

6-19-2013

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Philip Yaure  
*University of Chicago*

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### Recommended Citation

Yaure, Philip (2013) "Evolutionary Ethics and the Moral Skeptic," *Res Cogitans*: Vol. 4: Iss. 1, Article 9. <http://dx.doi.org/10.7710/2155-4838.1077>

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# Evolutionary Ethics and the Moral Skeptic

**Philip Yaure**  
*University of Chicago*

Published online: 19 June 2013

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## Abstract

In this paper, I examine the relation between moral skepticism and evolutionary ethics. I focus on Robert Richards' 'Revised Theory' of evolutionary ethics (in his "A Defense of Evolutionary Ethics"), and Robert Joyce's introduction of the moral skeptic as an objection to Richards' view (in his *The Evolution of Morality*). I argue that Joyce's application of the moral skeptic (an individual who denies common-sense moral judgments) is misaimed—for Richards can utilize a traditional response in moral theory and simply consider the skeptic beyond the pale of moral discourse. I then proceed to argue that the skeptic can be reintroduced at a further point in Richards' argument, where he attempts to tease out the imperative force of 'ought' in moral contexts by appealing to the 'structured context' in which those 'ought'-propositions occur, and that, if we frame our application of the skeptic here carefully, a serious problem for Richards' view (and by extension, naturalistic ethical programs generally). I conclude with an evaluation of a series of possible responses to the skeptic by a proponent of Richards' view (most of which can be generalized to naturalistic ethical projects beyond his).

In this paper, I address the engagement between Richards' 'Revised Version' of evolutionary ethics (hereafter 'RV,' in his "A Defense of Evolutionary Ethics") and Joyce's objections to Richards' view in "The Evolutionary Vindication of Morality." In particular, I focus on Joyce's introduction of the moral skeptic<sup>1</sup>—a hypothetical individual who denies common-sense judgments or beliefs about morality. Joyce, I contend, introduces the moral skeptic at an ineffectual stage in the argument; his skeptic simply rejects the common-sense moral judgments meant to justify the axioms and inference rules of the evolutionary ethical system. But this skeptic, I show, can simply be put to one side, grounding this move in Aristotelian precedent. Instead, I introduce the moral skeptic at a later stage in Richards' argument: where he is attempting to provide the fine-grained sense of the use of 'ought' in moral contexts (in particular, its imperative force) by introducing the notion of 'structured contexts' (composed of the causal principles relevant to a particular situation or type of situation). Here, the moral skeptic denies the intuitive distinction between the imperative use of 'ought' in moral contexts and the instrumental (predictive) use of 'ought' in non-moral contexts. The challenge to the proponent of RV is, then, to explain how her view differentiates between the two uses of ought—not to persuade the

skeptic, but rather to show a third-party observer that the position of RV and that of the skeptic are distinct. I conclude with an evaluation of a series of possible maneuvers available to the proponent of RV in attempting to meet this challenge.

First, it is important sketch out the aspects of Richards' argument most relevant for our purposes. Richards' introduces a distinction between the 'criterion of morality' (that to act morally is to intend to act for the good of the community) and particular moral propositions which are judged to fall under this criterion at any given time. The former is universal (i.e.: obtaining across all human communities), while the latter can change across communities and time (281). The criterion of morality, in turn, is taken as an axiom of RV's ethical system, and Richards argues that RV, like all axiomatic systems, must ultimately be grounded in facts—in particular, common-sense judgments relevant to the domain of the given system (284).<sup>2</sup> This is how, Richards asserts, normative propositions are derived from factual propositions. But we still need the fine-grained sense of 'ought' used in moral contexts (specifically, its imperative/exhortatory force). To supply this force, Richards appeals to the 'structured contexts' of ought-propositions, and the difference in structured contexts in the case of moral and non-moral uses of ought (287-288). Ultimately, the possibility of Richards' evolutionary ethics, or any naturalistic theory of ethics (i.e.: one that seeks to ground ethical truths in empirical truths) for that matter, hangs on these two arguments going through—for without them our ethical theory is without norms; that is, without an ethics. By applying skeptical considerations as a test of these arguments, then, we participate in an examination of the very possibility of naturalism in ethics.<sup>3</sup>

