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# TRUTH AND METAETHICS

## THE POSSIBILITY OF METAETHICS

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### INTRODUCTION

I found the first few chapters of Ronald Dworkin's *Justice for Hedgehogs*<sup>1</sup> very disconcerting. True, the manuscript is written in Dworkin's lovely style. It is wide-ranging and provocative throughout. The book pulls no punches and advances a challenging thesis. It is very ambitious and full of interesting observations and arguments. There is much for everyone to admire, and something for everyone to question.

In my case, two distinct sources of worry kept pressing. My initial unease grew steadily to something approaching panic as I assimilated the underlying message of these chapters – metaethics is largely a sham; its central question – that of the status of ethical and moral views – is a pseudo-question. This was bad enough, surely, for someone who has spent the last dozen years devoted to trying to make progress on that question. But I also found myself increasingly unmoored in the terrain I thought I knew so well. The various divisions and established taxonomies that separate the camps in this area soon dissolved. I had the eerie feeling that all I had been reading could have been written by Simon Blackburn or Allan Gibbard<sup>2</sup> – not something one would expect from

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<sup>1</sup> RONALD DWORKIN, *JUSTICE FOR HEDGEHOGS* (forthcoming 2010) (Apr. 17, 2009 manuscript at 16-63, on file with the Boston University Law Review).

<sup>2</sup> See generally SIMON BLACKBURN, *ESSAYS IN QUASI-REALISM* (1993); SIMON BLACKBURN, *RULING PASSIONS* (1998); ALLAN GIBBARD, *THINKING HOW TO LIVE* (2003); ALLAN GIBBARD, *WISE CHOICES, APT FEELINGS* (1990).

the author of an influential piece entitled *Objectivity and Truth: You'd Better Believe It*.<sup>3</sup>

Traditionally, one of the main divisions within metaethics marks off views that aim to debunk morality from those that seek, in one way or another, to vindicate it. What both families of views have in common is the assumption that it is possible to take an external perspective on morality and assess its merits as a large-scale enterprise of thought, guidance, and action.

Dworkin continually calls this assumption into question. Those who operate under its influence are almost always concerned with the metaphysics of morals. Depending on their take on the matter, they see morality as possessed of either acceptable or untenable ontological commitments. Dworkin himself believes that such external, metaphysical vindication is impossible.<sup>4</sup> But that does not land him in the skeptics' camp, because he denies that morality is in need of any such vindication.<sup>5</sup> Whether moral judgments are in order, correct, true, legitimate, or justified is entirely a matter of first-order moralizing. There is no way to distinguish questions of morality's content from questions about its metaphysical status; all allegedly second-order questions are really first-order ones. Indeed, if I read him rightly, first-order moral judgments are the only judgments about morality that exist. We cannot occupy an external perspective that is suited to assessing morality's fitness, for there is no such perspective.

This is a very important claim with far-reaching implications for ethical theory. I am not yet persuaded of its truth, and would like to explore the relevant issues in the context of reconstructing and assessing Dworkin's reasoning on behalf of two claims:

- (1) There are no second-order, external metaphysical questions to raise about the status of moral judgments; therefore
- (2) External skeptical efforts to undermine moral and ethical thinking all fail.

I will focus on question (1) in the next section, and then devote the remainder of the paper to a variety of issues that arise when considering question (2).

## I. SECOND-ORDER QUESTIONS

Early in his book, Dworkin tells us that "there are no sensible independent, second-order, metaphysical questions or truths about value."<sup>6</sup> This is quite a radical claim, for it seems that we can easily imagine taking such an external perspective when it comes to other bodies of thought. We are not doing

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<sup>3</sup> Ronald Dworkin, *Objectivity and Truth: You'd Better Believe It*, 25 PHIL. & PUB. AFF. 87 (1996).

<sup>4</sup> DWORKIN, *supra* note 1 (manuscript at 20).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* (manuscript at 9).

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mathematics when we ask about the ontology of numbers. We can stand apart from theological disputes and still query the basic assumptions of religious doctrine. We can leave our grammar books aside and still ask about whether grammatical facility is innate. In these and many other cases, we are able to ask about the status of a discipline's claims without affirming any substantive views within the area. Why is this impossible when it comes to morality? What is so special about morality that it is immune from second-order doubts or confirmation?

As far as I can tell, Dworkin offers two distinct answers to this question. The first relies on Hume's principle. The thought here is that we cannot derive an ought from an is, and if that is so, then we cannot undermine any moral claim, much less the entire class of them, solely by means of descriptive or factual claims – including those of metaphysics. In a nutshell: moral claims cannot be challenged or vindicated solely by means of factual, nonmoral claims; metaphysical claims are factual, nonmoral claims; therefore, moral claims cannot be challenged or vindicated solely by metaphysical claims.

