

3 Constructivism and the Error Theory

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Introduction

According to the error theory, morality presents itself to us as though it were something to be discovered, but in fact it is not. Morality is something invented, constructed, or made.¹ According to constructivism, morality is something invented, constructed, or made. Thus understood, constructivism and the error theory are close philosophical relatives. Both views assert that morality is a construction. The error theory goes on to say that moral thought also aspires to something more, but does so unsuccessfully. Constructivism stops short of this claim. Which, if any, of these two views should we prefer? That is the question I shall address in this chapter. My answer will be that constructivism has the edge over the error theory in virtue of being committed to less problematic views about the content, truth, and justification of moral claims. I shall not, however, conclude that we ought to believe in constructivism. In order to do that I would have to argue that the claims of the constructivist are more plausible than those of her competitors who claim that morality is neither invented, constructed, or made. That is a task that goes beyond the scope of the present chapter.

Three Marks of Moral Objectivity

It is widely agreed that morality strikes us as objective. It is less widely agreed what moral objectivity amounts to and whether the appearance of objectivity truly reflects what goes on when we make moral judgments. There are at least three marks associated with moral objectivity in contemporary philosophy (cf. Lillehammer 2007, 5–9). The first I call *error*. *Error* requires that agents who make moral claims can be said to do so competently or incompetently. In other words, moral terms have informative conditions of competent application. *Error* is arguably a necessary condition for any kind of objectivity. If there is no sense in which I can be said to go right or wrong in applying moral terms, then

there is no point in saying that the claims I make in so doing have any objective aspirations. *Error* is arguably not, however, a sufficient condition for objectivity. This is because the existence of application conditions is a universal feature of any claim we can meaningfully make, subjective or objective.

Consider the following example. Suppose we agree to call an object “blip” if and only if it is such that I convince you to despise it on a Tuesday. Suppose we also stipulate that no genuine blip is to be despised on a Wednesday. Then any object I convince you to despise on a Tuesday is a blip. Furthermore, it is a necessary truth about blips, knowable a priori, that they are not to be despised on a Wednesday. Suppose that on at least one Tuesday I convince you to despise something. Then that something is a blip and ought not to be despised on a Wednesday. So there are blips. So there is a “property” of *blipness*. So there are blip “facts” instantiating those “properties.” And so we could go on. Yet in what sense, if any, are blip claims objective? Can we conjure up objective facts and properties by arbitrary stipulation? If *error* were all there was to our idea of objectivity the answer to this question would be an obvious “Yes.” Yet this answer is anything but obvious. The problem is that *error* comes too cheaply.² Something more than the existence of linguistic terms and their stipulated conditions of application needs to be in play before we can talk about objectivity in any interesting sense.

A second mark of objectivity I call *realism*. The conditions for satisfying this mark of objectivity go beyond *error* and presuppose it. Claims are objective in the realist sense just in case their conditions of correct application are fixed by substantial facts or properties that exist independently of the practice of making those claims and the attitudes of those who make them. In other words, they are mind independent. In this sense, claims about blips are not objective. Were it not for our act of stipulation and the reactive responses it invokes there would be no blips. In the realist sense, it is not appropriate to be an objectivist about blips, even if “blip” has perfectly determinate conditions of application. *Realism* does not come that cheaply, referring as it does to what the world is like “anyway,” or independently of our practices and attitudes (cf. Brink 1989, Shafer-Landau 2003, Cuneo 2007, Miller 2009).

Realism is sometimes treated as a sufficient condition for objectivity. Consider the claim that cricket balls move differently if hit on the moon. If true, it is natural to think this obtains regardless of our practices and attitudes. For claims about cricket balls and their physical movement, successful reference to a world of mind-independent facts and properties is exactly what objectivity requires. It is not obviously the same with moral claims. The objective fact that cricket balls move differently if hit on the moon is not normally thought to give anyone a reason to act in one way rather than another unless that person has some particular interest in cricket or the moon. The fact that it is wrong to hit people, on the other hand, is often thought to give everyone at least a defeasible moral

reason to act accordingly regardless of their contingent interests. Thus understood, moral claims aspire to be necessarily reason giving in some way that does not apply to other claims that aim to represent the way the world is regardless of our practices and attitudes. If so, *realism* is not a sufficient condition for moral objectivity, even if it is a sufficient condition for the objectivity of claims that have a less intimate relationship to reason and the will. To be sufficient for moral objectivity, realism needs to be supplemented with the claim that moral facts are necessarily reason giving.³ I return to this issue in my discussion of the error theory below.

Nor is *realism* obviously a necessary condition for moral objectivity. Let us say that a claim is *inescapable* if and only if it meets the condition that no competent agents who genuinely understand it can dismiss it as practically irrelevant to themselves or others without irrationality. In other words, the correctness of that claim renders it necessarily reason giving even for someone who tries to evade it by insisting that he or she has no interest in these kinds of claims. It is a controversial issue whether the claim that morality is necessarily reason giving presupposes that the correctness conditions of moral claims are mind independent. Thus, it might be thought that even if there is no such thing as a mind-independent moral reality, morality can make inescapable claims on us in virtue of the fact that a commitment to some moral claims is a necessary feature of sound practical reasoning (cf. Korsgaard 2009). I return to this question in my discussion of both constructivism and the error theory below.

