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MORAL DISCOURSE: CATEGORICAL OR INSTITUTIONAL?

by

CALVIN H. WARNER

Under the Direction of Christie Hartley, PhD

ABSTRACT

It is widely held that moral facts, should they exist, have an absolute authority in their prescriptions in the sense that an agent, regardless of her own ends, needs or desires, is categorically obligated and has reason to act in accordance with their prescriptions. Error theorists J.L. Mackie (1977) and Richard Joyce (2001; 2006) argue that there are no facts or features of the world that fit this description. Opposing this view, Stephen Finlay (2008, 2011) argues that absolute authority is *not* a necessary characteristic of moral discourse. Even if there are not extant entities that serve as a source of absolute authority in disputes about value, there could still be entities of some other non-absolute sort that our moral discourse describes.

INDEX WORDS: Error theory, moral discourse, metaethics, Finlay, Joyce, Mackie

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CALVIN H. WARNER

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

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Georgia State University

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DEDICATION

I dedicate this to my parents; without their kindness and sacrifice, I never could have pursued my dreams.

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1 INTRODUCTION

Most people think that moral discourse concerns moral facts. The semantic, epistemic, metaphysical, psychological and evolutionary details of such facts are all open for dispute, but it is widely held that moral facts, should they exist, have an absolute authority in their prescriptions in the sense that an agent, regardless of her own ends, needs or desires, is categorically obligated and has reason to act in accordance with their prescriptions.¹ Error theorists J.L. Mackie (1977) and Richard Joyce (2001; 2006) argue that there are no facts or features of the world that fit this description. Moral claims appear to make truth apt evaluations about the nature of reality, but all moral claims are, in fact, false.²

Opposing this view, Stephen Finlay (2008, 2011) argues that absolute authority is *not* a necessary characteristic of moral discourse. He thinks that it may still be the case that all moral statements are false, but not for the reason Mackie and Joyce argue. Even if there are not extant entities that serve as a source of absolute authority in disputes about value, there could still be entities of some other non-absolute sort that our moral discourse describes. With this possibility, Finlay deflates the error theoretic argument.

In this thesis, I begin by revisiting Mackie's error theory to explain his arguments and primary commitments, and I examine Joyce's recent restatement. Next I introduce Finlay's *Presupposition*, that is, his understanding of the conceptual commitment of moral judgment that is the real target of the error theoretic critique. I then discuss his objection to error theory. In section 3, I explore Joyce's evidence for understanding moral discourse as absolutist, and I consider Finlay's evidence to the contrary. Joyce argues that an absolutist understanding of

¹ There are some notable exceptions. Christine Korsgaard accepts the possibility of categorical obligations with absolute authority but is comfortable indexing these obligations to an agent's necessary end (1996).

² Joyce updates error theory in a way that does not necessitate the falsehood of all moral claims, as I will discuss shortly.

moral language makes the most sense of our ordinary usage of moral terminology. We do not use normative language to make gentle recommendations or merely to express our own preferences which may not hold for others; we use moral language to make categorical assessments about the reasons shared by all moral agents. When we say that child abuse is wrong, we do not mean only that *we* disapprove of child abuse and would not abuse children. We also mean that when *any* person abuses a child, they are not simply breaking our rules; they are breaking the rules of all moral agents.

Finlay has a different understanding of the same evidence, and thinks that looking to what ordinary users of moral language take themselves to be doing is not going to provide any decisive answers. Additionally, he thinks that “Joyce overstates the consensus in favor of absolutism” (8) and that in fact “the reflections of many intelligent people throughout history favor some form of relativism” (8). He gives us reasons for thinking that moral language can be understood as relational. In section 4, I draw on Finlay’s positive theory of normative language (2014) to sketch the view of normative language without absolutism. Further, I argue that once all the relevant commitments are situated properly, Finlay can use certain shortcomings in Joyce’s view to motivate his novel approach. In section 5, I consider how error theory might proceed without *Presupposition*.

On my view, error theory can be preserved without abandoning any of its most central commitments. While Finlay is right to point out that *Presupposition* is problematic, it is not the “error in the error theory,” as error theory can be adequately reconstructed without it. Error theory does indeed turn on a presupposition about the nature of moral discourse, just not the one Finlay suggests. Accordingly, I explore how error theory can be reconstructed without *Presupposition*. I argue that there are untenable features inherent to moral discourse of all types,

both absolutist and relational, namely, the commitment to moral facts. Moral facts have no plausible epistemic or metaphysical justification; they are a conceptually unwieldy postulate that has been brought about exclusively to explain and evaluate one phenomenon: our moral intuitions. These moral intuitions, our sense that some actions are right and some are wrong according to laws external to our own minds, are much more readily explained by evolutionary biology than by a metaphysics of morality. Since moral facts are untenable, moral discourse of all types is flawed. While it may be the case that moral facts are defensible once they are appropriately calibrated to our epistemic strictures, moral facts as commonly understood face the insuperable hurdle of metaphysical queerness.

