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META-ETHICAL DISAGREEMENTS

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Abstract. In "Objectivity and truth: you'd better believe it" (1996) Ronald Dworkin attacked what he calls Archimedean scepticism about morality. His central argument, however, brings into question both such scepticism and the views which oppose it, concluding that many meta-ethical disagreements are purely verbal or, really, first-order moral ones. In this article I illustrate the scope of Dworkin's argument, examine (and reject) some responses to Dworkin, and finally show that many genuine meta-ethical disagreements can be rescued from Dworkin's argument, by being understood as neither purely verbal nor narrowly moral disagreements, but rather as normative debates about what is appropriate to do when engaged in moral argument.

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1. Dworkin's challenge to meta-ethics

In "Objectivity and truth: you'd better believe it" (1996) Ronald Dworkin attacks what he calls *external* or *Archimedean scepticism* about morality and value in general. This view is composed of two claims:

(1) there is no objective ethical truth;
(2) claim (1) is based on premises that are not themselves ethical and owe nothing to ethics.

By contrast, *internal scepticism* about ethics presupposes the truth of some positive ethical judgment, often a complex conditional one. A form of global internal scepticism about morality would be based on the moral premise, for instance, that

if God did not exist and did not command things, nothing would be right or wrong, and on the additional, factual, premise that there is no God.[1] Claim (2) is what makes external scepticism external or 'austere' (Dworkin 1996: 92). But a third component of many, if not all, Archimedean scepticisms is neutrality:

(3) substantive moral controversies are not touched, in particular, there is no attempt to change or discard any first-order ethical conviction (like 'slavery is wrong') (ibid.: 92).[2]

The real target of Archimedean sceptics appears to be the second-order, apparently meta-ethical statement that ethical convictions can be, and some are, objectively true. That is, their target is not ethics as such, but what Dworkin calls 'the face value' view *of* ethics (ibid.: 92). So, external neutral scepticism about ethics does not start from ethical claims, nor does it conclude in the rejection of ethical claims.

The neutral Archimedean sceptic takes herself to be disagreeing with the face value view, understood as a philosophical view about ethics. Dworkin illustrates this purported meta-ethical disagreement by examining disagreements between well-known meta-ethical theories that respectively entail either Archimedean scepticism or the face value view of ethics.

Dworkin's diagnosis of such disagreements can be reconstructed as a dilemma:

Dworkin's dilemma. Either such meta-ethical disagreements are merely verbal, or they are really ethical, first-order, disagreements.

Dworkin's conclusion is that there is no ground for the Archimedean sceptic to stand on – or at least, no ground that is not already ethical, in which case Archimedean scepticism is incoherent. But a crucial corollary of his argument against Archimedean scepticism is that also self-styled 'meta-ethical' articulations of the face value view have no place to occupy: they are either restatements of ethical views or (at least in one case) non-moral but barely intelligible claims. An overall worrying conclusion thus emerges: purportedly meta-ethical debates are fundamentally misguided. Or in other words: the price to pay for defeating scepticism about ethics is, for Dworkin, scepticism about meta-ethics, and as we will see he is in fact more than willing to pay that price. If meta-ethics is to survive as a distinctive form of philosophical study of ethics, Dworkin's argument had better fail.

In section 2 I illustrate in detail and comment on Dworkin's examples of misguided meta-ethical disputes. In section 3 I examine and reject some replies to his argument (by Simon Blackburn and Tristram McPherson). In section 4 I propose a distinct reply, which does grant something to Dworkin's argument but at the

[1] It follows that internal scepticism must presuppose the truth of at least some conditional ethical claim. Therefore internal scepticism must reject claim (1) as well as (2).

[2] J. L. Mackie's error theory (Mackie 1977) is understood by Dworkin to be a non-neutral form of Archimedean scepticism (Dworkin 1996: 113, see also Dworkin 2011: 35-37). Since error theory implies that all positive moral judgments are false, its target is both the face value view of morality *and* first-order moral convictions.

same time carves out a distinctive space for something worth calling 'meta-ethical disagreement', building on Dworkin's own text. The idea is that most if not all meta-ethical debates can be rephrased as normative debates about what is appropriate to do when engaged in moral argument or disagreement. In section 5 I briefly comment on Dworkin's later (2011) remarks in this connection. In section 6 I illustrate how some concrete meta-ethical disputes could be rephrased in normative terms.

2. Dworkin's argument

One might wonder about the actual scope of Dworkin's argument. Dworkin's net might seem to have a sizable but relatively limited range: the targeted debates must be those in which one side can be identified as 'the sceptical one', and of course not all textbook meta-ethical debates are held between sceptics and non-sceptics about ethics. To see why Dworkin's argument has in fact a wider scope than this, it is useful to consider the debate between naturalists and non-naturalists about moral properties. Both sides are decidedly *not* sceptical: as realists, both believe in the existence of objective moral facts, which make some moral claims objectively true. They only seem to disagree about the 'place' of moral properties in the natural world (and often on related questions of moral epistemology): for the naturalist, moral properties are natural properties, for the non-naturalist, moral properties are non-natural. In a sense, both can be said to articulate, in rival ways, the face value view. But Dworkin quite clearly thinks that in this case the *first horn* of the dilemma above applies: this meta-ethical disagreement is merely verbal.

