



Deposited via The University of Sheffield.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/93169/>

Version: Accepted Version

Article:

Lenman, J.W. (2013) Ethics without Errors. *Ratio*, 26 (4). 391 - 409 . ISSN: 0034-0006

<https://doi.org/10.1111/rati.12029>

This is the peer reviewed version of the following article: Lenman, J. (2013), Ethics Without Errors. *Ratio*, 26: 391–409., which has been published in final form at <http://dx.doi.org/10.1111/rati.12029>. This article may be used for non-commercial purposes in accordance with Wiley Terms and Conditions for Self-Archiving (<http://olabout.wiley.com/WileyCDA/Section/id-820227.html>).

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.

ETHICS WITHOUT ERRORS

James Lenman

NOTE: This is my version of a paper published in *Ratio* 26, 2013, pp. 391-409. Please always refer to the version published there if citing or quoting.

ABSTRACT: I argue against the claim that we should adopt a moral error theory. The intelligibility of our moral practice need offer no questionable metaphysical hostages to fortune. The two most credible policy recommendations that might follow from moral error theory, abolitionism and prescriptive fictionalism, are not very credible.¹

1.

Was it morally wrong for my country, along with others, to invade Iraq in 2003? More generally, when is it morally wrong to go to war? Is anything it would be appropriate to describe as terrorism ever morally acceptable? More generally still, in what circumstances is it morally acceptable for people to kill or attempt to kill other people? Should we ever consider it morally permissible or even perhaps morally compulsory to kill a person for that person's own good, to ease their pain perhaps? Is this a moral possibility even in some circumstances where the person does not consent to being killed? Should it cause us moral concern that some are rich and others are poor? If I am rich and you are poor is it morally wrong for me not to give you some of my wealth? Is it ever morally OK for others, governments perhaps, to compel me to do so? What forms of discrimination on grounds of race or sex are morally acceptable? In what circumstances, might we have moral reasons to think the punishment given to a wrongdoer is too harsh? Or too lenient? Is monogamy morally preferable to other conjugal arrangements or is that just a conservative moral prejudice? Is it morally wrong to fantasize about performing acts such as rape that it would certainly be morally wrong to perform? Is it morally wrong for pornography to facilitate such fantasies by explicit simulations of such actions. Is every kind of pornography morally wrong?

It would be simple enough if moral questions such as these were straightforwardly empirical questions but they do not seem to be. Of course empirical questions about the natural world and moral questions are highly mutually entangled. In complex and numerous ways empirical questions are very relevant to moral questions. Does the prevalence of pornography have harmful social effects? How effective at controlling crime are highly punitive systems of criminal law? What is a given military intervention likely to achieve? Such questions of relevance are themselves often thick with ethical presupposition. For a pure retributivist, questions about the deterrent effects of harsh punishments may be neither here nor there. If we are persuaded that the right to discontinue a pregnancy is closely analogous in its grounds to the right to sever an uninvited bodily connection with a famous violinist, it would not be very relevant to the issue of abortion rights how different a foetus at various stages in its development is to a famous violinist. On other understandings of

¹ Some of the material in this paper comes from an inaugural lecture, "Making Ethics Intelligible" that I gave in Sheffield on 13th May 2009. I have read earlier versions of the former to the Philosophy Department at Lancaster University in February 2012; to the Ratio Conference workshop on Irrealism in Ethics in April 2012; to the Normativity of Law Research Group at the University of York in July, 2012. and to participants in a work in progress discussion group at Sheffield in May 2013. I am grateful to everyone who contributed to these discussions and also to Bart Streumer for his helpful comments.

these issues, the latter may matter a great deal. Someone who conducts lethal experiments on rabbits might seek to defend what she does by appealing to the benefits that arise from the ensuing gains in medical knowledge. If someone who does this on unwilling human subjects and seeks to justify their conduct in a similar way, most of us will think that, even in attempting this, he is misunderstanding the gravity of what he is doing.

I certainly think this. You might disagree. And it is very hard to see how we might, say, design an experiment that would determine which of us was right. At a higher level of theoretical generality, it is to a great extent, an empirical question what makes for human happiness or wellbeing but it's not at all obviously an empirical question whether happiness and wellbeing are, in the last analysis, all that matters, morally speaking (as many people have contended as and many others have denied.) (Cf. Lenman (2013))

If moral questions are not, or not simply, empirical questions about the natural world, an obvious next thought is to wonder if perhaps they are questions about some other domain of reality outside the natural world, perhaps a theological one. It's rather questionable of course that reality has any such domain. But perhaps it is a matter of some moral urgency that we should believe it does. In debates about theism we often encounter the thought that we need God to somehow shore morality up with the authority he alone is able to invest in it. If God is dead, we are invited to fear, everything is permitted. And the thought is usually presented precisely as something *to be feared*, something threatening, not as something liberating and welcome. If God is dead, everything is permitted. *And that would be just awful*. Sometimes indeed this is presented as an argument for the retention of religious belief: we should continue to believe in God to avert the catastrophe of making nonsense of ethics that would follow from disbelief.

