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Dissertation Abstract

We take ourselves to have some knowledge about what's right and wrong to do. But how easy is this knowledge to get? In the first two chapters of this dissertation I argue for the novel conclusion that it is harder to have moral knowledge than non-moral knowledge due to the fact that moral beliefs have more practically at stake. More specifically, in chapter 1 I argue that moral beliefs are subject to a higher epistemic standard than non-moral beliefs. Roughly, epistemic standards mark how good of an epistemic position an agent needs to be in in order for her beliefs to receive epistemic credit like knowledge. The higher epistemic standard of moral beliefs offers the only unified explanation to date of long-standing puzzling asymmetries between moral and non-moral epistemology, like how moral testimony, unlike non-moral testimony, is problematic and moral expertise, unlike non-moral expertise, is non-existent.

Even so, one may wonder why moral beliefs have such a higher epistemic standard. In chapter 2 I argue that the best account of what fixes the higher epistemic standard for moral beliefs is a practical-stakes account wherein the practical upshots of holding a belief affect how demanding the standard is. Importantly, my account differs from traditional practical-stakes accounts of epistemic standards. First, it locates features of morality as a subject matter, like being subject to the reactive attitudes and the way that moral beliefs typically motivate whereas non-moral beliefs don't, as that which functions to raise the standard. Second, the stakes that are relevant outrun those stemming from the interests of the individual person whose belief is under assessment, and include the practical interests of other agents. This last feature makes the picture of moral knowledge I offer essentially social, as whether or not one has moral knowledge depends in part on the interests of others. In the

end, the view I offer in these chapters presents a perhaps surprising picture of moral epistemology as systematically different from non-moral epistemology.

In chapter 3 I investigate in more detail the social basis of moral knowledge by considering one particular view of the nature of moral facts, constructivism. According to this view, moral facts are determined by what would be the result of a hypothetical choice procedure amongst an idealized group of agents. Here I argue that the best moral epistemology on offer for the constructivist requires an agent to be able to respond to the objections that relevant others would have to the content of one's belief in order for that belief to count as knowledge. In this way, moral knowledge for constructivists requires the ability to reason together with others about morality.

After considering social constraints on moral knowledge, in chapter 4 I turn to consider whether normativity may likewise have a social basis. Here, I consider social-based views of normativity wherein an agent's reasons for action are determined by the social institutions, practices, and relations (IPRs) she takes part in. I argue that existing views have trouble ensuring that certain intuitively bad social practices--namely, oppressive ones--aren't a source of reasons. In light of this, I develop a novel positive view, Looping Social Constructivism, according to which an agent's reasons are a function of the IPRs she takes part in, after they are idealized. Specifically, they are idealized such that each role in the IPR has the same ability to determine how rights, responsibilities, and power are distributed across the IPR. Looping Social Constructivism is able to avoid issues of oppressive IPRs given its unique use of idealization on the social level: instead of idealizing the individual agents taking part in an IPR, we idealize structural features of the IPR itself.

Knowing Better, Reasoning Together

by

Nicole Dular

B.A. The New School, 2009

M.A. Brandeis University, 2012

Dissertation

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TABLE OF CONTENTS

<u>Chapter 1</u>	1
Harder, Better, Faster, Stronger: Epistemic Standards and Moral Beliefs	
<u>Chapter 2</u>	27
Moral Stakes, Higher Standards	
<u>Chapter 3</u>	58
Constructivism's Own Epistemology	
<u>Chapter 4</u>	86
Social-based Theories of Reasons and the Limits of Oppression	
<u>Bibliography</u>	122
<u>C.V.</u>	132

Chapter 1

“Harder, Better, Faster, Stronger: Epistemic Standards and Moral Beliefs”

0. Introduction

Moral epistemology might seem useless. Not because there is nothing valuable to be learned by investigating the epistemology of moral beliefs, but rather because all that we can hope to learn about the epistemology of moral beliefs can be learnt by doing standard non-moral epistemology. Pessimistically, one might think, there is nothing special about moral beliefs, and they deserve no further attention than that properly paid to their non-moral analogues. The real epistemic battles to be fought are those in classic debates in traditional epistemology: whether internalism or externalism about justification is true, whether knowledge requires safety or sensitivity, whether the threat of skepticism destroys the possibility of knowledge, and so on.

Yet when we look to certain areas within moral epistemology, this is the minority view. Rather, many have thought that moral beliefs are epistemically special in some ways, and that there are noteworthy asymmetries between certain areas in our moral and non-moral epistemology. These differences are often viewed as obstacles or hurdles moral beliefs face on their way to moral knowledge that non-moral beliefs don't face. For example, while non-moral knowledge is thought to be easily achieved via testimony, non-moral testimony is thought to be epistemically problematic, morally problematic, or both.¹

¹ While some seek to undermine or debunk this claim, this is the starting judgment or “datum” concerning moral testimony that authors both for and against it address. See Crisp (2014); Hills (2009); Hopkins (2007); Howell (2014); McGrath (2009); Mogensen (2015); and Nickel (2001) for explicit arguments in favor of the asymmetrically problematic nature of moral testimony.

In this paper, I, too, will argue that moral beliefs are epistemically special and hence require a special epistemology. However, instead of focusing on isolated issues in moral epistemology such as testimony, my investigation will concern broader differences between moral and non-moral epistemology. I'll seek to give a unifying explanation of the differences others have sought to explain in isolation. The way in which moral beliefs are distinct, I will argue, is that their epistemic standard is typically higher. Generally speaking, this means that one typically needs to be in a better epistemic position for one's moral belief to receive the relevant kind of epistemic credit (for example, justification or knowledge) than that needed for one's non-moral belief to receive the same kind of epistemic credit (justification, knowledge). For instance, on an evidentialist model this amounts to saying that one generally needs stronger evidence to have a justified moral belief than to have a justified non-moral belief.

To be clear, I am not arguing for a universal claim: that for every single moral belief it will have a higher epistemic standard compared to that for any other non-moral belief. Such a universal claim is too strong to be plausible. Rather, my claim is that this is *typically* the case, and as such it is a characteristic and noteworthy feature of moral epistemology as such. Importantly, one need not endorse such a universal claim to adequately explain the asymmetries between particular areas of moral and non-moral epistemology, since, as will be covered in section 1, these concern *general* issues with particular aspects of moral epistemology. For example, the noted asymmetry is not that for every single possible instance of testimony, any instance of moral testimony will be more problematic than any instance of non-moral testimony, for that would be quite implausible; rather, it is that moral testimony *in general* is (more) problematic.²

² The same can be said for the other aspects of moral epistemology that have received widespread attention, namely expertise, and the effect disagreement has in undermining knowledge or leading to skepticism. Expertise by definition concerns a general ability, or knowledge of a range of facts about a particular topic, not perfect ability or knowledge of

The paper will proceed by first considering three areas that many people have found puzzling for moral beliefs as opposed to non-moral beliefs: testimony, expertise, and disagreement. Although others have attempted solutions to these puzzles, they have done so in an isolated way, seeking to solve the puzzles individually rather than collectively. In this paper, I will put forth the only unified solution to these issues currently on offer. After providing my unifying account--an account I call the Higher Standards account--and showing how it explains moral testimony, moral expertise, and moral disagreement, I consider two competing unifying accounts and argue that both are unacceptable. Finally, I consider and respond to two objections to my own account.

1. The Oddity of Moral Epistemology

One area of moral epistemology that has recently received a great deal of attention is moral testimony. One reason this topic has garnered so much attention is the noteworthy asymmetry in our judgments regarding instances of moral and non-moral testimony: while we think it's perfectly acceptable to form non-moral beliefs solely on the basis of others' reports, we balk at instances of forming moral beliefs solely on another person's say-so.³ For example, consider the following instances of moral testimony:

Eleanor has always enjoyed eating meat but has recently realized that it raises some moral issues. Rather than thinking further about these, however, she talks to a friend, who tells her that eating meat is wrong. Eleanor knows that her friend is normally trustworthy and reliable, so she believes her and accepts that eating meat is wrong.⁴

every single fact about a particular topic. Likewise, the phenomenon regarding moral disagreement concerns how it in general leads to skepticism, not how every single instance of moral disagreement undermines the status of knowledge for every single moral belief every single person has. I further explain how my account of there typically being a higher epistemic standard for moral beliefs explains puzzling asymmetries in moral epistemology in section 2.2.

³ For defenses of this asymmetry see Crisp (2014); Hills (2009); Hopkins (2007); Howell (2014); McGrath (2009); Mogensen (2015); and Nickel (2001).

⁴ Hills (2009), p. 94.

Danielle hears about an upcoming demonstration protesting Israel's war in Gaza. Although she knows the causes of the war and knows that civilians are dying from IDF bombing, Danielle is unsure whether the war is just. She doesn't try to think through the matter for herself. Instead, she asks a reliable and trustworthy friend, who says the war is immoral. Danielle accepts her friend's claim and joins the protest. Asked by a journalist why she is demonstrating, Danielle says she knows the war is wrong because her friend told her so.⁵

Here, many object to Eleanor's and Danielle's reliance on their friends in forming their moral beliefs: there is something *prima facie* wrong about Eleanor and Danielle forming their moral beliefs just on the basis of their friends' say-so. Importantly, these judgments don't seem to be confined to the specific moral subject matter (e.g. eating meat) or sporadic; as Sarah McGrath notes, "the attitude that pure moral deference is more problematic than non-moral deference is widespread, even if not universal, in our culture."⁶

Moral testimony isn't the only area in moral epistemology that presents unique epistemic challenges. Expertise is another area where there seem to be deep differences between the moral and non-moral epistemic domains. While it's undoubtedly the case that there are experts on all kinds of non-moral subjects, moral experts are thought to be at best few and far between, and at worst entirely non-existent.⁷ Moreover, while it's usually clear what's required for expertise in various non-moral subjects, there's quite general confusion and disagreement over what would even be required for moral expertise. To put it most pessimistically: if, contrary to appearances, there even were any moral experts, we would be seriously hard pressed to find them.⁸

And, if moral testimony and expertise weren't enough, moral disagreement poses its own unique challenges. Unlike disagreement in non-moral domains, moral disagreement is thought to

⁵ Mogensen (2015), p.1.

⁶ McGrath (2009), p. 323.

⁷ McGrath (2011) and (2007); Ryle (1958).

⁸ Cholbi (2007).

be especially intractable, as it persists even when both parties appear to share the same (non-moral) evidence. Likewise, moral disagreement seems to be a much more widespread phenomenon than non-moral disagreement. Because of its intractability and persistence, the mere fact of moral disagreement is sometimes thought to lead directly to moral skepticism.⁹ Note that no such route to non-moral skepticism (about the existence of global warming, say) is generally thought to be available.

This way in which moral disagreement is thought to lead to moral skepticism will be my focus here regarding the epistemic asymmetry of moral and non-moral disagreement. Of course, there are two closely related issues regarding moral disagreement about which I say nothing here. They concern (a) why moral disagreement is so widespread and intractable, and (b) whether we should be steadfast and retain our moral beliefs when faced with such disagreement. I choose to set these related issues aside and focus on the question of how moral disagreement can lead to moral skepticism for present purposes because unlike the issue of skepticism, (a) and (b) do not directly concern notable *epistemic* asymmetries in *moral* epistemology. I take (a) to be a metaphysical metaethical concern, as the widespread and persistent nature of moral disagreement typically takes metaphysical explanations, like that moral relativism or expressivism is true.¹⁰ Although (b) is an epistemic issue, I take it to be a question on the topic of peer disagreement in general, and not a noted asymmetry in moral epistemology in particular (that is, it is not widely thought that the correct response to peer disagreement about morality (e.g. steadfastness) differs from what is widely

⁹ For example, Tolhurst (1987) argues that it makes our moral beliefs never justified, while McGrath (2009) and Vavova (2014) both argue that disagreement leads to skepticism about a certain subset of our moral beliefs.

¹⁰ For views that take the widespread and persistent nature of moral disagreement as support for moral relativism see Harman (1996), Prinz (2007), and Wong (2006).

thought as the correct response to peer disagreement about non-moral matters (e.g. conciliationism)).

While moral epistemologists have offered explanations of these issues, what is striking is that all of the approaches have been piecemeal in nature: such accounts aim to explain why moral testimony is especially problematic, or why moral expertise is especially difficult, or why moral disagreement is especially bad for moral knowledge. For example, proposals to explain moral testimony appeal to problems it creates for moral agency, or moral understanding (the true “aim” of moral beliefs), or that we can’t reliably identify reliable testifiers.¹¹ Likewise, explanations of the puzzle of moral expertise have pointed to difficulties in identifying them or to the widespread presence of disagreement as undermining the possibility of moral experts.¹² Lastly, accounts of moral disagreement have proposed that the explanation of why moral disagreement leads to skepticism lies in the acceptance of an epistemic position on disagreement in general, Conciliationism.¹³ But when each of the issues of moral testimony, moral expertise, and moral disagreement are taken together as a whole, the phenomenon to be explained changes its tone and becomes quite striking: it seems that there’s not some special problem with moral testimony or expertise or disagreement, but, rather, some special problem with moral epistemology *as a whole*.

Of course, there have been those who hold that our judgments concerning the oddity of moral testimony, expertise, and disagreement are illusory, preferring instead to offer debunking explanations of these judgements and arguing that there is nothing distinctly problematic about

¹¹ For accounts which point to issues with moral agency, see Crisp (2014); Hills (2009); Hopkins (2007); Howell (2014); Mogensen (2015); and Nickel (2001). See Hills (2009) for the claim that moral testimony excludes moral understanding. See McGrath (2009) for the claim that there are issues with identifying reliable testifiers in the moral domain.

¹² For issues with identification, see Cholbi (2007); and Driver (2006). For the claim that there are no experts, see Cross (2016). Perhaps the oldest argument against moral experts is given by Ryle (1958), but, unlike more contemporary work, it assumes non-cognitivism.

¹³ Vavova (2014). See Christensen (2007) for an argument for and articulation of Conciliationism.

them.¹⁴ My purposes in this paper is not to take issue with the asymmetry claim itself. Rather, what's notable is that all approaches to these puzzles and apparent asymmetries between moral and non-moral beliefs have been *disunified*. Supposing that there are these puzzling differences, my aim in this paper is to give a unifying account that can explain these apparent puzzles with moral testimony, moral expertise, and moral disagreement.

In the next section, I will provide such a unifying account. My unifying model appeals to a single mechanism: epistemic standards and how they shift. This means, roughly, that the standard agents must meet in order to receive the relevant positive epistemic credit (e.g., knowledge or justification) is typically more stringent for moral beliefs than the corresponding standard is for non-moral beliefs. In order to assess this account, we should first turn to the concept of an epistemic standard.

2. The Higher Standards Account

2.1. Epistemic Standards

In very basic terms, we can think of an epistemic standard as marking how good of an epistemic position an agent needs to be in to count as knowing or as having a justified belief. The notion of an epistemic standard captures the intuitive idea that in order to determine whether an agent's belief is justified or counts as knowledge, we need to know not just how much evidence she *has*, but how much she *needs*. This concept of an epistemic standard allows us to capture the thought that for some areas of inquiry or in some contexts, what's required for knowledge or justification

¹⁴ For arguments against the asymmetry of moral testimony, see Groll and Decker (2014); Jones (1999); Reisner and Van Weelden (2015); and Sliwa (2012). For defenses of moral expertise, see Driver (2013); Jones and Schroeter (2012); and Singer (1972). Against the significance of moral disagreement, see Decker and Groll (2013).

changes: it's not that knowledge of every kind of fact requires the exact same strength of evidence. This is just to say that sometimes, we think the epistemic standard *shifts*.¹⁵

This shiftiness of epistemic standards has been utilized by contextualists in epistemology to explain the fluctuation of our knowledge attributions. For it seems that, while we may want to deny large-scale skepticism wherein agents always know little to nothing at all, we may also want to endorse small-scale skepticism, wherein agents fail to know particular things in particularly demanding circumstances. For example, while it seems perfectly innocuous to say that I know that I have hands when I am walking to class, once I find myself embedded in a classroom discussion about skepticism it seems right to deny that I know I have hands. Contextualists will explain these shifty judgments by appealing to epistemic standards: from the walk to the classroom to the discussion of skepticism within the classroom the epistemic standard has changed (more specifically it has gotten more strict).¹⁶ In this case, while my perception of my appearing to have hands was good enough to make my belief that I have hands knowledge outside of the classroom, it is no longer sufficient to get me knowledge once inside the classroom's skeptical walls.

That is the intuitive idea. But we can give an even more fine-grained account of epistemic standards than this. Looking closer at the way contextualists utilize talk of standards, we can say that an epistemic standard specifies a range of epistemic possibilities that an agent may ignore or fail to rule out while still counting as knowing or having a justified belief.¹⁷ These possibilities would

¹⁵ I use an evidentialist model of standards here for the sake of simplicity. Nothing in my argument hangs on this assumption.

¹⁶ See Cohen (1986).

¹⁷ Strictly speaking, this is actually where contextualists and fallibilists--who also appeal to epistemic standards--part ways in their understanding of what a standard specifies. Fallibilists will say that an agent does not need to rule out every possibility, while contextualists will say that they do; the difference is how each is quantifying over 'every'. For the fallibilist, 'every' really does pick out every single possibility, while for the contextualist 'every' picks out a certain subset of every single possibility, for example every *salient* possibility. This is perhaps why some contextualists hold that contextualism is an infallibilist position (see Lewis (1996)), while others hold it to be fallibilist in nature (see Heller

specify ways the world could be in which not-p is true (when one's belief is p). Importantly, this means that for any given belief, there is more than one epistemic possibility: we are not to divide up the epistemic possible worlds simply into two worlds, p and not-p, where one of these is the actual world. Rather, epistemic possibilities are individuated by *ways* in which your belief could be false. For example, there are many possible worlds in which your belief that you have hands is false: you could be hallucinating, you could be dreaming, etc.. But only some of the ways the world could be--only some of these possible worlds--are relevant to the epistemic status of your beliefs in the actual world because of some relation they bear to you, and that you bear to them: they are salient, or relevant, etc. Provided you are able to rule out that set of worlds where your belief would be false, you receive the relevant positive epistemic status for your belief (e.g. knowledge, justification). Overall, the rigor of an epistemic standard can be specified in one of two ways: sometimes, a more rigorous standard specifies *more* possibilities that one must be able to rule out, while other times it specifies possibilities that are simply *harder* to rule out. My account allows for both of these interpretations of rigor.

Like rigor, the notion of "ruling out" possibilities can be understood in a number of ways. On a probabilistic model, this could mean either that one makes some possibilities *more improbable*, or that one makes *more possibilities* improbable. My claim is just that for moral beliefs, the epistemic standard shifts, becoming more rigorous and thus requiring more in one of these two ways. Importantly, this view of standards is also compatible with both internalist and externalist theories of justification and knowledge. For example, if one were a reliabilist, the upwards shift in the rigor of the standard would require one to have more safety or sensitivity. If one were an evidentialist,

(1999)). In the end, though, each camp seems to agree on this general statement: out of all the total possibilities, in order to know an agent must be able to rule out only all of those possibilities in a subset of these total possibilities.

one would be required to possess stronger evidence that rules out more possibilities. What's important for my claim is that what it takes to have an epistemic state (justification, knowledge) depends on the rigor of the standard, and that morality makes this rigor increase.

Additionally, my account is neutral along specific competing accounts of how standards are fixed, which determine the range of the worlds one is required to rule out.¹⁸ For example, some hold that this range is flexible, picking out different worlds in different contexts (contextualists, subject sensitive invariantists), while others hold that the same range of worlds is picked out in all contexts (invariantists). Fully addressing what can cause the shiftiness of the standard in general, and the shiftiness of standards for moral beliefs in particular, is unfortunately a question outside the scope of the current paper. However, to preserve the credibility of my claim that moral beliefs typically have a higher standard it is important that there at least be *some* prima facie plausible models available, so I will briefly address this issue here.

