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Moral Disagreement

In this book, Folke Tersman explores what we can learn about the nature of moral thinking from moral disagreement. He explains how diversity of opinion on moral issues undermines the idea that moral convictions can be objectively true or valid. Such arguments are often criticized for not being able to explain why there is a contrast between ethics and other areas in which there is disagreement, but where one does not give up the idea of an objective truth, as in the natural sciences. Tersman shows that the contrast has to do with facts about when, and on what basis, moral convictions can be correctly attributed to an agent or speaker.

Folke Tersman is a professor of philosophy at Stockholm University. In addition to articles in international journals such as *Erkenntnis*, *Synthese*, *Philosophical Quarterly*, *Philosophical Studies*, and *Theoria*, he is the author of several books on moral philosophy in Swedish.

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Preface

On June 22, 2000, Gary Graham was executed by lethal injection in the state prison of Huntsville, Texas, after nineteen years on death row. The event caused an outrage among abolitionists throughout the United States.

Some opposed the execution on the ground that there was doubt about Graham's guilt and that he didn't get a competent defense. Graham was seventeen when charged with the shooting of a man in the parking lot of a Houston supermarket. He was convicted on the basis of a single, disputed, eyewitness's testimony, and no physical evidence linked him to the crime. Two other witnesses, who worked at the supermarket and claimed they got a good look at the assailant, said Graham was not the killer. But these witnesses were never interviewed by Graham's court-appointed attorney and were never called to testify at the trial. Three of the jurors who voted to convict Graham later signed affidavits saying they would have voted differently had all of the evidence been available. It was argued that, given these considerations, the execution was nothing but a murder.

The debate about capital punishment is a moral disagreement. Can it be resolved? Insofar as it is rooted in disagreement about the reliability of the legal system, or about other questions whose answer can be revealed through empirical research, it might obviously help to try to settle them. But that requires some agreement over more basic moral values. For example, the considerations mentioned in the last paragraph may potentially influence people's opinions since they appeal to views that are widely shared, also among those who are in favor of the death penalty. According to these views, everyone has a right to a fair trial, and it is wrong to punish an innocent person, especially when the punishment is so severely irreversible as the death penalty. So, if we could determine the extent to which the present system in the United States fails to live

up to these standards, some of the disagreement might disappear. But not all of it. For there are cases in which the disagreement goes deeper, and is due to more fundamental differences in moral outlook. Thus, many oppose capital punishment regardless of whether those being convicted are innocent and regardless of the nature of their crimes. And in such cases, a resolution is harder to achieve, or so it is often held.

In the twentieth century, disagreement emerged within Western societies over a wide range of moral issues. And anthropological research has revealed that the differences appear even more radical when we compare Western views with those of other cultures. The Yanomamö, a people who live in the rain forest in the Amazon basin, provide an example that is particularly cherished among philosophers. Their ways have been thoroughly documented by the ethnographer Napoleon Chagnon, who attributes to them a number of views that most Westerners find difficult to accept, to say the least.

Chagnon tells us that aggression plays a crucial role in Yanomamö culture. Yanomamö men cultivate and admire relentless fierceness, both in relations between villages and between the sexes. They raid rival villages, trying to kill as many men as possible and rape and kidnap their women. They practice infanticide, or did so until recently, and supposedly think it legitimate to kill one's first child on the mere ground that it is a girl. Moreover, even very insignificant "violations" by Yanomamö women (being slow in serving dinner) can lead to battering and mutilation, and even to death.¹

Awareness of this kind of diversity has had a great impact on people's understanding of moral thinking. Not that disagreement is anything unique for the present age, of course. But it seems fair to say that the *extent* of the diversity that has been uncovered is so impressive that it seemed more than before to call for a philosophical response.

One such response was to adopt some form of *relativism*. For example, many of the pioneering anthropologists pleaded for tolerance toward other cultures; a tolerance that seemed desperately necessary in view of the countless atrocities that have been performed in the name of the alleged cultural superiority of Western societies. This in turn led some of them

1 See his *Yanomamö: The Fierce People* (5th ed.). Fort Worth: Harcourt, 1997. (In this edition, Chagnon mentions that he has stopped publishing on Yanomamö infanticide, apparently for political reasons. So, for this information, see one of the early editions.) Notice also that Chagnon's views and methods have received much criticism. See, for example, Patrick Tierney's *Darkness in El Dorado: How Scientists and Journalists Devastated the Amazon*. London and New York: W.W. Norton & Company, 2000.

