

Moral Peer Disagreement and the Limits of Higher-Order Evidence

Abstract. This paper argues that the “Argument from Moral Peer Disagreement” fails to make a case for widespread moral skepticism. The main reason for this is that the argument rests on a too strong assumption about the normative significance of peer disagreement (and higher-order evidence more generally). In order to demonstrate this, I distinguish two competing ways in which one might explain higher-order defeat. According to what I call the “Objective Defeat Explanation” it is the mere possession of higher-order evidence that explains defeat. I argue that this type of explanation is problematic and that it at best collapses into another explanation I call the “Subjective Defeat Explanation”. According to this view, it is coming to believe that one’s belief fails to be rational that explains defeat. Then I go on to argue that the Subjective Defeat Explanation is able to provide a straightforward explanation of higher-order defeat but that it entails that peer disagreement (and higher-order evidence more generally) only contingently gives rise to defeat, and importantly, that the condition it is contingent upon is very often not satisfied when it comes to moral peer disagreement specifically. As a result, it appears that moral knowledge is seldom threatened by moral peer disagreement.

Keywords Moral disagreement. Peer disagreement. Higher-order evidence. Higher-order defeat. Epistemic rationality. Moral Skepticism.

1 Introduction

One of the most frequently invoked arguments against moral realism is the “Argument from Moral Disagreement”. The argument holds that widespread and persistent moral disagreement is better explained by some antirealist alternative, e.g. moral error-theory or moral relativism.¹ For example, J. L. Mackie (1977) famously argued that moral disagreement is better explained by psychological and socio-cultural facts about us, than by the existence of objective moral facts. Moral realists, in turn, have responded to this challenge by providing so-called “defusing-explanations” to suggest that moral diversity is the result of badly distorted perceptions of objective moral facts.² Since there has been no argument advanced so far to tilt the scales the debate seems to have ended in stalemate. Recently, another version of the Argument from Moral Disagreement has received much attention.³ This type of argument draws on considerations which have to do with cases of *peer disagreement* and the normative significance of higher-order evidence. Epistemic peers are, roughly, subjects who are in an equally good epistemic position with respect to finding out the truth of a certain matter. According to a very popular view about peer disagreement and higher-order evidence more generally, one is rationally required to suspend judgment or at least to be significantly less confident about one’s view regarding the relevant matter given that one is in possession of higher-order evidence. The argument I have in mind therefore holds that peer disagreement prevents most (if not all) of our moral beliefs, from amounting to justified belief or knowledge. I will call this the “Argument from Moral Peer Disagreement”.⁴

In the following I will argue that the Argument from Moral Peer Disagreement fails to make a case for widespread moral skepticism. I will not question the fact that there is a lot of peer disagreement about moral matters. Nor will I dispute the fact that peer disagreement and higher-

order evidence has the ability to defeat rational belief in many cases. Instead I will argue that the connection between higher-order evidence and defeat is much weaker than many seem to presume. The main reason for this is that peer disagreement (and higher-order evidence more generally) only contingently gives rise to defeat, and importantly, that the condition it is contingent upon is very often not satisfied when it comes to moral peer disagreement specifically since the level of peer intransigence is very high in the moral domain.

The paper will now proceed as follows. In section 2 I will explicate how the Argument from Moral Peer Disagreement is supposed to work: through considering peer disagreement to be higher-order evidence, and taking higher-order evidence to function as an undercutting defeater of knowledge-level justification. Then in section 3 I present two principal ways in which one might explain why higher-order evidence leads to defeat: the “Objective Defeat Explanation” (ODE) and the “Subjective Defeat Explanation” (SDE). I will argue that the ODE is problematic and that it at best collapses into SDE, which in turn is able to provide a straightforward explanation to higher-order defeat. Finally, in section 4, I will first explicate the contingency of higher-order defeat that follows given SDE. Then I will argue that the level of peer intransigence in the moral domain will make it so that the condition higher-order defeat is contingent upon is very often not satisfied when it comes to moral peer disagreement specifically. As a result, the Argument from Moral Peer Disagreement fails to make a case for widespread moral skepticism.⁵ Section 5 concludes.

2 The Argument from Moral Peer Disagreement

The Argument from Moral Peer Disagreement was first introduced by Sarah McGrath in her seminal: “Moral Disagreement and Moral Expertise” (2008).⁶ Similar arguments have later

also been discussed by Vavova (2014), Locke (2017), and Rowland (2017). Here is a slightly modified version of McGrath's argument:⁷

P1 If, in the face of disagreement about x, you have reason to believe that your opponent is an epistemic peer, then your belief about x does not amount to knowledge.

P2 Many of most people's moral beliefs are subject to disagreements where they have reason to believe that the other party is an epistemic peer.

C Therefore, many of most people's moral beliefs do not amount to knowledge.

