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Scepticism about Intuition¹

Note. This is a late draft of the paper of the same title published in Sophie-Grace Chappell (ed): *Intuition, Theory and Anti-Theory in Ethics* (OUP, 2015) If quoting or citing please make check and make reference to the final published version.

James Lenman

Anyone who has ever tried to teach moral philosophy to a class of undergraduates knows how slippery talk of intuitions and intuitionism can be. Thus, as we all know, John Rawls in *Political Liberalism* defends what he calls *political constructivism* in opposition to a view that he characterizes as *rational intuitionism* and which he rejects.² At the same time Rawls' critics, most notably in this regard R. M. Hare³, have castigated him for his disreputable intuitionism. Sometimes intuitionism refers to a fully fledged metaethical doctrine, paradigmatically represented by G. E. Moore and W. D. Ross, of robust nonnaturalistic realism. This is the intuitionism Rawls and Hare agree in repudiating. Sometimes it means something more modest, a take on moral epistemology which accepts the inescapable reliance of our moral thought on appeal, at some level, to moral intuitions, where this more specifically methodological intuitionism does not, by itself, commit one to any more particular metaethical view and can be made compatible with naturalistic realism or expressivism no less than with Moore-Ross style nonnaturalism. The result is a rather complicated dictionary entry; small wonder some students get confused.

Intuitionism in the stronger sense has taken plenty of beatings over the years but even in the more modest and methodological sense it has no shortage of detractors. Many more recent critics of the latter are either exponents or enthusiasts of the currently trend for "experimental ethics". Thus Kwame Anthony Appiah devotes a chapter of his book *Experiments in Ethics* to describing and discussing what that chapter's title calls "The Case Against Intuition".⁴ Much of this paper be addressed to some aspects of that supposed case (though with no particular focus upon Appiah's account of it).

Rawls is the man who gave us the sophisticated version of methodological intuitionism that goes by the name of the method of *reflective equilibrium*.⁵ Of course he was not the originator of the idea but adapted it from a view Nelson Goodman had already articulated in discussing the methodology of mathematics and logic.⁶

Wherever we apply it we should be wary of understanding it in ways that accord an implausible level of authority to the raw and untutored gut reactions of the folk. The

¹ I am grateful to audiences at the Edinburgh conference on Intuition, Theory and Anti-Theory in Ethics and to the Oxford Moral Philosophy Seminar for helpful questions.

² Rawls 1993, lecture III.

³ Hare 1989.

⁴ Appiah 2008, chapter 3.

⁵ See esp. his 1972, §§4, 9 and 87.

⁶ Goodman 1965.

currency of reflective equilibrium is considered judgements and these are very different things from gut reactions, things that need be neither raw nor untutored.⁷

Fiddle here with a famous example.⁸ Suppose you know only one thing of me. You know:

Lenman is a member of the Ramblers' Association.

Now suppose you are asked to rank a bunch of propositions about me in order of probability in the light of this one thing you know. And suppose these propositions include:

Lenman is a philosopher.

And

Lenman is a philosopher and he goes for regular country walks.

Now the obvious relevance of the one thing you know to the latter proposition but not the former is liable to trick many of you into assigning it the higher probability of the two. Though perhaps not so many now that the experiment that uncovered this irrational disposition is so famous. And of course you would be irrational given that, as a short tutorial in basic probability theory (think about it, draw some Venn diagrams) would quickly convince you if you needed convincing, a conjunction cannot be more probable than one of its conjuncts.

But of course this is no objection to the method of reflective equilibrium but simply an exercise in it. For the only sorts of intuitions that carry much weight in this method are those that are stably survive critical scrutiny and this sort of non-rational intuition about probability does not. Not at least if we are to understand critical scrutiny, as we certainly should, as including, for example, short tutorials in basic probability theory, short tutorials in which again appeal is made to intuitions that we hope will be more robust.