One possible model of how standards are fixed is the well-known stakes-model, wherein an epistemic standard is determined by the practical stakes, or costs of one's belief turning out to be false.¹⁹ I defend such a standards-fixing model elsewhere. I argue that there are certain practical stakes that are unique to moral beliefs (for example, the costs of being the target of certain reactive attitudes) such that when we account for these stakes, such a model does a good job of tracking how most moral beliefs have a higher epistemic standard and how the ones that intuitively don't, don't. Although further details of this model are too complicated to adequately address here, I hope that it seems initially plausible. Of course, if this particular model does not sound appealing, one need not

¹⁸ To be clear: my account of what an epistemic standard is is neutral along these lines; however, invariantism regarding epistemic standards (that is, standards for any and all kinds of beliefs) is incompatible with my argument for the higher standard for moral beliefs.

¹⁹ See Stanley (2005) and Fantl and McGrath (2009) for accounts which have the standard sensitive to the subject's interests, and McKenna (2011) for an account which has the standard sensitive to the assessor's interests.

reject my claim that moral beliefs typically have a higher standard. The claim that moral beliefs have a higher epistemic standard does not depend on the success of this particular standards-fixing model, for one could always adopt a different standards-fixing model. For example, one could instead adopt a kind of Relevant Alternatives Contextualist view, where the possibilities that one must be able to rule out are those that are presupposed or otherwise entered into the conversational score, coupled with a view that moral beliefs presuppose more or more difficult to rule out possibilities.²⁰ Again, although I lack the space here to adequately address which standards-fixing models are most plausible as accounts of the typical higher standard for moral beliefs, such plausible models are available, and so the credibility of the claim I make here that moral beliefs have such a higher standard should remain intact.

2.2. A Unifying Explanation

With this conception of both epistemic standards and the idea that the epistemic standard for justification is typically stricter for moral than for non-moral beliefs in hand, we can approach our original problem. I'll now briefly explain how my Higher Standards account resolves the three puzzling featured in moral epistemology with which we began.

First, consider moral testimony and the default judgment that it is an illegitimate way to gain moral knowledge. According to my account, in order to have moral knowledge the requirement for an agent to rule out possible worlds is pretty stringent: an agent either needs to rule out a significant number of possible worlds or a set of worlds that are harder to rule out. The reason why agents are unable to gain moral knowledge from testimony is because merely forming one's belief on the basis of another's report does not provide one with the ability to rule out all of

²⁰ See, for example, Blome-Tillman (2009) for such a view regarding non-moral epistemic standards.

the possibilities that one would need to in order to have knowledge. Although testimony may equip one with true moral beliefs, it does not equip one with the ability to rule out the demanding set of possible worlds that one needs to in order to have moral knowledge.²¹

Next, consider the apparent lack of moral expertise. According to my account, the standard for moral expertise is stricter than the standard for expertise in other, non-moral domains. This means that the kind of epistemic credentials one would need to have in order to count as an expert are greater for moral expertise. For example, one would need to be able to rule out a comparatively large amount of possibilities for a comparatively large amount of moral beliefs to count as an expert. The reason why moral experts are few or entirely non-existent is because few or perhaps none of us have the ability to do this.

Lastly, my model can explain how disagreement may, after all, lead to skepticism. One way it could do this is by functioning to make relevant new possibilities. For example, it may function to make relevant possibilities like my making a mistake in reasoning, or succumbing to a bias. The more widespread the disagreement, the more possibilities require ruling out in order to qualify as having knowledge. Provided that I cannot rule these out, I fail to secure knowledge. Since standards are understood in terms of possibilities that must be ruled out, moral disagreement leads to

²¹ One may wonder how far my Higher Standards account goes in explaining not just asymmetries in judgments about cases of pure moral and non-moral deference (where speakers do not inform hearers of any of the reasons for the truth of their belief) but also in explaining asymmetries in judgments about cases of impure moral and non-moral deference (where hearers come to adopt not only the speaker's belief, but also their reasons in support of the truth of their belief). The worry is that since my account explains the asymmetry in terms of being in a position to rule out possibilities, in cases of impure moral deference the hearer would be able to rule out all of the same possibilities as the speaker, since they possess the same reasons for the belief; but, the asymmetry remains even in these cases, as we still judge that the hearer lacks justification or knowledge while the speaker does not. However, my Higher Standards view is amenable to preserving this asymmetry of impure testimony: it can do so by adopting a more robust interpretation of what "ruling out" requires. For example, on some contextualist views, ruling out would require more than just possessing evidence that makes certain propositions improbable to a certain degree. Rather, it requires that one is able to engage with others in a certain way, for example by appeasing any objections they may have about the truth of your belief. For this more robust understanding of "ruling out", see Annis (1978) and Wellman (1971) on the Challenge-Response Model. I'm grateful to Kieran Setiya for posing this question about the flexibility of my view.

skepticism by making more possibilities relevant, and thus by making the epistemic standard more stringent.

Now that we're clear on how my Higher Standards account explains these problematic asymmetries, we should look to see how alternative unified accounts would explain the asymmetries. Since in this paper I am seeking an explanation of the apparent oddity of moral epistemology that would vindicate our commonsense judgments about moral testimony, moral expertise, and moral disagreement, I will not be considering debunking explanations of that oddity. As alternative explanations, the accounts to consider are those that posit a mechanism other than the one I appeal to, namely epistemic standards. In the next section, I will consider such rival accounts.

3. Alternative Explanations

3.1. Morality is Hard

One explanation that moral epistemology in general is more problematic than non-moral epistemology is that moral matters are just so exceedingly difficult to figure out. It's just so much more difficult, the thought goes, to determine moral matters such as whether abortion or eating meat is morally permissible than whether the bus runs on Saturdays. It's a very difficult task to do the work that is necessary to adequately settle moral questions: one must consider arguments for and against, checking for falsities, fallacies, counterexamples, and more. Both the kind of reasoning and time required to consider such questions is large and looming. Morality is hard.

Of course, I agree that morality is hard: this is something that my Higher Standards account explains. In order for this view to be a real competitor, it can't simply amount to the view that

moral matters are difficult, since the Higher Standards account may admit this, and then just explain this fact in terms of a more rigorous epistemic standard for morality. Instead, this account must explain what makes moral matters epistemically difficult, but must do so by appeal to a mechanism other than the one I've identified in order to be a genuine rival.

There are two mechanisms that this rival account might point to. One way of thinking about the "morality is hard" view is that settling moral questions requires a large amount of time; alternatively, one may think that the kind of reasoning required to settle moral questions is exceedingly demanding. Using E to stand for the evidence base that's required to have a justified belief, the view might be either (a) that it is harder to obtain E, i.e. one generally needs to spend more time working in order to obtain E, or (b) that it is harder to draw a or the correct conclusion on the basis of E, i.e. that the kind of reasoning required to work through one's evidence in order to arrive at a justified belief is of a high level or is quite complex (e.g. it involves the use of difficult mathematical formulas), or both (a) and (b).

Let's take option (a) first. Given this mechanism, one would say that the reason why moral knowledge or justification is harder to obtain is that one needs more time working through or thinking about moral issues in order to successfully arrive at knowledge. More specifically, many agents considering moral questions just haven't obtained E yet (or, more minimally, that they've been able to obtain less of E than the amount of E they're typically able to obtain within the same time for the E that corresponds to various non-moral beliefs).²² Taking option (b) instead, one would say that the reason why moral knowledge or justification is harder to obtain is that moral issues require one to engage in more demanding or complex forms of reasoning in order to

²² For example, one could think that one needs normative evidence to justify a normative belief, and it is generally harder to acquire normative evidence (than descriptive evidence). I'm grateful to David Sobel for bringing this point to my attention.

successfully arrive at knowledge. More specifically, many agents considering moral questions just haven't successfully used the kind of higher level reasoning required to adequately draw conclusions on the basis of E. Lastly, if one held both (a) and (b), one would say that the reason why moral knowledge or justification is harder to obtain is that moral issues both require greater time and more complex reasoning in order to successfully arrive at a justified belief or knowledge.

In general, this unified account could explain the initial asymmetries in the following way. If moral beliefs are hard with respect to (a) and (b), and moral expertise requires one to have an high amount of evidence and evaluate it extremely well when reaching certain moral beliefs, then moral expertise would be hard to come by. Likewise, given (a) and (b) reliable testifiers would be hard to come by. And, lastly, if it is difficult to assess moral claims in the ways (a) and (b) outline, moral disagreement can lead to skepticism by causing one to lose the evidence one may have had or undermining one's ability to work through the now-competing evidence one has.

Are either of these mechanisms a good explanation of the epistemic difficulty of morality? I think that they are not. Remember here that in order for this rival explanation to explain why moral beliefs have certain epistemic puzzles that non-moral beliefs don't, the mechanisms it points to need to be distinctive of moral beliefs. This is because the explanation we are seeking is one that explains how there are certain *differences* between issues in moral and non-moral epistemology. The reason why this rival account fails is simply because the mechanisms it picks out are not distinctive. To see why, we can consider the following pair of moral and non-moral beliefs:

(NM2): Kyrie is a college freshman taking an applied ethics course and after one month in the course has just been told that many animals were killed last year for their meat, as well as the fact that many animals (e.g. mice, rabbits, and moles) are killed each year in producing and maintaining crops for food that all vegetarians depend on. Kyrie considers the question of whether being vegetarian kills more animals than being a meat-eater does. After consulting a few reliable yet neutral sources (e.g. peer-reviewed scientific journals, not PETA) on each side of the debate

and crunching the numbers, Kyrie forms the belief that being vegetarian kills more animals than being a meat-eater.

(M2): Kyrie is a college freshman taking an applied ethics course and after one month in the course has learnt about arguments both for and against eating meat, considering only arguments for its permissibility and impermissibility (not its obligatoriness), and considering the same quantity (e.g. one each) and quality (e.g. both valid, with plausible premises) of arguments for each side, from a credible yet neutral source (e.g. the Stanford Encyclopedia of Philosophy). Kyrie considers the question of whether eating meat is morally permissible or morally impermissible. Without consulting anyone else, and after carefully considering the arguments, Kyrie forms the belief that eating meat is morally permissible.

In these cases, it's clear that the non-moral belief is difficult with respect to (a): Kyrie would need to spend a lot of time working collecting the relevant data about the statistics of animal deaths in crop cultivation and meat farms. It's also the case that each belief is difficult with respect to (b): Kyrie would need to engage in some high-level reasoning such as higher-level math to work through all of the information on statistics he had gathered. And, as this account stipulates, the moral belief is likewise difficult with respect to (a) and (b). Yet, it seems that the moral belief still lacks the same kind of epistemic credit that their non-moral belief has (for example, it appears to be less justified).²³ Moreover, upon reflection is it simply not true that morality is the only domain of inquiry that requires a great amount of time or complex reasoning to arrive at knowledge or justified beliefs within that domain: various complex scientific questions also require these. So, even though this account is unified, it does not succeed in accounting for the *asymmetries* of moral and non-moral epistemology.

²³ At this point one may object that we would not have the judgment that the moral belief is less justified here if the non-moral belief were to be some controversial scientific claim. First, notice that the non-moral belief presented is controversial: Riggins is confronting conflicting accounts of the number of animals killed. Second, in order for the cases to be analogous, if the controversial scientific claim considered is abstract and general, so must the moral claim, which would force us to consider a new moral case as well (e.g., if we are to consider a controversial scientific theory we would need to consider a controversial moral theory); here, both beliefs are controversial and concrete in nature.

However, defenders of this alternative account may object. They might insist that the kind of reasoning required for moral beliefs is always going to be more demanding or complex than that required for any other domain of inquiry, as it's of its own special kind, unlike any other type of reasoning used in any other domain. For example, perhaps moral knowledge requires a special kind of sense that other domains don't, which is itself extremely complex. But it's terribly *ad hoc* to posit a special kind of moral reasoning just to save this account. Moreover, this seems to just put a *name* to the problem, rather than offering an *explanation* of it. We started by observing that moral knowledge is hard to come by. It won't do to end simply by observing that the kind of reasoning that leads to moral knowledge is also hard to come by. We would still want to know why this is.

We've just seen why this Morality is Hard explanation fails. In the next section, I'll explain why the other competing explanation won't work either.

3.2. Morality's Many Defeaters

Another unified explanation for the issues in moral epistemology claims that the reason why moral beliefs lack the kind of epistemic credit like knowledge and justification that non-moral beliefs have is because moral beliefs typically come with more defeaters than non-moral beliefs do. There are two ways of understanding this defeaters account. On one way of understanding it, the accounts turns out not to be a genuine rival to my Higher Standards account. On another understanding, although it is a genuine rival, it results in counterintuitive conclusions, and so ought to be rejected. First, let me briefly explain the relevant notion of defeaters in play.

Defeaters come in roughly two kinds: *rebutting* and *undercutting* defeaters.²⁴ On an evidentialist picture, *rebutting defeaters* are those that serve as reason to believe a proposition that's

²⁴ See Pollock (1986).

incompatible with one's conclusion from the evidence (e.g. d is a defeater that warrants not- p (on the basis of E) when one was originally warranted in concluding p on the basis of E), while *undercutting defeaters* serve as reason to believe that E does not actually itself warrant p , without providing reason to believe the negation of p . Given this characterization, one way to understand defeaters is as a kind of higher-order evidence, that is, evidence about the character of one's (first-order) evidence.²⁵ For example, consider your belief that the apple is red that you formed on the basis of your perception of the apple appearing red to you. Your belief would be accompanied by the first type of defeater if you were told that you were given an inverted color spectrum drug: in this case, the fact that you were given such a drug means that you now have, on the basis of your perception, a reason to believe that the apple is green, not red. It is evidence that your original first-order evidence--your perception--actually does not warrant p (that the apple is red), but rather warrants a proposition incompatible with p (that the apple is green). In this case we can say that your total evidence consisting of $E+d$ warrants not- p . Your belief would be accompanied by the second type of defeater if you were told that there's a 50/50 chance that you were given an inverted color spectrum drug: in this case, your original evidence for your belief that the apple is red (your visual perception) would be insufficient evidence for your original belief, such that you ought to abstain from believing what color the apple is. In this case we can say that your total evidence consisting of $E+d$ fails to warrant p .

Now, for the opponent who wants to claim that the grounds of the issues in moral epistemology is that moral beliefs typically have more defeaters than non-moral beliefs, they must not only point to defeaters that accompany moral beliefs, but also point to ones that are *specific* to

²⁵ See Christensen (2010) and Lasonen-Aarnio (2014). Of course, this doesn't automatically bar higher-order evidence from also functioning as first-order evidence. See Feldman (2005) for an articulation of this view.

moral beliefs such that non-moral beliefs either don't also typically have them or don't typically have them to the same degree. Otherwise such defeaters would not account for the *difference* in epistemic credit between moral and non-moral beliefs. Given this constraint, there are a few considerations one might cite. One might point to the fact that there is a lot of disagreement surrounding moral claims, much more than what typically surrounds non-moral claims. Likewise, one might argue that there are more counter-arguments to consider with respect to moral claims than non-moral claims. With each of these options, one could claim that one's (first-order) evidence E doesn't yield a justified moral belief or knowledge because any of these considerations would serve as a kind of defeater for E, either in the sense that it makes E insufficient to warrant the belief that p, or that it makes E warrant the belief that not-p: either way, one's total evidence consisting of E+d fails to make one epistemically justified in believing p or knowledge that p. For example, consider a case where I originally believe that eating meat is morally permissible, but then come across another rational person (perhaps even with all the same non-moral evidence that I have) who disagrees with me and who instead believes that eating meat is morally impermissible. One could claim that that's a reason to think that my original evidence E is not sufficient to justify me in believing that eating meat is morally permissible, such that I should abstain from believing it. In this case, the fact of this disagreement undercuts my (first-order) evidence E to believe that eating meat is morally permissible; thus, my total evidence consisting of E+d would fail to make my belief that eating meat is morally permissible epistemically justified. In this way, even if an agent had roughly the same amount of first-order evidence for both her moral and non-moral beliefs, her moral belief would be less justified because there would be more defeaters present, and so more

reasons that make it the case that E is not sufficient to warrant her moral belief. The total evidence the agents typically have for moral and non-moral beliefs is not the same.

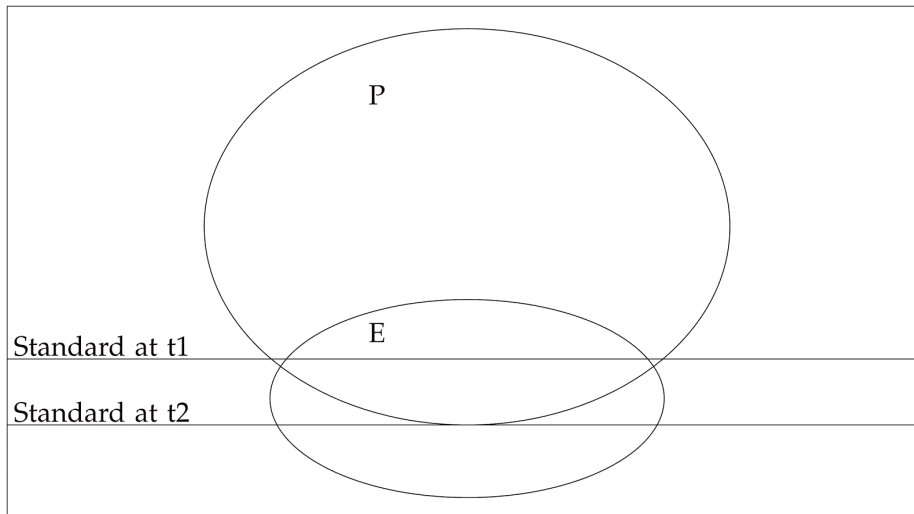
At this point we need to consider precisely how defeaters function to make one's evidence insufficient to warrant one's belief that p. On one understanding, defeaters (or, more specifically, the fact of disagreement in the moral case) function by raising a specific possibility that my belief is false. For example, maybe eating meat is morally impermissible after all, given that (so many) reasonable others think so; perhaps I made a mistake in my reasoning, or succumbed to bias. On this understanding, while defeaters undermine my (first-order) evidence E for my belief that p such that my total evidence of E+d is no longer sufficient to justify p, they do this by introducing additional ways in which my belief could be false, that is, possibilities. On this account, defeaters just introduce or make relevant certain kinds of epistemic possibilities, ones that are not ruled out by one's evidence (given that, if it could be ruled out, it wouldn't render E insufficient to justify p).

For example, consider our previous example involving the belief that the apple is red, where one's evidence consists of the perception of the apple appearing red, and the defeater that's present is the fact that there's a 50/50 chance one was given an inverted color-spectrum drug. On the proposed understanding of what defeaters are, the fact that there's a 50/50 chance that one was given an inverted color-spectrum drug introduces a new possibility that the apple is not red (more specifically, that it's green). However, since one's evidence--namely, one's perception--is not able to rule out this possibility, one's belief fails to be justified or count as knowledge.

At this point, talk of possibilities should sound familiar to the attentive reader. This is because epistemic standards were originally understood as specifying epistemic possibilities that must be ruled out in order for a subject's belief to count as justified or knowledge. Remember again

that this is just to say that the more rigorous the standard, the greater the set of epistemic possibilities. So, if defeaters are just relevant epistemic possibilities--specifically, ones that one's evidence is unable to render sufficiently improbable--then one who holds that there are generally more defeaters for moral beliefs than non-moral beliefs is committed to the view that moral beliefs generally have higher epistemic standards.

To further understand how this 'More Defeaters' view is not a rival view to my favored 'Higher Standards' view, consider the following model.