Of course this is not a good argument. The standard response is the so-called Euthyphro Dilemma. Does God, the Dilemma asks us, issue the moral commands he does for some good reasons? If not, his commands seem simply arbitrary. If so, then it is surely those reasons, and not his commands, that provide the fundamental source of the authority of moral norms. Here's a different way to come at essentially the same thought. Just why, it is illuminating to ask, would it be a catastrophe if all the moral constraints and demands we take to apply to us were to be undermined in this way, just why would *the loss of morality count as a real loss*? If there is some reason to think it would, it is either a reason that is independent of the truth of theism or it is not. If the reason to think losing morality would be catastrophic is a reason independent of the truth of theism, then we surely don't need theism to avoid catastrophe. For any consideration that provided us with a reason to think the discrediting of moral norms would be a catastrophe is likely also to provide us with a reason to value, respect and retain these very norms. Whereas if the only reason we had to think losing morality would be catastrophic itself derived from the importance God's will has bestowed on it, any argument for theism that appealed to that importance would simply beg the question. Not only would God's demise mean that what would otherwise be forbidden was suddenly permitted, it would also mean that what would otherwise be a catastrophe was in fact no catastrophe at all.

This sort of thing is always happening. We are presented with some metaphysical proposition P and we are told that if P is false morality would be made a nonsense and that would be just terrible. So we really must believe P is true. P might be – and often is – the truth of theism or it might be – and often is – some extravagant proposition about the metaphysics of free will. The question we need to ask here is

why it would be terrible if we made nonsense of ethics. For I agree that it *would* be terrible to make nonsense of ethics but I think that getting clear *why* it would be terrible is exactly what we need to do to make *sense* of ethics. And when we do this we often discover that we have really no need of P to make all the sense as we need. For, after all, the thought that losing ethics would be a terrible thing is *already* an ethical thought. The argument that only belief in P sustains ethics and so we had better believe it is thus always suspect.

Ethics is often situated outside the domain of the natural but in ways that make no reference to theology. Here the big picture of moral philosophy takes on a shape that is a commonplace of contemporary philosophy. Some central element of our thought such as ethical values, numbers or thoughts can start to look philosophically problematic. How on earth, people have wondered, could the natural world, the empirical world studied by science possibly incorporate, for example, numbers? If we are to believe physicists, the stuff that comprises the natural world is made out of atoms but abstract things like numbers surely cannot be made out of atoms. They just don't look like they fit as part of the natural world. And likewise, it is sometimes argued, with conscious thought and with ethics. So we get a bunch of people, dualists about the mind, Platonists about numbers, nonnaturalists about ethics who say, OK, these things are not part of the natural empirical world but the natural empirical world is not all there is. There's another domain, the domain of numbers perhaps, or the domain of ethical truth, that is not part of the natural order of causally interacting physical things, but somehow separate from it. Then there are other people who say, no this sort of nonnaturalist view is just incredible; after all, if truths about, say, numbers or ethical values really were so divorced from the natural world at which our empirical experience is directed, then it starts to look very mysterious how we know about them, how we can speak about them and indeed why we should care about them. So some persevere in trying to find something in the natural world with which to identify such truths. Others still explore anti-realist possibilities, some of which may simply reject the domain of discourse in question, while others may seek deflationary understandings of it that render it metaphysically innocuous.

Is there a domain of nonnatural ethical facts? One good objection to nonnaturalism is that it makes it so hard to understand how we could ever know. But perhaps there is. Or perhaps there is not. I don't much care. And nor should you. Suppose you believed there were sentences written on the sky that said, *Don't kill*, *Don't steal*, etc.. Then you might think the prohibition of these things drew its authority from the presence of these sentences. But you'd be wrong. After all, suppose we discovered there were sentences written in the sky that said the opposite of these things. *Do kill*, *Do steal*, etc. would we then think it was OK or indeed desirable to do these things. No, we would (at least if we had any sense) think, how odd, there appear to be some rather obnoxious and stupid sentences written in the sky and we would take no further notice of them.

Consider those facts the relating of which comprises the historical narrative of the Nazi Holocaust. And imagine, or try to imagine, a world in which these very same things occur exactly as they did in ours: the planning, the preparation, the pain, the suffering, the killing, all that and everything else exactly as it actually unfolded. Only imagine, please, one tiny difference. In our world it is a nonnatural fact that those who planned and executed all this did something wrong. In this world it is not. In this world the nonnatural facts are somehow inverted. Planning and executing all this morally permissible, perhaps even morally admirable. You can try conceiving of this but I do not think you will succeed. Nothing about any supposed nonnatural moral

facts could conceivably subtract from the wickedness of the Holocaust and no less plausibly nothing about such facts could contribute to it either. That's why I don't really care about nonnatural moral facts and why I don't buy into the idea that morality has anything to do with them.

