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MORAL FACTS AND SUITABLY INFORMED SUBJECTS:

A REPLY TO DENHAM

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Abstract

The nature of moral facts, and their relationship to rationality, imagination and sentiment, have been central and pressing issues in recent moral philosophy. In this paper, I discuss and criticise a meta-ethical theory put forward by Alison Denham, which views moral facts as being constituted by the responses of ideal, empathetic agents. I argue that Denham's account is radically unstable, in that she has given us an account of the nature of such agents which is inconsistent with an independently plausible principle relating to concept acquisition. I go on to discuss one line of defence that Denham might employ, but argue that taking such a line entails abandoning what she takes to be an important advantage of her account over rival ideal-observer theories such as Michael Smith's.

Introduction

In this paper I want to discuss a theory of the nature of moral facts and our epistemological relation to them recently put forward by Alison Denham, in her book *Metaphor and Moral Experience*.¹ I will begin by giving a brief sketch of the motivation for and nature of the theory, and go on to raise what I take to be a serious difficulty for it.

Minimal Truth and Response Dependence

A familiar position in contemporary meta-ethics characterises the moral responses of certain idealised moral agents as standing a constitutive relation to the moral facts. Such accounts are attractive, in part, because they seem to allow that moral facts might have a degree of objectivity, without entailing that they can in principle outrun our epistemological grasp of them. Denham subscribes to such a view. On her account, the moral facts are *constituted by* the judgements of idealised moral subjects, in the sense that they are co-extensive with, explained by, and analysable in terms of such judgements. She thus holds that the following *provisional equation* is a priori true:

(DE) For all ideal subjects S, in ideal circumstances C, objects x, and moral properties P

If C-conditions obtain then (S judges that x is P if and only if x is P).

If ‘ideal subjects’ in (DE) is merely a place—holder for ‘subjects who are infallible with regard to the moral facts’ then the a prioricity of (DE) follows trivially. However, this is not the manner in which Denham intends us to understand it. Rather, in order to establish that (DE) is a priori in some philosophically significant way, Denham recognises that she has to give a detailed, substantial account of what ideal subjects and ideal circumstances are. If (DE) could defensibly be presented as an a priori principle about morality after such a specification was given, Denham thinks,

that would be a sign that moral properties are genuinely judgement dependent.

Otherwise, by her own lights, she would have failed to establish that moral judgements do not merely reliably *track* the facts but rather are *constitutive* of them..

How then, should we think of the ideal subject? Denham argues, with Smith, that we should think of the subject whose responses constitute the moral facts *hypothetically* i.e. as some non—actual idealization of ourselves. She characterizes the *suitably informed subject* as follows

- I. She is ‘fully informed’, in the sense that her judgement does not *as a matter of fact* issue from false beliefs, or ignorance concerning relevant truths, including all beliefs and truths about the subvening properties of the judged moral facts. These subvening properties include the concerns and interests of others, along with other natural facts.
- II. She does not make an *inference* from the subvening properties, by e.g. consulting a general rule which entails that these natural properties entail these moral ones. Rather, she makes *basic moral judgements*, where these are defined as ones which
 - a) identify the moral aspects of a situation as involving an order or pattern within the subvenient conditions and
 - b) do not involve inference, but rather direct experience of the subvenient conditions as manifesting such a pattern.²
- III. Her beliefs about the concerns and interests of others represent not only the content of those concerns and interests, but also their experiential character. This latter aspect represents the concerns and interests *as from the other’s point of view*, and thus represents the motivational and empathetic character *as if experienced by the other*. This is achieved via the capacity to engage with other people's subjective

views via a capacity for empathic imagination, which in turn can be achieved via engagement with art, and expressed via metaphor.

Additionally, however, the suitably informed subject has certain features which, on Denham's account, are a necessary precondition of her participating in assertoric, fact—stating moral discourse at all. Denham endorses Wright's minimalist theory of truth aptitude and assertoric content.³ Minimalism of this stripe holds that it suffices for a discourse to possess assertoric content that it meet certain constraints regarding firstly, *syntax* and secondly, *discipline*. The syntactic constraint maintains that mere syntactic criteria suffice for an utterance being *assertoric*; roughly, it should embed appropriately in logical and propositional attitude contexts. The second constraint insists that there should be public norms regarding the acceptance and denial of particular claims within the discourse in question; roughly, this is intended to ensure that we are genuinely engaged in *contentful* discourse.