Like *realism* before it, *inescapability* presupposes, but goes beyond *error* in the conditions it imposes for moral objectivity. Consider, once more, the stipulated application conditions for “blip.” True, once I explain to someone what these criteria are, he must agree that claims that something or other is a blip are linguistically correct just in case I convince you to despise it on a Tuesday, and that no blip is to be despised on a Wednesday. This does not, however, mean that he must regard these claims as inescapable. He could refuse without mistake to apply the term “blip” at all. He could reasonably remain uninterested in what I manage to convince you to despise on a Tuesday, or indeed on any other day. Indeed, he could reasonably regard our entire practice of blip-talk as ridiculous, stupid, or even wrong. Not so for a wide range of moral claims, for which *inescapability* has sometimes considered a central part of their objective aspirations. For this reason, *inescapability* has sometimes been considered a sufficient condition for moral objectivity, even if it does not satisfy all the criteria associated with objectivity in areas of thought that have a less intimate relationship to reasons for action and the will.

As we have already seen, any plausible account of morality should be consistent with the idea that moral claims meet the conditions of *error*. In what follows I shall assume that both constructivism and the error theory meet this constraint. Beyond that, different theories differ on which mark of objectivity is

considered as more basic to moral claims. As we shall see, the comparative plausibility of different forms of constructivism and the error theory are intimately bound up with this question. In discussing different answers to it, I make two simplifying assumptions. First, I assume that all theories conflicting with constructivism and the error theory are untrue. Thus, I shall not address the question whether or not moral claims really express robustly cognitive states for which the question of correctness or truth can arise (cf. Blackburn 1998, Chrisman [this volume]). I simply assume that they do. Nor shall I seriously discuss, except in passing, the hypothesis that moral truth is best understood in terms of the correspondence of moral claims with a ~~mind-independent~~ moral reality (cf. Shafer-Landau 2003, Cuneo [this volume]). I shall mostly assume that they do not. Nothing of what I say below should be thought to depend on the truth of these assumptions, which I make only for the purpose of exposition.

The Moral Error Theory

The idea that moral thought embodies an error has a distinguished history (cf. Broad 1951, Russell 1999, Pigden 2010 for some historical precedents). The most influential statement of the error theory in recent years is due to J. L. Mackie, who sums it up as follows:

[T]he traditional moral concepts of the ordinary man as well as of the main line of western philosophers are concepts of objective value . . . The claim to objectivity, however ingrained in our language and thought, is not self-validating. It can and should be questioned. But the denial of objective values will have to be put forward . . . as an “error theory,” a theory that although most people in making moral judgements implicitly claim . . . to be pointing to something objectively prescriptive, these claims are all false. (Mackie 1977, 35; cf. 48–9)

Thus understood, the error theory is made up of two theses. First, it is a deep fact about moral claims that they aspire to a special kind of objectivity. Second, this aspiration to objectivity is universally mistaken.

In what does the objectivity aspired to by moral claims consist? Mackie’s notion of objective prescriptivity can be interpreted in different ways. On a strong reading, objective prescriptivity entails both *realism* and *inescapability*. On this view, moral claims aspire to represent a ~~mind-independent~~ moral reality of inescapably reason-giving facts and properties. This strong reading can be denied in at least two ways while maintaining the error theory in some form.

First, objective prescriptivity might be taken to entail *realism* but not *inescapability*. When focused on this combination of commitments the error theory is targeted at certain versions of moral realism, according to which the objectivity of moral claims consists in their sometimes truly representing ~~mind-independent~~ moral facts. Mackie seems to deny that there are such facts. Yet his notion of objective prescriptivity goes beyond that to include the idea of a “categorically imperative element” that applies to agents regardless of their desires and the contingent institutions in which they participate (Mackie 1977, 29ff). Thus, at least for Mackie, *inescapability* is an essential feature of the objective prescriptivity to which moral claims aspire.

Second, objective prescriptivity might be taken to entail *inescapability* but not *realism*. Thus understood, the error theory is partly targeted at some versions of Kantian ethics, according to which the objectivity of moral claims differs from other claims by aspiring to objectivity without *realism*. Mackie seems to deny that moral claims are objectively prescriptive in the Kantian sense. Yet his notion of objective prescriptivity goes beyond *inescapability* to include the idea that “if there were objective values, then they would be entities or qualities of a very strange sort, utterly different from anything else in the universe” (Mackie 1977, 38). Thus, at least for Mackie, *realism* is an essential part of the objective prescriptivity to which moral claims aspire.

Why does the error theorist think that moral claims fail to live up to their objective aspirations? There are at least two routes to this conclusion, each corresponding to an attack on *realism* and *inescapability* respectively. First, error theorists often claim that there is no place for ~~mind-independent~~ moral facts in our best explanation of morality as a natural phenomenon. This claim plays a crucial role in Mackie’s *argument for relativity*, for example, according to which moral disagreement is best explained in nonmoral terms, by supposing that moral belief is a natural function of our contingent human nature and historical circumstances (Mackie 1977, 37). There are at least two ways of taking this claim, one weaker and one stronger. According to the weaker claim, there is no *need* to postulate objective moral values in order to explain why we make the moral claims we do. According to the stronger claim, the very idea of objective value *offends* against both our best theory of the universe, and our best theory of how the universe is known. Both of these claims play a crucial role in Mackie’s *argument from queerness*, according to which we have no coherent conception of ~~mind-independent~~ objective values that are somehow able to exercise a necessary “pull” on our contingent rational motivations (Mackie 1977, 40).⁴ Variations of these arguments have been defended by a number of error theorists in recent years (cf. Garner 1994, Ruse 1995, Joyce 2001).