I take up this line of reply in Part II, so let us now turn our attention to Dworkin's second response. Dworkin writes that the question – “what in the world can make a moral judgment true? – can only be understood as *itself* a moral question. . . . There is no independent, metaphysical question to be answered.”<sup>7</sup> On this line, putatively external questions about the status of the claims within a domain are always questions about whether specific claims are true. And in order to determine whether a particular moral claim is true, we need to moralize – we need to get our hands dirty and puzzle things out from within a moral perspective. We cannot figure out, for example, whether abortion is morally permissible or whether military action is immoral, from a standpoint that is wholly free of moral assumptions.<sup>8</sup>

I agree with this last thought, but I doubt that it will do what is needed to vindicate Dworkin's anti-metaphysical outlook. To see why, let us take note of some distinctions that are often elided in discussions of moral truth. Imagine someone asking an apparently straightforward moral question: “What makes it true that torture is immoral?” There are at least three levels of “depth” at which this question can be asked and answered. (Talk of “depth” here is metaphorical, but I hope my meaning will become clear enough.) At the first level, we ask for the identity of the features that make torture immoral – features such as its painfulness, its coercive aspect, its unreliability, etc. Answers at this level must reflect substantive moral commitments.

We can go deeper. We can ask, at a second level, whether there is some unifying moral theory that explains why these features are what makes torture immoral. Those who are so inclined will invoke some version of utilitarianism, contractarianism, Kantianism, etc., to answer such questions. The reason that painfulness, coercion, and unreliability undermine the morality

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<sup>7</sup> *Id.* (manuscript at 20).

<sup>8</sup> *Id.* (manuscript at 19).

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of torture is because in this context, such things constitute suboptimal outcomes, or would be forbidden by rules that cannot be reasonably rejected, etc. We are still in the realm of substantive moral commitment.

But at a third level of depth, we can ask this: What makes it the case that actions have the moral features they do just because (insert your favorite moral theory here) says they do? Is the correct moral theory – whatever it happens to be – correct in virtue of having been endorsed from some ideal standpoint? Is it true because it is located within a network of beliefs in wide reflective equilibrium? Is its truth a brute fact about the arrangement of the world? Is it true because it captures the implications of the necessary features of rational agency? Or is it none of these, but rather the expression of a deep practical commitment to adhere to its edicts? All of these questions are metaphysical ones. I do not see any hidden first-order commitments lurking within such questions, or within the answers that we might give to them. These are questions about the status of moral claims and moral theories, raised from a perspective that does not require any first-order moral commitments.

When Dworkin speaks of truth in ethics or morality, he always focuses on the truth of specific claims.<sup>9</sup> When we want to register our belief in one moral claim rather than another, and back it up with reasons, we cannot help but enmesh ourselves in substantive moralizing. But if we instead want to express a belief or raise a doubt about all moral claims as a class, it is not yet clear why we are either unable to do this, or able to do it only via other first-order claims.

Indeed, there seem to be various examples of second-order questions that are neither themselves covert first-order ones, nor such that answering them requires any substantive moral commitments of us. For your consideration:

- (A) Are moral standards eternally true?
- (B) Are value judgments intrinsically and necessarily motivating?
- (C) Do moral requirements entail categorical reasons for action?
- (D) What is the nature of a moral property?
- (E) What is the modal status of the supervenience relation that obtains between moral and nonmoral features?
- (F) Why think that a belief's having emerged from equilibrium epistemology is any evidence of its truth?
- (G) Physical laws are true generalizations of the nature and workings of physical objects and forces. Moral laws are not like this. What, then, makes all true moral laws true?

These appear to be sensible questions. Asking them does not seem to commit us to any specific substantive moral judgments – or to any such judgments at all. Further, it seems that answers to these questions do not require any such commitments of us, either.

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<sup>9</sup> *Id.* (manuscript at 19, 21-22, 24, 39, 43, 45-48, 50).

One reason for trusting appearances here is that these questions appear to be conceptual ones. And if they are, then it would be surprising indeed if their answers required any substantive commitments of us. It is true that Dworkin never defines what he means by a substantive, first-order claim, and his second mention of the notion is given in scare quotes, which implies that he has some reservations about the distinction between first- and second-order claims.<sup>10</sup> Yet he never otherwise distances himself from this distinction and proceeds to offer a battery of arguments that rely on there being an important difference between first- and second-order moral questions.<sup>11</sup> In any event, no matter how we distinguish the orders, the questions listed above as (A)-(G) appear to be second-order questions, and appear to require conceptual rather than substantive replies. It might be that the appearances are all mistaken here. But we would need an excellent reason for thinking so.

Perhaps the best reason is given by arguments that rely on Hume's law.<sup>12</sup> Dworkin presents a variety of these arguments, always as a way of deflating the aspirations of one or another form of external skepticism.<sup>13</sup> Let us consider these arguments directly and see how plausible they are.