2 MACKIE'S ERROR THEORY

2.1 Error Theory vs. the Field

In 1977, J.L. Mackie produced what has long stood as the definitive statement of error theory. Mackie's central claim is that "there are no objective values."⁽¹⁵⁾ To be cautious, we might instead say that we don't have good reason to think that there are objective values and even if there were, there is no way we could know them. Mackie clarifies that when he says that values are not objective, we are to understand him as saying that values are not a part of the fabric of the world. Value claims include those about right and wrong, duty and obligation, as well as aesthetic values, although those values will not be discussed further. Mackie labels his view "moral skepticism", although this term is used in the contemporary literature as distinct from error theory. Today, "moral skepticism" is generally used to denote the agnostic view that moral truths can't be known, or as a blanket description for any view that denies the possibility of mind-independent moral facts or knowledge, including Hume's sentimentalism and Nietzsche's moral nihilism. Error theory, on the other hand, is the positive view that there are no moral truths, and that consequently all moral statements are false.

2.2 An Internal Worry

Error theory seems to face an internal worry at the outset and needs to be clarified further. If all moral statements are false, as the error theorist holds, then the claim "Murder is wrong" is false. It follows from this that the negation of the former statement, "Murder is not wrong," is true. But the error theorist does not want to say that the negation of any positive moral claim is true; instead she thinks that all moral claims, positive or negative, are false. It may be that the error theorist can escape this worry by arguing that "murder is not wrong" is not really a moral statement, at least not of the same kind as "murder is wrong" or "murder is permissible" or

“murder is admirable.”

Richard Joyce has another way of resolving this worry. He thinks that error theory is not committed to the falsity of all moral statements, but instead is only committed to the view that moral discourse is misguided. Joyce uses phlogiston to indicate a framework that is largely in error, but not entirely empty of true statements. Certainly if I say “phlogiston is the cause of x” or “x is phlogiston,” these kinds of statements are false. But the negation of these statements, “phlogiston is not the cause of x” or “x is not phlogiston” are true. One who thinks that phlogiston discourse is a faulty framework need not be worried by this semantic step.

2.3 The Noncognitivist Challenge

However, one might interpret the denial of objective values to entail not the falsehood of all moral statements, but instead the denial of their being truth-evaluable at all. Plenty of metaethicists have thought something like this, from Ayer’s emotivism (1936) to contemporary noncognitivists like Blackburn, Schroeder and Gibbard. Consider the example of “God discourse.” The atheist is not committed to the falsity of *all* statements about God. She can simply argue that “God discourse” is a faulty framework. But what is the atheist to do with claims like “God is not powerful,” or “God is not good,”? The atheist thinks that there is no God to which these sentences refer. Therefore, these sentences seem to be neither true nor false. There are other, less controversial statements of this kind, like “The present king of France is wise,” (Strawson, 321). Since there is no present king of France to which a description could refer, we may be tempted to think that a claim of this type is not true or false.

I won’t address the noncognitivist challenge at any length in this essay, except to say that I think the error theorist has the upper ground here. The way we use normative language indicates, at the very least, that we *intend* to make truth-apt judgements about moral facts.

Noncognitivists view moral notions as more akin to attitudinal states (like, say, desire or disgust) than to actual beliefs. Put another way, a belief is a propositional attitude, an attitudinal state directed towards a proposition. Noncognitivists hold that moral utterances do not express propositional attitudes. But very few ordinary users of moral language would translate “murder is wrong” as “Boo, murder,” or translate “kindness is good” as “I like kindness.” That is, ordinary users of moral language tend to think both that moral claims actually do express propositional attitudes and that moral claims make true or false statements about whatever that something is. Whether ordinary users of moral language have any particular insight into what moral concepts are actually like is a separate issue.

2.4 Why Error?

Mackie makes the important note that error theory needs to have an explanation for how so many have been mistaken about morality in apparently such a deep and misguided way. “If [the error theorist’s] position is to be at all plausible, he must give some account of how other people have fallen into what he regards as an error,” (17-18). This question has received substantial treatment at the intersection of metaethics and evolutionary biology. Sharon Street (2006) argues that our having moral beliefs is best explained by appeal to evolutionary influence. As Street says, “when it comes to certain core issues such as our individual survival, the treatment of our offspring, and reciprocal relations with others, there are likely to be strong predispositions in the direction of making some evaluative judgments rather than others,” (120). Further, when we look at the set of moral beliefs that humans have, this set seems to fit well with what we might expect natural selection to produce. For example, we generally see a strong taboo against harming one’s own children. An appeal to moral facts does not have any special explanation for why we would hold this moral belief rather than another. The evolutionary

account *does* give us a plausible reason for why we would hold such a belief. I myself am partial to this explanation.

Mackie also makes plain that his view runs contrary to the dominant traditions in philosophical ethics, as well as norms of ordinary thought and language. Moral language is set up such that when we express disapproval of an action, we do not reference our own attitudes but instead speak of qualities of the action in itself. Furthermore, these moral claims are not purely descriptive and “inert” but instead include a call to action. We are not passively cataloguing the moral status of actions, but actively providing recommendations as to whether one should engage in them. In short, moral objectivity is ingrained in our language. Again, the evolutionary account fills in this gap. The ability to exert moral influence on other creatures is a useful ability to have, so it makes sense that language has the capacity to make moral recommendations, rather than mere descriptions.³

2.5 The Argument from Relativity

Mackie gives us two main arguments for error theory: the argument from relativity and the argument from queerness. In the argument from relativity, Mackie draws upon the common observation that there are substantial differences in moral beliefs across cultures. He notes that no ethical views are entailed by this mere fact of anthropology, but he says that moral disagreement should cast doubt on the idea that our moral intuitions are “apprehensions of objective truths” (36). Mackie thinks that moral objectivism is a poor explanation in light of this divergence in moral viewpoints. Since we see what appears to be intractable moral disagreement across societies, and also among experts in the same societies, the view that we are nonetheless able to (somehow) achieve moral knowledge is unsustainable.