On this model, let the box indicate the set of all epistemic possibilities. Let the 'P' circle indicate the possible worlds in which p is true, and the 'E' circle indicate the worlds that are compatible with one's evidence; all of the space outside of these circles consists of not-p worlds. Using our case, we can understand the 't1' line as indicating the epistemic standard at the time before the defeater was introduced (before you were told that there's a 50/50 chance you were given an inverted color spectrum drug), while the 't2' line indicates the epistemic standard at the time after the defeater was introduced. The epistemic standard at t1 indicates all of the possible worlds one needs to rule out at t1 in order to count as having a justified belief that p (namely all of those worlds above the 'standard

at t1' line), while the epistemic standard at t2 indicates all of the possible worlds one needs to rule out at t2 in order to count as having a justified belief that p (all of the worlds above the 'standard at t2' line). The standard at t1 is pretty low: it indicates, roughly, that one can fail to rule out all of the not-p worlds that fall below it while still having a justified belief that p. However, at t2 the standard increases, becoming more stringent, thus indicating, roughly, that one can fail to rule out only those not-p worlds that fall below it while still having a justified belief that p. Importantly, though, while at t1 (pre-defeater) there are no not-p worlds that are compatible with your evidence (that is, there are no worlds that are inside the E circle but outside the P circle), at t2 (post defeater) there are; this means that while your belief meets the epistemic standard at t1, it fails to meet it at t2, such that while you have a justified belief or know that p at t1, you have an unjustified belief or fail to know that p at t2. In the end, this particular interpretation of the More Defeaters view is not a rival account to my Higher Standards account. In this way, rather than denying that moral beliefs enjoy higher epistemic standards than non-moral beliefs, this More Defeaters view is just specifying a specific way in which the standard is higher, or how it is that the standard is higher for moral beliefs (or, more specifically, what makes a possibility one an agent must be able to rule out). But, again, they are not disagreeing about the fact that the epistemic standard is higher for moral beliefs.

However, there remains an interpretation of the More Defeaters view that is a genuine competing alternative to my Higher Standards view. On this alternative understanding, defeaters (or, more specifically, the fact of disagreement in the moral case) function to make one's evidence insufficient to warrant one's belief that p by directly affecting one's evidence. It is not that the standard becomes more rigorous, but just that one falls farther from it given the reduced strength of one's evidence. On this account, the epistemic standards for moral and non-moral beliefs could be

exactly the same and remain fixed, but yet moral beliefs are more epistemically problematic because one's evidence is comparatively worse in the moral domain.

Importantly, for this view to capture cases of comparative lack of justification and not just knowledge for moral beliefs, it would have to be the case that the relevant defeaters are recognized or possessed by the agent. This is because although some hold that the simple existence of defeaters--in this case, the simple existence of moral disagreement--is enough to undermine knowledge, it is widely held that in order to affect justification, the agent herself must be confronted with the defeater or made aware of it.²⁶

The problem with this account is that while it seems correct to say that justification is undermined by defeaters only when agents are cognizant of them for non-moral cases, in the moral case lack of awareness of the defeater doesn't make justification easier. This understanding of the More Defeaters view would implausibly conclude that in cases where agents just aren't aware of such disagreement concerning a moral issue (for example, because they live in very isolated homogeneous communities, or never bothered to ask anyone else their opinion on the matter), their moral beliefs would not be suffer a loss of justification. Likewise, if all that is required to be a moral expert is to have a sufficiently high volume of justified moral beliefs, then one could become a moral expert quite easily. But this is very counterintuitive. So, while this understanding of defeaters can explain some cases, it cannot explain all the puzzles that would need to be explained.

In the end, then, the More Defeaters view either is not a genuine rival to my Higher Standards view, or is rife with counterexamples, and so ought to be rejected.

²⁶ Defeaters that undermine justification are commonly referred to as "mental state defeaters," as opposed to "propositional defeaters" which are not believed by the agent and only undermine knowledge. See Bergmann (2006) on mental state and propositional defeaters.

4. Different but Equal?

Even if the first understanding of the More Defeaters view is not incompatible with my favored Higher Standards view, we might still wonder why one should favor my account. After all, if both accounts explain initial puzzles about moral beliefs, and do so by appealing to epistemic possibilities, then why should we say that what explains this difference is that moral beliefs have a higher epistemic standard, rather than that they are accompanied by more defeaters?

For example, some may think that my Higher Standards view sacrifices important intuitions regarding the relation between evidence and defeaters by always viewing defeaters as relevant possibilities. On my view, the relationship between evidence and defeaters involves the introduction of new epistemic possibilities. This makes it seem as though while one's epistemic position worsens, one's evidence doesn't worsen at all--that is, one's epistemic position worsens despite one's evidence not worsening at all. But this seems to sacrifice a very intuitive thought that one's evidence gets worse with the presence of defeaters. Instead of raising epistemic standards, defeaters are typically conceptualized under the second interpretation of the More Defeaters view, wherein they render one's belief insufficiently justified by just simply reducing the strength of what serves as one's justification, for example one's evidence. Intuitively, we think that when one is told that there's a 50/50 chance that one was given an inverted color spectrum drug, it's not just that one's belief now fails to be justified, but that one's evidence has gotten *worse*, and fails to be justified *because* one's evidence has gotten worse. On a probabilistic model of evidence, the thought is as follows: while initially one's evidence may have made p probable to degree .9, when a defeater is introduced one's evidence now makes p probable to degree .5. However, as noted, this understanding of how one's evidence has gotten worse when a defeater is present is compatible

with epistemic standards remaining at the same level. So, it might seem as though my Higher Standards account cannot account for the commonsensical thought that when defeaters get introduced one's evidence becomes worse.

While I agree that it would be problematic for my view if it was unable to account for this commonsensical thought, I don't believe that it faces this problem. To see this, we should return to our model. On a standard probability model, a defeater just functions to make E smaller (in other words, by making the not-p space bigger), where a certain probability is specified for an epistemic standard, and the probability that p is determined as follows (assuming for simplicity only finitely many possible worlds):

$$\Pr(p) = \text{number of } p\text{-worlds in } E / \text{total number of worlds in } E$$

There is, however, an alternative way to think of how defeaters affect probability. On my model, it's true that when a defeater is introduced, the degree to which one's evidence makes p probable decreases. Rather than utilizing the above standard model of probability, though, my fallibilist view amends it as follows:

$$\Pr(p) = \text{number of } p\text{-worlds in } E \text{ above } t_n / \text{total number of worlds in } E \text{ above } t_n$$

While on this model of probability it's true that one's evidence is *worse* in the sense of yielding a lower probability of p at t2 (post-defeater) than at t1 (pre-defeater), it has gotten worse precisely because the standard has gone up. So, this alternative model can show how the probability of p given one's evidence has gotten worse when a defeater is present in a way that doesn't make the raising of epistemic standards irrelevant. Since my proposed way of understanding defeaters in terms of possibilities can accommodate the sense in which one's evidence has gotten *worse* when a defeater is introduced, it ought not be abandoned

Another reason to favor my Higher Standards account is if it explains some cases that this interpretation of the More Defeaters account doesn't. Some of this may turn on the precise theoretical explanation for the higher epistemic standard; for example, if we endorse a kind of impurist view wherein the practical stakes of holding a belief affects the degree of justification the belief has, then the More Defeaters view would be an insufficient explanation of the degree of justification. To see why this would be the case, take the classic bank cases as an example.²⁷ Here, the proposition that the bank could've changed its hours isn't properly characterized as a defeater, since it's not properly characterized as higher-order evidence (that is, it's not evidence that your first order evidence (that you were at the bank last Saturday) does not warrant your belief (that the bank is open on Saturdays). Rather, something like the proposition that you were only dreaming that you were at the bank last Saturday would be higher-order evidence. If we should conceive of the way justification is determined for moral beliefs as analogous to the bank cases (namely where the possibilities an agent must be able to rule out in order to have a justified moral belief is partly determined by what's practically at stake in holding the belief), then this More Defeaters view will be ruled out as the best explanation.

Moreover, it can also be said that in so far as defeaters introduce just *one* type of epistemic possibilities, or hold that epistemic possibilities can be introduced in just *one* way, my Higher Standards view will be able to explain more cases, and more diverse cases, as epistemic possibilities are introduced in multiple ways (the presence of disagreement isn't the only way to introduce a possibility). These are all reasons to favor my Higher Standards account over the first interpretation

²⁷ See DeRose (1992) for the original bank cases.

of the More Defeaters account, even if the More Defeaters view is not a genuine rival to my favored Higher Standards view.

6. Conclusion

Moral testimony, moral expertise, and moral disagreement have all been thought to be distinctively problematic--that is, problematic in ways non-moral testimony, non-moral expertise, and non-moral disagreement are not. Previous explanations of their problematic nature have been piecemeal in nature, seeking to explain why each issue is problematic in isolation. In this paper, I've offered a unifying explanation of the problematic nature of these issues, the Higher Standards account, thus departing from previous explanatory accounts of these phenomena. According to this unified account, the relative epistemically problematic nature of moral testimony, moral expertise, and moral disagreement is explained by the fact that moral beliefs typically enjoy a higher epistemic standard than non-moral beliefs. After first explaining my Higher Standards account, I considered two rival unified accounts that would explain the problematic nature of moral testimony, moral expertise, and moral disagreement, namely the Morality is Hard view and the More Defeaters view. I argued that these accounts were either rife with counterexamples, were ad hoc, or reduced to a variant of my view, concluding that my Higher Standards account is the best unifying explanation on offer.

Chapter 2

“Moral Stakes, Higher Standards”

0. Introduction

How easy is it to have a justified moral belief? At first glance, one may feel inclined to answer that it is just as easy or difficult as holding any other kind of justified belief. However, this seems to be the minority view. Rather, there are commonly thought to be important asymmetries between moral and non-moral beliefs, and moral and non-moral epistemology more generally. Importantly, these asymmetries are often conceived of as kinds of epistemic obstacles, thus having a detrimental effect on the epistemic credentials of our moral beliefs. In other words, moral beliefs are commonly thought to be distinct in the way that epistemic values like justification and knowledge are harder to gain. For example, while it's commonly assumed that non-moral testimony is a perfectly innocuous way to gain non-moral knowledge, moral testimony seems quite objectionable.

²⁸ Likewise, while non-moral disagreement poses no serious threat to the possibility of non-moral knowledge, moral disagreement has been thought to entail moral skepticism.²⁹ And, lastly, while it's uncontroversial that there are all kinds of non-moral experts, the existence of moral experts has seemed quite dubious.³⁰

²⁸ For defenses of the asymmetry of testimony see Crisp (2014); Hills (2009); Hopkins (2007); Howell (2014); McGrath (2009); Mogensen (2015); and Nickel (2001).

²⁹ For example, Tolhurst (1987) argues that it makes our moral beliefs never justified, while McGrath (2007) and Vavova (2014) both argue that disagreement leads to skepticism about a certain subset of our moral beliefs.

³⁰ For arguments noting issues with moral expertise see Cholbi (2007), McGrath (2011) and (2007), and Ryle (1958).

Given the apparent way in which epistemic values like justification and knowledge are less easy to come by for moral beliefs, one may wonder what explains this asymmetry. Perhaps the most intuitively plausible explanation, and the one that I favor, is that the epistemic standard for moral beliefs is typically higher than that of non-moral beliefs. Put most generally, this means that typically one must be in a better epistemic position to receive a certain kind of epistemic value or credit (knowledge, justification) for a moral belief than that that needed in order to receive the same epistemic value or credit for a non-moral belief. For example, on an evidentialist model this amounts to saying that one generally needs stronger evidence to have a justified moral belief than to have a justified non-moral belief. Importantly, this explanation has the advantage of being the only unified account of the aforementioned epistemic asymmetries on offer. The focus of this paper, though, is not what best accounts for the widely noted apparent epistemic asymmetries between moral and non-moral beliefs--that is, it is not whether moral beliefs typically have a higher epistemic standard--for I argue for this claim elsewhere.³¹ Rather, the focus is on the question that remains once (or if) one accepts the claim that what explains these asymmetries is the fact that moral beliefs typically have a higher epistemic standard: namely, what functions to make the epistemic standard for moral beliefs higher? In this paper, I will put forth a theoretical account of how the epistemic standard for moral beliefs is typically higher which vindicates the apparent epistemic asymmetries between moral and non-moral beliefs.

In seeking an explanation of how it is that moral beliefs standardly fail to be epistemically on a par with non-moral beliefs, investigating theories of justification that fundamentally hold that the standard is not stable across all beliefs and all epistemic agents but rather changes depending on

³¹ More specifically, in "Harder, Better, Faster, Stronger: Epistemic Standards and Moral Beliefs," I argue that a higher standards account is the best unifying account that accommodates this data about the asymmetry.

certain situational factors would be the most initially plausible place to look. Two of these views of knowledge and justification—namely contextualism and subject sensitive invariantism—hold that knowing or having a justified belief is not solely a matter of the evidential position³² the agent is in, for two agents who are in the same position in regards to evidence can vary in terms of knowledge and justification.³³ By looking at these two types of theories wherein epistemic standards change depending on certain non-evidential situational features, one can see how the epistemic standards may be different for moral beliefs.³⁴ Although these theories hold that non-evidential factors affect our claims about knowledge and justification generally, I will argue that there are specific non-evidential factors that affect the justification of moral beliefs in particular. What I mean by this is that what it is to be epistemically justified in holding a moral belief is not wholly a matter of evidential factors, and that the non-evidential factors that partly determine whether or not one is justified in holding a moral belief are characteristic of moral beliefs. These non-evidential factors make it such that the standard of justification for moral beliefs is different--standardly higher--than that of other, non-moral beliefs, and that this is due to the fact that these non-evidential factors are

³² Throughout the paper I will focus on putting epistemic justification in terms of evidentialism, since putting it in these terms is perhaps the most straightforward or simple way of making the points I want to make, and since one view that I discuss at length, namely subject sensitive invariantism, is put in a way that directly contrasts with a simple evidentialist picture. However, I should also note that what I say concerning views of epistemic justification which take the standards to be rigid is open to encompassing certain epistemic states, such as how reliable one is, as being what determines whether or not one is justified instead of what evidence one has.

³³ This epistemic position, of which contextualism and subject sensitive invariantism are two particular views, is known as Impurism. It contrasts with Purism, which holds that provided that two agents are in the same epistemic position (e.g. have the same evidence), they are in the same position to know (e.g. both know that p). See Fantl and McGrath (2009) for this distinction.

³⁴ Since my arguments will not focus on the semantic commitments of each view, I will not be considering relativism. As the reader will see, my arguments revolve around how a theory can encapsulate the right kinds of and persons' practical interests, in which case relativism and contextualism would be on a par (since, setting aside semantic differences, there would be no significant differences between contextualism and relativism). See MacFarlane (2014) for a relativist view.

essentially moral in nature.³⁵ Importantly, my focus and assessment in this paper will not be on which view is the best account of epistemic standards in general, but rather on which account can best answer this question in moral epistemology by accounting for data that is particular to the moral domain. Surprisingly, these theories in particular and work on epistemic standards in general have failed to be utilized by moral epistemologists interested in the apparent asymmetry between moral and non-moral beliefs.³⁶ I seek to rectify this unfortunate gap in this paper.

This paper will proceed as follows: First, I will introduce contextualism and subject-sensitive invariantism (SSI) as general accounts of how epistemic standards are fixed. I then proceed to consider specific adaptations of each theory for the moral domain, examining ways in which each theory can account for the higher standard of moral beliefs. Crucially, in order to adequately account for the asymmetry in epistemic standards--that moral beliefs typically have a higher epistemic standard than non-moral beliefs--the feature the theory locates as the standard-fixing feature must be distinctive of moral beliefs.³⁷ After rejecting a particular traditional contextualist view, I argue that what is key in accounting for the higher standard of moral beliefs is that the theory situates practical interests--specifically, those that are constitutive of morality as a subject matter--as what functions to fix the epistemic standard. While this notion is typically associated with SSI, I argue that there are certain shortcomings with it as typically formulated, and,

³⁵ To be clear, I am not arguing that every single moral belief requires more evidence to be justified than every single non-moral belief, but rather just that the standard case is such that moral beliefs require more evidence to be justified than non-moral beliefs.

³⁶ Although Timmons (2004) puts forth a contextualist moral epistemology, he's largely concerned with providing an account of how we can have morally basic beliefs--that is, moral beliefs that do not stand in need of justification, rather than in providing a theoretical account of the higher standard of moral beliefs, or in accounting for the apparent asymmetries between moral and non-moral beliefs more generally.

³⁷ It's important to note that the constraint is not that the theory must locate a feature that is *solely* had by moral beliefs in the sense that it is in principle impossible to be had by non-moral beliefs. For one, it would be hard to specify such a feature or property in a non-circular way (i.e. other than the feature of being a *moral* belief). Rather, minimally, it must be a feature that is had to a greater (or lesser) extent by moral beliefs.

moreover, that the contextualist can also incorporate practical interests in her view. In the end, I put forth versions of both SSI and contextualism that are plausible accounts of the higher standard of justification for moral beliefs, arguing that there is a particular contextualist view that best accounts for the distinctive features of moral beliefs. Importantly, given the practical interest framework of both views that I put forth, it turns out that the higher standard of justification for moral beliefs is due to essentially moral features of moral beliefs.³⁸

1. The Contenders

1.1. Contextualism

Contextualism is a theory of knowledge and justification that states that whether or not one knows or is justified is partly determined by (non-evidential) situational factors. In the case of contextualism, these factors are those in the context of utterance or use of a knowledge ascription: whether or not a subject S knows that p is a matter of meeting certain epistemic standards that are fixed by the context in which a speaker makes a knowledge claim. Importantly, the situational factors don't determine whether or not one knows or is justified directly, but rather indirectly by way of determining which epistemic standards are in play: different situational features, different epistemic standards. Exactly which epistemic standards are the relevant ones, however, is not a settled matter, for even while accepting that the epistemic standards change with context there is disagreement as to what the content of these standards is, or what these standards amount to.³⁹ In

³⁸ What I mean by this is that it is due to features of morality as a subject matter, instead of accidental features (e.g. merely contextual features).

³⁹ For example, Heller (1995) argues that how reliable one must be to know is fixed by the context, while Cohen (1986) argues that an agent must be able to rule out salient counterpossibilities, and that context fixes which possibilities are salient.

this way, contextualism generally speaking does not hold one to an internalist or externalist theory of justification, and so can be held alongside or applied to whatever theory of justification one subscribes to.

One of the main virtues of contextualism is its ability to handle our intuitions concerning claims about knowledge and justification in skeptical scenarios. We normally think that we know certain facts about the external world, at least on a general, everyday basis, even though we are not able to defeat the skeptic (at least not on her own grounds). However, many of us also have the thought that when engaged in a philosophical discussion about skepticism, we fall short of knowledge. How can this be? The explanation offered by the contextualist is that the epistemic standards that one must meet in order to qualify as knowing shift when the context shifts from that of an ordinary, everyday one to a philosophical one. In this way, even though one has the same evidence, is equally reliable, etc., in both scenarios, one has knowledge in one case while failing to have knowledge in the other.

Importantly, contextualism is first and foremost a semantic theory about sentences with epistemic terms like “know” or “justified”. Contextualists hold that these kinds of epistemic terms function as context-sensitive expressions just as “I” and “tall” do. What proposition is expressed by an utterance of “S knows that p” changes with a relevant change in context. Because of this, the truth value of the same utterance of “S knows that p” can change depending on the context in which it is uttered, which is what allows for the judgment that in the ordinary case one knows that one has hands while in the discussion of skepticism one does not.⁴⁰

⁴⁰ An attentive reader will notice that this is a sloppy way of making the contextualist point, which has been prone to criticism: strictly speaking, we would have to say that the sentence “S knows that p” is true in the ordinary context and

Before assessing whether or not contextualism can provide an adequate explanation of how the standard of justification differs for moral beliefs as compared to non-moral beliefs, I will first introduce another epistemic theory that takes non-evidential situational features to figure essentially into claims about knowledge and justification: subject sensitive invariantism.

2.2. Subject Sensitive Invariantism

Like contextualism, subject sensitive invariantism (SSI) is a theory of knowledge and justification which holds that whether or not one knows or is justified is partly determined by non-evidential situational factors.⁴¹ In this way, both agree that whether or not one knows or is justified in believing is not solely a matter of the evidential position an agent is in. Rather, two agents who are on evidentially equal grounds can nevertheless vary with respect to knowledge and justification.

More specifically, SSI holds that it is the subject's practical interests, or what the subject of the knowledge/justification attribution has at stake practically speaking, that constrain whether or not she knows/is justified in believing. The basic notion of SSI can be put in terms of the following principle:

SSI: S is justified in believing that p only if S is rational to act as if p.⁴²

false in the skeptical one. I will not take up these issues here, but am rather just following Lewis's (1996) explication of contextualism.