Second, Mackie argues that the idea of a valid “categorical” and institution-transcendent moral imperative is a fiction. Some moral claims are valid “hypothetically,” in virtue to appealing to a preexisting end that their observance

would promote. Thus, it might be true that I ought to eat in order to avoid starvation. Other moral claims are valid “categorically,” in virtue of being constitutive rules of some kind of contingent human institution. Thus, it might be true that one ought never to drive on a red light (or that no blip should be despised on a Wednesday). Yet no moral claim is valid “categorically” in the sense of being valid and binding on all rational agents, regardless of their ends and institutional or other affiliations. In this debate, the error theorist sides with a long tradition going back at least to Hume, and against a tradition going back at least to Kant (cf. Kant 1981, Hume 1999). In effect, the error theorist is saying that the Kantians are right about the objective aspirations of moral thought but the Humeans are right about the underlying reality. Variations of this argument have also been defended by a number of error theorists in recent years (cf. Joyce 2001, Phillips 2010).

In exactly what sense does the error theorist think that moral claims fail in their objective aspirations? According to Mackie, moral claims are systematically false. A somewhat weaker position is to hold they are not true, but indeterminate or lacking in truth-value. A much stronger position is that they are somehow incoherent. The fine detail need not detain us here (cf. Joyce and Kirchin 2010). We must, however, note that a moral error theorist could admit that ordinary moral claims, however illusory, can at least exhibit the mark of *error*. Thus, a claim can be indeterminate or false without being utterly meaningless. (It might be questioned whether a claim could be genuinely meaningful if it is actually incoherent. I shall not pursue this question further here.) It follows that if there is a metaphysically minimal sense of “true” and “false” that entails nothing more than the existence of recognizable application conditions for moral terms, the error theory is consistent with the idea that some moral claims are “minimally” true. This fact is of more than local significance. There is an influential line of thought in contemporary philosophy of language to the effect that there is nothing more to the idea of truth in any area of thought than what follows from the existence of recognizable application conditions for the terms embodied in that area of thought (cf. Wright 1992, Blackburn 1998). To claim that “P” is true, for example, is not really anything more (subject to minor qualifications) than to claim that P. The predicate “is true” is really a linguistic advice for adding emphasis or approval. It does not pick out a property that some claims have and others not, in virtue of their correspondence with nonlinguistic reality. It is natural to think that the truth of the error theory conflicts with this “minimalist” program in the philosophy of language (cf. Wright 1992). It would take us too far afield to pursue this issue further here (cf. Blackburn 1998, Chrisman [this volume]).

If morality is an illusion, then how did we end up in the grip of it? Although different error theorists have offered different explanations of this otherwise puzzling fact, most of their attempts to diagnose the causes of error are

variations on the same theme (cf. Lillehammer 2003). In effect, error theorists claim that the emergence and persistence of our dispositions to make moral claims is explained by the way in which these dispositions have played a variety of coordinating functions during some part of human development or history. Some error theorists have focused primarily on the evolutionary function of moral claims (cf. Ruse 1995). Others have focused more on their historical function (cf. Pigden 2010). Some have focused primarily on the social aspects of coordination (cf. Mackie 1977). Others have focused on the psychological aspects (cf. Joyce 2001). These differences need not concern us here. The basic idea in each case is that certain deep-seated illusions can have staying power if they help enough of us to get along.

What implications does the error theory have for our treatment of moral claims once the mistake embodied in moral thought has been exposed? In fact, there are various options, each of which has had serious defenders among contemporary error theorists. The first option is abolitionism (cf. Garner 1994). According to this view, the correct response to the error theory is to give up making moral claims altogether. The most natural way of understanding abolitionism is as proposing the removal of distinctively moral terms (such as “duty” and “right,” etc.) from our vocabulary, and to engage in practical reasoning using only terms that are free from error. Abolitionists are keen to stress that this does not mean giving up on the various ends that moral claims have traditionally served to promote. The abolitionist can continue to care about the fate of his loved ones, or work to promote equality of opportunity or the prevention of climate change. Yet in doing so, he would no longer be describing these issues in substantially moral terms, instead having to present them in some otherwise favorable light, such as serving the collective or individual interests of his interlocutors.

What abolitionism gains by way of purity it loses by way of flexibility. After all, if making untrue claims has stood us in good stead in the past, an abolitionist policy might seem like throwing out the baby with the bathwater. This is the view taken by the moral fictionalist. According to the fictionalist, moral claims can earn their place in our conceptual repertory as a form of practically useful but literally false fiction, or make-believe. There are currently two different versions of this view defended in the literature. According to the revisionist view, we should somehow *adopt* morality as a useful fiction, having discovered that it is an illusion (cf. Joyce 2001). According to the protectionist view, philosophical analysis reveals that morality has played the role of a useful fiction all along (cf. Kalderon 2005; Mackie 1977, 239). The extent to which we should want to go in for morality on either of these terms once the error has been pointed out would presumably depend on the extent to which doing so would conflict with values we hold dear, including the advantages of coordination and our overall commitment to truth, truthfulness, transparency, and so on (cf. Williams 2002). It is

a complex empirical question what the practical consequences of a widespread belief in the error theory would be. It would be very optimistic to think the answer would be universally welcome in all historical circumstances. What fictionalism gains by way of flexibility, it may lose by way of wishful thinking.