³ Recommendations are not truth apt, so if one wants to commit to moral language as fundamentally about recommendations, then it seems that this counts in favor of the noncognitivists.

Of course, disagreement in the sciences doesn't speak to a failing in our epistemic faculties, but it is "hardly plausible" to view moral and scientific disagreement as analogues, on Mackie's view. Mackie acknowledges that while there may be moral disagreement in practice, perhaps there is more agreement than is apparent when it comes to more basic principles. Human sacrifice is a common example of a wild outlier among moral views that is said to reflect the vast differences in moral opinion. But human sacrifice is often done in the name of the gods, and piety is hardly a radical value. Perhaps if we can resolve disagreement about non-moral facts, then we can achieve moral agreement, or at least approach it. Some contemporary realists make similar arguments. For instance, Russ Shafer-Landau (2007) argues, "Certainly there is intractable moral disagreement – plenty of it. But just as surely, such disagreement might be well explained as a product of insufficient non-moral information, or adequate information insufficiently 'processed'" (213).

The influence of non-moral facts on the content of our moral beliefs should not be understated. Imagine a culture that widely shared the non-moral belief that the spirits of one's enemies can rise from their dead bodies to cause harm unless their corpses are consumed. We can imagine such a culture embracing cannibalism as morally permissible, even if their moral outlook was otherwise exactly like our own. So, it might be the case that moral disagreement is not in principle irresolvable, but instead our perception of moral truths is clouded by disagreement on the non-moral facts of the case.

Mackie is unimpressed by this kind of objection, saying his account can be only "partly countered" by this move. The claim that surface level disagreement eventually gives way to widespread agreement on a few foundational principles of ethics does not make sense of our moral practice. For this realist reply to hold, the moral decision maker needs to recognize the

universal moral principles⁴ (whether there are only a handful or countless rules of this kind no one can know) and then recognize that his current moral quandary can be resolved by a derivative application of moral rules A, B and C. However, moral decision making in practice does not work like this. By my lights, the moral decision maker recognizes his quandary and then appraises and consults his own intuitions about the matter, and makes a decision based on these intuitions. These intuitions sometimes do not track any recognizable principles at all. Or, they track several conflicting principles and the decision maker invents an arbitrary hierarchy. The “universal principles” model is simply not how very many moral decision makers actually behave.⁵ The superior explanation for moral disagreement, for the error theorist, is that our moral intuitions are not tracking or perceiving anything objective at all.

2.6 The Argument from Queerness

The argument from queerness is the more lasting and influential of the two arguments. Mackie observes that “If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe” (38). Moreover, “if we were aware of them [objective values], it would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else” (38). Some religious thinkers might be unmoved by Mackie’s worries about a sixth sense of moral perception (since some think that we indeed have one: a conscience). But on

⁴ Some realists don’t think we need moral principles at all. For example, see Jonathan Dancy’s *Ethics Without Principles*, Oxford: Clarendon Press, 2004. But the vast majority of realist literature is committed to moral principles of some kind.

⁵ There are alternative understandings of how moral decision-making works. For instance, Barbara Herman (1993) thinks that there is an important distinction between moral judgment and moral deliberation. Generally, we appeal to moral judgment for guidance on moral matters but sometimes those judgements are in tension, and in these cases we resort to moral deliberation. Or, some moral decision makers might utilize a crude reflective equilibrium, that is, they consider the set of moral proposition they already hold and then search for a principle that systematizes these propositions. My view is that while philosophers might be open to these alternative approaches, most moral decision makers fall back almost entirely on their own moral intuitions. It might be that studies in experimental philosophy can offer more satisfactory answers to this question in the near future.

a physicalist view, this need for additional faculties of perception, and the worries about the peculiarity of objective values as a category of facts, should be substantially troublesome. On Mackie's view, moral facts are both metaphysically queer, in that they must themselves be strange in a way nothing else is, and epistemologically queer, as we must come to have knowledge of them in a different way than we know anything else. The primary advantage of this argument is that it lays the groundwork for skepticism toward moral facts altogether.

Joyce offers what he takes to be both a superior articulation of error theory and a better reading of Mackie than most other metaethicists have offered. The ways in which Joyce updates and improves upon Mackie's account will inform the way I understand error theory as I defend it from Finlay's objections in the remainder of the thesis.

Joyce writes that Mackie offers a critique of prescriptivity. First, there is *subjective* prescriptivity, which pertains to non-moral evaluative judgements. That is, I can correctly evaluate an action as good so long as it links up with my ends, needs, desires or interests. This usage of normative language is commonplace. My eating a hamburger is good if I am hungry and I like hamburgers, and it is bad if I am trying to keep to a diet or the meat is undercooked. *Objective* prescriptivity, on the other hand, is not like this. Objective prescriptivity, as Joyce understands Mackie, is untenable. Joyce reads Mackie as arguing that "there are no 'objective prescriptions': the universe, without our impositions upon it, simply does not make requirements." Since moral judgments would be objective prescriptions, "judgments of the form ' Φ is morally good' are never true (when Φ takes an actual value)". (Joyce, 2001, 16)

Joyce thinks that a more precise conception of "objective prescriptivity" is needed to make sense of Mackie's view. Joyce argues that it is the concept of "*moral bindingness*" that Mackie finds an untenable feature of moral properties (31). Joyce writes that it is this

consideration that “powers the argument from queerness.” There is no good argument to be made for requirements that are categorically binding upon us, no matter what, as there is no source of normativity for this kind of requirement that we can give any credibility.

