

International Phenomenological Society

Ethical Disagreement, Ethical Objectivism and Moral Indeterminacy

Author(s): Russ Shafer-Landau

Source: *Philosophy and Phenomenological Research*, Vol. 54, No. 2 (Jun., 1994), pp. 331-344

Published by: [International Phenomenological Society](#)

Stable URL: <http://www.jstor.org/stable/2108492>

Accessed: 02/12/2013 09:49

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



International Phenomenological Society is collaborating with JSTOR to digitize, preserve and extend access to *Philosophy and Phenomenological Research*.

<http://www.jstor.org>

Ethical Disagreement, Ethical Objectivism and Moral Indeterminacy

RUSS SHAFER-LANDAU
University of Kansas

I. INTRODUCTION

What should we say when two reasonable, well-informed individuals disagree on some moral matter? There seem to be two basic analyses, each tied to a broad view of the nature of ethics. Objectivists of various stripes say that intractable moral disagreement does not undermine the claim that there is a fact of the matter awaiting discovery.¹ Rather, such disagreement suggests a fault of at least one of the interlocutors: a lack of information, a deliberative error, or some irrational emotional response that stands as a barrier to moral convergence. Disagreement, considered by itself, is no evidence for the claim that there is no moral fact of the matter.

On the other hand, noncognitivists argue that such disagreement is best explained by citing the clashing attitudes that underlie persistent lack of moral consensus.² They claim that the amount and apparent intractability of moral disagreement gives us reason to believe that morality is fundamentally a matter of projecting one's sentiments upon a value-free world. If moral facts were reports of "objective" states of affairs, then we should expect in morality the breadth of convergence that emerges in some of the

¹ Cf. C. Wellman, "Ethical Disagreement and Objective Truth," *American Philosophical Quarterly* 12 (1975); S. Hurley, "Objectivity and Disagreement," in T. Honderich, ed., *The Objectivity of Morality* (London: Routledge, 1985); D. Brink, *Moral Realism and the Foundations of Ethics* (Cambridge: Cambridge University Press, 1989), pp. 197–209; D. McNaughton, *Moral Vision* (Oxford: Basil Blackwell, 1988), pp. 147–61; R. Miller, "Ways of Moral Learning," *Philosophical Review* 94 (1985). Such a view is implied by the main arguments in P. Foot, "Moral Arguments" (1958) and "Moral Beliefs" (1959), both reprinted in *Virtues and Vices* (Oxford: Basil Blackwell, 1978).

² Cf. S. Blackburn, "Errors and the Phenomenology of Value," in T. Honderich, ed., *Morality and Objectivity* (London: Routledge 1985); J. Mackie, *Ethics: Inventing Right and Wrong* (New York: Penguin, 1977), pp. 36–38; R. M. Hare, *Freedom and Reason* (Oxford: Oxford University Press, 1963); C. L. Stevenson, "The Emotive Meaning of Ethical Terms" (1937) and "The Nature of Ethical Disagreement" (1948), both reprinted in *Facts and Values* (New Haven: Yale University Press, 1963); B. A. O. Williams, *Ethics and the Limits of Philosophy* (Cambridge, Massachusetts: Harvard University Press, 1985), pp. 133–73.

more rigorous empirical and theoretical disciplines. But we see no such thing. Thus persistent disagreement is taken as good evidence for the claim that there are no genuine moral facts, just projected sentiment.

Certainly much (perhaps most) moral disagreement can be explained as the objectivist supposes. Insufficient knowledge and imperfect deliberative abilities can account for many arguments left unresolved. Further, persistent disagreement usually presupposes a belief that one's opponent is *in error*, that there is a *right answer* to be discovered, one that is independent of a speaker's beliefs or attitudes. These phenomenological features of actual disagreement lend some presumptive support to an objectivist analysis. But there is a nagging sense that there is more to be said. The issue here is not how best to account for actual, intractable disagreement, but hypothetical disagreement among idealized agents. It does seem that moral disagreements may persist even among fully informed, perfectly rational agents. Objectivists have had trouble accounting for that. At times, their traditional accounts of disagreement seem more like untestable hypotheses than genuine explanations, reducing to mere assertions that there must, somewhere, be lurking some cognitive defect on the part of one of the interlocutors.

