17. The significance of ethical disagreement for theories of ethical thought and talk

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This chapter has two sections, each focusing on a distinct way in which ethical disagreement and variations in ethical judgment matter for theories of ethical thought and talk. In the first section, we look at how the variation poses problems for both cognitivist and non-cognitivist ways of specifying the nature of ethical judgments. In the second, we look at how disagreement phenomena have been taken to undermine cognitivist accounts, but also at how the seeming variation in cognitive and non-cognitive contents between parties of deep ethical disagreement challenges both cognitivist and non-cognitivist accounts of disagreement itself.

1. Specification problems

Ethical judgments come in a wide variety. We make not only judgments about what to do or feel, but also about moral obligation, wrongness, permissibility, justice, blameworthiness, and virtue. Almost all analyses of some specific kind of ethical judgment fall into three broad categories, specifying what it is for a state to be *of that particular kind* based either on (i) its cognitive content, (ii) some non-cognitive attitude, or (iii) some combination of both (see the chapters on Cognitivism and non-cognitivism and Hybrid expressivism). But such specifications have proven elusive, as ethical judgments of a given kind vary both with respect to features closely associated with cognitive content and with respect to accompanying non-cognitive attitudes. In this section, we look first at the specification problem for analyses in terms of judge-invariant cognitive contents, before turning to the corresponding problem for analyses appealing to non-cognitive attitudes.

The invariantist cognitivist's specification problem. A simple cognitivist analysis of ethical judgments of a given kind (e.g. judgments that an action is morally wrong) identifies them with judgments about whether something has a certain moral property (e.g. the property of moral wrongness). But ethical relativists have thought that at least in cases of deep and systematic ethical disagreement, the parties are concerned with different properties (different properties of moral wrongness, say), making judgments with different cognitive contents. If relativists are right, there is a certain sense in which ethics is *subjective* rather than *objective*: a judgment's cognitive content might vary between judges. In what follows, I will first specify the relevant idea of invariant cognitive content, before explaining how invariantist analyses are threatened by deep ethical disagreement.

Sometimes the relevant notions of invariant and variant cognitive contents are understood in terms of *truth-values*: the contents are invariant if and only if the judgment is true or false independently of who made it, otherwise variant. However, on some minimalist, expressivist or relativist views about truth, this will fail to draw the relevant kind of distinction. On such views, to say that a judgment is true might merely reflect one's agreement with it, or the sense that it satisfies one's own fundamental standard of acceptance for such judgments. Correspondingly, the claim that the truth-values of a class of judgments are judge-independent might not reflect the assumption that people are concerned with the same aspect of reality. It might instead reflect a policy of holding these judgments to the same fundamental standards independently of whose judgments they are, a policy that might be in place in order to lead to coordination of attitudes (e.g. Blackburn 1993; 1998; Ridge 2014, ch. 7; Björnsson 2015).

To avoid this complication, the invariance of cognitive content at stake is better characterized in terms of relations between what different judges *are trying to get right* when making their judgments, and conditions under which they *succeed* in their judgmental endeavor. The key idea is that judgments about the same judge-independent matter have the same *success conditions*, independently of who is making the judgment. Suppose that Arith and Metic each tries to determine the product of 936 and 724. If they make the same judgment, it follows that if Arith's effort was successful, so was Metic's, and that if Arith's effort was a failure, so was Metic's. For contrast, consider judgments of personal taste. Suppose that both Gus and Tibus feel peckish, and that each tries to determine whether there is something tasty in the vending machine. What each is trying to get right, we can plausibly assume, is whether there is something in the machine that accords with *his* taste. Then even if they both judge that there is something tasty in the machine, one of them might have made a successful judgment while the other has not, and if they judge differently, they might nevertheless both have been successful; they might simply have different taste preferences.

In line with this, I will understand invariantism about the cognitive content of a kind of judgment as follows:

> COGNITIVE INVARIANTISM: For any two judges A and B, if both A and B judge that X is F, or both judge that X is not F, then if one is (un)successful in her judgmental endeavors, so is the other.

(Correspondingly, *variantism* says that success conditions vary between judges.) Importantly, we can see that both Gus and Tibus have judged successfully even if we do not agree with both their judgments, and thus do not want to say that both judgments are true. Attributions of judgmental success might thus come apart from agreement and attributions of truth (Björnsson 2015).

Arguably, COGNITIVE INVARIANTISM about ethical judgment—henceforth just "invariantism"—captures views that have been assumed or defended by a variety of historical figures, including Plato, Hume, and Kant, as well as by most contemporary self-described moral realists. Invariantism can also be endorsed by some philosophers who take moral judgments to be commitments to act or feel rather than ordinary beliefs, but who think that the formation of such judgments involve commitments to satisfy strong judge-invariant constraints (see e.g. Hare 1981, cf. Korsgaard 1996).