Say this and once again the pessimistic alarm bell is sounded. Morality only makes sense, we are sometimes told, if we accept that these nonnatural facts obtain. Give up on them and we give up on morality itself and that would be awful. And again I think we need to be told what we be so awful about it. Perhaps it would be awful because we have some *reason to value* morality, reasons having nothing to do with all this hocus-pocus about nonnatural facts. And if we have such a reason, morality is not threatened by giving up the hocus-pocus. So again we should not be troubled by the pessimistic alarm bell. (Cf. Lenman (2009))

2

Now here is a thought. Perhaps the pessimistic alarm bell is not so pessimistic. Perhaps the loss of morality would not be a loss at all but a liberation. For perhaps morality is not just metaphysically suspect. Perhaps it is also a bit rubbish. Rubbish we would be better off without. Many people baulk at this proposal. Nonetheless the fact remains that others have sought to place the abolition of morality in a more attractive light. Prominent recent so-called moral abolitionists include Ian Hinckfuss (1987), Richard Garner (1994) and Joel Marks (2013). We can go a long way in sympathizing with much of what such writers say. Morality, after all, is what makes us, all too often, priggish, sanctimonious, censorious, prudish, punitive, pompous, mean-spirited, fanatical and cruel. The sort of pious and censorious professional busybodies Burns called the "Unco Guid" are not particularly nice people. ("Oh ye wha are sae guid yourself,/Sae pious and sae holy,/Ye've nought to do but mark and tell/Your Neebours fauts and folly!...") Indeed the sort of people Russell in a splendid essay of that title called "Nice People" are often not very nice people ("The essence of nice people is that they hate life as manifested in tendencies to cooperation, in the boisterousness of children, and above all in sex, with the thought of which they are obsessed.")². We have all met our fair share of pursed lipped prigs and professional offence-takers, people whose favourite emotion is moral outrage, travelling through life looking for things of which to disapprove. Such people plausibly do much harm. Indeed as Roy Baumeister vividly documents in his book *Evil: Inside Human Cruelty and Violence* (1997, esp. chapter 6), while a fair share of human evildoing has its roots in sadism or, unscrupulous greed, an awful lot of it originates in moral idealism. The relatively small-time evildoing of the Gordon Gekkos and Hannibal Lecters of this world can seem rather modest when compared to the havoc that results from the moral zealotry of a Maximilien Robespierre or an Osama Bin Laden, of history's moral fanatics, the people who gave us the Inquisition, the Terror, the Cultural Revolution, the Gulag, the Killing Fields, the Red Army Faction and the Taliban. Vicious people can sometimes be a little scary, for sure, but it is the virtuous who should really scare the crap out of us.

The trouble is of course that when someone condemns morality for making us priggish, sanctimonious, censorious, prudish, punitive, pompous, mean-spirited, fanatical and cruel she is engaged in a familiar activity with a familiar name. She is *moralizing*. It makes sense to dislike these things and it makes sense to recognize that they can all at least wear the front of morality and that vile things are done in the

² Russell (1957). The quoted sentence is from the closing paragraph.

name of moral ideals. But that is not a good objection to morality any more than the existence of bad music is a good reason to dislike music or the fact that sexual desire can lead people to do dreadful things is a good reason to view human sexuality quote generally with fear or disapproval. Rather it is an objection to bad morals and to the stupid, twisted and pathological forms that moral motivation, like any kind of motivation, can sometimes take. It may sometimes favour reform but it hardly favours abolition. This is particularly clear when we think of those aspects of our moral thinking and practice that most often trouble the liberal-minded, the often very punitive ways in which we deal with moral transgression, the whole, often rather horrible, conceptual apparatus of guilt, blame and desert, of the more negative reactive attitudes and the retributive behaviours that come in their wake. There is much to criticize here but it is a critique that makes most sense when presented, as it often is³, as a critique from within morality, not as a repudiation of morality itself.

A few years ago, I listened to a radio debate⁴ in which Mark Oaten, one time Libdem frontbencher, boldly and controversially announced that he would defend the bold and controversial proposition that we should abolish prisons, a proposition so bold and controversial, he told us, that it was only since leaving the front benches that he felt able to advance it at all. Prisons, he told us, should be abolished and replaced with a new range of tools for dealing with criminality more suited to the twenty-first century. But any inclination one may have had to be impressed at the bold and controversial character of it all rather evaporated when it became clear that this new range of tools would include special buildings with locks on the doors and guards where people with a history of criminal behaviour would spend periods of involuntary confinement. But they would not be prisons, certainly not, *detention centres* please. In like ways, the moral abolitionist is surely either not thinking clearly or having us on. Perhaps I do the abolitionist too little credit. Perhaps he means it. But what would meaning it involve? There are many vexed and controversial moral questions. I began by listing some. But there are many that are not controversial. How willing would you be to agree to live in a society where murder was simply OK? How willing would you be to agree to live in a society where any appeal in any context to considerations of fairness and justice was simply not recognized as carrying any kind of rational force? Some people might be willing to agree to all these things and people like that might be serious moral abolitionists. But I'm not willing to accept these things. And neither are you.