Qualms about traditional objectivist positions regarding disagreement can be expressed straightforwardly:

1. If there are objective moral facts, then there can be no intractable moral disagreement among ideal moral judges.
2. There can be such disagreement.
3. Therefore there are no objective moral facts.

I will provide three responses on behalf of the objectivist. The first two accept the second premise and reject the first. The third denies the second premise and embraces the first. Though there are by now many familiar dialectical moves made in defense of each of these responses, my three arguments are novel because they rely for their plausibility on certain claims about moral indeterminacy. An assessment of the merits of my three responses therefore requires some familiarity with this domain.

II. A TAXONOMY OF MORAL INDETERMINACY

I suggest that the apparent soundness of the central noncognitivist argument may be dispelled if we abandon an assumption long associated with objectivism, namely, that morality is entirely determinate. Writers have occasionally hinted at the possibility of moral indeterminacies, but no one, to my knowledge, has provided any sort of detailed analysis of such phenomena or carefully attended to their implications for moral theory. A belief that

some situation is morally indeterminate is often expressed by saying that there is no right answer to some of the moral questions it raises. Whether there is such an answer depends, of course, on the questions one is asking. It also depends on how we understand the locution, “no right answer.” I think there are two primary ways of interpreting this phrase, each corresponding to a distinct sort of moral indeterminacy.

The first relies on a rejection of bivalence. This is what I shall call *truth value indeterminacy*—some moral judgments may be neither true nor false. For instance, it may be neither true nor false that an eight month fetus is a person, or that Creon was wrong to kill Antigone. On the other hand, we may be confronted with *comparison indeterminacy*—situations where no single option most exemplifies a relevant moral property. If we can envision situations of genuine moral dilemma, or cases where more than one option seems (say) bravest, kindest or most deserving, then comparison indeterminacies may occupy a place in one’s picture of a moral order.

Comparison indeterminacies result either from moral ties, where options “score” equally well on some scale of moral measurement, or from the presence of incommensurable options. Despite its relatively frequent mention, the notion of a moral tie is not very well understood. The complexities surrounding moral ties derive from the nature of moral measurement. Strictly speaking, to be tied, different options must possess the same amount of the same thing, and we have yet to see a sophisticated account of moral quantification.

Alternatives are incommensurable if, for any particular value serving as the basis of comparison, they are neither more nor less valuable than one another, nor equally valuable. Thus incommensurability precludes ties, and is a distinct sort of comparison indeterminacy. When tokens are unrankable one against the other on a particular dimension of assessment, we are faced with incommensurability. This unrankability can be best explained, I think, by noting that moral properties are not simple, but complex. Every moral property depends for its instantiation on the presence and absence of several distinct features of a given situation. For instance, whether one is brave depends on the presence of danger, one’s ability to defuse the threat, one’s awareness of the danger, and one’s steadfastness in the face of threatened harm. Each of these features may be possessed in differing degrees. Achilles’ bravery may be incommensurable with Ajax’s, because there is no single measure along which we can compare Achilles’ unique concatenation of bravery-making features with Ajax’s. As a general matter, incommensurability can result from our principled inability to balance each of the distinct subvenient features that together determine the instantiation of a moral property.

So far as I can tell, truth value indeterminacy has at least three distinct sources. The first source is conceptual vagueness: many moral concepts are

“fuzzy around the edges,” lack precise definitional criteria and so incompletely fix their extensions. In some cases, the puzzlement we experience about whether some act or quality of character truly exemplifies a moral property is due to this sort of vagueness, rather than some remediable cognitive limitation. Judgments ascribing the vague predicate to some action or state of affairs may be neither true nor false, owing to the extensional imprecision of the concept itself.

