

GAP.7

Nachdenken und Vordenken – Herausforderungen an die Philosophie

Herausgeber:

Oliver Petersen, Dagmar Borchers, Thomas Spitzley, Manfred Stöckler

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Vorwort

Vom 14.-17.9.2009 fand in Bremen der siebte Internationale Kongress "Nachdenken und Vordenken – Herausforderungen an die Philosophie" statt. Neben Hauptvorträgen und Kolloquiumsvorträgen gab es auch wieder Sektionsvorträge, in denen nicht nur, aber insbesondere auch viele Nachwuchskräfte ihre Forschungsarbeit präsentieren und im Anschluss diskutieren konnten. Von nicht allen aber einigen der deutlich über 200 Sektionsvorträge wurden seitens der Vortragenden Ausarbeitungen vorgenommen. Diese befinden sich in dieser Veröffentlichung.

Zwar wurden für die Ausarbeitungen Formatangaben gemacht, aber natürlich bedurften die Einreichungen doch noch der ein oder anderen Politur. Für die unglaubliche Unterstützung bei dieser sehr aufwendigen Arbeit danke ich Jannike Hensel, Johanna Krull, Anne Vogelgesang und vor allem Rebecca Hub.

Die Konferenz hätte ohne die organisatorischen Tätigkeiten des Bremer Philosophischen Instituts und insbesondere ohne die der Kongressausrichter Dagmar Borchers und Manfred Stöckler nicht so stattfinden können, wie sie das getan hat. Das Gleiche gilt für die Arbeiten der Kongressassistentinnen Nadja Niestädt und Kerstin Schnaars, des gesamten GAP-Vorstandes, der Stegmüller- und Ontos-Preis-Kommissionen, der Sektionsleiter und der Gutachter der Sektionseinreichungen. Allen sei hiermit für ihre großartige Mitarbeit gedankt. Ganz besonders gilt der Dank jedoch Thomas Spitzley, der wie kein Anderer zum Gelingen dieser Konferenz beigetragen hat.

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Oliver Petersen

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In What Sense Can an Evolutionary Meta-Ethical Sceptic Be Moral?

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Abstract/Zusammenfassung

Evolutionary meta-ethical scepticism is the view according to which there cannot be any justification for our ethical practices, norms, or systems, since evolutionary theory has made it clear that there is no room for moral values in the fabric of the universe. Several supporters of it have claimed that this form of scepticism leaves normative ethics untouched. I want to discuss this conclusion, and I try to argue that in fact meta-ethical scepticism has a bearing on normative ethics, and calls for a radical revision of common sense, naive normative practices. It is true that, as several supporters of this view want to claim, they may be moral, but this is only true if the word ‘moral’ is taken in a sense quite different from the pre-philosophical sense of common usage. My argument is that ethical conduct requires normative guidance, and that a meta-ethical sceptic about norms cannot be guided by the norms about which she is sceptic. Furthermore, I discuss how first order ethics is affected by the acceptance of evolutionary meta-ethical scepticism.

1. Introduction

Evolutionary meta-ethical scepticism (EMES) is the view according to which there cannot be any justification for our ethical practices, norms, or systems, since evolutionary theory has made it clear that there is no room for moral values in the fabric of the universe. Since it is a meta-ethical view, this form of scepticism might or might not affect first order, or normative ethics. Several supporters of it, though, have claimed that this form of scepticism leaves normative ethics untouched. In this essay I want to discuss this conclusion, and I will try to argue that in fact meta-ethical scepticism has a bearing on normative ethics, since it calls for a radical revision of common sense, naive normative practices. Ethical practices, norms, and systems cannot have in the agency of a moral sceptic of this sort, if he is consistent, the same role they play in the agency of someone who is not sceptical on the metaethical level, or who does not have a metaethical view. Certainly, as several supporters of EMES want to claim, they may be moral, but this is only true if the word ‘moral’ is taken in a sense quite different from the pre-philosophical sense of common use.

In next section, I will try to define EMES, to distinguish two varieties of that view, and to present the arguments of those which deny its bearing on normative ethics. In the third section, I will suggest that ethical conduct requires normative guidance, and that a meta-ethical sceptic about norms cannot be guided by the norms about which she is sceptic. Hence, I claim, EMES affects the normative level. In the following section, I will discuss how first order ethics is affected by the acceptance of EMES. In the conclusion I will make some remarks about the general upshot of my argument for EMES, in the wider context of evolutionary ethics. In this paper, I will not question the truth of EMES, which I do not necessarily believe and which I only grant for the sake of the argument. What I want to show is that, if EMES were true, the denial of normative ethics or first order morality – in the sense in which they are taken by common sense – would follow.

2. Meta-ethical scepticism and normative ethics

Evolutionary meta-ethical scepticism arises on the backbones of a number of views, which are normally independently argued for. Here I want to present and discuss the mutual interrelation of four of these theses. For the sake of the argument, I will give for granted the truth of three of these. I will discuss the aptness of a fourth, and I will argue for improvement of it. The suggested modification will make the difference on the issue under scrutiny, i.e., the relationship between meta-ethics and normative ethics, while leaving the contribution of that these to EMES and the coherence between the two untouched.

First, evolutionary meta-ethical scepticism endorses the thesis that evolutionary theory can explain all complex phenomena of the universe, including the most sophisticated workings of the human mind (Joyce 2006, 190-199). All there is, is the result of causal interactions of proto-matter, which were determined by initial conditions and casual events, and progressively led to the formation of more and more complex entities. The complexities of ensuing entities constrain the ways in which they can interact with one another, and this progressively leads to the formation of patterns of interactions that appear to us as natural laws. The realms described by physics, chemistry, biology, psychology and behavioural sciences, ethics (and so on, if there is more), all emerged in this way. If this is the structure of the universe, any event which happens in it can be explained evolutionarily. This means that the explanation is going to be both physicalist and historical. It will be physicalist, since it will have to be compatible with the supervenience of all complex phenomena on underpinning physical events. Any event, no matter what its level of complexity, will depend on a sufficient set of physical causes. The explanation will be also historical, since it will require an account of how the physical set-up which made the physical cau-

sation of the complex event possible originated, and this will involve an account of the emergence in the past of relevant complex structures which interacted with each other in the production of that phenomena.

When I say that according to EMES evolutionary theory can explain everything, I do not intend this claim in the sense that EMES assumes that there are actual explanations for all possible complex phenomena or events. Of course, this would be plainly false, but my claim is more modest, in that it requires a twofold qualification of the possibility to which it refers. Firstly, I intend to say that EMES assumes that, on the ground of the acceptance of the evolutionary outlook of the world as the default metaphysical view, any possible event must have an evolutionary explanation, although this may not yet be available, given the current development of science. Knew science enough, we would have explanations for everything, and those explanations would be evolutionary. Secondly, the claim is not even that *one day* – when complete – science will be able to explain everything; it might well be that some facts about the past are beyond our epistemic reach. Still, evolutionary theory can explain everything in the sense that, were all the relevant facts of the past epistemically accessible, there would be an evolutionary explanation of every event. The thesis that evolution can explain everything is not epistemological, but metaphysical: evolutionism gives us the correct metaphysical account or reality, and thus all real explanations must ultimately be in or reducible to the terms of that metaphysics.

