this conditional as "MQ." The defender of Hare will hold that the entailment in MQ is logical, in that the consequent follows from the antecedent by virtue of the meaning of "obligated." In other words, MQ is an analytic truth rather than a substantive moral principle. In the eyes of the ascetic, however, the entailment in MQ (if there were any genuine entailment) would be moral rather than logical, and MQ as a whole is a moral principle – an incorrect moral principle, in his eyes, since it insists upon links between moral obligations which he believes not to obtain. Given that MQ follows from the thesis of universalizability, the conclusion stated in the final sentence of the quotation above will be derided by the ascetic as false. At least one substantive moral principle follows from the Harean thesis, or so the ascetic will contend. If defenders of Hare wish to oppugn the ascetic's position, they will have to come up with new arguments or else fall back upon their leadenly unpersuasive claims about the logical-semantic characteristics of moral words. The argument about logical simplicity versus logical complexity, in the passage quoted above, does not add anything to those unpersuasive claims. We should hardly be surprised that that argument adds nothing, given that no moral principle is really logically simple.

Even in regard to moral *verdicts*, the argument about logical simplicity is unavailing. Let us take the following first-person verdict, FV: "I am morally

obligated to eschew the manufacture of firearms; but my twin brother, whose situation is qualitatively indistinguishable from my own, is morally permitted to engage in the manufacture of firearms." Each of the two conjuncts in FV is a logically simple moral judgment, and neither of them separately follows from the thesis of universalizability. Everyone agrees on those points. However, the supporters of Hare will submit that FV as a whole is not genuinely a moral verdict at all, since it is necessarily false as a matter of logic and is thus incoherent. What does follow from the thesis of universalizability (in combination with factual premises about the existence of the ascetic and his twin brother and about their qualitative indistinguishability), then, is the reformulation of FV as an exclusive disjunction: "Either I am morally obligated to eschew the manufacture of firearms; or my twin brother, whose situation is qualitatively indistinguishable from my own, is morally permitted to engage in the manufacture of firearms." In the eyes of the supporters of Hare, this reformulation – in which the truth of each disjunct strictly excludes the truth of the other – is an analytic verity, given certain factual premises.

From the perspective of the ascetic who has delivered the original verdict FV, by contrast, FV as a whole is a substantive moral judgment (a logically complex moral judgment). Far from accepting that it is a necessary falsehood, he believes that – given certain factual conditions – it is a moral truth. He will presumably allow that he might be incorrect about the truth-value of either of the conjuncts in FV or about their compatibility, but he will stand by FV's coherence. As far as he can tell, therefore, the exclusive disjunction that follows from the thesis of universalizability (in combination with certain factual premises) is a substantive moral judgment. He believes, furthermore, that that exclusive disjunction is an incorrect moral judgment. That is, he believes that his being obligated to refrain from manufacturing firearms does not exclude his twin brother's being permitted to manufacture them. Neither on logical-semantic grounds nor on moral grounds does the former state of affairs rule out the latter, according to the ascetic. Now, even if the ascetic has gone astray in his answer to the moral question that he addresses – as I indeed would maintain – his position is recognizably a moral position. His error is moral rather than linguistic. His ethical discernment may be faulty, but he is correct in construing the Hareans' exclusive disjunction as a substantive moral judgment. If the Hareans wish to rebut his construal, they will have to adduce considerations other than that of logical simplicity versus logical complexity. After all, the disagreement between the Hareans and the ascetic is over the

status of certain utterances that are all logically complex. By the lights of the Hareans those utterances are necessary falsehoods or necessary truths, whereas by the lights of the ascetic they are substantive moral judgments. Hareans contend that the grounds for the truth or falsity of the utterances in question are logical-semantic, while the ascetic contends that those grounds are moral through and through. Such a disagreement can scarcely be settled by reference to the division between logical simplicity and logical complexity, for the disagreement is occurring entirely on the complex side of that division. (As has been noted, everyone agrees that no logically simple moral judgments follow separately from the thesis of universalizability. *Pace* Hare, concentrating on a point with which everyone concurs is hardly a means of resolving any dispute over that thesis.)

In sum, both in regard to moral principles and in regard to moral verdicts, the argument in the long quotation above is fruitless. That argument leaves the supporters of Hare still dependent on ham-fisted assertions about the logical-semantic properties of moral terms. Hence, we should now move on to investigate whether any of Hare's other lines of reasoning can buttress those assertions and can thereby vindicate his general thesis of universalizability.

10.1.1.4. Hare's second main argument: abstraction versus concreteness

In a chapter of his book *Freedom and Reason* that is devoted wholly to staking off the logical-semantic theses of meta-ethics from the principles and verdicts of substantive ethics, Hare presented another sustained argument in favor of his view that the constraint of universalizability is a matter of logic rather than of substantive morality. He was responding to critics who traced his thesis of universalizability to his liberal and Protestant upbringing. "It is said that we, because we are 'liberals' and 'protestants', have written into the logic of moral language, as we interpret it, some features which merely reflect our own moral attitudes" (Hare 1963, 192). Hare riposted:

> I am a liberal and a protestant, in some senses of those words – it would take a long time to explain in what senses. But it is simply not true that the things which I have said about the logic of moral language are peculiarly tied to any particular moral standpoint. To say that moral and other value-judgements are prescriptive and universalizable is not, by that alone, to commit oneself to any particular moral opinion ... Although I am a

liberal and a protestant, what I said about moral language could be accepted by somebody who was as illiberal and as counter-reformationary as could be. For example, the judgement that one ought always to do exactly what is said by a person in a clerical collar (or wearing a badge of superior military rank), no matter what it is, can be a prescriptive and universal judgement; yet it is not likely to be accepted by liberals or protestants. (Hare 1963, 192–93)

On the one hand, Hare was quite right to dismiss the facile allegation to which he was retorting. His thesis of universalizability is not tied to any concrete moral credo such as liberalism or Protestantism. As he declared, his thesis is neutral among myriad different moral doctrines. On the other hand, the neutrality of his thesis among a host of such doctrines is perfectly consistent with its character as a substantive ethical claim. Any highly abstract ethical position, such as the thesis of universalizability, is compatible with a very wide variety of concrete ethical positions. It is not compatible with all such positions, however. As we have seen, the thesis of universalizability is incompatible with any non-universalized version of egoism or chauvinism or self-denial or religious dutifulness. That thesis generates either of two conclusions on any such matter. First, it can generate the conclusion that each of those non-universalized moral positions is self-contradictory. According to such a view, each of those positions presents itself as moral but repudiates an essential element of any moral stance. Alternatively, the thesis of universalizability can yield the conclusion that each of the positions in question should not be classified as moral at all. Whichever of these two conclusions may be favored by Hareans, the argument in the extract above will not have added anything to Hare's heavy-handed stipulations concerning the meanings of moral words. That argument correctly indicates that those stipulations are neutral among many divergent moral credos, but it does not go any way toward dealing adequately with the moral credos in application to which Hare's stipulations are not neutral. It simply does not address those latter credos, presumably because of an underlying assumption that there are not any such credos to be addressed.

Thus, when confronted with the non-universalized moral doctrines mentioned above, the defenders of Hare receive no assistance whatsoever from the argument in this latest quotation. They have to resort again to maintaining either that those doctrines are self-contradictory – and that the proponents thereof are committing basic linguistic errors – or that those doctrines are not moral at all, as a matter of logic and semantics. Such

outlandish claims compare unfavorably with my straightforward view that the proponents of the non-universalized moral positions are committing moral errors. Their positions are ethical positions and are properly challengeable on ethical grounds. Some of those positions are idiosyncratic, and others are more familiar, but their mistakes are all matters of substantive morality rather than of logic or language. When for example an ascetic asserts that she is morally obligated to eschew certain things and that her qualitatively indistinguishable sister bears no such obligation, her error does not reside in any misuse of the word "obligated"; instead, her error resides in drawing a morally unjustified distinction. One can affirm as much while agreeing fully with Hare that his thesis of universalizability is not confined to liberalism or Protestantism. The status of his thesis as a substantive ethical doctrine is more subtle and abstract than is suggested by the anserine objection to which he suitably replied in the latest extract above.

10.1.1.5. *Hare's third argument: linguistic intuitions versus moral intuitions*

Seemingly supportive of the argument in that latest extract – and seemingly anticipatory of my rejoinder to that argument – is the distinction that Hare elsewhere drew between linguistic intuitions and moral intuitions (Hare 1981, 10–20). He accepted that intuitions of the former sort are the basis for our grasp of logical relations among statements, and he therefore accepted that they underlie our grasp of the coherence or incoherence of various moral claims. However, he vigorously warned against thinking that moral intuitions play any comparable role. As he admonished: "Moral intuitions there certainly are, . . . but if we regard them as the *basis* of moral thinking in the same way as linguistic intuitions are the basis of logic, we shall wreck the entire enterprise." He explained that the key dissimilarity between the two types of intuitions is that only moral intuitions "claim to establish matters of moral substance." By contrast, "the kinds of intuitions that are appealed to by empirical linguists and by philosophical logicians can *never* yield either statements or precepts of substance about morals" (Hare 1981, 11, emphases in original). Hare proceeded to differentiate sharply between formal logical-semantic errors and substantive moral errors. A mistake of the latter kind, to which moral intuitions are prone, does not involve incoherence or unintelligibility. Instead, it involves the embrace of some inappropriate moral standard(s). "If anybody says that it is all right to torture people for fun, he is differing from the rest of us, but is

making no logical or linguistic error. His error, if it can be called that, is an error of moral substance" (Hare 1981, 12).

This dichotomy between logical-semantic missteps and substantive ethical missteps is precisely what I have invoked in criticism of Hare. Did he, then, in effect anticipate and defuse my criticisms? That is, did he readily discern what I have been proclaiming, and are my apparent animadversions thus simply confirming what he himself knew? The reason for a negative answer to each of these questions is that Hare relied on the aforementioned dichotomy in order to reinforce his contention that violations of the constraint of universalizability are logical-semantic errors. In other words, although his distinction between the two kinds of mistakes is admirably pertinent and important in itself, his application of that distinction was skewed by his misunderstanding of the constraint of universalizability. He was entirely correct in insisting that affirmations of inappropriate moral standards are errors of moral substance rather than of logical or linguistic propriety, but he erred in believing that departures from the requirement of universalizability are fundamentally different. Most such departures, equally, are nothing more and nothing less than substantive moral errors (albeit at a higher level of abstraction).

People can of course make linguistic or logical mistakes when they engage in moral discourse. I noted as much in the first main section of Chapter 9. For example, if Mary utters the statement "My brother Joe is morally obligated to visit his sick friend" in order to convey the proposition that her brother Joe will cook a pot of spaghetti before visiting his sick friend, and if she takes herself to be speaking in ordinary English rather than in some special code, then she lacks a proper grasp of the words "is morally obligated." Similarly, if Mary has uttered the statement "My brother Joe is morally obligated to visit his sick friend and is morally at liberty to decline to visit his sick friend" in order to convey the proposition that her brother Joe is morally at liberty to decline to visit his sick friend, then she lacks a proper grasp of the words "morally obligated" and has both asserted and contradicted what she intended to say. The question here is whether statements of moral obligations that disregard the requirement of universalizability are likewise linguistically or logically mistaken. As has already been argued, the answer to that question is negative. When somebody gives voice to one of the non-universalized moral positions that have been outlined above, he or she does not commit a logical paralogism or a linguistic blunder. Rather, he or she commits an error of moral substance by singling out someone or something for special treatment, in a morally unjustified fashion. When for example the fanatical Francophile

asseverates that everyone is morally obligated to serve the interests of France above all competing interests, he is not misusing the words "morally obligated." On the contrary, he is employing those words correctly in order to state a view that is morally unsound.

In short, although Hare was on solid ground in emphasizing the separation between starkly linguistic intuitions and moral intuitions, and although he was right to inveigh against the notion that "no distinction can be sustained between the two kinds of intuition" (Hare 1981, 17), he stumbled in his specific use of that distinction. That is, he stumbled by resorting to it in an effort to vindicate his perception of the requirement of universalizability as a logical-semantic requirement. His dichotomy can and should be turned against him, as we recognize that most deviations from the constraint of universalizability in the articulation of moral principles are moral failings rather than logical or linguistic lapses. Of course, to say as much is hardly to suggest that all substantive moral demands are on a par in every respect. As has been briefly indicated, the requirement of universalizability is a more abstract matter of substantive ethics than is (say) the moral prohibition on torturing people for fun. Because of the abstractness of the former requirement, the fulfillment of it is compatible with many different stands on concrete ethical problems. Nonetheless, an abstract moral constraint is still indeed a substantive moral constraint. We should not follow Hare in mistaking it for a logical-semantic restriction.