Denham takes it as obvious that many moral claims are syntactically assertoric, but holds that the relevant degree of discipline will only exist if moral subjects, whether imperfect like us, or fully informed like our idealized counterparts, meet the following four 'minimal' conditions;

- (a) They are persons, who can have 'phenomenal experiences relevant to moral judgement'
- (b) They share a repertoire of linguistic concepts, where these are relevant
- (c) They manifest a 'baseline agreement' in their judgements of uncontestable paradigm instances of such properties, as displayed in their speech and behaviour, and

(d) They are concerned with making true judgements concerning moral properties.

Denham's distinctive claim, then is that (DE) holds a priori, when 'ideal agents' are understood as being *suitably informed subjects*, who meet conditions I)-III) and (a)-(d) above.

Motivation for the account

I noted above that Denham's account is structurally similar to Michael Smith's. However, Denham holds that her account of the nature of moral facts has several advantages over that proposed by Smith. In particular, she argues that her theory correctly ensures, as Smith's does not, that moral discourse concerning *thick* moral properties — the degenerate, the malicious, the generous, the courageous, etc — is *robustly cognitive*, in the sense that no two suitably informed subjects could disagree about what was morally desirable to do in a given situation C. Any moral disagreement must thus entail that at least one of the participants is cognitively at fault. Following Wright, I will refer to discourses which have this property as displaying *Cognitive Command*:

Cognitive Command: A discourse exhibits Cognitive Command if and only if it is a priori that differences of opinion arising within it can be satisfactorily explained only in terms of "divergent input", i.e. the disputants working on the basis of different information (and hence guilty of ignorance or error, depending on the status of that information), or "unsuitable conditions" (resulting in inattention or distraction and so in inferential error, or oversight of data, and so on) or "malfunction" (e.g. prejudicial assessment of data, upwards or downwards, or dogma, or failings in other categories already listed).⁴

I do not intend to evaluate this claim of Denham's here, although it will play a significant role in my later discussion. Firstly, however, I will argue that Denham lays down an inconsistent set of constraints on her standard setting, basic belief forming subjects. Denham's account simply can't be right, I hold, since the existence of the ideal subjects she describes is not a coherent possibility.

Why the suitable subjects can't exist

In order to see why Denham's conditions for suitably informed subjects can't be met, we need to outline one further element of her theory concerning what it is to possess a concept. For Denham, a concept of an object or property is 'a way of thinking about that thing which can feature in beliefs which are subject to evaluation as true or false, warranted or unwarranted'.⁵ She gives the following definition of concept possession

To possess a concept of a thing is to possess a way of thinking about it such that one's thoughts are accountable to some standard of correctness by which they are evaluated.⁶

Of course, it matters a great deal here how we individuate 'ways of thinking'. But Denham makes clear that she takes some types of conceptual abilities to be at best parasitic on the existence of others. Discussing the case of a subject who can *never* make basic moral judgements, she says

Surely in such a case there is a prima-facie case for denying that, strictly speaking, he possesses moral concepts. There is at least a sense in which, when he offers moral assertions, he is using the words without properly understanding them, as the pattern-blind man uses the vocabulary of pictorial aspects or as the congenitally blind use colour concepts...his use is parasitic on the use to which it is put by properly functioning subjects...he is not himself a moral agent.⁷

Call this the *Parasite Principle*

Parasite Principle: Subjects who don't think of pattern properties — including moral properties — by forming basic beliefs about them either lack the relevant concepts or are conceptually parasitic on subjects who do.

Moreover, it is clear that, on Denham's account, *our* way of thinking about moral properties is quite different from that which suitably informed subjects would employ. For while they would judge directly, on forming basic beliefs about the relevant moral properties of a character or act, we think about such properties, according to her, by asking ourselves what such subjects would judge, were it the case that they existed. We ourselves can never get into the epistemological position that they are lucky enough to occupy, as Denham makes clear

None of us are perfectly informed...we are at best located at some stage or other along the road to that ideal.⁸

The attempt to pronounce on the moral aspects attaching to an act or character or situation is, precisely, an attempt to discern which aspects it would manifest to someone who took into account all that could possibly matter, and so was informed of *all* relevant facts of the matter... We never operate in such conditions, we can at best approximate to them.⁹

Call this the *Principle of Imperfect Information*

<i>Principle of Imperfect Information</i>	We are never in the epistemological position of a suitably informed subject.
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Both of the above principles, then, are endorsed by Denham. I want to appeal to one further principle that isn't. Let us think again about the cases of the pattern blind man, and the congenitally blind man's grasp of colour. In virtue of what can such unfortunate individuals 'get hold' of the relevant subvening properties? The answer seems obvious. It is because there are *actual* subjects who can make *properly* basic, non-inferential judgements, that subjects who cannot make such basic judgements can learn to effectively track the relevant properties. It is because there are subjects who can just *see* that a rose is red, or that a group of lines make a smiling face, that subjects who can't tell just by looking can come to make correct judgements and inferences about colours and patterns.