Neither in fact are actual philosophical so-called abolitionists, at least those I have mentioned, who tend in practice to be very much the sort of people we would all welcome as next-door neighbours. Thus Garner and Marks repudiate *morality* but not what they call *ethics* and Garner in particular, who has defended what he calls *amoralism* at the greatest length, defends what is in effect a virtue-focused ethics that emphasizes and commends the cultivation harmony, honesty, compassion and respect for the natural world. I don't myself find it helpful to call this *amoralism* at all. But to the extent that all that is proposed is to throw out a certain amount of metaphysical baggage, along perhaps with certain aspects of our moral thought that might not bear moral scrutiny, my disagreement is largely verbal and not metaethical.

The word 'moral' is not after all such a big deal. Look again at the opening paragraph of this paper. The words 'moral' and 'morally' occur there 17 times. But they are pretty inessential. I'm happy enough to edit them away. But the questions

³ See e.g. Kelly (2002), O'Neill (2011), Parfit, (2011), chapter 11.

⁴ 'Hecklers'. First broadcast on BBC Radio 4, 8 August, 2007.

posed there, as serious practical concerns that arise in human life, remain and there are no metaphysical hostages to fortune we might shoot that will make them go away. The same is true surely of the considerations that we take to speak to them. With or without the metaphysical baggage that the more robust moral realisms wish to import into our understandings of morality and that others are happy to discard, war is still beastly and murderous, the injustices and cruelties concern for which motivates at least our less disreputable resortings to it are still hateful and wicked, the practical questions it occasions are still urgent, incapable and often desperately hard.

3.

The most elegant critique of error theory in the literature is to be found in “Errors and the Phenomenology of Value” a brilliant paper by Simon Blackburn written almost 30 years ago and which for a long time I thought had effectively killed error theory off until a few years back when the corpse began to twitch again. There Blackburn develops a thought experiment which is worth revisiting. He is responding to a rather intriguing feature of Mackie’s *Ethics*, still the *locus classicus* of error theory. That book is in two parts, the first concerned with metaethics, the second with normative ethics. Obviously, given what the first part says, it may seem rather surprising that the second part exists. It is as if someone were to write a book where, in Part I, she argued that astrology is all the rankest, most hopeless nonsense, only to go, in Part II, to argue that you can never trust Librans. Clearly, given that Mackie does this he must surely think, and I think a close reading of what he says in Part I bears this reading out, that while morality, as ordinarily conceived, embodies an error, there is another way we could conceive of it that would not.

Suppose you believe in the reality of moral facts according to some relatively metaphysically highfalutin conception of what moral facts are. At least you believe this until you read some philosophy and you come thereby to be persuaded that you were mistaken. There are no such facts. Morality you come to believe is all false and you decide to stop concerning yourself with it.

But then you go and start reading the papers. And you start noticing certain things. You notice for example, that the society in which you are living is one where there is a certain amount of violence. People get bullied, abused, raped, beaten up, tortured and sometimes killed. Now you’ve given up all that morality nonsense and the fancy metaphysics needed to make it true, but you find you have not, for that reasons, stopped caring about the fact that stuff like this goes on. You don’t like this stuff and you are very pleased that you find yourself living in a community where there are rules that prohibit behaviour of this kind so that people who do such things can expect to be subject to various restraints and sanctions. You think you would not like it if it were proposed that the rules in force in your community should be revised in such a way as to tolerate these forms of violent behaviour. You don’t think you would be willing to accept any revision along those sort of lines. And, as you reflect, you may find there are certain other limits to what you feel you would be willing to live with where such rules are concerned. Not only do you find yourself reflecting in this way about what kind of society you want your society to be, you also find that other people are given to doing this. And so you find it can be a very useful activity to engage in this activity together, to carry out a long, if intermittent, conversation with other members of your community about what the norms that should govern it should be.

Blackburn has a name for what you are doing now. He calls it *shmoralizing*. We can give up moralizing but it is very hard to see, unless we are to simply stop

caring about many things presently most important to us, how we might give up shmoralizing. So here we are, shmoralizing away long after we ceased more robustly to moralize. What we need now of course is a suitable terminology in which to shmoralize, a vocabulary apt for the purpose of expressing the thoughts which, in shmoralizing we might wish to communicate and share. Conveniently there is one available and to hand that looks about perfect. And that is the old, familiar vocabulary in which we used to moralize, the old vocabulary of “good” and “right” and “ought” and so on. So let us shmoralize with that. And now here we are, doing so, and - you know what? - what we are doing now doesn’t half look the same as what we were doing before. In which case, you know what? Here’s a better hypothesis than we started out with about what we were doing before. We were shmoralizing all along. Nothing has changed.

Blackburn’s and my own favoured understanding of both moralizing and shmoralizing takes them to be in the business of expressing commitments which are fundamentally desire-like rather than belief-like, such as my own unwillingness to accept any candidate sets of rules for my community that permit torture, murder or rape. Because a state of unwillingness is not a belief, this is not a view that offers any hostages to metaphysical fortune. It is nonetheless something I bring with me to the table of our normative conversations, something my interlocutors, if they are to accord me a certain kind of respect that we perhaps agree in valuing, need to hear and engage with.

