The Grounds of Ethical Judgement

NEW TRANSCENDENTAL ARGUMENTS IN MORAL PHILOSOPHY

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CLARENDON PRESS · OXFORD

Preface

This book concerns the (literally) fundamental question of moral philosophy: how do we ground our judgements concerning good and bad or right and wrong? To be frank about the spirit of this book from the very start, it should be added that I will raise this question in a Kantian way: I am looking for a *rational* basis for our notions of good and bad. It has often, and I think quite convincingly, been argued that if practical philosophy remains less ambitious than this, then it is in danger of sinking into the quagmire of historical and sociological relativity.

Ever since Descartes, however, any such project has become very difficult; the standards required for a successful justification have risen dramatically. That is why a major part of this book is dedicated to epistemological investigations about the appropriate method practical reason should adopt. For reasons given in Chapter 2, I think that transcendental arguments—more specifically one type—are the most promising and probably the only path which practical reason should explore in order to fulfil this ambition. In brief, such a transcendental argument is designed to show that we cannot rationally deny some things because they are essential for reasoning itself. Any rational attempt to reject them would be at odds with itself and thus irrational. If, however, something cannot be rejected rationally, then we are entitled to accept it as justified and true—there is simply no consistent, and hence rational, alternative to doing so.

This type of indirect argument is admittedly very simple. And, as with many very simple arguments, its real power has therefore often been overlooked. Many philosophers 'sigh with ennui' when any such argument is presented to them; they will 'want to ignore the whole thing and to turn their attention to more important matters' (Nielsen 1984: 59). Others regard the idea as too simple to provide any interesting knowledge for moral philosophy. I hope to show that, on the one hand, annoyance itself is no argument, and that, on the other hand, we have good reasons to be more optimistic about the achievements of transcendental arguments. In brief, my book is but one extended argument for a transcendental grounding of our notions of right and wrong.

In the first chapter the project is located in the debate about 'moral realism' which can be found in current analytic philosophy. The position of moral realism and anti-realism and the main arguments which proponents of both sides raise will be outlined. It seems that we cannot easily hope for a rational solution of the conflict between these very different perspectives, since realists and anti-realists not only disagree heavily about whether moral facts are 'real' in any meaningful sense, but also about the *criteria* for deciding upon this question. As I see it, moral realism has the burden of proof in this debate—and it can only make a proper claim to be right if it is able to provide a rational justification of moral judgements. In a very brief survey at the end of Chapter 1, possible methodologies for such a justification of normative notions, like deduction, induction, intuition, etc., are analysed and discarded as inappropriate to the task. This rejection of traditional routes only serves the purpose of sketching the methodological landscape within which I wish to place my own argument. It is therefore neither an exhaustive investigation of all alternative approaches nor does it include a discussion of anti-foundationalist positions.

In Chapter 2 transcendental arguments are introduced as the most promising prospects. I will distinguish two types of transcendental argument, of which I consider only one—the retorsive type—to be fully promising.

Two highly developed transcendental arguments exist in the current ethical and meta-ethical debates: Karl-Otto Apel has developed what I will call an 'argument from discourse', while Alan Gewirth has suggested an 'argument from agency'—again, these are my words. Although it seems to me that neither argument works as it stands, nonetheless they deserve a careful investigation.

In Chapter 3 the focus is upon Apel's account and on a similar account by Wolfgang Kuhlmann. Both understand truth as a consensus and, consequently, reason as a form of discourse. Their central argument is that to reason at all everyone (including the sceptic) must accept the rules and principles which are required for any discourse to be rational. Therefore, to deny the constitutive rules of this discourse is irrational; hence these rules have found an ultimate grounding. The main flaw of this argument from discourse seems to me the consensus theory of truth on which it rests. Apel and Kuhlmann cannot show that every reasoner necessarily anticipates a *universal* discourse community in his reasoning. But if the reasoner does not, why should he follow these rules towards *everyone*?

The shortcoming of Gewirth's argument from agency, which I discuss

in Chapter 4, is similar. Gewirth has proposed that a reflection on the nature of agency in general reveals that it contains certain implicit value judgements which no one can deny without falling into a pragmatic inconsistency. What he argues is implied in all agency is a placing of positive value in our own freedom to act. From the necessity of this value judgement for every agent he concludes that we are entitled to consider our individual freedom to act as a right. There is a crucial error in this step of his argument. Although he can convincingly show the absolute necessity of our placing positive value in our freedom to act, he cannot show how *my* placing value in *my* freedom to act can claim to affect anyone else unless they are already committed to respecting both me and my evaluations in the first place. Gewirth, like Apel and Kuhlmann, jumps too quickly from the personal to the universal, or so I will argue.

In Chapter 5 I suggest a new transcendental argument of the retorsive type. I hope to show how it can overcome the criticized insufficiencies of the former transcendental approaches. It seems that there are indeed two moral judgements to which *everyone* (including the sceptic) is committed; namely, a judgement concerning the *universal* freedom to act and another concerned with the *universal* making of true judgements. The universal 'must' used in making these judgements, however, is generated not by a threat of performative inconsistency, but by the threat of what will be termed a 'normative inconsistency'. To deny the truth of these moral judgements would be a performative contradiction to certain *demands* which every rational free agent must necessarily impose upon himself implicitly by acting or arguing. Although the justification provided by this argument is transcendental, it is of a special kind and is different from the justifications attempted by Apel and Gewirth. It will be argued that it is nonetheless a good justification and indeed the *only* sort of justification we could ever expect to find for moral reasoning.

In the concluding chapter the epistemological level of discourse—the main battlefield of this book—is put aside, and the reach of the suggested 'argument from normative consistency' is sketched. In particular, I hope to show that it can provide an apt and useful basis for the main tenets of moral realism.

A book, like a life, is a product of its debts. The thoughts and ideas which have culminated in this book originate in the context of some earlier studies on Kant's moral philosophy. Ralph Walker and Gabriele Taylor, the supervisors of my doctoral dissertation on Kant's ethics, were the first with whom I was able to discuss some ideas in this area; their

critical yet consistently friendly comments were of great value. I am also very thankful for constructive discussions with Michael Inwood and Raymond Geuss, and the very helpful comments and enlightening criticisms made by Dieter Wandschneider and Wolfgang Kuhlmann about a penultimate draft of this book.

For some years I was highly privileged to work with Vittorio Hösle at the University of Essen in Germany. Those years have been of inestimable value and I am more than grateful to him both as a teacher and as a friend. This book, though not always in accordance with his views, is the best testimony of Hösle's significance in shaping my philosophical thinking.

There is a long list of philosophical friends who have undertaken the chore of reading and commenting on earlier versions (or parts) of this book: Melissa Lane, my constant philosophical companion; Thomas Kesselring, who scrutinized my argument sharply; Georg Kamp, Miriam Ossa, and Thorsten Sander, whose annotations have helped me in several ways. I should also mention Michel Bourdeau, Geno Fernandez, Bernd Göbel, Bernd Gräfrath, Dietrich Koch, Tracy Lounsbury, Jong Seok Na, Michel Sherwin OP, Andreas and Christian Spahn, and the students who participated in my seminar on transcendental arguments at Essen University. They were always willing disputants, critics, and supporters of my work.