Dworkin's point can be appreciated by supposing that the naturalist and the non-naturalist agree (as they may well do) on a general first-order ethical view like utilitarianism, and then seeing what to make of the residual, purportedly meta-ethical disagreement. Here is a toy dialogue:

> *Naturalist vs. non-naturalist*:
> A: An action is right if and only if it maximizes pleasure, and being right is the same property as maximizing pleasure (a natural property).
> B: I agree with the first claim, but being right is a further, non-natural, non-reducible property that belongs to all and only acts that maximize pleasure.

For Dworkin (1996: 100-101), A and B use the 'jargon of metaphysics' in different ways, but this doesn't add (or subtract) *anything* to their statements. Dworkin's point seems to be that, since no new content is introduced by their further claims – each merely restates or clarifies her utilitarian conviction – then A and B agree on everything that it makes sense to agree or disagree on. So their residual disagreement is only verbal.

The *second* horn of Dworkin's dilemma – meta-ethical differences are really ethical, first-order, disagreements – is illustrated in the next toy dialogue, in which again it is not obvious that there must be any 'sceptical' party:

Primary vs. secondary quality view:
A: An action is right if and only if it maximizes pleasure, and being right is a response-independent property of the action.
B: I agree with the first claim, but being right is a response-dependent property, the property (e.g.) an action has when people in conditions C react positively to it.

In this case, for Dworkin the disagreement about whether rightness is response-dependent is genuine, but only apparently meta-ethical (ibid.: 101-103). It is really a deep ethical disagreement, because B's view commits her to endorsing counterfactual statements that are as morally engaged as can be; for instance, the statement that "If people in conditions C would not react negatively to genocide, then genocide would not be wrong". And A would deny, or at least would not be committed to, such counterfactual statements. To be sure, A and B do converge on a utilitarian normative theory, but their ethical agreement on utilitarianism is somewhat superficial, since for B it must be at least *conceivable* that people in conditions C might not react positively to all and only actions that maximize pleasure, and in that case a different criterion of rightness would emerge.

Dworkin then moves on to another meta-ethical disagreement:

Realism vs. non-realism 1 (representational-causal reading):
A: An action is right if and only if it maximizes pleasure, and this claim represents a moral state of affairs.
B: I agree with the first claim, but there is no moral state of affairs represented by this claim.

Also in this case for Dworkin the meta-ethical dispute is only apparent or verbal (first horn of the dilemma). The claim about 'representing a moral state of affairs' is said to be redundant, without further elaboration (ibid.: 103). But he does consider one reply here, which would give a non-redundant content to the representation claim made by A. Perhaps A asserts, and B denies, that there is a causal relation between moral claims and a moral reality (ibid.). This would seem to be a genuine meta-ethical disagreement of a metaphysical sort. In response, Dworkin points out that the causal claim can be interpreted in two different ways.

First, A might be arguing that the rightness of an action causes her to believe that the act is right, because (as she believes) (i) being right is the property of maximizing pleasure, and (ii) this latter property causes the moral belief that an act is right. Here, Dworkin argues (ibid.: 103-104), the second horn of the dilemma kicks in. B's opposition to A, *if it is to result in a form of ethical scepticism*, cannot be simply based on rejecting (ii). (ii) is after all a mere ordinary causal claim with whose truth or falsity ethics neither stands nor falls. For B to oppose A, B must deny (i). But if B were to deny (i), then B would be engaged in a first-order dispute with A. So, on this first interpretation, there is no metaphysical/causal dispute between the realist and the non-realist separate from a moral dispute. What is more, this non-realist view would turn out to be rather confused – since B claims to agree with A on which actions are right, but her purported meta-ethical difference shows her committed to denying that claim.

Second, A might be arguing that the rightness of an action causes her to believe that the act is right, because of a "direct and wholly independent action of moral properties" and facts on her (ibid.: 104), i.e. 'direct' and 'independent' of the action of other non-moral properties and facts that might be related to moral properties (such as the property of maximizing pleasure). And B would be denying that claim which, again, looks like a purely non-moral, metaphysical dispute.

Dworkin's reply to this second interpretation of the causal claim, which he calls the *moral-field thesis*, is twofold. First, he states that A's view, so interpreted, would be absurd (ibid.: 104-105). Now, this reply seems to concede that, at least under this interpretation, the realist and the non-realist *are* having a genuine meta-ethical disagreement of a metaphysical kind – and A would be wrong. So, strictly speaking, this interpretation of the realist's causal claim escapes Dworkin's dilemma. But naturally this doesn't help the defender of meta-ethics from a dialectical point of view: if the only genuine realism vs. non-realism dispute is one where the realist makes an absurd causal claim, then there is nothing significant for meta-ethicists to dispute about. B would win the dispute, to be sure, but the dispute would hardly be one worth engaging in.