4

All this may be contested. Richard Joyce, whose splendid book *The Myth of Morality* is the most thoroughgoing contemporary defence of an error theory, urges that what is, as he puts it, “conceptually non-negotiable” about morality is the idea that we have reasons to do as morality requires, reasons that do not depend on any contingent features of our desires. This, he argues, necessitates accepting an error theory as he accepts the kind of internalism about reasons that Bernard Williams famously defended whereby there are no such reasons. Here, for Joyce, is the metaphysical hostage to fortune whose execution nothing that deserves to be called *morality* can survive.

This does not seem at all clear cut to me. Certainly not if the aim is to secure a firm dialectical advantage over the kind of expressivism favoured by Blackburn and myself. Williams-style internalism about reasons surely draws such plausibility as it enjoys from the great difficulty we encounter in making good sense, along robustly realist lines, of what an external reason, a reason not contingent on the desire-set of the relevant agent happens to be, could possibly be. But the expressivist is well able, it seems to me, to make good, if somewhat deflationary, sense of this notion along more modest anti-realist lines. That Hitler had a reason to treat Jews better than he did is a thought which, as the expressivist construes it, is entirely available to me without being hostage to facts about what Hitler may or may not have wanted or desired. To this extent, the expressivist can make perfect sense of categorical moral requirements.⁵

Ambitious, amoral Gyges, protected by his invisibility ring from all possibility of discovery and punishment. lacks any internal reason not to do whatever it takes, kill, say, to further his interests and ambitions. And yet, Joyce urges, we take morality to insist that Gyges ought not to kill people. ((2001), p. 36) We do indeed but the

⁵ See Blackburn (1998), pp. 264–266, and Gibbard (1990), pp. 160–164.

expressivist can make good sense of what we say when we do so. Gyges nonetheless lacks any internal reason to respond to what we say. Given that, while we can indeed tell Gyges he ought not to kill people, it might seem a little pointless. There is no reason we can offer him that speaks to his concerns, to pay the least attention: our disagreement with him is in this sense, fundamental. Given that wouldn't saying this just be a case of browbeating, a pointless letting of off moral steam.

Not necessarily. Two points can be made here.⁶ The first is that we are very seldom in a position to know that disagreement is fundamental in this sense. If it were, certain kinds of moral address would indeed become pointless and that would be a deep problem especially when it happens between us and those we are in the business of seeking to live in moral community with. For that reason, I would suggest, we are rightly reluctant to draw the pessimistic conclusion that moral address is pointless in the way. That we bother to engage in it where we do ordinarily presupposes that it is not thus pointless with the result that such address normally carries what we might call the *optimistic implicature* that it is not. By talking to you at all I presuppose that you are not beyond the reach of the considerations I hope to offer you to change your mind. To that extent those to whom we say, "You ought not to kill" people are always liable to be people we suppose have reason, indeed internal reason, to comply with what we thereby demand of them but the connection is pragmatic, not semantic. The second is the much simpler point that the claim that Gyges ought not to kill people is not one that we address only to Gyges. When we are debating ethics with Gyges on a TV show, it is probably not, or not primarily, Gyges we are trying to reach but other, less unreachable, people we can be more confident of addressing without browbeating.

Something very close to the first of these points is made by Stephen Finlay in his excellent paper, "The Error in the Error Theory". Most moral discourse, Finlay claim, "takes place between people who share their fundamental moral values and assume that they share these values." ((2008), p. 356) This claim has been contested by Jonas Olson who responds that Finlay:

underestimates the prevalence of fundamental moral disagreement in moral current societies. Even a cursory glance at public political debate in many countries will reveal fundamental disagreement between conservatives and feminists; socialists and neoliberals; cosmopolitans and nationalists; and so on. ((2011), p. 72)

A little finessing is in order here. Talk of 'fundamental disagreement' can mean two things. It can mean what perhaps disagreement in one's fundamental beliefs, in the sense in which the hedonists belief in the value of pleasure is her fundamental belief, the belief at the ground floor of her ethical outlook. It can also mean disagreement that is fundamental in the sense in which neither party has any internal reason to come round to the other's view. Or, we might say, where no change in either parties moral beliefs that would count as an improvement by that party's own lights, would suffice to eliminate the disagreement.⁷ Disagreement that is fundamental in the former sense need not be fundamental in the latter. (What is fundamental in the order of explanation is not always fundamental in the order of justification.) While the quoted sentence from Finlay may suggest the former sense, it's the latter that is surely

⁶ These points are, I think, available not only to the expressivist, but to other deflationary reconstructions of morality such as that favoured by Finlay (2008).