Notice that invariantism is only indirectly connected to the semantics of the *language* used to express ethical judgments. First, invariantism might be true even if ethical discourse employs context-dependent expressions. For example, consider the fact that terms like "ought", "should", "right", "wrong", and "good" seem to be context dependent. To say that something is wrong seems to be to say that it violates some relevant norm, but which norm varies from context to context: it might be a moral norm, a norm of etiquette, some professional procedural norm, or some grammatical rule, among others. (For recent extended defenses of metaethical contextualism, see e.g. Wedgwood 2007; Finlay 2014. Cf. the chapter on Contextualism.) But such context dependence, or a corresponding context-dependence in thought, does not rule out that when people judge that something is *morally* wrong, they always relate to the same norm (i.e. the same univocal moral norm), thereby making judgments with the same success conditions.

Second, invariantism might fail even if judgments are expressed using terms with invariant descriptive contents. Suppose, for example, that "immoral" has invariant content in English. It might still be that the corresponding terms in other languages—the terms naturally translated to "immoral" in English—have other referents. For, as many have suggested, translation need not go by referential content, as opposed to, say, role in practical deliberation (e.g. Hare 1952, ch. 9; Wong 1984: 73; Blackburn 1991: 5–9; Copp 2000; Björnsson and McPherson 2014). If so, invariantism might fail *across* linguistic communities for kinds of judgments that are naturally described as judgments about what is immoral. What judges in the other communities are trying to get right when making such judgments is whether something has the property referred to by *their* term.

If invariantism is true for a given kind of ethical judgment, we could provide an elegant (though perhaps partial) characterization of such judgments by pointing to their success-conditions. But invariantism about any widely instantiated kind of ethical judgment seems to be a highly ambitious contingent claim: it says that *all* judgments of that kind have identical success conditions. As such, it is in need of substantial support.

The need for such support is especially pressing in light of deep and seemingly intractable ethical disagreement. As is generally recognized, the problem is not

that intractable disagreement is incompatible with invariantism, as it might be due to the complex and difficult nature of a topic, combined with motivated reasoning (e.g. Brink 1989; Shafer-Landau 2003; Huemer 2005). What puts invariantism in question, rather, is that some ethical disagreements seem to be grounded in different fundamental conceptions of the subject matter as well as in responsiveness to systematically different features of reality (see e.g. Westermarck 1932; Wong 1984; Gibbard 1990; Wong 2006; Prinz 2007). For example, take disagreements about our obligations to people in need, such as the poor or sick in our own community, or refugees seeking asylum from war. Some of these disagreements might be grounded in disagreements about non-moral matters, perhaps concerning positive or negative effects of help on those who give or receive it. But other disagreements are more fundamentally moral, being grounded in different conceptions of what is owed to others *given* that helping has certain effects. These disagreements might seem to involve primitive or fundamental differences concerning what ultimately grounds obligations: hypothetical contractual agreements, certain methods of moral thinking, enlightened self-interest, or certain sets of values, rights, reasons, or norms, say. Given that we often take fundamental conceptions as (defeasible) guides to what people have in mind, this variation seems to provide (defeasible) evidence that the parties are making judgments with different success conditions. Unless there is significant evidence for invariantism, variantism seems the better bet.

What sort of positive evidence might there be? The most popular argument for invariantism points to features of ethical discourse and thinking that are characteristically instantiated by paradigmatically invariant domains but at best partially instantiated in paradigmatically variant domains. For example, in asking ethical questions, we are typically not satisfied with answers *explicitly relativized* to different judges or ethical systems. We also typically take even judges with radically different moral views to be in *disagreement*, rather than merely seeing things from different perspectives. Non-cognitivists and relativists have proposed explanations of these phenomena. In the next section we will look specifically at attempts at variantist-friendly explanations of disagreement, and we have already mentioned the possibility of pragmatically motivated policies of holding ethical judgments to the same judge-independent standard: such policies might explain why relativized answers to ethical questions are unsatisfactory. But many invariantists have found assumptions required for these explanations *ad hoc*. They have therefore endorsed something like the following argument (see e.g. Brink 1989, ch. 2; Smith 1994; Shafer-Landau 2003, chs. 2–3; Streiffer 2003, ch. 1; Huemer 2005, chs. 2–3; Enoch 2011, ch. 2):

THE STRAIGHTFORWARD ARGUMENT:

(i) Ethical discourse and thinking display features characteristic of paradigmatically invariantist domains.

(ii) Invariantism can explain or make sense of these "invariantist" features in whatever way they are explained in paradigmatically invariantist domains, thus requiring no *ad hoc* assumptions.

(iii) Non-invariantist (variantist or non-cognitivist) explanations of "invariantist" features require *ad hoc* assumptions.

(iv) Invariantism thus offers the more straightforward way of explaining or making sense of these features.

Though popular, THE STRAIGHTFORWARD ARGUMENT seems to have limited force (Björnsson 2012; cf. Tersman 2006, ch. 5; Loeb 2007). Obviously, premise (iii) is undermined if there is good independent motivation for non-invariantist explanations (as many non-invariantists think). Moreover, premise (i) might be at odds with studies suggesting that people often reject the idea that at least one of the judgments constituting moral disagreement must be incorrect (Sarkissian et al. 2011; Beebe 2014; Khoo and Knobe Forthcoming).