## II. EXTERNAL SKEPTICISM AND HUME'S PRINCIPLE

[S]ome moral philosophers have thought that some scientific discoveries – about diversity in moral opinion and about the efficacy of moral convictions as motivation, for instance – prove that no moral claim can be true or false. But they are wrong: no theory about the best answer to any of these factual questions entails that moral judgments can or cannot be true. To think otherwise is to violate Hume's principle.<sup>14</sup>

As Dworkin understands Hume's principle, it stands for the idea that no evaluative conclusion can follow directly from exclusively nonevaluative premises. (I use "evaluative" here to range over the moral, the ethical, the deontic, and the straightforwardly evaluative.) If that is so, then it also makes sense to think that no wholly factual claims can undermine morality, either. And this creates a dilemma for external skeptics. Either they surreptitiously incorporate evaluative claims in arguing against evaluative facts – in which case their view is self-defeating – or they do not, in which case their view violates Hume's law and so is false. Indeed, Dworkin succinctly tells us that "Hume's principle defeats all forms of external skepticism about value."<sup>15</sup> If Dworkin is right, then external skepticism is either incoherent or false.

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<sup>10</sup> *Id.* (manuscript at 21).

<sup>11</sup> *Id.* (manuscript at 42).

<sup>12</sup> DAVID HUME, A TREATISE OF HUMAN NATURE, bk. 3, pt. 1, § 1, at 469 (L.A. Selby-Bigge ed., Oxford Univ. Press 2d ed. 1978) (1740).

<sup>13</sup> See DWORKIN, *supra* note 1 (manuscript at 19).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* (manuscript at 26).

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I am not a fan of external skepticism myself, but I do not think that the challenges it poses can be dismissed so easily. These challenges rely on such nonevaluative facts as those that deal with the diversity of moral opinion, the alleged absence of moral causation, and the motivating power of moral conviction. Let us proceed on the assumption that such facts really are nonevaluative. In that case, the relevant worry is supposed to be that the arguments relying on these facts violate Hume's law. We can express this worry by means of the following argument:

*The Argument from Hume's Principle*

- (1) Nonevaluative claims, by themselves, are unable to vindicate any moral claim.
- (2) If nonevaluative claims, by themselves, are unable to vindicate any moral claim, then they are unable, by themselves, to undermine any moral claim.
- (3) Therefore, nonevaluative claims, by themselves, are unable to undermine any moral claim.
- (4) If nonevaluative claims, by themselves, are unable to undermine any moral claim, then all forms of external skepticism are false.
- (5) Therefore, all forms of external skepticism are false.

Premise (1) expresses Hume's principle. On its behalf, Dworkin tells us that [t]he justification of some aspect of moral practice is a very different matter from a biological or social scientific account of its genesis. We can only justify a moral conviction or practice by making a moral case in its favor: someone who claims that abortion is morally wrong can only justify his opinion by providing reasons why abortion is morally wrong.<sup>16</sup>

I think that the ideas conveyed in this quote are correct. But the quoted passage presupposes the truth of Hume's principle, rather than providing an argument for it. And when we look for support in Dworkin's text, there is none to be found. The principle is assumed to be true, rather than argued for.

That is hardly a decisive flaw – most people, myself included, believe that Hume's principle is true. Further, it seemed to Hume, and to most others, to be a kind of basic principle, almost an axiom. If that is the status of Hume's principle, then we should not be surprised if we are hard put to find an argument for it.

But its broad appeal is no guarantee of its truth, and without an argument for it, Dworkin's own argument is doubly vulnerable. He proposes to do away with error skepticism by claiming that it is inconsistent with Hume's principle.<sup>17</sup> But that can dispatch such skepticism only if the inconsistency is

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<sup>16</sup> *Id.* (manuscript at 19).

<sup>17</sup> *Id.* (manuscript at 26, 43).

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really there (we will consider this later), and only if Hume's principle is true – we cannot just assume that it is true in this context without begging a question.

Premise (2) of this argument also receives no defense. It does not follow logically from Hume's principle. The best explanation of why a certain kind of consideration is unable to support or undermine another kind of claim is that the former is entirely irrelevant to the latter. But again, this is just what needs showing in the present case. We cannot assume that metaphysics is irrelevant to morality – that is what Dworkin is trying to show.

Do not get me wrong – I agree with Dworkin when he writes that

there is only one way we can “earn” the right to think that some moral judgment is true and this has nothing to do with physics or metaphysics. If I want to earn the right to think or say that abortion is wrong even to save a woman's life, then I have to offer substantive reasons why we should accept that very strong opinion.<sup>18</sup>

But this is not enough to show that moral claims are entirely immune from being undercut by nonmoral ones. Premise (1) does not entail premise (2).

Indeed, there is some reason to doubt premise (2). Imagine a simple example in which a fact is unable to cement a positive verdict but is able to undermine it. A bank was robbed yesterday. My legal guilt cannot be established by citing a fact about my location. Even if I was at the bank during the time at which the crime was committed, that is not enough to show that I am the guilty party. But suppose I was not at the bank when the crime was committed. That fact undermines the claim that I am the guilty party. Facts about my location are not sufficient to vindicate an assignment of legal guilt, though they are sometimes sufficient to undermine such claims. Whether you find this a plausible example or not, the basic point remains: We need some defense of this second premise, and until we have it, we can have no warranted confidence in the argument's conclusion.