⁴¹ See Fantl and McGrath (2002), (2007) and (2009), and Stanley (2005). Stanley takes his account to only concern knowledge (see pp. 88-9), but Fantl and McGrath (2002) put the theory specifically in terms of justification. Stanley refers to his theory as "Interest Relative Invariantism," while Fantl and McGrath use "pragmatic encroachment". The label of "subject sensitive invariantism" for these views is due to DeRose (2004).

⁴² This formulation of SSI is taken from Fantl and McGrath (2002) p. 78. To clarify: the rationality of acting as if p is determined relative to the subject's preferences and the actual situation they are presently in (that is, not just any situation one could imagine). See also Fantl and McGrath (2009) pp.59-60 for similar principles connecting knowledge to action.

The arguments made on behalf of SSI usually appeal to particular cases in which two agents stand in the same evidential position yet have different relevant practical interests, or differences in what is at stake for them in being wrong (having a false belief),⁴³ and we think that only one is justified or has knowledge, while the other lacks it. For example, in *Knowledge and Practical Interests*, Jason Stanley presents a case where an agent is trying to determine whether they should deposit their check today, a Friday, when the line at the bank is long, or tomorrow, a Saturday.⁴⁴ In the first case, the agent has no impending bills, and would rather not wait in line today but deposit their check tomorrow, and so they say to themselves, having been at the bank on Saturday two weeks ago, “I know the bank will be open tomorrow.” In the second case, the agent has a very important impending bill and very little money in their account currently, and so, even though they were at the bank on Saturday two weeks ago, thinks to themselves “I don’t know the bank is open tomorrow”—after all, banks do change their hours.

We have the intuition that the agents in these cases attribute to themselves the correct epistemic status concerning knowledge. If we stick to the belief that knowledge and justification are invariable and only concern purely evidentially relevant factors, these intuitions will be puzzling and inexplicable. For evidentialism holds that in so far as evidence E is sufficient to justify one in believing, or constitute one knowing, that p in one case, it is sufficient to justify or count as knowledge for anyone else who is similarly evidentially situated in the same kind of circumstance. SSI offers a clean and principled way of explaining these intuitions, and why they are right: we

⁴³ Stanley (2005) puts his view in terms of the threshold of knowledge being determined with respect to the (practical) cost of being wrong: in order to know, the probability of the alternatives to p must be sufficiently low, where the agent’s interests determine which alternatives are in play and the threshold of being sufficiently improbable is determined by the practical costs of being wrong.

⁴⁴ This bank case is originally from DeRose (1992) which he used to argue on behalf of contextualism. Stanley offers several varieties of the bank case, some of which he argues are accommodated on SSI but not contextualism.

think that it is rational for the low-stakes agent to act as if p, while we think it would be irrational for the high-stakes agent to do the same (again, even though they are in the same position in regards to their evidence!), which indicates that in one case S knows while in the other S does not.

Importantly, there are some key differences between contextualism and SSI even though they both agree that certain non-evidential contextual features at least partly determine whether or not an agent knows. Perhaps the biggest difference concerns the semantic commitments of each. Recall here that contextualism is a semantic thesis about knowledge attributions which holds that the meaning of epistemic terms like “knowledge” and “justification” is determined by (certain features of) the context of use, which makes it such that the same sentence of “S knows that p” actually expresses different propositions in different contexts. SSI, however, holds that the same proposition is expressed by “S knows that p” relative to every context of use. Rather, it is just that there are additional non-evidential factors, i.e. a subject’s practical interests, which determine whether or not one knows (namely, a subject’s practical interests determine whether or not the truth conditions of the knowledge proposition are met (i.e. whether they make it rational to act as if p)).⁴⁵ Secondly, the views differ with respect to who or which context knowledge attributions are judged relative to: while for contextualism what matters is features in the context of utterance, for SSI it is the subject’s practical interests.

3. How Higher?

⁴⁵ Again, for Stanley interests determine knowledge all the way down (both in terms of the alternatives one needs to consider and the threshold of probability these alternatives must meet). In so far as an agent’s practical interests remain the same across contexts, then, the epistemic standards one must meet do not change (even if, say, other alternatives are made salient, etc.).

Now that we have both contextualism and SSI in view we should turn to the question of what could function to raise the epistemic standard of justification for moral beliefs on each model.

3.1. Contextualism and Relevant Alternatives

While contextualist views come in many shapes and stripes, the traditional and perhaps most popular contextualist model is the *Relevant Alternatives* model (RA). According to RA, whether or not an agent knows (that p) is determined by whether they are able to rule out a certain set of relevant alternatives (of not-p).⁴⁶ RA is a contextualist view because it holds that whether an alternative is relevant can vary from context (of utterance) to context (of utterance): it is not that the same alternatives are relevant for any and every knowledge attribution. Where contextualist RA views vary is along what makes an alternative relevant in a context, for example whether it must be asserted or otherwise entered into the conversational score, whether it must be presupposed or part of the common ground of a conversation, or whether it just needs to be attended to by the utterer.⁴⁷

If we were to adopt the RA model of contextualism to explain the higher standard of justification for moral beliefs, we would have to meet several constraints: first, say what it is that makes an alternative to a moral belief relevant, and secondly, be sure that the phenomenon that we locate as making an alternative relevant for moral beliefs is had to a much greater extent by moral beliefs (such that counterpossibilities are typically made salient in the case of moral beliefs but not

⁴⁶ See Lewis (1979) and (1996), Goldman (1976), and Dretske (1970) as classic papers on the RA approach. Of course, contextualists have differed with respect to what is required by 'ruling out' a certain alternative as well, whether that just requires that the agent's evidence rules out not-p, or whether the agent must actually be able to *do* or say something against the particular possibility of not-p (for the latter, see Wellman (1971) and Annis (1978) on the Challenge-Response Model).

⁴⁷ See Blome-Tillman (2009) for the view that the alternatives that are relevant are those that are pragmatically presupposed. There are also interest models of relevance, which hold that what makes an alternative relevant depends on the assessor's concerns or interests (see Heller (1999) for an early model). The interest RA model will be discussed in section 3.4.

for non-moral beliefs). This is because (perhaps obviously) if the alternatives-raising phenomenon we identify is also present to the same extent in non-moral belief contexts, then even though we would be able to account for the epistemic standard being high for moral beliefs, we wouldn't be able to account for the *difference* in the epistemic standard (since we would just have to conclude that the standard for non-moral beliefs is high as well). Importantly, though, the constraint is not that the theory must locate a feature that is *solely* had by moral beliefs in the sense that it is in principle impossible to be had by non-moral beliefs, for that would be much too demanding for the task at hand.

One possible standards-raising phenomenon the RA contextualist can appeal to is the oft-cited phenomenon of moral disagreement. First, moral disagreement would explain what makes an alternative relevant: when an agent would come across others who disagree with them over a moral matter, the disagreement would function to introduce an alternative into the conversational score. Secondly, the fact that there is widespread disagreement about what is right and wrong, and that there is more disagreement about morality than about, say, whether Syracuse is a city in New York, makes it so that the epistemic standards are typically raised for moral beliefs, since there are more alternatives or counterpossibilities that are made salient and made salient more often by the fact of moral disagreement. This explanation would suffice to show how the standard of justification for moral beliefs is higher than that for non-moral beliefs: it both stipulates what functions to raise the standard, and locates a phenomenon of alternative-raising that is unique to moral beliefs (or at least more common with moral beliefs).

In spite of its initial plausibility, this contextualist strategy is not a good explanation of why and how it is that the standard of justification for moral beliefs is higher than that for non-moral

beliefs. The significant problem with this picture is that it generates the intuitively wrong extension for justified beliefs: namely, it holds that agents who intuitively don't have justified moral beliefs do. Under the current model, it is the fact of disagreement that functions to raise the epistemic standard that one must meet in order to be justified: the more disagreement there is in the context of utterance, the more alternatives are made relevant, and so the higher the standard. Although it is usually the case that given the plentitude of moral disagreement one would find oneself in the relevant context where such counterpossibilities were made relevant, it surely isn't the case that one always or even normally would. For consider the following case:

The Big Move: Riggins has recently moved to a community, SwingStateUSA, that is very divided on the issue of the moral permissibility of homosexuality. While Riggins believes that homosexuality is morally wrong, they are constantly met with opposing views from others in their community. After several months of heated debates, Riggins decides to move to a community that has similar beliefs. Riggins moves to a community, RedStateUSA, where everyone believes that homosexuality is morally wrong. In this very isolated community, Riggins never faces disagreement from others about their beliefs about homosexuality. Riggins' only reasons for believing that homosexuality is morally wrong both before and after the move have not changed (for example, they are that their religious leaders have said so).

This contextualist picture is problematic because it would conclude that Riggins' belief that homosexuality is morally wrong is *significantly* more justified when they move to RedStateUSA than when they lived in SwingStateUSA. In fact, depending on the precise view, some of these contextualist views may even conclude that Riggins' belief is epistemically justified while they are in RedStateUSA, while epistemically unjustified while they are in SwingStateUSA: for so long as one just *presently* isn't in a context where there is moral disagreement—where the possibility of not-p is made relevant—then one is justified in holding the moral beliefs one does, since no alternatives are

made relevant.⁴⁸ The problem is that we do not think that Riggins' belief comes to be justified--or is any better epistemically--just because they no longer face any disagreement. Riggins shouldn't be able to increase the epistemic status of their belief just by moving to a less confrontational community. Since Riggins' evidence or reasons for believing that homosexuality is wrong haven't improved (as they haven't changed at all), their beliefs shouldn't suddenly acquire a better epistemic status.⁴⁹ The agent isolated from others with conflicting moral beliefs doesn't have a (significantly more) justified belief just because they are lucky enough to find themselves in circumstances where there is no disagreement.⁵⁰

At this point, the disagreement RA contextualist may say that the moral disagreement is still salient when Riggins moves to RedStateUSA because, for example, Riggins would still remember such disagreements, and so they would still be at their attention. But, if the moving situation had been reversed such that Riggins moved from the isolated community to the divided community, the same would hold, only in reverse: Riggins' belief would have become significantly less justified after they moved, and Riggins' belief would have been significantly more justified (or even outright justified) before they moved, which is still counterintuitive.⁵¹ Moreover, if one is to insist that the disagreement present in one context follow agents into other contexts, the question arises of

⁴⁸ Strictly speaking, this contextualist would say that for anyone in Riggins's context of RedStateUSA, the utterance "Riggins's belief is justified" is true.

⁴⁹ This general shiftiness of certain models of contextualism where an agent can go from knowing to not knowing and back again without a change in their evidence has been objected to by Kompa (2002). Technically, the issue is that an agent like Riggins would be able to truly say something like "Had I said 'I know that p' in SwingStateUSA I would have spoken falsely, but now I do know that p" (see p. 15).

⁵⁰ A Lewisian RA Contextualist may resist here, claiming that there are other features that determine relevancy, specifically ones that would entail safety, and clearly Riggins' beliefs wouldn't be safe in *The Big Move*. However, since moral truths are commonly accepted as necessary truths, these modal epistemic conditions like safety wouldn't do any work here for allowing the disagreement RA contextualist to resist the case.

⁵¹ To be clear, my argument here against the disagreement model of RA contextualism isn't laying claim to the position that standards aren't shifty--that they don't or can't ever vary between contexts--but rather that this specific model has standards shift in counterintuitive ways.

whether we want contexts to be sticky in this way in general. For insisting on this comes at a cost of losing the flexibility of the contextualist view, its prime advantage.

Since the disagreement model of RA contextualism has proven to be an inadequate theoretical account of the difference in the standard of justification between moral and non-moral beliefs, we should now turn to SSI to see whether it can provide a better account.⁵²

3.2. SSI and Practical Interests

Recall that SSI holds that whether or not one is epistemically justified is a matter of meeting a certain epistemic standard which is fixed by the subject's practical interests.⁵³ So, if we are to use SSI as an analysis of how it is that the epistemic standards of justification is *higher* for moral beliefs than for other, non-moral, beliefs, we would also have to say that there is more at stake practically speaking in the case of moral beliefs—that it would be very bad, practically speaking, for us to have false moral beliefs—than in the case of other kinds of beliefs.

Is this a plausible account of the differences in the standard of justification between moral and other non-moral beliefs? I believe that it is. The heightened practical import of moral beliefs is clear when we consider that morality is concerned with how we live our practical lives (e.g. our well being and what we owe to others). Moreover, the practical dimension of morality concerns not just how *I*, as a single agent, live, but how I live with and amongst others: our moral decisions and actions not only affect ourselves but also others, and our relationships with others. This is because moral beliefs also typically motivate one to act accordingly: holding a moral belief usually results in

⁵² Of course, I have here only considered one variation of the RA model of contextualism, and so don't take myself to have ruled out every possible RA model for moral beliefs. In section 3.3. I consider an alternative model of the RA view that picks out practical interests as the phenomena that functions to raise the standard, which I argue fares quite well.

⁵³ Particularly, it is the the subject of the attribution's practical interests that are relevant. Certain problems arise with this strict formulation of SSI, which I address in section 4.

action that reflects one's belief.⁵⁴ Moreover, the reactive attitudes characteristic of morality as expressions of holding others morally responsible that agents take up towards one another affect agents practically, as it affects how they feel and what they choose to do or not do, as well as (obviously) how others treat them.⁵⁵ And, lastly, the matter and abundance of moral disagreement is relevant in so far as the actions that result from holding certain moral beliefs affect those with whom we disagree.⁵⁶

If being epistemically justified in believing that *p* is a matter of being rational in acting as if *p*, we can see how moral beliefs *in general* require us to meet higher epistemic standards than non-moral beliefs: due to the breadth and depth to which our moral beliefs have practical import, much is practically at stake in holding a moral belief.⁵⁷ ⁵⁸ SSI can readily explain how it is that holding a moral belief *in general*, and in virtue of it being a *moral* belief, requires a greater amount of justification than other beliefs typically do. Again, this is because: (1) moral beliefs typically motivate, (2) the content of moral beliefs typically has practical import, i.e. morality is about how to

⁵⁴ That is, for example, that if one believes that ϕ -ing is morally obligatory one has some motivation to ϕ . It is important to note here that I am not committing myself to a view concerning motivational internalism: I'm solely holding that moral beliefs typically motivate, not that they necessarily do so all time, or all the time for rational agents. There is an empirical question here concerning the claim that I am making, but it can be set aside since I don't hold that the standard of justification solely depends upon this claim being true; rather, it is one (plausible) feature amongst four others that I list that account for the heightened practical stakes of moral beliefs generally. In fact, provided that we accept Fantl and McGrath's principle stated beforehand, a belief need not actually result in action in order for it to have heightened practical import (since we'd only need to consider what's practically at stake in acting or preferring as if *p*).

⁵⁵ See Strawson (2003). To clarify: reactive attitudes make it the case that moral beliefs typically have higher practical stakes because they (the reactive attitudes) apply to moral agents who commit moral actions, and so would count as what's partly at stake in acting as if *p* (or preferring as if *p*) or as one of the potential costs of being wrong about *p*, where *p* is a moral proposition.

⁵⁶ I'm imagining here that those who we disagree with would especially raise the practical stakes as compared to those with whom we agree, since they would prefer that we not act as if our moral belief were true.

⁵⁷ Driver (2006) also points out the practical import of moral beliefs (or, as she calls it, the "seriousness" of moral beliefs) when arguing that it, when combined with epistemic worries about identifying moral experts, yield a justification of our reluctance to accept moral testimony.

⁵⁸ Again, this is not to say that there are no moral beliefs that are seemingly low-stakes, but rather that the moral questions that we focus on and that are traditional moral questions are high-stakes. I address how an SSI theorist may handle seemingly low-stakes moral beliefs later in this section.

live, especially with one another, and so (3) moral beliefs' practical import concerns acting in a way that affects our own and others' practical lives (4) moral beliefs make one vulnerable to reactive attitudes, which affect how one feels, what one does, and how others treat you, and (5) they affect others with whom we disagree.⁵⁹

To clarify how this account would work, consider some examples. Take, for instance, the belief that eating meat is morally permissible. One can see that this belief has a high practical import in terms of how one lives one's everyday life, how others' lives go for them (granting that animals are of a morally significant standing, or, alternatively, that the meat industry has a high negative impact on the environment and so also our lives), and our choices of whether to eat meat or not affects those with whom we disagree and make us vulnerable to reactive attitudes. So, on this account, the standard of justification for this belief would be rather high due to it having these features.

However, one may think that the standard of justification is rather low for beliefs of wrongness when compared to beliefs of permissibility. In assessing whether the standard should be high or not, one might say that we ought to think in terms of how Stanley conceives of it as a matter of the costs of being wrong. The costs of being wrong about a belief of moral wrongness may not be so bad, since a belief that something was wrong would, hopefully, keep one from doing possibly bad things: if one were wrong about ϕ -ing being wrong such that ϕ -ing were permissible, one wouldn't be doing anything wrong by abstaining from ϕ -ing.

Yet, it's easy to see that this surely isn't true of all, or most, beliefs about moral wrongness. For one, this objection would fail in cases where instead of ϕ -ing in fact being morally permissible it

⁵⁹ To be clear: I am not claiming that these are non-evidential features are exclusive to morality.

were instead morally obligatory. One must consider not only the possibility that ϕ -ing is actually morally permissible but also the possibility that ϕ -ing is morally obligatory in considering the costs of being wrong about one's belief of moral wrongness. In the case where ϕ -ing were actually morally obligatory the cost of being wrong in one's belief that ϕ -ing is morally wrong would be quite high, since, by failing to ϕ , one would be doing something morally wrong.

It is also not the case that the standard of justification for all beliefs of moral wrongness is lower than beliefs of permissibility or obligation even if we were just to consider cases where the only reasonable possibilities were either that ϕ -ing is wrong or ϕ -ing is permissible. The case of abortion serves as a nice example of why this is not the case: supposing that abortion is in fact morally permissible, one can see how the costs of being wrong about abortion being morally wrong are actually quite high, since it would plausibly result in taking actions that would keep oneself and others from doing something that drastically affects the way their life goes for them.

Even if one accepts that beliefs of moral wrongness do not as such have a low(er) standard of justification one may still think that the SSI account that I have laid out gives the wrong verdict in cases of obvious moral beliefs, such as the belief that torturing innocent others for fun is wrong. Intuitively, we think that one actually doesn't need a lot, epistemically speaking, to be justified in holding this belief. Yet, as a moral belief, my account seems to give the verdict that in this case the standard of justification should still be high given the fact that it is a moral belief. However, my account can not only accommodate but also explain this judgment.

To see this, we ought to return to Stanley's full account of SSI. According to his view, a subject, x , knows that p at a time t and a world w if and only if:

- (1) p is true at w
- (2) $\sim p$ is not a serious epistemic possibility for x at t
- (3) If p is a serious practical question for x at t , then $\sim p$ has a sufficiently low epistemic probability, given x 's total evidence
- (4) x believes at t that p on the

basis of non-inferential evidence, or believes that p on the basis of a competent inference from propositions that are known by x at t.⁶⁰

To understand this account, we should first consider what make a proposition a “serious practical question.” The general thought is as follows: an agent has a number of actions that they could take; an agent will then order these actions according to what they would prefer to do, but conditional on certain things being the case. For example, if it’s raining outside I would prefer to take the umbrella because I would like to stay dry, but if it’s not raining I would prefer to leave the umbrella at home since I would like to carry as little as possible. A proposition is a “serious practical question,” then, just in case its being true or false would have more than a minimal or insignificant effect on the preference ordering of the actions at the agent’s disposal. In this particular case, we can assume that whether torturing innocent others for fun is wrong or not (i.e. permissible or even obligatory) is a serious practical question.⁶¹ Although Stanley doesn’t say much to elucidate the concept of a serious epistemic possibility,⁶² it seems that the possibility that it is not the case that torturing innocent others for fun is wrong--that it’s either permissible or obligatory to torture innocent others for fun--is quite slim.⁶³ Given this, the proposition in question--that torturing innocent others for fun is wrong--would meet condition (2) (and so also (3)). Since the negation of the proposition is not a serious epistemic possibility, the epistemic standard would not be raised, and so would be quite low given this great improbability.