I wrote this book in a language which I considered to be English. Not all of my friends thought that that was true, and some of them were so kind as to spend many hours transforming it into a language which can more justifiably be described in that way. Besides Melissa, Tracy, and Geno, I should also mention Amir Sadighi Akha, Emily Filler, Brian Herlocker, Christiania Whitehead, and, particularly, Graeme Napier, who provided me with indispensable help. Last but not least, Jane Wheave, the remarkable copy-editor at OUP, performed miracles.

I should also like to thank Peter Momtchiloff at Oxford University Press, who encouraged me to write this book and whose friendly and patient way of dealing with delayed typescripts has been remarkable. I also want to mention the anonymous reader for OUP whose careful comments on this book proved to be extremely valuable.

My main gratitude, however, is reserved for three people: my wife, Friederike, to whom I owe too much for words, and my parents, whose love made me believe in the possibility of moral realism becoming practical. It is to them that this book is dedicated.

Contents

CHAPTER I

Claims and Counter-claims: A General Introduction to Moral Realism

I.I. THE STEEP CLIFFS OF MORAL REALISM AND ANTI-REALISM

The grandest canyon in ethics separates two views about whether normative judgements can be true. It is not a difference of easily determinable matters of fact; rather the steep cliff walls mark a fundamental divergence of moral attitudes.

On the one side spires 'moral realism'; that is, the view—in the way the term is commonly used (and will be in this book)—that there are moral facts. According to this position, judgements on matters of norms and values are literally true, if they get the moral facts right. Thus, moral realists see moral judgements as expressions of our beliefs about some factual matter, not simply as assertions of subjective preferences and feelings of approval, or as judgements about the practices of groups of people. Though not always put in these terms, moral realism has been the view of most, though not all, philosophers up to the advent of modernity.

This view has been severely and powerfully challenged by the proponents of anti-realism, who occupy the opposing ridge. They hold that no facts exist of the kind required by the realists. Moral judgements are either considered to be expressions of people's thoughts or feelings, so that there is no 'truth' to be found at all, or they are seen as true only to the extent that they are appropriate accounts of subjective interests, social conventions, or such like. If, as some anti-realists argue, people do indeed make normative judgements about alleged moral facts, then they

are mistaken and their judgements are simply *wrong* or meaningless because they are in fact contentless. Moral anti-realism has been the dominant philosophical outlook for the last century. It is mainly an expression of a deeply felt suspicion against the possibilities of reason discovering anything more than means–end relations.[1] For many, to search for any timeless truth in moral judgements has appeared to be nothing but the atavistic relicts of a theological, pre-scientific age. Others, however, have stated and continue to state that anti-realism has failed entirely to understand morality.

It is one of the central tasks of contemporary 'meta-ethics'—the endeavour to advance (or discover) a systematic understanding of what morality is or pretends to be—to adjudicate between the two positions of realism and anti-realism. The current meta-ethical debate ranges over three not always sharply distinguished nor distinguishable levels of analysis: at a semantic level about the meaning of normative terms; at an ontological level about the existence of moral facts; and at the epistemological level about possible truth-conditions for moral judgements.[2] It is with the meta-ethical debate that this book is engaged. Its

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[1] This critique of practical reason was put in place by empiricists like Hume, and since the second half of the nineteenth century it has been ubiquitous in philosophical discussion. There are many motives for this radical break with the traditional conception of reason, but I want to name but a few. The triumph of natural sciences and technology, and hence of a specific use of reason, is surely one of the most important motives, since it gave support to the impression that reason is incapable of achieving anything comparable in ethics—and therefore that ethics is not a rational matter at all. The theory of evolution, which explains man and reasoning as a product of a natural process of adaptation, and as being selected in a struggle for existence, endorses this conviction. After all, human 'reason'—that evolution selected positively—seems of an instrumental type rather than value-oriented. The rejection of reason as a faculty to come to true judgements was further nurtured by the historicist school and sociology, especially by the new insights that values have varied substantially in different times and cultures.

[2] Up to the late 1970s analytic meta-ethics was primarily occupied with the semantic question, mainly spurred on by G. E. Moore's *Principia Ethica* (1903). Since then the weight of discussion has shifted for several reasons to the ontological and epistemological level. One of the reasons might be serious objections to the project of basing any authority on linguistic analysis (cf. P. Foot 1961, A. Montefiore 1961, and A. Gewirth 1981: 9–12). After all, it is hard to see how the linguistic approach could escape the danger of committing the naturalistic fallacy.

The late 1960s brought political events, outside the domain of philosophical arguments, which made people aware of the importance of more material issues in moral philosophy—the Vietnam War being the most striking example. There was an obvious need for substantial answers to the ethical problems of the time, answers which the exercise of linguistic analysis could not accommodate. John Rawls's *A Theory of Justice* (1972) responded most

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aim is to propose fulfillable truth-conditions for moral judgements and thus to support a realist understanding of morality.

I.2. THE THREE CLAIMS OF COGNITIVIST MORAL REALISM

Let us look more carefully at what moral realism states. There are three fundamental claims mostly made by moral realists (though not all of its representatives would necessarily hold all three of them). The first and most crucial one is an *epistemological* claim. I will call it the truth thesis of moral realism:

> *We can make moral judgements with truth-value that we are able to determine.*

This statement expresses a commitment to cognitivism in moral philosophy. Moral utterances are not simply viewed as expressions of emotions but are structured as judgements that have a truth value, and the criteria for their truth can actually be fulfilled. Kant, for example, makes the same point when he talks about practical reason's capacity to arrive at 'a priori synthetic judgements'—hence he grants moral judgements the highest status his epistemology offers with regard to truth. Although the different forms of moral realism will vary widely in their view of what the relevant truth-conditions are, i.e. what criteria justify calling a moral judgement true (whether they are based on intuition, a kind of observation of moral facts, or something else), they agree that to call them true is not merely a *façon de parler* but to be taken in a literal sense. That's why

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powerfully to this challenge and 'changed the subject', as Thomas Nagel wrote in the dedication of his book *Equality and Partiality* to John Rawls (1991: p. v.; see also S. Darwall *et al.* (1992: 122 ff.) and J. Habermas (1996: 65)). Disputes about the appropriate status of moral judgements, their underlying epistemology, and the possibility of rational justifications dominated major parts of the debate.

There have always been philosophers in the analytic tradition raising the question of the ontological status of value (e.g. A. J. Ayer 1936 in *Language, Truth and Logic*), but intense disagreements did not start before J. L. Mackie's *Ethics* (1977) and Gilbert Harman's *The Nature of Morality* (1977). Both triggered a far-reaching debate about the status of moral facts and their function in morality. To use the traditional terminology, the new area of meta-ethical discourse was largely about the metaphysics or ontology to which a moral philosophy is committed. (For the development of meta-ethics see M. Warnock 1978, S. Darwall *et al.* 1992, and H. Spector 1992.)

this first claim can also be expressed as follows: 'Moral judgements can be literally true.'