Less obviously, but of significant dialectical importance, premise (ii) would seem to be undermined if we lack independent positive evidence for invariantism. If displays of "invariantist" features in ethical thought and talk have not been responsive to such evidence, some special story would be needed about how invariantism explains or makes sense of these features. We cannot merely assume that it would be more straightforward than the non-invariantist alternatives. Moreover, if we could make plausible that the features have been responsive to independent positive evidence, it is unclear how much further support is added by THE STRAIGHTFORWARD ARGUMENT.

So what other sources of evidence might there be for invariantism? The striking variation in conceptions most saliently involves certain substantial natural (psychological, sociological, physical) or supernatural properties that judges take to determine whether something has a certain ethical property. This leaves open the possibility that there is agreement at some other, more fundamental, level. G. E. Moore (1903) famously thought so. On the one hand, he claimed that

OPEN QUESTION: Any description of an object in naturalistic or supernaturalistic terms leaves open and intelligible the question whether something satisfying that description has a given ethical property.

Given this, no exhaustive naturalistic or supernaturalistic conception of ethical properties is necessary for making the relevant ethical judgments. (For discussion of Moore's "open question argument", see the chapter on Conceptual Analysis and Metaethics.) On the other hand, Moore thought that judges have a *non-*

naturalistic or *irreducibly normative* conception of ethical properties (Moore 1903, ch. 1; cf. Shafer-Landau 2003; Huemer 2005; Parfit 2005: 330–32). Perhaps *that* conception could ground invariantism.

Before assessing that possibility, consider a different way in which invariantism might be true in spite of deep ethical disagreement. Moore took OPEN QUESTION to show that ethical properties cannot be natural or supernatural properties because he assumed that a judge's conception of a referent reveals its nature. However, many have rejected that assumption (e.g. Putnam 1975; Burge 1979; Kripke 1980; Millikan 1984; Boyd 1988; Railton 1989; Smith 1994; Jackson 1998; Millikan 2000). Without it, OPEN QUESTION does not rule out that parties of deep ethical disagreement have the same non-relative natural (or supernatural) property in mind when judging whether an action is obligatory.

There are various ways in which this might be true. One possibility is that judges always have some *procedural* conception of ethical properties in mind. For example, perhaps all judges are committed to correctly applying principles that would be identified in a process of reflective equilibrium given access to the relevant non-normative facts (cf. Jackson 1998: 131–35; Brink 2001; Merli 2002; Schroeter and Schroeter 2009: 11–15). Another is that in judging whether something is, say, morally wrong, one is necessarily concerned with whether it belongs to the *same kind as paradigmatic instances of moral wrongness*, or has the same ethical property as these instances, whatever that property is. Yet another is that in judging whether something is morally wrong, one intends to be concerned with whatever others making wrongness judgments are best understood as concerned with. That intention could help ensure *de jure* that success conditions are coordinated (Schroeter and Schroeter 2009). On each of these possibilities, the conceptions guaranteeing sameness of reference—the *reference fixing* conceptions— leaves open the fundamental nature of the property in question, thus leaving room for deep substantial disagreements.

Yet another possibility is that invariantism is guaranteed by factors at least partly external to judges' conceptions of the property in question (cf. the discussion of internalist and externalist metasemantic theories in ch. 34). One version of this externalist possibility is that success conditions of judgments are determined by the etiological function of the concepts involved: A judgment that X is (not) F is successful if and only if X has (lacks) the property such that prior successful tracking of that property explains why we make judgments about what is and is not F and why they play the role they play in our psychology (e.g. Millikan 1984; 2000). Even if judges themselves have no exhaustive conception of what it is for something to be F (to be water, say), the ability to make such judgments might itself have a determinate enough function to provide an account of judgmental success. Along these lines, Richard Boyd (1988; 2003) famously suggested that the

term "good" (when used in moral contexts) is best seen as referring to the property of being conducive to human flourishing. Another possibility is that success-conditions for moral judgments are determined by what judges commit themselves to in virtue of the practical role of these judgments. This proposal starts with the assumption that moral judgments involve various action-directed attitudes (preferences, decisions), and adds that rational agents are committed to certain constraints on such attitudes: constraints of universality, equal concern, coherence, or self-determination, say. These constraints, it is then argued, provide exhaustive success conditions for our moral judgments (see e.g. Smith 1994; Korsgaard 1996; Wedgwood 2007; Korsgaard 2009).

All of these suggestions indicate how invariantism *might* be true in spite of deep ethical disagreement. But it is another matter to make plausible that it is in fact true. To do so, it is not enough to make plausible that success conditions for kinds of ethical judgment obey some universal constraints. The constraints have to be *exhaustive*. If they merely provide *some* necessary or sufficient condition for judgmental success, individual judgments might involve further necessary or sufficient conditions, and so still differ in success conditions. Because of this, evidence for invariantism often seems elusive:

> *Non-naturalistic conceptions*: Suppose that judging whether something is morally wrong presupposes that one understands the ethical property in question as a non-natural property. Even so, it is unclear why we should assume that disagreeing parties have *the same* non-natural property in mind. When judges have very different conceptions of what natural properties make an act wrong, this assumption seems particularly problematic (see e.g. Björnsson 2012: 386–87; cf. Eklund 2012).