It's clear that what wouldn't be of any use to a colour—blind person is just to be told to try and work out what a fully sighted person would say, were it the case that one existed. Some of us actually have to be able to identify the relevant properties

directly, forming basic beliefs, in order for the others to be able to learn from us what non-colour properties to look for.

Think also about a case where, say, a Martian has a sense modality that we lack — detecting some particular grouping of sonar properties, for example — and thus identifies a set of secondary qualities directly that we cannot. Can we tell at the moment which primary properties go along with such secondary qualities, just by consulting our modal intuitions? Of course not. We would actually have to spend time with the Martian, having him point out paradigm cases, correct our mistaken guesses, etc., before we could have justified non-basic beliefs about the secondary qualities that he picks out directly on the basis of their appearance.

The point I am trying to bring out is that, when we possess a concept derivatively, as when we think about a property indirectly, via the basic judgements of other subjects, the subjects in question must actually exist, and interact with us. Take an arbitrary patterned appearance property *blahness*, that we have not experienced, nor even come to derivatively possess a concept of. Could we acquire that concept BLAH by merely reflecting on what would be picked out were it the case that there existed subjects who knew all about the relevant properties subvening blahness, and made basic judgements on the basis of blah-appearances alone? Of course not. For that condition would be hold consistently with any appearance property that blah-ness happened to be.

The philosophical point behind these examples, it seems to me is this. We cannot possess concepts parasitically on the basic judgements of merely possible subjects. For to be able to formulate the modal thought about the possible subjects in question, we have to be *already* able to use the concept C, since the subjects are just picked out as those who can judge that C. We think: what would be the case if a C-possessor

judged here? But that means we must *independently* acquire the concept C, *before* we come to formulate the modal proposition.

I therefore endorse the following *Actuality Principle*

Actuality Principle: In order to derive a concept parasitically upon the basic judgements of others, these others must at least be actual.

Given these three principles, we have the resources to see why nothing can meet the description of the suitably informed subjects that Denham puts forward. My argument proceeds as follows

1. We are never in a position to form basic beliefs about the 'order or pattern within the subvenient conditions' that constitutes the moral facts. **Imperfect**
2. Either we lack moral concepts, or our moral concepts are parasitic or derivative, relying on suitably informed subjects who do form such beliefs. **Parasite**
3. Such suitably informed subjects are purely hypothetical. **Imperfect**
4. We can't derive our moral concepts from purely hypothetical subjects. **Actuality**
5. We lack moral concepts. **(1-4)**
6. But since minimal conditions b)–d) require such that we possess concepts, either we have such concepts, or moral discourse isn't truth apt. **(Definition)**
7. Moral discourse isn't truth apt. **(5-6)**
8. If moral discourse isn't truth apt, then there are no moral facts. **(Definition)**
9. If there are no moral facts, then there are no ideal subjects whose judgements constitute the moral facts. **(Definition)**

10. There are no ideal subjects whose judgements constitute the moral facts. (7-9)

I conclude that Denham has failed to give us an adequate account of the relationship between the moral facts, the imagination and our basic moral judgements.

Suggestion

One response might be to look again at the *Principle of Imperfect Information*. It should perhaps have worried Denham that she is moved to assert that such a principle holds. After all, this seems to provide a telling disanalogy between other, paradigm cases where a judgement or response-dependent account of the relevant set of facts has been taken to be appropriate. Take, for example, the cases of colour and of beauty. In each case, philosophers have suggested that suitable provisional equations of the form

(P) In C-conditions, P iff S judges that P (responds in way W to P).

are necessary and a priori, and that the best explanation of this is that a constitutive, rather than tracking, model of the relationship between our responses and the facts is appropriate. However, it is unclear why this type of a priori knowledge should deliver knowledge that the relevant C-conditions can never be met in the actual world. On the one hand, it doesn't seem plausible that an a priori truth of the above form should entail substantial information concerning the states of affairs that obtain in the actual world. On the other, if the claim that C-conditions never obtain is supposed to be justified empirically, then it has to be shown *why* we might not, in a particular

(perhaps simple) case, be in possession of all the relevant facts. Denham has given us no reason to believe that this is impossible in the moral case, but seems to be committed to providing some such account.

Of course, there is *prima facie* reason to be sceptical that we *could* get into an informational state as described by Denham: there just seems too much to know. There are just too many relevant facts about moral situations, acts and characters, especially if many of these have to be grasped under other people's first person experiential modes of presentation. However, the characterization of 'fully informed' that she gives, with its emphasis on the claim that the subject's judgement doesn't, *as a matter of fact* issue from false beliefs or ignorance, seems to leave theoretical space for maneuver. Perhaps she could hold that, while it is not the case that we are warranted in asserting that we are never in ideal conditions, neither could we be justified in asserting that we were in any particular case, even if such conditions in fact held. That move would then seem to allow her space to insist that there *are*, contrary to our pre-theoretic intuitions, actual subjects in ideal conditions, from whom we might derive the relevant concepts (even though nobody could be warranted in believing that they were in such conditions) and thus defuse the argument outlined above.