The second thesis endorsed by EMES is that moral language has to be taken at face value. When people disagree about moral issues, they use the sentences through which they make moral claims as statements about facts, not mere expressions of emotions. Furthermore, the facts in question do not involve the subjective responses of people involved, and thus moral sentences do not express facts about subjective attitudes. Rather, the facts expressed by moral language are taken to be objective matters, concerning an independent moral reality, which should be recognised by all agents involved in the circumstances. In sum, moral language is used to speak about objective facts and to persuade other speakers that some courses of action are objectively wrong, while others are objectively mandatory, and still others objectively possible (Mackie 1977, 20-25; Joyce 2006, 85-105).

The third element assumed by EMES is the existence and the explanatory priority of a human moral capacity. This is a conclusion that follows from the first two theses endorsed by EMES. If there can be evolutionary explanations for everything, and if the objectivity of moral language is a fact of human experience, there must be an evolutionary explanation of this fact. Moral language and moral systems cannot be explained evolutionarily, since they emerged in a span of time which is too short for evolution to have caused it. Hence, evolution must have shaped the human capacities which make such diversified and flexible linguistic and moral systems possible. This purports that humans must have a clus-

ter of cognitive capacities, which generates – in the presence of the right environmental conditions – moral language and moral behaviour and which must be evolutionarily explainable. This is the human moral capacity. Evolutionary explanations of ethics will have to focus on this capacity (Joyce 2006, 118-133).

Finally, the fourth thesis accepted by EMES that I need to mention is the existence of a *moral cloud*. Moral language, unlike other realms of language that also seem objective and normative at one time (aesthetics, etiquette, rules of games, etc.), is both *inescapable* and *authoritative* (Mackie 1977, 42-46; Joyce 2006, 57-64).

Ethical claims are inescapable in the sense that they can be applied to a person regardless of what her desires or wishes might be. This is common to morality and other normative systems, such as etiquette or aesthetics. If one brings the food to one's mouth with one's hands while sitting at a formal dinner, one can be reproached for that. The fact that one desired to do so, is no reason to withdraw the criticism. Similarly, if one does something morally wrong, for example steals one's neighbour's cherries from her tree, one is for that reproachable. The fact that one desires the cherries (or even the distress caused to one's neighbour by stealing them) is not a reason to suspend the disapproval. Moral statements, like other normative statements, hold good in themselves, if at all, independently from underpinning desires of the agents. Contrast these cases with someone who makes his watch in pieces for the sake of finding out how it works. This could seem strange, even if the watch was not particularly valuable. But the queerness disappears if one considers that that person's desire to learn about watch making was stronger than his desire for his inexpensive watch. Unlike these cases, moral, aesthetic and etiquette statements are inescapable. They can be applied regardless of the desires, which the involved agents may have.

Moral statements, though, are also authoritative, and this marks their difference from the normative statements of etiquette, aesthetics, etc. One should not eat with one's hands, or one should not play the violin out of tune. Not even if one desires to. But one can know that those rules apply, and decide to overlook the normative systems of etiquette or aesthetics altogether, and go on anyway. The case is different with moral rules: one cannot just decide to disregard the ethical system in which one is embedded. Morality is authoritative in a way that etiquette or aesthetics are not. One can object that deciding to overlook the norms of music, or the norms of a game might spoil the performance or the game and this might have its moral implications. This is true, but the possible moral implications do not depend on the violation of the norms of playing as such, but in the possible upshot that spoiling a performance or a game may have in certain circumstances. For example, the disappointment created in people who spent time and money to attend a concert or a match. The moral authority implicated here depends on the features of these surrounding circumstances, rather than in the violation of the norms of playing as such.

The four mentioned elements constitute the ingredients for an evolutionary explanation of ethics. If evolutionary theory can explain everything (first thesis), it must account also for the fact that moral language purports to make objective claims (second thesis), and that it is inescapable and authoritative (fourth thesis). The existence of an evolved human moral capacity (third thesis) is the evolutionary explanation of the character of moral experience (Joyce 2006). There is a rich literature about evolutionary explanations of ethics.¹ Several aspects of human behaviour (sympathetic and altruistic tendencies, competitiveness, kin preferences, etc.) are combined with known facts about the environments of our species' historical past to construct models which might explain why those behavioural traits were selected. Eventually, this explains the emergence of our moral capacities, which ground all possible ethical systems.

Although all this can explain ethics ("can" in the sense qualified above), it fails to justify it. Why should people stick to the rules that ethical systems and traditions furnish them with? Why should they abide by those rules even in case in which their desires would lead them to other directions? Evolutionary explanations seem capable to explain why we follow rules, and may contribute to explain why we follow the rules we follow rather than others. But has it anything to say about the reasons why we should abide by them? This is the meta-ethical question.

According to EMES, evolutionary explanations can answer the question about justification, and the answer is sceptical. The supporters of EMES claim that moral language purports to be objective and that we are always in the grip of the moral cloud. Thus, ethical discourse is cognitive, i.e. of a sort that could be justified. But evolutionary theory shows that *in principle* no justification can be given for our ethical practices and principles. Of course, other evolutionary ethicists claim that the question about justifications is misplaced, since evolutionary explanations of ethics have nothing to do with its justification (Kitcher famously held this view at a point: cf. Kitcher 1994; see also Boniolo 2006). But supporters of EMES have countered this claim by means of theses two and three above. If moral language is objective, it can be evaluated as true or false (Joyce 2006, 51-57). Although I tend to be convinced by the supporter of EMES on this point, I cannot discuss it here, and I ask to accept it at least for the sake of the argument.

Other evolutionary ethicists contend that the question about justification can indeed be answered, but the answer need not be sceptic: they propose naturalistic, evolutionary accounts of justification (Campbell 1996, Casebeer 2003, Dennett 1995, Richards 1986). Supporters of EMES have argued against this view at length as well, both by criticising attempts to naturalise ethical justification (Joyce 2006, Ch. 5), and by arguing in favour of scepticism (Joyce 2006, Ch. 6,

1 For a survey, see Joyce 2006, Ch. 4.

Sober 2006). I will not be able to discuss the criticisms to the naturalisation of ethical justification, and I will only mention, in what follows, the main arguments for scepticism. Again, I accept only for the sake of the argument that the supporter of EMES is right in arguing against these attempts of justification. I mention these debates, here, in order avoid possible misunderstandings and make it clear that my arguments do not engage with those alternative possible views about evolutionary ethics.

Before mentioning the argument for EMES, I must note that there are two main forms of evolutionary metaethical scepticism, two versions of EMES. According to the *stronger version* of EMES, our moral language purports to be objective, but it is systematically erroneous (Mackie 1977, 15 and 35; Ruse 2006). It speaks as if there were objective moral values, or truth-makers of moral claims, but in fact there is nothing of that sort in the fabric of the world. All moral statements are thus false. The *weaker version* of EMES, claims that we cannot have any justification for the truth of moral claims. They could be true, but there is no way to find out whether they are true or false (Joyce 2006, 223). We can now turn to the argument in favour of each version of EMES.