But my focus here is not with the status or authority of intuitions in maths or metaphysics, say, but simply in ethics. Here the issues seem urgent as reliance on intuitions, and in particular on specifically moral intuitions, seems so thoroughly inescapable that it can seem a short route from scepticism about intuition to a quite general scepticism about ethics in general. Some philosophers have thought we could derive the content of ethics and morality from certain very thin norms of rationality, in some cases perhaps simple consistency, as in Hare's claim that the thing could be pulled off relying on nothing more than, as he famously put it, "logic and the facts"⁹. Given this confidence Hare could comfortably condemn methodological intuitionism as simple "argument from received opinion". For the rest of us, who lack Hare's

⁷ This point is emphasized in Kaupinnen 2007 (though Kaupinnen is concerned primarily with specifically linguistic intuitions). Cf. Lenman 2007, pp. 63-64.

⁸ Tversky and Kahneman 1983. Offered as a source of concern for reflective equilibrium accounts of justification in Stich 1990, section 1.2.

⁹ Hare 1981, pp. 6,101ff

confidence in the possibility of credible alternatives, it's hard to see how, without some trust in what he called received opinion, we are to argue at all.

The point is not always well taken. Thus Peter Singer in his paper "Ethics and Intuitions" attacks methodological intuitionism in favour of what he considers a "more reasoned" utilitarian approach to ethics. He then writes:

It might be said that the response that I have called "more reasoned" is still based on an intuition, for example the intuition that five deaths are worse than one, or more fundamentally, the intuition that it is a bad thing if a person is killed. But if this is an intuition it is different from the intuitions to which Haidt and Greene [in writings Singer has been drawing on] refer. We have already noted Hume's observation that "There is no such passion in human minds as the love of mankind, merely as such" and, as we have seen, there is good evolutionary reason for why this should be so. Thus the "intuition" that tells us that the death of one person is a lesser tragedy than the death of five is not like the intuitions that tell us [in the trolley problem] that we may throw the switch, but not push the stranger off the footbridge. It may be closer to the truth to say that it is a rational intuitions, something like the three "ethical axioms" or "intuitive propositions of real clearness and certainty" to which Henry Sidgwick appeals in his defense of utilitarianism in *The Method of Ethics*.¹⁰

One is reminded of the irregular verbs so beloved of Bernard Woolley in *Yes Minister*.¹¹ *He* has gut reactions. *You* make unsupported appeals to intuitions. *I* reply only on ethical axioms of real clearness and certainty. Perhaps the thought is that the intuitions that ground Singer's utilitarianism are just more intuitively compelling or more robust under critical scrutiny than the more deontological intuitions that make us so scrupulous about pushing fat men off bridges. But that again is not a critique of methodological intuitionism so much as an exercise in it, just as when the intuitions that support such basic mathematical facts as that a conjunction cannot be more likely than one of its conjuncts seem compelling and robust enough to outweigh any disposition we may have to make intuitive judgements that conflict with them.¹²

¹⁰ Singer 2005, pp. 350-351. For valuable critiques of what Singer says this paper see Sandberg and Juth 2011, Berker 2009

¹¹ "I have an independent mind, you are an eccentric, he is round the twist." (*One of Us, Yes, Prime Minister*, series 1, first broadcast 27th February, 1986); "I give confidential briefings, you leak, he's being charged under section 2A of the Official Secrets Act." (*Man Overboard, Yes, Prime Minister*, series 2, first broadcast 3rd December, 1987). Cf. Griffin 1995.