⁶⁰ Stanley (2005) pp. 89-90.

⁶¹ It seems that we can also utilize the notion of a serious practical question to explain another type of moral question: theoretical moral questions like which first-order moral theory is correct (e.g. Utilitarianism or Kantianism). We could do so by considering whether and the extent to which the answer to the question being true or false would affect the preference ordering of the possible actions available to the agent to determine the standard. It seems that this type of moral questions could very well have high standards, as they very well could affect which actions individuals decide to take (e.g. whether to lie or break promises).

⁶² He states simply that there is a “vague though relatively situation-invariant level of objective probability” and that a probability of 50% or more are definitely cases of serious epistemic possibility. See p. 91.

⁶³ Although I haven’t given an account of how evidence supports moral beliefs, I say that this possibility seems to be quite slim because it is forbidden on any plausible moral theory.

One way object that identifying the standards-raising feature for moral beliefs as practical interests or stakes would not be sufficient to account for the *asymmetry* between moral and non-moral beliefs, or the way in which moral beliefs typically have a *higher* epistemic standard than non-moral beliefs. For, one might say, non-moral beliefs can likewise have high practical stakes. Importantly, though, even though the feature that SSI appeals to in accounting for the mechanism which raises epistemic standards for moral beliefs can also in principle be had by non-moral beliefs, it can still explain the asymmetry in standards between typical moral and non-moral beliefs. This is because, remember, the constraint for adequacy is not that the account must locate a feature that is *only* had by moral beliefs. Interestingly, though, although non-moral beliefs can also in principle have some of the practically-relevant features of moral beliefs just cited, there is one feature that is still particular to the moral domain: reactive attitudes. So, while on this SSI account some non-moral beliefs may also have high practical stakes, the typical moral belief will have greater practical stakes than the typical non-moral belief, due to features of morality as a subject-matter that are either typically had to a greater extent or exclusively for moral beliefs and actions based on them. Since these practical upshots are special to moral beliefs, non-moral beliefs would not typically have these, and so their standards would typically be lower.

As we've just seen, this account is advantageous in so far as it is able to generate the right judgments on a series of types of cases. The previous case shows why, although the *standard* for moral beliefs will be a high epistemic standard, not *every single* moral belief will have a high epistemic standard. However, in so far as moral beliefs typically have these five features to a high degree due to their moral content, and that SSI would acknowledge those features as relevant to fixing the standard of epistemic justification, then it's the case that the standard of justification for

moral beliefs is typically high, and high due to the fact that it's a moral belief. For these reasons, SSI seems like a promising account of the higher epistemic standard of moral beliefs.

But are there any additional accounts of the higher standard? If having practical interests function to fix the epistemic standard is a successful approach, a question remains whether the contextualist can also adopt this strategy. I will consider this strategy in the next section.

3.3. Contextualism Redux

An alternative version of RA contextualism has recently been advanced which situates practical interests as that which determines whether an alternative is relevant.⁶⁴ More specifically, if an alternative is important given the utterer's practical interests or project(s), then it is relevant. One of the advantages that this particular model of the RA contextualist view boasts of is its ability to accommodate a variety of cases of knowledge ascriptions that proponents of SSI typically cite as evidence in favor of their view over contextualism. Importantly, the view is able to achieve these results because of its co-opting the same broad phenomena of practical interests that the SSI theorist uses to fix epistemic standards. Since we have already seen that SSI is a promising theoretical account of the higher standard of justification for moral beliefs, in assessing the strength of this model of RA contextualism--interest-contextualism--we ought to determine whether or not it would be able to adopt the same phenomena *of moral beliefs* as the SSI theorist does in accounting for the higher epistemic standard of moral beliefs.

It seems quite straightforward that the interest-contextualist can do this. That is, it seems that the interest-contextualist can also adopt the five features of moral beliefs cited to explain the

⁶⁴ See McKenna (2013) and (2011).

higher epistemic standard--that moral beliefs typically motivate, that the content of moral beliefs typically has practical import, i.e. morality is about how to live, especially with one another, and so moral beliefs' practical import concerns acting in a way that affects our own and others' practical lives, that moral beliefs make one vulnerable to the reactive attitudes, which affect how one feels, what one does, and how others treat you, and that they affect others with whom we disagree--that the SSI theorist does in accounting for the higher epistemic standard of moral beliefs. Importantly, unlike the disagreement model of RA contextualism, the interest-contextualist seems to sidestep extensional worries by locating a phenomenon connected to features of morality as a subject matter, thus being able to hold that moral beliefs *in general* require us to meet higher epistemic standards than other beliefs due to the fact that it is a moral belief.

4. Whose Interests?

4.1. The Problem of Apathy

Although I have said that both SSI and interest-contextualism are promising accounts of the higher epistemic standard of moral beliefs, each view requires a closer look at its exact mechanics. For while each view stipulates that practical interests or stakes determine the stringency of the epistemic standard, one large question looms: *whose* practical interests are relevant in fixing the standard?

This question is extremely important for our analysis for two reasons: (1) one main difference between each view is precisely who or which context the standard is fixed relative to, and

(2) it's imperative that each view not face the kind of extensional problems that the disagreement model of RA contextualism did by fixing the standard relative to the wrong agent or agents' interests. A problem seems to arise along (2) for each view as they currently stand by paying closer attention to (1). The issue is that each view, while both being able to feature practical interests or stakes in their view, strictly speaking fix epistemic standards relative to a particular person or context. This means that for each view, strictly speaking it's not just that practical interests are factored into the theory, but that a particular person's practical interests are factored into the theory, and fix the epistemic standard. For the contextualist, this would be the practical interests or stakes of the context of utterance or attributor, while for the SSI it would be those of the subject of the knowledge/belief attribution. The problem with respect to (2) arises when the respective agent--whether the subject or attributor of the knowledge/belief attribution--happens to be a kind of amoralist, and just have absolutely no interests in morality and its practical upshots. For it seems that, as these views are currently formulated in the literature, the fact that the relevant agent just doesn't have anything practically at stake herself in holding the moral beliefs that she does makes moral knowledge too easy for them, or those their utterances are about, to come by. Moreover, the ways in which these views are currently formulated would fail to explain the asymmetry in justification in the initial pairs of cases if we were to conceive of Riggins as such an amoralist: according to SSI, Amoralist Riggins has no additional particular moral interests, and so would be just as justified in their moral belief as their non-moral belief; likewise, for the Contextualist: this problem would arise for those knowledge- or justification-ascribing utterances that amoralists would make of Riggins in the initial pairs of cases. It seems that serious problems arise for these views, as standardly formulated, precisely because their focus on interests is too narrow. The

problem, really, is that it's not just any *one* individual's interests in morality that makes morality have high practical stakes, and so the epistemic standard of justification shouldn't vary so easily with any one individual.⁶⁵

As damning as this may seem to each view, I believe that each deserves further attention before we throw in the towel. In what remains of this paper, I will argue that while SSI has something that can be said on its behalf to appease this worry, the interest-contextualist view can be amended to accommodate this worry quite well, and so in the end is the more promising view.

4.2. All Non-Isolated Subjects

There are two ways the SSI theorist could accommodate the extensional worry that moral knowledge would be too easy to come by for amoralist subjects who just don't care about morality. One way would be to adjust the interests that epistemic standards are fixed relative to. Another way would be to challenge the assumption that because the subject doesn't care about doing the right thing or being moral, they have no practical interests that attach to their having the moral beliefs that they do. In these ways, the SSI theorist could maintain that even in these amoralist cases the epistemic standard is comparatively high for moral beliefs.

Take the first option. One straightforward way to escape this extensional worry would be say that it's not *just* the subject's interests that fix the epistemic standard, but *also* others' interests.⁶⁶

⁶⁵ As I note, McKenna (2013) puts forth a contextualist view that takes multiple agents' interests as relevant for fixing the standard. Likewise, Pace (2011) puts forth a kind of SSI that he calls "the moral encroachment theory of justification," which holds that epistemic standards (for all kinds of beliefs, not just moral ones) are affected by the preferences a subject morally should have. However, as I argue, what's important here is not just that the view is able to take into account multiple agents' interests, nor the interests that any one agent should have, but the interests of all those agents relevant for morality itself.

⁶⁶ I'm grateful to Hille Paakkunainen for bringing this SSI theorist option to my attention.

In this way, even if it is the amoralist's belief that's under evaluation, we would still think that there's much at stake in holding the belief--it's just that the costs of being wrong would concern the costs to these other's interests, instead of just the costs to the amoralist's interests. Since, then, for any typical moral proposition many agents would have serious interests involved, the epistemic standard would still typically be quite high.⁶⁷

Although this strategy has the advantage of being a very direct and straightforward way for the SSI theorist to accommodate the amoralist, it also seems to face some disadvantages. The first, and perhaps most obvious, is that it's perplexing why another agent's interests would affect whether a subject knows or is justified in believing. That is, it seems quite counterintuitive to say, for example, that *your* interest in staying dry should affect whether *I'm* epistemically justified in believing that it's not going to rain (that is, why it would determine how low the probability of it going to rain needs to be for me, or whether I'm rational in acting as if it's not going to rain), when I have no interests myself in staying dry.

Relatedly, it seems that although traditional SSI (which holds that it's *just* the subject's interests that determine the epistemic standard) has a theoretical explanation for why it's the subject's interests that determine the epistemic standard, there does not seem to be a similar explanation for why other's interests are included on this amended version of SSI.⁶⁸ Although both

⁶⁷ Although one initial thought may be that this proposed view is no longer a version of SSI (since the truth of knowledge ascriptions would no longer be relative to the *subject's* interests), I believe this worry can be set aside, and is not central to the issue at hand. Rather, I aim to raise issues to this account, whether it be called SSI or something else. Moreover, the second revisionary option I outline is consistent with this strict way of understanding SSI, so if the reader does not find this first strategy to be available to the SSI theorist, they may read ahead to consider the second option.

⁶⁸ Of course, contextualists have motivated an explanation of 'epistemic gatekeeping' for why it's the attributor's interests that determine the epistemic standard. See Henderson (2009). However, unlike contextualism the proposal here doesn't hold that it's just the attributor, but rather others in general *in addition to* the subject. Additionally, this

Stanley and Fantl & McGrath seem to assume a kind of decision-theoretic framework in motivating their respective SSI views (wherein agents rationally ought to do that which would maximize good consequences for them), I believe that there is an additional explanation the SSI theorist can give for why it is the subject's preferences that determine what's rational for her to do, and so the subject's interests that are relevant for determining the epistemic standard. According to this, what explains that it is the subject's interests that are relevant is that the hypothetical imperative is a (generally uncontroversial) rule of rationality: it says that in order to be rational, an agent ought to take the (best) means to their ends.⁶⁹ In this way, acting as if p, when p's being false is a serious possibility, and where if p were false it would cost one a lot, would be a bad way to achieve one's ends. In general, taking on large risks is not a good way to achieve one's ends, and so is irrational; it only seems rational if one is very sure that the risk is going to turn out in one's favor. This, though, is just what SSI holds: when the costs of being wrong are high, an agent needs a lot of evidence to rule out the possibility of not-p being true. Importantly, the hypothetical imperative does not say that in order to be rational an agent ought to take the best means to *other's* ends.⁷⁰ In this way, it would be quite controversial to hold that it is a rule of rationality to take into account others' interests. So, this amended SSI that holds that it's not just the subject's interests that determine the epistemic standard seems to have some explanatory disadvantages.

approach seems to be distinct from contextualism as it is still not a semantic thesis about epistemic terms, holding that the same proposition is expressed across contexts of use.

⁶⁹ I say 'generally uncontroversial' since some hold that there are additional rules of rationality, like the categorical imperative, which are quite contentious as rules of rationality.

⁷⁰ Interestingly, it seems that if this is the correct explanation the SSI theorist ought to appeal to--namely, rules of rationality--then the Kantian, who holds that the categorical imperative is a rule of rationality, has the same principled reasoning to explain why it is other's interests (and not just the subject's) that determine what it's rational to do, and so the epistemic standard. Unfortunately, this proposal is outside the scope of the current paper, but I flag it here for further development.

The second way the SSI theorist could revise their theory, remember, would be to challenge the assumption that if the subject is an amoralist, they have no practical interests in such moral beliefs. For example, one may take up a non-subjectivist theory of well-being.⁷¹ Additionally, the SSI theorist could do this by looking at those practical features of morality initially picked out and cited as what raises the epistemic standard for moral beliefs. One thing that could be said is that whatever the subject's particular cares about being moral, they would at least always be one of the agents who is made vulnerable to such reactive attitudes by holding a moral belief. Provided that the agent cares not to be the subject of such unpleasant attitudes as indignation and resentment, she has a practical stake in coming to have the right moral beliefs. In general, it seems that provided that this agent is not completely isolated, the fact that she personally doesn't care about morality doesn't make the fact that others care about her moral beliefs irrelevant: for these others could either help or hurt her ability to achieve the ends of her own personal non-moral projects. In these ways, even if the subject doesn't care about morality, provided that they are not totally isolated from others the SSI theorist could still say that they have significant stakes in their moral beliefs. At the same time, though, this understanding of how others' interests are relevant for fixing the standard is still subject to a kind of contingency that some may find objectionable, for this account does not guarantee that *every* moral context would generate a higher epistemic standard. Although on this way of absolving the initial extensional worry SSI still strictly speaking holds that it is just one individual's interests that are relevant for fixing the epistemic standard, they are able to maintain that the epistemic standard would be high even for even for most of those individuals who are apathetic to morality, and high due to features of morality as a subject matter. Overall, while SSI is

⁷¹ I'm grateful to David Sobel for bringing this option to my attention.

still a promising account of the higher epistemic standard of moral beliefs, it does raise some worries.

4.3. Moral Contexts

One thing to note about interest-contextualism is that it can in principle select for more than just the utterer's interests when selecting for the interests that function to make alternatives relevant. Although as a contextualist the interest-contextualist must hold that the standard is fixed relative to the context of utterance, exactly what the context of utterance selects for and how are open questions. More specifically, interest-contextualist views can be analyzed across two dimensions: (a) the means by which the context of utterance selects for certain interests, and (b) whose interests are selected.⁷²

On a simple interest-contextualist view, the answer to (a) would be whoever is making the knowledge attribution, and (b) would be the current speaker's interests. However, as we've seen, this is not a good account of the higher epistemic standard of moral beliefs. A more complex interest-contextualist can, however, incorporate additional agents' interests such that the interests selected for are those of a group. The interest-contextualist can do this by stipulating that with respect to (a), the context of utterance selects for the interests relevant or attached to the project or question that's salient in the context of utterance. So, for example, if the project that's salient in the context of utterance is seeing the Cavs game tonight, and the utterance is "I know the game starts at 6," the interests selected are those that agents attach to the project (e.g. your and my interests in

⁷² One can think of these dimensions as mirroring the character and content dimensions of demonstratives. See Kaplan (1989).

seeing the game). Under this variation of interest-contextualism, the greater the group's interests in the contextually salient project, the higher the standard.⁷³

But the interest-contextualist does not need to settle for even this expansion of interests. One interesting option available to the contextualist is to point to the kind of context one is in when making ascriptions of the epistemic status of moral beliefs: specifically, it is a *moral* context. Along this line, the interest-contextualist could claim that given the moral context, a particular project or question is immediately made salient, namely the moral status of some action (e.g. that ϕ -ing is morally permissible).⁷⁴ In this case, in response to (a) the context would select for the interests of those that are relevant for settling this moral question and general questions in the moral domain. For (b) the interest-contextualist can say a number of things, but will ultimately depend upon their first order moral theory. This is because whose interests are relevant in moral contexts is a question about which agents or beings are relevant for settling moral questions, or the subject of moral obligations, which is just the question that first-order moral theories concern themselves with as theories of value and obligation.

To see this, consider some examples. A consequentialist who takes happiness as of primary value takes all beings that are capable of experiencing that value, namely sentient beings, as the beings which are relevant for settling moral questions like what is right and wrong to do. Given this, a consequentialist would say for (b) that it is the interests of all sentient creatures. For a Kantian who held that it is rationality, or the ability to set and pursue ends, that is of ultimate value, the beings which are relevant for settling moral questions will be those who have this rational

⁷³ See McKenna (2013) for this view.

⁷⁴ This feature would make the view a kind of flexible contextualism. See Dowell (2013) and (2011) for flexible contextualist accounts of both deontic and epistemic modals respectively.

capacity. Consequently, for (b) the Kantian would hold that it is the interests of rational agents. One interesting upshot of this account is that moral epistemology is strongly tied to first-order moral theory, as how high the standard is set is ultimately a function of which beings are taken as morally relevant.

In the end, this interest-contextualism variation seems extremely promising, for not only would it be able to explain why the epistemic standard is higher for moral beliefs and avoid extensional worries, but it would be able to say that the higher epistemic standard is due to features of morality as a subject matter.⁷⁵ As it faces less problems than the aforementioned variations of SSI, it is the more promising view.

5. Conclusion

Many have noted an apparent asymmetry between moral and non-moral beliefs in several epistemic domains, like testimony, disagreement, and expertise, wherein it seems harder for moral beliefs to achieve the same kind of epistemic value or credit (justification, knowledge), that non-moral beliefs seem to easily achieve in these domains. The only unifying account of this asymmetry across these domains, and perhaps the most intuitively plausible explanation of them, is that moral beliefs typically have a higher epistemic standard. However, even if we were to adopt this explanation of the asymmetry, one large question remains: what functions to make the epistemic standard higher for moral beliefs?

⁷⁵ I'm grateful to Janice Dowell for bringing this contextualist option to my attention.

In this paper I've addressed just this question, searching for a theoretical account of the higher epistemic standard for moral beliefs. In the end, I've put forth two promising theoretical accounts of the higher epistemic standard of moral beliefs. After identifying several key practical features of morality, I've argued that what is vital to providing such an account is having the practical interests tied to these features play a crucial role in fixing the epistemic standard. This being said, I've shown that there are variations of both SSI and contextualism which can make these moral practical interests central to their views, arguing that there is one particular kind of contextualist view that is the most promising. The views put forth are quite promising in their ability to explain the higher epistemic standard of moral beliefs, attribute the higher standard to features of morality as a subject matter, and meet extensional worries.

Chapter 3

“Constructivism’s Own Epistemology”

0. Introduction

Generally speaking, moral epistemology revolves around a realist metaethics. This may seem obvious: after all, it is the realist who holds that there are moral facts, and so also the glimmer of hope of moral knowledge. Indeed, how we could ever come to have moral knowledge has been a concern for all realists, as one’s moral epistemology has been a prime site of objections to realist views, both naturalist and non-naturalist alike.⁷⁶ For example, a non-skeptical moral epistemology has been thought of as problematic for non-naturalists who hold not only that the moral facts are mind-independent, but that they concern properties that are not natural: for how could we possibly come to epistemically grasp these facts if moral properties aren’t causal?

One metaethical position that has oddly received little attention from moral epistemologists, and the one that will be of focus here, is constructivism. One reason it has received little attention is because it, like other mind-dependent views, seems to avoid epistemic problems that the realist doesn’t. This, in fact, is one of the most attractive features of the view: given its account of the nature of moral facts, knowledge of them seems both readily attainable and straightforward. If, though, the advantage mind-dependent views like constructivism have is epistemic, one needs to have a moral epistemology on offer in order to make good on this enticing promise. In this paper, I

⁷⁶ See Joyce (2006), Street (2006), Tropman (2012).

will consider the epistemic prospects of the constructivist. I will argue that the constructivist's traditional moral epistemology, Reflective Equilibrium, is not the best moral epistemology on offer for them. But, this should not dissuade one from constructivism, for I offer an alternative moral epistemology that I argue avoids the specific issues of Reflective Equilibrium. Interestingly, on this new model, moral epistemology is fundamentally social, in the sense that agents' social relations--namely, their interactions with other agents--directly determines the epistemic standing of their moral beliefs.