The second source of truth value indeterminacy is what I call *descriptive indeterminacy*. Descriptive indeterminacy occurs whenever three conditions are fulfilled. First, morally relevant aspects of a situation must be accurately describable in more than one way. Second, the moral verdict we reach must differ, in a way that generates mutually exclusive moral assessments, depending on which description we select. And third, there must be no principled way to select which of the differing descriptions is most relevant. When these conditions are satisfied, we lack the means necessary for determinately fixing the truth conditions of some moral judgment. For instance, some cases of mixed motives are instances of descriptive indeterminacy. The mental states motivating an agent can sometimes be accurately described in different ways, each of which leads to incompatible moral assessments. Our inability to isolate just one of these mental states as most motivationally relevant may undermine efforts to identify a uniquely correct moral assessment. If provided with sufficient detail, we might properly conclude that a judgment assessing the agent’s intentions is neither true nor false, owing to our inability to identify just one of the operative mental state descriptions as most appropriate for the case at hand.

Finally, some cases of truth value indeterminacy involve incommensurables. In other words, some situations in which incommensurables are present may be describable by judgments that are neither true nor false. For instance, in a now-familiar example taken from the novel *Sophie’s Choice*,³ the title character is confronted by a Nazi prison guard who forces her to select a child to go to the gas chambers. Her refusal to choose will prompt the guard to have both of her children killed. In Sophie’s case, it may have been neither true nor false that the eldest (or the youngest) was the appropriate one.

Lest one be misled, I should stress that some aspects of cases involving incommensurability *are* properly describable by judgments that are determinately true or false. For instance, it was true of Sophie that she was required to sacrifice one of her children, and false that she was morally free to forgo choosing. Thus comparison indeterminacy does not *entail* truth value indeterminacy. On the other hand, moral judgments that are neither true nor false need not be reports of ties or incommensurabilities, so truth value in-

³ New York: Bantam, 1980.

determinacy does not entail comparison indeterminacy. The two sorts of indeterminacies are logically distinct phenomena, both of which can assist the objectivist in explaining persistent moral disagreement among idealized moral agents.

III. THE NATURE OF MORAL OBJECTIVISM

Before we can determine whether the introduction of indeterminacy can assist the objectivist in responding to the noncognitivist, we must be clear about which sorts of theories I count as properly objectivist. I believe there are two major camps, one realist, the other constructivist. Constructivists aim to construct truth conditions for moral judgments from the responses or deliverances of some idealized agent or group of agents. For instance, Firth's theory⁴ claims that moral judgments are true just in case they accurately reflect the responses of a duly specified idealized agent. There is no such thing as moral truth prior to or independent of the edicts of such an observer. Constructivist theories may identify just a single agent as the relevant arbiter of moral truth, or they may designate some group of such individuals whose agreements are the source of moral truth.⁵ Different contractarian constructivisms can be spun out depending on how thick or thin the veil of ignorance is, what attitude towards risk the contractors are assigned, the schedule of goods the contractors seek, the theory of practical rationality they employ in their deliberations, and the departments of morality whose rules the contractors are convening to establish.

Though there are several distinct types of moral realism, the common thread uniting them is the belief that moral facts are stance-independent. What the moral facts are, and thus which moral judgments are true, is a matter determined independently of any stance or attitude taken by any actual or idealized individual towards the relevant states of affairs in the world. Realists believe the moral facts inherent in the nature of things. Though ideal observers may be inerrant, their moral accuracy does not come definitionally, as the constructivist would have it; ideal observers do not create the moral facts, but instead correctly mirror a moral order that exists independently of even their deliberations or responses.

⁴ R. Firth, "Ethical Absolutism and the Ideal Observer Theory," *Philosophy and Phenomenological Research* [12] 1952.

⁵ To the (debatable) extent that Rawls embraces the idea that general moral principles are valid because identical to those endorsed by a group of hypothetical contractors, he may be placed in this camp. See "Kantian Constructivism in Moral Theory," *Journal of Philosophy* [77] 1980. See also T. M. Scanlon, who makes the basis of morality consist of those rules that a group of agents could not reasonably reject as the basis of free and informed agreement. Cf. "Contractualism and Utilitarianism," in A. Sen and B. Williams, *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982). Ronald Milo is also working on a full-blown account of contractarian constructivism. See "Moral Constructivism," forthcoming.