¹² At p. 347 of his 2005, Singer seems to anticipate this kind of response and suggests it makes the method of reflective equilibrium trivial, no longer representing a distinctive approach to moral epistemology with which a foundationalist moral epistemology stands in clear contrast. I guess a bit here depends on how we understand 'foundationalist'. I'm not myself a foundationalist insofar as I accept the methodological intuition's claim that moral inquiry cannot get us very far unless we appeal at some point to substantive moral intuitions. Others might be foundationalists in accepting the view described already where the only intuitions we need are extra-moral, perhaps simply logical, appeals to constraints of consistency and other comparably formal and *prima facie* morally neutral rational constraints. This sort of moral 'logicism' (in applying the term in this context I follow Gibbard 1999) is a possible position in moral epistemology. As noted above, Hare at least came close to holding a version of it and Gibbard (*ibid.*) takes Christine Korsgaard to do likewise. I don't myself believe moral logicism is true and my talk of methodological intuitionism is not intended to include it though I am happy to allow that it is possible to characterize it as still, in principle, in the business of reflective equilibrium on a very wide construal of the latter. But all this has nothing to do with my objection to

There is also the suggestion that what distinguishes the intuitions Singer likes from those he does not is the availability of an evolutionary explanation for the latter but not the former. There is much to question here. First it is not the case that, as Singer seems to suppose¹³, that we find ourselves wholly at a loss for evolutionary explanations of a disposition to entertain and approve altruistic sentiments directed quite generally at one's fellow human creatures. The workings of indirect reciprocity where the adaptive benefits of reputation and/or the operation of sexual selection can furnish one such explanation, forms of group selection another.¹⁴ More straightforwardly, as William FitzPatrick notes, "If our hominim ancestors tended to live in circumstances where the opportunities for "wasting" altruism in non-fitness enhancing ways (e.g. on 'outsiders') were sufficiently few and far between, then a simple, indiscriminating (though limited) sense of concern and altruism may have promoted fitness at far less cost than more discriminating forms, evolving more readily."¹⁵

Secondly, we should be wary of any assumption that where there is an evolutionary explanation for why we have some intuitions, that need necessarily debunk it. There may very plausibly be evolutionary explanations for why we value certain virtues, say, without that suggesting we ought not to value them. Just as, while there is certainly an evolutionary explanation for why we like sex, most of us are liable to find that our fondness for sex is robust in the face of understanding this. (And perhaps not just our fondness for it but also our judgement that it has a significant role to play in a good human life.)

Thirdly, it may be allowed that sometimes indeed evolutionary explanations plausibly do debunk. Richard Dawkins in *The God Delusion* flirts with the idea that the religious impulse is a by-product of the irrational but sometimes adaptive psychological disposition we have to intense erotic love.¹⁶ Such debunking explanations have an obvious appeal to atheists. Theists, assuming they are not hostile to evolutionary theory, may favour less debunking explanations where religious belief is seen as an autonomous application of human intelligence.¹⁷ Perhaps our ancestors derived adaptive advantage from being good at observing and good at reasoning and smart perceptive people are likely to encounter and respond to the compelling evidence and sound reasoning that favours theistic belief. But note how, here and plausibly elsewhere, the relative appeal of the debunking and vindicating explanations is not independent of our prior commitments. A Dawkins will reject the theist's explanation because he denies that there is any such sound evidence or any such sound reasoning to be had. A moral sceptic may favour, just because she is a moral sceptic, debunking explanations of the evolution of morality. A moral rationalist will naturally see our moral sensibility as a by-product of the fact that we are intelligent and perceptive and explain these quite general cognitive endowments in familiar ways. Singer's conviction that deontological intuitions have a *peculiarly* debunking

Singer. My objection to Singer is that he very clearly does appeal to substantive moral, not merely logical, intuitions and so is no less a coherentist than I, whatever he may say.

¹³ See especially Singer 2005, pp. 334-335.

¹⁴ See Joyce 2006, pp. 31-44.

¹⁵ FitzPatrick 2008, §2.2 Cf. Dawkins 2006, pp. 220-221; Kitcher 2006.

¹⁶ Dawkins 2006, pp. 184-187.

¹⁷ FitzPatrick 2008 §§2.4 and 4.

evolutionary explanation as compared to their consequentialist rivals is as plausibly a reflection of his prior philosophical commitments as an independent source of support for them.