to endorse a view according to which norms and values are binding only for members of the cultures in which they have emerged, or are widely accepted, and that others should simply keep out.²

This type of relativism is best construed as a substantive ethical view. It says something about what we may and may not do. Other responses to the diversity are *meta*-ethical. They concern the nature of our moral convictions rather than which particular convictions we should adopt. Thus, recognition of the diversity has contributed to the popularity of so-called expressivist or noncognitivist views. According to these views, to think that the death penalty should be abolished is to dislike or have a negative emotional attitude (a “con-attitude”) toward the death penalty, rather than a true or false belief about it.

The latter type of response rests on the thought that moral diversity is difficult to reconcile with a “realist” or “objectivist” view on ethics. That is, the diversity is supposed to be difficult to reconcile with the idea that moral issues are issues over matters of fact, issues that allow for objectively and uniquely true answers. After all, if there is an objective truth about the legitimacy of the death penalty, why can’t people reach agreement over it?

But it is far from obvious, of course, that antirealism *is* the proper response to the diversity. Realists usually point out that there is disagreement also in areas where people are less prone to skepticism toward an objective truth, such as the natural sciences. What is it about *moral* diversity that motivates skepticism about objectivity in the case of ethics? Questions such as these provide the point of departure of this essay. Simply put, its aim is to discuss what moral disagreement can teach us about the nature of moral thinking.

The philosophical literature about moral disagreement is immense. It begins, perhaps, with Sextus Empiricus, who appeals to moral disagreement in support of what seems to be an antirealist view:

Things which some think bad others pursue as good – for example, indulgence, injustice, avarice, lack of self-control and the like. Hence, if things which are so and so by nature naturally affect everyone in the same way, while so-called bad things do not affect everyone in the same way, nothing is by nature bad.³

2 See, for example, Melville Herskovits’s *Cultural Anthropology*. New York: Knopf, 1955. For a thorough and interesting recent discussion of Herskovits’s views, see J. Cook, *Morality and Cultural Differences*. New York: Oxford University Press, 1999.

3 *Outlines of Scepticism*, sections xxiii–xxiv in Book III (§190). See Julia Annas’s and Jonathan Barnes’s edition (Cambridge: Cambridge University Press, 1994). For another, more recent,

Numerous articles and books follow Sextus's treatise. Still, in my view, work remains to be done. The step from disagreement to antirealism is too often supposed to be a quick and easy one, and the details are seldom scrutinized. In this book, I try to fill this gap and to set the stage for a more systematic examination of the phenomenon of moral disagreement. Notice, however, that I shall exclusively be concerned with its meta-ethical significance. Substantive ethical questions, or questions about how to live together in spite of the disagreements that plague (and enliven!) our societies, are, though interesting, of mere indirect relevance.

A discussion of the meta-ethical significance of moral disagreement could be organized in different ways. I have chosen to focus on the anti-realist arguments that take such disagreement as their point of departure. One reason is that it is in that context it usually comes up. Moreover, these arguments are, though related, really quite different. An examination of them highlights different aspects of the theories they are supposed to support or undermine, and also of the issues those theories address.

The main conclusion of this essay is that considerations that have to do with moral disagreement do indeed refute moral realism. However, as an equally important result, I count certain suggestions about the *framework* in which moral disagreement should be discussed, and about what is, or should be, at stake in the controversies around which current meta-ethics revolves.

These suggestions address issues that, in my view, are sadly neglected in contemporary meta-ethics. Much time and energy is devoted to formulating arguments that evoke various types of intuitions, but little to reflection upon *why* those intuitions are relevant. Pondering the latter question requires thinking about the *contents* of the theories or positions that provide the focus of meta-ethics. How could a theory such as moral realism or expressivism be vindicated? What evidence is such a theory responsive to? What are they *about*? These questions will be at the forefront in this essay.

Throughout the book I shall use the term "moral realism" to refer to the position that provides the target of the arguments that appeal to moral disagreement. As I indicated earlier, I take it to entail that moral issues allow for objectively and uniquely correct answers. However, defining moral realism in more detail is a less easy task than one might expect,

classic in which disagreement is taken to support antirealism, see Edward Westermarck's *Ethical Relativity*. New York: Harcourt, Brace and Company, 1932.

partly as it involves addressing the methodological issues to which I have just alluded. In any case, this is the aim of Chapter 1.