Joyce offers a new argument for error theory that builds on this reading of Mackie, with the implausibility of moral bindingness at the center of his skepticism (42).

1. If x morally ought to do Φ , then x ought to Φ regardless of whether he cares to, regardless of whether Φ ing satisfies any of his desires or furthers his interests.
2. If x morally ought to Φ , then x has a reason for Φ ing.
3. Therefore, if x morally ought to do Φ , then x has a reason for Φ ing regardless of whether it serves his desires or furthers his interests.
4. But there is no sense to be made of such reasons.
5. Therefore, x is never under a moral obligation.

In this chapter I have sought to overview error theory in order to clarify Mackie’s commitments, as well as to elucidate the ways in which Joyce departs from the traditional view and takes the argument in a new direction. By following error theory from its initial development and addressing some key issues surrounding its claims, I hope to have headed off some potential misunderstandings. As we move forward with Finlay’s response to Joyce, the forgoing articulation of the error theoretic view should be kept in mind.

3 PRESUPPOSITION

3.1 Presupposition

Stephen Finlay (2011) offers a simpler reconstruction of Joyce's argument (538):

J1: Conceptually, morality requires non-institutional⁶ categorical imperatives (NICIs) [equivalent to 1, 2 and 3]

J2: In fact, NICIs are indefensible [equivalent to 4]

Therefore, J3: error theory. [roughly equivalent to 5]

Thus Finlay and Joyce agree on the commitments of the error theorist and the structure of the argument. Finlay offers a helpful summary of the two fundamental commitments of error theory (2008: 2):

“(1) *Presupposition*: moral judgments involve a particular kind of presupposition which is essential to their status as moral” and

“(2) *Error*: this presupposition is irreconcilable with the way things are.”
Finlay stresses that most attacks on error theory focus on premise 4, or *Error*.

His critique is different insofar as he challenges *Presupposition*. Finlay's view is that Joyce and Mackie “construe the essential presupposition of moral discourse as an *absolutism* about the normative authority of moral value.” (2) His objection, in his words, is to argue “defensively that an assumption of the absolute authority of moral value may not be characteristic of moral discourse at all, and that the evidence available to the error theorists does not support their contention.”⁷ (2) Finlay in fact agrees with Mackie and Joyce that “because all genuine normative authority is relative to agents' desires...NICIs are all spurious.” (2011: 541) His objection is that morality might *not* actually require NICIs, but instead moral statements

⁶ For Joyce, “An institution, let us say, is something one may or may not adopt, something which, by its very nature, may be sensibly questioned from the outside.” (2001:49) We will explore the features of institutions on Joyce's view more thoroughly later on.

⁷ Herein we address two kinds of evidence for the absolutist assumption on the part of error theory, “reflective” evidence and “appraisal” evidence. Finlay identifies six unique kinds of evidence in his paper (2008).

might depend merely on ICIs (institutional categorical imperatives) for their truth value. The real tension between Finlay and Joyce, then, is whether indeed moral statements might be simply ICIs. If moral statements can be ICIs, then the seemingly knock-down argument for error theory loses its main strength.

Finlay makes a point, and rightly so, to show that Joyce and Mackie do indeed agree that absolute authority is an essential part of what gives a claim a moral status. He quotes Mackie as saying that “The objective values which I am denying would be action-directing absolutely, not contingently . . . upon the agent’s desires and inclinations” (1977:29). Furthermore, “the ordinary user of moral language means to say something . . . that involves a call for action . . . that is absolute, not contingent upon any desire or preference or policy or choice, his own or anyone else’s” (1977: 33).⁸ There can be no doubt that Mackie took absolute authority, not contingent or agent relative authority, to be a feature of the objective values that he so famously denied. Joyce shares this commitment, writing that “Moral values are exactly those values which are not relative... Our ordinary use of the concept of moral rightness...is completely undermined without absolutism” (2001: 97). He reiterates this view in his response to Finlay, writing “the absoluteness of moral value thus involves the character of moral requirements as categorical imperatives...Moral discourse assumes that moral value and requirements provide or entail reasons for acting that apply categorically (absolutely), independently of one’s desires and ends” (2008: 349). And, in *The Myth of Morality*, Joyce writes “The conceptual commitment of moral discourse, upon which the error theory turns, is one concerning actions that we “have to” perform, regardless of what our desires and interests are” (67). Of course, the question is whether

⁸ Observing what “the ordinary user of moral language” intends to do certainly doesn’t settle the matter of what he actually is doing, as we will see when Finlay responds.

absolute authority *actually is* a necessary feature of moral concepts, and not what Joyce and Mackie believe. In the next section I consider this question.