Singer is impressed in this context by the experimental work of Joshua Greene who thinks distinctively deontological intuitions reflect a particular squeamishness we feel about inflicting harm in ways that are, as Greene puts it, “up close and personal”: the sort of harm involved where I push you off a high bridge as opposed to harms I inflict on remote and unidentified strangers.¹⁸ As Selim Berker has emphasized in a telling critique of the claims made by Singer and Greene, it is ludicrous to suppose that this criterion is remotely adequate to characterize a general distinguishing characteristic of distinctively deontological moral judgements.¹⁹ Insofar as we can identify such an impulse as at work in some of our moral thinking, that would indeed have a debunking effect. But as Berker also emphasizes²⁰, in doing so we rely crucially on a “substantive normative intuition” that we arrive at from the armchair, to the effect that how up-close and personal our harming of others is has no moral relevance.

And of course it’s not an objection to methodological intuitionism that we might take considerable interest in where our intuitions come from. If reflective equilibrium is to be wide, we should expect no less. Thus suppose you tell me that your brother often gives sizeable donations to charity and I find this somehow morally discomfiting. Asked why, I’m a bit at a loss but cook up some story about how *You know, I just can’t stand these righteous do-gooder types*. You then tell me that what has happened is that Thalia Wheatley and Jonathan Haidt have conditioned me under hypnosis to feel disgust whenever I hear the word “often”.²¹ Given this debunking explanation, I’m likely, if I’m at all sensible, to revise my judgement.

Or if (a rather big if, perhaps) we were to be convinced by Harman’s explanation of the intuitive appeal of the helping-not harming distinction in moral philosophy as serving the interests of the relatively powerful who enjoyed a disproportionate influence in the process of bargaining which has, on his view, given shape to our moral code, we might sensibly fear for the credibility of these intuitions.²² So of course we are sensitive to considerations about the causal origins of our intuitions. And, as I have stressed already, it is surely an odd idea that evolutionary explanations, as such, are debunking in this context. There are plausibly evolutionary explanations not only for many, perhaps, all the vilest and most appalling features of human nature but also for many of the finest and most admirable such features. (Of course in saying that I merely express a sensibility that is itself the product of contingent evolutionary processes. Indeed, but so what?²³)

Other empirical data sometimes thought to make trouble for methodological intuitionism involve what is called dumbfounding where we have intuitions we are at a loss to explain. The standard example involves a case where a brother and sister, both single, engage in a happy and consensual one-off act of incestuous sexual

¹⁸ Greene’s views are set out in Greene 2008

¹⁹ Berker 2009. esp. pp. 311-313.

²⁰ Ibid., p. 322.

²¹ See Wheatley and Haidt 2005. Discussed by Appiah 2008, pp. 86-87.

²² Harman 1977, p. 111.

²³ Cf Lenman 1999, Street 2012.

intercourse, carefully using contraceptive precautions, from which no one comes to any harm. This is a case, we are told, where people find it very hard to make good ethical sense of the disapproval they are frequently strongly disposed to feel.²⁴

In fact, as Dan Jacobson has convincingly urged, this is really not so hard and the idea that it is is based on a hopelessly crude conception of the connection between harm and moral wrongness.²⁵ But that is not quite the point I want to stress here. My point is that this again just illustrates, rather than undermining, methodological intuitionism in ways already familiar from the practice of contemporary moral philosophy. To take the clearest example, consider the trolley problem. This is a classic case of dumbfounding where we are strongly disposed to feel there is an important moral difference between certain kinds of cases but find it very hard to give an intuitive rationale for that difference. This doesn't undermine our trust in intuition but simply defines a research project of seeking such a rationale and perhaps, revising, as Judith Jarvis Thomson herself recently did²⁶, our belief in the original intuition where the rationale proves too stubbornly elusive for too long. When we pursue a research project of this kind we may surely properly dismiss what we are up to as "confabulation" only if we are satisfied that the rationales we arrive at are poor ones, unable to survive reflective scrutiny. And that is a matter not for empirical psychology but for philosophy.