In the literature about moral disagreement one often meets the locution “*the argument from moral disagreement,*” as if there is only one such argument. That is false and misleading. There are several arguments (or versions of the argument) that appeal to moral disagreement; arguments that take quite different routes to their antirealist conclusions. In particular, I shall distinguish between three different arguments (or versions).

The first argument relies on premises whose truth must be established empirically. More specifically, it claims that the best explanation of the existing moral diversity entails that there are no objective moral truths. The alleged reason is that many moral disagreements are difficult if not impossible to resolve through rational means. True, in the case of other areas we don’t normally think that the mere fact that people disagree provides a reason to doubt that there is a correct answer to the question over which they disagree (“Who shot JFK?”). Of course, the fact that there is disagreement entails that someone is in error. But that can usually be explained by lack of evidence, or by stubbornness or bias or some similar factor. In the case of many moral disagreements, by contrast, explanations of that kind often seem out of place. The disagreements would persist, it is held, even if the parties were cured of their irrationalities. This is why they justify our dropping the natural assumption that there is a fact of the matter regarding the issue over which they disagree.

There are basically two ways to respond to arguments of this type. One is to question the premise – the claim that actual moral disagreements really *are* deeper and more radical than disagreements in other areas. The sense in which moral diversity is supposed to be more radical is that many moral disagreements cannot be attributed to cognitive shortcomings, such as ignorance of relevant nonmoral facts, or bias or fallacious reasoning. However, it has been argued that antirealists reach this conclusion only because there are types of cognitive shortcomings that they have ignored. A closer look at the alleged examples will show that they too can be explained away. Another response to the argument, however, is to argue that, even if true, the premise still doesn’t support antirealism, since the best explanation of why people disagree radically over moral issues is neither here nor there relative to the debate about realism and antirealism. Chapter 2 is devoted to the first of these responses, whereas Chapter 3 is devoted to the second.

The first argument appeals to assumptions about the *existing* moral diversity. However, it is sometimes held that the mere *possibility* of radical

moral disagreement is enough to refute moral realism. For example, this is the upshot of an argument that has been put forward by Crispin Wright.⁴

Consider the claim that the best explanation of why people disagree over moral issues is that those issues have no objectively true answers. The idea is that if there *had* been such truths, we would have reason to expect convergence on them, at least in the long run and among competent inquirers. Why? Presumably, the answer is epistemological. If there had been moral truths, competent inquirers would have tracked them down. However, this is a plausible assumption only if the postulated facts are *detectable*. So a realist may resist the argument by denying that moral facts are thus detectable and insist instead that they may, as Crispin Wright puts it, “transcend, even in principle, our abilities of recognition.”⁵ Indeed, according to Wright, this is not merely an optional but a *mandatory* move for the realist: In the face of the mere possibility of radical moral disagreement, he *must* argue that moral facts are undetectable. And even if such a move might be plausible in other areas, it is absurd in ethics, or so it is held. It is as absurd as saying that the truth of whether someone is funny (e.g., Al Gore) also could evade even the most careful inquirer. This argument is called “the argument from epistemic inaccessibility,” and will be discussed in Chapter 4.

By contrast, the argument that is examined in Chapter 5 aims to show, not that realists must conceive of moral facts as undetectable, but that they must construe some moral disagreements as *merely verbal*. This is a type of response to disagreement that may be applicable also in other areas. Why can't philosophers reach agreement over the nature of knowledge and epistemic justification? For example, “coherentists” stress that a belief is justified if it coheres with the rest of the agent's beliefs, even if they are false, whereas “reliabilists” insist that justified beliefs must be formed in accordance with a process that generates beliefs most of which are in fact true. Why can't they resolve their disagreement, in spite of being familiar with each other's moves and arguments? Perhaps as the parties to the debate really focus on different concepts of epistemic justification? Similarly, maybe the parties to a disagreement about what is morally right have different concepts of moral rightness.

4 See his influential *Truth and Objectivity*. Cambridge, MA: Harvard University Press, 1992, esp. Chapters 3 and 4, and “Truth in Ethics,” in B. Hooker (ed.), *Truth in Ethics*, Oxford: Blackwell, 1996, 1–18.

5 *Truth and Objectivity*, 8f.