With the broad framework in mind, I will now proceed to sketch out Richards' argument for the claim that all axiomatic systems (including ethical systems) ultimately must appeal to empirical judgments, as well as Joyce's introduction of the skeptic at this stage. It seems that Richards assumes all conceptual systems to have an axiomatic form—or, at least, that such systems are worthy of consideration by themselves.<sup>4</sup> Given this assumption as the restriction on the domain of systems under consideration, it appears necessary that there is something (first principle or inference rule) within the system that cannot be justified by appeal to the system itself. That is, this principle(s) or rule(s) stands at the foundation of system—it is what the rest of the structure rests upon. The question thus arises: how do we justify these foundations? Richards' answer is that we must appeal to factual considerations that apply outside of the domain relevant to the system; that is, common-sense judgments of some sort. In the case of ethical systems, the relevant judgments will be "common-sense moral judgments" (284), such as those reflected in the ethical injunctions of moral leaders of a community (282-83). In particular, for RV, we must justify the 'criterion of morality' (the good of the community) by appealing to common-sense moral judgments that accord with it. The core of the procedure seems to be to lay out a series of scenarios that lend themselves to clear moral judgments ('easy cases make good law'), and show that the general

principle which relates all these judgments is precisely the ‘criterion of morality’ (or whatever other axiom we seek to justify).

It seems that evolutionary theory plays two roles within this picture of justification. First, it serves to explain why we can take the common-sense moral judgments used to justify the criterion of morality as ‘common.’ Because community selection tends to select those communities that have these moral judgments that are directed towards the good of the community, those judgments have become more prevalent across time. Second, evolutionary facts themselves may function in place of common-sense moral judgments as the facts that we appeal to—Richards’ takes his appeal to show “how normative conclusions may be drawn from factual premises” generally, not one particular type of factual premises. While this second role may seem to stretch things, as it doesn’t obviously follow from the claim that common-sense facts can justify normative propositions that any facts (including evolutionary ones) can justify normative propositions, it seems that evolutionary facts are treated as common-sense facts within Richards’ framework, as he is taking the empirical assertions of evolutionary theory for granted (272).

With this sketch of Richards’ argument in mind, we can introduce Joyce’s moral skeptic into the picture. It seems that the appeal to common-sense moral judgments is vulnerable to one who does not share such judgments—the moral skeptic. Joyce himself takes the moral skeptic to reject the appeal to authority inference rule that Richards posits (158), but as we might take the injunctions of moral authority as reflections of the common-sense moral judgments of the community as a whole, it seems that the skeptic really takes exception to these latter judgments—rejecting the appeal to authority is really a consequence of rejecting these judgments. Joyce takes the moral skeptic to pose a serious problem for RV (and presumably Richards’ model for justification of any ethical theory) because, if common-sense moral judgments are the ultimate justification for the axioms and inference rules of an ethical system (and thereby the system as a whole) and the skeptic denies these judgments, then it seems that the proponent of RV (or any other ethical theory) is left with no tools with which to persuade the skeptic. But this, Joyce contends: “undermines the whole enterprise, for the challenge of deriving ‘ought’ from ‘is,’ as it is classically conceived, is to try to convince a sensible [!] moral skeptic that her sensible acceptance of various relevant empirical data logically commits her to certain moral conclusions.... The trick is to get people *who haven’t already agreed* to a moral view to agree” (158, emphasis his). It is this contention that undermines Joyce’s position, as we will see.

But first, it is important to get clear on what exactly the moral skeptic is rejecting. It seems that we might conceive of two scenarios:

- (S1): The moral skeptic rejects some particular common-sense moral judgment (e.g.: Abortion is wrong; I ought to help old ladies cross the street.)
- (S2): The moral skeptic rejects any judgment that accords with Richards' criterion of morality (or whatever other axiom or rule is under consideration).