Then there is the range of phenomena most loved by some contemporary sceptics about methodological intuitionism, the phenomena known as framing effects where the judgements we make on certain ethical questions seem to prove sensitive to the ways questions are put, the order in which they are posed and other intuitively irrelevant contextual features.²⁷ A fine illustration is again furnished by the writers of *Yes Prime Minister*. Sir Humphrey is vexed when Bernard Woolley informs him how the PM's plans to reintroduce National Service have been favoured in an opinion poll and demands that another poll be conducted with a different result. Bernard is puzzled. How will simply holding another poll change anyone's mind? Sir Humphrey explains.

Sir Humphrey: "You know what happens: nice young lady comes up to you. Obviously you want to create a good impression, you don't want to look a fool, do you? So she starts asking you some questions: Mr. Woolley, are you worried about the number of young people without jobs?"

Bernard Woolley: "Yes"

Sir Humphrey: "Are you worried about the rise in crime among teenagers?"

Bernard Woolley: "Yes"

Sir Humphrey: "Do you think there is a lack of discipline in our comprehensive schools?"

Bernard Woolley: "Yes"

Sir Humphrey: "Do you think young people welcome some authority and leadership in their lives?"

Bernard Woolley: "Yes"

Sir Humphrey: "Do you think they respond to a challenge?"

²⁴ See Haidt 2001. Numerous discussions include Singer 2005, pp. 337ff.

²⁵ Jacobson, forthcoming. Cf. FitzPatrick 2008, §2.5.

²⁶ Thomson 2008.

²⁷ Discussed by Appiah 2008, pp. 82-86. A *locus classicus* is Tversky and Kahneman 1981.

Bernard Woolley: "Yes"
 Sir Humphrey: "Would you be in favour of reintroducing National Service?"
 Bernard Woolley: "Oh...well, I suppose I might be."
 Sir Humphrey: "Yes or no?"
 Bernard Woolley: "Yes"
 Sir Humphrey: "Of course you would, Bernard. After all you've told her, you can't say no to that. So they don't mention the first five questions and they publish the last one."
 Bernard Woolley: "Is that really what they do?"
 Sir Humphrey: "Well, not the reputable ones no, but there aren't many of those. So alternatively the young lady can get the opposite result."
 Bernard Woolley: "How?"
 Sir Humphrey: "Mr. Woolley, are you worried about the danger of war?"
 Bernard Woolley: "Yes"
 Sir Humphrey: "Are you worried about the growth of armaments?"
 Bernard Woolley: "Yes"
 Sir Humphrey: "Do you think there is a danger in giving young people guns and teaching them how to kill?"
 Bernard Woolley: "Yes"
 Sir Humphrey: "Do you think it is wrong to force people to take up arms against their will?"
 Bernard Woolley: "Yes"
 Sir Humphrey: "Would you oppose the reintroduction of National Service?"
 Bernard Woolley: "Yes"
 Sir Humphrey: "There you are, you see Bernard. The perfect balanced sample."²⁸

Again, it seems, there is little in such phenomena as this to disturb the methodological intuitionist. What Sir Humphrey has done here is just administer quite a good philosophy tutorial. Again recall that we are not concerned with gut reactions but with considered judgements that are stable under reflective scrutiny. Bernard, in the exchange above, has just discovered that his beliefs about national service are not so stable and the variation in frame that makes this apparent to him is precisely one of the forms reflective scrutiny often takes. Once again, Bernard has a new research project, that of arriving at a judgement on this question he is prepared to stand by consistently across precisely such changes in frame.