Let me say one more thing about this argument before moving on. We need to be very clear about its notions of vindication and undermining. Hume's principle is one about *deduction* – he tells us that we cannot deduce an *ought* from an *is*.<sup>19</sup> Dworkin does not talk of entailment and deduction. Instead, in a typical passage, he writes that “Hume's principle denies that we can draw *any* conclusions about the character and extent of moral duties from purely factual information.”<sup>20</sup> But Hume did not deny that we could do this. For all he said, we are perfectly within our rights to draw moral conclusions from wholly factual premises – so long as we regard our reasoning as creating a balance of probabilities, rather than as guaranteeing the truth of the conclusion.<sup>21</sup>

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<sup>18</sup> *Id.* (manuscript at 9).

<sup>19</sup> HUME, *supra* note 12, at 469.

<sup>20</sup> DWORKIN, *supra* note 1 (manuscript at 43).

<sup>21</sup> HUME, *supra* note 12, at 457.

In a similar vein, Dworkin criticizes Mackie for having thought that a set of wholly factual considerations, such as those regarding widespread moral disagreement, “demonstrates that no positive moral claim could be true.”<sup>22</sup> This reading of Mackie understands him as someone who thought that he could deduce the failure of moral claims from wholly nonevaluative premises.

But Mackie did not argue this way.<sup>23</sup> Rather, he took the battery of reasons gathered under the rubric of the Queerness Argument, and the Argument from Relativity, and claimed that the best explanation of these was that there was a basic error that undermined all positive moral claims.<sup>24</sup> He did not violate Hume’s law, because his arguments were abductive, rather than deductive.

Hume never denied that factual claims could nondeductively support or cast doubt on evaluative ones. And that was wisdom on his part, since factual claims can indeed play such roles. Suppose I tell you that a certain killer had no remorse, that his victim was a small child who pled for his life, that the killer was motivated solely by a desire to see his victim suffer, that the killer had many opportunities to reconsider his plan, and that the child suffered greatly in dying. Though this combination of facts does not entail the wrongness of the killing, it certainly offers a great deal of support for such a verdict. Absent any further details of the case, we are justified in drawing the conclusion that what the killer did was immoral.

It is even easier to envision cases in which wholly factual claims are able to cast doubt on a moral claim, even if they do not entail its falsity. Excuses play this role, as do many justifications. That someone was literally compelled to do as she did will mitigate her guilt; that a convict was faced with a choice between remaining behind bars or fleeing for his life because of a prison fire can go a long way to undermining a charge of immoral escape.

Whether Dworkin is faithful to Hume’s or Mackie’s views is a relatively small point. What is much more important is that the difference between entailment and weaker forms of support reveals a serious vulnerability in Dworkin’s master argument against external skepticism:

*The Master Argument Against External Skepticism*

- (1) If Hume’s principle is true, then all forms of external skepticism are false.
- (2) Hume’s principle is true.
- (3) Therefore, all forms of external skepticism are false.

We can now see that premise (1) is implausible. The inability to deduce a moral claim from factual ones is compatible with the truth of any number of external moral skepticisms. Two reasons explain this. First, skeptics’ conclusions need not be moral claims themselves, but rather second-order

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<sup>22</sup> DWORKIN, *supra* note 1 (manuscript at 43).

<sup>23</sup> See J.L. MACKIE, *ETHICS: INVENTING RIGHT AND WRONG* 15-35, 48-49 (1977).

<sup>24</sup> *Id.* at 36-42, 48-49.



claims without substantive moral content. If that is so, then even if such skeptical arguments were deductive in nature, they would not violate Hume's principle. Second, even if their conclusions do amount to substantive moral claims, skeptics need not regard the arguments that substantiate them as demonstrative and deductively valid. Rather, they can, and indeed do, conceive of such arguments as creating a defeasible but solid case for skeptical conclusions that in principle can be overturned by further argument. Since Hume's principle applies only to deductive reasoning, it fails to engage with the contemporary dialectical efforts of moral skeptics.

Factual claims can nondeductively support or threaten moral claims, and that means that the arguments of the external skeptics cannot be dismissed in one fell swoop. If Hume's law is correct, then such arguments cannot prove that morality is a failure. But this should come as no surprise, since few of us doing metaethics any longer think that there can be a knock-down demonstration of morality's failure or success. What is needed, therefore, is a more piecemeal approach, in which we consider each of the skeptics' arguments separately. That they rely on wholly nonevaluative claims is not enough to defeat them. We must consider them one by one. Though none can demonstrate the failure of morality, they might, taken together, create a very strong case for morality's second-rate status.