In fact, (S1) doesn't seem to be a terribly troublesome 'skeptic,' as Richards' view (and any empirically plausible ethical theory) can accommodate the rejection of particular judgments, for, Richards asserts: "what particular acts fall under the criterion [of morality] will continue to change" (281). This 'skeptic' seems to simply represent instances of moral disagreement, which can occur in virtue of changes of knowledge in a community (e.g.: that the sacrifice of virgins doesn't actually help the crops grow) or further rational reflection on the purported value of a type of action to a given community.

(S2), on the other hand, does appear to constitute a serious problem for RV. It seems that, in attempting to persuade a person to adopt some ethical framework, we can either appeal to the common-sense judgments that could justify the criterion of morality (or whatever other axiom or rule), or we could argue for the soundness of the common-sense judgments under consideration by appealing to more principles. But if we're dealing with a truly robust skeptic, there are no common-sense moral judgments that will be accepted, and the latter approach is viciously circular, as it seeks to offer justification for the criterion in question (via justification of the common-sense judgments that justify it) by appealing to principles that are justified by the criterion itself!

Given this problem, one may be inclined to go back to the core assumption that makes the problem stick: that, as Joyce puts it, the whole point of a moral theory is to persuade one who doesn't already (more or less) share its views on moral matters. Contrary to Joyce's assertion, it does not appear that the classical conception of moral theory commits itself to the goal of persuading the skeptic. In particular, we can find a radically different response as far back as Aristotle. In *The Nicomachean Ethics*, the Philosopher asserts that "knowledge brings no benefit" to the person who lacks a sufficiently well formed character, either in virtue of immaturity or depravity in character (I.3 1095a, trans. Ostwald). That is, only those with a sufficiently well formed character are eligible to participate in moral discourse.<sup>5</sup> But the moral skeptic, who denies the most straightforward of moral judgments, surely cannot be one with a sufficiently well formed moral character—if she were, she'd share these basic intuitions! Thus, a similar move seems available for the proponent of RV in response to the skeptic: one who rejects the common-sense moral judgments that justify the criterion of morality (and thereby rejects the criterion itself) is simply beyond the pale of moral discourse. Thus, RV can reject the assumption that it must persuade the moral skeptic in order to serve as a proper moral theory: a legitimate response to the skeptic

here is to just shrug one's shoulders and say: 'There's nothing more I can do with you, until you come around to these basic intuitions.'

One concern with this sort of move is that it may remove a significant proportion of people from the realm of moral discourse. In the case of Aristotelian ethics, the habits which are indicative of a moral character sufficiently well formed for moral discourse are quite strenuous, and there is reason to doubt that many actual people in fact satisfy the standard. We would thus be left with a moral elite dictating the justification for moral claims to the *hoi polloi*. It seems that RV can mitigate this concern, however, by noting that we should expect the vast majority of humans to share most common-sense judgments of morality, as they have been conditioned to do so by the selective pressures of community selection. As Richards observes: "Those protohumans lineages that have not had these traits [i.e.: instincts that compel one to act for the good of the community] selected for, have not been selected at all" (285). The moral skeptic who lacks these instincts would pick out the rare individual "who cannot comprehend the soundness of basic moral principles... [and who] we hardly regard as a man" (285). The view of the radical moral skeptic is a self-marginalizing view, removing itself from the moral discourse as natural selection removes its proponents from the species.

It thus appears that we can diffuse the threat of the moral skeptic at the stage of RV's argument that Joyce introduces her. Richards' attempt to link normative propositions to factual propositions thus seems preserved from this line of objection. However, it also seems that we can reintroduce this skeptic at a later point in Richards' argument—where Richards attempts to tease out the imperative force of ought in virtue of 'structure contexts'—and, by properly framing the skeptical problem, present a serious issue for RV at this later stage.