There is also a tradition of a restricted understanding of the truth thesis and thus of what 'moral realism' amounts to. Probably because of Moore's rather paradigmatic position in the analytical world, several authors see intuitionism like that of Moore, Prichard, or Ross as constitutive for moral realism. According to these authors ethics must embrace supernatural, indefinable properties and thus a unique power of (intuitive) recognition. It follows that not much informative can be said about the truth-conditions of moral judgements. There are, however, no good reasons to see this as the only way of being a moral realist; at least, that is the position I will argue for at some length in this book.[3]

Let us now look at the ontological claim of moral realism—I will call it the 'moral-fact thesis':

There are moral facts, which exist independently of our evidence for them.

There are many varying conceptions of this ontological claim; which one a moral realist defends will depend on the theory of truth to which he is committed in the moral realm.

Some moral realists talk about 'facts' in the sense of an independent class of ideal entities which serve as a standard for our judgements about the ordinary entities we deal with in our life and actions. Plato's concept of forms is a rich ontology of this type. For him, forms constitute not only a realm over and above everyday reality, but are much more 'real'— they are the ultimate source of all empirical realities of the world around us.

Others have a very minimal conception of moral 'facts'. For several

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[3] There is a further variation of moral realism worth pointing out. Someone might be more objectivist about moral truth than about moral knowledge. In this case, one would hold that moral judgements can be literally true but would deny our capacity to identify them. This position, however, would raise many profound questions about the architecture of the world—at least if it were connected with the claim that moral truth, though inaccessible for us, is about the way *we should act*. The extreme case would be poor Joseph K. in Kafka's *Trial*, who is quite sure that there is an absolutely demanding law, and that he is accused of having acted against it, but will never find out what its content is. It might be that his case strikes us as so bizarre exactly because his ignorance is *not* complete: he is aware at least that he has acted against this law. Raskolnikov in Dostoevsky's *Crime and Punishment* comes also to see an absolute moral law, which is 'hidden from all minds' and thus provides the paradox of human experience. The contrasting figure in the same novel is Razumieken, who not only accepts the universal moral law and the truths contained therein, but insists that we, *all men of goodwill*, have access to these truths. I hope that my book shows that Razumieken is right.

authors the fact *that* it is, for example, wrong to lie is seen as the only relevant moral fact. In this case, the moral-fact thesis seems itself to be interpreted in terms of the truth-value of a moral judgement and the epistemological and the ontological claims cannot easily be distinguished. This is probably the reason why many proponents of moral realism either avoid reflecting about the appropriate ontology accompanying their epistemology or argue vividly that moral realism does not have any further ontological implications. Thomas Nagel, for example, defends explicitly the truth thesis of moral realism but is very reluctant to adduce any ontological claims: 'There is no moral analogue of the external world' (1997: 101). To characterize this position, Christine Korsgaard has suggested a helpful distinction between a 'procedural moral realism' and a 'substantial moral realism' like Plato's (1996: 34 ff.): The proceduralist argues that there are right or wrong answers to moral questions, but sees their rightness as constituted by their being the result of a correct procedure. Hence procedural moral realism seems to give up the ontological thesis; the 'moral facts' are not considered independent from our evidence for them.[4]

Although the moral-fact thesis is controversial even amongst moral realists, it is necessary to account for some forms of moral realism. There are philosophers whose conception of morality is based upon the moral-fact thesis; for example, Kierkegaard with his non-cognitivist moral realism, but also in some sense Moore and several other intuitionists. They are committed to a rich notion of normative entities, which they see as prior to and the basis for any true moral judgement (if Kierkegaard with his weird notion of 'subjective' truth can be said to hold the truth thesis at all).

The characterization of moral realism must be completed by the addition of a third claim. Most moral realists would hold the following:

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[4] This raises the question whether the label 'realism' makes any sense for a strict proceduralist. Habermas thinks it does not. He would agree that right moral judgements are the result of having employed the right procedure for reaching them. For him the special conditions of moral discourse are but a subset of the general conditions of rational argumentation. But he is opposed to any subsequent ontological claim about what is good because of his strict consensus theory of truth. And this is probably the reason why he rejects being labelled a moral realist 'like a poisoned pawn' (F. J. Davis 1994: 136).

But if he sees the result of these normative discourses as rationally justified norms (i.e. moral judgements), and if he affirms that the consensus is ultimately what 'truth' amounts to, he does seem committed to a version of the truth thesis. Using Korsgaard's expression, he could therefore, *contre coeur*, be called a procedural moral realist.

There is a correspondence between a person's moral judgements and his motives. If he judges sincerely y to be morally better than non-y, then he has a motive to do or support y.

This third claim will be termed the 'motivational thesis' of moral realism.[5] The correspondence is not taken to be an empirical thesis about the influence of judgements on preferences or motives but rather an *analytic* truth about making moral judgements. While even the anti-realist will probably agree that it is an analytic truth that a moral judgement *ought* to have motivational force, many realists argue that a moral judgement *has* by itself motivational force.

Two clarifications must be made. First, moral realists do not normally imply that the motive which is connected to a judgement will override all other (and possibly conflicting) motives that an agent harbours. All they say is that the judgement plays *some* role in the preferences of the person making the judgement. Secondly, it must be noted that the motivational thesis does not allow any conclusion from the presence of a motive to a previous moral judgement. It is obvious that there can be entirely different (for example, selfish) motives for doing some y. Motives can have all sorts of origins and one of them is making a moral judgement.

1.3. MORAL ANTI-REALISM

1.3.1. *Anti-realism as Scepticism*

Anti-realism in its different forms can be characterized as a scepticism about the three claims of moral realism. It states that there are no normative facts *sui generis* and consequently that there are no (or no fulfillable; this is the point made by Mackie 1977 and 1985) truth-conditions for these alleged judgements about moral facts. It is further questioned whether we can ever be motivated by moral judgements or whether we need external reasons (Williams 1979).

It is important to note that not just any kind of scepticism is relevant for the meta-ethical debate. The sceptic must be someone who accepts the possibility of reasoning in general. As already pointed out, an anti-rational sceptic who is so radical as to deny even the laws of logic, and

[5] Following F. v. Kutschera (1994: 54 ff.) we might also call it the 'correspondence thesis'. However, in order to avoid any association with the correspondence theory of truth the label above seems more suitable.

who is consequently willing to see his own 'utterance' as no argument whatsoever, is outside reasoning altogether. Already Aristotle reminds us of the impossibility of dealing with him (*Met.* 1008ᵃ).[6] While this radical form of scepticism is meaningless, it is also, in a certain sense, irrefutable. What argument could possibly convince someone who, let us say, does not accept *modus ponens*? Someone who ignores the authority of all reasons whatsoever will not be moved by rational argument to the effect that his position is irrational. But this is also the *reason* why no one can or need take the radical sceptic as the interlocutor or addressee of any argument seriously. Moral realism does not have to be concerned about his contributions (at least not philosophically).