10.1.1.6. Hare's fourth argument: consternation versus incomprehension

The importance of the division between abstract ethical positions and concrete ethical positions is once again evident when we turn to a further argument by Hare in *Moral Thinking*. A sizeable quotation from the passage containing his line of reasoning is advisable:

> [A] person who makes different moral judgements about cases which he admits to be identical in their non-moral universal properties encounters the same kind of incomprehension as is encountered by a logical inconsistency (for example a self-contradiction). If any dispute arises about precisely what properties are to count as universal for the purposes of the thesis [of universalizability], the same test can be applied again. For example, it is usually held that spatial and temporal properties do not count (because they cannot be defined without reference to an individual point of origin of the coordinate system); and they can be shown not to count by pointing out

that the sort of logical incomprehension just described would arise if some-
body treated the date (irrespective of what sorts of things happened on that or
on related dates) as morally relevant; and similarly for the grid map reference
(irrespective of what was at that or at related locations). (Hare 1981, 115)

Hare added: "I am here appealing to our *linguistic* intuitions, being
confident of my own, and confident that they are linguistic not moral
(because they must be shared by anybody who understands the use of 'ought',
whatever his moral opinions)" (Hare 1981, 116, emphasis in original).

Hare quite plainly went astray in thinking that everyone who treats a
particular time or place as morally decisive will encounter the sort of incom-
prehension that is elicited by a genuinely self-contradictory statement. On
the one hand, to be sure, the nature of people's reactions to such depar-
tures from universality in moral discourse is ultimately an empirical
matter that cannot be definitively ascertained in the absence of empirical
investigations. On the other hand, even before any of those investigations
are undertaken, the most plausible hypothesis is that the reactions will often
consist in moral consternation rather than in logical incomprehension. Let
us think again, for example, of the fanatical Francophile who announces
that everyone is morally obligated to promote the interests of France
ahead of all competing interests. The likeliest reaction to such a pro-
nouncement is not the blank incomprehension that would be evoked by
a patently self-contradictory assertion. Instead, the likeliest response is dis-
may over the monomaniacal extremism of the Francophile's substantive
moral standard. In other words, the most probable response is essentially
the same as that which would be aroused by somebody who declares her
approval of torturing people for fun. As Hare himself stressed in a passage
quoted earlier, such a declaration of approval would be a gross error of
moral substance rather than an incoherent misuse of language. Much the
same can be said about an affirmation of any of the non-universalized moral
doctrines that we have considered, including of course the Francophile's
doctrine. Any such affirmation would be morally aberrant in that it would
involve some morally unjustified distinction(s); it would not, however, be
self-contradictory or unintelligible. Nor would it typically be perceived as
self-contradictory or unintelligible. On the contrary, it typically would be
(accurately) perceived as deplorable precisely because its invidious substance
would be straightforwardly intelligible.

Hare himself should certainly have recognized this point, for he else-
where drew a pertinent distinction between "our extreme surprise that

anybody should *hold* a certain view [and] an inability to understand what he is saying" (Hare 1989c, 192, emphasis in original). Hare was responding to the suggestion by Philippa Foot that the language of morals cannot intelligibly be employed to appraise any person's conduct by reference to a factor such as the mere clasping or unclasping of the person's hands (Foot 1978, 111–20). He retorted: "If a man said that another man was a good man because he clasped and unclasped his hands, I should *understand* what he was saying, and might even, if he said 'morally good man' understand that it was a moral judgement; indeed, if I did not understand it in this way, there might be no occasion for my surprise. The surprise is occasioned by an inability to understand, not what the view is, but why anybody should think that" (Hare 1989c, 192, emphasis in original).

Of course, anybody who opposes Foot's position should be careful to avoid overstatement and excessive rigidity. Let us happily concede that some possible situations involving assertions about the moral goodness of hand-clasping would be attributable to outright linguistic errors. Someone making such assertions might for example be under the mistaken impression that "morally good" means "nervous" or "boring." Such an error is highly unlikely, to say the least, but it is plainly possible – just as it is plainly possible that some violations of the constraint of universalizability in a person's moral judgments will induce his or her interlocutors to react with logical incomprehension of the sort that Hare predicted in *Moral Thinking*. Neither Hare in that book nor Foot in her discussion of hand-clasping was propounding a conclusion that can never be correct. Rather, each of them propounded a conclusion that is correct in application to some possible situations but incorrect in application to many other such situations. Each of them mistakenly presumed to be articulating a linguistic-conceptual truth when in fact each of them was articulating a proposition with many false instances. (One further concession to Foot should readily be granted here, in keeping with this chapter's opening footnote. When somebody ascribes moral goodness to the sheer clasping or unclasping of a person's hands in any ordinary circumstances, and when the ascription is genuinely a moral judgment rather than a product of some linguistic misunderstanding, it amounts to a conceptual error. Such an ascription is at variance with basic moral principles, and it indeed evinces a failure to grasp the fundamental purposes of morality. Though it is not unintelligible gobbledygook, it is utterly misconceived as a matter of substantive morality. It would never win the assent of anyone who deliberates under optimal conditions for moral reflection.)

At any rate, failing to cleave to his insightful distinction between surprisingness and unintelligibility, Hare erred by submitting that the disallowance of references to particular times or places within moral principles is always something that we can fathom and justify on the basis of intuitions that are purely linguistic rather than moral. His reason for classifying those intuitions as purely linguistic – his claim that the intuitions "must be shared by anybody who understands the use of 'ought', whatever his moral opinions" (Hare 1981, 116) – does not withstand scrutiny, once we attend to the distinction between abstract moral principles and concrete moral principles.[9] The thesis of universalizability is a highly abstract moral principle, and is therefore consistent with a multitude of concrete moral principles. For example, as we have observed, it is consistent with many varieties of egoism and chauvinism. Because the constraint of universalizability is so unconfining, we are not speaking misleadingly when we say that it is heeded by just about everyone, "whatever his moral opinions." However, as we have also observed, the thesis of universalizability is inconsistent with *some* concrete moral principles. It rules out any of the non-universalized moral doctrines that have been broached herein. Abstract and broadly accommodating though it is, it is not purely formal and neutral; its neutrality among concrete moral credos is wide-ranging but not all-encompassing. It is a sound principle of moral substance that clashes with certain unsound principles of moral substance.

Pace Hare, then, the ban on individual constants (such as designators of particular times or places) in moral principles does not follow as a sheer matter of logic from the meaning of "ought" or the meaning of any other ethical term. It obtains instead as a fundamental substantive moral requirement. Its abstractness as such a requirement, and its consequent compatibility with any number of concrete moral tenets, should not lead us to mistake it for anything other than an element of substantive morality. It structures every estimable moral principle – and also countless objectionable moral principles – but it does so inside the domain of morality as a constraint that tracks the unjustifiability of the distinctions that it forbids.[10]

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[9]   This distinction was highlighted by Hare himself in other contexts. See, for example, Hare 1963, 38–40; Hare 1989c. See also Hare 1981, 41.

[10]   In line with what has been said in the penultimate paragraph above, I can obviously allow – here and everywhere else in this chapter – that some violations of the constraint of universalizability in people's moral affirmations might stem from logical blunders or linguistic incompetence. The key point here is that many such violations (including those by the fanatical Francophile and the self-absorbed ascetic) stem instead from erroneous moral judgments.

10.1.1.7. Hare's final argument: form versus substance

To behold again the importance of the distinction between abstract moral principles and concrete moral principles, we should look finally at one additional argument by Hare. In that argument, he drew upon his later work in which he had professed to derive utilitarianism from certain supposedly formal features of rational moral thought – including the requirement of universalizability.[11] From those ostensibly formal features, he had maintained, "it follows that in moral thinking we have to give equal weight to the preferences of those affected [by our actions,] whoever they are; and from this, in conjunction with the assumption that we give positive weight to *our own* preferences, utilitarianism directly follows" (Hare 1988, 250, emphasis in original). Hare then sought to explain that, in deriving utilitarianism from some putatively formal properties of rational moral thinking, he had not illegitimately crossed the divide between form and substance. Remarking piquantly that "utilitarianism too is a formal doctrine," he argued:

> This [derivation of utilitarianism] . . . does not determine what, in substance, we should do. To put in the substance, whether partial or impartial, we have to ask what the preferences actually are, or would be, regarding the consequences of adopting one or another principle to live by. So formulated, utilitarianism itself is not a substantial moral thesis but a formal, logical one, like the thesis of universalizability to which it is so closely related, and like the Kantian Categorical Imperative; but like these it can guide our reasoning, in combination with substantial information about preferences, towards the adoption of substantial principles. (Hare 1988, 250)

Hare here likened utilitarianism to the thesis of universalizability in order to indicate that both are to be classified as purely formal doctrines. His analogy has quite the opposite effect, however. It helps to make clear that both of those doctrines are abstract substantive moral theses. On the one hand, Hare was correct in observing that utilitarianism would not by itself

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[11] A key step in the derivation is adumbrated in Hare 1963, 196–97; but the derivation as a whole is elaborated chiefly in Hare 1981, chs. 5 and 6, and in several of the essays in Hare 1989a. For a trenchant exposure of a fatal flaw in Hare's derivation, see Persson 1983. See also Feldman 1984, 275–77. Hare sought to defend his derivation against the main objection raised by both Persson and Feldman – see Hare 1989a, 247 – but he failed to grasp the objection's force. (Some of his replies to ancillary objections are more persuasive.)

generate or comprise the concrete moral principles that are to apply to people's actions. Utilitarianism is much more abstract, and is consequently compatible with a vast array of concrete principles of moral substance. As Hare pointed out, the contents of those concrete principles in a utilitarian scheme of things will hinge on people's preferences. On the other hand, however, to accept as much is hardly to accept that utilitarianism is a formal doctrine. Quite the contrary.

Utilitarianism, on Hare's own understanding – and on any other credible understanding – will have assigned a morally determinative role to people's preferences. Utilitarianism does not per se dictate concrete moral conclusions, but it does provide that those conclusions are to be determined by the specificities of people's preferences. In so maintaining, it commits its proponents to a host of controversial substantive moral positions (some of which are actual and some of which are subjunctive in their orientation). For example, if people's current preferences are such that the regulation of their conduct by some racist precepts will be utility-maximizing, then the utilitarian principle deems those precepts to be morally binding. Even if the present configuration of people's preferences is not such as to render the racist precepts utility-maximizing, the utilitarian principle holds that those precepts would be morally binding if people's preferences were to change sufficiently from what they currently are. Many other actual moral conclusions and multitudinous other subjunctive moral conclusions follow from the utilitarian principle in conjunction with premises specifying the contents of people's preferences.

Now, the key point here is not that some of the potential utilitarian conclusions (such as the conclusions concerning the racist precepts) are decidedly unpleasant. Utilitarianism has frequently and rightly been execrated on that very ground,[12] but the focus of my present approach to the utilitarian principle is different. Instead of concentrating on the unsavoriness of some concrete utilitarian prescriptions, my critique of Hare has simply sought to highlight the fact that any such prescriptions – whether appealing or unappealing – are generated by factors which the utilitarian principle itself deems to be morally decisive. Precisely because that principle assigns a morally dispositive role to people's preferences, the concrete prescriptions constituted by those preferences are morally obligatory in the utilitarian scheme of things. Yet, because the utilitarian principle does

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[12]   Even steadfast supporters of Hare have queried his utilitarianism on this ground. See, for example, Hudson 1983, 229–30.

assign such a role to preferences, any characterization of that principle as a purely formal doctrine is unsustainable. It is, rather, an abstract moral principle. It does not by itself yield concrete moral requirements, but it attributes moral determinativeness to the things that do yield those requirements. Its own role is therefore substantive rather than formal. Abstract though it is, and capable though it is of accommodating many different concrete moral mandates, the utilitarian principle is far from morally neutral. Thus, if we follow Hare in maintaining that the division between form and substance applies alike to the utilitarian principle and the thesis of universalizability, we should classify that latter thesis as a substantive moral doctrine. As Henry David Aiken wrote more than four decades ago: "Like the principle of utility, the universalizability principle is not – and should not be viewed as – a formal principle of moral discourse, but only, at best, a substantive or material moral principle" (Aiken 1966, 698).

10.1.2. Supervenience as the reign of principles

Very few commentators concur with Hare's view that the disallowance of individual constants in moral principles is a logical constraint that ensues from the very meanings of basic moral terms. Far more philosophers, however, join Hare in believing that the other chief aspect of moral universalizability – supervenience – is a logical or analytic constraint. From his early work onward, Hare plainly took supervenience to be a matter of logical necessity. As he stated in an important essay on the topic, the necessity designated in his simple formulation of the phenomenon of supervenience is "conceptual or logical necessity, simply because supervenience is, in my view, a logical property" (Hare 1989b, 71). Although Hare's stance on this matter is much more widely shared than his stance on the other aspect of moral universalizability, it will come under challenge here. While there is no doubt whatsoever that the relationship of supervenience in the realm of morality obtains by necessity, the status of its necessity is an issue to be explored. As will be argued, and as the title of this chapter suggests, Hare fell into error when he identified supervenience as a logical property. Fundamental to the whole of ethics, supervenience is itself an abstract ethical property, and its necessity is profoundly ethical. An affirmation of its sway throughout the realm of morality is, accordingly, a substantive moral thesis.