Famously, strong EMES is grounded on two arguments put forward by Mackie, the *argument from relativity* and the *argument from queerness*. The argument from relativity contends that there is a great variety of diverse and incompatible moral systems, both across different cultures and within a particular culture. This would not be the case, if there were objective moral facts to which moral statement referred. Therefore, there are no such facts. The argument from queerness has a metaphysical version and an epistemological version. The metaphysical version claims that moral facts, if existed, were unlike anything existing in the natural world. The epistemological version claims that moral facts, if existed, could not be known through any of the natural cognitive faculties we have. The conclusion of both arguments (i.e., from relativity and from queerness) is that there cannot be any moral facts. If there cannot be any moral facts, statements presupposing the existence of those facts must be false. Hence, strong EMES must be true.

Weak EMES is based on the consideration that the human moral capacity and ensuing ethical systems have been selected since they increased fitness. (It does not matter, for our purposes, whether this is fitness of individuals or groups). Fitness, however, is in no way dependent on the truth of the moral beliefs which might have served it and were hence selected. Things are different in the case of doxastic beliefs: the fact that $2+2$ really equals 4, for example, was crucial for someone's survival in an environment in which calculating the actual number of predators running after him was essential for escaping. Unlike our epistemic capacities, our moral capacities are not a reliable process for the formation of true moral beliefs. Therefore, we have no way to know whether any and, in case, which of our moral beliefs are true: we have to suspend our judgement about

each of them. This is scepticism in the old, classical sense: “no moral judgements are epistemically justified” (Joyce 2006, 224).

We can already note that the distinction between the two forms of EMES is not trivial for our purposes, since the two views might have different upshots on the normative level. Indeed, the weak sceptic is uncertain about the epistemical status of his moral judgements, and this opens the possibility that he might *accept* them, even if he is not in the position to *believe* them. Accepting that *p* is an epistemic stand that can be held in cases in which there are not enough grounds for believing that *p*, but there are other non-epistemic reasons in its favour. For example, if I lend my favourite book to my best friend, and it is stolen from him in dubious circumstances, I might accept his awkward explanation even if it is hard to believe, just for the sake of safeguarding our friendship. Accepting is more subject to the will than believing. On the other hand, if the epistemic status of *p* is not uncertain, and there are reasons to believe that *p* is false, accepting *p* would be an irrational act. *Prima facie*, we can grant the weak sceptic the possibility to accept – on the normative level – moral judgements he has no reason to believe, whereas the strong sceptic should not accept moral judgements, since he believes that they are false. This distinction will have to be considered in the discussion to follow.

Both weak and strong sceptics have claimed the same point about their attitude toward normative ethics: meta-ethical scepticism does not entail the rejection or abandonment of normative ethics. This follows from the conjunction of the above-mentioned theses. Normative ethics concerns first order ethical discourse, i.e. the discourse concerning the application of an ethical system to action. We all act within an ethical system of moral beliefs and associated dispositions, habits, and attitudes, since we all are subject to the moral cloud (fourth thesis) and we all use moral discourse objectively (second thesis). That we do this is the necessary consequence of us having the human moral capacity (third thesis), and we all have this capacity because of the way in which we evolved (first thesis). Even the supporter of EMES cannot help being in the grip of his biology, and thus he objectifies and keeps reasoning within her moral system, no matter what her second order, meta-ethical beliefs might be.

These are some examples of famous statements of this view. John Mackie wrote: “what I am discussing is a second order view, a view about the status of moral values and the nature of moral valuing, about where and how they fit in the world. These first and second order views are not merely distinct but completely independent: one could be a second order moral sceptic without being a first order one, or again the other way around” (Mackie 1977, 16). Another example can be taken from Michael Ruse: “once we recognize [that there is no justification for our moral norms], we see the sentiments as illusory – although, because we objectify, it is very difficult to recognize this fact. That is why I am fairly confident that my having told you of this fact will not now mean that you

will go off and rape and pillage, because you now know that there is no objective morality (Ruse 2006, 23).

Richard Joyce has a more articulated view. He recognises that EMES amounts to a debunking of morality, and he is initially ready to bite the bullet: “if your thinking on some matter presents itself as a faithful representation of the world but in fact there are no grounds for supposing that it is, then, by epistemic standards, its being undermined is a *good* thing” (Joyce 2006, 222). EMES should lead to scepticism on the normative level. But then he feels the pressure of someone who might find such a conclusion appalling, and he surprisingly concedes, in the relatively short space of the conclusion of his book, that EMES does not need to lead to normative scepticism, because we can still *decide* to keep our moral beliefs, or possibly we even *should* keep them, in order to keep our motivational mechanism serving the function for which it was selected. “We can go further and say not merely that people *could* carry on allowing moral thoughts and moral emotions to have some motivational influence in their lives, but that many individuals *should* do so”. He can maintain this view since he holds weak EMES, and, as we have seen, this is compatible with the possibility of accepting epistemically unjustified statements, if they are not known to be false.

3. Two ways of following a rule

In what follows, I want to challenge the claim that EMES leaves normative ethics untouched. My complaint has mainly to do with the fourth thesis supported by the EMES, i.e. what Joyce called the moral cloud. I do not want to protest against the facts about ethical behaviour which are grouped under that label. To that extent, I believe that I will leave untouched the theoretical contribution of the fourth thesis to the characteristics of EMES. What I would like to suggest is that a supporter of EMES should consider other, related facts about moral behaviour, and that these have their consequences on the relationship between meta-ethical scepticism and normative ethics.

In the light of those new facts, it may be questioned whether there are any set of features of our agency which jointly constitute what may be correctly described as “the moral cloud”. That expression is indicative. It aims at conceptualising together a number of facts concerning our experience of moral behaviour and moral language, i.e. the fact that moral judgements are inescapable and authoritative. At the same time, though, it does that but suggesting that moral judgements exercise a sort of force or constriction on us, as if they mesmerized us with their contents and we were forced to follow them by the moral capacities which were wired in us throughout the process of evolution.

A supporter of strong EMES, can hold the thesis of the sharp separation between normative ethics and meta-ethics, only if he also holds that our moral capacities work in us a little like our perceptual capacities. We cannot help seeing what we see, even if we know that our senses are stimulated by deviant causes. For example, when I experience a perceptual illusion I cannot stop being in the grip of it, even if I know that it is an illusion. Moral capacities need to be akin to this, if I can be in the grip of moral judgements, even if I know that they are false. And this is precisely what the thesis of the sharp separation between normative ethics and meta-ethics presupposes.