The requirements that minimal truth imposes concerning the prescriptive and descriptive norms attaching to the discourse will now be met, presumably. The fact that we can never be warranted in believing that any particular subject is in the ideal conditions necessary to possess moral concepts non-derivatively does not entail that we can't be warranted in believing that a particular subject *isn't* in ideal conditions. So Denham now seems to have the resources necessary to make the minimal distinctions between to correctness and incorrectness which a necessary if such norms

are to find a grip. The relevant rules differentiate between individuals or circumstances which, for all we know, are well-placed or favorable with respect to determining whether a given judgement is appropriate, and those who definitely aren't.

I think such a move, however, enforces abandonment of the claim that moral judgements display Cognitive Command. Either I form basic beliefs about the moral facts, or I think about the facts by way of thinking about what a suitably placed subject would say in the circumstances. In the first case, since I don't know that I am forming basic beliefs, I won't, if I am rational, grant any more weight to my beliefs than to those of others who seem as well placed as I do *but give divergent judgements*: thus, Cognitive Command will not be met. In the second case, since I can't differentiate between those subjects who, for all I know, are well placed, I lack grounds to insist that one or other of two divergent judgements must be the correct one. So again, Cognitive Command will not be met.

Conclusion

It seems to me, then, that Denham has presented us with an inconsistent description of how the moral facts might be constituted by the responses of a suitable subject. Her commitment to the parasite principle, the principle of imperfect information, minimalism about truth and the view that the ideal moral subject forms basic beliefs, makes it impossible for her to give an genuine account of how we might acquire moral concepts, given the plausibility of the actuality principle. I have sketched one response to this inconsistency: reject the principle of imperfect information, and hold that, while actual subjects can get into ideal circumstances, they cannot be warranted

in believing that they are in such in any particular case. This modification, however, strips Denham's theory of one of its supposed advantages over Smith's rival account, namely, namely, the ability to show how moral judgements meet Cognitive Command.^{10, 11}

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¹ A.E. Denham, Metaphor and Moral Experience (Oxford: Oxford University Press, 2000)

² Much in the way that we do not infer that a cartoon is of a rabbit by attending to the lines that make it up and citing an independently storable rule, but rather see the lines immediately *as* a rabbit.

³ Wright (1999) 'Truth: A traditional debate reviewed', p. 226, in Blackburn and Simmons (1999) *Truth*, (Oxford) pp. 203—238.

⁴ Wright (1992) *Truth and Objectivity* (Harvard) pp. 92—93. Another formulation appears on p 144. The Convergence/Representation Platitude is formulated on p. 91.

⁵ Denham Metaphor and Moral Experience p. 44.

⁶ Denham Metaphor and Moral Experience p 44.

⁷ Denham Metaphor and Moral Experience p. 48.

⁸ Denham Metaphor and Moral Experience p 166.

⁹ Denham Metaphor and Moral Experience p 178.

¹⁰ How else might Denham try to repair the situation? Well, she might attempt to withdraw support completely for the Principle of Imperfect Information, and hold that we can actually be in, and know that we are in, ideal epistemic circumstances. But this looks hopeless. There are just too many possibly relevant facts about moral situations, acts and characters, especially if many of these have to be grasped under other people's first person experiential modes of presentation. She might try to come up with another view of concept possession, but this would seem to undercut her emphasis on the

primacy of basic moral judgements, and weaken her objection to Smith's account of motivation. So it might look like she should reject the Actuality Principle. Perhaps she could claim that it is sufficient that the relevant subjects are just in very close possible worlds, so that we can make some kind of analogical leap. But then, we have to ask, what warrant do we have for assuming that her suitably informed subjects perceive moral patterns similar to those we do, even in paradigm cases? Perhaps the tiny subvening differences add up to significant supervening differences, as when adding a tiny blotch of paint to a painting turns a genuine smile into an ironic one, changing the whole character of a pictured event. Perhaps she could claim that the subjects must at least agree with us that, given our state of information, things appear morally thus and so. But in that case, we seem to have to pick out the hypothetical subjects who identify genuine moral properties by appealing to descriptions which involve converging judgements about the appearance of such properties. But surely to have the concept of the appearance of a moral property we first have to acquire the concept of a moral property simpliciter? Acknowledgements.

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