It should be added that it is simply irrelevant whether or not the anti-realist sceptic actually believes her objections, or whether she is merely constructing a sceptical straw man in order to investigate the strength of the claims made by moral realism. 'It is entirely irrelevant whether anyone has really these doubts or not,' as M. Schlick rightly says (1925: 141). The anti-realist's arguments are not disproved if she does not really believe that everyone is free to murder her husband.[7]

Rational sceptical objections can be found at different levels of generality: they may be of a very general kind, querying the ability of reason to attain any secure knowledge: 'No one is ever justified or at all reasonable in anything' (P. Unger 1975: 197). But whatever epistemological position one assumes with regard to other realms of knowledge, the only relevant objections here are the ones to the three claims of moral realism. That is why anti-realist scepticism can also allow descriptive judgements in the area of moral sociology or moral psychology to be true;

[6] Aristotle affirms that it is impossible to hold that all assertions are true and false at the same time. Everyone who argues or acts must stick with this minimal demand for rationality. Otherwise, it seems, whatever he says could simply mean the opposite. Such a sceptic does not really argue at all; Aristotle asks therefore: 'what difference will there be between him and the vegetables?' (*Met.* 1008ᵇ39). This has also been acknowledged by Descartes. We have no 'reason' to consider as meaningful any scepticism of this fundamental type, which argues that we might be radically deceived by a *malin génie*, even about the laws of logic (1985: 145). See also Wittgenstein (1963: 114) and Stegmüller (1969: 381 ff.); for the possibility of a meaningless scepticism see R. C. S. Walker (1989a).

[7] Annas and Barnes (1985: 7–8, and 166 ff.) and M. F. Burnyeat (1980) argue that modern scepticism since Descartes retains beliefs and merely sees no justification for them, while the ancients tended to abandon unjustified beliefs. It is interesting that this difference between ancient and modern scepticism reflects the close connection between an insight and a motive to act which was held by many philosophers in antiquity (cf. Aristotle, *NE* vii—knowing what the good life means *is just living* the good life).

that is, judgements that are *about* evaluations, beliefs, or desires of individuals or groups of people. The sceptic can accept them without losing the force of his objections, because these judgements must be distinguished sharply from *evaluative* judgements, which are, according to anti-realism, either all meaningless or all false.

1.3.2. *The Main Arguments of Anti-realism*

Part of the anti-realist case is straightforwardly (but not all-out) sceptical; it questions the validity of the arguments of moral realism. In addition, there are three direct criticisms of any realist interpretation of moral matters. Let us look at them briefly and also at the most common replies given by moral realism.

(1) The first argument is to offer some explanatory, reductive thesis about moral phenomena. According to this, the alleged 'moral facts' are not crucial to the explanation of moral observations. There is, so the anti-realist says, no difficulty in replacing them with psychological observations about human attitudes or beliefs. These are sufficient to explain why we make certain judgements. A classic example is Friedrich Nietzsche's moral psychology, which exposes all moral judgements as power-acquisitive activities of the will and thus not as rational judgements at all. (For more recent versions see, for example, Blackburn 1984, Gibbard 1990, Hare 1952, and Mackie 1977). Therefore, judgements about moral facts are either meaningless in the strictly moral sense or they have some other, non-moral point of reference.

Several moral realists who argue that moral facts have exactly this necessary explanatory function (like Boyd 1988, Brink 1989, Railton 1986, and Sturgeon 1985) have questioned this analysis. They accuse anti-realists of a circular argument, which does not accept that moral facts can provide a satisfying explanation, because they doubt that there are such facts in the first place. Only if, realists argue, they are regarded as doubtful entities does their explanatory role seem so questionable.[8]

(2) The second, and probably more important, argument against moral realism comes from recognizing the diversity of moral opinions in different cultures and the intractability of moral disagreements. This argument from relativity is the most prominent and the oldest objection

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[8] The other means of refuting this first objection is to question the entire picture of moral realism on which it is based, and of the explanatory role moral facts are supposed to play (Korsgaard 1996: 45–6).

to the existence of universal norms or values; it is already to be found as the basis of Herodotus' relativism and has not changed much in the subsequent two and a half thousand years. An anti-realist position is seen as the more plausible explanation of this diversity. Though it is generally acknowledged that this does not show positively that anti-realism is right, it is seen as strong enough for 'a reasonable inference' to this end (Harman 1996: 9; see also D. B. Wong 1984).

Countering this objection, some moral realists reply that the differences between cultures are not so strong; they point to a core of moral judgements which are culturally invariant. Examples for commonly shared convictions are the rejection of 'murder, deception, betrayal and gross cruelty' (M. Walzer 1987: 24).[9] Besides this, it has been objected that the differences are more apparent than real, since the same fundamental norms or values, when applied to different circumstances, may lead to different results. Further, to apply moral principles always requires some beliefs about matters of fact (in particular, difficult assessments of the future), but in many cases people make different judgements about these facts and therefore might hold different moral beliefs although they share the same fundamental normative principles. Furthermore, moral judgements have an important impact on our interests and on the way we should behave. Thus, there is a tendency to be influenced by egoistic desires—and so to mellow down the sometimes strict demands of morality in order to serve our own interests. In addition, people tend to be reluctant to change beliefs on which they have based their lives or in which they have invested a lot—Judith Thomson calls this the phenomenon of 'walling off' (1996: 205). All this might explain why moral judgements could vary so widely even if there were moral facts (cf. v. Kutschera 1994: 245–7 and 1999: 246–9).

(3) The third objection to moral realism is Mackie's 'Argument from Queerness' (1977: 38–42). For Mackie it is unacceptable to postulate a moral fact which is objective and has prescriptive authority because such a fact would be a metaphysically inconsistent, 'queer' entity. And, in fact,

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[9] The counter response of the anti-realist would be that appealing to these so-called shared convictions is really making a linguistic point about what various cultures perceive as their individual moral goods or evils: a wide range of descriptive activities is labelled in such a way that the scope of 'cruelty' is ultimately variant and the term merely indexical. It can be specified in very different and partly mutually exclusive ways by socially conditioned variant customs. Thus, the relativistic thesis is not denied but merely moved one step back into the relativistic content of equivocal descriptive terms.

realists who hold some version of the moral-fact thesis are probably committed to the existence of an entity with these features, which seem to 'pull against each other' (Smith 1994: 5). It would seem that there are several problems to be distinguished in Mackie's criticism of queerness—the ontological, the motivational, and the epistemological. The first, the ontological point concerning what sort of 'entity' values with these properties might be, arises because they do not seem to fit into a suitably scientific picture of the world. The motivational question concerns how the connection—and distinction—between beliefs and desires are to be understood. Based upon the controversial positions of Hume and Kant, an ongoing debate in philosophy has queried whether this double demand of moral realism, to give an objective account of moral facts which at the same time are practical in that they have demanding force, could ever succeed. The third, epistemological, problem is the closely related one of how we can ever come to make true judgements of a kind which also involves an influence on our motives—what would the truth-conditions of these (queer) judgements be? Mackie's objection is so powerful because it can be directed against all three theses of moral realism.