Revisionary moralism is a third error theoretic option. The revisionary strategy is to reinterpret moral claims so as to avoid any problematically objective aspirations, instead assigning them ~~nonminimal~~ truth conditions that are compatible with whatever kind of objectivity to which we think they can truly aspire. In this way, much of our existing moral vocabulary could be retained, along with its core pragmatic connotations. So long as enough is preserved to make the result broadly coextensive with the linguistic practice with which we started, there need be no impropriety in describing the result as “morality,” or the claims made within it as “moral” (cf. Lewis 2000). Some of Mackie’s remarks about the consequences of accepting the error theory might be read as laying the groundwork for a revisionary view along these lines. Thus, Mackie writes:

[C]ongenial to philosophers . . . would be the attempt systematically to describe our own moral consciousness or some part of it, such as our “sense of justice,” to find some set of principles which were themselves fairly acceptable to us and with which, along with their practical consequences and applications, our “intuitive” (but really subjective) detailed moral judgements would be in “reflective equilibrium” . . . This is a legitimate kind of inquiry, but it must not be confused with the superficially similar but in purpose fundamentally different attempt . . . to advance by way of our various “intuitions” to an objective moral truth, a science of conduct. (Mackie 1977, 105)

This claim is revealing in a number of ways. First, it suggests that it is possible to avoid confusion between the (allegedly possible) task of improving our moral commitments and the (allegedly impossible) task of intuiting a domain of objective moral truths. Second, it suggests that it is possible to carry out this “legitimate kind of inquiry” by continuing to use a range of recognizably moral terms, such as “justice,” and the like (cf. Mackie 1977, 106–7). This is arguably just what the revisionary moralist calls for. If these are genuine possibilities, the error theoretic path may be open to flexibility without wishful thinking.

At this point, it may be asked whether moral claims really are inextricably committed to a problematic kind of objectivity. Could it instead be that such commitments are contingent features of how moral thought has been ~~thought about~~ in specific historical circumstances? On the one hand, some error theorists have argued that there are problematic aspirations to objectivity built into the very nature of the moral sensibility we have inherited from our evolutionary ancestors (cf. Ruse 1995, Joyce 2006). On the other hand, philosophers who

otherwise share a naturalistic worldview of the kind that most error theorists accept have argued that at least some of the aspirations attributed to moral thought by the error theory are features of a contingent and optional understanding of morality (“the morality system”) that belongs to a historically specific worldview we owe to the great religions and Enlightenment philosophy (Williams 1985; cf. MacIntyre 1984). If this is right, what exactly does it mean to say that moral claims have an erroneous claim to objective prescriptivity “built into them”? Perhaps the objective commitments of moral thought is instead a matter for us to work out in the course of reflecting on morality and its place in the natural and social world? These are troublesome questions to which no conclusive answer can be given here (cf. Kirchin 2010).

Different objections to the error theory take a more or less compromising stance with respect to what moral objectivity consists in. There are at least two ways of rejecting the error theory while accepting *both* that moral thought has genuinely objective aspirations *and* that there are some paradigmatic forms of objectivity to which it cannot truly aspire. The first is taken by moral realists who agree with Mackie that morality is not inescapable, but insist that some moral claims do succeed in truly representing ~~mind-independent~~ moral facts (cf. Brink 1989). On this view, it is a mistake to think that moral facts are radically different in kind from the facts postulated by the natural and social sciences. On one way of taking this proposal, to talk about moral rightness and goodness is to talk about what it is for a certain kind of being to live well and in accordance with its nature. Thus, when we talk about what is morally good or bad, for example, we are employing ~~concepts, the~~ correct use of which is causally regulated by facts about what does, and does not, benefit human and relevantly similar beings. By analogy, when we talk about what is good or bad for a bird or a tree, for example, we are employing concepts the correct use of which is causally regulated by facts about what does, or does not, benefit a bird or a tree. On this view, the object of morality is to preserve and promote human and other sentient flourishing, a task about which there is nothing illusory as such (cf. Bloomfield 2001). Furthermore, on some versions of this view it is a separate question whether it is always most rational for someone to be interested in their own or anybody else’s flourishing (cf. Brink 1989).

One error theoretic reply to this response is to complain that the objectivity it offers is merely a reductionist shadow of the real thing. This reply, however, might be too quick. A common corollary of this form of moral realism is that the reduction of moral facts to natural facts is metaphysical, not conceptual, and therefore knowable only a posteriori. It need therefore be no more difficult in principle to explain our initial sense that something is missing in the naturalist analysis than it is to explain the surprise of someone who discovers for the first time that water is a compound of hydrogen and oxygen (cf. Brink 1989). The issue is controversial (cf. Blackburn 1998).

A second response to the error theory is taken by those who claim that morality is inescapable, but that what moral judgments aspire to, and also succeed in representing, is a ~~mind-dependent~~ reality of moral facts that are fixed by how moral agents would respond to the world in different circumstances (cf. Wiggins 1988). According to such "~~response-dependent~~" accounts of morality, the fact that the ~~nonminimal~~ truth conditions of moral claims are mind dependent does not mean that there are no facts about what is right and wrong, any more than the fact that the ~~nonminimal~~ truth conditions of claims about the colors are mind dependent means that there are no facts about whether something is red (cf. McDowell 1985).

One error theoretic reply to this view is to admit the possibility of ~~mind-dependent~~ truths that are fixed by how subjects would respond to the world in different circumstances (cf. Mackie 1980). The problem is that this idea does not capture the aspirations of moral claims to be truly inescapable. This response is also too quick. The hypothesis that moral truths are ~~mind-dependent~~ does not entail that they are therefore anthropocentric or otherwise problematically relative. A moral truth could be mind dependent but also binding on all rational agents. Thus, on one influential version of this view, moral truths are a function of the desires that morally competent agents would converge on in conditions of full rationality, including the desires they would have for the desires of their actual selves (cf. Smith 1994). If there is nothing more to moral truth than what agents would desire in such circumstances, then the rational inescapability of moral truths is guaranteed for anyone who qualifies as a morally competent agent.