### III. EXTERNAL SKEPTICISM: ERROR THEORETIC ARGUMENTS

Dworkin's discussions of error skepticism are lively and wide-reaching.<sup>25</sup> But I think that they can be improved in certain ways, and since I am on his side in this respect, I would really like to see these improvements incorporated to make the case against error skepticism yet more compelling. Some of the concerns are rather minor, but others involve omissions from the manuscript that would require a fair bit of work to sort out. Here are three points that seemed to me to merit more attention.

#### A. *Morons*

According to Dworkin, error theorists are committed to what he calls "the philosophical challenge"<sup>26</sup>:

(1) A proposition is true only if there is something in the world that makes it true, some state of affairs in which the truth of the proposition consists.<sup>27</sup>

And yet, as he sees it,

(2) There is nothing in the world that makes moral propositions true.

It follows that,

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<sup>25</sup> See DWORKIN, *supra* note 1 (manuscript at 21-25, 42-45).

<sup>26</sup> *Id.* (manuscript at 23).

<sup>27</sup> *Id.*

(3) There are no true moral propositions.

Since Dworkin rejects the conclusion, and accepts claim (2), he rejects claim (1). As I read him, he does so because he thinks that claim (1) commits us to the existence of morons – “special particles whose configuration makes it true, if it is true, that parents of young children should not divorce . . . . This is error skepticism. . . . It is external skepticism because it purports to rely only on value-neutral metaphysics: it relies only on the metaphysical claim that there are no morons.”<sup>28</sup>

It is not clear why claim (1) commits us to the existence of morons. After all, the concern about the causal efficacy of moral facts originated in Harman’s writings from the late 1970s and early 1980s.<sup>29</sup> Harman denies the existence of morons,<sup>30</sup> and yet is no error skeptic. He seeks to vindicate morality – he thinks that it is more or less in good shape, because, as he sees things, our ordinary moral commitments are best understood relativistically, and causal matters pose no threat to moral relativism.<sup>31</sup> Harman denies the existence of morons, but still rejects claim (2), because he thinks that facts about intentions and agreements – not about morons – make moral propositions true.<sup>32</sup>

Error skeptics need not deny the existence of morons. They cannot affirm their existence, to be sure. Rather, such skeptics can remain neutral about the matter, since they can offer a number of other arguments for their view that make no mention of causal matters or morons. I consider some of these in Section C, below.

#### B. *Characterizing Error Skepticism*

Dworkin distinguishes error skeptics from so-called status skeptics in the following way: Error skeptics think that all positive moral claims are false, whereas status skeptics think that all moral claims are neither true nor false.<sup>33</sup> I think that this characterization is problematic.

Of course, one can stipulate in matters of taxonomy any way one likes. But presumably, Dworkin is not trying to demarcate the territory in a wholly novel way, but is rather trying to respect fairly standard divisions. Interpreting him here is made more difficult by his reluctance to cite any but one or two representative theorists in each camp. In a work this wide-ranging, a desire to

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<sup>28</sup> *Id.*

<sup>29</sup> See, e.g., GILBERT HARMAN, *THE NATURE OF MORALITY* 9 (1977) (distinguishing the role of observational evidence in morality and science by recognizing that “there can be no explanatory chain between moral principles and particular observings in the way that there can be such a chain between scientific principles and particular observings. Conceived as an explanatory theory, morality, unlike science, seems to be cut off from observation”).

<sup>30</sup> See *id.* at 10.

<sup>31</sup> *Id.* at 131-32.

<sup>32</sup> *Id.*

<sup>33</sup> DWORKIN, *supra* note 1 (manuscript at 21).

avoid becoming enmeshed in exegetical work is understandable. Still, not attending to the actual arguments on offer in the literature can cause problems.

Here is one: Dworkin's distinction between error and status skeptics no longer tracks the divisions that contemporary exemplars bring to their work. Denying that moral judgments can be true or false was a central claim of noncognitivists. But major figures who have inherited their legacy – Simon Blackburn, Allan Gibbard, and Mark Timmons, for instance – all accept that moral claims can be true or false, with many counting as true.<sup>34</sup> They do not count as status skeptics on Dworkin's characterization – and yet, if they do not, who does?

The most important error theorist of the last decade – Richard Joyce – prefers to regard moral judgments as neither true nor false, rather than as false.<sup>35</sup> Further, Joyce does not rely on causal arguments to establish his case; the absence of morons plays no role in his efforts to establish the existence of a wholesale error at the heart of moral thought and discourse. Thus Joyce could agree with Dworkin's assertion that “[e]rror skepticism cannot sensibly claim that all moral judgments are false because if some moral judgments are false others must be true.”<sup>36</sup> And yet such agreement would hardly spell the end of error skepticism.

For moral error skeptics, the question of whether moral judgments are true, false, or neither is a secondary one – an answer to the question can be given only after we have settled on a view of what we moralists are committed to. *If* we are committed to morons, and they do not exist, *then* there is an error at the heart of morality. But that does not entail that all positive moral judgments are false. They might be neither true nor false – whether that is so depends on some sophisticated and difficult issues in the philosophy of language to do with presupposition failures.