> *Procedural conceptions*: Suppose that judgments of justice aim at verdicts that are in line with the upshots of a process of reflective equilibrium. Even so, judges might understand such a process in different ways, admitting different inputs or prescribing different kinds of revision, thus yielding different views of justice. Given variations in what parties of deep moral disagreement take as evidence or as admissible forms of argument, it is unclear why we should assume that they operate with the same exhaustive procedural conceptions.

> *Rational practicality constraints:* Suppose that kinds of ethical judgment involve specific action-directed attitudes. Even so, few have been convinced that there are rich enough judge-invariant constraints on the relevant attitudes to account for what we are trying to get right when making moral judgments (see e.g. Enoch 2006).

> *Sameness of kind*: Suppose that all judgments of moral wrongness aim to determine whether the object in question is of the same kind as paradigm

cases of moral wrongness. Even so, the idea that something is *of the same kind* as something else is itself unclear—things can be alike and different along many different dimensions—and judges might have different kinds of sameness in mind. An etiological account of reference like Boyd's might avoid this problem as it relies on external tracking relations rather than judges' conceptions of sameness in kind. But Boyd himself takes seriously the possibility that 'good' tracks different and incompatible modes of human flourishing, thus leaving room for a certain kind of relativism (cf. Wong 1984), and other attempts to apply related accounts of reference to ethical judgments have suggested that properties tracked will vary between judges (Gibbard 1990, ch. 6).

Sameness de jure: Suppose that judges intend to be concerned with whatever others are concerned with when judging whether something has a certain property. Even so, this intention might not be best understood as fixing reference to a judge-invariant property (Björnsson 2012: 387–89). It would seem to leave open what counts as a best interpretation and whether the best interpretation of what others are concerned to get right is itself invariantist (as in the case of arithmetic) or variantist (as in the case of tastiness), or perhaps non-cognitivist (as when we try to jointly decide what to do).

Because of difficulties like these, the jury is still out on whether some form of invariantism is both compatible with and supported by the evidence. To my mind, we currently have little positive reason to think that central kinds of ethical judgment have some specific set of judge-invariant exhaustive success conditions. As a consequence, we also have reason to reject THE STRAIGHTFORWARD ARGUMENT: absent readily available evidence for invariantism, there is no straightforward invariantist explanation of "invariantist" features of ethical talk and thought. Defenders of invariantism cannot just assume that explanations from other domains carry over to ethical judgments.

The non-cognitivist's and cognitive variantist's specification problem: Suppose that what unifies ethical judgments of a certain kind and distinguishes them from other kinds is not some invariant cognitive content. How, then, should the different kinds of judgment be specified? Here the best-known proposals appeal to non-cognitive attitudes such as desires or preferences. On typical non-cognitivist views, ethical judgments are identified with such states: to think that it would be good that something happen is to desire or prefer that it be the case, say (see the chapter on Cogntivism and Non-Cognitivism). On a typical cognitive variantist view, it is instead to think that it has a certain property, P, where P is the property the judge prefers that events have (Dreier 1990).

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Though both non-cognitivist and cognitive variantist strategies avoid the invariantist's specification problem, they face a related two-pronged challenge. First, there are many kinds of ethical judgment, each requiring its own specification. Second, not any non-cognitive attitude can constitute the judgment or fix the property that a given judgment concerns: a sports fan upset with a team's tactical choice or a critic finding aesthetic fault with a performance does not thereby think that it is morally wrong.

To distinguish among kinds of ethical judgment, further specifications of the relevant non-cognitive attitudes are needed. For the case of moral wrongness judgments, some have suggested that judgments of moral wrongness involve commitments to moral blame (indignation, guilt) (Gibbard 1990). Others have suggested that such judgments involve the idea that sanctions of some kind (punishment, public opinion, conscience) ought to be in place (Mill 1863: 71), and some proposed that these judgments have a special etiology, being characteristically based on certain kinds of emotionally engaged processes (Kauppinen 2010). The problem is that such proposals seems to either over- or underdiscriminate. Surely one might think that there ought to be sanctions against actions of a certain kind without thinking that these actions are morally wrong, or think that an action is wrong without having engaged in the sentimentalist processes characteristic of human beings, or without being committed to having certain reactive attitudes (Miller 2003; Merli 2008; Björnsson and McPherson 2014)? More radically, motivational externalists deny that any non-cognitive attitude is required (e.g Svavarsdóttir 1999).