Some brief comments. First, epistemic peers are persons who share the same or at least comparable evidence with respect to the disputed matter, and are roughly equivalent in terms of cognitive abilities and motivation to arrive at the truth.⁸ In this case, the shared evidence is supposed to consist of the non-moral facts that bear on the relevant matter and the subsequent moral intuition or seeming. Notice that the Argument from Moral Peer Disagreement does not require that the other party is an *actual* epistemic peer, nor that you believe that the other party is an epistemic peer; merely having sufficiently good reason to believe that the other party is an epistemic peer suffice to get the skeptical challenge going.⁹

Second, the reason to believe that the other party is an epistemic peer is supposed to be higher-order evidence against your view regarding the disputed matter.¹⁰ The Argument from Moral Peer Disagreement is based on a conciliatory view about peer disagreement and higher-order evidence more generally. The general idea is that higher-order evidence takes away the justification or the rationality (I will use the terms interchangeably). of one's belief about the relevant matter. Given the uncontroversial assumption that rationality is required for knowledge

one's belief regarding the disputed matter will no longer amount to knowledge. Notice that the argument does not exclude that our controversial moral beliefs would have amounted to knowledge in the *absence* of peer disagreement. The Argument from Moral Peer Disagreement does thus not aim to show that we lack moral knowledge however the world may be.¹¹

Finally, the Argument from Moral Peer Disagreement does not target *all* of our moral beliefs but only many of most people's moral beliefs. The relevant subset of moral beliefs are, according to McGrath (2008, p. 92-3) the ones that tend to be hotly contested in the applied ethics literature but also in broader culture, e.g., in what circumstances it is morally permissible to enforce the death penalty, to have an abortion, to eat meat, or whether we are morally required to donate to charity, and so forth. The conclusion of the argument does therefore not exclude that we can have moral knowledge about less controversial moral matters, e.g., whether pain is bad, or whether it is morally permissible to kill a man just to watch him die, and so on. As such, the conclusion of the argument is therefore supposed to be *local* rather than *global* moral skepticism.¹²

Objections to the Argument from Moral Peer Disagreement fall into two broad categories. The first category of objections is directed at P1, whereas the second is directed at P2. Objections of the first type tend to grant P2 but argue against the conciliatory view of peer disagreement (e.g., Setiya 2012, Wedgwood 2010). Objections of the second type tend to grant P1 but claim that actual peer disagreements on moral matters are few and far between (e.g., Decker and Groll 2014, Vavova 2014). Although there might be a priori reasons to suspect that moral peer disagreement is a rare phenomenon, the only way to finally settle the matter is through careful empirical investigation. As Vavova astutely points out: "At some point, we have to go out in the world and count those peers" (2014, p. 313). Although several studies have been carried out

on moral disagreement in general there are, as far as I know, no studies on moral *peer* disagreement in particular. In the absence of the relevant empirical data I therefore think it is better to focus on P1 and set P2 aside.

So, how is P1 supposed to work? The Argument from Moral Peer Disagreement rests on what is known as the conciliatory view about peer disagreement and higher-order evidence more generally. Higher-order evidence is, broadly, evidence about the epistemic status of first-order beliefs. For instance, evidence about one's reliability regarding the relevant matter or about the quality of one's evidence. Typical examples of higher-order evidence in the literature include sleep deprivation, mind-distorting drugs, and biases of various sorts. What these examples have in common is that the higher-order evidence gives the subject reason to think that her belief about the relevant matter fails to be epistemically appropriate.

Evidence of peer disagreement is in a similar way supposed to provide higher-order evidence about the epistemic status of one's belief. Here is Thomas Kelly:

Given that reasonable individuals are disposed to respond correctly to their evidence, the fact that a reasonable individual respond to her evidence in one way rather than another is itself evidence: it is evidence about her evidence. That is, the fact that a (generally) reasonable individual believes hypothesis H on the basis of evidence E is some evidence that it is reasonable to believe H on the basis of E. The beliefs of a reasonable individual will this constitute higher-order evidence, evidence about the character of her first-order evidence. (2005, p. 24-25)

Suppose that your original evaluation of E makes you believe not-H and that you later find out that an epistemic peer believes H. The fact that an epistemic peer believes H provides you with higher-order evidence about H; that is, evidence to believe that it is reasonable to believe H on the basis of E. As a result, it seems that you no longer can trust your original evaluation of E. Taking H to be true rather than not-H appears in a way to be arbitrary in light of the higher-order evidence. A great number of authors argue for similar reasons that higher-order evidence of peer disagreement therefore has the ability to defeat the rationality of one's belief about the disputed matter at issue.¹³

In the following I will argue that peer disagreement does not have the sort of systematic defeating impact on our moral beliefs that the Argument from Moral Peer Disagreement presupposes. However, in order to make my argument it will be crucial to first explain why higher-order evidence (more generally) will not always lead to defeat.

3 Explaining Higher-Order Defeat

A large number of philosophers think that higher-order evidence provides a defeater for justified belief and knowledge. But it is not evident why exactly higher-order evidence should lead to defeat. In order to explain this, we have to take a look at how defeaters in general are supposed to work. On the most general level, defeaters are supposed to be facts or mental states that if present will defeat the justification or rationality of the relevant belief at issue. For instance, my belief that a certain vase is red is defeated if I learn that the reason the vase appears red is that it is illuminated by red lightning. Most epistemologists agree that knowledge is incompatible with undefeated defeaters.