Consider finally the phenomenon of ethical disagreement. The literature on experimental ethics is thick with documentation of ethical disagreements both across and within cultures.²⁹ But of course disagreement by itself shows very little. The pursuit of reflective equilibrium, properly conceived, is an interpersonal, not an intrapersonal enterprise. The mere fact of disagreement, rather than undermining it, is in large measure what gives it its point, insofar as it is the most rational way we have of seeking to resolve disagreement. How well it works, of course, is open to dispute.

Jonathan Haidt and Fredrik Bjorklund are the leading exponents of a view they call social intuitionism (thus, alas, making the dictionary entry for 'intuitionism' still

²⁸ *The Ministerial Broadcast, Yes, Prime Minister*, series 1 (first broadcast 16th January, 1986).
²⁹ See e.g. Doris and Plakias 2008.

more confusing) and which, simplifying considerably, involves a high degree of pessimism of the role of reason in intrapersonal moral thought.³⁰ Their pessimism is qualified in two ways. First, rather flatteringly, they suggest it may not apply to professional moral philosophers with their high levels of training in moral reasoning. Secondly they are much less pessimistic about the role reason can play in interpersonal moral reasoning.

Such optimism is easily questioned. Thus Jacobson, discussing Haidt and Bjorklund's claims, writes:

Even casual observations of group psychology suggest that moral discourse between like-minded individuals tends not merely to reinforce their judgements but to make them more radical. People who converse only with those who roughly share their ideological perspective tend to become both more confident and more extreme in their views. This explains the emergence of *bien pensant* opinion – that is, those opinions shared by some parish and widely assumed to be shared by all its right thinking members –whether in the culture at large or in subcultural cliques (such as academia). Furthermore, since it is flattering to have our opinions “confirmed” by others, however dubious this confirmation, we tend to seek out the like-minded rather than testing our views against the strongest opposing positions.

As the reference to academia suggests, Jacobson also questions Haidt and Bjorklund's optimism about the rationality of moral philosophers. An even stronger statement of pessimism on the latter score is articulated by the controversial American jurist Richard Posner, the early parts of whose book *The Problematics of Moral and Legal Theory* is a rather splendidly provocative and stimulating philippic against the standard pretensions of my own profession. Academic moral philosophy, Posner urges, is a futile and pointless activity in which we philosophers engage in empty ideological posturing dressed up in fancy language, the application of classic philosophical texts to contemporary social contexts where they are of almost no relevance and an epistemologically bankrupt appeal to uncheckable intuitions.³¹ Comparisons of moral philosophical inquiry to science can, only, Posner urges, be profoundly embarrassing to the former when we compare and contrast what these two enterprises have achieved and contributed. To the limited extent to which he recognizes such a phenomenon as moral progress, he thinks moral philosophy contributes nothing to effecting it but is simply epiphenomenal on social phenomena that occur independently, including the activity of what he calls ‘moral entrepreneurs’ who are seldom academics and whose success depends almost wholly on rhetorical, nonrational methods of persuasion.

Thomas Kuhn was famously characterized by Imre Lakatos as representing scientific change not as the rational process of discovery captured in the optimistic descriptions of scientific methodology supplied by such thinkers as Hempel and Popper but as a

³⁰ Haidt and Bjorklund 2008

³¹ Sometimes Posner writes as if he were somehow championing raw intuition against the intrusive scrutiny of theory: “No one has to surrender his moral intuitions to moral theory” (1999, p.51). But it seems clear from his remarks on e.g. p. 60 that his scepticism is grounded, at least in part, in a strong sense of the epistemic uselessness of appeals to intuition..

largely nonrational process of “mob psychology”.³² The sort of pessimism articulated by Jacobson and Posner might be understood as the claim that, whatever we think of the scientific case, just this is true of moral philosophy. Is it? Academic philosophical argument is not uniform in quality and I don’t much doubt the charge against it is at least sometimes fair, perhaps most frequently where it touches on social issues where the ideological temperature runs high, but need it always be?