IV. OBJECTIVISM, DISAGREEMENT AND MORAL INDETERMINACY

If we allow that moral indeterminacy can be generated in any of the ways described above, then we have a more promising explanation of disagreement for the objectivist. In those situations where perfect unanimity seems a pipe dream, the objectivist can attempt to show that an ineliminable element of moral indeterminacy exists for the situation being debated. The fact that there is no uniquely correct assessment awaiting discovery can appropriately explain why in some cases even idealized agents would fail to converge on the identity of a single best moral evaluation.

A problem quickly presents itself. If the idealized agents are fully informed about all features of a situation, shouldn't we expect them also to be aware of whether the situation is an indeterminate one? If so, and if a situation is in fact indeterminate, why would idealized agents disagree—why would they feel compelled to disagree about a matter that admits of no uniquely correct resolution? If part of what it is to be a fully-informed agent is to be aware of moral indeterminacy when it occurs, then we should expect no ethical disagreement. But, says the noncognitivist critic, we should expect just that. And if ethical disagreement persists, then we must either (1) reject objectivism, and explain disagreement by citing the clashing subjective attitudes that themselves fix the moral status of situations, or (2) find a good reason for thinking that fully informed agents are not privy to information about the determinacy status of particular situations. Since (2) is thought implausible, we are led by this argument to reject objectivism.

There is an objectivist response that employs claims about indeterminacy to show how we can properly reject the antecedent in the previous conditional. This is the reply I find most persuasive, and I shall develop that response in section IV.C below. Before I do, however, there are two distinct objectivist responses that *accept* the antecedent in the previous dilemma, and embrace the second horn presented in the consequent. Developing these accounts requires showing how we can properly envision idealized observers as lacking certain sorts of information, specifically, information concerning the determinacy status of morally laden situations.

A. Constructivism and the Nature of the Ideal Observer(s)

The first objectivist response is available only to the constructivist. This move envisions the relevant idealized moral agents as those whose responses fix the truth conditions for moral judgments. The constructivist admits to the existence of persistent disagreement, but explains the admission by denying that ideal observers or contractors will have access to the sort of knowledge that would undermine disagreement. Ideal observers will not be

aware of the determinacy status of a particular state of affairs. They cannot have such knowledge, because the determinacy status of a situation is fixed by reference to an ideal observer's reactions. For the constructivist, there is no indeterminacy prior to responses of ideal agents, and so such observers *could not* first be aware of whether a situation was determinately assessable before delivering their responses.

For the constructivist, indeterminacy arises in one of two ways. On a single-agent theory, indeterminacy arises when the idealized agent remains puzzled or suspends judgment about a situation. On a many-agent account, indeterminacy arises when the contractors fail to come to a consensus about the situation or the status of a rule that putatively governs the case. Thus for the constructivist, whether a given case involves indeterminacies is something that can be fixed only after the responses of the relevant idealized agents are in. Facts about the determinacy status of situations are constructed from the responses of idealized agents, and so do not represent the sorts of considerations that ideal observers can have access to when responding to the world. So long as we think it likely that a single ideal observer might occasionally suspend judgment, or that a group of idealized contractors may fail to achieve unanimity on some moral matter, we can accommodate indeterminacy within a constructivist ethic.⁶ Doing so allows us to retain the idea that ethical disagreement or puzzlement among even idealized observers may persist compatibly with objectivism. And since the constructivist identifies situations eliciting such disagreement as indeterminacies, we can see that objectivism, disagreement and moral indeterminacy may all fit plausibly into a coherent view of ethics.

However, this response may not do. The noncognitivist criticism invited us to consider the prospect of persistent ethical disagreement among moral judges. Yet on one view of what it is to be a moral judge, the ideal observers or contractors of constructivist theory cannot qualify as *moral judges* at all.