Things are more complicated, but ultimately identical with weak EMES. In this case, the separation thesis can be maintained even if some connection between our ethical response mechanism and our belief formation system is granted. The supporter of weak EMES grants that, were we to believe that moral judgements are false, we would not be in the grip of them. But it is allowed that for some non-epistemic reasons we may accept a judgement even if we have no reason to believe it, and we can be motivated by it just as if we believed it. Our “moral mechanism” is seen as dependent on our epistemic mechanism, but in ways, which give us the freedom to play with it and allow us to direct it to whatever aims we might pick. (I say “pick” rather than “choose”, since – by hypothesis – the selection procedure we are dealing with at this point is not epistemically guided). Thus, we can be sceptical about the truth of the statements included in a normative ethical system, and still be motivated by them, if we decide to embrace them for some non epistemic virtue they might have.

I think that this way of conceiving of the inescapability and authority of moral judgements as constituting the moral cloud is mistaken, since it considers some of the facts to be explained (the inescapability and authority of ethical discourse), but leaves others out. We do not follow moral judgements in the mechanical manner envisaged by strong EMES, nor in the more flexible and partially epistemically determined manner suggested by weak EMES. The thesis that I want to support in this section is that it is a fact of our moral experience that we act morally to the extent that we let ourselves to be guided by moral judgements *on the ground that we believe in them*. If we consider this fact together with the inescapability and the authority of moral judgements, we should not accept the existence the moral cloud, i.e. the view that moral judgement impose themselves in us *blindly*, i.e. *regardless of our awareness of their lack of justification*, but we should endorse a more complex account of human agency, and that – I will claim in next section – does not allow for a sharp distinction between first and second order ethics.

The fact of our moral experience that, I claim, EMES fails to consider is best discovered if we look at our agency from within, i.e. from the point of view of the agent who evaluates moral judgements – together with other relevant beliefs – in the process of making a decision. This could be thought of as an unaccept-

able move. Considering agency from within involves a certain dose of introspection, and whatever results this analysis could give, they are certainly not empirically observable facts. This is problematic, since EMES presupposes, in the first thesis, an empirical approach to reality, and here I am not engaging in a discussion of that presupposition, the truth of which I have granted for the sake of the argument. I am trying to show that EMES affects the level of normative ethics *on its own grounds*, and thus I cannot challenge its presuppositions.² Since I am discussing the implication of EMES, not its assumptions, I cannot assume views which are inconsistent with its empirical perspective.

However, I do not think that turning to introspection might necessarily entail the denial of an empiricist perspective. The empiricist assumption beyond EMES is committed to the evolutionary explanation of complex phenomena, which involves the possibility of offering scientifically acceptable accounts of the relevant facts, and an account about the possibility – at least in principle – of reducing them to evolutionarily significant unities of selection. This will involve also a scientific account and evolutionary explanation of mental and psychological phenomena. There are two main ways in which psychological facts can be treated scientifically: behavioural analyses, and personality accounts (cf. Shrout and Fiske 1995). I cannot get involved in the discussion about the merits of each, but I cannot see why the supporter of EMES should not be satisfied with either, unless he had other reasons, quite independent from the assumptions of EMES. And I believe that the facts I am going to point to through the introspective analysis to follow could be empirically investigated by means of both methodologies. The cases I present could be object of empirical investigation, and thus they could be empirically supported or disproved. The use of introspection in this case, thus, could be seen just as a means to focus our attention to some aspects of our empirical external experience, which could then be investigated, by other, empirical means. To this extent, I do not think that my appeal to introspection is inconsistent with the empiricist assumptions of EMES.

Let us then start the analysis from the point of view of the agent. When supporters of EMES describe our moral practices and our deployment of moral language, they refer to “moral judgements”. This is ambiguous: it can refer to judgements about a particular situations (“I cannot steal my neighbour’s cherries”), to judgements about a situation types (“it is wrong to steal things from neighbours”), or to more general moral principles (“stealing is wrong”). It must be recognised that this ambiguity is not harmful to EMES: all those examples are sentences, which, in our linguistic practice, can be observed in a realm of

2 I am indeed questioning the existence of a “moral cloud”, the fourth thesis; but, as I said above, I grant all those fact about moral behaviour that Joyce called by that name, and that contribute to EMES. My criticism questions the aptness of that label in the light of the other facts about our agency, precisely those under discussion, and thus does not deny the grounds of EMES, but rather call for an addition to them.

discourse that we would call “moral”. There is nothing wrong in putting them all under the same label, “moral judgements”. However, from the point of view of the agent, the ambiguity of the expression “moral judgement” is more significant. The realm of discourse that we would call moral embraces a number of *immediately* visible practices, uses, and institutions. Linguistic practices – including “moral judgements” – are among these. But underneath the *immediately* visible practices, uses, and institutions, there is an array of mental activities, which make those practices, uses, and institutions work in the way they do.³ If we pay attention to this, we can note that different kinds of moral judgements play very different roles in moral agency.

A moral action does not necessarily involve the entertainment of a moral judgement in the process of thinking of the agent which leads to deliberation. Sometimes one just does the right thing unreflectively, i.e. without entertaining a thought embedding a judgement about that action. I see my neighbour’s juicy cherries and this immediately generates a desire for cherries in me, maybe even for *those* cherries. However, I do not even think about stealing them, and I do not steal them without forming the thought that this would be morally wrong. One could protest that this is just a case of doing the right thing accidentally, i.e. not because it is the right thing. Had my desires been different (e.g., were my desires for those cherries stronger), I would have picked the cherries. Not stealing was not something I did intentionally, and thus there is no moral worth. Surely, this is a possible scenario, but it is not the only possible one. The possibility I am thinking of is that in which I did not even think about doing the wrong thing since I am not that kind of agent: I notice niche cherries, but if they do not belong to me they do not move my desires. That I am that sort of agent can only be clear by seeing how I react in similar conditions, which I slightly different in some relevant respects. Sometimes, when I am really hungry and the cherries look really nice, I might feel a stronger desire, and end up entertaining the thought of taking them. But – given the sort of agent I am – the very thought gives me a sense of distress and guilt. The possibility of taking the cherries is to me a *temptation*, something which I want to do, but goes against “another part” of me. A process of reasoning, which will also involve moral judgements, eventually begins. At the end of the process, I overcome my desire and restrain from stealing the cherries. The fact that I am this sort of agent suggests that when I restrain from stealing without even thinking about it I do not restrain accidentally.

3 I claimed that the relevant mental activities lay underneath *immediately* visible practices, uses and institutions, since I leave it open that some of those mental activities might be *indirectly* empirically accessible, by structuring the visible aspects of moral life. As I said above, it is this possibility that makes my turn to introspection acceptable to an empirically oriented thinker.

I just do – without thinking about it – what I would have wanted to do,⁴ had I thought about it (under the pressure of temptation, but other reasons could also be envisaged).