The paper will proceed as follows: in section 1, I outline a broad characterization of constructivism. In section 2, I survey the current favorite moral epistemology of constructivists, Reflective Equilibrium, and the traditional issues it faces. Moreover, though, I argue that it faces an unnoticed issue that should push constructivists towards a more fundamentally social moral epistemology.⁷⁷ In section 3 I provide such an alternative account, the Challenge-Response Model. After offering a few variations of the model, I argue that it avoids the problems that plague Reflective Equilibrium and offers a better account of how agents can come to have justified beliefs of the moral facts as the constructivist conceives of them.

1. Constructivism and Epistemic Justification

Most generally, constructivism is defined as the view that holds that certain normative truths are not independent of a certain process or procedure: rather, they are the result of such a

⁷⁷ To be clear: my argument here is not that Reflective Equilibrium has insurmountable problems, and I do not take myself to be giving a definitive argument against it. Rather, my claim is that there is an alternative, unexplored moral epistemology on offer to the constructivist that should be more attractive to them, as it avoids the traditional problems Reflective Equilibrium faces.

process or procedure. More specifically, constructivism is often characterized as the view that holds that certain normative truths are determined relative to what agents would decide on or agree to under certain hypothetical choice situations. As a first order moral theory, the constructivist holds that it is moral truths that are determined by this hypothetical choice scenario; as a metaethical theory, the constructivist holds that it is all normative truths, including an agent's reasons, that are determined by such a hypothetical choice scenario.⁷⁸

Of course, just how to characterize constructivism in ethics and metaethics is itself rife with controversy.⁷⁹ Sharon Street prefers an alternative characterization, arguing for a “practical standpoint” characterization of constructivism over its proceduralist characterization.⁸⁰ She holds that constructivism is the view, broadly, that a certain set of normative judgments are true because and only in so far as they withstand scrutiny from the standpoint of some other specified set of normative judgments.⁸¹ According to her, the difference between ethical (“restricted”) and metaethical (“thoroughgoing”) constructivism is in the second the set of normative judgments: for the ethical constructivist this is a particular subset of all of the agent's normative judgments, whereas for the metaethical constructivist it is all of the agent's normative judgments.⁸²

For the purposes of this paper, I will be focusing on “restricted” constructivism--that is, constructivism about moral facts only--and the more traditional proceduralist characterization.⁸³

⁷⁸ Here I am following Bagnoli (2014) in her initial characterization of constructivism in ethics and metaethics.

⁷⁹ There is also the controversy of whether there is even a difference between ethical and metaethical constructivism, as some hold that constructivism is not a legitimate metaethical view. I do not take up this issue here.

⁸⁰ Street (2010).

⁸¹ Street (2008).

⁸² Ibid.

⁸³ One reason I adopt the proceduralist characterization is that it is more commonplace, but, also, because the main reason Street cites for re-conceiving of constructivism though the practical-standpoint characterization is because the latter characterization solves certain issues with constructivism as a distinct metaethical position; since I am focusing on

This view can generally be characterized as the view that certain moral truths are determined as the outputs of a certain hypothetical choice procedure.⁸⁴ This constructivist view of the nature of morality opposes the realist by holding that the moral facts are not antecedently given to be ‘discovered’, but are rather the *result* of a certain procedure. At the same time, the view opposes the relativist by maintaining a sense of objectivity: it holds that the moral facts are those that all relevant rational agents would settle on or accept through the procedure.⁸⁵

One notable constructivist view is Scanlon’s.⁸⁶ According to his view, moral rightness and wrongness are determined by principles of conduct adopted by agents given certain constraints on their procedure of choice of the principles itself. Put more simply, an action is wrong if it violates a principle of conduct that no one could reasonably reject. In this way, what we are ultimately seeking is justifiability to others (more particularly, that our actions are justifiable to others on grounds they could not reasonably reject). Importantly, the agents who must not reasonably reject the principles which determine the moral status of our actions are also constrained: these aren’t just any agents, but rather those who antecedently take certain things as reasons, specifically those who take there to be reason to live with others on grounds that they couldn’t reasonably reject, and who are, themselves, reasonable. In this way, the particular principles which determine the moral facts (what’s right and what’s wrong) are selected through a choice procedure that’s constrained by (1) who’s involved in the choosing (agents who take there to be reason to live with others and are

constructivism as a first-order ethical position, there’s no particular reason to adopt the practical standpoint characterization.

⁸⁴ I say “certain moral truths” because not all moral constructivists take themselves to be providing an account of all moral truths, but rather a subset of them. For example, Scanlon (1998) takes himself to be providing an account of the class of moral truths that concern “what we owe to each other”.

⁸⁵ I say all relevant agents because, as we will see, the class of agents who are appropriate for conducting the procedure typically picks out agents with certain normative commitments, and so differs amongst constructivist views.

⁸⁶ Scanlon (1998).

themselves reasonable) and (2) the basis of the choice of principles (they must be ones no one of (1) could reasonably reject).

On this picture of what the moral facts are like, how do we come to be epistemically justified in holding certain moral beliefs? This question is difficult and interesting for the moral epistemologist for a few reasons. First, unlike subjectivist mind-dependent views, the moral facts aren't relative to an *individual's* own moral outlook or point of view, and, as such, wouldn't be accessible by internal reflection. This is because the moral facts are determined by a certain group of agents' joint agreement or decision. Secondly, unlike conventionalist or relativist mind-dependent views, the moral facts aren't relative to any *actual* groups' direct outlook or practical point of view, and so wouldn't be available by group data-gathering methods like censuses or polls (that is, we could not just conglomerate individuals' reports). This is because, remember, the moral facts are the output of a certain constrained or idealized procedure run by a certain group of idealized agents, not just the summation or average of a group of individual's opinions. Lastly, unlike the realist, the constructivist doesn't think that the moral facts are robustly mind-independent, antecedently given and therefore there to be discovered, but rather are the result of this hypothetical joint choice procedure. Given this, realist accounts wherein we intuit or perceive the moral truth wouldn't seem to grant us the kind of access we need to these facts. But, at the same time, the constructivist does think that there are moral facts that thus moral knowledge to be had.

One moral epistemology that is supposed to make knowledge of the moral facts and justified moral beliefs given their constructivist characterization available is Reflective Equilibrium. In the next section, I will argue that Reflective Equilibrium faces several significant issues, the most trying

of which should leave the constructivist wanting for a different, more fundamentally social, moral epistemology.

2. Reflective Equilibrium

Reflective Equilibrium is perhaps the most popular alternative to foundationalist moral epistemologies. As such an alternative, Reflective Equilibrium rejects the foundationalist's claim that some moral beliefs are automatically justified, and therefore serve as the basis of justification for other beliefs. Instead, Reflective Equilibrium holds that all moral beliefs are justified in virtue of their standing or relation to other moral (and non-moral) beliefs, namely whether they cohere with them. One of Reflective Equilibrium's main advantages is its ability to avoid having to posit some sort of special sense or faculty with which we can come to grasp these self-evident and directly justified foundational beliefs, thus providing a simple epistemology for domains where we seem to lack perceptual access to the facts. As a process, Reflective Equilibrium describes the way such justification is gained, by working back and forth between our judgment or intuition on a particular case and a principle that's appealed to in support of the particular judgment. In this way, the ultimate goal is stability through mutual revision of particular moral judgments or intuitions on concrete cases and overarching moral principles until coherence is reached. Overall, then, Reflective Equilibrium serves as both an account by which to assess whether moral beliefs are justified (when coherency is reached), and as an outline for a process by which to come to have justified moral

beliefs (work back and forth between revising your initial judgments and principles until coherency is reached).⁸⁷

There are two forms of Reflective Equilibrium: narrow and wide. On the narrow view, S is justified in holding a moral belief p just in case p coheres with S's other moral beliefs (q, r, s), where the process is that of mutual revision of one's particular moral judgments and the moral principles one appeals to in making such judgments until coherency amongst all of the agent's moral judgments and principles is reached. On the wide view, S is justified in holding a moral belief p just in case p coheres with not just the principles the agent endorses (q, r, s), but also with leading alternative moral principles (x, y, z); the process, then, is that of mutual revision of one's particular moral judgments and the leading moral principles, including those that one does not antecedently endorse, until coherency is reached amongst this wide set of beliefs.⁸⁸

This model of epistemic justification is perhaps most widely endorsed by constructivists.⁸⁹ The question remains, though, how Reflective Equilibrium would secure epistemic justification for the constructivist. First, given the constructivist characterization of the moral facts, they are non-perceptual, and so not available via perception. But, remember here that Reflective Equilibrium has traditionally been hailed as an uncomplicated epistemology that gives us access to facts that aren't perceptually accessible. On this picture, we don't need any special sense or faculty, but can rather get in touch with the facts by using our powers of reflection and rational capacities to resolve inconsistencies amongst our beliefs and bring them into coherence with one another. And,

⁸⁷ Of course, there are controversies about how to cash out the details of the method of Reflective Equilibrium (see Cath (2016)). I will not address these here, since my objections to the method are general.

⁸⁸ Here I am following Rawls' (1974) notion of Wide Reflective Equilibrium.

⁸⁹ See, for example, Rawls (1971), and Scanlon (2003), who goes so far as to say that it is the only viable method for coming to have justified moral beliefs.

by using wide Reflective Equilibrium and considering alternative moral viewpoints, we thereby come to partially represent the constructivist procedure that determines the moral facts itself. Considering viewpoints that differ from our own and seeking agreement amongst them mimics the way in which a multitude of agents with different starting values and moral points of view come to agree on a set of moral principles, and thus could be said to reliably track them. So, Reflective Equilibrium seems to provide a metaphysically uncomplicated and unmysterious procedure that tracks the moral truth by resembling the hypothetical procedure that constructs it.

But one may wonder whether, although Reflective Equilibrium has been widely endorsed, it really is the best epistemic methodology for the constructivist. For example, one may doubt that the process itself would be able to serve as an adequately reliable guide to the moral truth. As a species of a traditional objection against coherency accounts of justification, this objection argues that given our initial starting points, mutual revision and coherency constraints can only bring us so far: if we start with outlandish particular judgments and principles that run very far afield from the moral truth it's doubtful that merely seeking stability between these judgments will deliver us as far as we need to go. Rather, it seems quite possible to have a set of moral beliefs that are in complete coherence with one another, but yet where they are all false. Garbage in, garbage out.⁹⁰

In a similar vein, one may object to the weight--small and initial though it may be--that's given to our initial judgments or intuitions: that is, that insofar as the goal of Reflective Equilibrium is coherency, there's some reason to bring the set of principles into coherence with one's initial

⁹⁰ See Klein and Warfield (1994) for an initial article on this objection. Kelly and McGrath (2010) pose a version of this objection given an interpretation of what qualifies as an initial judgment, only in reverse: they argue that the problem with Reflective Equilibrium is that one could fall too far from one's initial starting point, i.e., that one could start with a relatively on track or reasonable judgment but arrive at a judgment that is unreasonable by the end of the process.

judgment. One may think that our initial unexamined intuitions should be granted no weight, given that they are most likely the result and reflection of particular cultural upbringings and biases. Given these reasons to doubt their epistemic credibility, simply bringing these judgments which lack credibility into coherence with others doesn't somehow suddenly make any of these beliefs themselves credible. Rather, if these initial judgments or intuitions are corrupt, we shouldn't seek to cohere any of our other beliefs or principles--which may not be corrupt--to them. Rather, it seems we'd be epistemically better off and closer to the truth giving these initial judgments or intuitions no weight.⁹¹

Although these are all issues with Reflective Equilibrium that pertain to it as a species of a coherentist account of justification, there is another issue that's gone unnoticed that concerns the constructivist's endorsement of Reflective Equilibrium in particular. Remember here that one of the issues that constructivists faced in securing epistemic justification is that internal reflection seemed to be an unavailable epistemic procedure for getting in touch with the moral facts given the constructivist's commitments of the metaphysical basis of these facts: namely, that they aren't relative to an *individual's* own outlook or moral point of view, but are rather determined by the agreement of a certain *group* of hypothetical agents who have differing moral perspectives and values. But, the methodology of Reflective Equilibrium just is internal reflection: individual agents are to internally reflect on their own beliefs, inspecting them for inconsistencies and revising them

⁹¹ See Brandt (1979) and Hare (1973) for early versions of this objection. Some proponents of the view have since argued that Reflective Equilibrium is best understood as holding that one's initial set of beliefs are already somewhat justified in light of this objection; however, this makes Reflective Equilibrium a kind of moderate foundationalism (see Cath (2016)). My objections here concern the traditional understanding of Reflective Equilibrium as a coherentist model of epistemic justification, and so I won't consider this variation of the model here.

to reach optimal coherency. The problem, to put it simply, is this: Reflective Equilibrium ignores the social dimension of the metaphysical procedure and its epistemic importance.

Now, to be fair, Reflective Equilibrium does try to account for the social aspect of the constructivist's procedure in its wide version, where individual agents must bring their judgments into coherence with not just their own but also alternative moral principles. However, we should doubt whether considering alternative moral viewpoints that could possibly be upheld by others in the way wide Reflective Equilibrium conceives of it adequately represents this social dimension of the constructivist procedure, and thereby sufficiently puts agents in a position for their moral beliefs to gain justification or knowledge.

One reason to doubt this is by considering whether representing others' alternative moral viewpoints from one's own perspective is really an accurate way to capture these alternative viewpoints. In general, it seems that one should worry that agents will be uncharitable, unsympathetic or biased in these representations of alternative viewpoints given that one disagrees with them, or that one will misrepresent them given one's lack of understanding of that moral perspective. But this concern goes beyond the issue of general human fallibility and finds deep roots in non-ideal facts about the actual world.

Elizabeth Anderson has recently argued that this phenomenon of misrepresenting the moral outlooks and perspectives of others is very real, especially in circumstances of power imbalances between social groups. In her essay "The Social Epistemology of Morality: Learning from the Forgotten History of the Abolition of Slavery," she notes actual historical cases where groups misunderstood and therefore misrepresented other groups' conception and meaning of certain

shared moral concepts.⁹² One example she focuses on is that of “freedom”. In her analysis, Anderson explains that during emancipation whites and former slaves had very different understandings of what freedom for former slaves meant and entailed. For whites, it meant opting in for wage labor that produced surplus value and working long hours so as to maximize profit. However, former slaves conceptualized what it was to be free quite differently: they prioritized self-direction and self-government wherein one could decide for oneself how long and hard one worked, and to what end, where the end valued most was typically subsistence that allowed for leisure time over profit. Given this difference in conceptualization of freedom and its value, most whites concluded that former slaves were lazy and didn’t properly understand or value freedom.⁹³

This actual case of misrepresenting others’ moral outlooks should cast serious doubt on actual agents’ general abilities to accurately represent alternative moral outlooks. This is especially true when determining the epistemic status of actual agents’ moral beliefs, since it is in the actual non-ideal world that social hierarchies exist. As Anderson notes, her examination of these cases show that “power makes people morally blind. It stunts their moral imagination . . .”.⁹⁴

Insofar as wide Reflective Equilibrium falsely assumes agents’ abilities to accurately represent alternative moral viewpoints, it’s a faulty method for agents to secure epistemic justification. The exact way in which it is faulty depends on whether or not Reflective Equilibrium requires the agent’s representation of alternative leading moral principles needs to be accurate or not. If there is no accuracy constraint on the alternative moral principles the agent is representing, then the method of Reflective Equilibrium is too weak: it would be the case that the agent could

⁹² Anderson (2016).

⁹³ Ibid., pp. 11-12.

⁹⁴ Ibid., p.15.

successfully complete the process, reaching a state of equilibrium between her initial starting beliefs and these alternative principles, but yet the beliefs that she ends up with would intuitively lack justification. Alternatively, the proponent of Reflective Equilibrium might want to embrace an accuracy constraint on the representation of the alternative principles so as to avoid this issue of generating false positive judgments of justification. If so, though, the process does not even get off the ground: for, given the lesson learned from Anderson's work, agents will be hard pressed to accurately represent others' moral viewpoints, nevertheless bring their own beliefs into equilibrium with them. Either way, then, Reflective Equilibrium faces significant issues in securing epistemic justification for the constructivist.

Given the general problems Reflective Equilibrium faces as an account of epistemic justification for moral beliefs, and the particular issue it faces in securing epistemic justification for the constructivist, it seems as though the constructivist has failed to secure one of its biggest strengths: namely, a straightforward and uncomplicated moral epistemology. But, constructivism shouldn't be abandoned yet, provided that there is an alternative moral epistemology on offer to the constructivist that avoids the problems Reflective Equilibrium faces and better secures the promise of epistemic justification. One lesson to draw from the issue Anderson shows with representing others' moral viewpoints is that the best way to get an accurate representation of these viewpoints is to go straight to the source: to have those who actually take up those alternative viewpoints represent their position themselves. With regards to building an account of epistemic justification for the constructivist, this would amount to building in a criteria of engaging with actual others who have moral viewpoints which differ from one's own. In the next section, I will provide such an alternative account for the constructivist that takes this dimension of social engagement as

foundational for securing epistemic justification for moral beliefs, and thus, I will argue, better secures epistemic justification for the constructivist.⁹⁵

3. Constructivism's Own Epistemology: The Challenge-Response Model

3.1. Overview

If one were to survey views of epistemic justification one likely wouldn't come across the Challenge-Response model. Introduced in 1971 by Carl Wellman, the view has unfortunately dropped out of conversations in epistemology regarding justification. Although it may be debatable how promising it is as an account of epistemic justification in general, I will argue that it is a promising account of epistemic justification for moral beliefs in particular, given the constructivist's moral metaphysics.

Very generally, the view holds that what determines whether an agent has an epistemically justified belief depends on whether they can adequately respond to or meet challenges or objections made to their belief by others. According to Wellman, challenges are claims that are taken to be threatening or upsetting by the agent to her belief, and are "necessarily directed at someone on some occasion . . . [and so are] relative to the person for whom it is a challenge and the occasion on which it is a challenge".⁹⁶ Wellman characterizes responses as claims that would reassure and thus be accepted by the person who issued the challenge; a response is adequate just in case anyone who

⁹⁵ Again, to be clear, my claim is not that I have provided a thorough refutation of Reflective Equilibrium, or that epistemic justification is made impossible on Reflective Equilibrium, but rather that it faces serious issues and should leave us wanting for a better account that circumvents these problems. In what follows, my claim is that the alternative account I provide, the Challenge-Response Model, is a *better* epistemology for the constructivist.

⁹⁶ Wellman (1971, pp.122-3).

understood both the challenge and response and is thinking rationally would withhold the challenge.⁹⁷ Although Wellman puts forth his particular Challenge-Response model as a model of epistemic justification for moral beliefs, David Annis also put forth a version of a Challenge-Response model, but for epistemic justification in general. On his particular model, an agent has an epistemically justified belief just in case they are able to meet certain objections, where these objects are relative to and determined by certain epistemic goals. Objections must be expressions of real doubt issued by a certain objector-group on an actual occasion, which is determined by the epistemic goals in the context.⁹⁸ In order to adequately meet an objection, the agent must respond in a way that the members of the objector group withdraw their original claim as a challenge (that is, they no longer maintain their expression of doubt regarding the agent's belief).

Overall, the view can be characterized as a kind of social contextualism. It is a kind of contextualism because the challenges or objections that an agent needs to respond to aren't invariant but rather relative to particular contexts. It is social because whether or not one's belief comes to have a certain epistemic status (being justified) directly depends on how one interacts with other agents: objections don't exist in abstraction but are issued by particular agents on particular occasions, and responses are assessed by what states they would bring about in other agents (whether they assuage the doubt of other agents).

3.2. Filling in the Details

⁹⁷ Ibid., 122.

⁹⁸ Annis (1978), pp.213-4.