Defeaters come in different flavors. A very common distinction is the one between *rebutting* and *undercutting* defeaters. Rebutting defeaters indicate that one's belief is false while

undercutting defeaters indicate that one's belief is not well-grounded. I will follow others and take higher-order evidence to provide an undercutting defeater.¹⁴ But what matters most for our purposes is another important distinction between *objective* and *subjective* defeaters (Klenk forthcoming). An objective defeater is a fact that makes the relevant belief unjustified, typically evidence that is in one's possession. For instance, it might be argued that if one has sufficiently strong evidence against one's belief about p, then one's belief about p is defeated.¹⁵ By contrast, a subjective defeater is a belief that there is a defeater of some sort. For example, if I believe that my belief about p is false, lacks evidential support, or is epistemically inappropriate for some other reason, then I have a subjective defeater for my belief about p. Notice that an objective defeater does not have to be believed to be a defeater in order to provide defeat; it is sufficient that one possesses the relevant evidence (e.g., evidence to indicate that one's belief fails to be rational) for one's belief about p to be defeated in this sense. Taking a belief to be defeated is therefore neither sufficient nor necessary for objective defeat.

Given the distinction between objective and subjective defeaters we can outline two different explanations to why higher-order evidence has the ability to defeat: either by providing an objective defeater or by providing a subjective defeater:

ODE. Higher-order evidence undercuts the rationality of one's belief about p by providing an objective defeater to one's belief about p.

SDE. Higher-order evidence undercuts the rationality of one's belief about p by providing a subjective defeater to one's belief about p.

The main difference between these two explanations lies in how they describe the relevant defeater. According to ODE it is the mere possession of sufficiently strong higher-order evidence about one's belief about p that provides a defeater for one's belief about p, whereas

according to SDE, it is *coming to believe* that one's belief about p is epistemically inappropriate that provides a defeater for one's belief about p.

I will now argue that ODE is unable to provide a satisfactory explanation of higher-order defeat and that it at best collapses into SDE. Then, I will go on to argue that SDE, by contrast, *is* able to provide a straightforward explanation of higher-order defeat at least given that rationality demands that your beliefs satisfy a certain structural, coherence requirement.

3.1. The Objective Defeat Explanation

According to ODE, sufficiently strong higher-order evidence undercuts one's belief about p regardless of whether one comes to believe that one's belief about p fails to be epistemically appropriate. But, as I pointed out above, it needs to be explained why exactly the defeat happens. One might either argue that higher-order evidence undercuts the rationality of one's belief in the propositional sense, or by arguing that it undercuts the rationality of one's belief in the doxastic sense. There is a difference between saying that *it is rational to believe p* and saying that *one's belief that p is rational*. It is normally assumed that propositional rationality is a matter of having on balance good reasons or justification to believe a proposition, whereas doxastic rationality is a matter of believing a proposition in a way that is reasonable or well-grounded. Doxastic rationality entails propositional rationality but not the other way around. Having on balance good reasons to believe p is not enough for doxastic rationality, in addition one's belief must also be properly based on those good reasons. In short, doxastic rationality is propositional rationality plus proper basing.¹⁶

So, a first alternative is to flesh out ODE by arguing that sufficiently strong higher-order evidence will prevent one's belief about p from being rational in the propositional sense, i.e. that higher-order evidence prevents one from having on balance good reasons to maintain one's

belief about p. Now, there is nothing mysterious about the fact that additional evidence can rationalize a change of belief. But notice that we have to presume that one's belief about p at least initially reflects a rational response to the evidence (otherwise it cannot be defeated). The idea is roughly this. S's belief about p is rational in the propositional sense at t1. But then at a later time, t2, S acquires higher-order evidence about her belief about p. This changes the evidential situation since S's total evidence at t2 is composed by (i) the original evidence, and (ii) the higher-order evidence. It might then be argued that S's belief about p is no longer rational in the propositional sense given the more expansive body of evidence at t2.

However, it is not at all obvious why higher-order evidence should have this effect on one's total evidence. All sides in the debate agree that higher-order evidence has a bearing on what to believe about the rationality of one's belief about p at a meta-level, i.e. whether it is rational to believe that one's belief about p is rational or not. However, whether higher-order evidence also has a bearing on what to believe about p at the object level is something that needs to be established rather than merely presumed. Several authors (e.g., Coates 2012, Lasonen-Aarnio 2014, Worsnip 2018) have argued in favor of so-called level-splitting views, i.e. that it is possible for one's total evidence to all-things-considered support believing p but also all-things-considered support believing that one's belief about p fails to be rational, or to have what might be called "self-misleading" total evidence.¹⁷