More specifically, the idea is that certain facts about our way of using ethical terms such as “morally right,” “just,” and so on, show that, insofar as these terms refer at all, they refer to different properties for different speakers. This in turn implies that, if two persons disagree over the application of “right” in a particular case, there need be no proposition whose truth they disagree about. But if there is no such proposition, a realist is committed to regarding the disagreement as merely apparent. And that is surely the wrong conclusion, according to the advocates of this argument.⁶ I shall call it “the argument from ambiguity.”⁷

In my view, it is the argument from ambiguity that provides the key. If realists were able to handle this argument, the others would provide no problem. However, I also shall argue that, as there is no believable response to the argument from ambiguity, we should reject realism.

In my view, there is a deep explanation of why the argument from ambiguity succeeds; an explanation that invokes certain views about when, and on what basis, it is legitimate to attribute moral convictions to other thinkers. After all, it is what we think about this – about what counts as a moral conviction – that ultimately determines how much disagreement we’ll find in the world. It is just like any other phenomenon. Thus, consider religions. Many early anthropologists had a quite narrow concept of a religion, much narrower than the concepts that are used today. For example, it was sometimes assumed that a religion must involve the belief that there is a god who is the (omnipotent) creator of the universe. Equipped with such a notion, they found fewer religions than those we acknowledge to exist today. The same holds in the case of moralities. The stricter demands we impose, the less diversity we’ll find.

A central theme in this essay is that questions about the attribution of moral judgments are of crucial relevance to the assessment of arguments that appeal to moral disagreement. And a central question is whether we can settle such issues *before* we make up our minds about the realism/antirealism debate. Indeed, why should we accept one view about when moral convictions can be correctly attributed rather than another? This question is addressed in Chapter 6.

6 Simon Blackburn, Richard Hare, and Charles Stevenson have all defended versions of this argument. See Blackburn, *Spreading the Word*. Oxford: Clarendon Press, 1984, 168; Hare, *The Language of Morals*. Oxford: Clarendon Press, 1952, 148ff; and Stevenson, *Facts and Values*. New Haven, CT: Yale University Press, 1963, 48–51.

7 There is another possible response to moral diversity, namely, that moral concepts are *vague*, and that seemingly irresolvable disputes concern borderline cases. I shall touch upon that suggestion at different places in this essay.

In particular, I shall focus on one thesis. Some stress that we can correctly attribute a specific belief to a person about a certain area, whether or not we share it, only if we also may attribute many beliefs about that area that we *do* share. This shared background is necessary to ensure that we talk about the same thing or subject matter. For example, suppose that someone with whom we discuss schizophrenia suddenly says that, in order to be schizophrenic, you merely need a college degree. Such exotic remarks would undermine our initial belief that we are talking about the same phenomenon.⁸

It is commonly held that there are limitations of this kind also in the moral case. Thus, Philippa Foot has famously suggested that not just any consideration could be used to back up a moral judgment: “[I]t would not do to suppose that, for instance, someone might have a *morality* in which the ultimate principle was that it was wrong to round trees right handed or to look at hedgehogs in the light of the moon.”⁹ Similarly, many philosophers agree with Michael Smith in thinking that it is legitimate to attribute to someone the view that an action is morally right only if he, in reaching such a verdict, is disposed to assign at least *some* relevance to facts about its consequences for the well-being of others.¹⁰

However, according to an idea that is central in this essay, in the case of moral convictions, it is legitimate to allow for greater “latitude” in this respect than in other areas. That is, we require *less* background agreement and tolerate more differences and idiosyncrasy in the moral case than in the case of other subject matters. I shall call the idea just indicated “the latitude idea,” and I shall argue that it has a crucial role in the assessment of all of the arguments that provide the focus of this book. Indeed, I shall try to show that considerations that emerge from the discussion indicate both that we should accept the latitude idea, and that it cannot be reconciled with realism. In fact, in my view, it is the latitude idea that provides the contrast between ethics and subject matters that should be construed realistically. And this is the main lesson from disagreement for the debate about the nature of moral thinking. Or so I hold.

The major part of the work that has led to this book has been pursued at the Department of Philosophy, Stockholm University, Sweden, whose

8 This view is held by, among others, Donald Davidson. See, for example, *Inquiries into Truth and Interpretation*. Oxford: Clarendon Press, 1984, 168.

9 *Virtues and Vices*. Oxford: Blackwell, 1978, xii. See also essays 7 and 8.

10 See *The Moral Problem*. Oxford: Blackwell, 1994, 40f.

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