Much as it is unclear what *cognitive content* might be in common between all people making judgments of moral wrongness, it is thus unclear whether they involve some common *non-cognitive attitude* capable of constituting the judgment or fixing the property it concerns. In response to this variation, one strategy has been to embrace a form of variantism about the relevant non-cognitive attitude. On this view, attributions of ethical judgments are inherently flexible because flexibility is required for normal moral judgments to serve their practical function, namely to coordinate attitudes. This purpose, the suggestion goes, is best served if we engage people who make judgments sufficiently similar to the normal cases (Blackburn 1991: 5–9; Björnsson and McPherson 2014). A potential problem for this sort of proposal, apart from capturing just the right amount of flexibility, is that it seems difficult to explain ethical disagreement between parties whose judgments involve neither a shared cognitive content, nor a shared non-cognitive attitude (Sturgeon 1991: 25–27; for a response, see Björnsson and McPherson 2014). To assess that worry, we need to understand the nature of disagreement and attributions of disagreement.

2. Disagreement problems

In the previous section, we saw how variations within specific kinds of ethical judgment create difficulties for both cognitivist and non-cognitivist analyses. In this section, we look at how attributions of disagreement raise problems for variantist cognitivism, before considering non-cognitivist and other non-orthodox attempts to understand ethical disagreement.

Arguments against variantist cognitivism: At least at first glance, it might seem that,

> IMPLIED CONTRADICTION: If A says, "X is wrong", and B says, "X is not wrong", B has contradicted A.

Claims like IMPLIED CONTRADICTION have been taken to undermine accounts according to which the referent or satisfaction conditions of "wrong" might vary between utterances (see e.g. Moore 1912: 100–01; cf. Hare 1952: 148–50; Smith 1994: 32–35). For example, the proposal that "wrong" just means *in violation of S*, where S is whatever standard the speaker endorses, fails to guarantee that B has contradicted A: if A and B endorse different standards, X might violate A's standard but not B's, rendering both claims correct. Given IMPLIED CONTRADICTION, our simple analysis of "wrong" thus seems mistaken. Moreover, since IMPLIED CONTRADICTION seems equally plausible when "permissible", "right", "good", and other ethical terms are substituted for "wrong", similar arguments can be raised against variantist analyses of these.

A qualification is in place. The term "wrong" can be used to convey thoughts not only about moral wrongness, but also about inappropriateness relative to various non-moral goals, aesthetic standards, and so forth. Focusing on *moral* wrongness specifically, it is furthermore common to distinguish between *prima facie* and *all things considered* moral wrongness, as well as between *subjective* wrongness (relative to the agent's evidence) and *objective* wrongness (relative to all non-moral facts). IMPLIED CONTRADICTION is implausible if A is concerned with moral wrongness and B with aesthetic wrongness, or if A and B are concerned with different kinds of moral wrongness. Though such complications are rarely discussed in relation to disagreement arguments of this sort, the arguments make best sense if we take the utterances to concern the same kind of wrongness, such as all things considered subjective moral wrongness.

Similar arguments against variantist cognitivism have been proposed in terms of *disagreement in judgment* rather than *contradiction*. The following seems as reasonable as IMPLIED CONTRADICTION (assuming the qualification just introduced):

> IMPLIED DISAGREEMENT: If A judges that X is wrong and B that X is not wrong, they disagree.

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However, on analyses of "wrong" given which A's and B's judgments might have compatible success conditions, IMPLIED DISAGREEMENT cannot be explained merely in terms of the cognitive content of the two judgments (see e.g. Moore 1912: 100–01 (on "difference in opinion"); Gibbard 1990, ch. 1; Horgan and Timmons 1991; Smith 1994: 32–35).

For those operating with an orthodox cognitivist understanding of disagreement, IMPLIED DISAGREEMENT has seemed not only to undermine variantist cognitivism, but also to straightforwardly support invariantism. Consider:

> ORTHODOX DISAGREEMENT: For two judges to disagree is for them to make judgments with incompatible success conditions.

To ensure orthodox disagreement between any two judges A and B, the judgment that X is wrong and the judgment that X is not wrong must have incompatible success conditions *independently of whose judgments they are*. But non-cognitivists have argued that no plausible cognitivist account of the meaning of "wrong" guarantees that success conditions for wrongness-judgments are judge-independent. Given this and given IMPLIED DISAGREEMENT, it instead seems that ORTHODOX DISAGREEMENT must be false: disagreement must be explained in some other way (Stevenson 1937). (A tempting alternative formulation of the orthodox account is in terms of incompatible truth- or correctness conditions. As already noted, however, studies indicate that people confidently attribute disagreements without confidently thinking that one judgment must be incorrect. See e.g. Sarkissian et al. 2011; Beebe 2014; Khoo 2015; Khoo and Knobe Forthcoming.)

Recently, arguments from disagreement have most famously been invoked against causal-regulatory forms of cognitivism of the sort advocated by Richard Boyd (see e.g. Blackburn 1991; Horgan and Timmons 1991; Smith 1994). In Horgan and Timmons' version, we are faced with two groups of judges: people on Earth and people on "Moral Twin Earth". The normative vocabularies of the two people play similar practical roles. Here on Earth, considerations about what is "wrong", "right", "good", and so forth guide action and motivation; Moral Twin Earthlings have terms playing the corresponding practical roles. However, since the terms of the two groups are relevantly causally regulated by different properties, they have different referents according to Boyd's theory. Against this background, Horgan and Timmons claim that if disagreement arises between the groups, the parties are best understood as disagreeing "in moral belief and normative moral theory, rather than … in meaning" (1991: 460). From this they conclude that Boyd's cognitivism is mistaken.