10.1.2.1. Two preliminary remarks

Before we proceed further, two preliminary clarificatory remarks will help to sharpen the focus of the discussion. First, supervenience is a relationship that has been found to obtain in many domains beyond the realm of morality. My discussions in this chapter investigate supervenience only as it prevails in the domain of ethics. While I suspect that there is not any domain in which supervenience obtains by logical necessity (as opposed to some other type of necessity), there is no need for any substantiation of that supposition here. What can be stated with confidence is that, even if supervenience is similar across different areas of existence in the respect just surmised, it is distinctive in the realm of ethics because it is grounded there on ethical considerations. Its necessity, unlike the necessity of supervenience in other domains, is fundamentally ethical in character.[13] Hence, although an investigation exploring the phenomenon of supervenience in a wide range of areas could certainly be illuminating and fruitful, there are also strong reasons for undertaking an investigation that specifically explores the ethical variety of the phenomenon.

A second preliminary remark concerns a distinction that will figure saliently throughout the rest of this chapter. When Hare contended that the necessity of supervenience in the moral realm is logical, he was speaking about moral supervenience as a phenomenon that is distinct from another important phenomenon in the moral realm, to be styled here as the "generative relationship." He left open the nature of the necessity that characterizes the latter relationship. Although we shall encounter the distinction between supervenience and the generative relationship in a somewhat different guise when we look at the work of Blackburn, we should at present consider it by reference to Hare's formulations.

Hare expounded his conception of supervenience by delineating a standard practical syllogism with a universal premise p, a subsumptive premise q, and a conclusion r:

$$p \quad \text{For all } x, \text{ if } Gx \text{ then } Fx$$
$$q \quad Ga$$
$$\text{So} \quad r \quad Fa$$

He then proceeded to distinguish between two theses:

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[13]   For a discussion of the nature of moral necessity, see § 5.3.2 in my fifth chapter above.

(1) Necessarily, if *q* then *r*

(2) Necessarily, if *r*, then there is a valid inference of the '*p*, *q*, so *r*' form, the two premises of which hold.[14]

The second of these two theses is Hare's formulation of the general phenomenon of moral supervenience. Accordingly, the necessity operator in the formulation designates logical necessity. That formulation states in effect that, as a matter of logical necessity, anything that partakes of rightness or wrongness or some other moral property does so in virtue of being subsumable under a universal principle – a universal principle which provides that anything endowed with certain non-moral properties is also endowed with rightness or wrongness or some other specified moral property.

By contrast, Hare did not seek to pin down the type of necessity that is operative in the first of his two theses, which articulates the generative relationship. Very few philosophers indeed would submit that the necessity operator in that first thesis designates logical necessity. Patently superior is the view that the generative relationship encapsulated in the first thesis is a matter of *moral* necessity. When we return to this issue in my discussion of Shafer-Landau, we shall encounter just such a view – a view which this chapter will endorse, of course.

With the distinction between Hare's two theses in hand, we can now discern precisely the question to be addressed by the remainder of this section of the chapter. What will be contested here is Hare's belief that the necessity operator in his second thesis is different from that in his first. Contrary to what Hare maintained, supervenience in the ethical realm is a profoundly ethical relation rather than a logical relation. Consequently, the necessity operative in thesis (2) is of the same kind as that operative in thesis (1); in each case, the necessity is moral rather than logical. To see as much, we shall have to ponder the arguments that Hare marshaled in support of his claims about the status of supervenience as a logical

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[14] The structure of the practical syllogism and the substance of the two theses are presented in Hare 1989b, 69–70. The distinction between supervenience and the generative relationship is essentially the same as Jonathan Dancy's distinction between supervenience and resultance; see Dancy 1993, 77–79. (When Dancy subsequently purports to discuss Hare's doctrine of universalizability – in Dancy 1993, 79–86 – he is in fact discussing Hare's conception of supervenience.) As has been indicated in § 6.2.2.5 of Chapter 6 above, my distinction between supervenience and the generative relationship is also essentially the same as the distinction drawn by many philosophers between weak supervenience and strong supervenience.

property. Because those arguments will not withstand scrutiny, the claims supposedly vindicated by them will have turned out to be baseless.

10.1.2.2. Hare's first argument: moral inconsistency versus logical inconsistency

Two principal lines of reasoning appear in *The Language of Morals*, though one of them surfaces only fleetingly. In that first and sketchier line of reasoning, Hare asserted that "it would be logically illegitimate to give a [verdict concerning how a certain person ought to act] while denying that there was any principle on which it depended. By 'logically illegitimate', I mean that my usage of the word 'ought' would be so eccentric as to make people wonder what I meant by it" (Hare 1952, 157). His contention here is similar to the one that he advanced at the outset of a passage from *Moral Thinking* which we have already examined: "[A] person who makes different moral judgements about cases which he admits to be identical in their non-moral universal properties encounters the same kind of incomprehension as is encountered by a logical inconsistency (for example a self-contradiction)" (Hare 1981, 115). The dubiousness of the statement in the latter passage is underscored by the former passage, which effaces the distinction between logical impropriety and mere eccentricity. To be sure, the eccentricity involved in flouting the requirement of supervenience is in some cases more severe than the eccentricity involved in flouting the prohibition on individual constants within moral principles. However, in many cases (for example, the case of the ascetic who perceives himself as bound by especially exacting moral standards), violations of the prohibition on individual constants are likewise violations of the requirement of supervenience. Thus, if we have strong reasons for doubting the soundness of Hare's argument concerning the former violations, we also have strong reasons for doubting the soundness of his argument concerning the latter. The likeliest reaction to a violation of either of those two types is consternation over the peculiarity of the moral standard to which somebody is adhering.

   Though indignant dismay might also occasionally be felt in reaction to a flagrantly self-contradictory pronouncement – consider, for example, the likely responses to the statement "The Nazis' extermination of European Jews was thoroughly evil, and it is not the case that the Nazis' extermination of European Jews was thoroughly evil" – the moral outrage in such a context would be directed against a failure to take an intelligible stand on

a vital moral issue. Such outrage would reflect the fact that the sheer intellectual paralysis engendered by arrant illogic is morally unacceptable in application to matters of great moral importance. An indignant response to a violation of the constraint of supervenience will be quite different. It will be directed not against a failure to adopt a minimally coherent position, but against the adoption of a coherently invidious and arbitrary position. Such a reaction will occur precisely because the offending standard or verdict is not self-contradictory and opaquely incomprehensible. The supervenience-infracting standard or verdict will undergo condemnation for being idiosyncratic and unacceptably discriminatory or capricious, rather than for effectively asserting nothing by affirming both something and its negation. (Of course, as has already been acknowledged, the reactions of people to manifestations of unusual ethical standards are ultimately an empirical matter. Nonetheless, in the absence of any relevant empirical findings, plausible hypotheses about those reactions are serviceable – especially when they highlight conceptual distinctions that are blurred by Hare's contrary hypotheses.)

Admittedly, someone whose moral judgments transgress the constraint of supervenience will typically and rightly be accused of inconsistency. However, the likelihood and correctness of such an accusation should not lead anyone to subscribe to Hare's characterization of the aforementioned constraint as logical rather than moral. One species of inconsistency is of course a logical property, but there are other species as well. Supervenience-contravening inconsistency among one's moral judgments is usually a moral failing rather than a logical error. Normally, a charge of inconsistency among those judgments is an allegation of fickleness or capriciousness or hypocrisy or inequity, rather than a claim about a veritable logical mistake. Ethical inconsistency resides in a failure to treat like cases alike or to take account of ethically relevant differences, while ethical consistency resides in sustaining a pattern of uniformity among one's judgments for like cases and a pattern of appropriate differentiation for dissimilar cases. People can be ethically inconsistent without being logically inconsistent; the former vice, indeed, very seldom involves the latter. Conversely, the logical consistency of one's judgments does not by any means ensure their ethical consistency. For the attainment of ethical consistency among judgments, it is hardly sufficient that the judgments can logically all be true. They must additionally bespeak a commonness of approach that displays basic fairness in one's handling of situations – fairness achieved through sensitivity to the ethically significant similarities and dissimilarities among

the situations. As an element of this fundamental requirement of fairness and consistency, the constraint of supervenience is among the basic standards of substantive ethics.

Two caveats should be attached to the argument in the last paragraph. First, as is obvious, nothing therein should be construed as a denial that ethical judgments are truth-apt and that they are subject to the constraint of logical consistency. Although my discussion has emphasized the difference between logical inconsistency and ethical inconsistency, and although I have contended that transgressions of supervenience in the ethical realm almost always involve the latter rather than the former, the applicability of logical constraints such as consistency has certainly not been gainsaid. On the contrary, my discussion has taken that applicability as given. The question explored here has been whether the requirement of supervenience in the domain of morality is tantamount to the logical requirement of consistency. In presenting a negative answer to that question, and in arguing that the former requirement is fundamentally ethical rather than logical, the preceding paragraph has never doubted that moral discourse is subject to both requirements.

Second, sometimes an accusation of inconsistency among one's ethical judgments does amount to an accusation of logical inconsistency. When a charge of this sort is voiced, it will be broadly along the following lines: "Those judgments cannot both (or all) be correct!" What is presupposed by such an assertion is that the judgments in question are governed by some overarching ethical principle which as a matter of logic cannot be squared with violations of the constraint of supervenience. Let us designate as "PP" this presupposition about the reign of some or another ethical principle. When people take PP as given – as they should and usually do – their censure of transgressions of supervenience can indeed emerge as criticisms of logical inconsistency (though, as has been submitted, the emergence of the censure in that form is less likely than its emergence as criticisms of ethical inconsistency). However, this point is damaging to my argument only if the content of PP is itself a logical truth rather than an ethical truth. Is the subsumption of ethical judgments under universal principles a matter of logical necessity? Or is it only a matter of ethical necessity?

We have already encountered strong reasons for believing that the answer to the first of these questions is negative whereas the answer to the second question is affirmative. If the answer to the first question were affirmative, then supervenience-defying ethical assertions – such as those of the

ascetic with the twin brother – would be incoherent rather than merely misguided and invidious. People advancing such assertions would be articulating views that are unintelligibly self-contradictory rather than just morally dubious. To avoid such a distortive assessment of the matter, we should recognize that the answers to the two questions at the end of the last paragraph above are negative and affirmative respectively. Moreover, also militating in favor of those answers are considerations that will be pondered in the rest of this chapter. As will be seen, Hare and other philosophers in their efforts to present supervenience as a logical constraint have repeatedly adduced ethical concerns in substantiation of their claims. In so doing, they have inadvertently revealed that the constraint of supervenience is generally an abstract ethical requirement rather than a matter of logical necessity. We are therefore on solid ground when we conclude that PP in the preceding paragraph is an ethical truth rather than a logical truth. Consequently, any charges of logical inconsistency that are impelled by someone's endorsement of PP are not at odds with my insistence that supervenience is an ethical phenomenon. (An analogy may be helpful here. Suppose that John believes that there is a legal or moral norm requiring the parents in every family to bestow names on their children that each begin with the same letter. He confidently believes that Frank has complied with that norm. Seeing two of Frank's children, he asks what their names are. Frank replies that the girl's name is "Jennifer" and that the boy's name is "Marvin." John exclaims: "Your statements about their names cannot both be true!" On the basis of his beliefs about the existence of the norm requiring onomastic uniformity and about Frank's compliance with that norm, John's charge of logical inconsistency is apposite. To say as much, however, is hardly to suggest that the content of either of those beliefs is a necessary truth.)

10.1.2.3. Hare's second argument: an appeal to purpose

Hare in *The Language of Morals* more frequently resorted to an alternative line of reasoning when endeavoring to clinch his thesis that the supervenience of moral properties on non-moral properties is a logical relationship. In his attempts to vindicate that thesis, he repeatedly adverted to the point or purpose or function of ethical discourse. The following extract, which deals with evaluative discourse generally (including, for example, aesthetic discourse), is only one among several germane passages throughout his book:

> Now since it is the purpose of the word 'good' and other value-words to be used for teaching standards, their logic is in accord with this purpose . . . The reason why I cannot apply the word 'good' to one picture, if I refuse to apply it to another picture which I agree to be in all other respects exactly similar, is that by doing this I should be defeating the purpose for which the word is designed. I should be commending one object, and so purporting to teach my hearers one standard, while in the same breath refusing to commend a similar object, and so undoing the lesson just imparted. By seeking to impart two inconsistent standards, I should be imparting no standard at all. The effect of such an utterance is similar to that of a contradiction; for in a contradiction, I say two inconsistent things, and so the effect is that the hearer does not know what I am trying to say. (Hare 1952, 134)

As Hare remarked pithily in a subsequent passage, "[t]he reason, then, for the 'supervenient' character of the words 'right' and 'ought' is [that they] are used primarily for giving advice or instruction, or in general for guiding choices" (Hare 1952, 155). He reiterated slightly later that "the reason for [an evaluative term's] supervenience is that it is used in order to teach or affirm or otherwise draw attention to a standard for choosing between objects of a certain class."[15]

As partial explanations of the phenomenon of supervenience in the domain of ethics, these quoted remarks are unexceptionable and illuminating. However, they go no way toward establishing that the relationship of supervenience in that domain is logical rather than ethical. On the contrary, they militate against such a notion. After all, the ascription of a purpose to ethics or to the basic vocabulary of ethical discourse – which we shall come upon as well in the writings of Blackburn and Shafer-Landau – is itself a substantive ethical thesis, albeit at a high level of abstraction. Any such ascription singles out some aspect(s) of ethical categorization as centrally important for the lives of human beings or of rational beings generally.[16] According to the view propounded by Hare, the pivotally valuable end of morality lies in interaction among human beings: specifically, in modes of interaction such as instruction and guidance and advice. Because

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[15]   Hare 1952, 159. See also Hare 1981, 88.
[16]   Compare Ross 2004, 417: "Morality purports to do a certain task. It seeks to order or structure competitive or cooperative relations among people in light of some fact deemed central about us." Thus, for example, David Wong repeatedly attributes to morality the purpose of "resolving internal and interpersonal conflicts" (Wong 1984, 38). As he writes, "there is such a thing as morality only because people have needs to resolve internal and interpersonal conflicts and because they develop rules to meet these needs" (Wong 1984, 61).

violations of the constraint of supervenience would impair the attainment of that end and would indeed undermine it altogether if they were numerous, a prohibition on those violations is basic to moral classification.