Posner’s case against ‘academic moralizing’, as he calls it, is lively but inconclusive. At times he appears to express a conviction of the pointlessness and futility of moral argument:

Every move in normative moral argument can be checked by a countermove. The discourse of moral theory is interminable because it is indeterminate.³³

But one striking feature of his discussion is that he himself can’t resist getting stuck in. Thus he considers and attacks Judith Jarvis Thomson’s classic defence of abortion by means of an analogy to a bizarre imagined case where one finds oneself compelled to spend nine months of immobility acting as a life-support system for an ailing violinist. His first objection is just to the bizarre nature of the example. In such cases, remote from our experience, we can have no “settled or reliable intuitions” (A reader might wonder whether, in saying this, he does not appear to imply that, in other, less fanciful cases, intuitions can be ‘reliable’ in some sense.) He objects further that the analogy is badly flawed. Expectant mothers are not immobilized by pregnancy. The foetus is no stranger: you are its mum. And abortion is very different from simply unplugging oneself from a connection to a violinist, an active form of killing, not a mere allowing to die.³⁴

Whatever the merits of these points, it is natural to observe that Posner, in the very course of objecting to the characteristic activity of academic moralists, comes very close to joining in. He would, I conjecture, respond to this point by invoking the distinction between the critical and constructive employment of moral theory, where he seems somewhat less sceptical about the former than the latter.³⁵ And yet these activities are not always so distinct. Since Socrates, a primary means for the testing of moral ideas has been to test their robustness in the face of attempted refutation. Moreover to acknowledge the possibility of critical moral theorizing is to acknowledge that reason has something to do here. And this is surely true. Much later in his book, discussing Duncan Kennedy’s scepticism about public policy arguments, Posner writes:

Kennedy is wrong. Although one can always argue both sides of an issue of policy, the arguments for one side may fall completely flat. I would like to see Kennedy argue for raising the minimum wage to \$50 an hour.³⁶

The same is surely true of ethics and of ethical arguments. There are some ethical ideas that are just plain stupid for which there is simply nothing to be said. That sex,

³² Lakatos 1970, p. 178.

³³ Posner 1999, p. 53.

³⁴ *Ibid.*, pp. 54-55.

³⁵ *Ibid.*, pp. 15-16.

³⁶ *Ibid.*, p. 267.

any kind of sex in any circumstances, is morally wrong, that it is wicked to perform or to enjoy any kind of music, that the homicide law of ancient Cyme was just³⁷, these are stupid ideas in defence of which there is nothing credible to be said.

Posner sort of agrees:

When moral claims are founded on testable hypotheses – when, in other words, they are defended as functional – a space is created for moral criticism based on empirical investigation. We can then employ the moral premises of the culture whose morality is at issue, and reasoning from common premises, reach a conclusion that our local interlocutor may be forced as a matter of logic to accept (if he is logical). If the only reason that virgins are hurled into volcanoes is to make crops grow, empirical investigation should dislodge the practice.³⁸

Of course not all normative ethical theory need pretend to universality. Such theorists as Michael Walzer and, especially in his later writings, Rawls make no claim to be doing more than exploring and developing the moral self-understanding of our own society in all its historical contingency. As I stressed at the outset, the issue of whether to accept the kind of robust realism sometimes denoted by talk of intuitionism is distinct from the more narrowly methodological issue of the legitimacy of an appeal to intuitions.

That said, there may be objections to the use of intuitions that are specific to particular metaethical understandings of it. This is certainly true of the more robust forms of realism where intuitions are taken to be a quasi-perceptual form of cognition by which we are somehow able to scrutinize a domain of moral truths constituted prior to and independently of any interest we may take in it. Insofar as it is this story Posner considers epistemologically bankrupt, he has a lot of company, not least among many practitioners of the so-called academic moralism he is criticising.