So, why believe that it is impossible to have self-misleading total evidence of this sort? One might point to the fact that one's total evidence becomes *mismatched* in a certain way. In the standard case we are to assume that one's original evidence makes one's belief about p rational and that one's higher-order evidence supports believing that one's belief about p fails to be rational. Some proponents of higher-order defeat (e.g., Feldman 2005, Horowitz 2014)

emphasize the fact that it is absurd to believe something of the form, *p but my belief that p fails to be rational*. If one does not take one's evidence to support *p*, it just does not make much sense to believe *p* in the light of that assessment. To have attitudes that diverge in this sense is considered to be a form of epistemic akrasia. Moreover, as Horowitz (2014) has convincingly argued, to hold akratic combinations of attitudes will engage you in bad reasoning and irrational action. For example, she points out that: "It seems patently irrational to treat a bet about *P* and a bet about whether one's evidence supports *P* as completely separate" (p. 728). Considerations having to do with the irrationality of holding akratic combinations of beliefs therefore seem to lend support to higher-order defeat and speak against level-splitting views.

However, it is not clear that considerations about epistemic akrasia lends any support to an explanation like ODE. The appeal to epistemic akrasia relies on the fact that *S* simultaneously believes *p* and believes that her belief that *p* fails to be rational. For example, what makes Moorean conjunctions absurd is the fact that it is irrational to simultaneously believe or assert something of the form, "*p* but my belief that *p* fails to be rational". It is not a problem about merely possessing certain combinations of mismatched evidence. Bad reasoning and irrational action also seem to be something that is caused by entertaining akratic combinations of attitudes and not by merely possessing higher-order evidence. Moreover, and more importantly, given that the explanation of higher-order defeat requires that *S* actually comes to believe that her belief fails to be supported by the evidence it seems that ODE collapses into SDE.¹⁸

Other authors (e.g., Smithies 2015, Silva Jr. 2017, and Wietmarschen 2013), have instead framed higher-order evidence as a defeater for doxastic rationality. This type of explanation grants that one's belief about *p* might be rational in the propositional sense despite the fact that one has higher-order evidence that supports believing that one's belief about *p* fails to be

rational. Instead, it is argued that higher-order evidence, in some way or the other, makes it so that one's belief about *p* fails to be rational in the doxastic sense. The general idea is that if one acquires sufficiently strong higher-order evidence to indicate that one's belief about *p* fails to be rational, then one's belief about *p* can no longer be well-grounded.

The reason why higher-order evidence prevents one's belief about *p* from being well-grounded is in turn supposed to be that the mere possession of this sort of evidence has an impact on one's reasoning or belief formation.¹⁹ More precisely, that one's belief about *p* cannot be the result of a *good* reasoning process. For example, Han van Wietmarschen (2013) argues that doxastic rationality requires that "the subject engages in the right kind of process of reasoning" (p. 414). In a similar vein, Declain Smithies (2015) argues that one's reasoning has to be sensitive to evidence about our cognitive imperfection.

But why exactly should higher-order evidence impede good reasoning? In order to evaluate this explanation of higher-order defeat we need to say something more about what is good reasoning. Modus ponens should be a paradigmatic example of good reasoning: given that *p*, and that if *p* then *q*, I can conclude that *q*. In a similar way, it seems that one is reasoning properly if one goes from believing that the evidence supports *p*, to believe *p*, and conversely to not believe *p* if one believes that the evidence doesn't support believing *p* – at least given the assumption that what is rational to believe is closely connected to what one's evidence supports. Notice, however, that in neither case is it necessary to start out with a belief that is supported by the evidence. Whether or not your belief about whether the evidence supports *p* is in itself supported by the evidence seems to make little or no difference to the quality of your *reasoning* about what to believe as a result of what you think that the evidence supports. The lesson is: good reasoning does not require evidential support.²⁰

Forming a belief about p on the basis of a belief that itself fails to be supported by the evidence does therefore not have to involve any bad reasoning on behalf of the subject in question. Nor does failing to evaluate one's higher-order evidence correctly have to pose a problem for the propositional rationality of one's belief about p . So, the mere possession of higher-order evidence will not prevent one's belief about p from being rational in the doxastic sense. In contrast, one is not reasoning properly if one goes from believing that one's belief about p fails to be rational to believing p . However, a proponent of ODE cannot base her explanation on the fact that the subject in question actually comes to believe that her belief about p fails to be rational – in that case ODE will collapse into SDE. As a result, ODE is unable to provide a satisfactory explanation of higher-order defeat also given a conception of rationality in the doxastic sense.

3.2. The Subjective Defeat Explanation

According to SDE, if one in response to higher-order evidence comes to believe that one's belief about p fails to be rational, then one cannot rationally maintain one's belief about p . The target of SDE is rationality in the doxastic sense rather than in the propositional sense since the focus is on what one actually believes and not on what one is rational to believe. But why is it not rational in the doxastic sense to maintain one's belief about p given that one believes that one's belief about p fails to be rational? A straightforward way to explain defeat in the relevant cases is to argue that rationality demands that one's beliefs satisfy certain structural, requirement of rationality.²¹ For instance, it is considered to be paradigmatically irrational not to intend to ϕ if one believes that one ought to ϕ . Much in the same way, it also seems irrational not to believe p if one believes that it is rational to believe p , and to believe p if one believes that it is not rational to believe p . I will follow Horowitz (2014) and call this latter negative requirement on epistemic rationality the "Non-Akrasia Constraint".