This stage of the argument begins by acknowledging the intuition that there is a distinction in usage between instrumental (predictive) ought and moral ought, where the latter tends to imply some sense of obligation (or imperative or exhortation). Richards attempts to make room for such a distinction in his discussion of Gewirth's notion of 'structured contexts.' Gewirth states: "A context is structured when it is constituted by laws or rules which determine certain existential or practical necessities" (108). He argues that one way of deriving 'ought' from 'is' appeals to these structured contexts. For example, we say that the ball ought to roll down the ramp because of certain physical laws (e.g.: the law of gravitation) and physical conditions (the incline of the ramp and the height of the ball relative to the surface) which constitute the structured context. That is, we appeal to these laws and conditions when we assert that the release of the ball should be followed by its rolling down the ramp. Likewise, in the case of human action, we appeal to the relevant 'laws or rules' which apply to that structured context. In particular, Richards asserts, we appeal to evolutionary facts about the way that a given human agent has been conditioned to behave (as well as perhaps

social facts which bear an intimate relation to community selective pressures), and “the constructive forces of evolution impose a practical necessity on each man to promote the community good” by performing or not performing the act in question (288). And because we take acting for the community good as the meaning of ‘moral,’ we say that the agent in question ought to perform the action.

The moral skeptic comes into play here by denying the intuitive distinction between the predictive use of ought exemplified in the case of the ball on the ramp, and the imperative use of ought in the case of human action (e.g.: Johnny ought to help the old lady with her groceries.). The challenge for RV is to justify this difference in force of the assertions under consideration, in order to distinguish her position from the skeptical one. Mere stipulation won’t do, as the difference the intuition refers to is a substantive one (i.e.: the semantic distinction between the imperative and the mere predictive). Moreover, we can frame the problem in such a way that the maneuver undertaken above (putting the skeptic to one side) is unavailable. That is, rather than taking the challenge as to persuade the skeptic of the difference between the use of ‘ought’ in moral and non-moral contexts, we can frame it as a challenge for the proponent of RV to distinguish her position from the skeptic’s for a third-party observer (who shares the intuitive distinction between the force of moral and non-moral ‘oughts’). If the proponent of RV is unable to justify the asserted distinction between moral and non-moral ‘oughts’ within the framework available to her (specifically, by appealing to differences in ‘structured context’) to a third-party observer, so that RV is undistinguishable from the moral skeptic’s position in any substantial way, then it seems that RV is an unsatisfactory moral theory—as any satisfactory moral theory will adequately distinguish itself from the skeptical position which we, by default, reject.

Here are three possible lines the proponent of RV might take to justify the distinction between moral and non-moral ‘ought,’ along with evaluations of each:

- *Mitigating Factors:* One might be inclined to claim that the case of human action has certain mitigating factors that give rise to the imperative force of ought in the context. That is, Johnny could do otherwise than help the old lady cross the street, but a ball could not do anything but roll down the ramp once it is released. Depending on how narrow the set of counterfactuals we are permitted to consider is, this move either commits us to causal indeterminacy in the case of human action or allows non-moral structured contexts to also have mitigating factors. The former disjunct requires that we hold all causal elements of the structured context the same, but claim that the agent could have done otherwise—which is to say that the causal elements of a scenario do not determine the result, a consequence unacceptable in the naturalistic framework of RV. Or we say that the causal elements themselves could have been different—but this is also the case for

non-moral uses of ought as well (e.g.: the ball ought to have rolled down the ramp, but the coefficient of friction was too high.). So mitigating factors cannot distinguish between predictive and imperative uses of ought.

- *Phenomenology*: One might claim that the difference is in the way we *experience* the utterance or thought of ought in the case of moral and non-moral contexts. That is, we experience ought in the moral context in a certain ‘intense’ way (inescapable practical necessity) which we pick out with the term ‘imperative;’ while in the non-moral context our experience of ought is less ‘intense’ (mere expectation), which we pick out with the term ‘predictive.’ But the phenomenological distinction doesn’t seem so clear: ordinary use of the term ‘ought’ in mere predictive contexts can have a certain intensity similar to that of the moral case. For example, one might express consternation at a snowy April day by exclaiming: ‘It *ought* to be 70 degrees out, it’s April!’<sup>6</sup> Or conversely, one may use a moral ought with less intensity, such as when one remarks ‘That guy ought to hold the door open for those coming in behind him.’ So it doesn’t seem that the phenomenological distinction of intensity maps cleanly onto the moral/non-moral ‘ought’ distinction. Moreover, even if we could improve the mapping, it doesn’t seem that a phenomenological examination can offer the justification that the proponent of RV needs; RV needs to justify the intuitive distinction between moral and non-moral ‘ought,’ but appeal to the phenomenology of ‘ought’ seems just to reiterate this intuition, which is precisely what the skeptic rejects.
- *Causal role of the ought-propositions*: Finally, one might point out that, in moral contexts, utterances or token thoughts of the ought-proposition exert a causal influence on the agent, while, in contrast, the ought-proposition exerts no such causal influence in non-moral cases (I can yell myself blue in the face, but that’s not going to make a saw cut pine wood.). Perhaps the ‘imperative’ force of ought really picks out this causal role of token instances of the proposition in moral contexts. While I think this is the strongest case to be made for the distinction between moral and non-moral ‘ought,’ one may be inclined to think that it simply pushes the problem back a step—we still need to explain why moral ought-propositions are able to exert this causal influence on the agent.