One obvious problem with this view has not escaped its proponents (cf. Smith 2010). An a priori, or conceptual, commitment to convergence among all morally competent agents does not entail that such convergence would actually be forthcoming. Furthermore, attempts to describe the constraints on full rationality in terms guaranteed to result in the kind of moral claims to which we are reflectively committed have inevitably been subject to suspicion of vicious circularity (cf. Blackburn 1998, Shafer-Landau 2003). One possible response is to index rational inescapability to contingent facts about our natural sensibility, our ethical upbringing, or our participation in a moral form of life (cf. McDowell 1985). That this approach carries with it an air of relativism has not escaped either its proponents or its critics (cf. McDowell 1998, Lillehammer 2007).

A third response to the error theory has been defended by moral realists who think that moral claims can truly aspire to both *realism* and *inescapability*. One popular way of developing this response is by means of a so-called companions in guilt strategy (cf. Lillehammer 2007). To take one example, it has recently been argued that the objective prescriptivity of moral facts (or facts about moral reasons) is neither more nor less mysterious than the objective prescriptivity of other normative facts, such as epistemic facts (or facts about epistemic reasons). Moral error theorists have not traditionally defended an error theory about

epistemic claims. Nor is it clear how they could while also claiming that there are good reasons to believe the moral error theory. If so, the moral error theorist is faced with a dilemma: either claim that there are no epistemic reasons to believe anything, or give up the moral error theory (cf. Cuneo 2007). The crucial question is whether moral and epistemic claims are sufficiently similar for this argument to succeed. Unsurprisingly, there is evidence pointing in both directions.

On the one hand, epistemic reasons are often thought of as reasons relating to which of our beliefs of a given kind, K, make a positive contribution to having true beliefs of kind K. Moral reasons, on the other hand, are one possible instance of K. Thus, we have beliefs not only about morality, but also about mathematics, physics, chemistry, biology, history, psychology, and aesthetics. Each of these domains is a possible instance of K with respect to which we may want to ask the same questions about our epistemic standing. This might be thought to constitute an important structural difference between the ontological classification of epistemic reasons and moral reasons. If an error theory is true for K-facts and there are no (positive) truths about Ks, it is still consistent to suppose we have more reason to believe some K-claims than others, given our available evidence. Thus, you might have more reason to believe that the sun rises in the morning than that it rises in the evening even if it turns out that, on the true theory of the universe, it does neither. By analogy, you might have more reason to believe it is wrong to hit people than that it is not even if it turns out that, on the true theory of morality, it is neither. If so, there can be epistemic facts and epistemic reasons even if there are no moral facts and no moral reasons. To think otherwise would be to make a kind of “category mistake.”

On the other hand, it is questionable whether claims about moral and epistemic reasons can be as easily disentangled as this objection assumes (cf. Putnam 2002, Cuneo 2007). On the one hand, some claims about what we have reason to believe might be thought to imply moral or other evaluative claims about how we ought to be. Thus, the virtues of truthfulness and transparency are arguably as moral as they are epistemic. Nor is it obvious that what it is morally right for me to do is entirely independent of what I have good reasons to believe (cf. Jackson 1991). Consider a case where if you throw a cricket ball it will hit me in the throat but all the evidence points the other way. Once more, the issue is controversial. Similar controversies affect other versions of the “~~companions in guilt~~” strategy (cf. Lillehammer 2007).

Moral Constructivism

A fourth response to the error theory is to accept the claim that morality is a construction, but not to assert that moral claims are thereby committed to error. This is the view of the moral constructivist.

There is no simple formulation of moral constructivism that easily captures all the views that may be thought to deserve that name. Nevertheless, most forms of constructivism are committed to the following two theses. First, some moral claims are true; or if not robustly true, then objectively valid (I shall drop this qualification from now on). Second, the truth of moral claims is a function of what is either constitutive of, or what can be constructed in, moral reasoning or argument. Thus, insofar as it is acceptable to talk about moral facts or properties, these are facts or properties we, or some idealized version of us, have an essential role in constituting or creating.

Thus understood, constructivism is consistent with the possibility that moral objectivity goes no further than *error*. It therefore does not entail *inescapability*, even though a commitment to *inescapability* has been central to the historically most influential versions of this view (cf. Kant 1981). Thus understood, constructivism is, however, not consistent with *realism*, even if a constructivist could be neutral with respect to whether a commitment to *realism* is embodied in some, or all, ordinary moral claims. I return to the significance of this fact below.⁵

Moral constructivism shares with the ~~response-dependent~~ accounts of moral objectivity discussed in the previous section a refusal to accept that moral truths are ~~mind-independent~~. It also shares with such accounts their possible neutrality with respect to the thesis that in order for moral truths to exist they would have to play an indispensable part in the best scientific explanation of our moral beliefs. We have already seen how the absence of moral truths in such explanations plays an important role in Mackie's arguments from *queerness* and *relativity*. A moral constructivist can accept this premise of these error theoretic arguments (cf. Lillehammer 2003, Street 2006). According to the constructivist, what earns moral claims their objective status need not be their *indispensability* in scientific *explanation*. It could also be their *inescapability*, or some otherwise privileged status assigned to them, in moral *deliberation*. It is primarily because we need to make moral claims to think about what to do or be that we have reasons to believe that morality is objective.⁶

There are at least two ways of understanding morality in constructivist terms. Both are deeply rooted in Kant's ethics (cf. Kant 1981), although in most contemporary formulations they are defended independently of Kant's critical philosophy (cf. O'Neill 1988, Ebels-Duggan [this volume], Gert [this volume]).