Notably, Horgan and Timmons do not presuppose that both parties make judgments of wrongness, rightness, value, and so forth, and so do not appeal

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directly to claims like IMPLIED DISAGREEMENT. Instead, they take the features of the case—in particular the fact that the terms in question play the same practical role as our terms—to make it plausible that judges in the two communities disagree in moral judgment. From that intermediate conclusion, however, the argument follows the model of arguments from IMPLIED DISAGREEMENT: since the target cognitivist account suggests that the parties make judgments with compatible success conditions, it leaves us with no explanation of why these judgments constitute disagreement. Moreover, given that intuitions of disagreement are grounded in the practical role of the terms involved, the case might seem to suggest that these terms should be understood along non-cognitivist lines.

Some critics of the Moral Twin Earth argument have objected that intuitions about such cases are unreliable guides to the nature of the judgments or claims involved because of the highly theoretical content of these intuition and the unusual nature of the cases in question (see especially Dowell Forthcoming). This criticism might have less force against disagreement arguments building on more familiar cases than that of Moral Twin Earth, but raises important questions about the methodology of semantic analysis.

Others have argued that disagreements of the sort figuring in Horgan and Timmons' scenario have little bearing on the content of the terms involved. Most commonly, the suggestion has been that the cognitivist can follow non-cognitivists in taking the disagreement at hand to be grounded in the practical role played by the terms, while nevertheless denying that this practical role is part of their content, strictly speaking. (Sayre-McCord 1997; Copp 2000; Merli 2002; Björnsson and Finlay 2010, ch. 6; Plunkett and Sundell 2013; Finlay 2014).

Some of these replies have appealed to specific mechanisms of conversational pragmatics, arguing that disputes in ordinary language are often best understood as practically motivated attempts to impose a certain normative perspective (Björnsson and Finlay 2010) or as expressions of metalinguistic disagreement about how the terms involved should be used in certain contexts where this use has practical implications (Plunkett and Sundell 2013). If proponents are right that the pragmatic mechanisms in question play prominent roles outside of ethics, we have independent reason to resist inferring that some predicate "F" has context-invariant content from the fact that one party's assertion, "X is not F", seem to contradict another's assertion, "X is F", or from the fact that the parties seem to disagree. More has to be said to ground that inference.

It is less clear that these pragmatic proposals are enough to explain the seeming plausibility of IMPLIED CONTRADICTION or IMPLIED DISAGREEMENT understood as perfectly general claims. Unless whatever it is that grounds contradiction and disagreement necessarily accompanies the utterances or

judgments involved, contradiction and disagreement are not *guaranteed*. But it is unclear how non-cognitive attitudes or metalinguistic views can be such necessary companions if utterances and judgments are understood purely in terms of their cognitive content.

To better understand whether and how non-invariantist accounts of moral language or moral judgments can make sense of IMPLIED CONTRADICTION and IMPLIED DISAGREEMENT, we would be helped by a more general understanding of what might ground contradiction and disagreement if orthodox cognitivist views fail to account for all cases. Such an understanding would also be help us determine whether these two claims have perfectly general scope, or whether their intuitive appeal can be explained in terms of factors that only typically accompany the utterances or judgments in question.

Non-orthodox accounts of disagreement and contradiction: Suppose that invariantism is false or that, as our discussion in the Section 1 suggested, we lack clear evidence for it. Then unless the intuitive appeal of claims like IMPLIED DISAGREEMENT is mistaken or epistemically irresponsible, our understanding of these claims seems to operate with a non-orthodox notion of disagreement.

The best-known non-orthodox proposal understands ethical disagreement in terms of conflicts in non-cognitive attitudes:

> CONFLICTING ATTITUDES: A and B disagree if A is in favor of p and B is in favor of q, where p and q cannot be simultaneously realized (see e.g. Stevenson 1963: 2).

The account is structurally similar to ORTHODOX DISAGREEMENT, providing a tempting explanation of why both kinds of relations would be understood as *disagreement*. It also seems to straightforwardly capture central cases of ethical disagreement: characteristically, someone judging that an action morally ought to be done is in favor of doing it, and someone judging that it morally ought not to be done is in favor of not doing it. Moreover, though originating in a non-cognitivist tradition, CONFLICTING ATTITUDES might be employed by accounts that deny that non-cognitive attitudes are *semantically* implicated in moral judgments and moral claims.

Appealing as it is, however, CONFLICTING ATTITUDES is too weak, as illustrated by cases like (cf. Ridge 2013: 46–7):

> *Mere Clash*: A wants C to sell an apartment to A and B wants C to sell that apartment to B. Though both A and B might be disappointed if C decides to sell to the other, neither would have any objection to such a decision, nor be opposed to it in any other way.

Here it is clear that A's and B's attitudes conflict, but unclear whether they disagree about anything.