I say: Manchester, the capital of Massachusetts, is smaller than Philadelphia. Or: The giant squid sitting next to you right now is a member of an endangered species. Are these claims false? Or neither true nor false? The question is of interest to a certain sort of philosopher, but the important point is that neither claim is fit for truth because of a failure of presupposition that each contains. Whether these claims are false, or just untrue, is not really of primary importance.

If error theorists follow Joyce and deny that moral judgments are true or false, then they can escape one of Dworkin's arguments against them:

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<sup>34</sup> BLACKBURN, *supra* note 2, at 220-21; GIBBARD, *supra* note 2, at 316-27; MARK TIMMONS, MORALITY WITHOUT FOUNDATIONS: A DEFENSE OF ETHICAL CONTEXTUALISM 5-7 (1999).

<sup>35</sup> RICHARD JOYCE, THE MYTH OF MORALITY 1-29 (2001).

<sup>36</sup> DWORKIN, *supra* note 1 (manuscript at 42).

*The Bivalence Argument*<sup>37</sup>

- (1) If error skepticism is true, then all positive moral judgments are false.
- (2) If all positive moral judgments are false, then all negative moral judgments are true.
- (3) Therefore, if error skepticism is true, then a large class of moral judgments is true.
- (4) If a large class of moral judgments is true, then error skepticism is false.
- (5) Therefore, if error skepticism is true, then it is false – it is self-referentially incoherent.

Error skeptics may deny premise (1), and say that the truth of error skepticism entails only that positive moral judgments are untrue, rather than false. They could also deny premise (2); in his discussion, Dworkin assumes but does not argue for the principle of bivalence,<sup>38</sup> a commitment that error theorists could reject. Either route would allow the error theorist a reply to the argument.

But there is an even stronger reply available to the error theorist, and that is to challenge premise (4). Dworkin argues that in rejecting all positive moral claims, the error theorist is still committed to the truth of many moral judgments – namely, all negative moral claims.<sup>39</sup> I have just tried to show that this is not so. But suppose that I have made a mistake about that. Still, that situation would leave the core of the moral error theory intact.

That is because the error theorist could argue that the heart of moralizing consists of a set of commitments to the existence of moral duties, moral virtues, and moral goodness – and that there are no such things. Skeptics can allow that some moral judgments – namely those that entail the absence of such things – are correct. But that does not touch the essence of their skepticism. The truth of negative moral judgments is compatible with the complete absence of any moral features in our lives. And it is this absence for which error skeptics argue. The truth of all negative moral judgments does not imply the falsity of the moral error theory. Therefore, premise (4) is false.

All versions of error skepticism have the same two-part form. First, there is the claim that some fundamental assumption underlies a particular practice, way of life, or mode of thought. Second, that assumption is said to be mistaken. The mistake is contagious; it infects the entire enterprise. To take a ready example: Many atheistic accounts of traditional religious thinking represent examples of error skepticism. On such diagnoses, religious thinking rests on a basic assumption (the existence of a perfect God) which is claimed

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<sup>37</sup> See *id.* (manuscript at 42-43).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* (manuscript at 43).

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to be false, and this error is thought by such atheists to undermine the truth of all positive religious claims. Suppose we accept Dworkin's assumption about bivalence, and say that if all positive claims in a domain are untrue, then all negative claims in that domain are true. In that case, the truth of all negative religious claims would *follow from* an error theory of religion, and so would not threaten that theory at all.

The same is true of moral error skepticism. The essence of any such theory is the attribution of a fatal error among the nonnegotiable elements of moral thinking. The nonnegotiable element may be the existence of morons; it may be the assumption of moral objectivity; perhaps it is the assignment of categorical reasons of obedience to moral requirements. Whatever it is, the central assumption is then said to be mistaken. Whether this sort of view is best combined with semantics that respects bivalence is an entirely separate matter. Moral skeptics qua error theorists are not committed to an answer to this question. Thus, distinguishing error and status skeptics by reference to their views of truth is a mistake. Furthermore, efforts to undermine error skepticism by appeal to its alleged semantic or alethic commitments are also bound to come up short.

### C. *The Missing Arguments*

Dworkin tells us that the failure of the causal dependence thesis ("CD") undermines all of the error theorist's arguments (or at least all of Mackie's arguments for the error theory).<sup>40</sup> The causal dependence thesis states that "if moral truth does not cause moral opinion then people can have no reliable or responsible grounds for those opinions."<sup>41</sup> In effect, Dworkin's master argument against error theorists looks like this:

- (1) Moral error theories are true only if CD is true.
- (2) CD is false.
- (3) Therefore, no moral error theory is true.

I found Dworkin's arguments against CD intriguing. Suppose they are all sound. Still, that hardly suffices to insulate morality from an error skeptic's critiques. That is because premise (1) of this master argument is false.