4 EVIDENCE

4.1 Joyce's Evidence

Joyce needs to convincingly show that absolute authority is an integral part of our moral concepts. He offers us several reasons for thinking this. First, he argues, this is no doubt what we generally have in mind when we make moral arguments. For example, he says that when we say things like “the Nazis were evil”, we do not intend to say that we disagree with Nazi actions based on our own private set of value judgments and that we can offer no deeper critique. Indeed, we mean to say that Nazi actions were wrong absolutely and categorically, based on some objective fact external to our own private value judgments. Moreover, if we are offered some agent specific reason justifying Nazi actions, we will be unmoved. If we are told that the Nazis had a set of values, needs and desires that were somehow furthered by their violent acts, we will not change our minds. Those of us that condemn Nazi acts mean to do so in an absolute sense. In Joyce's words, “We think that the moral code that the Nazis violated was somehow *their own* rules, whether they recognized them or not” (2001: 44).

A second strategy Joyce employs is to say that moral discourse is a subfield of practical rationality (a misguided subfield, but a subfield all the same). Practical rationality is non-institutional, and thus moral discourse as well is non-institutional. There are two sub-arguments here. One concerns whether practical rationality is non-institutional; the other concerns whether moral discourse is a subfield of practical rationality.⁹ The former claim seems quite straightforward. Joyce writes that institutions can be coherently questioned, but questioning practical rationality is unintelligible. For Joyce, “Whatever else it consists of, practical rationality is the framework that tells us what our reasons for acting are” (2001:49). In questioning

⁹ Or, 3) whether morality's being a subfield of practical rationality means that it's non-institutional. I will consider this later when I discuss Finlay's objections.

practical rationality, we are essentially asking the question “For what reason should I be interested in reasons?” It is clear that such a question is misguided. Thus we can see that practical rationality cannot be coherently questioned. And if a defining feature of institutions is that they can be coherently questioned, then practical rationality is not an institution.

The more serious question is whether moral discourse is a subset of practical rationality. I am inclined to agree with Joyce that it is. Moral questions are fundamentally questions about reasons and actions. The foundational subject matter of ethics includes questions of action, questions of what is permissible, forbidden, admirable, desirable, praiseworthy and objectionable. These questions are clearly questions of practical rationality. Furthermore, when we make moral arguments, we are not just considering abstract questions of value; we are debating a course of action. Mackie’s view that moral claims carry with them a call for action seems obviously right, at least with respect to how we use moral language, what we intend to achieve in moral debates and how we link moral questions with practical rationality in our own conduct.¹⁰ So, when we make moral claims, we are appealing to practical rationality. Practical rationality is non-institutional, and thus the nature of our moral claims as well is non-institutional, non-indexical, and absolute.

4.2 Finlay’s Evidence

Now that the arguments for the *Presupposition* on the error theoretic view have (hopefully) been made plain, we will turn to Finlay’s response. Finlay argues that the *Presupposition*, insofar as it takes absolute authority to be a necessary feature of moral discourse,

¹⁰ Consider, for instance, a situation where I change my mind on a moral matter, and decide that rather than doing x I shall instead *not* do x. It seems clearly right to think that my motivation will follow my moral judgment. When I thought x was morally good I was motivated to do x, but now that I have decided x is morally bad I am no longer inclined to do x. That my moral reasoning so heavily influences my course of action seems yet again to evince the link between moral thinking and action, and to support the view that moral discourse is a branch of practical rationality.

does not make sense of actual moral practice. The *Presupposition* is the “error in the error theory.” Finlay argues that “a nonabsolutist, relational interpretation of moral discourse can explain the evidence at least as well [as the error theory], and therefore that we should not embrace the absolutist, nonrelational interpretation as the ‘best explanation’” (7).

I will next outline two of Finlay’s replies. The first seeks to rebut Joyce’s argument that moral discourse has the features we should expect if it is describing moral facts with absolute authority. Finlay calls evidence to this effect “reflective” evidence, which is simply the information we gather by looking to “ordinary practitioners of moral judgment.” Finlay responds that this kind of evidence actually “carries no weight” (8), and sketches three reasons for this view. He first notes that “We may, of course, have better epistemic access to what we *intend* to refer to than we do to the actual nature of the reference” (8). That is, even though we may intend to refer to a realm of absolute norms, we may in fact be referring to something else, like a moral code shaped by evolutionary influence and societal custom, totally detached from any categorical grounding. Finlay next says that “there are reasons for distrusting the sincerity of people’s avowals on this matter” (8). That is, to the extent that individuals hope to convince others of their own moral views, they will of course speak as if in reference to an absolute fact of the matter. Just as people have a motive for presenting their unfounded (non-moral) opinions as well-supported, considered views, so too do they have a motive for presenting their moral utterances as derived from an absolute moral truth. Third, Finlay argues that “Joyce overstates the consensus in favor of absolutism” (8) and that in fact “the reflections of many intelligent people throughout history favor some form of relativism” (8).

Indeed, if non-absolutism were incongruent with the very meaning of morality, how is it that such views (like relativism) seem to have a non-negligible foothold, both among the folk

(undergraduates, as he says) and among historical thinkers? The state of the literature currently indicates very little philosophical interest in ethical relativism, so it comes as no surprise that Finlay references thinkers in antiquity. It might be a more powerful case if he could give us a list of contemporary scholars that have defended relativism, and fully understand its commitments and difficulties but still find it a plausible view. After all, some undergraduates or ancient thinkers might be misidentifying their own intuitions and upon reflection would abandon the view. But as it stands, no substantial list of relativist scholars is offered. In Finlay's defense, he does cite Foot (1972) and Harman (1996). And in any case, Finlay only needs relativistic concepts of morality to be comprehensible as such for the argument to go through; he doesn't need an army of actual relativists.