In adopting a variation of the Challenge-Response model of epistemic justification for the constructivist we want to keep in mind the issue that Reflective Equilibrium faced with respect to representing others' differing moral viewpoints. One way to address this issue would be to adopt a version that most closely resembles the metaphysical basis of the moral facts for the constructivist, taking quite seriously the aspects of the view that are most procedural. In other words, if the moral facts are determined by idealized agents jointly deliberating by exchanging considerations for and against certain moral principles, then our Challenge-Response model of epistemic justification for moral beliefs would require that actual agents engage in issuing and responding to challenges made to their belief in order to have a justified belief. On this model, it would only be the case that actual agents have justified moral beliefs if they have *actually* received objections and successfully responded to them, as this challenge-response process would be the way by which we come to gain justification.

At this point, the picture of epistemic justification put forth begins to sound a bit implausible. For it seems that one's belief having a certain epistemic status--being justified--should at least theoretically be distinct from the *act* of justifying one's belief. In fact, this is a common objection against the Challenge-Response model as an account of epistemic justification: it confuses *being* justified with the *act* of justifying. Even if this weren't to trouble one too much, though, other problems follow: for it seems as though it would easily be the case that although one hasn't ever actually been challenged by others in holding the moral beliefs that one does, one could still be epistemically justified in holding them. That is, it seems that if an agent could successfully respond to challenges made by others, but just happens not to come across any others that do in fact challenge her belief, we shouldn't hold it against her--we shouldn't deny her beliefs the status of

being epistemically justified. Maintaining that agents must actually go through the challenge-response process in order to have epistemically justified moral beliefs would lead us into an implausible or undesirable kind of skepticism.

This thought about what agents *could* do suggests a variation of the Challenge-Response Model that less directly resembles the constructivist's metaphysical process, but nevertheless takes seriously the lesson learned from how wide Reflective Equilibrium fails. On this variation, it's not that an agent must actually go through the process of receiving challenges and adequately responding to others for every one of their moral beliefs to be justified, but rather that they just have the *ability* to do so. More specifically, in order to determine whether an agent in the actual world had a justified moral belief, we would look to possible worlds in which the agent is challenged, and determine whether or not she is able to adequately respond to the challenges made to her in those possible worlds.

In this way, in assessing whether agents currently have justified moral beliefs the constructivist should adopt a counterfactual variation of the Challenge-Response Model which is available:

Counterfactual Challenge-Response Model: an agent S is epistemically justified in believing some moral belief p just in case they have the ability to successfully undergo the challenge-response process (that is, that in the nearest by possible world where they are challenged by others they adequately respond to them).

As a constructivist we shouldn't yet be satisfied with this account of epistemic justification, though. This is because as the Counterfactual Model is currently spelled out, it is vastly underdescribed. We still need to say what this ability consists in or requires, which challenges or

objections are those that must be adequately responded to (for obviously requiring that an agent be able to respond to every challenge imaginable is much too strict to avoid skepticism), as well as what an adequate response consists in and which agents one must adequately respond to in order to have an epistemically justified moral belief. The aim of this section is to clarify these parameters of the account.

Let's start with filling in the notion of this ability. How are we to understand what this *ability* to respond to the challenges of others amounts to? What needs to be true of the agent in order for it to be the case that they have this ability? Even though what is important in determining whether an agent's moral belief is epistemically justified is what is going on in nearby possible worlds (whether the agent successfully responds to the challenges presented to her there), it seems that the agent will nevertheless need to have certain features or meet certain conditions in the actual world in order to plausibly be said to have this ability and thereby achieve these challenge-response tasks in nearby possible worlds. For example, in order to truly say that I have the ability to make a half court shot in basketball--that in some nearby possible world I do so--when I've never done so in the actual world, certain things need to be the case about me in the actual world. Plausibly, it would need to be that I have good aim and have thrown the basketball long distances, that I've practiced and succeeded at making other long-distance shots. It would be quite implausible to say that I have the ability to make a half-court shot when in the actual world I can't even make a three-point shot. Without having practiced and developed in the actual world the constitutive skills required to make a half-court shot, one cannot truly say that one has the ability to make a half-court shot (that in some nearby possible world one makes such a shot). Abilities don't just appear out of nowhere, but need to be trained up. Likewise, in order to truly say that one has

the ability to adequately respond to the challenges of others--that in nearby possible worlds one actually does this--it would plausibly have to be the case that the agent has already exercised and trained up her response muscles in the actual world. Put more literally: it would have to be the case that the agent has practiced engaging with and responded to the challenges of objecting others in the actual world. So, while the counterfactual Challenge-Response model doesn't hold agents captive to having to run through the challenge and response process for every belief in order for that belief to be epistemically justified (focusing on the ability instead), it nevertheless would seem to require that actual agents directly engage with others in the actual world to a certain degree.

This way of understanding the ability involved in the Counterfactual Challenge-Response Model shows how, like Reflective Equilibrium, it is an account both for epistemic assessment (for determining when moral beliefs are justified) and of a process (how to go about making one's moral beliefs justified). As an account of epistemic assessment, it holds that agents' moral beliefs are epistemically justified just in case in the nearest by possible world where they are challenged by others they are able to adequately respond to them. As an account of the process by which to gain justification, it holds that an agent should go about engaging with actual others with alternative moral viewpoints, running through the challenge-response procedure itself.

We should now try to get clearer on what exactly a challenge or objection is. Most minimally, a challenge or objection is a claim that disputes the truth of the belief, or is an expression of doubt of the truth of the belief. A more theoretically robust way to characterize a challenge or object is as a certain kind of epistemic possibility, or, more specifically, a way the world could be where one's belief would be false. To use a non-moral example: if my belief was that I had hands because I perceive myself having hands, a challenge would be that I am being deceived by an evil

demon. As a moral example, if my belief was that abortion is morally permissible because fetuses aren't persons, a challenge would be that fetuses are persons. This way of characterizing challenges stays true to the heart of the Challenge-Response model, as talk of these kinds of epistemic possibilities is central to contextualist views in epistemology.⁹⁹

The next question is what an adequate response consists in. Both Wellman and Annis have explicitly put forth answers to this question. For Wellman, it involves the attitudes of the agents in the objector group when they are suitably idealized: that is, that if these agents were rational, they would rescind their challenge, or, in other words, no longer find the possibility to be a serious threat to one's belief.¹⁰⁰ Likewise, for Annis, it requires having the agents in the objector group reject the challenge as a challenge or otherwise recognize "the diminished status of [the objection] as an objection."¹⁰¹ One more theoretically robust way to think about this is just that the ideally rational agents in the objector group need to assign a sufficiently low probability to the epistemic possibility that serves as the challenge or objection.

Having clarified what the ability requires, what a challenge is, and what an adequate response is, the fundamental question is which possibilities are relevant--in other words, which challenges must one respond to in order to have an epistemically justified moral belief? Fortunately, a lot of work has been devoted to determining a related question in contemporary epistemology that utilizes talk of epistemic standards, like contextualism. Contextualists hold that the epistemic status an agent's belief has (e.g. justified) is determined by features of the context. They have offered various accounts of relevancy: on some, a possibility is made relevant if it is attended to by the utter;

⁹⁹ See especially Timmons' (2004) contextualist moral epistemology, as well as Dular (unpublished manuscript).

¹⁰⁰ Wellman (1971), p. 126.

¹⁰¹ Annis (1978), p. 214.

on others, relevancy is a matter of being entered into the conversational score.¹⁰² For one variation, the Challenge-Response model can take its cue from a contextualist model wherein relevancy is a matter of common ground. Common ground is just what is mutually believed or accepted by multiple agents.¹⁰³ One way of filling in the details of relevancy of objections is to start by considering what's part of the moral common ground between subjects and speakers: that is, what the shared or accepted values or value systems are between the agent justification is or isn't being attributed to, and the agent doing the attributing. This then determines which objector group is relevant: it is whatever group of people either have or lack common ground (i.e. accepted value or value systems) with the subject. Once the relevant objector group is determined, the most simple picture of relevant objections would hold that these are whatever objections are issued from the relevant objector group. Put more simply, on this common ground variation we would stipulate how similar or different the value systems of objectors need to be from the subject, and then hold that in order to have a justified moral belief, the subject must adequately respond to whatever objections this objector group would put forth.

When determining how similar or different the value systems of the objectors need to be from the subject using a common ground framework, one plausible constraint would be to say that those values or value systems that are mutually denied between subject and speaker do not need to be responded to. This constraint mimics the commonsensical contextualist motivation against skepticism, which is that if neither subject nor speaker are considering skeptical scenarios, these scenarios aren't relevant, and so a subject need not be able to rule them out in order for their belief

¹⁰² See Lewis (1979) and (1996), Goldman (1976), and Dretske (1970) as examples of these general contextualist approaches.

¹⁰³ See Stalnaker (2002). I'm grateful to Matthias Jenny for suggesting such a way of understanding relevancy within the Challenge-Response model.

to gain the relevant kind of epistemic credit. Given this constraint, this variation would secure the commonsensical thought that when both the subject and speaker are, for example, anti-racist, the subject need not respond to objections from white supremacists. At the same time, it seems that when subject and speaker diverge on their shared values, justification should become more difficult to achieve, as the objections should broaden. Given this, another constraint can be added: the subject must respond to values or value systems that are upheld by the speaker, including those shared by the subject (which will usually be easily met), and those not shared by the subject. This means that when, for example, an animals rights activist is being assessed by a non-animal rights activist, the animals rights activist would need to be able to respond to objections from non-animal rights activists. So, for example, if the animal rights activist had the moral belief that eating meat is morally impermissible, they would need to be able to respond to the objection from the non-animal rights activist that animals aren't a part of the moral community.

But there is another alternative variation of the Challenge-Response model one could choose. On this model, which possibilities are relevant are determined by the practical stakes involved in holding the belief. More particularly, if the epistemic possibility, if true, would affect the relevant subject's or subjects' preference ordering of actions to do, then it is relevant, or, on this model, is a claim that the agent must adequately respond to.¹⁰⁴ If we adopt this account of how epistemic possibilities are determined as relevant, then the question of who the relevant objectors or objector group is becomes the question of whose practical interests are relevant. Here the constructivist has a number of options: for example, they can say all sentient creatures, or all agents,

¹⁰⁴ For such stakes models regarding epistemic justification and knowledge within non-moral epistemology, see Fantl & McGrath (2002), (2007) and (2009), and Stanley (2005). For a stakes model for moral beliefs specifically, see Dular (unpublished manuscript).

or those agents who whose lives would be affected by the belief if it were acted on, or the agents who are included in the constructivist procedure itself (e.g. agents who take there to be reason to live with others and are themselves reasonable), etc.

Having answered these questions, we can now sketch each version of the Challenge-Response Model:

Counterfactual Common Ground Challenge-Response Model: an agent S is epistemically justified in believing some moral belief p just in case in the closest possible world where S is presented with a set of alternative possibilities issued by an objector group which includes the speaker and whose values partially but not completely overlap with S, S responds in such a way as to make the agents in the objector group assign a sufficiently low probability to these alternative possibilities.
¹⁰⁵

Counterfactual Stakes Challenge-Response Model: an agent S is epistemically justified in believing some moral belief p just in case in the closest possible world where S is presented with a set of alternative possibilities issued by some agent(s) wherein if these counterpossibilities were to be true, it would affect the preference orderings of any or all these agents, S responds in such a way as to make these agents that presented S with these alternative possibilities assign a sufficiently low probability to them.

3.3. A Better Model

Now equipped with an understanding of the Challenge-Response Model, we should evaluate it against Reflective Equilibrium. It is not my purpose here to defend the Challenge-Response Model as the correct model of epistemic justification in general, nor the correct model of epistemic justification for moral beliefs in general, although it does have my sympathies. Rather, the question that we now face is why this account of epistemic justification

¹⁰⁵ There are, of course, more details to be worked out on this model, e.g. what determines closeness of worlds, and thus the exact degree of similarity between the subject's and speaker's/objector group's moral viewpoints. I am not going to address these questions here, but rather leave them for further development.

would be fitting for the constructivist's moral epistemology in particular. Does it face the same epistemic objections? Does it better secure epistemic justification given the constructivist's moral metaphysics?

First, let's consider how the model fares against the traditional objections to Reflective Equilibrium. Remember that the two classic objections to Reflective Equilibrium are given in virtue of Reflective Equilibrium being a coherentist view. First, there's the "garbage in, garbage out" objection, which holds that the procedure can't secure that our beliefs will come to be any closer to the truth by merely bringing them into coherence with the rest of our beliefs. Second, there is the objection that our initial judgments or intuitions should be given no weight given that they are most likely the product and reflection of our particular upbringing and biases, and thus that there's no reason to bring our beliefs into coherence with them. Given that these are traditional objections against coherentist accounts, the Challenge-Response model does not face them, as it is a contextualist account. More particularly, coherency is not a constraint or marker of success on the Challenge-Response Model. One's moral beliefs aren't any more justified because they are in coherence with one's other moral beliefs: rather, the justification of one's moral beliefs is determined based on the adequacy of one's responses (or, more particularly, the ability for one to give such responses). In this way, the Challenge-Response model embraces external--not just internal--constraints on epistemic justification. Additionally, talk of initial judgments hold no place on the Challenge-Response Model: if one is unable to respond to the relevant objections, then one's moral belief is not justified, and one has no reason to bring one's other moral beliefs into conformity with it. Moreover, this model importantly maintains one of the main advantages of

Reflective Equilibrium: namely, it provides an uncomplicated and straightforward method, not positing any kind of special faculty or sense.

However, even if the Challenge-Response Model avoids the classic coherentist objections against Reflective Equilibrium, it remains indeterminate whether it secures epistemic justification given the constructivist's characterization of the moral facts. Remember here that Reflective Equilibrium's attempt to secure epistemic justification didn't adequately represent the social dimension of the constructivist procedure, as it is, in the end, a form of internal reflection. More particularly, the issue was that its process of individual agents considering alternative moral viewpoints that could possibly be upheld by others by representing these alternative viewpoints themselves appears to be prone to errors of misrepresentation, and thus non-truth tracking.

The Challenge-Response Model, though, appears to do much better on this front, for the model is fundamentally social, in the sense that one's social relations directly determine the epistemic standing of one's moral beliefs. More particularly, the Challenge-Response Model doesn't require that an agent represent others' moral perspectives, but instead has these others represent their own moral perspectives, where the epistemic standing of an agent's moral beliefs is determined with respect to whether they adequately respond to these others in nearby possible worlds. Since it does not require that agents represent others' moral viewpoints, there is no risk of misrepresentation of the kind Reflective Equilibrium is prone to.

However, one may think that although the Challenge-Response Model doesn't explicitly require representing others' moral viewpoints, it nevertheless entails it given its outline of the process by which to come to have justified moral beliefs. This is because, one may think, in order

for agents to have the ability to adequately respond to the challenges of others, they would need to represent the objections and moral viewpoints of these others, since these others will many times be merely possible or hypothetical. But this is not the case. Remember here that this ability contained within the Challenge-Response Model plausibly requires that agents *actually* engage with others who occupy alternative moral viewpoints, thus practicing giving responses to objections and training up this skill. So even with regards to gaining this ability and completing this process of the model, agents are not representing others' moral viewpoints, and so there is no risk of misrepresentation.

Yet, even if one agrees that the Challenge-Response Model is not vulnerable to the risk of misrepresenting others' moral viewpoints, one may now wonder whether Reflective Equilibrium really is either. For if the Challenge-Response Model holds that the process by which agents come to secure epistemic justification for their moral beliefs is by giving responses to objections by actually engaging with others in the actual world who represent their moral viewpoints themselves, why can't the proponent of Reflective Equilibrium say just that as well? Why can't they say that in order for an agent to bring her moral beliefs into equilibrium with alternative moral principles and thus gain justification she must engage with actual others who hold those alternative moral principles in order to accurately represent them in her process of bringing her moral beliefs into equilibrium with them?

The issue here isn't so much that the proponent of Reflective Equilibrium is barred from utilizing this strategy, but rather that doing so is ad-hoc and no longer in the spirit of the view. For while actually engaging with others who occupy alternative moral perspectives is a constitutive element of the moral epistemology of the Challenge-Response theorist (by being what the ability

amounts to)--namely, it is the process the model outlines by which to gain justified moral beliefs--it would merely be tacked on to what the Reflective Equilibrium theorist antecedently requires for epistemic justification. What Reflective Equilibrium requires and takes as the focus of securing epistemic goods like justification is equilibrium or coherency, whereas what the Challenge-Response Model requires is that one have a certain ability, which itself requires actually engaging with others. Remember here that both views outline a process which agents can follow in order to make their moral beliefs justified, and that these processes *differ* from one another. The problem is that Reflective Equilibrium *already has* specified a process for agents to use to come to have justified moral beliefs: namely, work back and forth between your particular moral judgments and moral principles until coherency is reached. Although it is not inconsistent for the proponent of Reflective Equilibrium to adopt the process of the Challenge-Response Model, they would either have to replace this equilibrium process they originally specified with that outlined by the Challenge-Response Model, or, come to have a disunified account, embracing two processes. Although the way in which the Challenge-Response theorist avoids the issue of misrepresentation is in principle available to the proponent of Reflective Equilibrium, it would be terribly unmotivated and ad-hoc for them to adopt, and thus the Challenge-Response Model fares better.¹⁰⁶

In order to have a justified belief, one must be able to adequately engage with others--including those with opposing moral viewpoints. The Challenge-Response Model's epistemic constraint that agents have the ability to adequately engage with others, and thus practice and use their ability to respond to other's objections in the actual world, highlights another point of

¹⁰⁶ Remember here that my goal in this paper is not to provide a knock-down argument against Reflective Equilibrium. Rather, I am pointing to a set of shortcomings for its suitability as a model of epistemic justification for moral beliefs given a constructivist moral metaphysics, and providing a sketch of what I take to be a *better* model.

attractiveness of the model. Namely, it more closely represents the metaphysical procedure that determines the moral facts for the constructivist. Since the moral facts are fixed by a multitude of agents, instead of engaging in a kind of internal reflection wherein agents themselves represent others' moral viewpoints, in seeking moral knowledge agents must instead be able to interact with other agents in ways that resemble the kind of process or procedure utilized in the idealized normative-fact generating world. Provided that it's best to have an epistemic procedure that is isomorphic with respect to the metaphysical nature of the facts, the Challenge-Response Model better accounts for how agents are in a position to receive the kind of epistemic justification needed for the constructivist.

In the end, the Challenge-Response Model provides us with a picture of epistemic justification wherein the way in which we come to have epistemically justified moral beliefs resembles the way in which the moral facts themselves are fixed. Being epistemically justified in holding a moral belief requires having the ability to engage in an adequate way with others. This necessary condition of epistemic justification is due to the moral subject matter of these beliefs, given our constructivist assumptions about morality. While for other kinds of beliefs it may not be the case that one's failing to engage with others affects the epistemic status of one's belief at all, it is the case for moral beliefs precisely because of what they are like, according to the constructivist.

4. Conclusion

In this paper, I have outlined an alternative moral epistemology for the moral constructivist. After putting forth an understanding of moral constructivism, I argued that the traditional

epistemic model for the constructivist--Reflective Equilibrium--faces several issues, most notably that it fails to adequately account for the social nature of the metaphysical basis of the moral facts. Given these issues, and the fact that having a commonsensical account of moral knowledge is one of constructivism's greatest strengths, the constructivist should seek alternative epistemic accounts. I then put forth such an alternative account, the Challenge-Response Model, according to which an agent has a justified moral belief just in case they are able to adequately respond to all relevant objections from a relevant objector group. I concluded by arguing that the Challenge-Response Model is a better epistemic model for the constructivist, as it avoids the problems faced by Reflective Equilibrium and is fundamentally social, thus better securing epistemic justification.

Chapter 4

“Social-based Theories of Reasons and the Limits of Oppression”

0. Introduction

A new kind of non-objectivist theory of practical reasons has recently come to attention: social-based views, which hold that an agent’s practical reasons are a function of the social institutions, practices, and relations (IPRs) she takes part in.¹⁰⁷ More particularly, for a reason to be social-based it must stem from features of the IPR itself, rather than the individual. For example, it seems as though you have reasons to keep your friend’s secrets just in virtue of being a friend, rather than because it would be personally advantages for yourself to do so or because you have any kinds of pro-attitudes towards doing so. Social-based views are able to make sense of these commonsensical judgments. Moreover, others have argued that social-based views carry additional advantages as a theory of practical reasons: they can make sense of partial reasons, provide an apt explanation of agents’ moral psychology, can account for the motivational character of normative reasons, and can account for how we are beholden to others.¹⁰⁸ Furthermore, as a kind of non-objectivist theory, social-based views are able to provide these benefits without taking on the burdens objectivist theories are faced with, as they are able to maintain a straightforward and simple account of the metaphysics and epistemology of normative reasons.