Hare's justification for the sway of supervenience in the ethical realm is quite plausible, but only as an ethical doctrine rather than as a logical/semantic doctrine. His emphasis on the key connection between ethics and human interaction was echoed by Mackie, though from a slightly different angle. Instead of concentrating on the facilitation of beneficial interaction, Mackie highlighted the need for restrictions on detrimental interaction. He declared that "the function of morality is to counter the bad effects of limited sympathies [among human beings]" (Mackie 1977, 152), and he maintained that the Harean constraint of universalizability is largely supportable by reference to that function. He did not harbor any illusions that he was supplying grounds for regarding the requirement of universalizability as a matter of logic or semantics. Rather, he rejected any "ascription of . . . universalizability to moral terms as a logical feature," and he submitted that the property of universalizability "is easily understood when we look beyond the proposed logical thesis to a practical function" (Mackie 1977, 152).

As has been stated since my opening chapter, the domain of substantive ethics encompasses exceedingly abstract ethical propositions as well as more textured principles and particular verdicts. An imputation of a general point or purpose to ethics is among the most abstract of the aforementioned propositions. Such an imputation is therefore neutral among a vast welter of concrete ethical positions, for it delineates an end that can be furthered by any such positions that are credible. All the same, it is a substantive ethical thesis. It attaches fundamental ethical value to an end, which transmits that value to the ethical norms and decisions by which the end is promoted. A focus on the intercourse among human beings – with an orientation toward advancing their positive interaction or limiting their negative interaction – is one attractive route for arriving at the cardinal value or purpose of ethics. Writers within the broad utilitarian tradition in ethics (such as Hare and Mackie) generally favor such a route, but so do many others. Some writers within the Kantian tradition concentrate instead on the integrity of the individual rational agent as the primary concern of morality. Given that the deliberations and judgments of such an agent cannot partake of integrity unless the requirement of supervenience is heeded, a Kantian justification for that requirement is readily available. In any case, whatever may be the precise focus for an attribution of some overriding purpose to

ethical classifications, the chief point here is that any such attribution is within the domain of ethics rather than outside it. Highly abstract though such an attribution is, it assigns substantive value and importance to something. It is not a thesis about the meanings of words or about purely logical relations. Any arguments or considerations pertinently adduced in support of it would themselves be ethical rather than lexicographical or formal. Someone who has recourse to an attribution of this sort in order to explain the constraint of supervenience in ethics will *pro tanto* have revealed that that constraint is squarely ethical.

10.1.2.4. Hare's third argument: contingent patterns of usage

In short, yet another effort by Hare to bolster his claims about the status of supervenience in ethics has proved unavailing. His arguments tend to impugn, rather than reinforce, the notion that the supervenience of ethical properties on empirical properties is a logical relation. Let us turn to a final effort by him, undertaken in a somewhat concessionary spirit in one of his late essays:

> [I]f I say 'I ought to do it to him', I commit myself to saying . . . that he should do it to me were our roles precisely reversed. That is, as we shall see, how moral argument gets its grip. I must repeat that it is not an essential part of my argument that *all* uses of 'ought' have these features. All I am maintaining now is that we do sometimes, when asking 'Ought I?', use the word in this way. I am addressing myself to those who are asking such questions, as I am sure many people do. If anybody wished to ask *different* questions, he might have to use a different logic. But I am quite sure that we do sometimes find ourselves asking, and disagreeing about, universal prescriptive questions – that is, about what to prescribe universally for all situations of a given kind, no matter who is the agent or the victim. I shall be content if I can show how we can validly argue about such questions, whose logical character is determined by their being *those* questions, i.e. universal prescriptive ones. (Hare 1989a, 180, emphases in original)

What is especially interesting about this passage is that it occurs just after Hare strongly affirms the logical character of the constraint of supervenience: "If I say 'I ought, but there is someone else in exactly the same circumstances, doing it to someone who is just like the person I should be doing it to, but he ought not to do it', then logical eyebrows will be raised; it is *logically inconsistent* to say, of two exactly similar people in exactly similar

situations, that the first ought to do something and the second ought not"
(Hare 1989a, 179, emphasis in original).

As an aside, let us briefly note that Hare in this latter quotation has placed
the negation in the wrong position. "I ought to do *x*" is not necessarily
inconsistent with "I ought not to do *x*," whereas it is necessarily inconsist-
ent with "It is not the case that I ought to do *x*." In other words, "not
ought" rather than "ought not" is the contradictory of "ought." Hare
would undoubtedly counter by asserting that "ought" implies "may." That
is, he would maintain that being obligated to do *x* entails being permitted
to do *x*, and that "ought" and "ought not" are indeed inconsistent.
Because any further pursuit of this point would lead us too far afield,
I shall simply remark that I have elsewhere sustainedly argued against the
view which I have just attributed to Hare.[17]

Let us return to the main thread of argument in this chapter. The
appropriate response to the two passages quoted above has been adum-
brated by my earlier discussion of logical inconsistency versus ethical
inconsistency. In the longer of these two quotations, Hare endeavored to
salvage his insistence on the status of supervenience as a logical property
by indicating that that insistence is applicable to only one attractive
pattern of usage for "ought." He did not contend that patterns of usage
other than the universal prescriptive pattern are transgressive of linguistic
propriety. Nor did he suggest that the universal prescriptive pattern is uniquely
appropriate for ethical discourse as a matter of logic. He instead simply
declared that, insofar as the universal prescriptive use of "ought" is oper-
ative within ethical discourse, violations of the requirement of supervenience
in the ethical domain will amount to logical errors. Now, although the
disarming modesty of this claim may appear to rescue his doctrine of sup-
ervenience by confining the scope thereof, it in fact subverts that doctrine.
As the comments in the long quotation effectively acknowledge, the sway
of the universal prescriptive use of "ought" within ethical discourse is not
a matter of logic or semantics. It is, rather, a matter of selection among
different coherent senses of "ought" – where the selection has to be based

[17]   See Kramer 1998, 17–20; Kramer 2004, 249–94; Kramer 2005; Kramer 2009. Quite a
few other philosophers have stumbled in the same manner as Hare. See, for example, Harman
1977, 82; Harrison 1982, 230–31; Hudson 1983, 184. A subtle variant of Hare's error occurs
at several junctures in Wong 1984, where Wong presumes that a relativistic affirmation
of the multiplicity of correct moral frameworks is necessary to warrant any dissent from
the following proposition: "When two moral statements conflict as recommendations to
action, only one statement can be true." Wong 1984, 1; see also ibid., 45, 64–65.

on something other than sheer logical or linguistic considerations. Hare's remarks thus leave ample room for avouching that an ascetic who applies more stringent standards of conduct to herself than to other people is by no means guilty of illogic or unintelligibility. Though her position is objectionable, it is hardly nonsensical or self-contradictory. Her error is a substantive moral error, and the factors that can suitably be invoked against it (considerations of equality, uniformity, and solidarity, for example) are likewise substantively moral. More broadly, the factors that weigh generally in favor of abiding by the universal prescriptive pattern of usage for "ought" in ethical discourse are matters of ethics. Someone who adopts or purports to adopt that pattern of usage can be convicted of logical inconsistency as well as ethical inconsistency if he or she flouts the requirement of supervenience; but the adoption of that universal prescriptive pattern itself within ethical discourse is something required on ethical grounds rather than on logical or semantic grounds. Hare accepted as much, and he thus accepted *malgré lui* that the constraint of supervenience in the ethical realm is fundamentally an ethical phenomenon. With his refreshing disavowal of lexicographical ambitions, he exposed the untenability of his endeavors to characterize supervenience as a logical property of the language of morals.

10.2. The Expressivist Account of Supervenience

Insofar as contemporary debates over the phenomenon of supervenience in ethics are marked by rigor and clarity, their being so is due in no small part to Blackburn. From an expressivist or anti-realist perspective, he has commendably shed light on the topic in several publications.[18] Though he firmly distances himself from Hare's view that a prohibition on individual constants within moral principles is necessitated by logic and semantics, he is largely in alignment with Hare on the matter of supervenience. That is, he submits that the constraint of supervenience within ethics is a logical or linguistic-conceptual feature rather than a substantive ethical requirement. He writes, for example, that "[i]t seems conceptually impossible to suppose that if two things are identical in every other [germane]

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[18]   I shall concentrate here on Blackburn 1984, 182–87; and Blackburn 1993, 111–48. For some more recent reflections on the topic, see Blackburn 1998, 315–17.

respect, one is better than the other . . . In particular in the moral case it seems conceptually or logically necessary that if two things share a total basis of natural properties, then they have the same moral qualities." He adds even more emphatically that "in the moral case it is not just simpler and more economical to believe that naturally identical states of affairs compel the same moral description. It is absurd, contradictory, a failure to understand the nature of evaluation, to believe otherwise" (Blackburn 1984, 183, 184, 187). On this point, Blackburn is in full agreement with Hare notwithstanding the sundry differences of presentation and formulation between them. Yet it is precisely this point, concerning the status of the relationship of supervenience, that is under challenge throughout this chapter. We shall have to examine Blackburn's reasons for thinking that that relationship in the domain of ethics is logical or linguistic-conceptual. Along the way, we shall scrutinize his claim that his expressivist stance deals more effectively with a key problem surrounding supervenience than does any moral-realist position.

To apprehend the problem just mentioned, we should note that Blackburn highlights a distinction similar to Hare's between the phenomenon of supervenience and the generative relationship. His formulation of the relationship of supervenience has been quoted – as (S) and (S$_2$) – near the outset of this chapter. His conception of the generative relationship, which he states in a negative fashion, is as follows:

(E)   There is no moral proposition whose truth is [logically] entailed by any proposition ascribing naturalistic properties to its subject. (Blackburn 1993, 116)

Blackburn later explicates the generative relationship formally as follows (Blackburn 1993, 132):

(P) $P(\exists x)(G^\star x \ \& \ \neg Fx)$

According to this explication, it is logically possible that there is something which does not partake of some ethical property F but which does partake of a complete set of empirical properties $G^\star$ on which F in fact supervenes. In other words, it is not logically necessary that everything endowed with $G^\star$ is also endowed with F.

As Blackburn observes, the theses (E) and (P) and also the theses (S) and (S$_2$) are very widely endorsed. He does not doubt that each of the

former pair of theses is logically consistent with each of the latter pair, but he declares that there is a tension between them and that anyone who combines the former with the latter must therefore come up with an explanation of the conjoined theses. In particular, the phenomenon of supervenience as encapsulated in (S) and (S$_2$) has to be explained. His contention is that expressivists are in a much stronger position to provide an apt explanation than are moral realists.

As was remarked near the outset of this chapter, Blackburn takes as given that the necessity operative in (S) and (S$_2$) is logical or linguistic-conceptual. That is, he perceives supervenience in the ethical realm as a logical or linguistic-conceptual relationship. He hence supposes that the task confronting the moral realists and the expressivists is to offer an explanation of supervenience so conceived. Of primary interest here is his endeavor to supply an expressivist explanation; we shall look carefully at the main arguments which he has marshaled for that endeavor. In the course of so doing, however, we shall also ponder how an ethical realist can best respond to Blackburn's challenge. We shall find that the optimal response is to reject his framing assumption that the necessity of (S) and (S$_2$) is logical. Their necessity is instead ethical. Trading on such a response, an ethical realist can readily explain the phenomenon of supervenience in the ethical realm.

10.2.1. Blackburn's first main argument:
capriciousness versus illogic

Why, then, does Blackburn believe that the relationship of supervenience between ethical properties and empirical properties is logical or linguistic-conceptual? His first main argument in support of that belief is along the following lines:

> There can be no question that we often choose, admire, commend, or desire, objects because of their naturalistic properties. Now it is not possible to hold an attitude to a thing because of its possessing certain properties and, at the same time, not hold that attitude to another thing that is believed to have the same properties. The nonexistence of the attitude in the second case shows that it is not because of the shared properties that I hold it in the first case. Now, moral attitudes are to be held towards things because of their naturalistic properties. Therefore it is not possible to hold a moral attitude to one thing, believe a second to be exactly alike, yet at

the same time not hold the same attitude to the second thing. Anybody who appears to do this is convicted of misidentifying a caprice as a moral opinion.[19]

Especially when this passage is read in conjunction with a couple of other passages that present cognate arguments (Blackburn 1993, 132, 136–37), the gist of the reasoning is quite clear. The idea is that, by logical necessity, if certain properties of some object of ethical judgment are a complete basis for a person's ethical attitude toward that thing, then the person will adopt the same attitude toward any other thing which she believes to be endowed with those same properties. If she adopts a different ethical attitude, then the discrepancy reveals that the specified properties were not in fact a complete basis for her attitude toward the first thing. There must have been some further factor – the presence of some feature or the absence of some feature – that differentiates the first thing from the second. Perhaps the person has become conscious of the additional factor only after coming into contact with the second object of ethical judgment, but that additional factor must have been swaying her reaction from the outset. Had it not been, then her verdict in the first case would have been the same as her verdict in the second. In sum, as a matter of logic, if a set of properties is genuinely the complete basis for a person's attitude toward some object of ethical judgment, and if it is therefore not merely a part of that basis which we might mistakenly perceive as the whole, then the attitude of the person toward anything which she believes to be endowed with those properties will be the same as her attitude toward anything else which she believes to be endowed with them.