Notice that a structural requirement to this effect does not require you to hold any particular attitudes. Instead, what matters is what *combinations* of attitudes you hold. For example, to maintain one's belief about *p* despite believing that one's belief about *p* fails to be rational stands in clear violation to the Non-Akrasia Constraint. So, given that the Non-Akrasia Constraint is a plausible requirement to make on epistemic rationality, it seems that SDE is able to provide a straightforward explanation of higher-order defeat. By contrast, for reasons already mentioned, proponents of ODE are not permitted to appeal to the Non-Akrasia Constraint in order to defend their view, otherwise their view will collapse into SDE.

Moreover, SDE steers clear from the aforementioned pitfalls of ODE. As we have seen, in some cases, it seems intuitively plausible that people have self-misleading total evidence. At least one version of ODE relies on an argument that implies that this is impossible. By contrast, SDE is fully compatible with the view that one sometimes might have self-misleading total evidence. Connectedly, SDE is not committed to the claim that misleading higher-order evidence can affect the propositional rationality of a belief that in fact enjoys evidential support, and consequently does not need to try to explain how this sort of defeat is possible. This is because SDE does not claim that one's belief about *p* fails to be rational in the propositional sense given the evidence. Instead it claims that one's belief about *p* might fail to be doxastically rational given what one comes to believe about the rationality of one's belief about *p*.

However, a controversial feature of SDE and subjective defeaters more generally is the presupposition that unjustified beliefs can confer defeat. Remember that all it takes for one's belief about *p* to be defeated according to SDE is that one comes to believe that one's belief about *p* fails to be rational or that it is epistemically inappropriate for some other reason. This is how doxastic defeaters are supposed to work. Several writers have recently emphasized

problems with this *subjective* account of defeat (e.g., Alexander 2017, Casullo 2018, Klenk forthcoming). There is a problem of arbitrariness: If justified belief requires justification why does not defeaters require justification? Moreover, and perhaps more problematic, if we accept unjustified defeaters it seems to follow that one can obtain justification merely by being epistemically ignorant (Casullo 2018). For instance, I may retain an unjustified belief about p merely by ignoring all the potential defeaters for my belief about p that are being presented to me.

But I think that Albert Casullo's objection is misguided in relation to the sort of subjective defeater we discuss here. It is true that given that we accept unjustified defeaters one can fight off potential defeaters to one's belief about p merely by ignoring them and being pigheaded. But this does not mean that one's belief about p remains rational. The relevant considerations against one's belief about p can still provide an objective defeater for one's belief about p. Strong evidence against one's belief about p will defeat one's belief about p regardless of whether one comes to believe that one's belief about p is defeated. In other words, ignoring considerations that speak against one's belief about p will not prevent these considerations from providing an objective defeater for one's belief about p, at least given that these considerations actually provides reason to give up one's belief about p.²²

Michael Klenk (forthcoming) argues that objective and subjective defeat cannot be reconciled in this way. The upshot of his argument is that objective and subjective defeat offers fundamentally different explanations and what is even worse: that they can deliver conflicting verdicts. For instance, if I rationally believe p and I also have good reason to do so, but then without good reason come to believe that my belief that p fails to be rational, then it seems that I have a subjective defeater for my belief that p. However, the fact that I have good reason to

believe p should in turn provide an objective defeater-defeater for the subjective defeater against believing p . From the subjective defeat perspective my belief that p is defeated but from the objective defeat perspective it is not. explanations. So, not only do objective and subjective defeat function in different ways they also give rise to incompatible rational recommendations.

However, the problem Klenk is posing disappears once we distinguish defeat in the propositional sense from defeat in the doxastic sense. What an explanation like SDE presupposes is that unjustified beliefs have the ability to defeat the rationality of one's beliefs in the doxastic sense but it does not follow from this that unjustified beliefs also have the ability to defeat the rationality of one's beliefs in the propositional sense. Unjustified beliefs have the ability to defeat by giving rise to a flaw in one's reasoning. For instance, it can no longer be rational to sustain one's belief that p given that one comes to believe that one's belief that p fails to be rational. The reason for this is that the subjective defeater (one's belief that one's belief that p fails to be rational) makes it so one cannot rationally reason from one's reasons for believing p to believing p . But this does not prevent that believing p still is rational in the propositional sense. The unjustified belief that one's belief that p fails to be rational defeats the doxastic rationality of one's belief that p but it does not make it so that believing p fails to be rational in the propositional sense. There is nothing strange about the fact that a belief can be rational in the propositional sense but fails to be rational in the doxastic sense. So, in the light of the distinction between propositional and doxastic rationality there is no deep conflict between subjective and objective defeat.