The first option is to think of moral truths as implicit in our practical reasoning. I shall refer to this view as rationalist constructivism. On this view, the existence of moral truths can be inferred from our decisions to act, at least insofar as we are dealing with genuine decisions to do something for a reason. A constructivist approach along these lines has recently been defended by Christine Korsgaard, who writes:

[R]espect for humanity is a necessary condition of effective action. It enables you to legislate a law under which you can be genuinely unified, and it is

only to the extent that you are genuinely unified that your movements can be attributable to you, rather than to forces working in you or on you, and so can be actions. So the moral law is the law of the unified constitution, the law of the person who really can be said to legislate for himself because he is the person who really has a self. It is the law of successful self-constitution. (Korsgaard 2009, 206; cf. Korsgaard 1996)

Korsgaard claims that in order to act for a reason you must bring your action under some generalization, or law. She thinks that this law must be such as to bring the action under a unified conception of yourself as a persisting agent with a distinctive “practical identity” (Korsgaard 2009, 207–12). Formulating a unified conception of oneself can be done only on the basis of reasons that can be universally shared, because “calling a reason ‘mine’ is just a claim about position. Unless reasons are public, they cannot do their job” (Korsgaard 2009, 206). Appealing to such public reasons commits you to regard those reasons as giving rise to normative constraints on your agency even as they apply to the self-constituting projects of other agents. Effective action therefore commits you to value humanity both in yourself and in others. It follows that some moral claims are rationally inescapable, and therefore objective, in virtue of the fact that they are presupposed by every reasoned attempt to exercise one’s agency. The moral claims in question apply merely on the assumption that there are beings who act by exercising their rational capacities. It is in this sense, and not in the sense of denying the genuine “reality” of ethical demands, that morality is said to be a construction (cf. Korsgaard 1996). Similar forms of rationalist constructivism have been defended in recent years by other philosophers with Kantian sympathies (cf. Gewirth 1978, Ebels-Duggan [this volume]).

There are at least four general objections to the rationalist program in ethics (cf. Williams 1985, Blackburn 1998, Enoch 2006). First, it is controversial to what extent, if any, effective rational agency requires a law-like commitment to construct a practical identity that merits the label “a unitary self.” True, we are creatures who make plans. Yet the extent to which we are committed to integrate these plans into a unified or coherent story is a contingent matter, and not a necessary presupposition of rational agency as such. Maybe it is a good idea to develop a unified practical identity. But we should be careful about constructing a theory of what agency consists in from a theory of how we think it ought to be exercised. Second, it is controversial to what extent the claim that reasons be universally shared requires us to value humanity in others as well as in ourselves. Perhaps it is true that in order to value my projects I must value my capacity to have projects. Yet as Sidgwick pointed out, it does not follow that I must also value your capacity to have projects, even if I must obviously agree that you have an equally good reason to value either your projects, your

capacity to have them, or both (cf. Sidgwick 1907). Third, it is not obvious that in order to value my projects I must value my capacity to have projects. If my aim is to no longer have any projects then my valuing of this capacity could seriously get in the way. Thus, not everything presupposed by what is valuable need itself be considered valuable (compare getting rid of a bad hangover). Finally, if I agree to value humanity in others as well as in myself, this tells me very little about what to do, given the vast range of possible practical identities. What these considerations show is that the rationalist program could struggle to meet ~~one if, not two~~ of the basic desiderata of constructivist theories at the same time. On the one hand, it needs to deliver the conclusion that some moral claims are rationally inescapable. On the other hand, it needs to deliver a non-empty set of substantial and determinate moral claims. The rationalist program threatens to deliver the former only by failing to deliver the latter. Variations on point have been made by critics of the rationalist program ever since Kant's defense of the view in the eighteenth century (cf. Hegel 1991).

Another way of understanding morality as a construction is to interpret the notion of construction procedurally. Perhaps the most influential formulation of this view in recent years is due to John Rawls, who labels it "Kantian Constructivism" (I will use the label "Procedural Constructivism" in order to distinguish this view from its equally Kantian rationalist cousin (cf. Rawls 1999, Rawls 2000)). Rawls writes:

Kantian constructivism holds that moral objectivity is to be understood in terms of a suitably constructed point of view that all can accept. Apart from the procedure of constructing the principles of justice, there are no moral facts. Whether certain facts are to be recognized as reasons of right and justice, or how much they are to count, can be ascertained only from within the constructive procedure, that is, from the undertakings of rational agents of construction when suitably represented as free and equal moral persons. (Rawls 1999, 307)

On this version of constructivism, moral facts are defined as the function of a procedure of practical reasoning that presupposes a set of constraints on what counts as legitimate inputs, such as an agreed conception of "free and equal moral persons." The success conditions of this procedure consist in moral claims meeting with universal agreement among reasonable persons. When suitably combined, these features entail a substantial conception of moral objectivity, according to which relevant conclusions are inescapable for all parties as specified in the relevant construction. Analogous versions of procedural constructivism have been defended in recent years by other philosophers influenced by this development of Kant's ideas (cf. Scanlon 1982, Habermas 1996; Street 2008).