In response, moral realists have tried to give accounts of moral facts which can explain both their objectivity and their practicality. They do so either by proposing a suitable ontology of moral facts, or by questioning Hume's underlying psychological picture of motivation in general (for example, Galvin 1991, Nagel 1978), or by separating the underlying epistemology from any ontological claim—and placing the weight of queerness at the ontological level alone, which they hope to be able to dismiss. Another common defence is to argue that Mackie's objection is overdetermined and can be directed against any fact whatsoever, hence against realism in general. Whatever the defence strategy is, there is no doubt that for moral realists the objection against an apparently motivating yet objective fact is the most difficult challenge; M. Smith has argued convincingly that this is the 'moral problem' at the centre of the contemporary debate which explains most of the argumentative manoeuvres made by philosophers on both sides of the canyon of meta-ethics:

The objectivity of moral judgement suggests that there are moral facts, wholly determined by circumstances, and that our moral judgements express our beliefs about what these facts are. This enables us to make good sense of moral argument, and the like, but it leaves it entirely mysterious how or why having a moral view is supposed to have special links with what we are motivated to do.

And the practicality of moral judgements suggests just the opposite, that our moral judgements express our desires. While this enables us to make good sense of the link between having a moral view and being motivated, it leaves it entirely mysterious what a moral argument is supposed to be an argument about; the sense in which morality is supposed to be objective. (1994: 11)

I.4. INSUFFICIENT RESPONSES TO MORAL ANTI-REALISM

Let us now look at the chief objections to moral anti-realism. Roughly speaking, all realists claim in one way or another that anti-realism gives an *inadequate* account of what morality is.

(1) First, it is argued that the anti-realist's account of the phenomenology of moral experience is not compelling, because it denies that we talk about 'objective' rightness or truth in the moral arena. Thus, the common-sense understanding of our normal normative discourses cannot be captured by the anti-realists' interpretation.

(2) It is argued that anti-realism (which presents itself most commonly as a version of subjectivism or intersubjectivism) gives highly implausible accounts of the truth-conditions for moral claims. It construes morality as a reflection of our attitudes, rather than a standard for them, and is therefore incapable of making sense of the idea of moral progress or of the possibility that we might make fundamental moral mistakes, namely wrong moral judgements.

(3) Lacking an appropriate notion of moral truth, the anti-realist would deprive morality of its claims to importance, and it could no longer fulfil its necessary function. But, then, morality seems to become reduced to practical rules, as Kant famously reminds us (*KGS* IV. 389). This is particularly crucial in areas where moral obligations demand a great deal or even everything (as in the case of self-sacrifice) from people: all those demands which go beyond any self-interest of the agent could not be made plausible if there were no normative standard transcending the subject and his interests.

Against these objections the anti-realists defend their scepticism in two main ways: either they try to give a plausible account of our normal manner of speaking which still challenges the common (but according to anti-realism *wrong*) realist interpretation (for example, Harman 1996 and

Blackburn 1993), or they challenge our normal manner of speaking and give therapeutic advice as to how to make moral claims properly; Nietzsche's rather drastic suggestions are an extreme example.

Consequently, the first realist's objection is not allowed to be a genuine objection as such, but rather a restatement of the point of dispute between realism and anti-realism. Similarly with the second realist objection: according to anti-realism there are no *wrong* judgements, as the realists assume; if this is indeed the ordinary interpretation of the way we speak about moral issues, then this interpretation should be replaced by a more adequate one. Anti-realists will answer the third objection in the same spirit: why *should* we think that there *are* strong moral obligations of the characterized kind? Realism might simply err, and anti-realism helps to get rid of an unnecessary moral burden, which results from a fanciful metaphysics.

We should briefly look at a kind of 'immunization strategy' against scepticism that is based on Rudolf Carnap's distinction between internal and external questions. According to Carnap, internal questions refer to entities *within* an accepted framework while external questions are about the existence of this framework itself (1972: 259; a similar position is held by Wittgenstein 1970: § 84). Carnap argues that only internal questions are capable of being answered, while external questions are decided in a practical manner on the basis of their utility. So scepticism about the framework itself would miss the point—external questions about a particular framework are not a matter of reasoning (and thus a scepticism about reasons) at all; it is only a matter of choice, or of a 'jump' as we might say with Kierkegaard. Yet not only is it highly counter-intuitive to claim that it is meaningless to question the legitimacy of the framework itself, as Descartes reminds us with his *malin génie*, but any rejection of external questions themselves is highly dogmatic. Even worse, it is self-refuting. To reject all external questions as meaningless is taking the alleged meaningless viewpoint of those external questions. Apart from these problems, the immunization strategy is in fact surrendering to the sceptic. It would undermine at least the first and second claims of the realist by making their validity depend on a framework accepted merely for pragmatic reasons. There could be nothing literally true about moral judgements, since the foundation of the framework and thus (indirectly) of the subordinate judgements would be decision-based. Moral demands would turn out to be, in Kant's terminology, mere *hypothetical* imperatives, whose authority would be conditionally linked to prior wishes,

decisions, or other contingent states of affairs—and that is exactly what the realist denies.

Similarly, the debate does not seem to allow for an easy and pragmatic escape in simply leaving the question open. Why? When we disagree about what we should do, and when we want to praise or criticize the behaviour of people, someone might argue in a Rortyian spirit that this can be done without deciding whether moral judgements are true in any literal sense. In a world of famine, violence, and ecological catastrophes, one might say, it seems to be more relevant to look for the best solution possible to our pressing moral challenges, whatever the exact status of moral judgements is. Philosophers should engage with practical ethical problems, the pragmatists argue, and they should not bother too much about the status of right answers. However, this rejection of the entire realism / anti-realism debate will not succeed. Without coming to a decision about the meta-ethical controversy, we will have no clear and useful standard for rational decisions in applied ethics, especially in cases that are controversial. And the individual decision making that the pragmatist urges upon the philosophical community will have no procedural validation. It is only when we have come to terms with what moral judgements *are* that we can hope to know to our satisfaction how to deal with them. If moral realism is right, then we must aim at moral knowledge and use the truth-conditions given by the realist's theory in order to overcome the patent fact of ethical disagreement. It will provide us with the standard against which we have to check substantial moral claims. If, on the other hand, anti-realism wins the debate, then this would have a great effect on our practical approach. The answers we should aim at in moral debates would not necessarily be rational. Agreements about what to do might then have to be found on the basis of balancing the power of people and their interests in a Hobbesian fashion. In brief, normative debates should look quite different depending on whether moral realism or anti-realism gets things right. This explains why we cannot simply investigate which of the two positions gives the better result in practice; that is, which is most successful in dealing with ordinary moral problems. For the above-mentioned reasons this will fail—both sides have very different criteria for the definition of a 'moral problem' and even more for what a 'successful' solution of such a problem would amount to. A merely pragmatic solution of the meta-ethical problem is futile since there is not one common praxis of evaluation between moral realists and anti-realists.