In light of these considerations, one might begin to doubt that RV can in fact account for the difference in the force of moral and non-moral ‘ought.’ Such doubt leads us to a final disjunction: either RV is unsatisfactory as a moral theory or the problem posed by the introduction of the skeptic makes an unwarranted assumption (namely, that there is a distinction between moral and non-moral ought). While I have not the space here to adjudicate such a disjunction, I will note that it bears formal similarity to Joyce’s skeptical problem above (where Joyce assumes the goal of moral theory to be the



persuasion of the moral skeptic), so that we may be inclined to make a parallel move and reject the presupposition of the distinction between moral and non-moral ‘ought.’ However, though such a move is logically open to the proponent of RV here, we may question the wisdom of executing it. In rejecting Joyce’s supposition, we were able to show that the implicit historical grounding (‘classical conception’) of his claim was not in fact so clear, deflating that horn of his dilemma. Here, we seem hard pressed to deflate our intuitions in a similar way, so the move would do damage to genuine beliefs we have about moral ‘ought.’ The question thus becomes: to what extent ought we sacrifice our pre-theoretical intuitions in order to maintain our moral theory? It seems that the fate of RV, and perhaps naturalistic ethics generally, hangs in the balance.

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<sup>1</sup> Because I am limiting myself, primarily for reasons of scope, to the moral skeptic, I will not consider more general forms of epistemological skepticism. Thus, for example, skeptical concerns about the validity of scientific induction in general or the empirical grounding of evolutionary theory in particular are off the table. In this limitation, I am following Richards’ assumption in “A Defense of Evolutionary ethics” of the truth of the empirical assertions of evolutionary theory (272).

<sup>2</sup> One may read Richards’ as contending that axiomatic systems must be grounding in some facts, not necessarily common-sense ones—in particular, evolutionary facts can play this justifying role for RV. But, as Richards’ takes the truth of evolutionary theory for granted in the paper, it seems that he is effectively treating them as common-sense judgments.

<sup>3</sup> Richards himself contends that all ethical systems must be grounded in empirical knowledge (specifically of human nature and our moral intuitions, 281-82), not just ‘naturalistic’ ones. We might take this as a sweeping ‘naturalizing’ move (i.e.: that all ethical systems are inherently justified by appeal to the natural world), rather than as a claim about the empirical dependence of ethical systems regardless of their ‘natural’ or ‘non-natural’ status.

<sup>4</sup> An interesting note, then, which will not be explored further in this paper, is that even if one rejects Richards’ justification for axioms and inference rules, one need not give up on the possibility of systematic knowledge: we may (after deciding to ditch the foundationalist view Richards adopts) simply shift to a coherentist (web-like) view of justification.

<sup>5</sup> This is not to say that those without sufficiently well formed moral character cannot be subject to moral evaluation of judgment—it is just as wrong for them to commit murder as the morally well formed character (though the latter case has the bonus of a logical contradiction). It is solely the claim that such individuals are not eligible participants in the discourse that explores and justifies these moral judgments.

<sup>6</sup> Or, for an even stronger, though hypothetical, example: imagine a case where lightning strikes but thunder does not follow. It seems that the exclamation of ‘ought’ in ‘It ought to thunder!’ would be forcefully on par with many of our moral exhortations.