Procedural constructivism has a number of attractions compared to its rationalist rival. First, it is indefinitely flexible with respect to the inputs to, and constraints on, procedures of moral construction. A procedural constructivist can frame the procedure by presupposing a set of values regarded as constitutive of agency; intuitively self-evident; reflectively infeasible; universally accepted; or assumed for the sake of argument, including the values of sentience; individual autonomy; respect for life; or an interest in working out principles with others on terms that nobody so minded could reasonably reject (cf. Scanlon 1998). None of these starting points is incompatible with a fundamentally constructivist outlook. To think otherwise would be to confuse a belief that some claims are fundamental with a belief that those claims are mind independently true.

Likewise, the procedural constructivist can constrain the procedure itself more or less narrowly, by employing principles of formal or instrumental rationality; mutually disinterested utility promotion behind a “veil of ignorance”; transparent and reasoned discussion among persons regarded as “free and equal”; or pursuit of (narrow or wide) reflective equilibrium (cf. Street 2008). Finally, the procedural program is indefinitely flexible with respect to the target truths it aims to construct. Thus, we might construct a specific conception of justice, such as one embodied in some specific society at a given time, leaving a number of other moral or political claims unconstructed (cf. Rawls 1999). Alternatively, we might construct a conception of morality in the “narrow” sense of the obligations owed by one person to another, leaving “wider” conceptions of the moral, such as what is and is not good or reasonable, unconstructed (cf. Scanlon 1998). Or we might construct a conception of what it is for someone to have a reason for action, leaving the relationship of practical reasons thus understood to other conceptions of reason, value, or rationality unconstructed (cf. Street 2008). In each case, the interest of the resulting construction is a function of how strong (or initially controversial) conclusions can be established from how weak (or initially innocuous) premises, by means of a given (and itself potentially constructible) procedure of construction. In this way, different structures of procedural construction can function as heuristic devices by means of which we aim to clarify the rational foundations of a given range of moral or political claims by asking what (and how little) we would have to buy into in order to be committed to them on our own terms. In part because of this inherent flexibility, the procedural program has been thought to speak directly to the practical needs of historically embedded agents who need ways to argue things through with each other in order to live peacefully ~~with each other~~ in conditions of justice (cf. Habermas 1996, Rawls 1999).

Another attraction of the procedural program is its comparative flexibility with respect to the issue of objectivity. Thus, some procedural constructions carry no implications for objectivity beyond *error*. Recall our definition of “blip”

in the first section of this chapter. According to this definition, something is a blip if I convince you to despise it on a Tuesday, and no blip is to be despised on a Wednesday. Thus understood, *blipness* is a construction (although the entities falling within the extension of *blipness* need not be). Furthermore, it is a procedural construction (*blipness* being the function of some unspecified process of conviction). Yet blip claims are not in any interesting sense inescapable. There need be nothing wrong with you if you decide that all this talk of blips is just a silly game. Some results of procedural construction are therefore objective neither in the sense of *realism* or *inescapability*. That does not exclude them from being genuine constructions.

Some moral claims, however, are widely thought to aspire to a much less escapable form of objectivity. Any interesting version of procedural constructivism would therefore have to show that moral claims are inescapable in a way that goes beyond *error*. The extent to which this is possible is a function of how much moral content can be generated from how slender a base of initial assumptions and procedural constraints. This is a matter on which there is widespread disagreement. In one sense, however, this need not disturb the procedural constructivist, who could maintain that *inescapability* comes in degrees and may vary from one set of claims to another.⁷ Thus, it could be that some basic claims about the moral significance of pleasurable experience, needs, or basic well being, for example, are more strongly inescapable than other claims about “the best life” or the right account of social justice, for example (cf. Wong 2006). ~~A procedural constructivist need make no stronger claims on behalf of moral objectivity than ones to which he is entitled.~~ In some cases of deep moral conflict, the hope of producing a convincing construction may be slight or even nonexistent. In this case, the procedural constructivist is left with two options. First, he may simply stop and conclude that the attempt to find a rational basis for the moral claims at issue has reached philosophical bedrock. Not every conceivable claim can be derived from a set of more basic premises. Second, he may continue the task of construction, if not by pushing deeper, then by approaching it from a different angle. No doubt, in some cases working towards a construction of a set of disputed claims is paramount to pursuing an unattainable ideal of universal rational agreement. This does not mean it is therefore unreasonable. Aiming at an ideal can be reasonable even in the knowledge that it is unattainable. Some improvements are genuine achievements.

There are at least two ways of interpreting the procedural constructivist program. One is as a description of what ordinary people do when they engage in moral thought. This is an implausible hypothesis, for at least two reasons. First, this is certainly not what most people *take* themselves to be doing when engaging in moral thought. Second, it is also implausible to attribute to all competent moral thought the kind of argumentative structure that would have to be implicit in our thinking if this descriptive hypothesis were correct. As often as

not, moral thought is focused on the world around us, the facts of which seem salient as they are, and not in virtue of being derivable from basic premises by means of a process of reasoning. Nor should we assume that ordinary moral thought either would, or should, be transformed by the success of the constructivist program. The extent to which moral philosophy has practical implications for ordinary moral thought is a controversial issue ~~about which I shall say no further here~~ (cf. Dworkin 1996). A more plausible way to think of the constructivist program is as a rational reconstruction of moral thought, by means of which we describe how claims that might otherwise seem ungrounded, controversial, or intractable can be given a comparatively firm and reasonable foundation, regardless of the actual way in which we normally happen to arrive at them.