The problem is profound. Where is the common ground between the disputants on which the meta-ethical question could be decided? What makes it so difficult to think of a solution is that the positions express a fundamental divergence of moral attitudes: realists and anti-realists have very different standards by which to measure what counts as a reasonable, satisfying account of morality. How can the problem be solved?

I.5. THE DEMAND FOR A RATIONAL JUSTIFICATION OF MORAL JUDGEMENTS

Let us summarize the last discussion. Both sides of the debate seem convinced that their opponents' case is not built on banks of reason but on a shoal of errors. The situation is, however, not symmetrical. The burden of argumentation lies on the side of moral realism because it makes a strong claim. And this burden is a heavy one: it would not suffice to reject the three positive arguments of anti-realism; the rightness of the claims of moral realism must be demonstrated in a way which cannot be rebuffed by the anti-realist. Without such a positive demonstration, i.e. a justification of the truth of some moral judgements, there will always be a strong *motive* (though not a further argument) to use Ockham's razor in an ontological and epistemological fashion: entities as much as claims to truth must not be multiplied without necessity.

What does the required justification amount to? It will have to explain not why we make a certain kind of judgement, but why some moral judgements ought be made. We can also say that in order to be rationally justified a judgement must turn out to be the only coherent way in which we can think about things. If a judgement fulfils this demand, then the main requirement for an epistemological justification is met and we are entitled to call it 'true' or 'right' (at least according to a plausible and common interpretation of these notions). It is, as Kant put it in the *Critique of Pure Reason*, the question *quid juris*, investigating the validity of judgements—and not the question *quid facti*, asking for the genesis of a judgement (A 84).

This is our understanding of justifications in general and also in the realm of morality. The moral realist must show that a certain normative principle (like the categorical imperative) or a fundamental value is rightly understood to be or imply a basic demand upon our action. Then, this principle or value can be regarded as rationally justified. This enter-

prise takes place at the most fundamental level of morality and must be sharply distinguished from judgements at subordinate levels (or 'internal questions', as Carnap would put it). Given some general norm or normative framework, there will always be a deductive justification of particular judgements, based on an understanding of the situation in which the agent acts. If we *presuppose* that 'torture is wrong', then even the anti-realist will see it, *ceteris paribus*, as justified to deduce that it is wrong for some specific person to torture someone else in a particular situation. But this is not the level of investigation under discussion.

In order to be successful realism needs, as it were, a 'meta-ethical' argument; that is, a justification for the *ultimate* normative framework itself. To put it rather metaphorically: an 'Archimedean point' of leverage for practical philosophy is needed (B. Williams 1985: 28). This Archimedean point must serve to establish a framework which is both *justified* and *normative*—more exactly, justified *as* normative. By 'normative' it is intended that such a framework will describe an ideal state of affairs (or actions); that is, how things should be (which leaves it open whether the actual states of affairs are already like this or not). That is why we must see justifications of normativity as having an imperative dimension, at least so long as reality does not match the justified norms.

To justify a value or moral principle means to give a reason why people should act in this or that way. And anything which is a reason in one case must be a reason in every comparable one. This is what is meant by proposing reasons or arguments in general, and is also true for practical philosophy. It follows that the rationally grounded normative framework must be universal, at least to the degree that it is universally relevant and tells everyone what he ought to do—although it does not necessarily universally determine what he ought to do in every particular case (cf. Philipps-Griffiths 1967: 177). Thus, even a sceptic must allow that a normative judgement, if it cannot be refuted, would have this authority and that he should support the ideal state set out in the judgement. Further, the justification sought must show that even the most radical rejecters of reason and arguments will fall under those demands which the normative framework establishes, even if they are unwilling to acknowledge the justification and will surely never be motivated by it. If the justification is valid, then it spells out norms for everyone. Yet the justification cannot be burdened with absurd demands. No reasoning could ever motivate someone to acknowledge its validity or to obey an imperative if he were unmoved by the force of arguments in general. R. Nozick has rightly

remarked on this point: 'The motivational force of the argument . . . can be no stronger than the motivation to avoid the particular inconsistency specified by the argument' (1981: 407).

It is important not to confuse the task of justification with other investigations, like the search for explanations. To explain *why people think* that they should do something is not a justification, so long as it does not say why they actually *should* do so. A good test for discriminating between a 'justification' and an 'explanation' can be run by applying the motivational thesis. We must ask whether someone who has fully understood what has been argued remains under the obligation to act in the way set up by the normative framework under discussion—or whether it sets him free to challenge its authority. Let us assume, for example, that a socio-biological explanation of morality could establish why certain modes of behaviour have evolved in human evolution as the most successful strategies (Gibbard 1990). If this were *all* we could say about moral norms, then it would deprive morality of its unconditionally obligatory character. Even if it were difficult or impossible to act against this genetic programme, this would only set up a compulsion, not a moral obligation. Someone who has understood the explanation might simply say: 'Now I see why we hold certain things as valuable: it is all connected with evolutionary success. But to the extent to which I can act freely, I won't play the gene game any more. I don't care about the survival of the fittest, about proliferation or evolutionarily stable strategies!'. No evolutionary explanation alone could tell him why he should not reject the norms that evolution brought about.

A justification must retain the normative force of moral principles even if we know everything about them—they must, as this point has been put, have a 'psychological stability' (Rawls 1972: 177) or 'survive reflection' (Korsgaard 1996: 49). A mere explanation can fall short of this because its whole force is the 'translation' of the normative framework into a descriptive one. The point can also be expressed in terms of Moore's 'open-question test'. To ask whether something is 'really good or right' amounts to questioning whether the given account is sufficient to survive reflection and still tell us why we are *obliged* to act in a certain way. This is exactly where a mere explanation differs from a justification: the former fails, the latter (if successful) passes Moore's test question.

A notable point should be added. Expressions such as 'normative framework', 'ultimate normative principles', and so on have been generally used here. This is not to imply that they all amount to the same

thing, but rather in order not to limit the meta-ethical task by presupposing any specific sort of 'moral fact'. Moral realism has expressed itself in very different forms. Mostly—but not always helpfully—it is characterized as either value-based (for example, 'freedom' or 'justice') or centred on fundamental principles (like the categorical imperative). The former are generally labelled as 'teleological theories', the latter as 'deontological theories'.[10] For the present purpose, the question about the best form of moral realism can be left undecided until a successful justification has been found. This might tell us more about moral facts—what they are and what their ontological status is. Therefore, the rather neutral expression 'source of normativity' (following Korsgaard 1996) might be the most appropriate term at this stage of the discussion.