⁶ For either sort of theory, we can enlist the aid of the previous taxonomy to assist in providing an explanation of the puzzlement or lack of consensus that, for the constructivist, constitutes indeterminacy. For instance, even perfectly informed agents may have difficulties attempting to rank different options on a single scale of value. Or they may find different descriptions of some phenomenon equally apt, each description generating a response incompatible with the other. Room for indeterminacy grows, of course, if one embraces a contractarian constructivism. If such a theory is to be extensionally nonequivalent to a single-agent ideal observer theory, then there must be grounds for allowing differences in the make-up of the relevant contractors, which differences may generate different responses to identical phenomena. If that weren't the case (i.e., if the contractors were all identical clones of one another), there would be no reason to abandon an ideal observer theory and expand the number of moral arbiters. A robust contractarianism, one that genuinely distinguishes itself from a single-agent ideal observer theory, would incorporate differences in the characterization of the contractors sufficient to engender a need to engage in bargaining or more general dispute resolution. For some trying cases it is likely that consensus cannot be reached, even with the best will, perfect information and perfect deliberative abilities.

On this view, an ideal moral judge is, among other things, apprised of all moral facts. But the arbiters of moral truth on constructivist accounts are not privy to moral facts at all. Such observers construct the moral facts, and so cannot prior to their responses be aware of which moral judgments are true and false. Since these arbiters of moral truth cannot, by definition, be aware of any (much less all of the) moral facts, they cannot be ideal moral judges in the requisite sense.⁷

The noncognitivist may now suggest that the original problem was to show how idealized *moral judges* could disagree—to show how fully informed nondefective moral reasoners could, against a background of objective moral facts, persist in their ethical disagreements. But ideal observers are not moral reasoners, and they do not engage in *ethical* disagreements at all. They are not attempting to identify moral truth, but simply to respond to a world that as yet contains no moral truths. In fact, they do not employ moral concepts at all—such concepts are imported by us when attempting to reflect the observers' essentially non-cognitive attitudes to states of affairs in the world.

The claim is that the constructivist account is inadequate if it consists merely in an explanation of how ideal observers might disagree. The noncognitivist of course accepts that in a world without moral facts, ideal agents may persist in their disagreements. What she challenges is the idea that a world with moral facts that await discovery may also be a world that allows for intractable disagreement among ideal judges. The noncognitivist will respond that the subject has been changed.

I continue to waver about the merits of this noncognitivist charge. I think the strongest reply available to the constructivist is to concede that there are no stance-independent facts, but to claim that this is compatible both with the persistence of ethical disagreement and with objectivism. The noncognitivist traditionally used the argument from disagreement to show that there cannot be a set of realistic, stance-independent moral facts. Such facts would apparently make persistent ethical disagreement impossible or inexplicable. But the constructivist agrees with all this. She denies the existence of stance-independent moral facts. She agrees that ideal agents, confronted with a value-free world, can persist in disagreement. Where she differs is in thinking that all of this is compatible with the existence, for us actual moral agents, of a world of objective moral truths. If she is right, then the noncognitivist cannot use the (putative) fact of persistent disagreement among idealized agents deliberating in a value-free world as sufficient evi-

⁷ To clarify: for the constructivist, an ideal *observer* is one whose responses fix the truth conditions of moral judgments. An ideal moral *judge* would be one who is fully apprised of all of these responses. The judge would not fix truth conditions for moral judgments, but would be aware of them all, because able to fully capture the deliverances of the ideal observers.

dence to undermine objectivism. Of course constructivism may be misguided, but the argument from disagreement does not show it so.

B. What Do the Ideal Judges Know?

I shall now suppose the previous constructivist account to be misguided. Let us assume that the noncognitivist was correct in charging that the constructivist response represented an evasion—in other words, assume that the difference between a moral judge and observer *is* crucial in the debate about explaining persistent moral disagreement. Even if that is correct, the objectivist may employ one of two remaining strategies.

The first of these embraces the noncognitivist's claim that ethical disagreement will persist even among ideal moral judges. This line presupposes moral reasoners deliberating against a backdrop of already-existing moral facts, thus removing the contested element of section A. It must therefore show how ideal moral judges aiming to recognize already-existing moral facts will nevertheless fail to spot some of them and so persist in their disagreements with one another. To do this, the objectivist⁸ must show how such judges sometimes fail to be aware of facts about the determinacy status of morally laden situations. At first blush, such a program seems highly unworkable. If ideal judges are aware of all the moral facts, and if, as seems true, facts about moral indeterminacy are moral facts, then ideal judges should know which situations are indeterminate, and so cease disagreement when confronted by such a case.