Thus understood, the constructivist program is largely neutral with respect to the objective aspirations embodied in ordinary moral thought. Perhaps moral claims embody a philosophically problematic commitment to objectivity, or perhaps they do not. A more interesting question for the procedural constructivist is for which of these claims we can give a convincing rational reconstruction. On reflection, this program should be congenial even to the moral error theorist. We have already seen how Mackie, having dismissed the aspirations of moral thought as mistaken, goes on to consider which claims about mutual restraint and assistance can be rationalized by means of a suitable construction. One way to be a moral constructivist is therefore to agree that moral thought embodies erroneous objective aspirations, but then to focus on what to say next. Pure and modest in philosophical intent, this strategy would not, however, come without a cost. A consistent error theoretic constructivist would refuse to believe moral claims (and their negations) that fail to be a consequence of a suitable procedure of construction. Given the objectivist appearance of much contemporary moral thought, it is far from obvious that this class is empty. Thus, if we find ourselves in deep disagreement over some claim in practical ethics and we are unable to resolve the disagreement by tracing it back to a procedure of construction the credibility of which we can agree on, a consistent constructivist will be committed to judge the matter in question as indeterminate, whatever the pragmatic value of asserting or pretending otherwise.

Another solution is to take no view about the objective aspirations of ordinary moral thought. Thus understood, the constructivist program aims to produce a theoretical underpinning for a wide range of moral claims, whatever their objective credentials. Taking this option is compatible not only with the error theory, but also with the hypothesis that some moral claims exhibit both the marks of *realism* and *inescapability*. Just as an interest in procedural construction is consistent with the error theory, belief in moral realism is consistent with an interest in the heuristic or epistemological potential of procedural construction (cf. Lillehammer 2004). Indeed, an interest in procedural construction might

be thought to play a central part in any plausible moral epistemology (cf. Brink 1989). Given the apparently interminable disagreement between moral realists and their opponents, this could be a suitable tribute for constructivists to pay to the neglected virtue of Pyrrhonic indifference (cf. Sinnott-Armstrong 2006).

There are at least four common objections to procedural constructivism. First, it might be objected that the procedural constructivist must implicitly assume what he is trying to explain (cf. Shafer-Landau 2003). Thus, in order to produce a reflectively acceptable construction that yields a range of recognizable moral truths the constructivist must already have independent knowledge of what these truths are. In response to this objection, the constructivist can argue that even though some prior moral beliefs will go into the procedure of construction, this does not entail that the status of these beliefs as knowledge must therefore be independent of the procedure of construction. To think otherwise is to assume that a constructivist account must be reductive, which it need not be.

In reply to this response, a second objection is that any plausible construction is likely to be “gerrymandered” and therefore explanatorily vacuous. Thus, if our confidence in the constraints on construction is no greater than our confidence in the conclusions we hope it will generate, then there is no real sense in which the construction can provide those claims with a rational foundation. This objection, however, would only be successful against versions of procedural constructivism on which the relationship of support between the constraints on construction and the conclusions they generate is intended to be wholly asymmetrical. A procedural constructivist could reject this view, holding that the relations of support between procedural constraints and the conclusions they generate are generally holistic and therefore a matter of explanatory coherence (cf. Rawls 1999, Street 2008).

Third, it has been objected that the nature of the reflective materials of procedural construction envisaged in response to the second objection entail that the upshots of procedural construction are bound to be unduly conservative (cf. Singer 1974). There are at least two possible responses to this objection. The first is that the idea of procedural construction itself does not impose any determinate limit on what goes into procedural construction. Indeed, a concern about undue conservatism can be one reason to choose one version of procedural constructivism over another. The second is that the accusation of undue conservatism may in effect presuppose the existence of independent reasons for thinking that moral truth extends beyond the domain of construction to a mind-independent moral reality. To simply assume that this is so is to beg the question against procedural constructivism.

Fourth, it may be objected that procedural constructivism entails an implausible form of moral relativism (cf. Lillehammer 2004). After all, according to the procedural constructivist moral truth is truth within a system. If so, there are as

many different moral truths as there are imaginable systems of procedural construction. So moral truth is indefinitely plural. But this claim is absurd, if not morally abhorrent. So procedural constructivism cannot be a satisfactory account of moral truth unless there are independent constraints on the choice of systems of construction. In which case we are back to the first objection that the procedural constructivist must already presuppose what he is trying to explain.

In response to this objection the procedural constructivist has at least two options. The first is to concede that moral truth is indefinitely plural but to point out that this does not imply that we have equally strong reasons to be interested in all imaginable systems of construction. The second is to claim that the criteria for counting something as a genuinely moral system are themselves a function of a reflectively robust procedure of construction, in which case his response is effectively a version of the response to the first objection.

Concluding Remarks

Many contemporary philosophers are sympathetic to the naturalistic worldview that motivates the error theory. Even so, they may be loath to endorse the error theory, not only because the objective aspirations of moral claims might be sufficiently in order as they are, but also because it is arguably negotiable what those aspirations are. By turning to constructivism we can avail ourselves of tools the error theorist needs to make use of anyway, while avoiding the controversial commitments that lend the error theory an initial air of plausibility. Whether in doing so we are best described as placing moral thought on a firm foundation or as changing the subject is a moot point. Is ordinary moral thought like a body of superstition, such as thought about witches apparently was at least until the Enlightenment? Or is it more like a jumbled body of hypotheses, of which some can be dropped on reflection, such as thought about gold is said to have been before the discovery that not everything that looks and feels like gold has the same chemical composition? In answering this question, we do well to be agnostic about whether there is a determinate fact of the matter, hidden within our linguistic competence, concerning which side of the contrast our moral concepts fall. At least sometimes when conceptual problems are settled, we are not only dealing with the question of which side has the true answer. Sometimes it is also a question of who is winning.

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