However, it might still be objected that there has to be something epistemically bad about ignoring higher-order defeat in this way. In order not to violate the Non-Akrasia Constraint one is forced to epistemic failure in another sense since one will not respond correctly to the higher-

order evidence, i.e., one fails to believe that one's belief about p fails to be rational. I will give two quick responses to this objection.

First, even if there is something epistemically bad about failing to correctly respond to one's higher-order evidence it does not follow that this affects the evaluation of the rationality of one's belief at the object level. What happens if one ignores higher-order evidence about p is that one will end up with an irrational belief about the rationality of one's belief about p. But, again, this does not seem to exclude that one's belief about p can be rational at the object level. Unless, of course, one presumes that the failure to rationally respond to one's higher-order evidence is something that "trickles down" and affects the rationality of one's belief about the relevant matter.²³ However, as several writers already have pointed out, this is something that needs to be established rather than merely presumed.

Second, even if one grants that failing to correctly respond to one's higher-order evidence can affect the epistemic status of one's belief about p, it does not follow that this is a failure of rationality. There are other alternatives to take into consideration. For example, Lasonen-Aarnio (forthcoming) argues that this type of mistake is better characterized as a manifestation of what she calls "epistemic incompetence".²⁴ Very roughly, what she suggests is that we can evaluate beliefs from two different perspectives. First, one can evaluate whether a belief is successful – roughly, to what extent one has correctly responded to the evidence. Second, one can evaluate whether a belief is competently formed – roughly, to what extent the believer is using stable methods of reasoning. It might be argued that failing to correctly respond to higher-order evidence is a failure in the latter sense but not necessarily in the former sense.

4 Why the Argument Fails to make a Case for Widespread Moral Skepticism

Before I go on to explain why I think that the Argument from Moral Peer Disagreement fails to make a case for widespread moral skepticism I want emphasize the limits an explanation like SDE sets on higher-order defeat more generally.

First of all, given that SDE is correct, it follows that higher-order evidence by itself does not have any defeating force. Merely possessing higher-order evidence against one's belief about *p* will not defeat one's belief about *p*. The idea is not supposed to be, as some authors (e.g., Titelbaum 2015) have argued, that higher-order evidence in the relevant sense is impossible. On the contrary, SDE acknowledges higher-order evidence as evidence. SDE does not contest the fact that higher-order evidence makes it rational at the meta-level to believe that one's belief about *p* fails to be rational. But then again, this does not entail that one's belief about *p* fails to be rational at the object-level. Given the possibility of self-misleading total evidence one might rationally believe *p* despite possessing higher-order evidence against the rationality of believing *p*.

Secondly and more importantly for our purposes, given that SDE is correct it follows that higher-order defeat is highly contingent. Higher-order defeat becomes contingent on whether one actually comes to believe that one's belief about *p* fails to be rational. As I explained above, according to SDE, one's belief about *p* only fails to be rational given that one actually comes to believe that one's belief about *p* fails to be rational, which makes sense given that rationality demands that your beliefs satisfy a certain structural, coherence requirement, i.e. the Non-Akrasia Constraint.

Now let me explain why the Argument from Moral Peer Disagreement does not appear to make a case for widespread moral skepticism. Recall the argument:

P1 If, in the face of disagreement about x , you have reason to believe that your opponent is an epistemic peer, then your belief about x does not amount to knowledge.

P2 Many of most people's moral beliefs are subject to disagreements where they have reason to believe that the other party is an epistemic peer.

C Therefore, many of most people's moral beliefs do not amount to knowledge.

The problem with the argument is that the consequent of the conditional in P1 is too strong. As I have argued, P1 rests on a defective explanation of higher-order defeat (ODE). Having reason to believe that the other party is an epistemic peer (i.e. higher-order evidence) will not by itself defeat the rationality of one's belief. In order for higher-order defeat to arise you have to come to believe that your belief about p fails to be rational.

So, it seems to follow that the skeptical impact of peer disagreement in a certain epistemic domain will depend on the extent to which people tend to consider peer disagreements to be evidence that speak against their views. Call this the "level of peer intransigence". Given that people do not tend to take peer disagreement as evidence against their views in a certain epistemic domain D , the level of peer intransigence will be high in D and given that people tend to take peer disagreement as evidence against their views in D , the level of peer intransigence will be low in D so on. As a result (if we follow SDE) in order for peer disagreement to have a substantive skeptical impact in D it also has to be the case that the level of peer intransigence in D is low.

However, I think that there is good reason to believe that the level of peer intransigence in the moral domain is high. Several authors (e.g., Elga 2005, Kalderon 2005, Pettit 2006, Rowland 2018, Setiya 2012, and Vavova 2014) have argued that it is intelligible to remain intransigent to moral peer disagreement. As Adam Elga (2005) argues, to suspend judgment on all controversial matters would be epistemically “spineless”. Although these authors do not strictly argue that people *tend* to be intransigent, I think it is also plausible to assume that peer intransigence is fairly common in the moral domain. For instance, recent empirical research in moral psychology indicates that people tend to stubbornly maintain their moral judgments even in the absence of supporting reasons.²⁵ To systematically ignore higher-order evidence is of course something that is epistemically bad but this need not concern us here.²⁶ What matters for our purposes is that the level of peer intransigence in the moral domain is something that will take the edge off the Argument from Moral Peer Disagreement.