⁷ This is the sense of fundamental disagreement at issue in Egan (2007).

important here. It is where disagreement is fundamental in this sense that address risks becoming pointless. But in this sense, it is often almost impossible to know that disagreement *is* fundamental. In this sense disagreement is fundamental when it persists even in ideal conditions and conditions are *never* ideal or near enough for us to make a confident diagnosis that this is the case. Thus, very evidently, in the moral disagreements that vex current society, moral disagreement is typically deeply entangled with factual disagreement, that the full information implicit in most understandings of ideal circumstances would in principle iron out with who can say what results. Thus conservatives and feminists may disagree about the plasticity of human nature and the extent to which supposed gender differences between men and women are learned or socially constructed as opposed to 'natural', hardwired and innate; socialists and neoconservatives disagree over the extent to which the pursuit by states of egalitarian economic policies can at once keep us prosperous and avoid the murderous authoritarianism that has poisoned too many twentieth century experiments in socialism. And many of our deepest moral disagreements with each other, on questions such as abortion or sexuality, are closely bound up with deep factual disagreements about theology. So cases where we can be remotely confident that the optimistic implicature fails are, in practice, decidedly rare.

I am doubtful that conceptual analysis of moral language will deliver the result Joyce wants. Following both Blackburn and Joyce I suspect that what is crucial is not the rather obscure question of what is conceptually non-negotiable so much as one of what is indispensable in our practice and especially of the features of it that lead us to value it.

(Others might be less inclined to emphasize questions of conceptual analysis and more concerned with empirical investigation of how ordinary users of moral concepts, the proverbial men on Clapham omnibuses or, as we have come to call them, the Folk, understand their moral practice. Some interest might perhaps attach to the study of this sort of Folk Metaethics. But I must confess, myself, I don't much care what the Folk think.

Why should I? Compare the philosophy of mathematics. Here we have an area of discourse that raises deep and difficult philosophical vexations, that is puzzling in countless deep and difficult ways. The philosopher's task is to find some way of understanding it whereby it makes sense. That test, whether we do make sense of it, is the important one. What the folk think is neither here nor there. If someone says, *Listen, I think number talk is talk about higher-order classes*, we don't test that out by asking Granny, checking her change in Tesco, what she thinks of it. Like almost all the philosophically untutored, she can be relied on to respond to any such quizzing with a blank stare. So folk theory doesn't interest me and shouldn't, I would submit much interest you. Folk *practice* is another thing. Granny is just hopeless at philosophy but she is pretty hot when it comes to checking her change. She thinks if her shopping cost two pounds 16 pence and she hands over a fiver, she should be getting two pounds 84 pence back from the cashier. That, and other truths of simple arithmetic, represents an appearance we would mark any theory in philosophy of mathematics down sharply for failing to save. Again, as with mathematics, so with ethics. We seek a philosophical gloss on our practice that will make it intelligible to us. The practice we seek thus to illuminate should be the one familiar to us from everyday experience. The theory can be news.⁸)

⁸ Not for the first time, I echo Blackburn. See his (1993), pp. 150-151.

5

Joyce distinguishes three directions the error theorist could go. One is abolitionism which like me, he rejects. The second is to adopt or recommend the policy “where moral beliefs are (somehow) believed, despite the fact that evidence of the falsity of such beliefs is glaring.”⁹ This policy, which he tentatively labels *propagandism*, he rejects, sensibly, on the grounds that: “No policy that encourages the belief in falsehoods, or the promulgation of false beliefs in others, will be practically stable in the long run.” That leaves the policy “where it [i.e. morality] is adopted as a fiction”, or *fictionalism* as he calls it. This kind of fictionalism, fictionalism as a policy recommendation, as a view of what our moral thought, suitably purged of error, might properly come to be, is sometimes called *revolutionary fictionalism*, though I myself prefer the less cumbersome *prescriptive fictionalism*.

I find prescriptive fictionalism an odd and implausible view. Joyce conceives it as a kind of make-believe, where, while we know, especially in our reflective moments that morality is contaminated with error, we reinforce our motivation to behave morally by pretending to ourselves that moral requirements have the categorical force we know them to lack, much as, as his own central analogy has it, someone might pretend that they must adhere religiously to an exercise regime, *fifty press-ups, not one less, every single day*, where in fact the odd lapse is quite harmless in itself, but where I fear I risk falling into a habit of letting myself off lightly that might set me down a “slippery slope to inactivity” ((2001), p. 215.). Even in the exercise case, it’s hard to be convinced I need do any pretending here. Can’t I just motivate my sticking religiously to my regime by reflecting on the dangers of heading down a slippery slope to inactivity? In the moral case, it seems less convincing still, partly for reasons Joyce himself acknowledges. In his favourite example of Gyges, he allows that Gyges is certainly not going to adopt his fiction. But while Gyges will not give a hoot for Joyce’s fiction, we, his more virtuous fellow citizens will, he suggests appeal to it in justifying to ourselves the measures we take to protect ourselves from Gyges and others like him by, for example, putting them in prison. But this seems entirely unsatisfactory. What we can’t do, even armed with our fiction, is offer Gyges an internal reason why he should desist from killing people. Fictionalism is no help here. ((2001), pp. 221-222) What we *can* do, armed with our fiction, is offer *each other* excellent reasons to take the steps we do to protect ourselves from him. The trouble is, as Joyce again acknowledges, that we can do this perfectly well *without* a fiction. We had excellent, non-fictional reasons to do this all along. ((2001), pp. 222-223) None of which is to mention the obvious worries about the strange schizophrenia involved in adopting Joyce’s fictionalist proposal. If we imagine ourselves pretend very effectively, so we are fooled by our own make-believe, fictionalism of course shades off into propagandism. If the pretence is weaker, it’s hard to see how it will help us much when the stakes are at all high except insofar as we remind ourselves of the urgency of the reasons we had to adopt it. And then, as with the exercise case, it all starts to look rather unnecessary. And it is baffling, to say the least, how we might envisage, say, moral education in a fictionalist moral community: *Listen children, you mustn’t tell lies or bully each other or be mean and you must be kind to your parents etc., but actually none of these things is really true.*