The standard way of strengthening CONFLICTING ATTITUDES is to add an element of *opposition* between the parties, spelled out in terms of higher-order attitudes, as when C. L. Stevenson requires that neither party be "content" to let the other's first-order attitude be unchanged (Stevenson 1937: 27; cf. Blackburn 1998: 14, 69). However, this proposal threatens to be either too week or too strong. On one reading, to say that the parties are not content with the other's attitude is to say that they prefer that the other have a different attitude. But this is plausibly already part of *Mere Clash*, and still seems insufficient for disagreement. On another reading, inspired by Stevenson's illustrations of his proposal, disagreement requires active effort to change the other's mind, or perhaps willingness to engage in such efforts (see e.g. Schafer 2012). This would make it harder to deny that there is disagreement, but this requirement seems too strong. Though willingness or effort to change the other's mind might be necessary conditions for the *activity* of disagreement, two people can disagree *in judgment* without having any active interest in changing the other's mind. (A similar problem faces Gibbard's (2003, ch. 14) suggestion that disagreement is partly a matter of choice.)

Even without amendment, CONFLICTING ATTITUDES also seems too strong to capture all cases of ethical disagreement. One problem is that of "amoralists": of people whose attitudes are not aligned with their moral judgments. Motivational externalists insist that such people are possible, and many motivational internalists accept that misalignment is possible under abnormal conditions (see the chapter on Ethical Judgment and Motivation). If moral judgments can be made without accompanying non-cognitive attitudes, it seems clear that there can be moral disagreement without clashes of attitudes. But CONFLICTING ATTITUDES also runs into trouble with less controversial cases:

> *Neutrality*: A thinks that it would be better if C ɸ rather than not, whereas B thinks that C's ɸ-ing and not ɸ-ing are morally on a par, neither being morally better than the other. A's and B's attitudes are well aligned with their moral judgments: A prefers that C ɸ, whereas B is neutral or indifferent with respect to C's ɸ-ing.

Here B would have nothing against C's acting in accordance with A's preferences. Nonetheless, there is a clear disagreement about whether ɸ-ing and not ɸ-ing are morally on a par. One might think that this is instead explained by a conflict in second-order attitudes, but we have already seen some difficulties for that suggestion. (For further problems with the Stevensonian account of disagreement, see Ridge 2013.)

Perhaps there are ways of amending these shortcomings. The problem is to do so without excessive *ad hoc* tinkering. Ideally, an account of *ethical* disagreement fits with a general understanding of why a variety of differences in psychological states constitute disagreement while others do not. On the one hand, we find disagreement in a variety of domains, both paradigmatically objective (arithmetic) and paradigmatically subjective (tastiness). On the other hand, two people do not disagree merely by having conflicting preferences or imagining incompatible states-of-affairs, nor does someone thinking that an object is *to the right* disagree with someone thinking that it is *to the left* if they judge from different spatial perspectives. As CONFLICTING ATTITUDES covers only non-cognitive disagreement, it seems ill suited to give us a unified understanding of what distinguishes cases of disagreement from cases of mere difference. Moreover, it already needs further amendments to handle *Mere Clash* and *Neutrality*, and it is unclear how it can account for disagreements in various non-normative subjective domains where clashes in attitude are non-obvious, such as disagreement about what is tasty (but see Marques and García-Carpintero 2014). Because of this, we might want to look elsewhere.

One place to look is at literature focusing on linguistic disagreement phenomena rather than on disagreement in judgment. A central observation in this literature has been that we naturally employ expressions of disagreement ("no", "I disagree") also in response to paradigmatically "subjective" or judge-relative claims, such as claims about what might be the case, or about what is or isn't tasty:

Tasty:
A: This soup is really tasty.
B: No, it's too salty.

In *Tasty*, A makes a claim based on her personal taste reaction, but it seems that B can felicitously contradict or express disagreement with what A has said based on her own, different, taste reaction. Often, observations like these have been made in defense of the suggestion that the claims involved have *assessor-relative acceptance conditions*, and so might be competently accepted by the speaker but rejected by someone with a different palate (for gustatory taste claims), different evidence (for epistemic modals), or different norms (for moral claims) (e.g. Lasersohn 2005; Egan 2007; Stephenson 2007; Egan 2010; 2012; Schafer 2012; Willer 2013; MacFarlane 2014; Björnsson 2015; Khoo and Knobe Forthcoming). (Assessor-relativist accounts should be distinguished from accounts taking the acceptance conditions to vary with context of utterance. See the chapters on Contextualism and Relativism.) These proposals explain the sense of contradiction in variantist discourse when combined with something like the following:

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CONTRADICTION: One utterance contradicts another if and only if fully accepting the former involves rejecting the latter.

For example, even if the judgments expressed by A and B in *Tasty* have judge-relative success conditions, to fully accept A's claim is to judge, oneself, that the soup is really tasty, which is to reject B's claim.