Of course, one might insist and argue that, not only are many of most people’s moral beliefs subject to peer disagreement, but most people also believe that many of their beliefs consequently fail to be rational. I think, however, that this claim is difficult to make sense of. Especially given that most people seem to hold on to their controversial moral beliefs *despite* the fact that they are subject to peer disagreement, or at least so it seems. Things would be different if people in general were agnostic about controversial moral questions, but this does not appear to be the case. Moreover, a proponent of the Argument from Moral Peer Disagreement cannot back away from the claim that most people believe that many of their moral beliefs fail to be rational, otherwise higher-order defeat will not apply since believing that one’s belief fails to be rational is what explains defeat given SDE.

But again, it just does not seem plausible that people on a large scale maintain their moral beliefs while simultaneously believing that they fail to be rational. Given that one believes that a certain belief fails to be rational we also expect that person to give up that belief. It does not make much sense to maintain one's belief if one does not take it to be rational or if one take one's belief to be epistemically defective in some other way.²⁷ For this reason I think that it is more plausible to assume that most people do not believe that most of their moral beliefs fail to be rational, even if they have reason to believe that those moral beliefs are subject to peer disagreement.

So, given that the condition higher-order defeat is contingent upon is very often not satisfied when it comes to moral peer disagreement specifically, it appears that moral knowledge is seldom threatened by moral disagreement and that the Argument from Moral Peer Disagreement therefore fails to make a case for widespread moral skepticism. Of course, the claim that people do not tend to consider higher-order evidence to speak against their moral beliefs can also only be finally settled by empirical investigation. But as I see it, the burden of proof in this case lies with advocates of the Argument from Moral Peer Disagreement.

5 Conclusion

In this paper, I have argued that the Argument from Moral Peer Disagreement fails to make a case for widespread moral skepticism. The main reason for this is that peer disagreement (and higher-order evidence more generally) only contingently give rise to defeat. What explains higher-order defeat is the fact that one in response to the higher-order evidence comes to believe that one's belief about p fails to be rational. However, the Argument from Moral Peer Disagreement will not be successful even if restated along these lines. The main reason for this

is that most people do not appear to take peer disagreement to be something that make their moral beliefs fail to be rational. If my argument is sound, we should also expect the same type of mitigating factor to apply to skeptical arguments based on peer disagreement in other areas of knowledge (e.g. economy, philosophy, politics, religion etc.) as well. That is, in areas of disagreement where a high level of peer intransigence is to be plausibly expected.

The contingency of higher-order defeat will also cast some shadow over conciliatory views in general. At least strong conciliatory views that hold that one is always rationally required to suspend judgment or reduce confidence regarding the disputed matter in cases of peer disagreement. Given SDE, whether or not one is rationally required to conciliate will in the end depend on whether or not one perceives peer disagreement to be something that speaks against one's view regarding the disputed matter, which I have argued is something that might differ greatly, not only from one case to the other, but also from one epistemic domain to another.²⁸

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¹ Various versions of the Argument from Moral Disagreement can be found in Mackie (1977), Tolhurst (1987), Bennigson (1996), and Loeb (1998). For a comprehensive survey and discussion of different versions of the argument see Tersman (2006).

² See e.g., Brink (1989). For a discussion of defusing explanations in relation to recent findings in experimental philosophy see Doris and Plakias (2008).

³ According to McGrath (2008, p. 88) epistemological arguments purport to undermine moral knowledge by establishing that, regardless of whether there are any objective moral facts, we are not in a position to have nearly as much moral knowledge that we take ourselves to have.

⁴ Some authors also argue that the success of the Argument from Moral Peer Disagreement is necessary for evolutionary debunking arguments to get off ground (e.g., Bogardus 2016, Klenk 2018; Mogensen 2017, and Wittver 2019 (included in this volume).

⁵ Again, note that this also have implications for evolutionary debunking arguments since the success of these argument might depend on the epistemic significance of moral peer disagreement.

⁶ This formulation of the argument is inspired by Decker and Groll (2013). McGrath's argument is also discussed in King (2011a, 2011b), Rowland (2017), Sherman (2014), and Locke (2017). A structurally similar argument has been raised against philosophical views in general, e.g., Goldberg (2013) and Grundmann (2013).

⁷ McGrath does not explicitly state her argument in terms of peer disagreement. Instead she refers to cases in which it is true of the other party that: "you have no more reason to think that her or she is in error than you are" (2008, p. 91). However, in a footnote (ibid, no. 2) she indicates that her argument is about peer disagreement.