⁹This and the following quotation, Joyce (2001), p. 214. I have corrected what I think must be a minor typographical error in the published text.

We find another influential defence of prescriptive fictionalism in a paper by Daniel Nolan, Greg Restall and Caroline West, “Moral Fictionalism Versus the Rest”. Such fictionalism, they contend, is an especially promising way understanding how an improved and reformed moral discourse might be understood. The proposal takes various forms but the core idea is that there is a thing called *the morality fiction*, understood roughly as the untrue story moral realists believe, much as the fiction in modal fictionalism is roughly the untrue story modal realists believe. This story is untrue but the fictionalist policy is that we stick to it as a sort of useful pretence.

Nolan, Restall and West find this idea promising but in often ways that seem baffling on close inspection. Thus they suggest that prescriptive fictionalism scores over expressivism by avoiding the Frege-Geach Problem. This is far from clearly correct.¹⁰ That it is true in the fiction that p and that it is true in the fiction that if p then q do not entail that it is true in the fiction that q. If I believe that p and believe that if p then q, logic requires me to believe that q. But if I pretend that p and pretend that if p then q, logic doesn't require me to do anything. Given that fictions are not in the market for truth, why should only consistent fictions be eligible? The fictionalist can no more just help himself to the thought that this game of make-believe is subject to the logic regimentation we impose on ordinary beliefs and assertions than the expressivist can help himself to a like thought about the noncognitive attitudes he takes our moral utterances to express. Nolan, Restall and West might hope to preempt this concern by writing:

The combined theory of base discourse, bridge principles, and fiction has a uniform interpretation. As a result, the combined theory is closed under logical consequence. ((2005), p. 314)

But this is not something they can simply *announce* any more than the quasi-realist can dissolve the Frege-Geach problem by kindred announcements. They have to *motivate* it and they don't.

They further suggest that prescriptive fictionalism makes moral epistemology straightforward. If we are wondering whether, say, euthanasia, is wrong, that tricky question becomes readily tractable as simply an inquiry as to what the fiction says. ((2005), p. 316) But how is that inquiry tractable? Where am I to find this fiction? It is not in the catalogue of my own, or any other library. If we understand it, on the model of modal fictionalism, as the story moral realists believe is true, that helps not at all, for that story as such is a story simply about metaethics, quite silent about the answers to substantive normative ethical questions. And if fictionalism fails to make good sense of how we might answer such a question, it makes it harder still to understand why we should care about it. If the moral fiction is just that, a fiction, who cares what it says? And yet we do care, we care a lot, about when it is OK to go to war, about whether euthanasia is always wrong and a host of other vexatious moral conundrums.

Nolan, Restall and West help us a bit with this difficulty. Posing the question, which of the many possible moral fictions we should adopt as the focus of our make-believe, they suggest we settle the issue by inquiring which fiction is would be most useful to adopt, where this, they want to say, is a pragmatic, not a moral question. ((2005), p. 327; see also p. 322) Of course it had better not be a moral question. If our reason for adopting some particular fiction, is itself part of the fiction, and as such, just more garbage, then it is no reason at all. But it is natural to wonder what

¹⁰ Cf. Lenman (2008), pp. 25-26. The points that follow are also adumbrated there.

“pragmatic” means here. What sort of usefulness does the most useful fiction enjoy. Is it usefulness to me, Lenman, that is of interest, or maybe usefulness to Nolan, Restall and West? If so, this is not going to furnish a very plausible rationale for any fiction that is very recognizably moral. If, on the other hand, our ideal of usefulness is shaped by some constraint that it be suitably impartial then the claim that this is an ideal that stands apart from morality, starts to look a little strained.

Let’s slow this down a bit to try to make my point clearer. Fictionalism, we might suppose, offers us three things. Thing one, lets say is a set of rules that might be adopted to govern some moral community such as our own. Let’s call this set of rules R. Now R doesn’t, let’s suppose, have any descriptive content at all. We can think of it just as a set of sentences in the imperative mood, orders, commands, not statements or assertions and so not something questions about whose truth or falsity even arise. We then have a fictitious moral claim, let’s suppose, call it FC short for Fictitious Claim. FC here is the claim that it is morally right for a society to adopt these rules and for its members to follow them. FC combines with R, let’s suppose to give a moral fiction F. It’s false because the only statement it contains, FC, is a statement about what it is morally right for people to do and, the fictionalist holds, all such claims are false. Finally there is a non-fictitious claim, call it TC, True Claim. TC says that because these rules are the most useful set we might adopt, presumably on some properly impartial sense of “useful”, this particular fiction F is the fiction for us.