All this might seem suspect. I am trying to persuade the reader that an agent might do a moral action without entertaining a moral judgement, and I support my claim by appealing to how that agent would reason about a similar action in a case in which his desires are slightly different. This seems just a dispositional account of moral action, and dispositional accounts of moral agency point to the theory of virtue. However, the theory of virtue is dubious since the empirical results of social psychology and ensuing situationalism seem to suggest that there are no strong character traits, as virtue theory supposes (Doris 2002). Although I am not completely convinced that empirical results make a case for a version of situationalism that is incompatible with any plausible version of virtue theory, I think I do not need to address this debate here, since my appeal to counterfactual thinking about the behaviour of an agent does not imply that he has a disposition which resists across a diversity of eliciting conditions which is countered by the empirical evidence (Doris 2002, 22-3). I believe that the appeals to counterfactual situations that I have made so far – and those that I will make in what follows – do not presuppose the existence of strong character traits, and can be acceptable for both a virtue theorist and a situationalist.

Let us then continue the analysis from the point of view of the agent. As mentioned, sometimes I might have a desire to do something, but feel a sense of distress about it, as in the case of temptation. I desire to overcome the distress and I start conceptualising the object of my desire, by looking for principles regulating the situation and trying to square my desires with my judgements. Thus, I entertain the thought “Taking one’s neighbour’s cherries is wrong”. This might just be enough to stop my desire to steal the cherries,⁵ but it might not. My desire for the cherries leads me to think that after all “My neighbour is a jerk and often he does not even pick his cherries anyway”. My conflict of desires turns into a conflict of moral judgements: “would this be an action of stealing something from my neighbour or an action of taking something which my neighbour do not really care about anyway”? I try to evaluate the options open ahead of me by deploying more and more general kinds of moral judgements. Eventually, I

4 What really matters here is what I want to do when I reflect about the case, not what I could actually do, when failing to do what I want (*akrasia*).

5 Even if it is, this case can still be empirically distinguishable from the case in which I do the right thing without even thinking about it. A personality test could spot the difference between the two mental activities, and behavioural observation can detect signs of hesitation, sweating, and facial movements. As mentioned above, this introspective analysis aims at highlighting facts which could give rise to empirically testable hypotheses. The same point should hold also for subsequent steps of the analysis, and thus I will not repeat it.

come to subsume my case under few general moral principles that I believe to hold true. ‘Stealing is wrong, and this would just be stealing’. I finally determine. And I do not steal.

This description of a plausible deliberative process suggests that, even if one does not always turn to norms, one’s moral conduct is ultimately shaped by norms.⁶ In our conduct, we have an inclination or a tendency to follow norms and to justify what we do by deploying norms. Even actions in which we do not consciously engage in a deliberative process involving relevant norms, are our actions (rather than things which we do accidentally) if – given the sorts of agents we are – we should and could have justified them by turning to norms. But norms can play the role of shaping our processes of deliberation, the formulation of our more particularised moral judgements, and ultimately our actions only if they have enough hold on us to constitute a possible hinder for our desires. When we act morally – i.e. out of duty, not out of mere desire – the moral norms we deploy in our reasoning must be non-negotiable for us, we need to trust them. In other words, they must guide our actions.

This is the new fact of our moral agency to which I wanted to point to, and which combines with the other two claims about moral judgements which the supporters of EMES embrace, i.e. the inescapably and the authority of moral judgements. This combinations leads to the *requirement of normative guidance*: the moral action of an agent must be guided by moral norms, which cannot be avoided (inescapability), and are not disposable for the sake of other reasons, such as desires, utilities, aesthetical considerations, etc. (authority); furthermore, no matter how complex the deliberative process might be, those moral norms need to be deeply trusted by and non-negotiable for the agent. To appreciate the implications of this requirement for the relations between EMES and normative ethics, we have to pay further attention to the notion of normative guidance.

Normative guidance has been discussed by Peter Railton (2006), and his account can be taken in here, even if some aspects of his analysis will have to be discussed and modified below. Railton notes that, intuitively, conduct *C* is guided by norm *N* only if *C* is in accord with *N*, but this is unsatisfying in a number of ways and needs refinement. Firstly, one could aim at following a norm, but fail. Whatever he does, in this case, is still guided by that norm. What counts is

6 A particularist would certainly object to this claim, but I have reasons to discontent against particularism: the particularist grants that the same (kind of?) reason might bring different weights in different situations (CITA), but must allow that something in each situation makes the difference, and I cannot see how this can be stopped from lading to the possibility of specifying how differences among situations affects the weights that that reason would have across the different cases. However, this would lead us back to norms, o, at least, universal characterisations of the weights of reasons. I do not have the space to spell out my complaint and its implications here, but I can at least ask the reader to grant me credit against the particularist for the sake of the argument.

that the conduct of the agent is informed by that norm over a certain span of time, even if most of the times he fails to abide by it. Second, conformity of *C* to *N* must be one of the purposes of the action, that is *N* must be a reason to *C*. We would not say that an action is guided by a certain norm if that norm plays a purely instrumental role for the achievement of another end. That end would then be guiding the action. Third, very often people abide by norms out of habit or education, without consciously entertaining a thought having the norm as its content. Normative guidance can be explicit or implicit in this sense. Under this respect, having a regulative role is sufficient for normative guidance: actions are guided by a norm if there is a mechanism that keeps those actions conform to the norm, no matter whether the agent is conscious or unconscious of it. Fourth: norms are different from plans, in that, even if they have no consequences and do not lead to sanctions (nor even to internal sanctions, such as a sense of discomfort), the agent has a tendency to make up for failures. All these considerations lead Railton to the following definition of normative guidance:

(NG) Agent *A*'s conduct *C* is guided by norm *N* only if *C* is a manifestation of *A*'s disposition to act in a way conducive to compliance with *N*, such that *N* plays a regulative role in *A*'s *C*-ing, where this involves some disposition on *A*'s part to notice failures to comply with *N*, to feel discomfort when this occurs, and to exert effort to establish conformity with *N*, even when the departure from *N* is unsanctioned and non-consequential.

For our purposes, the crucial point of this is that when *N* is required to play a regulative role, in Railton's analysis, *N* is not an instrumental reason for some further purpose or end, but it is (one of) the purpose(s) of acting in certain ways. A norm can be followed as a means to gain something else, but then it has no regulative role, it plays an instrumental role, and it is aimed at a further end *E*. Were the end *E* to be attainable also by other means, let us say by following another norm *N'*, *A* could follow *N'*, just as well as *N*. This means that *A*'s conduct *C* is not regulated by *N*, or by *N'*, but by *E*. Since moral judgements are authoritative, they cannot be given up for the sake of other reasons, and thus, *from the point of view of the agent*, they should guide his actions. For an action to be a moral action, it does not suffice that the agent follows moral norms when he performs it: it is also required that the agent is guided by it. More generally, an agent endorses a moral normative system only if he is normatively guided by the norms belonging to that system. This is what I called the requirement of normative guidance.

In order to be guided by a norm an agent needs to believe that that norm is justified, or at least she does not have to believe that it is false or that lacks justifications. If she believes that it is false or that it is not justified, she would not endorse it for its own sake, but for some other reason. In that case, though, the norm would have a merely instrumental role for her, and thus she could not be regulated by it. Hence, we accept moral norms and are guided by them, only if

they are norms that are inescapable and authoritative *to us*, and thus we follow them for their intrinsic worth, i.e. because we believe that they are justified, or at least we trust them. (All the “at least” qualifications of this paragraph are meant to address the case of agents which are not meta-ethical sceptics because they do not have a meta-ethical view at all, and they never worried about justifying the moral norms they trust).