There can be a great many different versions of error skepticism. We can distinguish each version by the fundamental assumption that it assigns to morality and proceeds to critique. Not all such assumptions express or imply commitments to CD. Thus, even if Dworkin can show that CD is false, this is not enough to keep the error skeptics at bay.

Indeed, at least two of the most important arguments that Mackie and other error theorists have given for their view do not depend on CD. One of these arguments is focused on supervenience:

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<sup>40</sup> *Id.*

<sup>41</sup> *Id.* (manuscript at 31).

*The Supervenience Argument*<sup>42</sup>

- (1) If there is no credible explanation of how the moral features of things depend on nonmoral features, then, probably, there are no positive moral truths.
- (2) There is no such credible explanation.
- (3) Therefore, probably, there are no positive moral truths.

As Mackie asks:

What is the connection between the natural fact that an action is a piece of deliberate cruelty – say, causing pain just for fun – and the moral fact that it is wrong? It cannot be an entailment, a logical or semantic necessity. Yet it is not merely that the two features occur together. The wrongness must somehow be “consequential” or “supervenient”; it is wrong because it is a piece of deliberate cruelty. But just what *in the world* is signified by this “because”?<sup>43</sup>

There is the further, epistemological problem of how we might come to know that something is morally good or bad by virtue of its having various natural features. After a brief survey of possible relations that moral and nonmoral features may bear to one another, and views about how we might gain moral knowledge, Mackie claims that nothing on offer from objectivists about value is remotely convincing.<sup>44</sup> He concludes by saying that things would be far simpler were we to abandon belief in moral qualities altogether, and instead account for our moral views as being expressions of subjective responses to the natural aspects of things – basically, a process of gilding and staining a world that contains no moral features.<sup>45</sup>

There is much to say about matters of supervenience and the ways in which different kinds of supervenience may threaten morality. I won't say any of it here. The point is that doubts about moral supervenience represent a threat to morality, and one that does not depend on CD. Since that is so, Dworkin's rejection of error skepticism requires him to do more than successfully criticize CD. He also needs to confront the Supervenience Argument<sup>46</sup> and show why it is unsound.

Mackie's other argument, also independent of CD, is one about categorical reasons<sup>47</sup>:

*The Argument from Categorical Reasons*

- (1) There are objective values only if there are categorical reasons.

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<sup>42</sup> See MACKIE, *supra* note 23, at 41.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 35.

<sup>45</sup> *Id.* at 48-49, 199-200.

<sup>46</sup> See *supra* text accompanying notes 42-43.

<sup>47</sup> MACKIE, *supra* note 23, at 29.

- (2) There are no categorical reasons.
- (3) Therefore, there are no objective values.

Categorical reasons are those that exist independently of their instrumental connection to an agent's desires, intentions, or goals. Joyce, following Mackie, believes that a commitment to such reasons plays an essential role in ordinary moralizing.<sup>48</sup> On this line, if we regard a duty or obligation as wholly optional, as not supplying or entailing a reason of obedience, then that shows that the requirement is not a moral one.

Again, I will say nothing at all about the merits of this argument. My point is simply that no assessment of moral error theory can be complete without engaging with this argument – especially as it is, on a plausible reading of Mackie, one of his central arguments against objective values,<sup>49</sup> and without doubt the centerpiece of Joyce's own moral error theory. Further, neither Mackie's nor Joyce's reservations about categorical reasons depend in any way on CD. Dworkin will have to expand his brief against the error skeptics, and consider arguments that have nothing to do with causal influence or dependence, if he is to convince us that error skepticism can be defeated.

#### IV. EXTERNAL STATUS SKEPTICISM

There is much to say about status skepticism and little time to say it, so I will concentrate on only two things. First, there is Dworkin's insistence that any criticism of morality's status must be registered as a first-order moral claim, and so status skepticism is either self-referentially incoherent, or is a covert form of internal skepticism.<sup>50</sup> Second, I would like to consider briefly an internalist argument about moral motivation that has played a central role in defenses of status skepticism. Dworkin himself devotes a bit of attention to this argument,<sup>51</sup> but to my mind does not adequately appreciate how potentially threatening it is.

On the first point: I doubt that criticisms of morality's status must be expressed as a substantive moral judgment. I have given some reasons for doubt in Part I. For now, consider the person who gives vent to sincere moral utterances but who denies that everyone possessed of all nonmoral facts and flawless instrumental reasoning would inevitably agree with her. Suppose that this person believes, by contrast, that such ideal observers would eventually come to agree about all physical and mathematical claims, and that such consensus is the mark of objective truth.

This does not seem to be an incoherent view. And it does seem to be a kind of status skepticism – morality, as compared to other domains of thought, is second-rate, for its claims are not objectively true (on this criterion of objective

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<sup>48</sup> JOYCE, *supra* note 35, at 35-39.

<sup>49</sup> See MACKIE, *supra* note 23, at 29.

<sup>50</sup> DWORKIN, *supra* note 1 (manuscript at 45).