Of course, so far it has not been shown that any such justification can be provided; that will be the project of this book. And it will have to start by looking at the appropriate methodology for moral philosophy. Both questions are intimately linked; scepticism about the validity of some meta-ethical argument will mostly be a scepticism about the methodology behind it. Thus, the moral realist's task of providing a rational justification for an ultimate normative framework will have to begin by providing a justification for an appropriate *method* of reasoning in the moral realm. As Nagel rightly remarks (1997: 102): 'It is mainly because we have no comparably uncontroversial and well-developed methods for thinking about morality that a subjectivist position here is more credible than it is with regard to science.'

1.6. INADEQUATE METHODS OF ETHICS

What method or sort of argument might do practical reason's job in providing rational justification? It is necessary to look briefly at the different methods of rational justification in general so that we can find out which one serves this purpose best—if indeed there is any satisfactory method at all.

1.6.1. *Induction*

In most areas wherein we aim to acquire knowledge, induction plays a

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[10] The *locus classicus* for this distinction in the analytic tradition is to be found in Rawls (1972: 24 ff., 30, 40).

crucial role. However, there are two main reasons for the inadequacy of induction as a rational justification of ethics.

First, induction cannot achieve anything stronger than a hypothetical knowledge, and never full necessity. Already Sextus Empiricus (*Outlines of Pyrrhonism* II. 15) pointed out that the problem with induction is that we cannot possibly know all particular propositions (including future-tensed propositions) by which the mind is led to the general proposition; and only this general proposition would safeguard against a counter example (see also Aristotle *Prior Analytics* 69ᵃ ¹¹). Thus, Karl Popper has rightly called it a mere conjectural knowledge (*Vermutungswissen*; see 1983: 11–158 and 1984: 1–31). While hypothetical knowledge might be sufficient for science, where the investigator can move from a weaker, falsified hypothesis to a stronger, as yet unfalsified one—because science is not normative in the moral sense—it is not enough for the strong claims of moral realism outlined above. Hypothetical knowledge is insufficient since it cannot verify value judgements in the sense of showing them to be literally true. What moral realism needs is a *grounding* for our moral claims. Kant never tires of dismissing induction for this reason as a basis for truth; he emphasizes over and over again that it can only provide general, but never universal, judgements with absolute necessity.

Secondly, induction alone cannot explain why it should be regarded as a reliable method of justification. This is crucial: if we want to escape from a kind of epistemological fideism we need a reason why we should accept some methodology. But there is no reason for taking the results of inductive processes as true, and induction itself cannot provide one by its own means. If we try to explore induction inductively we will only find that many people—possibly everyone we look at—use induction. But this would not demonstrate that it could make a claim to truth. Induction's self-grounding attempts will always be circular, as Hume points out on many occasions in his *Treatise of Human Nature*.

Thirdly, and pivotally for our purpose, induction fails as a suitable method because it cannot simply start from 'normative elements' without already applying a standard that allows the selection of some elements as good, some as bad, and others as neutral and hence irrele-

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¹¹ Interestingly enough, Aristotle regards the general proposition obtained by induction as more certain than the particulars that lead up to it. Also, he is not entirely against some form of induction as the basis of ethics—but makes it very clear that we will not have strict, absolute knowledge in moral matters.

vant for the inductive process. It does not suffice to begin in a Humean fashion by looking at the things we actually desire or dislike, or from our passions, since even if there were general agreement concerning the nature of human needs and passions (unlikely as that is), an argument would still be required for the 'good' of satisfying our desires.¹²

It has been suggested that one should start an inductive process from commonly agreed particular normative judgements about 'goods', which are then connected to general judgements.¹³ But this will hardly circumvent the problem, since there is still a difference between stating that some or even all people make certain value judgements (which is a descriptive fact and a result of sociological research) and the claim that these judgements (whether or not they are universally shared) are valid. At most, induction can show that people always regard something as good—but 'it cannot tell us that any one ought to seek it', as Sidgwick reminds us (1901: 98).

It should be mentioned that a similarly dogmatic starting-point is taken by ethical theories which proceed from the analysis of the concepts of moral language. They hold that the task of justifying a first principle is achieved simply through the meaning of the relevant terms, most importantly the term 'moral' itself. Here, the alleged givenness of language breaks down all rational enquiry in the same way. This seems already flawed on empirical grounds—to find one commonly agreed-upon analysis of language is difficult and many tend to project their preferred ethical system into the alleged meaning of words.¹⁴ But even if there were only one meaning to moral terms (and in order to reflect on ethical issues we must indeed presuppose that a shared language for all rational people is possible), the central problem is not solved: why should

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¹² See e.g. J. Harrison's reasoning against 'objective naturalism'; i.e. an ethical theory based on natural facts which are considered 'good' (1967). Any such theory seems to covertly presuppose some moral principle as a criterion of goodness, or some values as an underlying moral framework.

¹³ See for a contemporary version Chisholm (1957: 32, 96–7), Goodman (1965: 63 ff.), and Rawls (1972: 20–1, 48–51, 120, 579).

¹⁴ There are emotivists (like Ayer, Carnap, and C. L. Stevenson), and those who see moral language as descriptive—the latter camp including both a naturalistic fraction considering moral language to be about natural facts like subjective preferences (e.g. Foot and Harman) and an intuitionist fraction which assume language to be about moral facts *sui generis* (namely, Moore, Prichard, and Ross). Some claim that language reveals that morality is inherently egalitarian and universalist (e.g. Baier 1958: 200–1, Benn and Peters 1959: 56, Hare 1952, and Toulmin 1970: 145). Others detect inbuilt notions of desired well-being and the avoidance of ill-being (Foot 1958: 502–13; 1958–9: 83–104).

we consider what is given by language as some kind of Archimedean point beyond need of proof? The sceptic can easily argue that the actual normative notions which are built into our language are simply wrong and a mirror of our prejudices.[15] Of course, even this questioning will happen within some language and it is surely not possible to be sceptical about the meanings of all words. We need some basis to stand on when we argue. But this does not prove anything as long as we can detach ourselves from the evaluations our language might happen to imply. If we can establish a modified language without the evaluations in question and if we can question the normative meaning of words within this (new) language consistently, then we will be on firm ground from which to volley the Moorean missile.

All the particular types of starting-point for inductive reasoning are therefore question-begging for a sceptic. Moral inductivism tries to justify values by reference to apparent normative elements without being able to give a rational justification of them (cf. Gewirth 1981: 17–21). Nonetheless, people might be willing to accept its results since, in many cases, they were gained on the basis of what people already accepted in practice. But it is not difficult to see that this manoeuvre will not impress the sceptic, who by definition questions the beliefs of ordinary folk.