The second part of Dworkin's reply to the moral-field thesis is subtler. He points out that, even if A's causal claim were not absurd, A couldn't possibly use it either to justify or to even explain her moral belief that an action is right if and only if it maximizes pleasure (ibid.: 105). The question "Why do you think all and only pleasure-maximizing actions are right?" doesn't admit of an answer along the lines of: "Because that is a moral fact, and that fact causally produces my belief"; nor would A herself give such an answer. However, similar causal claims, for instance about unobservable physical entities, are and can be typically made in an attempt to justify (or also just explain) our beliefs and theories about such entities. In arguing for the existence of protons and their causal powers, the scientific realist is at once advancing a philosophical view *and* justifying theories about protons. But the same, *mutatis mutandis*, cannot be said about the moral realist. I take Dworkin's point here to be that A's causal claim would play no discernible role in an argument against B, apart from restating A's moral claim, with which B already agrees. This is itself an interesting point, and may in fact uncover a locus of genuine meta-ethical disagreement between A and B. I will come back to this in section 4.

The view that there is a causally effective moral reality is therefore either a mere philosophical-sounding restatement of one's moral view, or an absurd and at best irrelevant piece of 'moral physics' (ibid.: 105). The idea that there is a genuine meta-ethical dispute between realists and non-realists is not rescued by the representational-causal reading in any of its two versions.

But the realism vs. non-realism dispute could be understood also in a different way, relying on Crispin Wright's work on the distinction:

> *Realism vs. non-realism 2 (cognitive reading):*
> A: An action is right if and only if it maximizes pleasure, and "anyone who does not agree with this opinion is suffering from some cognitive impediment that explains [their] error" (ibid.: 106).

B: I agree with the first claim, but those who disagree need not be suffering from some cognitive impediment.

Dworkin's answer to this reading of the dispute is similar to his answer to the representational-causal reading. A is either rhetorically restating her view (first horn of the dilemma), or at best making a blatantly implausible claim, in this case a claim about how to explain the others' dissent. A's claim is implausible, for Dworkin, because A would be accusing in one sweep all her opponents (in this case, non-utilitarians) of a *specific* kind of mistake, i.e. a cognitive one, *prior to any evidence that it is so*. And this is an attitude towards disagreement that nobody – in ethics as elsewhere – has reason to hold. Dworkin seems to say that one thing is to believe that others must be mistaken, quite another to assign particular explanations of why that is so (ibid.: 106). What is noteworthy, as above, is that there seems to be, after all, a genuine meta-ethical or at least morally neutral dispute between A and B, with the realist turning out (again) wrong and the non-realist right.

Unlike the case of the moral-field thesis, however, it is not so clear that in this case the purported meta-ethical dispute is *too easily* won by the non-realist for it to be worth engaging. The dispute between A and B has been reframed by Dworkin himself as a dispute about, roughly, the epistemically proper attitude to hold towards diverging moral opinions about which one only knows that they diverge from one's own. The realist, on this construal, takes herself to be in a position to apply, a priori, a universal diagnosis of others' moral error, while the non-realist is open to different explanations of others' error. Now, the non-realist might well be right on this, but it seems an interesting and controversial issue whether and why she is so. It seems that again Dworkin has, despite himself, uncovered a genuine meta-ethical question that both escapes his dilemma *and* is worth thinking about. I will come back to this in section 4.

Dworkin proceeds then to consider what on many accounts is *the* central meta-ethical disagreement, i.e. the dispute between cognitivism and non-cognitivism. Here is how it might look like:

Cognitivism vs. non-cognitivism:
A: An action is right if and only if it maximizes pleasure, and this claim expresses a truth-apt state like belief.
B: I agree with the first claim, but that claim does not express a truth-apt state – rather, it expresses an attitude of approval towards all and only actions which maximize pleasure.

Recall the two horns of the dilemma: Is this only a verbal disagreement? Or is it not a meta-ethical disagreement but really an ethical one? Dworkin rightly recognizes that A and B do not need to understand their contrast as one between attitude-independent and attitude-dependent views of morality – because that would easily be construed as an ethical disagreement (see above the primary vs. secondary quality dispute), and non-cognitivists have repeatedly said that they can endorse exactly the same moral claims as those endorsed by cognitivists. If the cognitivist chooses to

talk about attitude-independent moral truths, the non-cognitivist will embrace the very same claims, *qua* expressions of an attitude of approval for certain kinds of actions even across scenarios where nobody approves of those actions ("Maximizing pleasure makes actions right even if nobody approves of those actions") (ibid.: 110). It would thus be a mistake to construe the cognitivist and the non-cognitivist as having an ethical disagreement in disguise.

Are they then perhaps having a merely verbal disagreement? This is what Dworkin seems to believe. According to him, the claim against which the non-cognitivist stakes her view can only be something like: "It is a real fact that acts which maximize pleasure are right" (ibid.: 112). This could be read as reintroducing the realism vs. non-realism contrast. This is not surprising, since non-cognitivists have typically been non-realists – or at most, quasi-realists (Blackburn 1984). But then the problems encountered before, for both the representational-causal and the cognitive construal of that contrast, will affect the cognitivist vs. non-cognitivism distinction as well. Alternatively, 'it is a real fact that etc.' could be construed itself as a moral claim, and therefore the non-cognitivist has nothing to disagree on with the cognitivist. They agree on everything that can be agreed on.