The success of this second objectivist reply depends on whether we can plausibly recharacterize the ideal moral judge. This can be done in at least two ways. In the first, we deny that ideal moral judges have access to moral facts at all. In the second, we allow them access, but only to a restricted range of moral data.

As a preliminary matter, we should note a difference between two sorts of knowledge the ideal moral judge might bring to her deliberations. The first is knowledge of all morally relevant facts—facts that do not themselves represent conclusory moral assessments of the situations confronting the judge, but instead represent all those situational features that have a bearing on how the moral outcome is fixed. The second sort of knowledge we might impart to our ideal judges is a knowledge not only of all morally relevant facts, but also of all moral facts, i.e., all correct moral verdicts.

If we provide the ideal judges with the latter sort of information, it is difficult indeed to see how they might ever come to disagree about a moral

⁸ The two responses available to the objectivist at this point are equally well-suited to the constructivist and the realist. This being so, there is no longer any need to distinguish their positions for purposes of our discussion, though naturally there are many other issues in which the differences between these schools of thought are quite important.

matter. But we may question whether the most plausible conception of an ideal moral judge has her fully informed about all correct moral verdicts. Most discussions of the problem of ethical disagreement see the judges as reasoners and deliberators, as *working to* a conclusion equipped with error-free deliberative skills and full factual information. Indeed, it is hard to see how there could have been thought a serious problem if all such judges are allowed to know in advance all of the correct moral verdicts. If that were the appropriate characterization, the initial plausibility of the noncognitivist claim about the persistence of disagreement would evaporate.

Typically, the noncognitivist paints a scenario something like the following: suppose two people know all there is to know about embryology, and also are fully informed about the life history and mental makeup of a woman seeking to terminate her early pregnancy. Isn't it likely that different nondefective reasoners, each equipped with all of this information, may nevertheless come to different moral conclusions about the permissibility of an abortion? If objectivism were correct, then such deliberators ought to be able to infer from, or locate the wrongness in, the concatenation of facts that represents the morally trying situation. But, as Hume says, "anatomize all these circumstances, and examine, by your reason alone, in what consists the demerit or blame: You never will come to any issue or conclusion."⁹ Indeed, since noncognitivists deny the very existence of objective moral facts, it would be strange if they made it an essential element in one of their attacks on ethical objectivism to assume both the existence of objective moral facts, and a thorough awareness of them on the part of ideal moral judges.

So the initial plausibility of the noncognitivist criticism, as well as the standard structure of its central argument, can support the characterization of ideal moral judges as lacking knowledge of all correct moral verdicts. If they do lack that knowledge, then they will also lack exhaustive knowledge about which situations are morally indeterminate. After all, one knows that a situation is morally indeterminate only if one already knows that all of the eligible substantive moral verdicts are inapplicable. Since this is knowledge we are now entitled to withhold from the ideal judges, we may also withhold knowledge of the determinacy status of some morally laden situations. And if judges are unaware that a situation is morally indeterminate, this may well explain why ethical disagreement persists.

Another way of restricting awareness of indeterminacy from ideal judges involves focusing on what we might mean by allowing such judges access to all moral facts, not just all morally relevant facts. Even if, contrary to the previous argument, we allowed such information, it isn't clear that disagreement is barred. There is an equivocation in the notion of a "moral fact."

⁹ David Hume, *Enquiry Concerning the Principles of Morals*, Appendix I.

Are these facts normative, metaethical, or both? Facts about the determinacy status of moral situations are metaethical, not normative. Even if we allowed ideal judges access to normative facts, it isn't clear that we must also envision them with full knowledge of the correct understanding of the nature of morality. If that is so, then they may be ideal judges even though lacking some metaethical knowledge, specifically, knowledge regarding the determinacy status of some moral situations. Provided this is plausible, we can again explain the prospect of persistent ethical disagreement among such judges, by invoking ignorance of indeterminacy as the source of such disagreement.