1.6.2. *Intuitionism*

There is a common antithesis between 'inductive' and 'intuitive' approaches (Sidgwick 1901: 98) according to which intuitionism is the only way to secure the givenness, or objectivity, of morals. Intuitionists claim 'that we have the power of seeing clearly that certain kinds of actions are right and reasonable in themselves, apart from their conse-quences' (ibid. 200). Different accounts are given of the faculty that discerns the moral properties of actions and states of affairs. Philosophical empiricists like A. Shaftesbury and F. Hutcheson argue that intuition must be a sense like eyesight, since this is the most reliable guide to the nature of objective reality. The early rationalists, unwilling to grant the senses this authority, based intuitionism on Cartesian epis-

[15] Cf. e.g. Foot (1961), Gewirth (1981: 9–12), and Montefiore (1961) on the problems of basing any authority on linguistic analysis. It is hard to see how this linguistic approach could escape the danger of committing the naturalistic fallacy: no mere analysis of usage can either grant or reject the possibility of unquestionable moral demands. At least without further argument, usage tells us only about already shared practices and conventions. The result is likely to be a very static notion of morality, which hardly accounts for ethical progress.

temology, according to which the ultimate logical constituents of reason-ing are clear and distinct ideas grasped by some unique faculty. As the vaguest form of intuitionism we might count the appeal to common sense—most people would say that it is 'obvious' that murder or torture is wrong, without being able to give any further justification for these judgements, or even without thinking that this is necessary.

What makes intuitionism so attractive for moral realism is that it can serve as a basis for all three of its central claims. According to its picture of morality, moral judgements are about moral facts and are true if they give an adequate account of these facts. Thus, their truth is, as the second claim demands, independent of our evidence for them—quite to the contrary, the evidence follows from some moral facts being truly there. In addition, it seems plausible to link an intuitive understanding of good and bad with some impulse to act; human conscience as a magis-terial voice within has often been seen as such a mediating intuitive faculty which pushes the agent to do the right thing. Hence the motiva-tional thesis would be satisfied. Another attractive feature of intuitionism is that it avoids, as Moore argues most eminently, the naturalistic fallacy. Intuitionism does not undermine the strict distinction between descrip-tive and normative judgements as long as the intuition of the goodness of something is not mixed up with any other perception but is regarded as an epistemological access to normative truth, which is *sui generis*.

Yet it seems that moral realism is well advised not to base its author-ity on intuitionism, since this shows profound methodological deficien-cies. Its two central problems are: like induction, it is simply not a justification proper, and therefore vulnerable to several criticisms from the anti-realist; and it cannot satisfyingly account for people having different intuitions.

Let us look at the first deficiency. 'Intuitions' are not strictly speaking a *justification* of any judgement at all. Moore saw that quite clearly when he wrote: 'I would wish it observed that, when I call such propositions 'intuitions', I mean merely to assert that they are incapable of proof' (1903: p. x). At the most, intuitions are a window that opens on to some fascinating insights, but they cannot grant the truth of the picture they show. All might be but dreams. This corresponds to the problem that intuitionism as a methodology cannot find any rational support. Any attempt to argue for the capacity of intuitions to grasp the truth will make intuitionism itself either superfluous or circular. This is so because any argument which attempts to show that moral facts can only be

known intuitively must have some access to those moral facts independently from intuition, in order to come to this conclusion. But, *ex hypothesi*, this is claimed to be impossible. If, however, we did have this alternative avenue to the moral facts, then we would no longer need intuitions to ground ethics—intuitionism would become superfluous. The threat of a vicious circle would come up if we wanted to justify intuitionism by intuitions: A further meta-intuition is supposed to tell us that the only access we have to moral facts is intuition itself. Obviously, this does not work either, since it would be a circular approach—already Wittgenstein reminded us that we cannot prove the truth of information in a newspaper by looking at a second copy of the very same newspaper.

The second weakness of intuitionism is that it cannot account for the varieties or lack of the relevant intuitions. What can the intuitionist answer to the rather wicked Antonio who remarks in the *Tempest* about the conscience: 'where lies that? If 'twere a kibe, | 'Twould put me to my slipper: but I feel not | This deity in my bosom' (II. i. 267–9). This possibility weakens any pragmatic appeal to intuition substantially. But even if intuitionism claims that some people simply do not have this capacity (in the same way as, say, some do not have an ear for music), the problem of disagreement amongst those who claim to have the faculty remains. And even if we grant that most people seem to have some intuition at least *that there is* good and bad, they certainly do not always have the same concrete 'intuitions' about *what exactly is* good and bad.[16] Intuitionism will have to offer a satisfying explanation for these varieties, and for what enables some people to truly 'see' goodness and why others fail to do so. But the method is not designed to explain this—Moore continues, after having stated that intuitionism is not a 'proof', with: 'I imply nothing whatever as to the manner or origin of our cognition of them' [propositions that assert what kinds of things ought to exist for their own sake] (1903: p. x). To exclude unpleasant convictions from being intuitions proper the intuitionist would have to offer a rational procedure by which this can be done, an 'independent, agreed test' for moral blindness (Hudson 1967: 58). This, obviously, requires a *separate* standard of good and bad (not intuitions again) against which the results of people's intu-

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[16] It is not sufficient to make only the limited claim that though the contents of people's intuitions differ all have some intuition about good and bad. Even if this were true, which is highly dubitable, and if nothing else could be said to make intelligible fundamental moral mistakes, then the method would simply be useless for the purposes of moral realism: it would not be a way to come to substantial true moral judgements.

ition could be tested—the problem leads back to the impossibility for intuitionism to ground its methodology.

The second problem is particularly bad because we have more powerful explanations at hand to tell us why people have certain views about the good and the bad rather than postulating some direct access to an alleged normative realm. Karl Marx, Friedrich Nietzsche, and especially Sigmund Freud have given alternative and non-moral descriptions in terms of the hidden motives for the views we hold. They have rightly taught us to be suspicious of taking moral judgements at face value—P. Ricoeur calls them the three 'maîtres du soupçon' (1965). If the strength of a theory reflects the variety of phenomena which can be explained by it, then their theories are surely very strong, since there are few, if any, phenomena which they cannot explain by their means (but NB: an explanation is not a justification nor itself an argument against the possibility of justifications). Freud's theory can even tell us why intuitionist views were in vogue at certain times. When, for eighteenth-century philosophers, the truth of certain moral judgements appeared to be clear-cut and indisputable, Freud could put this down to the consequences of an imperious superego which developed in times when the authority of parents, teachers, or priests was austere and received unquestioned respect (Hudson 1967: 61). I am not saying that Marx, Nietzsche, and Freud always give us satisfying answers, but their account of what constitutes intuitions is very powerful and cannot be facilely rejected by intuitionists when they themselves do not have a convincing story to tell about our access to the moral realm. That is why intuitionism has often been blamed as simply 'obscurantist' (J. O. Urmson 1958: 207).

All of this does not prove positively that intuitionism is wrong or inconsistent, but it questions whether it is a promising path to explore. As it stands it does not provide a sufficient basis for moral realism, at least while it cannot give a justification for its central thesis. It can only emphatically affirm the normativity of a principle or value and must remain silent when its own rationality is questioned (cf. Korsgaard 1996: 40, 65 n.).

1.6.3. *Contractual Theories*

Contractual theories are not an option for moral realism since they are not aimed at the *truth* of judgements. Yet they are considered as providing a rational justification for normative principles and deserve therefore a very brief investigation.