Dworkin (1996: 112) concludes that non-cognitivism 'swallows itself'. In other words, the removal of any distinctly meta-ethical disagreement would mean defeat for non-cognitivism. To the extent that non-cognitivism tries to challenge the face value view of ethics from outside ethics, it is yet another example of failed Archimedean neutral scepticism. But clearly neither can cognitivists cheer for that result. Remember that what Dworkin is attacking is the very idea that there are genuine, intelligible, non-absurd and morally neutral meta-ethical disagreements. If the alternatives are that meta-ethical statements are either redundant or involve further moral commitments, then cognitivism (and realism, naturalism, and so on) *as a meta-ethical view* is also swept away with its rivals. In short, the defeat of Archimedean scepticism carries along the defeat of meta-ethics as a distinctive philosophical discipline. Dworkin writes in fact that meta-ethical realists "share the fallacy of the archimedeans [sic], which is to suppose that some sense can be assigned to the supposedly metaphysical claims that is not itself a normative sense" (ibid.: 127).

3. Some responses to Dworkin

In this section I briefly recount two replies to Dworkin's argument, and show what is unsatisfactory with each. Some reactions from card-carrying meta-ethicists have (predictably) tended to stress how some room *for one's own favoured* meta-ethical theory can still be carved out in spite of Dworkin's argument. One such reaction is Simon Blackburn's.[3]

Blackburn (1996) argues that his quasi-realist form of expressivism cannot be placed among Archimedean forms of scepticism; far from questioning the face

[3] Another is Dreier (2002).

value view of ethics, the quasi-realist project aims to both explain and justify our right to hold the face value view and to use such terms as truth and objectivity for our moral convictions. Blackburn's project is 'explanatory', not 'adversarial', with respect to the face value view. He even goes so far as to say that, if any adversary to his approach exists, it is represented by those philosophers who would advocate a *reform* of the face value view of ethics.

It might be true that Dworkin perhaps did not fully appreciate quasi-realism's programmatic claims, and counting Blackburn among the *sceptics* may be unfair. But, as shown above, Dworkin's argument can be seen as a challenge for meta-ethicists in general: try to say something substantial *about* ethics, and it will be either first-order (a repetition of a moral claim or a new, controversial, moral claim) or a piece of barely intelligible metaphysics (or the denial thereof). This diagnosis applies to sceptical and non-sceptical views alike. So the question is whether it applies to Blackburn's view too.

I think Blackburn's programmatic claims do not place him beyond the reach of Dworkin's challenge. In aiming to provide a story about how to earn our 'right' to talk about ethical truth and objectivity, and in the way he actually carries out the quasi-realist project, Blackburn makes two assumptions: 1) truth and objectivity are something that ethical discourse *needs* to earn a right to; 2) earning such a right is a fundamentally *morally neutral* enterprise. The first assumption is already a clear departure from the face value view of ethics and its 'meta-ethical minimalism' (the expression occurs in Blackburn 1996), whereby notions like truth and objectivity play nothing more than an emphatic role or refer to first-order counterfactual moral claims. Truth and objectivity, *thus minimally understood*, do not invest ethical discourse with the sort of claims to respectability that need to be philosophically earned. In this sense, the face value view of ethics, unlike e.g. so-called folk psychology, does not contain an implicit philosophy waiting to be confirmed and further articulated by a mature theory, be that realism, non-realism, or quasi-realism. Of course there remains the task, wholly internal to moral thought, to justify whatever complex, counterfactual or theoretical *moral* claim we are disposed to endorse as moralizers. But here expressivism and its semantical and logical resources have no job to do. Indeed – and here we come to the second assumption – earning the right to truth and objectivity is for Blackburn a matter of philosophically reconstructing such notions for ethics, using simply the scant materials allowed by a non-realist approach and by an expressivist theory of meaning. Note that I am not at all claiming that Blackburn's project is misguided; I am not even claiming that Dworkin has a sound argument against it. I am just pointing out how, despite Blackburn's protestations, his quasi-realism is fully playing the kind of philosophical game that Dworkin regards as a non-starter.

A different sort of answer to Dworkin is given by Tristram McPherson (2008). Unlike Blackburn, he is not interested in rescuing the meta-ethical status of any specific view. But, precisely against Dworkin's dilemma as presented above, he argues that "it is possible to agree about the correct normative theory while disagreeing about the correct meta-ethical theory" (McPherson 2008: 6). So his answer, if successful, would restore the sense of meta-ethics as a place for intelligible and ethically neutral

debates about ethics. He offers an example involving two parties agreeing on (1) simple act utilitarianism and (2) theism, but disagreeing on (3) a divine command explanation of rightness:

> Suppose, for example, that they both accept simple act utilitarianism. Suppose further that they also agree that, necessarily, an act is right just in case God approves of it. These theists can still disagree about the truth of the divine command meta-ethics: the claim that the above biconditional is true because God's approval *makes* actions right. The natural lesson to draw from this example is that distinct meta-ethical theories can entail the same normative ethic, because coextension – even necessary coextension – is not sufficient to settle meta-ethical theory identity. Semantic, determination, and explanatory relations are also of paramount importance (McPherson 2008: 6).