I hope it’s obvious why that is hopeless. What makes it hopeless is the complete redundancy of the fictitious claim FC, On a simpler and more economical picture we have only R and TC. That is, we have a particular set of rules and we have the thought that, because this set of rules is in some suitable sense, optimal, they are the rules for us. Of course this is no longer a form of fictionalism or a metaethical theory of any sort. What it is is just a normative ethical theory and an extremely familiar one. What it is is just rule consequentialism. If the smart, the wise, the good things for us as a society to do is to adopt the set of rules that will be impartially optimific, then we can just go ahead and adopt those rules and try to live by them. We don’t need to do something else in addition in the way of attempting some bizarre psychological confidence trick of pretending something is true of this set of rules that we know is not, namely that following them is morally right as that concept is understood in terms of some robustly realist metaethical theory we do not believe.

If we accept Joyce’s diagnosis that error theory leaves us with three options, abolitionism, propagandism and fictionalism and if we accept my diagnosis that we have excellent reason to reject all these options, then we may legitimately conclude that we have excellent reason to continue to moralize, and need fall into no errors as we do so. Moral discourse is the conversation we about what the rules and standards we want to have govern the society in which we live. This is something we have excellent reasons to be concerned about, reasons we haven’t made up and that do not rest on any metaphysical confusion. Sometimes we think there must be more than that, that our moral commitments must represent some independent reality. Sometimes we confuse morality with this fantasy about its status and imagine that, in debunking the latter we have debunked the former. But we have not The central relevant fact about human beings, needing no metaphysical baggage to shore it up, is that most of us want very much to live together in a social world governed by shared norms of decency, honesty, mutual respect, compassion and fairness. So let’s.

*Department of Philosophy,
University of Sheffield*

45 Victoria Street,
Sheffield S3 7QB
j.lenman@sheffield.ac.uk

- Baumeister, Roy F. (1997), *Evil: Inside Human Violence and Cruelty* (New York: Henry Holt and Company).
- Blackburn, Simon (1993), "Errors and the Phenomenology of Value" in *Essays in Quasi-Realism* (Oxford: Oxford University Press), pp. 149-165.
- Blackburn, Simon (1998), *Ruling Passions: A Theory of Practical Reasoning* (Oxford: Oxford University Press)
- Egan, Andy (2007), "Quasi-Realism and Fundamental Moral Error" in *Australasian Journal of Philosophy* 85, pp. 205-219.
- Finlay, Stephen (2008), "The Error in the Error Theory" in *Australasian Journal of Philosophy* 86, pp 347-368.
- Gibbard, Allan (1990), *Wise Choices, Apt Feelings: A Theory of Normative Judgment* (Cambridge, Ma: Harvard university Press).
- Joyce, Richard (2001), *The Myth of Morality* (Cambridge: Cambridge University Press).
- Garner, Richard (1994), *Beyond Morality* (Philadelphia: Temple University Press)..
- Hinckfuss, Ian (1987), *The Moral Society: Its Structure and Effects*, Discussion Papers in Environmental Philosophy: Canberra: Australian National University.
- Kelly, Erin (2002), "Doing Without Desert" in *Pacific Philosophical Quarterly* 83, pp. 180-205.
- Lenman, James (2008), "Against Moral Fictionalism" in *Philosophical Books* 49, pp. 23-32
- Lenman, James (2009), "Naturalism Without Tears" in *Ratio* 22, pp. 1-18.
- Lenman, James (2013): "Science, Ethics and Observation" in Havi Carel and Darian Meacham (eds.): *Phenomenology and Naturalism*, Supplement to *Philosophy* (Cambridge: Cambridge University Press), pp.261-274.
- Mackie, J. L. (1977), *Ethics: Inventing Right and Wrong* (Harmondsworth: Penguin)
- Marks, Joel (2013), *Ethics without Morality: In Defense of Amoralism* (New York: Routledge).
- Nolan, Daniel, Restall, Greg and West, Caroline (2005), "Moral Fictionalism Versus the Rest" in *Australasian Journal of Philosophy* 83, pp 307-330.
- Olson, Jonas (2011), "In Defense of Moral Error Theory" in Michael Brady (ed.), *New Waves in Metaethics* (Houndmills: Palgrave MacMillan), pp. 62-84.
- O'Neill, Martin (2011) *Freedom, Fairness and Responsibility*, PhD Dissertation, Harvard University..
- Parfit, Derek (2011), *On What Matters, Volume One* (Oxford: Oxford University Press).
- Russell, Bertrand (1957): "Nice People" in his *Why I am Not a Christian* (London: Allen and Unwin), pp. 101-106.