Such is Blackburn's elegant and forceful argument. To begin to detect the unsoundness of that argument, we should look closely at an insertion

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[19] Blackburn 1993, 122. I should here issue two caveats. First, I take it as evident that each of the four instances of "because of" in this passage carries a justificatory sense rather than a causal sense. That is, I take those words to mean "on the basis of" rather than "as a causal consequence of." Each instance of "because of" indicates not that certain empirical properties *cause* appropriate moral reactions, but that those properties are perceived by moral agents as factors that are correctly and decisively adducible in favor of those reactions. Second, although I have altered "thing" to "world" in Blackburn's (S) at the outset of this chapter, I do not undertake any similar alterations in the present discussion. Stylistic considerations militate against any further alterations of that sort. Nonetheless, the phenomenon of supervenience is global rather than merely local. Accordingly, every reference in the present discussion to the empirical properties of things is to be understood as a reference to all their relational empirical properties as well as to all their intrinsic empirical properties.

in the first sentence of the first of my quotations from Blackburn in this section. That sentence, including my insertion, is as follows: "It seems conceptually impossible to suppose that if two things are identical in every other [germane] respect, one is better than the other." The insertion of "germane" is crucial, for – as Blackburn well knows[20] – any ostensibly two things that are identical in *every* other respect, including for example their spatial and temporal locations (if any), are not really two distinct things at all. In regard to any single thing at any particular time, it is indeed a matter of logic that that thing at that time is not better than itself or worse than itself or different from itself in any way. Relations of superiority and inferiority and difference presuppose the non-identity of the relata, and are therefore incoherent in application to relata that are numerically identical. If a thesis about supervenience were elaborated with reference to numerically identical things, its truth would be straightforwardly logical and thus trivial (Dancy 1993, 78–79). In fact, however, such a thesis is never so trivially elaborated in philosophical discussions of the topic. No one is interested in affirming the tautological proposition that any thing at any particular time cannot be different from itself at that time, or that a change in any aspect of something cannot occur without a change in that very same thing. Whenever the supervenience of some property on another is probed, the situations that partake of the relevant properties are always sufficiently distinct to avert triviality. They are at least numerically distinct.

Given as much, there is room for resistance to Blackburn's argument. Any set of properties $G^\star$ that forms the complete basis for a moral assessment of some situation will be accompanied by other properties (perhaps nothing more than spatial or temporal locations) that cannot be among any genuine grounds for the assessment. The fact that those other properties

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[20] "[W]e do not want the supervenience thesis to be made vacuously true through its being impossible that any two distinct things should be $G^\star$ – it then following that if one $G^\star$ thing is F, they all are. And the threat here is quite real. If, for instance, $G^\star$ were held to include all the physical properties and relations of a thing – if it were that and nothing less which some property F supervened upon – then assuming the identity of indiscernibles, we would have (S) satisfied vacuously again. To get around this I am going to assume a *limitation* thesis. This will say that whenever a property F supervenes upon some basis, there is necessarily a boundary to the kind of G properties that it can depend upon . . . [T]he moral supervenes upon the natural, and the [limitation] thesis will tell us that there are some natural properties that necessarily have no relevance to moral ones – pure spatial position, perhaps, or date of beginning in time. Given the limitation thesis, (S) will not be trivialized by the identity of indiscernibles" (Blackburn 1993, 133, emphasis in original).

are not among any genuine grounds for the assessment is a matter of moral necessity. Those properties differentiate the situation in question from any other situation that is also endowed with G^*. Consequently, some person P who arrives at a certain moral judgment about one such situation can arrive at a contrary moral judgment about another such situation, even though the former judgment has indeed been based on G^*. In such circumstances, P will have reached the subsequent moral verdict because of some consideration which cannot be morally relevant and which therefore cannot be an element of any G^*: a consideration such as the fact that this situation is *this* situation whereas that situation was *that* situation. Blackburn quite plainly recognizes this possibility at the end of the long passage quoted above, when he writes that "[a]nybody who appears to [violate the constraint of supervenience in his or her moral attitudes] is convicted of misidentifying a caprice as a moral opinion." However, the capriciousness of the second moral verdict or of the two verdicts taken together is something that renders P's ruminations and judgments morally objectionable, rather than something that deprives them of their very status as moral ruminations and judgments. The capricious second verdict will be subject to moral condemnation because of the whimsicalness and perversity with which it has been rendered, even if its content is correct as a matter of substantive morality. Of key importance here is that the appropriate condemnation is indeed moral. In arriving at a moral attitude in an arbitrary fashion, P has committed a moral error rather than a logical blunder.[21] (Note that this paragraph has argued in terms that are favorable to Blackburn. It has accepted that violations of the requirement of moral supervenience are appositely characterized pejoratively as "capricious" and "whimsical" and "preposterous" and "perverse" and "arbitrary." Such epithets are undoubtedly apt in application to many transgressions of the constraint of supervenience, but they are excessively harsh when applied to the stance of the ascetic who insists that he himself is bound by obligations that are not incumbent on people whom he regards as qualitatively identical to himself. His mistake consists more in preciosity than in whimsicalness. His stance, though misguidedly swayed by a morally outlandish

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[21]   I should here issue a caveat parallel to that issued in note 10 above. I am not claiming that capricious moral judgments are never traceable to logical blunders on the part of the people who reach those judgments. In some possible situations, such blunders are involved. However, in many other possible situations the capriciously aberrant judgments are due to morally objectionable arbitrariness rather than to logically objectionable paralogisms.

consideration, is patently recognizable as a moral stance – to an even greater extent than supervenience-defying moral verdicts that are more suitably described as "arbitrary" or "fickle" or "capricious.")

In short, because every situation is endowed with particularizing properties that cannot have any bearing on its moral status, *P* without logical inconsistency can harbor a moral attitude toward a situation on the basis of all its morally relevant features and a contrary moral attitude toward a situation that she knows to be qualitatively identical. The latter attitude is grounded on properties that cannot be morally relevant factors. It will have been elicited by some aspects of the second situation – such as sheer spatial and temporal locations – that never qualify as elements of any veritable *G**. *P*'s attitude in that event is of course capricious, but its arbitrariness is a moral failing rather than an instance of logical incoherence. Though her radical particularism bespeaks her personal flightiness, the inconsistency on her part is moral rather than logical. We can find ample backing for this point in a passage from a different essay by Blackburn, where he explains why his expressivist theory (which he labels as "projective") discountenances arbitrariness in moral evaluations:

> Why should a projective theory expect us to be worried if, for all we can show, we are reacting to like cases very differently? Shouldn't it be perfectly happy if our responses are not only rich and complicated, but also, for all we can tell, fickle? . . . I [have] pointed out our ability to step back from our moral sensibilities, to see whether we can endorse them or not and to worry about the kinds of function from belief to reaction that describes us. Now it is not at all surprising that a fickle function – one which has an apparently random element through time, or across similar cases – is one which we cannot readily endorse or identify with. Partly this is a question of the purpose of moralizing, which must at least partly be social. A fickle sensibility is going to be difficult to teach, and since it matters to me that others can come to share and endorse my moral outlook, I shall seek to render it consistent. But partly it arises simply from the value of justice. When I react to like cases differently I risk doing an injustice to the one which is admired the least, and one of our common values is that we should be able to defend ourselves against such a charge. (Blackburn 1981, 180)

We shall return shortly to the passage that has just been quoted. For the moment, however, I should make fully explicit a distinction that has underlain the discussion in the last few paragraphs: namely, the distinction between logical incoherence and moral preposterousness. We have

encountered this distinction already in Hare's discussion of hand-clasping. A logically incoherent justification or explanation is self-contradictory, whereas a morally preposterous justification or explanation is ridiculously peculiar. Of course, any ludicrously peculiar justification or explanation should be rejected outright, just as firmly as should a self-contradictory justification or explanation. However, the grounds for rejection differ. An incoherent justification or explanation is unacceptable because it affirms or implies both some proposition and the negation of that proposition. An outlandishly strange justification or explanation does no such thing. Instead, its unacceptability resides in the bizarreness of the factor(s) that it invokes as morally dispositive. For example, if Joe maintains that an act of intentional homicide perpetrated against Mary would be morally permissible because she has always enjoyed watching the leaves of Pin Oak trees turn russet in the autumn, he is not making a mistake that can be corrected through logic. Rather, he is making a substantive moral error – an astoundingly grotesque substantive moral error – by presuming that the permissibility or impermissibility of an act of intentional homicide against Mary hinges on her enjoyment of the color of Pin Oak leaves in the autumn. His error is to be corrected through moral reflection and remonstration rather than through logical analysis or lexicographical researches. Much the same can be said about the error committed by someone who adverts to spatial or temporal coordinates in themselves as morally decisive elements of a situation. Such a person is not putting forward a self-contradictory thesis. Instead, he or she is putting forward an asininely benighted thesis. As Hare suggested with his example of somebody who thinks that the clasping or unclasping of a person's hands is determinative of the person's moral stature, asinine benightedness is reproachable on grounds of substantive morality rather than of logic. (Note, incidentally, that the example of Joe and the Pin Oak trees in this paragraph is introduced solely to accentuate the distinction between logical incoherence and moral preposterousness. The example is not meant to depict a violation of the constraint of supervenience. Note also – yet again – that my comments on ridiculous moral utterances do not imply that those utterances are always attributable to moral errors. Simply because of a lack of competence in the English language, a young child or an extraordinarily dim-witted adult or an ill-educated foreigner might articulate what seems to be an outlandish moral verdict. Such errors owing to sheer linguistic incompetence can undoubtedly occur, however uncommon they may be. Moreover, as has been remarked in my earlier discussion of

the hand-clasping example, a person commits a conceptual mistake if with sincerity and linguistic competence in any ordinary circumstances she declares that one's clasping of one's hands or one's fondness for the leaves of Pin Oak trees or one's sheer location in space and time is by itself morally significant. Her declaration to that effect would manifest a failure to grasp the basic purposes of morality.)

In amplification of the foregoing remarks, let us examine the following proposition:

R   If two situations x and y differ in their moral properties, then they differ in their morally relevant physical and/or mental properties.

As should be evident, R – unlike any of Hare's or Blackburn's formulations of the relationship of supervenience – is an analytic truth.[22] It is so precisely because it sets no restrictions on what can count as morally relevant. In contrast with Hare's and Blackburn's formulations of the phenomenon of supervenience, then, R is fully compatible with radical particularism (a doctrine that should be rejected, of course, but on moral grounds rather than on logical or semantic grounds). R is compatible, for example, with a moral doctrine which holds that a rape committed on April 14, 1971 is sharply distinguishable morally from a qualitatively identical rape committed on April 16, 1971. Such a doctrine would hold that the morally determinative factor differentiating the two situations is that one rape was committed on April 14, 1971 whereas the other was committed on April 16, 1971. If we want to pin down what is wrong with such a moral doctrine, we cannot successfully resort to an analytic truth such as R; R is consistent with all such bizarre claims about what is morally relevant. We have to resort instead to a substantive moral proposition that disallows radical particularism as morally repugnant. We should construe Blackburn's (S) or (S_2) as exactly such a proposition.

10.2.2. A second argument?

Let us move on to examine the next line of reasoning advanced by Blackburn in support of his view that the constraint of supervenience in

[22]   Remember that the physical and mental properties to which R refers are inclusive of the relational properties of x and y as well as their intrinsic properties.

the moral realm is linguistic-conceptual. Referring back to his expressivist explanation of the logical necessity of moral supervenience – on which we have been concentrating – he declares that, under his explanation, a "moral attitude is said to be necessarily *held* because of the naturalistic properties of its objects, and the statement of supervenience, made in terms of which differences entail which others, is a realistic-appearing way of putting the view that difference in moral attitude to two things must, logically, be *justified* by difference in beliefs about them" (Blackburn 1993, 126, emphases added). It is not entirely clear whether anything should be made of the shift between "held" and "justified" in this quotation. Almost certainly, the latter term is being used in a purely subjective sense to refer to what the moral agent believes to be well-founded. If so, then the shift between "held" and "justified" is not a significant transition at all, and the argument laconically recounted in this quotation is the same as the one on which we have just been focusing. My response to it would therefore likewise be the same as my response to that original version of the argument.