I would like to argue that a supporter of EMES cannot but fail to meet the requirement of (NG), for any moral norm *N*. And since meeting (NG), for each norm belonging to an ethical system, is necessary for an agent to endorse that ethical system as such, EMES has important consequences on the level of normative ethics, for the supporter of it. Let us consider why the supporter of EMES fails to meet (NG). We must start from the supporter of strong EMES.

The problem with strong EMES is that it assumes a too simplified view of our moral agency. The inescapability and authority of moral judgement is not just a matter of moral luck: it is the result of the role that certain norms play in the architecture of our agency, of the part they play in shaping our dispositions and our habits, in the face of our past history and of current rational concerns. When this is taken into account, the sharp distinction between first and second order ethics cannot be maintained. The supporter of EMES must also be sceptical on the normative level.

The supporter of strong EMES could insist that he can indeed be normatively guided by norms he believes to be false. (NG) suggests that normative guidance can be unconscious, if there is a mechanism which makes the agent keep conformity to the norm through a process of feelings of discomfort. Doesn't this imply that one can be normatively guided regardless a lack of beliefs in the relevant norms? The answer is the negative. Such mechanisms cannot but be implemented in our habits, and humans habits are plastic. For this reason a mechanism can normatively guide action – as NG suggests – only in contexts in which the relevant norm keeps playing a rational constraint on the agent.

I will try to make this point by considering the case of Luca, who, at some point in his life, realises that there are no objective values and that all moral judgements he had so far endorsed, but also all those he had not endorsed, are in fact false. At this point, he will keep having the dispositions he always had toward the norms he formerly endorsed, for example stealing cherries. These norms are the result of his upbringing and of acquired habits, and they cannot be easily given up. The argument of the supporter of strong EMES could then be that Luca still meets (NG) for each of the norms that he previously believed in. This seems to show that a conduct may be regulated by a norm even if the agent is not aware of it, or does not believe in it.

I think that this conclusion does not follow. Let us pay further attention to the example. At some point, Luca feels a strong desire for cherries. He knows that the only way to get hold of some cherry is to steal them from his neighbour, and

he knows that no one will notice him (it is the day of a big game, and everyone in the neighbourhood is watching television). He also knows that he will feel discomfort for a while. But he knows that this discomfort is just the result of his upbringing, or maybe a hardly wired upshot of evolution: there is no justification for the moral judgement “do not steal these cherries”. Before endorsing scepticism, in cases of temptation, he used to turn to a moral judgment like this, and eventually to moral norms such as “do not steal”, in order to determine the courses of actions to take. Now he cannot do that: he knows that there is no point in those rules. He can just follow whatever desire is strongest in him. When he is hungry enough and the cherry juicy enough, he would give up, and go for the cherries. And after repeating actions of this sort he would even end up changing his habits, and stop feeling discomfort. Of course, in the old times he could have failed to conform to the norm “do not steal cherries”, for *akrasia*. But such failures were still manifestations of a disposition to conform to that norm, i.e. the norm still guided him. After he endorsed scepticism, Luca could conform his conduct to the rule “do not steal cherries”, but this would be for the desire of avoiding a sanction, for the desire to obtain the advantages deriving from the trust of others, etc. His following the rule would be instrumental and his conduct would not be regulated by that rule, i.e. it would not be normatively guided by that rule. The point is that there might be a mechanism inducing an agent to conform to a rule, but the rule needs to keep playing a supporting and reinforcing role for that mechanism if the actions elicited by that mechanism have to be cases of actions which are regulated by that norm, rather than cases in which conformity to the norm plays a purely instrumental role.

Things are more complicated for the weak sceptic. As we have seen above, the weak sceptic can accept moral judgments in face of their lack of epistemic justification, for other properties which they might have. If Luca were a weak sceptic, he could still hold that stealing cherries is wrong, just for the sake of being part of the moral community, and nourish all the dispositions and the habits, which can make that easier. Would he then be guided by the norm that stealing cherries is wrong, i.e. would he meet (NG)?

Railton faces the problem in his analysis, and his answer seems to be the positive. This is the part in which I wish to modify his proposal, as mentioned above. He notes that the epistemic distinction between accepting p and believing that p – where p is a proposition – crosses over onto the normative realm, in the distinction between accepting N and endorsing N – where N is a norm. He considers the example of a person who had a normal, well-balanced, moral upbringing, who eventually converts to a morally strict religion, which prescribes mutual scrutiny among the faithful and public accusation of transgressors. Given his conversion, he endorses those strict norms, but, given his upbringing, he finds it hard to abide by them. He is not hard to himself, and he accepts what he is and what he was, he accepts also his upbringing; thus, sometimes he does not do

what the norms he now endorses require. These are occasions of *akrasia*, but also manifestations of the fact that his conduct is still regulated by the norms he was brought up with and which he accepts, even if they clash with those which he now endorses. Eventually, he may come to realise that the new views he had endorsed after his conversions were wrong, and go back to his previous outlook. This proves, according to Railton, that that person was guided by the norms received during his upbringing also in the period when he merely accepted them, and endorsed others. Hence, normative guidance is compatible with both acceptance and endorsement of norms. Since the supporter of weak EMES claims that moral beliefs are epistemically unjustified, but can be accepted on other, non-epistemic grounds, he can accept some moral judgments and thus be guided by them, even if he does not believe in them. If this is right, normative guidance of moral norms is possible for him. He can embrace a first order ethical outlook, while being a metaethical sceptic.

As I mentioned, I do not think that Railton's analysis of normative guidance should be followed under this respect. My complaint is with the way in which he describes his example and with the theoretical consequences he wants to draw from it. In his example, Railton describes the person in question as having *endorsed* new norms while going on merely *accepting* his old ones. This is however contentious. If the person in question, while embracing the new faith, remains true to his old self, keeps accepting what he is by upbringing, i.e. he does not really die to be reborn into a new life, then he is not merely accepting his old norms. He keeps seeing some truth in his old outlook of the world. Hence, he does not merely accept the old norms, but goes on endorsing them, at least some of them. Were his conversion complete, we would expect him to reject all which is dependent on his old self. In the example discussed by Railton, we seem to be presented with an incomplete or partial conversion, and the character of the story seems to be trapped in a contradictory situation in which he holds on to two partial views of the world which belong to two general, incompatible outlooks. He embraces the new faith, but with reservations. He renounced to his old self, but not to whole of it. In his contradictory situation, he uncomfortably feels the pressure of conflicting norms. Indeed, in Railton's example, he resolves the conflict and restores consistency by giving up the new faith he had temporarily and partially embraced. Thus, this example does not show the possibility of normative guidance of both endorsed and accepted norms, since it involves only cases of endorsement.