However, McPherson's example does not escape Dworkin's dilemma. Faced with such a case, Dworkin would try to show how questions about "semantic, determination, and explanatory relations" are really moral questions. And in the present case Dworkin's point wouldn't be too difficult to bring home. The divine command 'meta-ethical' claim, as put by McPherson, appears to be a moral claim that the other theist does not endorse: a claim about God's will being the ultimate right-making property ("God's approval *makes* actions right"). I say 'ultimate', because the two parties also appear to accept a different right-making claim, i.e. the utilitarian one that maximizing happiness makes an action right. But for the divine command theorist the utilitarian claim, though true, can only be a *superficial* one – good enough for seeking moral convergence with non-believers, but not the ultimate moral truth. Or, even worse, perhaps it is not a moral claim at all: on the divine command approach that an act is right if and only if it maximizes happiness may simply mean that God approves of an act if and only if it maximizes happiness.

So there are two moral questions here, and McPherson seems to skim over the second one: 1) The extension question: Which actions are right? On this, the two theists agree. 2) The explanatory or 'source' question: What makes an action right? On this, there is clearly disagreement, and it is a moral disagreement. Notice that McPherson has built his example with care. The moral disagreement I am pointing to is *not* a 'hidden' one over counterfactual moral claims, as was the case with the primary vs. secondary quality views discussed by Dworkin. The two theists indeed agree also over moral counterfactuals, since they both believe that all right acts are approved by God and vice versa. That is, they both accept that if God didn't approve of x, then x would not be right. But they disagree on how to explain such counterfactual (and actual) moral claims – in particular, as I said above, they disagree about the exact relation between God and right actions. Even if on both views rightness supervenes on God's approval, for the divine command theorist there is more than a modal relation at stake: there is a relation of right-making. So their moral agreement is only superficial or partial.

McPherson might reply that claims about right-makers need not be morally committed. However, – given how the notion of right-making is normally understood

– the burden of proof now would be on him. We might also add that, even if claims about the right-making relation turned out to be metaphysical rather than ethical, the (supposedly only metaphysical) difference between God as right-maker and God as merely approving of what is right would probably have significant normative implications. *Ex hypothesi*, it would not affect the question *which acts are right*, but rather the question of which morally appropriate attitudes to hold towards God. It seems that God as right-maker, as ultimate source of right and wrong, would deserve a sort of respect or obedience importantly different from (and in certain respects 'higher than') the respect owed to a 'merely' morally infallible divine being.[4] So, again, moral agreement between the two theists can only go so far, and their apparently meta-ethical disagreement can be resolved into a moral disagreement.

4. A defence of meta-ethics from Dworkin's challenge

Having defended Dworkin's argument from some critics, in this section I proceed to show why Dworkin's argument does not spell doom for significant and constructive debate in meta-ethics.[5] I have noted two places in Dworkin's article where his dilemma does not seem to gain hold, and he has to resort to a different sort of objection: 1) in arguing against the moral-field thesis; 2) in arguing against the realist who appeals to 'cognitive impediment' as an explanation of moral error. In both cases, it cannot be said (nor does Dworkin suggest) that the relevant disagreements (for/against the moral-field thesis and for/against the realist 'cognitive impediment' view of moral error) are only verbal or disguisedly moral, first-order disagreements.

In those places Dworkin employs different sorts of considerations, broadly having to do with what might be called the appropriate attitudes to hold in the face of ethical disagreement. Apart from the question of its intelligibility, the moral-field thesis is criticized by Dworkin on the grounds that "no one who believes that abortion is wrong thinks that he gives an argument for his view, or even an explanation of how he came to accept it, by insisting that its wrongness is objective or a moral fact or (if he would say such a thing) part of the fabric of the moral universe…no one thinks that the further claims [made by the realist, like the claim of causation by moral properties] do the justifying work" (Dworkin 1996: 105). Dworkin's argument here is this:

1. If the moral-field thesis were true, it would be appropriate to use it in an argument showing e.g. that abortion is wrong.
2. It is not appropriate to use it in such arguments.
3. Therefore the moral-field thesis is not true.

The second realist view is criticized by Dworkin on the grounds that "people have no reason to claim that those who disagree with them must lack some information

[4] I assert this somewhat tentatively, having no expertise in questions of moral theology.

[5] Sharon Street (2016) provides a different reply to Dworkin. She is out to defend her constructivist theory of normative reasons, which would be opposed to Dworkin's minimal realism. But she agrees with the methodological thrust of Dworkin's paper – her view is admittedly to be understood as a rival, first-order proposal, rather than as morally neutral. For this reason, I don't consider here her reply.

they have, or suffer from some intellectual incapacity or character defect, when they have no evidence of such ignorance or incapacity or defect" (ibid.: 106). Here the argument is as follows:

1. If the cognitive impediment view of moral error were true, it would be appropriate to attribute various forms of cognitive deficiency to those we disagree with, even when there is no evidence of such deficiency.
2. It is not appropriate to attribute various forms of cognitive deficiency to those we disagree with, when there is no evidence of such deficiency.
3. Therefore the cognitive impediment view of moral error is not true.