Alternatively, however, Blackburn might conceivably be using the term "justified" in an objective sense to refer to what is actually well-founded (independently of whether the moral agent recognizes the well-foundedness). If so, then the aforementioned shift is indeed significant. That shift, nevertheless, does not detract in any way from the basic point of my rejoinder to Blackburn. On the contrary, it serves to underscore that point. Because any relevant justification in this context is a moral justification, Blackburn's pronouncement is manifestly a substantive moral thesis. That is, if Blackburn is using "justified" in an objective sense, then he is making the substantive moral claim that differences among a person's moral attitudes toward things must covary in a morally pertinent fashion with her beliefs about the natural properties of those things. The necessity operative in such a claim – the force of the "must" – would be moral necessity. Of course, the wording in the latest quotation ("must, logically, be justified") indicates that the necessity to which Blackburn intends to refer is logical necessity. Accordingly, we should conclude that he is almost certainly using "justified" in a subjective sense, since any claim about the logically necessary status of objectively justified covariations between moral attitudes and certain beliefs would be wildly implausible on its face. In other words, we should conclude that the argument in the latest quotation is simply a recapitulation of Blackburn's first main argument on the topic, which we have already scrutinized.

10.2.3. An appeal to purpose

A genuinely different line of reasoning, prefigured in the long passage about fickleness that was quoted a few pages back, appears at several junctures in Blackburn's writings. We shall look at only two of the relevant passages. In the first of these, Blackburn forthrightly endeavors to explain why an affirmation of supervenience in the ethical domain is a linguistic-conceptual truth:

> It seems to be a conceptual matter that moral claims supervene upon natural ones. Anyone failing to realize this, or to obey the constraint, would indeed lack something constitutive of competence in the moral practice. And there is good reason for this: it would betray the whole purpose for which we moralize, which is to choose, commend, rank, approve, or forbid things on the basis of their natural properties. (Blackburn 1993, 137)

A similar note is sounded in the following passage:

> Our purpose in projecting value predicates may demand that we respect supervenience. If we allowed ourselves a system (shmoralizing) which was like ordinary evaluative practice, but subject to no such constraint, then it would allow us to treat naturally identical cases in morally different ways. This could be good shmoralizing. But that would unfit shmoralizing from being any kind of guide to practical decision-making (a thing could be properly deemed shbetter than another although it shared with it all the features relevant to choice or desirability). (Blackburn 1984, 186)

Blackburn's appeals to the purpose of morality are obviously reminiscent of Hare's. Although the reasons for ethical supervenience indicated in those appeals are unexceptionable, they are substantive ethical reasons. Thus, although Blackburn is correct in thinking that he has offered an illuminating account of the phenomenon of ethical supervenience, he errs in professing to have established that that phenomenon is a matter of linguistic-conceptual necessity rather than of ethical necessity.

Blackburn cannot counter this point by ascending to a sufficiently high level of abstraction. He might maintain that he is simply highlighting the fact that – in the words of the first of the two passages just quoted – our moral evaluations of things are "on the basis of their natural properties." In his writings on supervenience, he does indeed repeatedly emphasize

that "valuing is *to be done* in the light of an object's natural properties" (Blackburn 1993, 146, emphasis in original). He might here contend that such an abstract point is a linguistic-conceptual thesis rather than a substantive moral doctrine. Let us grant that contention *arguendo*. Were Blackburn's pronouncements to be understood so abstractly, however, they would not support any affirmation of supervenience. After all, the natural properties of any situation include the spatial and temporal locations of the sundry things involved in it. Blackburn's pronouncements in their bare abstractness would thus be consistent with a scheme of morality in which every situation is classified as radically different from every other situation because of the differences in spatial and temporal coordinates. Any such scheme of morality would include no genuine constraint of supervenience at all. Thus, if Blackburn's appeals to the purpose of morality are to be effective in accounting for the requirement of supervenience, they have to be understood as making a point that is more concrete than the uninformative claim that our moral assessments of things are "on the basis of their natural properties."

Blackburn does indeed go beyond that uselessly stark claim, by ascribing to morality a purpose. Of course, such an ascription is itself very abstract, and it obviously does not entail any particular positions in fine-grained moral controversies (such as disputes over euthanasia or abortion or capital punishment). All the same, it is sufficiently concrete to be the mainstay of an account of supervenience. In the two passages quoted most recently above and in the passage on fickleness, Blackburn asserts that morality's purpose or end comprises guidance and teaching and selection. In a later passage, in which he labels expressivism as "projectivism," he is somewhat more expansive:

> A projectivist is unlikely to take the moral sentiments as simply given. He will fill out the story by attempting an explanation of the practice of moralizing. This turns to its function, and particularly to its social function. In Mackie's terms, morality is an invention that is successful because it enables things to go well among people with a natural inheritance of needs and desires that they must together fulfil. Moral thought becomes a practice with a purpose. (Blackburn 1993, 164)

As the reference to Mackie reveals, Blackburn is imputing to morality a purpose that is broadly consequentialist in character. Though he rightly goes on to make clear that his consequentialism is sophisticatedly nuanced

rather than heavy-handed, he certainly does not pretend that it is anything other than a substantive moral doctrine. What is of central importance here is that the invocation of such a purpose is integral to Blackburn's account of supervenience. That account attributes fundamental value to an array of closely interrelated features of morality – the capacity of morality to guide choices, its capacity to serve as a vehicle for the imparting of basic standards of conduct, its capacity to effect adjustments in situations of conflicting aims and desires – which together "enable things to go well among people." Because those features would not be even minimally effectual in the absence of the constraint of supervenience, that constraint is essential for the realization of morality's purpose and is thus essential for any moral way of life. As Blackburn declares, "moralizing is an activity that cannot proceed successfully without recognition of the supervenience constraint" (Blackburn 1993, 144).

   One should agree with Blackburn that supervenience is a foundational property of morality, and one can concur *arguendo* with his explanation of its status as such a property. One should simply add that the explanation, though aptly delivered at a very high level of abstraction, is a substantive moral thesis – as is any other attribution of a central point or purpose to morality. Now, to say as much is certainly not to reject the notion that the fundamental role of supervenience in matters of ethics is conceptually necessary.[23] Blackburn himself joins many other philosophers in warning against a rigid division between conceptual and empirical truths (Blackburn 1993, 142, 144). We should be even more wary of any rigid division between conceptual and ethical truths. As has been stated in this chapter's opening footnote, basic ethical truths are conceptual truths. There is nothing wrong with Blackburn's contention that anyone who flouts the requirement of supervenience "would indeed lack something constitutive of competence in the moral practice" (Blackburn 1993, 137), so long as that contention is correctly perceived as not merely *about* morality but also *within* morality. Although it is within morality at a rarefied level of abstraction, it is a thesis that rests ultimately on the attribution of fundamental value to certain key desiderata that would be undone in the absence of the constraint of supervenience. Blackburn is right in proclaiming that the phenomenon of supervenience is a central component of the conceptual foundations of morality, but that phenomenon occupies such a position for reasons of substantive ethics.

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[23]   For a parallel point in a different context, see Dworkin 2004, 13, 35–36.

Note that my reply to Blackburn, like my earlier reply to Hare, does not presume that every imputation of a point or purpose to something must involve the attribution of some positive value to that thing. I have argued elsewhere against any such thesis (Kramer 1999a, 257–62), and my arguments stand. Suppose, for example, that historians debate the chief point or purpose of the Nazis' genocidal onslaughts against European Jews or of the Soviet system of slave-labor camps. No historian with any sense of decency will be ascribing positive value to the Nazi Holocaust or to the Soviet gulag archipelago. Participants in the respective debates will simply be trying to pinpoint the principal objectives that were being pursued by the Nazis or the Soviets through the commission of their iniquities. Indeed, even the ascription of some point or purpose to an elaborate code of ethics does not necessarily involve the attribution of any positive value to that code. Suppose that a follower of Nietzsche asserts that the cardinal point or purpose of Christian ethics is to express the resentment of the weak and to characterize as admirable the patterns of behavior associated with weakness. Such an assertion does not, or need not, assign any positive value to a scheme of ethics which it portrays as meanly vindictive and slavish. (As should be evident, the last few sentences have used the term "ethics" in the second main sense specified by § 1.2 of my opening chapter.)

Nonetheless, although most attributions of purposes are not necessarily favorable in their tenor, any attribution of a point or purpose to ethics *tout court* – rather than to some particular code of ethics or to some particular practice of moralizing – must indeed involve a favorable judgment, whether directly or obliquely. Whereas any activity or any institution or any system of ethics is something on which we can adopt an external perspective when we impute to it a point or purpose, ethics *tout court* is quite different. We are always inside the domain of ethics *tout court* when we seek to attribute to it some point or purpose. On the one hand, any censorious judgments about particular schemes of ethics or particular practices of moralizing will stem from other ethical perspectives that are external to those schemes or practices (Nietzschean master morality versus Christian slave morality, for instance). On the other hand, any seemingly censorious judgments about the realm of ethics *tout court* would be firmly within that realm and would thus not be genuinely censorious. Instead, they would be idiosyncratic. They would assign supreme value to things that are not assigned such value under any credible scheme of ethics. Such judgments would of course be incorrect, but

erroneous ethical verdicts are still ethical verdicts. A theorist does not escape the domain of ethics *tout court* by railing against it, for, in railing against it, he is drawing on ethical values to deliver ethical judgments (even though his values and judgments are no doubt badly mistaken and perhaps heinous).

Suppose for example that somebody condemns ethics *tout court* on the ground that aesthetic values are of prime importance in human life or in the world more generally. That is, someone might take a view broadly akin to Nietzsche's claim that "it is only as an aesthetic phenomenon that existence and the world are eternally justified."[24] Any such view, albeit undoubtedly misconceived, is profoundly ethical; it is a mistaken ethical position rather than a non-ethical position. It ascribes fundamental importance to certain aspects of human life. By attempting to exalt aesthetic values over ethical values, it turns aesthetic values into ethical values. It takes a stand concerning the sorts of things that ought to be prioritized over all others, and it thereby prescribes at a general level how people ought to conduct themselves. Though its message is very abstract, it lays down the basic considerations that should guide people's actions. It may purport to reject ethics, but it remains squarely within the ethical realm. Like any renunciation of ethics *tout court*, it is a substantive ethical doctrine that favors some way(s) of life on the basis of ethical factors.

Some philosophers have thought that no doctrine which ascribes paramount importance to prudential or aesthetic considerations is a moral doctrine (Frankena 1966). Let us designate the position of those philosophers as the "Not Moral Thesis," and let us here put aside the fact that my current discussion has been referring to ethics rather than solely to morality. Even so, the Not Moral Thesis in application to prudential considerations has conflated two key distinctions: the moral versus the prudential, and the moral versus the non-moral. (To keep this paragraph's remarks brief, I shall concentrate here on prudential considerations. However, these remarks can easily be extended to cover aesthetic considerations, *mutatis mutandis*.) In many contexts, such as the final section of my fourth chapter, philosophers need to distinguish between moral reasons-for-action – which are focused predominantly or exclusively on the interests of other people and only derivatively if at all on one's own

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[24]   Nietzsche 1967, § 5, emphases removed. Exactly what Nietzsche meant by the quoted statement is a matter of considerable debate among specialists in his work. Nothing hinges here on the imputation of any particular view to Nietzsche himself.

interests – and prudential reasons-for-action, which are focused predominantly or exclusively on one's own interests and only derivatively if at all on the interests of other people. When morality is contrasted with prudence in this fashion, prudential considerations obviously do not count as moral. However, in the present context, the pertinent contrast lies not between the moral and the prudential but between the moral and the non-moral. With reference to this latter contrast, a doctrine of normative egoism is plainly moral in its substance. It purports to lay down the basic standards that should guide people in their multifarious dealings with one another, and it delineates the moral duties that are owed by people to one another. Specifically it maintains that, if any such duties are incumbent on anyone, they are derivative of his or her selfish interests. A doctrine that so maintains is certainly open to moral assessment, as is any creed that prescribes fundamental standards to regulate the general interaction of people. Normative egoism is a moral doctrine – albeit a badly mistaken moral doctrine – as it professes to prescribe how each person should treat his or her fellows in any number of situations. By exalting prudential considerations as the mainstay of its prescriptions, it presents those considerations as moral principles.

There is no escape from the domain of ethics *tout court*, then, for someone who undertakes an attribution of a point or purpose to that domain. Whether the attribution is directly favorable or ostensibly repudiatory, it manifests and reinforces the reach of the ethical domain by basing itself on ethical judgments. To explain the phenomenon of ethical supervenience by reference to the point or purpose of ethics is thus to account for that phenomenon on ethical grounds.[25]

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[25] In some cases, the chief concepts invoked in the attribution of a point or purpose to ethics are themselves profoundly ethical. Consider, for example, the claim that the basic point of morality is to uphold the integrity of moral agents; the key concepts operative in that claim are themselves moral. In other cases, however, the chief concepts invoked in the ascription of a point or purpose to ethics are not themselves ethical. Consider, for example, the claim that the basic point of morality is to maximize the satisfaction of people's preferences. The concept of maximizing the satisfaction of people's preferences is in itself naturalistic rather than intrinsically moral. It can be invoked in purely descriptive statements. However, when that naturalistic concept is embedded in an attribution of a point or purpose to morality, it is a central ingredient of a moral claim. So embedded, it crucially contributes to a specification of the fundamental considerations that determine the moral consequences of people's conduct. At a high level of abstraction, such a specification morally prescribes how people should lead their lives.