Making this sort of move—allowing normative knowledge but withholding metaethical understanding—might be supported by an analogy with fully competent language users. We can readily accept the notion that even the best authors or orators may be unable to articulate the “meta-rules” that comprise the syntax and semantics of their language. In the same vein, we can envision those best able to use and interpret the law as lacking thorough knowledge of the debates between positivists and natural lawyers. If these analogies are apt, then we can justifiably draw a line at the sorts of knowledge ideal moral judges have, granting them (what the previous line of argument withheld) normative knowledge, while withholding metaethical knowledge. This would provide an explanation of the judges' failure to appreciate when certain situations are morally indeterminate, and so assist in explaining why ethical disagreement may persist even among the idealized deliberators.¹⁰

C. Explaining Ethical Disagreement Away

The third objectivist reply denies that ideal moral judges will disagree. However, rather than simply denying what seems to noncognitivists eminently plausible—that ethical disagreement would persist—this objectivist strategy tries to retain all that is plausible in the noncognitivist criticism while effectively explaining persistent disagreement *away*.

¹⁰ If this general line of reasoning is plausible, then we are possessed of an objectivist account that shares with traditional accounts the isolation of cognitive defect as the sole source of lack of moral consensus. What is distinct about this proposal is that the relevant cognitive deficiency need no longer be thought of as ignorance of some first-order morally relevant fact, but instead as failure to appreciate a “higher-order” fact about the determinacy status of some particular situation. Such higher-order facts are extremely difficult to discern, which is just another way of saying that one is rarely, if ever, in a position to confidently assert that one has dispassionately examined all evidence, exhausted all partisan moral claims and come to the conclusion that the verdict is indeterminate. Thus my claims about indeterminacy can show why it is so difficult to overcome the relevant cognitive defects that lie at the bottom of intractable moral disagreement in the real world.

This reply assumes that the arguments drawn in the previous section were incorrect. If that is so, then objectivists must assume that there is no good reason to bar awareness of indeterminacy from the characterization of fully informed ideal moral judges. They must therefore refuse to accept the prospect of intractable ethical disagreement. Envisioning moral disagreement would be as difficult as envisioning a disagreement regarding arithmetic outcomes among perfectly ideal calculators. Yet the hypothesized persistence of such disagreement even among idealized agents is thought a deep fact about morality that any ethical theory disregards at its peril. The refusal to accommodate such disagreement apparently provides the noncognitivist with just the sort of argumentative ammunition she needs.

There are really two challenges here. The first is to show how objectivism can in fact accommodate indeterminacies. The second is to show that if there is such an accommodation, indeterminacy offers a solution to the problem of ethical disagreement.

I can only make a few inadequate remarks in response to the first challenge. Since the constructivist's routes to indeterminacy were discussed earlier, I shall now focus on the trickier problem of realism's relation with indeterminacy. My view is that realism can accommodate both truth value and comparison indeterminacies. One way to show this is to show that there is no *special* problem for moral realism—that indeterminacies can crop up in nonmoral investigations as well. And this seems plausible. Prudential calculations do seem occasionally to succumb to ties and incommensurabilities. Nonmoral concepts are often vague, rendering statements incorporating them neither true nor false. And even those in the hard sciences acknowledge pockets of indeterminacy in the most pared-down descriptions of the physical world.

The relevance of these cursory remarks is supported by a quite general observation about the focus of any realistic theory. Realism is a theory primarily about the source of truth conditions for moral judgments. It is crucial to recognize that the account given of the *source* of truth conditions, and the *precision* with which these conditions are framed, are logically independent matters. Realism occupies a distinct theoretical space because it claims not only that there are moral facts, but that they obtain independently of the outlooks of any natural or supernatural agents. There is nothing in this characterization of realism that provides even presumptive support for the claim that the stance-independent world must be precisely, perfectly, and entirely determinately ordered.¹¹

¹¹ I realize that this defense of the compatibility of realism and indeterminacy is seriously incomplete. Space prevents me here from providing more than an outline of the required argument. I have written more extensively on this question in a paper entitled "Vagueness, Indeterminacy and Moral Realism."