What matters for the present purposes is not whether these arguments of Dworkin's are any good – in particular, whether premise 2 in each argument is plausible. What matters is that in the premises numbered as 1 in each argument Dworkin links the two realist views to a distinctive claim that is *neither* purely metaphysical or semantical *nor* strictly first-order or ethically redundant, and he attacks them on that ground. In particular, these views get evaluated on the basis of the implications they seem to carry concerning moral argument and moral disagreement. It is easy to see why these implications are not metaphysical or semantical: their content is explicitly normative, about what it is *appropriate* to do. It is also easy to see why they are not ethically redundant: they do add something new and substantial to the utilitarian claim party A is making in the toy dialogues above.

But one might say that these further claims included in premises 1 are themselves ethical claims, and so do not really constitute an exception to Dworkin's dilemma. After all, wasn't his point that allegedly meta-ethical claims are really ethical claims in disguise? And doesn't the term 'appropriate' betray their ethical character? My answer is that, though they are indeed normative claims, there are significant differences between the normative claims implied by the two moral realisms above, and the first-order or counterfactual normative claims that for Dworkin would reduce allegedly meta-ethical views to ethical views. Two points of difference stand out.

First, the kind of normativity they possess need not stem from an ethical source. Dworkin argues, perhaps correctly, that it is not appropriate to cite the fact that "the wrongness of abortion is part of the fabric of the world" in an argument defending the wrongness of abortion. That fact (if it is such) is, in a sense, a wrong kind of reason to support any such moral argument. But is it a morally wrong kind of reason (say, because some vice is manifested)? Is it prudentially wrong (because you are going to lose the argument and make enemies)? Is it epistemically wrong (because that sort of fact has no evidential bearing on the question of the wrongness of abortion)? Is it conversationally wrong (because it doesn't move the debating game in any useful direction)? Clearly there are many possible options here. Moreover, nothing in what Dworkin explicitly says suggests that the source *must* be ethical as opposed to these other sources.

Second, even if the normative source of those claims in premises 1 were fully ethical or moral, their subject-matter is sufficiently distinctive to separate them from the concerns of normative ethics. They would be claims about what one is tempted to call 'the ethics of ethical argument'. If moral realism implies or recommends a

certain way of going about ethical argument, that doesn't yet mean that moral realism has become itself an ethical theory. Moral realism still has nothing distinctive to say about which actions are morally right or wrong and why – it doesn't provide us with any ethically *discriminating* principle. In this sense, it is still a morally neutral view. Consider a parallel case. If moral fictionalism is true, then arguably we *should* regard ethical claims as fictions. And adopting this attitude may well change the nature of ethical argument as we know it. But again, radical as this change might be, it won't by itself make a difference to what kinds of actions are right or wrong. In other words: the normative claims about ethical argument contained in premises 1 above do not, by themselves, fundamentally affect the 'distribution' of moral properties in the way that the moral counterfactuals implied by e.g. a secondary quality view would affect it.

Moreover, in our toy disagreements in section 2 we were assuming that the two parties A and B share a basic moral theory such as utilitarianism. So, if their apparently purely meta-ethical disagreement turns out to be really a moral disagreement about what is or is not morally appropriate to do in moral argument, presumably this moral disagreement will stem from different and opposing applications of the *same* moral theory (utilitarianism). Take the representational-causal version of the realism vs. non-realism dispute: A, as a utilitarian realist, thinks that, on the basis of utilitarian reasons, it is appropriate to use "wrongness is part of the fabric of the world" in an argument for the wrongness of a certain action, whereas B, as a utilitarian non-realist, thinks that, on the basis of utilitarian reasons, it is not appropriate to do so. In other words, the sort of moral disagreements that are disguised as purely meta-ethical need not affect the core moral principles adopted by the disagreeing parties. Therefore, even if meta-ethical disagreements were to be viewed as certain kind of ethical or moral disagreements, there would still be sufficient distance between the concerns of meta-ethics and those of normative ethics.

What Dworkin gets right is that meta-ethical theories may have normative implications. There may also be a stronger methodological claim behind the premises numbered 1 above: meta-ethical theories are interesting only insofar as they do have some normative implications, i.e. insofar as they speak to our practices of moral thought and talk by confirming them, revising them, etc. I am sympathetic to this stronger methodological claim. But what I am pointing out is that we need to distinguish between a meta-ethic's first-order ethically discriminating implications and its implications regarding ethical argument. When a given meta-ethic has ethically discriminating implications, then the distance between meta-ethics and normative ethics obviously reduces and Dworkin's dilemma has a foothold, at least with respect to *that* meta-ethic. But when the normative implications are only at the level of ethical argument, there is still a place for something worth calling a 'meta-ethical' debate. It is just that this debate now includes questions that are explicitly normative, regarding the appropriate ways to go about moral argument or disagreement.[6]

A recent example of this normative sort of meta-ethical debate is an argument by David Enoch (2010) against a number of non-objectivist meta-ethical views. Enoch argues that any meta-ethical view which understands ethical belief as merely the

[6] Paul Bloomfield (2009: 301) similarly talks of meta-ethics as (in part at least) concerned with the 'ground rules' or 'rules of engagement' to be adopted in ethical arguments.

assertion or the expression of an attitude is committed to viewing moral disagreements as conflicts of preferences rather than factual disagreements. Now, an acceptable or even required solution to conflicts of preferences is to treat (equal) preferences impartially, for example by tossing a coin. But moral disagreements are not solved this way: it seems permissible and sometimes even required to 'stand your ground', at least other things being equal. So those meta-ethical views have a normative implication for how to behave in moral disagreement that seems counterintuitive. Or, at any rate, they have a harder time than objectivist views attempting to explain why moral disagreements are not to be treated as mere conflicts of preferences. What is clear is that Enoch is assessing non-objectivist meta-ethical views for their normative implications about ethical argument, just like Dworkin did for the two realist views above. Again, what matters is the kind of strategy employed rather than whether it is successful.