10.2.4. Supervenience as an ethical phenomenon

What has been argued here will stand a moral realist in good stead. As Blackburn repeatedly states, his principal challenge to the proponents of moral realism lies in asking them to provide an adequate explanation of the supervenience of moral properties on natural properties. "It cannot be overemphasized that my original problem is one of *explanation*" (Blackburn 1993, 143, emphasis in original). He believes that moral realists woefully fail to meet his challenge. Whatever may be the merits of his dismissive attitude in application to some varieties of moral realism, that attitude is baseless in application to the variety of moral realism that is championed in this book. Moral realism, as we have seen, is an insistence on the objectivity of morality in the sundry respects explored by Chapters 2–8. For moral realists, then, the supervenience of moral features of situations on the natural features thereof is a central property of morality; after all, supervenience is a crucial element of objectivity qua uniform applicability.

Like the other major properties attributed by moral realists to the domain of morality, supervenience is a moral phenomenon that follows from moral considerations. While Blackburn is surely right to demand an explanation of that phenomenon, an explanation is at hand. He himself has supplied some key parts of that explanation, in his passage on fickleness and in other passages in which he appeals to the point or purpose of morality. As he aptly observes, most of the valuable ends promoted by moral classifications would be lost if those classifications were not governed by the constraint of supervenience. Most notably, the equity or procedural justice attained by treating like cases alike and different cases differently would be eviscerated if the relevant likenesses and differences were radically particularistic or simply haphazard. Such a state of affairs would efface the distinction between principled decisions and arbitrary decisions, and would thereby elevate the evils of arbitrariness to a putatively respectable position. (Of course, the supervenience of moral properties on empirical properties is not per se tantamount to the reign of a principle of procedural justice. Though the sway of such supervenience is necessary for the sway of that moral principle, it is far from sufficient. Still, the role of such supervenience as a crucial element of a principle of procedural justice is what endows the former with moral indispensability.)

When a moral realist is pressed for an explanation of the phenomenon of supervenience, he or she should advert to the factors that have just been

broached. That is, an appropriate account of the phenomenon is an ethical account that focuses on the phenomenon's ethical rationale. Such an account fully meets Blackburn's challenge, by highlighting the inter-connections among fundamental features of ethics. Of course, it would fall short of meeting his challenge if moral realism were an obscure metaphysical doctrine. If moral realism were indeed about recondite entities, then its explanation of supervenience would have to include a non-redundant place for those entities. Such a doctrine would not be able to rely on an ethical explanation alone in order to satisfy Blackburn's challenge; it would have to offer some mysterious metaphysical explanation as well. His challenge would go forever unmet. However, as this whole book has sought to make clear, the version of moral realism advocated here is an abstract ethical position rather than a strange metaphysical theory. All the features ascribed by this book to morality are moral features that rest on moral considerations. A theory that recounts those features is moral rather than austerely metaphysical in its orientation. Although it is highly abstract and is therefore neutral among virtually all positions in everyday moral controversies, it is itself a substantive moral doctrine. Hence, if it is to provide an explanation of supervenience or of any other major moral phenomenon in order to counter Blackburn's challenge, the only apposite explanation is moral. In other words, far from changing the subject or missing the point, the lines of argument delineated in the last paragraph – which will be amplified in this chapter's next section – are singularly germane as a means of taking up the gauntlet flung down by Blackburn.

10.3. From Anti-Realism to Moral Realism

The last several paragraphs serve well as a transition to this final main section, where we move from Blackburn's anti-realism to the moral realism of Shafer-Landau.[26] In effect, my analyses in this section will indicate that Shafer-Landau should embrace the species of moral realism that is espoused throughout this book. Insofar as his effort to account for the phenomenon of supervenience in morality is construed as an exercise in informal logic or in austerely metaphysical theorizing, it does

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[26]   I shall be concentrating here on the discussions of supervenience in Shafer-Landau 2003, 76–78, 84–98.

not succeed; contrariwise, insofar as it is construed as an exercise in moral reasoning, it succeeds admirably. Shafer-Landau's many stimulatingly perceptive arguments, about supervenience and any number of other matters, can and should be enlisted in support of moral realism as a moral doctrine.

10.3.1. Missing the target

Shafer-Landau in his discussion of supervenience purports to be engaging with Blackburn, but in fact largely talks past him. Shafer-Landau concurs with Blackburn's view that the relationship of supervenience as formulated in (S) or (S_2) is perplexingly in tension with the generative relationship as formulated in (E) or (P). His opening tack is to presume that the impossibility or possibility that is operative in each of those theses is metaphysical rather than linguistic-conceptual (Shafer-Landau 2003, 85–86). He correctly declares that, when the relationship of entailment in (E) and the possibility operator in (P) are construed as metaphysical rather than linguistic-conceptual, each of those theses should be rejected. Consequently, there does not obtain any combination of (S) or (S_2) and (E) or (P), and there is thus no need for an explanation of such a puzzling combination. Everything said thus far by Shafer-Landau is sound, but he is not really parrying Blackburn's challenge. As he himself somewhat reluctantly recognizes (Shafer-Landau 2003, 86), Blackburn has readily avouched that neither (E) nor (P) is defensible when the relationship of entailment in the former and the possibility operator in the latter are construed as metaphysical rather than linguistic-conceptual (Blackburn 1993, 136–37). The crux arises when that relationship of entailment and that possibility operator are instead construed as linguistic-conceptual. When they are so construed, both (E) and (P) are true. If the impossibility operator in (S) and (S_2) is likewise construed as linguistic-conceptual, and if a theorist accepts those two formulations of the relationship of supervenience as true, then he or she faces the problematic combination that troubles both Blackburn and Shafer-Landau. An explanation of the combination – or, more specifically, an explanation of the relationship of supervenience – is required.

Shafer-Landau replies directly to Blackburn's crux in two main ways. As we shall see, neither of those ways is satisfactory. Far better are some other remarks in which Shafer-Landau endeavors to account for the general phenomenon of supervenience. Those other remarks are best understood

as a moral justification of that phenomenon – the only pertinent sort of justification.

In his first effort to come to grips with the problem of combining the linguistic-conceptual version of (S) or (S₂) and the linguistic-conceptual version of (E) or (P), Shafer-Landau advances the following argument:

> Assume for now that it is a conceptual truth that moral facts/properties/relations are supervenient ones. The problem, then, [w]ould be that competent speakers of a language can conceive of a world in which the base properties that actually underlie particular moral ones fail to do so. But there is no mystery here, since people can conceive of many things that are not metaphysically possible. If certain base properties *metaphysically* necessitate the presence of specified moral properties, then the *conceptual* possibility that they fail to do so reveals only a limitation on our appreciation of the relevant metaphysical relations. There is no deep explanatory puzzle resisting resolution here. (Shafer-Landau 2003, 86, emphases in original)

This argument is an *ignoratio elenchi*. It treats the linguistic-conceptual version of (E) or (P) as the *explanandum*, and it provides a straightforward explanation in response. However, the relevant *explanandum* is not that version of (E) or (P) – which is very easily explained, as Shafer-Landau demonstrates – but instead the combination of that version of (E) or (P) with the linguistic-conceptual version of (S) or (S₂). The thing that stands in need of explanation is why the preclusion of mixed worlds articulated in (S) and (S₂) would be a matter of linguistic-conceptual necessity rather than of moral necessity. Shafer-Landau's argument goes no way toward addressing that crux. Like Blackburn's discussion, his argument begins by taking for granted that the impossibility operator in (S) and (S₂) is indeed linguistic-conceptual. Shafer-Landau thus leaves mysterious why the impossibility operator would be of that type. After all, the relationship of entailment between any particular configuration of empirical properties and some moral property is moral rather than linguistic-conceptual. Why, then, would the impossibility operator in (S) and (S₂) not also be moral rather than linguistic-conceptual? Instead of shedding light on that question, Shafer-Landau's argument explains something that did not stand in need of elucidation. His focus in that argument, plainly, is misdirected. If one hopes to defend the combination of (S) or (S₂) and (E) or (P), one should not be concentrating on (E) and (P). One instead has to address the status of the impossibility operator in (S) and (S₂).

10.3.2. Partners in crime?

Shafer-Landau's second chief attempt to resolve Blackburn's puzzle is somewhat more complicated. Shafer-Landau submits that, if anyone were to resort to an anti-realist position in order to explain and defend the lingustic-conceptual version of (S) or (S_2) for ethical supervenience, he or she would have to do much the same thing for supervenience in other contexts such as the mind-body relationship and the molecular-chemical relationship. He asserts that "the relevant supervenience claim in each of these domains is a conceptual truth – if a natural/physical/atomic/primary-quality grouping once fixes (because it constitutes) a moral/mental/chem-ical/colour fact, then it must (in that world) always do so" (Shafer-Landau 2003, 88). Because the linguistic-conceptual version of (E) or (P) is also true within each domain, we shall end up with the combination of (S) or (S_2) and (E) or (P) everywhere. Consequently, if the troublesomeness of such a combination impels us to embrace anti-realism in the realm of ethics, we shall have to subscribe to anti-realism as well in all the other domains in which the phenomenon of supervenience prevails. Yet an anti-realist approach to those other domains is decidedly unappealing, and is not something that Blackburn countenances. We should eschew such an approach in those domains. If so, however, we should likewise eschew it in application to the domain of ethics. As Shafer-Landau concludes, "unless one is prepared to accept a global antirealism, Blackburn's argument from supervenience against moral realism is unpersuasive" (Shafer-Landau 2003, 88).

The fatal shortcoming in the argument summarized by my last paragraph is that the proposition expressed in the first of the paragraph's two quotations from Shafer-Landau is firmly rejected by Blackburn. Unlike Shafer-Landau, Blackburn does not believe that claims about supervenience in areas of existence outside ethics – claims about the supervenience of secondary qualities on primary qualities or of chemicals' macroscopic properties on their molecular structures or of mental events on processes in the brain, for example – are linguistic-conceptual truths. Indeed, he explicitly denies that such claims are linguistic-conceptual truths (Blackburn 1993, 139–44), and his reasons for his denials are generally convincing. To be sure, Shafer-Landau in his opposition to Blackburn's arguments is right in one key respect. He persuasively maintains that, on the specific question whether the impossibility operator in (S) and (S_2) is linguistic-conceptual or not, "there is a parity between the moral case and that of other . . .

domains" (Shafer-Landau 2003, 88). That is, whether one answers the question about the linguistic-conceptual character of the impossibility operator affirmatively or negatively, one's answer for the realm of ethics should be the same as for the other areas of existence that have been mentioned here. However, Shafer-Landau goes astray by joining Blackburn in the view that the appropriate answer for the realm of ethics is affirmative. (Shafer-Landau then diverges from Blackburn, of course, by also advocating an affirmative answer for every other domain that is marked by the phenomenon of supervenience.) We have already beheld the failure of the arguments marshaled by Blackburn in support of his affirmative answer for the ethical domain. We shall now find that Shafer-Landau's attempt to establish the logically necessary truth of (S) and (S$_2$) is equally unavailing. Our examination of his argument on that point will lead us into yet another of his efforts to account for the sway of supervenience within the ethical realm. As will be seen, that additional effort succeeds splendidly insofar as its justification for ethical supervenience is an ethical justification.

10.3.3. The identity of indiscernibles

As has been noted, Shafer-Landau believes that (S) and (S$_2$) are linguistically-conceptually true in application to every domain. His principal argument for their linguistic-conceptual truth is thus delivered in sweeping terms:

> [N]ecessarily, if any grouping of base properties B* underlies (because it constitutes) property S, then (in that world) anything else that is also B* must be S. This claim is a conceptual truth, *no matter what sorts of properties are substituted for the variables B* and S*. What we have here is a notational variant on Leibniz's law of the identity of indiscernibles. If things are indiscernible at the 'base' level, then (problems of intensional contexts aside) they will share their properties *in toto*. It isn't clear that there is any more fundamental metaphysical or conceptual premise from which to derive such a view. If a set of properties once fixes the instantiation of another, it will (in that world, and absent the presence of new, potentially disruptive properties) always do so. This is as (in)explicable as Leibniz's law. (Shafer-Landau 2003, 88, emphasis in original)

The weakness in Shafer-Landau's argument is similar to the weakness in the argument by Blackburn that was probed in § 10.2.1. Leibniz's law of the identity of indiscernibles pertains to things that each have *all* the same properties. If two situations share *all* their properties (including for

example their spatial and temporal coordinates), and if they are therefore numerically identical and are not distinct at all,[27] then a thesis of supervenience elaborated with reference to those ostensibly two situations – which are really only one – is utterly trivial. As has been remarked, nobody who writes about supervenience is remotely interested in championing the thesis that any situation at a particular time cannot be different from itself at that time. Because such a thesis is straightforwardly a logically necessary truth, there is no point to arguing for it or substantiating it. The phenomenon of ethical supervenience is interesting only insofar as it bears on a comparison between situations that are at least numerically distinct – in other words, between situations that are at least temporally or spatially distinct.[28] Yet, given that such comparisons are always explicitly or implicitly the object of attention in discussions of supervenience, Shafer-Landau's invocation of the law of the identity of indiscernibles is misconceived. Two or more situations endowed with the same universal natural properties are numerically distinct even though they are qualitatively indistinguishable. Thus, unless we have already determined that the properties accounting for the numerical distinctness of the situations (properties such as spatial and temporal locations) are irrelevant to each situation's ethical status, we cannot validly conclude that the ethical character of each situation is the same as that of the other(s). On what basis can we deem those particularizing properties ethically irrelevant, however? An appeal to the law of the identity of indiscernibles or to any notational variant thereof is unavailing. After all, the problem that we are addressing is whether the qualitative indistinguishability or the numerical distinguishability of the relevant situations is dispositive of their moral bearings. In this context, an appeal to the law of the identity of indiscernibles presupposes what we need to establish; that is, it presupposes that the aforementioned situations are identical in all ethically relevant respects, and it consequently presupposes that the numerical distinguishability of the situations is ethically irrelevant. Hence,

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[27] Note that my position on the identity of indiscernibles does not conflict with Chapter 6's resistance to the idea that all necessarily coextensive properties are identical. Whereas my discussion there was focused on the identity of properties, my discussion here is focused on the identity of entities or events or situations (which, of course, are endowed with properties).