However other metaethical understandings of moral inquiry may understand appeals to intuition in ways that are less vulnerable to this charge. Indeed, in another paper, I have argued that just this is true of expressivism and that its truth should count as a strong dialectical strike in that theory's favour.³⁹ On my own expressivist view of metaethics, moral intuition emerges as a wholly unmysterious phenomenon. For the expressivist, intuitions are simply desires, or a particular species of desire, broadly understood. When I say I have an intuition that murder or rape or torture is wrong, what I express is not, fundamentally, a belief at all but rather my state of unwillingness to accept as a set of rules to govern my actions– or indeed any community's actions – any set of rules that did not prohibit such deeds. The practice of moral inquiry can then be conceived, intrapersonally, as the attempt to impose coherence on these desires where they conflict; interpersonally as the attempt to deepen and to extend our communities of judgement by seeking to resolve interpersonal conflicts of the same sort. This enterprise is difficult and always to an extent *ad hominem*. We look for enough normative common ground with our interlocutors to give us dialectical purchase in areas where we disagree. (With some

³⁷ Aristotle: *Politics* 1269a1, an example made much of by Martha Nussbaum in her 1988.

³⁸ Posner 1999, pp. 21-22.

³⁹ Lenman 2007.

interlocutors this may be hard work and it is sometimes indeed all too tempting to stay at home, as Posner castigates academic moralists for doing, and preach to the ideological choir.⁴⁰)

In this way expressivism offers to make unmysterious what other metaethical views may threaten to leave entirely mysterious. But perhaps there are other objections to this, highly metaphysically unassuming conception of moral inquiry. I will close by noting one. It's easy to see the force of the worry that science might just be just mob psychology. The worry would seem to be that rather than being what we all hoped it was, a rational cognitive enterprise whereby we successfully engage with an order of truths constituted prior to and independently of our engagement with it by procedures which reliably track such truths, at least most of the time, all we have is just a kind of politics. The metaphysically ambitious philosophical intuitionist can raise, and (she no doubt hopes) address, the same concern, explicated by means of the same contrast. But can the expressivist even make clear sense of the problem? For the expressivist, quasi-realist niceties to one side, there is no such prior and independent order of moral truth and there is little for moral inquiry, philosophical or otherwise, to be, other than an effectively political process whereby we try to secure agreement on a set of shared moral understandings acceptable to all of us. And if that's right, someone might wonder, what is left for the charge that moral philosophy is simply mob psychology to amount to? The answer of course has to be that we do not here – for we cannot - distinguish merely political processes from something else. Rather the distinction we need is one *inside* politics: we need a story whereby we distinguish different kinds of political process, identifying those we hope our society's moral conversations will exemplify and others we do not. Wherever possible we should prefer conversations to violent conflict. Wherever possible we should prefer conversations that include everyone in our community (at least) and not just members of privileged proper subsets. Wherever possible we should prefer conversations where we seek to secure our interlocutors' agreement by arguments – understood generously so as include appeals to our interlocutors' moral imagination as well as their more narrowly rational capacities – rather than by simply bullying or browbeating them. Wherever possible holders even – one might perhaps say especially - of unpopular or difficult opinions should be permitted to air them, where unpopular and difficult opinions might include dissent from the very normative judgements these few sentences have aired. Such thoughts could be developed in various ways, perhaps by articulating, in a roughly Habermasian spirit, norms that we would wish to guide our moral conversations, perhaps by developing a virtue-theoretical account of the qualities of character to be desired in its participants. Such development is the business of moral epistemology and to that extent a part of metaethics but it is also a part of ethics, itself already moralized through and through.⁴¹ Even in airing the very modest norms of moral conversation I have just mentioned, I am simply putting some more moral intuitions on the table—though they are intuitions I hope you share and, even if you do not, I hope we may share enough in the way of other things that it need not always prove futile for us to discuss them.

⁴⁰ See especially 1999, p. 90.

⁴¹ Cf. Lenman 2012..

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