Still, even if we allow for indeterminacies in a realistic moral order, how can they assist the objectivist in responding to the noncognitivist? Since this response allows idealized agents access to facts about the determinacy status of a situation, objectivists cannot entertain the possibility of persistent ethical disagreement. Their burden is to show how we might justifiably expect to find unanimity among fully informed, nondefective reasoners. Indeterminacy, I think, allows them to do just that.

The objectivist can suggest that the nub of the traditional criticism has to do, not with the *persistence of disagreement*, but rather with the *absence of convergence* on the identity of a single option as uniquely best for a given context. The ideal reasoners *will* attain moral unanimity: for determinate situations, they will all agree on what constitutes a uniquely best evaluation; for indeterminate situations, they will all agree that the situation is indeterminate, and that there is no most appropriate assessment to be given. The plausibility of the noncognitivist charge does not stem from the prospect of intractable disagreement among idealized agents, but instead from the possibility that such agents might fail to converge on the identity of a uniquely correct moral description of a case. And this latter claim is not inimical to objectivism. It may be true that objectivists must deny the prospect of persistent ethical disagreement. But this no longer seems so question-begging once we introduce the possibility of moral indeterminacy. The fully informed deliberators can fail to come to a consensus on which option is uniquely best, because, owing to indeterminacy, there may be no such option. Thus the plausible component of the noncognitivist charge can be wholly accommodated by any objectivist who appreciates the place of indeterminacy in ethics.

V. CONCLUSION

One way the noncognitivist could respond to these arguments is to say that there will be some determinate cases where fully informed deliberators will persist in their disagreement. This would be a mistake, however, since noncognitivists do not believe there are any determinate cases. On my account, a case is determinate only if it (1) is describable by a proposition that is either true or false, or (2) involves a comparison that must yield a single best option no matter one's fundamental attitudes. Noncognitivists reject both (1) and (2). Instead, they must say that even if the world were ordered as objectivists claim it is, disagreement would persist among ideal agents. Cognitive error and *ignorance* of indeterminacy cannot fully *explain* persistent ethical disagreement; full nonmoral knowledge plus *awareness* of indeterminacy cannot *eliminate* such disagreement.

Both the noncognitivist's and the objectivist's strategies are essentially a priori. That is, they do not attempt a full and rich characterization of all morally trying situations and then ask their audience whether, under those

carefully detailed circumstances, they should expect disagreement. This a priori approach is justified in part because our dispute centers on fully informed, nondefective reasoners, and no objectivist or noncognitivist can fully approximate (in an article or elsewhere) what such a view would be like. Absent such very fully developed scenarios, we are usually left with a test of intuitions—the noncognitivist thinking it likely that disagreement will persist, the objectivist thinking that indeterminacy will explain it away. I do not know that there is much to say at this juncture. Any complete argument about the proper account of ethical disagreement must be embedded in a larger defense of a metaethical outlook; the viability of designating certain sources as explanations of disagreement will ultimately depend on the attractions of one's overall picture of the foundations of ethics. I have not been so presumptuous as to attempt a defense of objectivism here. Nor have I provided enough argument to show that an objectivist moral order must indeed include indeterminacies. I hope only to have introduced a new way of looking at an old problem, and to have sketched the outlines of what may be a promising way of aiding the objectivist in an area where his replies in the past have been somewhat less than entirely convincing.

In any event, I think my proposals sufficiently robust as to defuse whatever presumptive weight the noncognitivist explanation of ethical disagreement might have had. If my arguments have force, then the solution to the problem of moral disagreement cannot be thought to tip the scales in favor of noncognitivism and against objectivism. Objectivism *may* be false, and noncognitivism true, but our reasons for thinking so should not importantly rest on an analysis of moral disagreement.¹²

¹² My thanks to Tony Genova, David Gill, Don Marquis, Jack Bricke, Tom Christiano and Dave Schmidtz for helpful comments on earlier drafts of this paper.