Having dismissed Joyce's appeal to reflective evidence, Finlay next seeks to refute Joyce's "appraisal evidence," that is "what information we treat as relevant...when making a moral appraisal" (10). Recall that our moral condemnation of the Nazis is not at all changed upon any discovery about their desires, needs or ends. Joyce thinks this is a significant problem for defenders of relativism. Finlay responds that "This categorical character of moral appraisal does show that moral appraisals are not intended to be relative to the ends, desires, or standards of the persons *being judged*. But it is perfectly compatible with those appraisals being intended as relative to the ends, desires, or standards of the persons *judging*" (10). Thus his view is perfectly consistent with the claim, which he accepts, that moral condemnation of the Nazis is not relative to *their* ends. Instead, the condemnation is relative to *ours*.¹¹

¹¹ We might say that we share the same values with the Nazis, but that the Nazis have false beliefs about how to act on those values. Perhaps the Nazis share with us the value of respect for persons; they just have false beliefs about which groups count as people. This perspective also allows us to explain our critique of the Nazis without absolutism.

5 FINLAY vs. JOYCE

5.1 How Finlay Wins

At last the stage is set to evaluate the conflict between Joyce and Finlay. It may be helpful to lay out the foregoing arguments.

Joyce Argument 1:

1. When we use moral language, we clearly *sound like* we are talking about NICIs.
2. This gives us some reason to think we *actually are* talking about NICIs.
- ∴ 3. The burden of proof is on the ICI folk (like Finlay) to tell us why we *actually are not* talking about NICIs.

Joyce Argument 2:

1. That which cannot be coherently questioned is non-institutional.
2. Practical rationality cannot be coherently questioned.
- ∴ 3. Practical rationality is non-institutional.
4. Moral discourse is about decisions and courses of action.
- ∴ 5. Moral discourse is a branch of practical rationality.
- By 3 and 5,
6. Moral discourse is non-institutional.

Finlay Argument 1:

1. We “have better epistemic access to what we *intend* to refer to than we do to the actual nature of the reference (8).”
2. Significant minorities presently and throughout history have found relativism palatable.
3. “There are reasons for distrusting the sincerity of people’s avowals on this matter,” (8).
- By 1, 2 and 3
4. Reflective evidence “carries no weight” (or, more conservatively, reflective evidence is not as compelling as Joyce thinks).

Finlay Argument 2:

1. Moral condemnation of the Nazis is not relative to their ends, needs or desires.
2. Instead, it is relative to *our* ends.
- ∴ 3. The fact that our condemnation of the Nazis (or whatever moral monster archetype you choose) is not relative to their ends is *not* evidence that NICIs are the only possible conception of morality.

Remember that Finlay says he only plans to argue “defensively” against Joyce’s view, hoping simply to show that the evidence the error theorist cites does not actually support the error theoretic conclusion. Our remaining task is to evaluate the evidence and determine whether Joyce is right in thinking it supports the error theoretic view, or if Finlay is justified in being

unconvinced.

I think Finlay is right in pointing out the shortcomings of reflective evidence, and successful in defending his view from Joyce's counterexample concerning our indifference to new discoveries about the needs, ends, desires or standards of the Nazis. What Finlay needs to do to advance his case is defuse Joyce's contention that since moral discourse is a subset of practical rationality, which is non-institutional, then moral discourse is non-institutional as well. Finlay seeks to cast doubt on the *Presupposition*, but Joyce's Argument 2 gives us a reason to accept the *Presupposition*. I will now sketch the way in which Finlay might begin to counter Joyce.

There are two main ways in which Finlay could attack Joyce's argument: he could attack premise 3 or he could attack premise 5. First, consider Joyce's defense of premise 3. Institutions are that which can be coherently questioned¹², and thus that which cannot be coherently questioned is non-institutional. If morality is non-institutional, then we cannot coherently question it. He writes that "There would be no particular problem with morality (and its reasons talk) if we treated it as if it were an institution, something that people may choose to endorse or not endorse. But we don't treat it that way. We don't accept that the Nazis were at liberty to opt out of the moral framework when it suited them" (2001: 44). This is different, on Joyce's view, than an institution. Joyce offers the example of gladiatorial combat as an institution (2001:49), saying that we can easily see how a gladiator might question "why" he ought to observe the rules of the ring, so to speak. The rules of gladiatorial combat are clearly institutional. But is morality the same way? Joyce thinks not. He considers an unwilling gladiator and a Nazi war criminal: "One rejects and violates the rules of gladiatorial combat, one rejects and violates the rules of morality. Yet we do not consider them on a par. We invest the moral judgment with an extra

¹² That is to say, we can readily imagine someone asking "I understand these are the rules, but why should I care?" I will say more on this shortly.

authority, and it is this fugitive thought that we must try to nail down” (2001: 45). This is how morality differs from an institution.

Is this satisfactory? After all, there is large literature exploring whether morality can be coherently questioned, in some form or another. Most conservatively, it’s an open question. Joyce himself concedes that “morality has all the hallmarks of an institution” (49), that is, we can imagine one asking “So what?” when told she has a moral obligation to do Φ . So it seems like Joyce is taking a rather extreme stance here. Moreover, there seems to be a contradiction in his own view. How can he hold that morality cannot be coherently questioned *and* that moral claims are false? And even if we buy into the framework of moral reasons as practical reasons and agree that questioning such reasons is incoherent, we don’t mean “incoherent” in the same way we mean it when we address questions about round squares or married bachelors.