I want now to argue that my complaint does not depend on specific features of Railton's examples, and can be generalised to all possible examples or situations. This will lead me to my theoretical complaint to the endorsing *N*-accepting *N* distinction. What I contest is that a case can be presented in which an agent accepts one or more norms non-instrumentally and without endorsing them. Indeed, one could accept a norm one does not endorse, for some other rea-

son. For example, for the sake of being accepted in a community, or for the desire to be trusted by others, even if one thinks that there is no justification for the norm as such. But Railton would not consider following rules in this way as cases of normative guidance. In all these cases, the norms in question are accepted only instrumentally: they are accepted for whatever reason makes them appealing. However, (NC) excludes all cases of following rules instrumentally. On the other hand, if one accepts a norm for no other reason than the norm itself, one accepts it for its own worth, i.e. one endorses it. I am questioning that there might be a middle way between endorsing a norm and accepting it merely instrumentally: either the reason for accepting the norm is the norm itself, and the agent can be normatively guided by it, or it is different from the norm, and the norm can guide the agent only instrumentally. There is no middle way.

This explains, I hope, my claim that the person of Railton's example is said to be a convert, but he remains non-instrumentally attached to norms which he previously accepted and which do not fit in his new world view. I would like to suggest that, even if we grant the plausibility of this example, we cannot infer from it the existence of a state between endorsing and accepting instrumentally. The fact is that, from the standpoint of the new religion endorsed by the convert, the norms he grew up with turn out to be wrong, but he still holds on to them non-instrumentally. How is this possible? Since he does not accept those norms for some other reasons, i.e. instrumentally, he must accept them for their intrinsic worth. But he cannot endorse them on the ground of his new religion. Still, he must have the conceptual resources to appreciate some good in them. There seems to be a contradiction, but this need not be a sign that the example is logically impossible, nor that our (Railton's and my) conceptual framework is inconsistent. The inconsistency can simply be in the beliefs framework of the convert: he is not completely converted to the new religion, and still maintains some aspects of his previous world view. He is hesitating between two competitive and inconsistent world-views. He values aspects of each, but cannot embrace unconditionally either of them in its totality. Thus he endorses some of the norms which can be grounded in each framework, but are inconsistent with the other framework. Eventually, he resolves the inconsistency by going back to a full endorsement of his old world-view. But we do need to grant him any state between endorsing and accepting instrumentally, in order to make sense of his behaviour.

If there is no middle way between endorsing and accepting instrumentally, the supporter of weak EMES cannot be normatively guided by moral norms. When someone accepts a norm he has no reason to believe, he does not accept it in virtue of its value, but in virtue of some other value to which it might conduce. This means that he accepts it instrumentally. Were the norm to stop conducing to that value, he would lose any interest in it. Let us again consider Luca desiring his neighbour's cherries while everybody is watching the game. He might accept the rule that stealing cherries is wrong. That rule fosters good

neighbour relationships, allows one to go to work without fear of finding no cherries on his tree since the whole neighbourhood protects them by abiding to this rule. But now he knows that violating the rule will have no consequence: no one will see him, his neighbour will not notice that few cherries are missing, he is certain that stealing them will not make him feel distressed than he already is for the desires of cherries, he knows that he will not take on any uncontrollable vice. Why should he stop himself? He should not. Actually, he should get them, given his actual and future-projected desires. He accepted the norm 'do not steal' for some of its non-epistemic virtues; let us say its social bearings. Now those social results would not be endangered by a violation of that norm, and so there is no reason to follow it. This means that accepting the rule is purely instrumental: Luca was not normatively guided by it. The supporter of weak EMES cannot be guided by moral norms he knows to be unjustified.

A meta-ethical sceptic, no matter whether weak or strong, could now question the requirement of normative guidance entirely, on two grounds, at least. First, he could complain that it is not clear whether that requirement is psychological or normative. Second, he could insist that an agent could hold onto a moral normative system for purely instrumental reasons, and acquire a number of corresponding habits, to the point that the systems becomes a second nature to him. He would thus be in the grip of that moral normative system, regardless of his second order scepticism. I will address the first issue here, and leave the second for the next section.

The first complaint is that it is not clear whether the requirement of normative guidance is psychological or normative, i.e. whether it is a description of how agents deploy norms or a requirement concerning the way in which they *should* deploy them. I introduced it through a psychological analysis from the point of view of the agent, but I then seem to claim it as a norm for agency, since I call it a requirement. Either way, the meta-ethical sceptic can reject it. It is psychologically implausible, since many people seem not to conform to the rules they claim to endorse or even to any rules at all. As a norm, the supporter of EMES can reject it, since there is no natural fact which could constitute the relevant normative fact.

I would answer that, in the above discussion, I have only supported a psychological role for the requirement of normative guidance: the analysis from the first personal perspective which I have proposed above tries to show that humans are inclined to be guided by norms which they believe to have intrinsic worth, i.e. to be justified. I also believe that the requirement has a normative role, but I have not argued for this view, which – however – does not play any role in my argument here.

When I refer to the *requirement* of normative guidance, I am not referring to a requirement for an agent, i.e. I am not claiming that normative guidance is something that the agent should endorse. I only claim that it is a requirement

that an action needs to meet in order to be a moral action, and it follows from the proposed analysis of moral facts, including the inescapability and authority of moral claim and our tendency to justify our moral actions through norms.

The fact that many people seem not to conform to the rules they claim to endorse is no objection to the requirement of normative guidance, since (NC) claims that an agent's conduct may be guided by a norm also in cases in which that agent fails to abide by it. On the other hand, I do not think that there are people who do not conform to rules at all, i.e. who are not normatively guided. I tried to deploy a first-person analysis to show that we have an inclination to follow norms. I think that this inclination cannot be resisted. Imagine someone acting in a way which might resist (NC). Either he does it for a reason (even the idle, hopeless reason to show that I am wrong), or for no reason. In the latter case, his going is not even an action (Anscombe 1957, section 5). In the former, his reasons must depend on norms to which he is ultimately conforming in order to describe the possible course of events to be determined by his doing as worth pursuing (in the example, the norms to pursue truth and show wrong people – me – that they are wrong).⁷ Then he is normatively guided.

I conclude this section with a short summary and a brief note about its content. The summary: I have suggested that the supporter of EMES rightly recognises that moral judgements are inescapable and authoritative, but fails to recognise a further fact about our moral agency, i.e. the fact that we tend to follow norms which we believe to be justified, or at least – if we do not engage in meta-ethics – that we do not think to be unjustified. In other words, he overlooks the fact that if there is morality, this is because we follow the requirement of normative guidance in our moral conduct. The note: pointing to the requirement of normative guidance, I am not simply saying that we tend to follow moral norms. This would be trivial, since the supporter of EMES recognises it by himself, when he describes the moral capacity, and the inescapability of moral illusions. What the analysis of normative guidance points to is the fact that we tend to be *guided* by norms which we trust. Indeed, there are two ways of following a moral norm. We can abide by it just instrumentally, while we are aiming at something else, or we may be guided by it, for no further reason than the worth of the norm itself.