It should be clear why this kind of answer to Dworkin's challenge is preferable to the ones presented in section 3. Unlike Blackburn's answer, my reply doesn't seek to save one particular meta-ethic from Dworkin's challenge, but rather it seeks and hopefully manages to restore a sense in which many meta-ethical debates are perfectly in order, *even if* they turn out to be about normative matters of sorts. Unlike McPherson's answer, my reply does not pick "semantic, determination, or explanatory relations" as the distinctive province of meta-ethical study, and it is thus immune to the Dworkin-style counter-reply that differing opinions about those relations (e.g. differing opinions among utilitarian theists about what comes first in the order of explanation) are themselves at bottom purely first-order ethical opinions.

5. Aside: the later Dworkin

In *Justice for Hedgehogs* (2011) Dworkin largely repeats the arguments of his 1996 article, but he also makes some new moves that can be usefully compared to the proposal just described. Given the dilemma illustrated in section 2, if Archimedean, external scepticism about morality is to say something distinctive (and not just verbally opposed to non-scepticism), then it can only be itself a first-order *moral* position. And this condemns at least some forms of Archimedean scepticism to self-defeat (Dworkin 2011: 40-41). For example, when an error theorist claims that all moral judgments are false, they must be making a moral claim, and thus necessarily a claim that is false by their own lights. Or, when a non-cognitivist claims that moral judgments are not truth-apt (or only minimalistically truth-apt), they must be making a moral claim, and thus necessarily a claim that is not truth-apt (or that is only minimalistically truth-apt) by their own lights, and a fortiori not true (or not more than minimalistically true) by their own lights.[7]

[7] A similar fate awaits external sceptics in moral epistemology, who argue from the lack of causal contact with moral truth, and the claim that *unless there is appropriate causal contact with moral truth, there is no reason to hold a moral conviction* (Dworkin 2011: 70). For Dworkin, the latter claim is a moral claim, therefore by their own lights such philosophers would have no reason to hold it (since evidently there is no more causal contact with *this* putative moral truth than with other truths) (ibid.: 76).

My diagnosis of such forms of scepticism is rather different, and has the advantage of keeping all such theories alive – i.e. not ruling them out as self-defeating from the outset. Of course, each theory will have to be somehow rearticulated. In my view, error theorists can say that their claim is normative, but not *moral*, as Dworkin assumes it must be. They can claim that we should (a non-moral 'should') treat all moral judgments as false, at least as far as their content goes. Similarly, non-cognitivists can make the normative claim that we should treat moral judgments as not truth-apt (or as only minimalistically truth-apt), as long as the normativity of this 'should' can be insulated from a non-cognitivist interpretation – perhaps it is just a matter of philosophically explaining facts about linguistic conventions, and philosophy can make genuinely truth-apt claims, even if also these are normative claims.

Now, Dworkin offers on behalf of error theory a possible restatement of the view as a form of *internal* scepticism about morality – one based on moral premises, which therefore would prevent the view from being self-defeating (ibid.: 47). This new view would consistently say that all moral judgments are false, except a few foundational ones, namely those needed for the error theorist's favourite argument. For example, an error theorist would endorse the foundational *moral* claim that only queer entities can impose moral duties (and license moral permissions) which, coupled with the factual premise that there are no queer entities, entails that all judgments imposing moral duties (or licensing permissions) are false (ibid.: 47).

However, this alternative option prevents error theory from being self-defeating only to charge it with a bizarre moral claim ("Only queer entities can impose moral duties"). And notice that, once more, Dworkin's point would immediately generalize to non-sceptical views: some moral realists would then have to be charged with making parallel bizarre moral claims, for example, about 'morons' (special morally charged particles, ibid.: 32) requiring or forbidding actions. In my view, instead, even though the error theorist (as well as other meta-ethicists) must indeed be understood as making a *normative* argument for their view, this doesn't have to be a *moral* one, and so error theorists (or their non-sceptic rivals) do not need to build on obviously implausible *moral* claims.

My answer to Dworkin therefore promises to walk a middle path that, on the one hand, aligns with the idea that meta-ethical debate is fundamentally normative, while on the other hand prevents many views about morality (whether sceptical or non-sceptical) from being immediately dismissed as either self-defeating or based on bizarre moral claims.[8]

6. Meta-ethical disagreements reconsidered

I have tried to extrapolate from Dworkin's own text a way for recognizably meta-ethical debate to survive Dworkin's challenge. Not all meta-ethical disagreements are verbal or really first-order ethical ones. We have seen that the two realism vs.