<sup>51</sup> *Id.* (manuscript at 51-52).

truth). But this does not reduce to an error theory, since such a person need not think that there is any fundamental assumption within moral thought that is mistaken. Further, the lack of consensus among ideal observers does not indicate a presupposition failure, for (on this line) morality is primarily practically oriented, rather than aimed at successfully representing the way things are. Morality does what it is needed to do – express our practical commitments and smoothly coordinate our actions to good effect. And yet when engaged in moral deliberation or conversation, the utterances we emphatically express cannot be correct in a way that remotely approaches correct assertions in other domains. So the status of morality, in this important regard, is second-rate.

In rendering such a comparative judgment, this status skeptic is not making a first-order claim to the effect that actions are right because they reflect personal taste. Nor is she committed to the thought that moral claims would be correct in virtue of having been endorsed by ideal observers. (She can regard their endorsement as a criterion only – a *ratio cognoscendi*, rather than a *ratio essendi*.) Further, the view that claims are objectively correct only if endorsed by all ideal judges is not a moral one – it is meant to apply to all domains of discourse, and the relevant idealization it refers to (being fully nonmorally informed and perfectly instrumentally rational) does not presuppose the correctness of any substantive moral judgments. So we seem to have a skeptical view that is not an error theory, is not internally incoherent, and is not surreptitiously employing substantive moral claims. Status skepticism appears to remain a live option.

The second point has to do with a classic argument about moral motivation. The argument is a variation on one that Mackie gives,<sup>52</sup> and that Dworkin quickly dismisses in his discussion of external error theory.<sup>53</sup> He is right to give it short shrift in that context, since the argument is not an error-theoretic one, but rather a classic from the noncognitivist canon. Here it is:

*The Argument from Judgment Internalism*

- (1) Necessarily, sincere moral judgments motivate all by themselves (judgment internalism).
- (2) No representational state motivates all by itself.
- (3) Therefore, moral judgments are not representational states.
- (4) If a judgment is not a representational state, then it is neither true nor false.
- (5) Therefore, no moral judgment is either true or false.

The conclusion certainly appears to represent a form of skepticism. But it does not constitute or entail any form of error skepticism, since no element of

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<sup>52</sup> See MACKIE, *supra* note 23, at 38.

<sup>53</sup> DWORKIN, *supra* note 1 (manuscript at 51-52).



the argument assigns any kind of presupposition failure to ordinary moral thinking. Further, none of the premises of this argument is a substantive, first-order moral judgment. So the resulting skepticism is not a form of internal skepticism. Rather, the conclusion is naturally at home within external status skepticism. For if the conclusion is correct, then when we compare the status of moral claims to ordinary factual ones, only the latter can be true. It seems that what we have here is a coherent form of external status skepticism.

Dworkin may reply that the conclusion of this argument is itself a substantive moral judgment, so any skepticism that relies on it must be a form of internal skepticism.<sup>54</sup> I do not think that the conclusion is a substantive moral claim – rather, it is a claim *about* the entire class of moral judgments. After all, we can rightly say that questions are neither true nor false, without thereby making a substantive interrogative utterance. In the same way, we are able to assert something about the truth-aptness of the entire class of moral judgments without substantively committing ourselves on moral matters.

Suppose I am wrong about that, and that the conclusion of this argument is indeed a substantive moral claim. This would still leave Dworkin in a tight spot. For it would yield the following dilemma for his view:

Either

(a) the argument's conclusion is a substantive moral judgment, in which case Hume's law is violated (since no substantive moral judgments appear in the premises);

or

(b) the argument's conclusion is not a substantive moral judgment, in which case we have a skeptical claim about the status of moral judgments that expresses an external perspective on morality.

If Dworkin opts for claim (a), then all of his arguments that rely on Hume's law are directly undermined. For even if the Argument from Judgment Internalism<sup>55</sup> were unsound, it would still be valid – and so an evaluative conclusion would be deducible from wholly nonevaluative premises. That would be enough to scuttle Hume's principle, and any argument that relies on it.

If Dworkin instead opts for claim (b), then he must admit the coherence of external status skepticism. And if he does, then he must devote more time trying to dismantle the specific arguments that such skeptics give, rather than settling for a general master argument that tries in one fell swoop to undermine all such skepticisms.

#### CONCLUSION

If I am right, then we need not bid adieu to metaethics quite so soon. There are still viable second-order questions to ask about moral and ethical thought.

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<sup>54</sup> See *id.* (manuscript at 52).

<sup>55</sup> See *supra* text accompanying notes 52-54.

An external perspective on morality is a coherent one, and this means that there is still room for efforts that try to vindicate its status, as well as those that seek to demote it in various ways. The skeptical outlook on morality – whether expressed via an error theory, or by some version of status skepticism – cannot be dismissed as quickly as Dworkin and many of the rest of us would like. That is not necessarily disappointing, for it provides Dworkin an incentive to develop his criticisms of external skepticism in ever greater depth and detail. That is a very welcome and exciting prospect.