4. Meta-ethical scepticism and normative ethics

In what sense can a meta-ethical sceptic be moral? A supporter of EMES, no matter whether weak or strong, can be moral in the sense that she might follow a

⁷ A particularist about reasons could object to this claim and block my line of argument here. As I mentioned above, I have reasons to discontent about particularism, but I cannot spell them out here. To this extent, my argument has to be taken conditionally.

normative system of ethics. But she cannot be moral in the sense that she is guided by the norms embedded in that system. Since normative guidance is a requirement for morality, if she is consistent, she cannot be moral in the strict sense, but only in the loose sense that she keeps following a certain moral system in so far as it is conducive (or even, the best means) to whatever ends are regulating her actions. To the sceptic, moral systems are not justified in themselves, and can only be accepted for the sake of other goods that they might bring about. They can however be dispensed as soon as they are not any longer conducive to those ends (since, for example, situations have changed), or a better means for those ends has been found, or the choice of favoured ends has changed.

This allows me to answer the second complaint which I have mentioned at the end of the last section. Recall that an objector could claim that an agent could hold onto a moral normative system for purely instrumental reasons, and acquire a number of corresponding habits, to the point that the system becomes a second nature to him. He would thus be in the grip of that moral normative system, regardless of his second order scepticism, and even if the system loses its instrumental value. The point is now that a moral system, which was accepted without endorsement, acquires – by habit – such a motivational force that it cannot be changed at will, or by a change in the agent’s beliefs framework. This point is similar, but different from two objections which I have considered in the previous section: that concerning the example of an agent who is guided – through a reinforcement mechanism – by a norm he does not trust, and that of an agent who accepts a view without endorsing it. What makes the difference here is the notion second nature: the agent does not merely accept the normative system, but he enforces it on himself, for some external value it has, to the extent that his agency loses its plasticity.⁸

Maybe this is a psychologically possible scenario. Of course, it would be unreasonable to let a set of habits known to correspond to unjustified rules to assume such a strong power on one’s motivational set-up. The acquired system of norms gains a hold on the agent only if he resists his inclination to normative guidance. The system is not followed because of its reasonableness (whether instrumental or substantial does not matter), and its stability in face of varying circumstances, far from being a sign of moral strength, is a sign of the weakness of the agent: not only he is not guided by the norms of the system, but he even fails to take advantage of the instrumental role that the system could have, by becoming unable to change it as the varying circumstances require. The norms of the system have no authority on the agent (i.e. do not have a guiding role in his choices), but limit his agency by constraining the range of possibilities that he

8 I am grateful to Melissa Lane for this objection, in which she extended to morality a case Peter Lipton had made for religion (Lipton 2007).

can face with his action. In sum, this case does not disprove my denial of a middle way between accepting instrumentally and endorsing (systems of) norms, nor the role for normative guidance which I have recognised in moral action. To the extent that it is realistic, it shows that one can “destroy” one’s agency.

This remark leads us into the final issue. So far I have been claiming that evolutionary meta-ethics has bearings on the normative level, contrary to what many supporters of EMES claim. Now, we have to consider in what those bearings are. In what way is a supporter of EMES different, on the normative level, from someone who is not sceptic. The case of a sceptic who enforces a system on norms on himself to the point of making it a second nature is a first extreme case, and this is way I dealt with that case in this section. Let us consider other possible scenarios.

On the surface, from the outside, the difference between a moral person in the strict sense, who is normatively guided by a moral system, and a moral person in the loose sense, who follows a moral system only instrumentally or regardless of its lack of justification, might not be noticed in normal circumstances. Consider the instrumental adoption of a moral system. The system originated in circumstances which are normal for the society in which one was brought up. The sceptic knows that all the norms he learned from birth are not justified at all. But he also knows that most people in his society – the profane, those who do not know the sceptical truth – believe that the norms of their moral system are justified, usually follow them, and expect everyone to do the same. Thus, like a Nietzschean overman, the sceptic walks around the world being as nice as possible to everyone. He pretends he also believes in those norms, he follows them, but he is not guided by them. He is ready to give any of them up, when he is sure that this may help him reach his goals better and has no disadvantages. This might only happen in rare circumstance, and then his diversity from normal, “profane” people shows up to the surface. An akin example can be made for the case of someone following moral system out of habit, regardless of its worth.

This is another possible scenario in which the moral difference between a sceptic and a moral realist may show up. Let us imagine someone moving to a different culture, which is quite different from that of his upbringing. Many sorts of actions that are mandatory in his original culture are here forbidden and vice versa. Were he a normal, naïve believer in the justification of moral norms, he might not even survive this radical change. He would be crushed by psychological distress in the impossibility of changing the norms guiding his conduct, since he believes that those norms are objective and justified. Or he should undergo serious punishment in order to abide by his rules. He would be a martyr. Nothing of this would happen if he were a meta-ethical sceptic. Of course, he could have some psychological distress in the span of time needed to acquire the habits, the dispositions and the expertise needed to follow the new norms. But he

would have no problem in taking on new norms, to the extent that they allow him to reach his goals.

These examples suggest that the moral difference between a sceptic and a non-sceptic about the justification of moral norms is not only a matter of different psychological attitudes, of what goes on in their heads in the process of deliberation, and it might show up at the level of behaviour in certain circumstances.

The moral difference between a supporter of EMES and a moral realist can become apparent also if we consider the counterfactual situation in which meta-ethical scepticism were a generalised position. If the counterfactual situation is not too different from our, in that we assume that no one is aware that EMES is so widespread, things would not be too different from the actual world. If most people believe that moral judgements are unjustified, but do not know that everyone believes it too, they keep utilising the current moral system, in the belief that this would be instrumentally useful for their life in society. Apart for the fact that metaethical scepticism is much more common, that world would not be too different from our on the surface. (Actually, as far as we know we could well live in that world). But if we take a possible world which is still further away from ours in that (almost) everyone is a meta-ethical sceptic *and* (almost) everyone is aware that (almost) everyone else is also a meta-ethical sceptics, then mistrust and suspicion would spread around. Probably most human institutions would not hold, and human communities would be in danger. Again, meta-ethical scepticism makes a difference on the normative level, and this difference could be empirically detected, even if even it might become apparent only in extreme circumstances.

5. Conclusion

This essay has a conditional form. It claims that if some four assumptions are granted, EMES follows, but if EMES is true, contrary to what many of its supporters suggest, the normative level is also affected. In fact, the meta-ethical and the normative levels cannot be sharply separated, since an agent can be guided by a norm only if he believes that that norm is justified (or at least he does not think that it is false or unjustified), and normative guidance is a necessary condition of moral behaviour as it is experienced by the agent.

I do not deny that the meta-ethical sceptic might still follow the norms of moral systems. But I deny that he follows those norms because he is guided by them. He follows them instrumentally, if they can serve the attainment of whatever ends he might have, or just out of a deeply rooted habit which counts against the best current judgements of the agent and hence constrains his agency.

Of course, nothing of what I have said counts against EMES, its coherence or its truth. If I am right, though, and if EMES wins over rival versions of evolutionary ethics as I granted above, the upshot of my considerations is that evolutionary thinking should be much more revisionary on ethical matters than it is often assumed, for example in the quotations at the end of section 2 above.

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