[8] For different, more 'traditional'responses to the later Dworkin, see Shafer-Landau (2010) and Smith (2010).

non-realism debates above can be read as debates about what is appropriate to do in an ethical disagreement.[9] If Enoch is right, the same can be said about objectivism vs. non-objectivism. Here I suggest that also other traditional meta-ethical disputes can be seen in this light.

Naturalism vs. non-naturalism. This dispute may be seen at first as a purely metaphysical debate. But clearly it involves more than that. The moral naturalist seems to license an approach to moral disagreements where methods of resolution should not *in principle* differ from whatever methods we are justified to use in empirical disagreements – that much seems part and parcel of the claim that moral properties are natural properties as usually understood.[10] So there might be a sensible debate with the non-naturalist about whether that approach is (ethically, epistemically, prudentially etc.) appropriate.

Internalism vs. externalism about moral judgment. This might seem purely a question of philosophical psychology: does moral judgment necessarily involve a corresponding motivation or desire, as internalists hold? Or can we attribute moral judgments also to agents who remain unmoved by them, as externalists argue? But adopting internalism or externalism also makes a difference to how one should view moral argument. Here is why. Suppose that at least one party *changing their mind* is a necessary condition for a successful resolution of a moral disagreement. Now changing one's mind in moral matters is a different process for internalism and for externalism: to put things simply, according to internalism it necessarily involves changing one's motivational set – since moral judgment necessarily implies a certain degree of motivation – whereas according to externalism it doesn't. So there might be a sensible debate about this: *should* we expect motivational change (in ourselves or in others) whenever we engage in moral argument, and should we *attempt* to bring about such a change, as internalism seems to imply? Or is there legitimate room for motivationally ineffective moral argument, as externalism seems to allow? And how should we go about convincing others in either case? It seems that again we have uncovered a meta-ethical debate that is neither purely non-normative nor reducible to first-order ethics.

Cognitivism vs. non-cognitivism. This is, traditionally at least, a disagreement about the right semantics for moral terms. But it has typically involved more than semantics. Here is a rough and ready overview. A. J. Ayer (1936) famously claimed that on his emotivist account there was no room left at all for moral disagreement, beyond whatever factual disagreement might be responsible for the difference in attitudes. That is surely a strong revisionist claim about how one should approach (apparent) moral disagreements. R. M. Hare's (1952) universal prescriptivism similarly favoured a certain approach to moral disagreement – notably, on that approach one can at best charge an opposing party with incoherence or failure to

[9] Analogous considerations apply to the more general dispute between moral success theory and moral error theory. It is clear that, if error theory is correct – i.e. if all moral claims are (to be treated as) false, and if people have come to accept error theory, this must make some difference to moral argument, and it is a matter of normative (though obviously, in this case, not moral) debate whether the difference is a good or bad one. This is known as the 'now what' issue for error theory (Garner and Joyce 2019).

[10] A point made long ago by Stevenson (1937).

universalize, but not with any distinctive moral mistake. More recently, Horgan and Timmons' (1991) moral twin earth argument against causal theories of reference for moral terms builds on a normative intuition about whether we *should* treat moral twin earthlings as disagreeing or not with us (their target is a theory of reference which underwrites at least *some* versions of cognitivism). And it remains to be explored whether Blackburn's combination of non-cognitivism and quasi-realism has particular normative implications for how to conduct moral argument.

For their own part, cognitivists need to justify the claim that, given the ordinary truth-conditional semantics of moral terms, there are no reasons to regard moral disagreements as essentially any different from ordinary factual disagreements. Moreover, some of the debates above about realism vs. non-realism and internalism vs. externalism will likewise have a bearing on the cognitivism vs. non-cognitivism dispute, given the usual (though not necessary) respective association of cognitivism with realism and externalism, and of non-cognitivism with non-realism and internalism.

7. Conclusion

Recall Dworkin's dilemma: Either meta-ethical disagreements are merely verbal, or they are really ethical, first-order, disagreements. I have shown that the dilemma, originally devised only for the dispute between Archimedean sceptics and non-sceptics about ethics, would undermine much of meta-ethical theorizing. Some apparently meta-ethical disagreements are indeed best seen as really ethical, i.e. as debates between first-order, general, view of ethics – for example, the debate between secondary and primary quality theories. But most of the other traditional debates can be rescued from Dworkin's challenge: even if they were rephrased as normative disputes of sorts, they would concern a very specific normative question: what is the appropriate way to conduct moral argument? To conclude, I stress that this does not mean that the usual non-normative (metaphysical, semantic, psychological etc.) questions about ethics thereby become irrelevant. The idea is rather to start treating answers to these questions as making a normative difference, i.e. a difference to the way we *should* approach moral argument, and assess their plausibility in this normative light. At this point, these are rather programmatic claims, but signs of a 'normative turn' in meta-ethics are not hard to find (e.g. Enoch 2010, discussed above, Bloomfield 2009, esp. 296-302, Kramer 2009, Erdur 2016, Väyrynen 2019, and other contributions in Suikkanen and Kauppinen 2019).

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