⁸ “Peer disagreement” is a technical expression that has been characterized in various ways in the literature. Some expositions (e.g., Kelly 2005) focus on the epistemic qualities of the disputants, while others (e.g., Elga 2007) on the idea that epistemic peers are equally likely to evaluate the relevant matter correctly. See Gelfert (2011) for an overview.

⁹ To presume that the disputants are *actual* peers risks making the argument question-begging, since it becomes difficult to see how the relevant beliefs could satisfy a safety condition for knowledge. In order for a S’s belief to be safe it is often presumed that S could not easily have falsely believed p. Given that the one holds a true belief and that the other party is an actual peer it seems that one equally well could have reasoned like one’s peer and ended up with a false belief. See Hirvelä (2017) for an argument to this effect.

¹⁰ Notice that here are also other ways to interpret McGrath’s argument. Lasonen-Aarnio (2013) points out that the claim that one in cases of peer disagreement ought to be equally confident that one’s opinion was correct as that one’s disputant’s opinion was correct is ambiguous. On one reading it means that the other party’s opinion is as likely to be true and, on another reading, it means that the other party’s opinion is as likely to be reasonable given the evidence. Given the former interpretation it seems that peer disagreement is better framed as a rebutting defeater than an undermining defeater and thus not a species of higher-order evidence. However, in this paper I will interpret the Argument from Moral Peer Disagreement as an argument that draws on the epistemic significance of peer disagreement as higher-order evidence. i.e. that peer disagreement is evidence that the other party’s opinion is as likely as yours to be reasonable given the body of evidence.

¹¹ This point is also made by Vavova (2014). Notice also that the Argument from Moral Peer Disagreement should not be confused with the type of epistemological argument from disagreement that is discussed by e.g., Bennigson (1996), Tersman (2006, Ch. 4), and Tolhurst (1987). This latter type of argument does not merely purport to establish moral skepticism but also that moral disagreement gives us reason to believe that moral realism is false. In contrast, the Argument from Moral Peer Disagreement, and moral skepticism more generally, does not hold that moral realism has to be false.

¹² See King (2011a). I think, however, that one might also construe the argument in a stronger way if one so wishes. It is plausible to assume that there are people who we should take as epistemic peers who hold that *all* moral beliefs are false, e.g., moral nihilists. If this is the case, it follows that all of our moral beliefs are contested by epistemic peers.

¹³ See, e.g., Christensen (2007), Elga (2007), Feldman (2006), and Matheson (2009) for arguments to the effect that we should conciliate in the face of peer disagreement.

¹⁴ See e.g., Christensen (2010) and Lasonen-Aarnio (2014).

¹⁵ Note that normative defeat does not have to be couched in terms of evidence. Lord (2017) argues that one might epistemic reasons for belief that are independent of one's evidence.

¹⁶ See Turri (2010) for criticism against the orthodox way of drawing the distinction.

¹⁷ I borrow the expression "self-misleading total evidence" from Skipper (forthcoming).

¹⁸ In Tiozzo (2019) I argue for similar reasons that Horowitz's use of the Non-Akasia Constraint as an argument against level-splitting views is misguided.

¹⁹ See Christensen (2010), van Wietmarchen (2013), Smithies (2015), and Silva (2017).

²⁰ Neither does good reasoning, more generally, require as its starting point a belief that corresponds to what one has normative reason to believe. I take this to be one of the many important results of John Broome's research program in the philosophy of normativity. See especially *Rationality Through Reasoning* (2013, Ch. 12-16).

²¹ Broome (2013) gives an in-depth discussion and defence of structural requirements of rationality.

²² Note that this is not what is at issue in most of the cases of higher-order defeat that are discussed in the literature. In the typical case, the higher-order evidence provides good but misleading evidence against one's belief about p, which means that the considerations raised by the higher-order evidence does not necessarily provide an actual reason to give up one's belief about p.

²³ See Kelly (2010) for a discussion about whether higher-order evidence about the epistemic status of one's belief about p is able to trickle down and have significance for what it is rational to believe about p at the object-level.

²⁴ The way I understand it, what it means to be epistemically competent according to Lasonen-Aarnio (forthcoming) is broadly to follow certain rational requirements, e.g. the Non-Akrasia Constraint. She is nevertheless careful not to make epistemic competence part of epistemic rationality.

²⁵ The phenomenon is known as "dumbfounding" in the literature. See McHugh et al. (2017) for references.

²⁶ See Joshua DiPaolo's contribution to this volume for a discussion about the epistemic problem of fundamentalist beliefs that is intransigent to evidence in this sense.

²⁷ Notice that if one assumes that moral judgments are insensitive to considerations which have to do with evidence in this way there is less reason to take these mental states to be beliefs in the first place. This might form the basis for an argument against moral cognitivism. For an argument to this effect see Eriksson & Tiozzo (manuscript).

²⁸ Versions of this paper were given at the Department of Philosophy at Gothenburg University and at the Department of Philosophy at Brown University. I want to thank the audiences at these occasions for feedback. Several people have provided helpful comments on previous drafts and close cousins to this paper. I want

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