I think Joyce can offer us at least a partial response. First, I do not think it is contradictory to hold both that morality cannot be coherently questioned and also that moral claims are false (or, as Joyce suggests, that moral discourse is an enterprise in error, like phlogiston discourse). Joyce argues that morality is a species of practical rationality insofar as it gives us reasons. Moral discourse, on Joyce’s view, regards these reasons as categorical and that is why they are in error. These two claims do not seem to stand in tension. Second, I think Joyce has missed an opportunity to bolster his own argument. While Joyce makes clear that practical rationality is non-institutional, he does not spend much time connecting morality to practical rationality. We know, from the main argument for error theory, that Joyce thinks a moral obligation entails a reason for action (“if x morally ought to do Φ , then x has a reason for Φ ing regardless of whether it serves his desires or furthers his interests”). Practical rationality is the domain of reasons and decisions, and it is clear that moral decision making and moral reasoning are members of the

broader sets of general decision making and general reasons. Thus, moral decision making and moral reasoning are a kind of practical rationality, and since practical rationality cannot be coherently questioned, morality itself cannot be coherently questioned. Individual prescriptions of morality can be questioned, just as individual prescriptions within practical rationality can be questioned, but the overarching project of moral discourse is unassailable, just as the overarching project of practical rationality is unassailable. When x questions his obligation to do Φ , he is simply not understanding that “ x has a moral obligation to Φ ” equates with “ x has a reason to Φ .” This observation helps Joyce push back on those that are skeptical of his claim that morality cannot be coherently questioned.¹³

We might argue, contra premise 5, that morality is not a branch of practical rationality because it has nothing to do with reasons. Moral claims in fact *do not* have any implications for our actions. When I try to convince you that your moral view is false, or that the way you are behaving is immoral, I don’t actually care what you believe or how you act. It’s clear that this view, as a practical matter, does not accurately describe the nature of moral conflict. In general we have deep attachments to our moral commitments and we certainly *intend* to influence others when we share our moral views. Certainly, then, moral claims are concerned with actions and decisions. For this reason, they are a species of practical rationality.¹⁴

In addition to contesting individual premises, another way that Finlay might reply is to identify an ambiguity in Joyce’s Argument 2 and show how it yields undesirable consequences. While we might concede that practical rationality cannot be coherently questioned, it can still be argued that it does not follow that morality, or any other particular branch of practical rationality,

¹³ We will return to this point when we address further ways in which Finlay can respond.

¹⁴ Joyce goes on to say that practical rationality can only yield hypothetical imperatives, so if we can successfully argue that moral discourse is a subset of practical rationality, then we avoid the worry of non-institutional categorical imperatives actually existing, and error theory is safe.

cannot be coherently questioned either. If we say that moral discourse is a subset of practical rationality because it has to do with reasons, decisions and courses of action, then we must say that similar discourses face the same dilemma. Consider decisions about where to get lunch (lunch discourse). Lunch discourse might include statements like “I need to eat because I am hungry,” “I can’t eat there because of my food allergies,” “That place is too expensive,” or “I want to try that Vietnamese restaurant because I’m feeling adventurous.” No doubt lunch discourse is about reasons, decisions and courses of action, and as such is a subset of practical rationality. But it does not seem to follow that lunch discourse itself cannot be coherently questioned. Any of the above statements can be questioned without incoherence, and even lunch discourse itself can be questioned: “do we even need to eat lunch at all? Dinner at Gary’s house starts in an hour,” or “but aren’t you fasting for Ramadan?” This example illustrates two worries for Joyce’s Argument 2. Firstly, it seems like it needs to be rearticulated in a way that removes any ambiguity about what kinds of discourse cannot be coherently questioned (for it seems to follow from JA2 that practically any discourse whatsoever, so long as it seeks to influence action, cannot be coherently questioned). Secondly, it needs to be reformulated in a way that shows why moral discourse is different than the other types of discourses (like lunch discourse), or else admit that all similar discourses cannot be coherently questioned, which seems like an undesirable view.

5.2 Relational Moral Discourse

Finally, consider an account of ICI moral discourse that may help Finlay respond to Joyce. Suppose that moral discourse is indeed about reasons for action, and there is a tight connection between moral obligation and practical reasoning. But, normative reasons are

generated by practical rationality insofar as we have a particular set of ends, needs, desires and standards and it is rational to act towards their fulfillment. Additionally, this same set of ends, needs, desires and standards is shared by all of mankind (or nearly all of mankind).¹⁵ This system of moral thinking would be classified as an ICI (institutional categorical imperative), because it is relative to agent specific details, but may be able to evade Joyce's primary critique. First, it doesn't posit the absolute authority of moral claims. When we use moral language we often sound like we are talking about NICIs that have absolute authority, but we actually aren't (on this account). Instead, we are talking about ICIs, but they happen to be universal (or nearly universal) and thus give moral decision makers the impression that they are talking about NICIs. Thus this view answers Joyce's argument that moral language seems to be concerned with NICIs.