CONTRADICTION seems to apply equally well to ethical discourse given an intuitive understanding of what it is to accept various ethical claims. If A says "X is morally wrong" and B says, "X is not morally wrong", to fully accept A's claim would seem to involve rejecting B's: whether understood in invariantist, cognitive variantist, or non-cognitivist terms, judging that something is wrong should involve rejecting the idea that it isn't wrong. CONTRADICTION thus seems to vindicate a version of IMPLIED CONTRADICTION.

The idea that certain kinds of claims have assessor-relative acceptance conditions is relatively recent, and it is still unclear how it is best developed. One question concerns *why* certain utterances have assessor-relative acceptance conditions. Another concerns the extent to which data conform to assessor-relativist predictions, as assessors do not always accept or reject claims in the relevant domains based on their own information, palate, or norms (e.g. Stephenson 2007; von Fintel and Gillies 2008; Björnsson and Finlay 2010). For example, if a small child points towards the sauce in the pan, saying, "that's tasty", a parent who very much likes the sauce but believes that it is too spicy for the child can felicitously reply, "no dear, it's too spicy", contradicting the child's claim and expressing disagreement.

One explanation for both the existence of assessor-relative acceptance conditions and exceptions like these could be that *conversational pragmatics* determines what sort of assessment is called for. If claims of various kinds have pragmatic points—to inform about some objective fact, guide the taste expectations of others, or affect their moral attitudes, say—then for hearers to go along with that point means forming the corresponding beliefs, expectations, or attitudes. For some claims—ordinary claims about judge-independent reality—the point is to convey a belief with a certain hearer-independent representational content. For other claims, the point is to convey non-representational attitudes or hearer-relative representations. If we understand *accepting a claim* as a matter of going along with its conversational point, we would then have an explanation of why certain claims have assessor-relative acceptance conditions (e.g. Stephenson 2007; Egan 2010; 2012; Willer 2013; cf. Stalnaker 2002). This could also explain why it is sometimes natural or even mandatory to take the speaker's perspective even in characteristically assessor-relative domains. Sometimes such assessments might simply be more in line with the point of the conversation, as when the child needs taste guidance in relation to its own palate rather than that of its parent

(Björnsson and Almér 2010: 23–26, 29–32; Björnsson and Finlay 2010: 19–24, 28–34; Finlay 2014, ch. 8; Björnsson 2015).

Whether and in what form such pragmatic stories are successful, they do not directly provide an account of *disagreement in judgment* between parties that are not engaged in conversation, nor, perhaps, willing to engage. But one possibility is that disagreement in judgment consists in a certain *potential* for discursive disagreement:

> DISAGREEMENT FROM CONTRADICTION: For A and B to disagree is for A and B to be in states characteristically expressed using contradictory utterances (Björnsson 2015).

This suggestion might solve problems faced by CONFLICTING ATTITUDES. First, it does not seem to overgenerate disagreement in *Mere Clash*: it is not clear what contradictory claims the parties can make merely in virtue of their conflicting attitudes. Second, it seems to handle *Neutrality*: A's and B's judgments can be characteristically expressed by "ϕ-ing is morally better than not ϕ-ing" and "ϕ-ing and not ϕ-ing are on a par", respectively. But fully accepting the first of these two claims would seem to involve rejecting the other, whether moral judgments are understood along non-cognitivist or variantist cognitivist lines. (On a non-cognitivist account, for example, accepting the first might be to morally prefer ϕ-ing over not ϕ-ing, whereas accepting the latter might be to morally prefer neither to the other (cf. Dreier 2009).) Given CONTRADICTION, DISAGREEMENT FROM CONTRADICTION thus seems to ensure that A and B disagree. It also seems to straightforwardly handle disagreement about what is tasty, relying on the treatment of *Tasty* offered by CONTRADICTION. Finally, the idea that ethical judgments are characteristically expressed with conversational points other than to convey some assessor-independent fact seems compatible with a variety of non-invariantist solutions to the specification problem discussed in Section 1. (For a structurally similar account of disagreement in terms of potential to give *conflicting advice* rather than potential to make contradictory claims, see Ridge 2013.)

Though DISAGREEMENT FROM CONTRADICTION might look promising, any explanation of disagreement in judgments in terms of expressions of these judgments might seem to get the order of explanation wrong. Moreover, for DISAGREEMENT FROM CONTRADICTION to apply to deep moral disagreement along the lines just sketched, it requires some solution to the non-invariantist's specification problem from Section 1. The question about how to understand disagreement in non-invariantist discourse generally and moral disagreement specifically is thus still very much an open one.

In the first section of this chapter, we saw how deep ethical disagreements and variations in non-cognitive attitudes create difficulties for attempts to characterize

specific kinds of ethical judgment. In this section, we have seen how attributions of disagreement have been taken to undermine cognitive variantist accounts. But we have also seen how the lack of clear evidence for invariantism as well as disagreement in paradigmatically non-invariantist domains suggest that we intuitively countenance disagreement that does not conform to the orthodox cognitivist model. Though it is still unclear what non-orthodox theory of disagreement best accounts for such disagreement phenomena, the very existence of non-orthodox disagreement undermines simple inferences from the existence of a disagreement to the cognitive content of the judgments that seem to ground that disagreement.

Acknowledgments

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