[28] A situation at some time t is not numerically identical with that same situation at some other time $t + n$, even if the only difference between them consists in the passage of time. The numerical identity of x and y presupposes the absence of any temporal divergences between x and y (as well as the absence of any spatial divergences or qualitative divergences, of course).

Shafer-Landau's argument in support of the linguistic-conceptual version of (S) and of (S$_2$) is entirely question-begging.

Of course, Shafer-Landau himself pertinently insists that the law of the identity of indiscernibles is not susceptible to any non-circular explanation. He is right to insist as much, but he is wrong to think that that law can be invoked for a non-circular explanation of the sway of supervenience. His question-begging endeavor to justify the phenomenon of supervenience on linguistic-conceptual grounds has left that phenomenon wholly without explanatory support – and has thereby tended to confirm Blackburn's diagnosis of the plight of moral realists. When realists muster logical or austerely metaphysical or austerely epistemological arguments in response to Blackburn's explanatory challenge, they do not fare well.

10.3.4. Moral reasons for supervenience

Fortunately, however, Shafer-Landau has also provided a much more solid explanation of the phenomenon of supervenience in the domain of ethics. That sturdier account occurs shortly before his main discussion of supervenience, at a juncture where he is essaying to highlight the attractiveness of "thinking of the moral as a supervenient domain" (Shafer-Landau 2003, 77). He conjures up an example involving Jane and Elaine, whose behavior and histories are exactly similar. He prods his readers to reflect on the unacceptability of the notion that Jane is laudable whereas Elaine is despicable (or vice versa). Because their backgrounds and conduct afford no tenable basis whatsoever for differentiating ethically between them, any such differentiation would be profoundly invidious and unprincipled. Shafer-Landau proceeds to draw some appropriately broad conclusions from his example:

> If the moral fails to supervene on the non-moral, then the non-moral world does not control the moral world. But if that world does not control the moral world, then the moral world is out of control. Moral assessments would be arbitrary, as our Jane and Elaine example showed. I think that reflection on these matters reveals what many philosophers have claimed: that the moral, as a matter of conceptual truth, supervenes on the descriptive. We cannot conceive of a plausible moral order that licenses different moral ascriptions for situations that are in all other respects identical. (Shafer-Landau 2003, 78)

To be sure, this passage is not devoid of shortcomings. The reference at the end to "all other respects" is not strictly accurate, since the situations in question will be numerically distinct. Moreover, when Shafer-Landau in this extract declares that ethical supervenience obtains "as a matter of conceptual truth," he quite plainly takes himself to be articulating a meta-ethical view rather than an ethical view. Still, we should readily accept that a proposition affirming the sway of supervenience in the domain of ethics is a conceptual truth (though not a linguistic-conceptual truth). It is true in all possible worlds, and it is knowable *a-priori*, and its falsehood is inconceivable. Such a proposition adverts at a very high level of abstraction to a phenomenon that is fundamental and comprehensively far-reaching. What should be added, beyond what Shafer-Landau intends, is that that phenomenon is a matter of substantive ethics and that a proposition encapsulating it is a basic ethical principle.

Shafer-Landau's complaints about a state of things in which ethical supervenience would not obtain – his claim that the moral world would be out of control, his observation that moral assessments would be arbitrary, and his contention that such a state of things would not be reconcilable with any plausible moral order – are best understood as moral objections through and through. His remark about the moral world's spinning out of control can serve to drive home the point that any significant deviations from the sway of supervenience in the domain of ethics would result in an unprincipled moral chaos. If the generative connections between empirical properties and moral properties were radically particularistic, the regularity essential for the realization of ethical desiderata and for the continuity of moral relations (such as moral obligations) would be largely or wholly undone. People would not be able to develop any minimally reliable sense of the moral implications of their conduct. Shafer-Landau's comment about arbitrariness makes a very closely related point. In the absence of the constraint of supervenience, the justifying reasons for the ethical statuses of people's actions and omissions would be thoroughly disjointed. Those reasons would not be credible moral reasons at all, for they would be completely unmoored from the moral principles that define the likenesses and dissimilarities by reference to which the ideal of procedural justice can be effected. As Blackburn has aptly stressed in his denunciation of moral fickleness, the paramount evil of arbitrariness resides in its inequitability. Arbitrary classifications ride roughshod over the principle that like cases are to be treated alike – a principle of which the fulfillment is necessary (albeit not sufficient) for the attainment of

elementary fairness. That principle, in combination with the sundry correct moral standards for people's conduct, is both expressive and pro-motive of the basic equality among human beings. Transgressions of the requirement of ethical supervenience, then, would flout the elementary value of human equality. Precisely for that reason, Shafer-Landau is on a solid footing when he holds that no plausible moral order would license such transgressions. No pertinent scheme of moral classification would condone the slights to human dignity that are involved in the undoing of the constraint of ethical supervenience. Any such scheme that is pertinent will treat people in accordance with their basic equality and their capacities as moral agents. It will not treat them disparately on preposterous grounds (such as their sheer spatial and temporal locations), nor will it countenance moral reasons-for-action that are wholly unprincipled and lacking in integrity. Morality respects and imposes the requirement of ethical sup-ervenience. Though procedural justice involves much more than the fulfillment of that requirement, no such justice can be realized without it.

What is crucial here is that all the considerations adduced in the pre-ceding paragraph are ethical considerations, pertaining to the interconnections among some fundamental ethical values. Any undoing of the constraint of supervenience in the ethical realm would subvert many of those values. There is, accordingly, a formidably strong ethical case in favor of that constraint. We can best understand the most recent extract from Shafer-Landau as a terse and perspicacious articulation of that case. He appears to have recognized that the vices engendered by departures from supervenience in any scheme of moral classification would be moral rather than logical. Those vices would consist in moral absurdity rather than in logical absurdity; that is, they would consist in unprincipled arbitrariness rather than in self-contradictoriness. Though the reasons for the sway of supervenience in the domain of morality are unquestionably conceptual, they are profoundly moral reasons. (Of course, a scheme of moral classification that violates the constraint of supervenience might also be marred by logical incoher-ence. However, the sheer fact that the scheme transgresses the constraint of ethical supervenience is not what gives rise to the incoherence. Transgressions of that constraint always produce ethical inconsistency, but rarely involve any logical inconsistencies.)

By contrast, if we construe the most recent extract as advancing a logical-metaphysical argument akin to the argument about Leibniz's law, Shafer-Landau's reasoning will once again prove to be damagingly question-begging. When Shafer-Landau submits that morality without

supervenience would be arbitrary and out of control, he is manifestly pre-
supposing that the properties which only differentiate people numerically
(such as their spatial and temporal coordinates) are not factors that affect
the moral implications of their conduct. However, a logical-metaphysical
argument cannot supply any basis for crediting such a presupposition. It
simply has to take the content of that presupposition as a given. Yet, since
the chief *explanandum* confronting anyone who seeks to account for the
sway of ethical supervenience is the very fact that has to be taken for granted
by a logical-metaphysical argument – namely, the fact of the ethical
irrelevance of numerically differentiating properties – such an argument
does not go any way toward explaining why supervenience does prevail
in the ethical domain. For an appropriate explanation, we have to turn to
ethical considerations.

10.3.5. How to argue in support of basic principles

Of course, an ethical argument for the sway of supervenience will itself
have to take certain things for granted. The status of ultimate ethical
values as such cannot be demonstrated by reference to ethical values that
are even more profound. Ultimacy is ultimacy, as Shafer-Landau appositely
observes in a slightly different context: "[T]here cannot be any deeper, more
basic, general, or fundamental justification of the moral-descriptive
relation that is claimed to be ultimate. The classic justificatory strategy of
citing a more general principle in defence of a principle under challenge
has its limits." As he acknowledges, one has to allow for " 'brute' rela-
tions at the bottom-most level of ethics" (Shafer-Landau 2003, 98).
Still, although the bedrock values of ethics are necessarily not derivable
from even deeper values, an ethical argument for supervenience will not
perforce beg the question cripplingly. There are at least two major argu-
mentative tacks of which a theorist can avail himself – each of which has
been broached or employed here.

First, as Shafer-Landau himself reveals with his scenario of Jane and Elaine,
one can germanely resort to concrete illustrations in order to explore
the full implications of a fundamental value. He indeed explicitly gener-
alizes this point when he suggests that, "[a]t these limits" of bedrock
moral values, an effective technique for arguing in favor of some ultimate
principle lies in "displaying the mutual support that one's ultimate prin-
ciple(s) receives from lower-level moral beliefs" (Shafer-Landau 2003, 98).

By considering some of the concrete moral judgments that would follow from the absence of a basic principle or feature of morality, and by reflecting on the unacceptability of those judgments, one gains a sharpened understanding of the salutariness of the principle or feature in question. One can bolster the confidence of oneself and one's interlocutors in the soundness of a fundamental moral principle by pondering the topsy-turviness of the moral world in the absence of that principle. To be sure, one does not infer the status of a fundamental moral principle as such from the implications of the principle for concrete cases. As has been noted in the preceding paragraph, what is meant by designating a moral principle as "fundamental" or "ultimate" or "basic" is that it is not derivable from anything else; it is a bedrock element of morality. All the same, an exploration of the concrete implications of such a principle is a superlative means for enhancing one's grasp of its content and of the attractiveness of its content. In that respect, an exploration of those implications is a compelling part of the moral case to be made for the principle itself.

A second approach to the elaboration of the ethical case for the reign of supervenience in the domain of ethics is the approach principally adopted in my current discussion of the matter. Although each of the basic values or principles of morality is not inferable from anything else, each is connected in complicated ways to some of the other basic values or principles. Anything that impinges on one of them will therefore impinge on some or all of the others as well. If the requirement of supervenience were not operative in morality, then values such as fairness and equity and integrity and human equality would likewise be largely or wholly inoperative. By tracing some of the interconnections among those values, we can discern why Shafer-Landau is correct in declaring that any scheme of moral classifications without the constraint of supervenience would not be credible. Any such scheme would be largely bereft of several of the fundamental values of morality. There is, consequently, an overwhelmingly powerful moral case for the constraint of supervenience in morality.

In regard to these comments on the interconnections among some ultimate moral precepts, two minor caveats should be entered. First, any thorough investigation of those interconnections would have to be far more sustained and wide-ranging than anything that has been presented here. My purpose in this section and throughout this chapter has not been to provide a full-scale ethical argument in favor of the constraint of ethical supervenience; my purpose, rather, has been to sketch how such an argument could unfold and to show that any effort to supply instead a logical

rationale or an austerely metaphysical rationale for ethical supervenience will be fruitless. Second, to submit that the basic values of morality are interrelated in complex ways is hardly per se to agree with Dworkin that all moral values are aspects of a sovereign virtue such as the ideal of equality.[29] Nothing said here about the mutually supportive ties among various fundamental moral values is incompatible with a pluralist position that highlights the distinctness of those values and the ineliminable potential for conflicts among them.

10.4. Conclusion

The supervenience of ethical properties on empirical properties is a central and indispensable feature of the ethical domain. No worthwhile theory of that domain can deny or ignore the phenomenon of supervenience, and indeed every such theory – if it is to be worthwhile – must offer a satisfactory explanation of that phenomenon. What the present chapter has contended, in line with the rest of this book, is that any such explanation will have to consist in substantive ethical argumentation. Attempts to furnish logical or austerely metaphysical arguments in vindication of the requirement of ethical supervenience cannot succeed. Either an ostensibly logical/metaphysical argument will turn out actually to be an ethical argument that adduces ethical considerations in support of an ethical thesis, or else it will founder by committing some lapse(s) of reasoning such as a fatal begging of the question. Accounts of ethical supervenience go nowhere unless they are ethical accounts. They address conceptual questions, undoubtedly, but those conceptual questions are abstract and fundamental matters of substantive ethics.

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[29]   Dworkin's strongly anti-pluralist stance has been present throughout his work, but it has been especially salient in some of his recent writings. See, for example, Dworkin 2001; Dworkin 2004, 17–18; Dworkin 2006, 105–16. For some criticism of Dworkin on this point, see § 3.2.2 in my third chapter above.

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