Second, this account might be able to explain how morality is concerned with practical rationality but nonetheless institutional. On this view, morality is still about reasons and decisions, and thus is still a branch of practical rationality. But, on this view, practical rationality *can* be coherently questioned, and thus is no longer non-institutional. Certainly it is still incoherent to ask for a reason for caring about reasons. But any question about the specific demands of practical rationality is open. All such questions are relative to the kind of agent you are. Humankind happens to share the same set of features that constitute their agency, but other kinds of rational beings might very well have a different set of ends, needs, desires and standards, and for them practical rationality would function differently, and generate entirely different categorical imperatives. Certainly this view is incomplete. After all, Joyce thinks that practical rationality cannot generate categorical imperatives of any kind, institutional or non-

¹⁵ It may be helpful here to think of accounts considered by writers like Philippa Foot in "Morality as a System of Hypothetical Imperatives."

institutional. But this account does some work towards countering Joyce, and is a step toward building a view centered on ICIs as the primary subject of moral discourse.

Another effort to understand moral discourse as comprised of institutional categorical imperatives comes from Finlay himself (2014). Finlay's project is to understand normativity totally in terms of non-normative components, and he attempts to explain normative language through a reductive analysis that first considers several common normative phrases like "good" and "ought" as instrumental or non-normative, as they are regularly used in ordinary speech. For example, no semantic frustration is likely to arise from my saying "Pleasure is good" (23). While we might wonder if pleasure is the highest good or only good in moderation or only good after other criteria are satisfied, the statement itself seems close to tautological. Likewise, we might see phrases like "that pass was good," "chocolate is good" or "friends are good." Again, these statements, despite their employing normative concepts, do not seem to need much philosophical unpacking. As I understand Finlay, he reads normative concepts as "end-relational." Any of the above uses of "good" are end-relational. Chocolate is good if one likes chocolate, friends are good if one seeks companionship and support, and "that pass" was good supposing that it furthered the ends of the team or individual who made it. This discussion illustrates that institutional categorical imperatives are both comprehensible and commonplace in our ordinary language.

Thus far I have argued that Finlay's attack on the *Presupposition* is an effective approach, and that Joyce needs to do more to develop his argument for the *Presupposition* in light of Finlay's critiques. I also explored some ways in which Finlay can expand his argument. For his part, Joyce needs to find a way to tighten the *Presupposition* to avoid Finlay's worries if

he is to save his version of the argument for error theory. In the final chapter, I will explore how error theory can proceed despite Finlay's objections.

6 CONCLUSION

Now I will suggest some further lines of inquiry on this topic, and outline some of my own views on error theory and moral realism. The first and most obvious next step for the error theorist is to attempt to rearticulate error theory without any dependence on *Presupposition*. This seems perfectly doable. The main reason the antirealist takes issue with moral facts is that they are said to have properties that make them unlike any other kind of fact, only one of which is their absolutist nature. For example, relational moral facts still don't offer a satisfactory explanation of the moral language or behavior they are supposed to help elucidate. If moral discourse is institutional, then it doesn't seem like moral facts explain anything that couldn't also be explained simply in terms of social practice. That is, even if Finlay's approach makes moral facts more theoretically palatable, they still aren't offering any explanations that are more broad or helpful than antirealist evolutionary accounts.

Furthermore, I take the antirealist contention to fundamentally be a claim to parsimony. There exists in the world the phenomenon of moral intuitions. Moral realists might think that positing moral facts helps to explain this observed phenomenon, in that our intuitions should be taken to be some sort of empirical apprehension of these facts, perhaps like our senses of vision or smell. After all, we generally believe our senses of vision and smell can offer helpful interpretations of the world. Perhaps our "moral sense" is something similar, giving us insight into the moral dimension of our universe. But in terms of offering a succinct explanation, the realist fails miserably. After all, there are other observable phenomena that moral facts do no work in explaining, like the fact of moral disagreement. But more importantly, the antirealist has a simpler explanation of the same facts. The antirealist says that there is no need to posit any mysterious metaphysical entities or properties in the world to explain moral intuitions. One

alternative explanation is simply that biological evolution has shaped the content of our moral beliefs, in conjunction with our culture, and consequently we have a set of beliefs about how we ought to act in order to achieve reproductive success, and we have over time labeled those beliefs as moral beliefs. There is no need at all, on a picture like this, for the bloated ontology that the moral realist espouses. So, the real driver of the antirealist position is a general suspicion of moral metaphysics which does not reduce to a worry only about the absolutist nature of moral discourse. Further, the antirealist still has the advantage of offering a simpler explanation than moral realism of the same phenomena. Therefore, I don't think that a victory over the error theorists about the nature of moral discourse should be taken with too much pride. The big picture dispute between the realists and antirealists is still totally open, and a dispute I think that the antirealists are winning. I think error theory can be restructured so as not to depend on *Presupposition*, and that error theory is still a promising mode of ethical analysis.

Another way that future research could proceed is to investigate the import of the emotivist program. My project has assumed a cognitivist understanding of moral language from the outset, with only a brief dismissal of emotivism in the early pages of the paper. Noncognitivism would ideally receive a more developed treatment than that, and I think future research on this topic would do well to give emotivism and its contemporary descendants a fair treatment.

In this paper I argued that Finlay is right to identify and attack *Presupposition*. Finlay offers the superior understanding of moral discourse, language and practice, and the error theorists need to revisit their argument to respond to this substantial objection. However, I also suggested that I do not think that Finlay has offered a devastating objection. Error theory can, in my view, be reimagined without the same dependence on *Presupposition* that Finlay flagged as

problematic, and there are other features of moral facts other than their absolutist character that motivate the error theorist to rightly regard them as suspect.

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