¹⁰⁷ There is nothing in the nature of social-based views that in principle bars them from being objectivist views. I introduce the view this way since the social-based views previously put forth, and the one I ultimately advance, are non-objectivist.

¹⁰⁸ Manne (2013) argues for the first three particular advantages of a social-based view; Walden (2012) cites the last consideration as an advantage of social-based views.

However, social-based views aren't without their own obstacles. For just as obvious as it seems that agents have reasons to keep their friends' secrets in virtue of taking part in the practice of friendship, it seems that agents don't have reasons to do just as *any* social IPR would have them do. To take an obvious case: just because one happens to take part in the practice of slavery, this doesn't entail that one has reasons to act as a slave. In this way, the biggest problem a social-based view faces is ensuring that only some, and not all, social IPRs generate genuine practical reasons for agents. The task that the social-based view is set with is determining what it is about these intuitively bad cases makes it the case that they are not reason generating. To solve this problem, social-based views must specify certain conditions a social IPR must meet in order for it to be genuinely normative and generate practical reasons for agents who take part in them.

This paper focuses on one particularly worrisome type of intuitively bad and intuitively non-normative IPRs: oppressive IPRs. I start in section 1 by first further introducing the concept of a social-based view of normative reasons, comparing it to individualistic non-objectivist accounts of normative reasons and motivating the need for a general constraint that such views rule out oppressive IPRs as genuinely normative and so as generating practical reasons for agents. After becoming clear on this task for social-based views, in section 2 I consider two contemporary social-based views, Kenneth Walden's "Social Constitutivism" and Kate Manne's "Social Teleology". After arguing that each fails to meet this constraint, in section 3 I put forth a new social-based view that I argue is able to meet the constraint, Looping Social Constructivism. To do so, I utilize a novel employment of the idealization strategy commonly used in non-objectivist metaethical theories, wherein the social IPRs that generate genuine reasons for agents are those that are idealized *at the social level*. On my view, the IPRs which are reason generating are those that are idealized such that

each position within the IPR has equal power in constituting the IPR itself. After putting forth the view I consider several seemingly problematic cases, where I argue that the view has the resources to rule out even complicated cases of oppressive IPRs.. I close by arguing that one important upshot Looping Social Constructivism has is that it provides a much needed feminist metaethics.

1. Social-Based Views: An Introduction

Most generally, objectivist views are those that hold that the source of normative truths, like what reasons an agent has, lies outside of her desires, projects, or values.¹⁰⁹ Contrarily, non-objectivist views of practical reason hold that the source of an agent's practical reasons is her preferences, desires, values, attitudes, projects, or evaluative point of view.¹¹⁰ One such familiar non-objectivist view is Subjectivism. Importantly, non-objectivist views like Subjectivism must have some way to ensure that not just *any* desire that an agent happens to have--no matter how bizarre or ill-informed--generates reasons for her. Given this overgeneration worry, these non-objectivist views have appealed to various strategies or conditions under which an agent's evaluative point of view generates reasons. Some, like Bernard Williams, utilize idealization, wherein an agent's reasons are a function of her idealized self who has no false beliefs and all relevant true beliefs; others have appealed to consistency and coherency, holding that an agent's reasons are a function of her desires and values after they are brought to be consistent and coherent.

111

¹⁰⁹ See, for example, Scanlon (2014), Enoch (2011), and Parfit (2011). Of course, there is always much disagreement over what counts as an objectivist view and what doesn't. For the sake of this paper I will be understanding objectivist views in this way. For the sake of simplicity the brief discussion of non-objectivist views that follows does not address more complicated views like Constitutivism or Kantian Constructivism.

¹¹⁰ See for example Williams (1980), Schroeder (2007), and Street (2009), amongst many others.

¹¹¹ For the former, see Williams (1980); for the latter see Street (2009).

Social-based theories of practical reasons differ from individualistic views like Subjectivism by holding that an agent's reasons are a function of some kind of the social institutions, practices, or relations (IPRs) that they find themselves in. Although both individualistic views and social-based views can be non-objectivist theories, they differ in holding whether an agent's reasons are dependent solely on her own beliefs, values and norms, or on her social group's/IPR's (broadly construed) beliefs, values and norms. Just as individualistic non-objectivist theories can differ from each other by holding that an agent's reasons are a function of different or differently idealized cognitive or affective mental states, social-based views can differ from each other by holding that an agent's reasons are a function of different or differently idealized IPRs. This is important because just as individualistic non-objectivist theories like Subjectivism don't say that an agent's reasons are a function of *whatever* desires she happens to currently have, a social-based view also shouldn't hold that *whatever* social IPRs agents happen to find themselves in, all of them are genuinely normative and generate reasons for all of those agents. For there are many problematic social IPRs that are noxious for the agents embedded within them. It would be a transparently fatal defect in such a theory if it were to have the consequence that, for example, the institution of slavery was normative and generated genuine reasons for agents who take part in the institution, including those who are slaves.¹¹²

The institution of slavery represents one type of particularly noxious social IPR, namely oppressive ones. Social-based views should be mindful of oppressive IPRs and be sure to rule them out as genuinely normative for two reasons. First, oppressive IPRs like slavery are especially

¹¹² I am relying on an incontrovertible first-order judgment or intuition, not any kind of theory of the good, to make this objection. Additionally, I am not ruling out that agents may have genuine practical reasons to take part in or otherwise abide by the constitutive norms of those practices, but just that the source of their reasons to do so is not the institution itself, but rather, for example, their own self-interest. I'm grateful to Hille Paakkunainen for bringing this point to my attention.

abhorrent, and, as such, may be grounds to reject any theory that determines them as genuinely normative for agents. This is because one major complaint against non-objectivist views like Humean Constructivism or Subjectivism is that they entail that certain lamentable individual conditions are genuinely normative and reason-generating for agents who have them (e.g. that those suffering from anorexia have reasons not to eat because of their desire to be thin).¹¹³ Provided that we should take these complaints as serious grounds for rejection for individualistic non-objectivist theories, we should likewise take complaints about the normativity of oppressive IPRs as genuine grounds for rejection for social-based theories. Moreover, though, oppression is a group phenomenon: it does not operate on the individual level, but rather affects groups, and individuals only in so far as they are members of certain social groups.¹¹⁴ Just as some might conceive of mental conditions like anorexia or depression as a defect within the individual, oppression could in this way be viewed as a defect within social IPRs, or on the social-level. Because social-based theorists locate practical normativity on the social level, this pernicious phenomenon pertains particularly to them, and should demand any social-based theorist's attention.

Importantly, though, there are two versions of this challenge of ruling out oppressive IPRs as normative. On the strongest version, the theorist must guarantee that it's *impossible* on their theory for oppressive IPRs to be normative; on the other, weaker version, they must only rule out oppressive IPRs as normative in ordinary circumstances (excluding from assessment implausible, very unlikely, or merely possible circumstances). In what follows, I will focus on the latter version of the challenge.

¹¹³ See Gibbard (1990) for this criticism, and Street (2009) and Sobel (2016) for a defense.

¹¹⁴ See, for example, Frye (1983) and Cudd (2006).

Since social-based views are non-objectivist, in order to avoid the issue of oppressive IPRs they must specify which IPRs are the ones that generate legitimately normative reasons by specifying the conditions or criteria an IPR must meet in order to be reason-generating. Call these reason-generating conditions or “RGC”s for short. In the next section, I will examine two contemporary social-based views--Kenneth Walden’s “Social Constitutivism” and Kate Manne’s “Social Teleology”--which specify different RGC’s, arguing that both fail to rule out oppressive IPRs as genuinely normative.¹¹⁵

2. Contemporary Social-Based Views

2.1. Walden’s Social Constitutivism

Constitutivist views hold that an agent’s reasons are a function of the constitutive norms of agency as such.¹¹⁶ Kenneth Walden (2012) argues that one of the constitutive norms of agency is that one’s actions be appropriately explainable. More specifically, he holds that in order to be an agent, one’s action needs to be interpretable by others under some laws of interpretation; otherwise, one’s action is mere behavior. Walden’s view is *social* because the laws of interpretation which serve as the constitutive norms of agency are themselves socially determined and constructed through a mutual interpretation process, and as such can manifest not just in a one-off way--as laws that govern isolated instances of single actions--but also as broad social organizations and structures. In this process, agents try to explain others’ behavior under the best laws of agency at their disposal while at the same time trying to conform their own behavior to the same laws. Put more simply,

¹¹⁵ Of course, this is not to say that these views fail to solve other overgeneration, or “too many reasons” problems. My point is that failing to rule out oppressive IPRs is especially bad, and thus that any social-based view that fails to do so is untenable.

¹¹⁶ See, for example, Korsgaard (2009) and (2011) for such a view.

agents try to interpret others' behavior in ways that makes it understandable to them, while at the same time trying to behave in ways that are understandable to others. This makes for a kind of mutual construction and revision wherein agents are constantly adjusting their behavior to fit the socially-determined laws of interpretation, and the socially-determined laws of interpretation are constantly being adjusted to fit agents' actions.

The aim of such an interpretation process, Walden holds, is to reach a kind of equilibrium or general stability between agents' actions and their explanations of others' actions. Given this, Walden's RGC is stability. An agent's reasons, then, are a function of the relatively stable socially-determined laws of interpretation: an agent has reasons to do that which is interpretable as action under stable laws of interpretation set by this social process of mutual construction and revision of such laws, including those manifested as social structures or practices. As Walden states, ". . . any social organization that adequately approximated the equilibrium of the Mutual Interpretation Process [has] normative force, and these constitutions qualify. So . . . the denizens of these societies really ought to behave in conformity with their particular constitutions of agency because that is what it takes for them to act."¹¹⁷ In short: an agent has reasons to behave according to, and thus maintain and perpetuate, the current laws of interpretation--the current social structures or organizations--provided that they are stable enough.¹¹⁸

The problem with Walden's view is one that he himself recognizes: that it seems possible for there to be societies with relatively stable laws of interpretation which are nevertheless "wicked". For instance, it seems that a racially segregated society could have laws of interpretation that are stable enough, such that by Walden's account agents supposedly would have reasons to do

¹¹⁷ Walden (2012), p.75.

¹¹⁸ Ibid., pp. 52, 69-75.

as those laws prescribe (engage in acts of segregation and generally uphold segregated institutions). But, since Walden's view is a form of constitutivism, we would be without the grounds to criticize the agent--in fact, in such a society, in *not* acting to as to maintain segregation an agent would be risking not acting and not being considered an agent at all.

Walden's response to such a challenge is that while such societies appear to have stable laws of interpretation, they in fact aren't stable. This is because, Walden claims, "the very features of those societies that made wicked things permissible, even obligatory, were also sources of instability."¹¹⁹ In arguing for such a claim, Walden tells a few "just-so" stories: for example, he claims that the Jim Crow South revolved around an ideology that held persons of color to be essentially and biologically different than whites, and that such an ideology was a source of instability, as the claims about race that were central to the ideology were undermined by new scholarship on race.¹²⁰

Setting aside the weakness of "just-so" stories, several problems remain with Walden's view.¹²¹ First, even if Walden's "just-so" story regarding the Jim Crow South were correct, it certainly would not undermine the initial charge made against Walden's view that it's quite possible for there to be relatively stable yet wicked societies or laws of interpretation. For one, the catalyst of the instability of Jim Crow South that Walden cites--new scholarship on race and segregation--is not necessary, nor even probable: it seems at least just as probable that no new scholarship would have emerged as that new scholarship on race did emerge under those conditions. In fact, it seems

¹¹⁹ Ibid., p. 76.

¹²⁰ For those who are not familiar with "just-so" stories, they are ad hoc and unverifiable explanations that are often put forth as suspiciously tailor-made to suit the broader project or theory (more precisely, an aspect of the theory that is crucial to its soundness is posited in the explanation of certain phenomena that seems directly opposed to the theory in a way that is *prima facie* doubtful and externally unverifiable). They are often used and criticized for their use in evolutionary psychology.

¹²¹ Just-so stories themselves have well-known weaknesses, which I won't elaborate on here. Rather, I'm particularly worried about Walden's use of them to overcome the oppression overgeneration worry; that is, even setting aside these general issues with just-so stories, there are particular problems with Walden's use of them here.

extraordinary that scholarship that flew in the face of such an extreme ideology even occurred. This subversive scholarship should be viewed more as miraculous than expected given that one feature of ideologies is that they are self-perpetuating. Moreover, Walden's "just-so" story rests on the claim that the source of the oppressive ideology's instability was false empirical beliefs. However, plenty of unjust ideologies are not based on false empirical beliefs (for example, it's very possible to have one based on beliefs like "those in power ought to stay in power"). If all of this is right, then Walden's ability to tell a "just-so" story to explain away the supposed stability of one oppressive society does not yet explain how such oppressive yet stable societies are unlikely.

Furthermore, while Walden's view makes societies and their laws of interpretation revisable, the ways in which Walden states agents are able to change the laws is also objectionable. Walden pictures change (or as he calls it "normative revolutions") as coming about through the violation of the current norms, but not through just any kind of violation. The kind of behavior that demands adjustment in the current norms is that which "is at the margins of intelligibility." This is because "behavior that is too far out of step with the reigning constitution of agency will be dismissed as lunacy."¹²² Taking the Jim Crow South case, this means that in order to change the oppressive, racist norms of segregation, the kind of behavior that agents--specifically persons of color--should engage in shouldn't defy these norms *too* much; for example, these agents could perhaps refuse to give up their seat on a segregated bus, but they shouldn't engage in armed protests or marry whites, or simply demand equal civil rights across the board, for that's just "lunacy," as Walden would say.¹²³ Walden's views on normative change are so objectionable because they

¹²² Ibid., p. 76.

¹²³ Walden cites Rosa Parks as a case where an agent's behavior was at the 'margins of intelligibility' and thus was an appropriate inciting case of a 'normative revolution' and at the same time still action. Of course, it is going to be vague and a matter of degree what kinds of defiant behavior are too defiant to be considered action and those doing it agents; I cite the cases of the Black Panther movement and interracial marriage as plausible candidates of actions that would be

require those who are oppressed to be patient with their oppression and to appease their oppressors, lest their behavior be deemed “lunacy” and they themselves not even counted as agents.

¹²⁴ Not only is this offensive, but it also seems untrue: why can’t--and furthermore why shouldn’t--social revolutions happen in drastic sweeps rather than tiny chips? And shouldn’t those at the front of the lines of such drastic overhauls be considered more of an agent, instead of less of one?¹²⁵

Given these considerations, Walden’s constitutivism fails to rule out oppressive institutions as normative, such that there can still be oppressive societies where agents have reasons to maintain and perpetuate its institutions--including the oppressed themselves. Furthermore, Walden’s view is especially bad because it holds that agents have reason *not* to demand drastic social change (and that doing so would disqualify them as agents).

2.2. Manne’s Social Teleology

Kate Manne’s (2013) social-based view holds that an agent’s reasons are grounded in social practices that they participate in. Specifically, Manne claims that reasons are generated via the constitutive norms of particular social practices. For instance, the social practice of *friendship* has certain constitutive norms like to be loyal and trustworthy, which generate reasons for agents who are in friendships; such reasons will be reasons to, for example, stand by one’s friend when they are in need and keep one’s friend’s secrets.

considered ‘unintelligible’ to the majority of whites in the 1960s in the same way that the Mafioso’s violent outbursts are ‘unintelligible’ to the majority of people now, as the ‘unintelligibility’ of the Mafioso case is supposed to set the parameters of intelligible action (see pp.71-2).

¹²⁴ To be fair, since Walden is not clear on exactly what would qualify as “lunacy” he might reject these as such cases; however, such underspecification would then be a failure of his view.

¹²⁵ At worst, this constraint on normative revolutions would completely eliminate the possibility of such revolutions in certain contexts where individuals’ beliefs are extremely rigid, for example where their racial prejudices run so deep and are so dogmatic that any behavior that speaks in favor of racial equality would be considered “lunacy”. One advantage of the positive view I put forth in section 3 is that it accounts for reasons to resist oppression.

At the same time, Manne readily admits that the challenge for the social-based theorist is to specify the conditions under which social IPRs are normative, for surely not just any, or every, social IPR generates genuine reasons for agents who are ingrained in them. On her broad sketch, the RGC she endorses is that an IPR be conducive to human “flourishing at large”. Manne’s view is able to remain sufficiently non-objectivist because this constraint of being conducive to human flourishing is not an objective normative requirement of valid social IPRs, but rather, Manne claims, is part of the telos or aim of social IPRs themselves, given by their interpersonal nature: social IPRs just are the kinds of things that aim at human flourishing at large.¹²⁶

This is the general outline of her view. Unfortunately, though, since the focus of her work on social-based views is on motivating social-based views in general rather than putting forth a fully articulated version of such a view, the details of her view are underspecified. However, in order to assess whether her view can adequately address the issue of oppressive IPRs, more details are needed. What she does say, though--specifically, her commitment to non-objectivism and to neither undergenerating nor overgenerating reasons--suggests the following more detailed picture.

¹²⁷

First, we can further understand her RGC in the (satisficing) consequentialist sense as holding that a social IPR needs to produce a sufficient amount of flourishing for all of those who take part in it, such that we assess an IPR relative to the total amount of flourishing it produces for

¹²⁶ Manne (2013), pp.69-70.

¹²⁷ This is not to say that there aren’t additional ways to develop the view other than the one I consider here; I do not consider all of these additional variations of the view, as I am interested in considering only the one that is most faithful to the text (that is, the one that most closely adheres to the commitments she takes on and what she does explicitly say about her view).

all of those who participate in instances of the IPR type.¹²⁸ Manne clarifies that a social practice “need only be *conducive* to human flourishing, rather than having to *actually* lead to it.”¹²⁹ In other words, provided that a social practice type, such as friendship, meets the consequentialist constraint by creating enough total utility for all of those who participate in friendships, any particular token of friendship is genuinely normative and generates reasons for all agents who take part in friendships. This way, one has genuinely normative reasons to help out one’s friend when they’re in need that one can’t escape merely because there are *some* friendships that are toxic, and don’t actually reach the satisficing level of utility for those who partake in them. This qualification saves her theory from undergenerating reasons. At the other end, Manne’s theory is saved from overgenerating reasons with its consequentialist constraint on flourishing: IPRs like slavery are ruled out from generating reasons since they lead to severe suffering for some, thus making the total utility produced for all of those who take part in it to be less than the amount required to be normative.¹³⁰

As an aside, we should first note that there’s a serious question about how her view is properly social-based, as it’s unclear how flourishing is a property of institutions (like Walden’s chosen property of stability), rather than individuals.¹³¹ However, setting this issue aside, there remains a serious question about whether Manne can actually balance the under- and overgenerating constraints against each other. I think that she cannot, due to a dilemma that she faces given her teleological claim concerning social practices. Remember here that Manne claims

¹²⁸ In footnote 48 Manne (2013) seems to endorse a satisficing consequentialist interpretation of her RGC. I spell out this aspect of the view in terms of those who take part in the IPR, as the cases Manne focuses on seem to track this set of agents in assessing the validity of the IPR.

¹²⁹ *Ibid.*, section 4, my italics.

¹³⁰ *Ibid.*, section 4. In this way, my argument is not that Manne’s view cannot avoid any problematic overgeneration, but rather they it is unable to avoid overgeneration with respect to all oppressive IPRs.

¹³¹ I’m grateful to Jan Dowell for bringing this issue to my attention.

that social practices have a telos or aim of human flourishing at large; importantly, this is a claim about the nature of social practices as such. The initial problem, however, is that it seems like *many* of our social practices--both current and past--*aren't* conducive to human flourishing at large: for example, just consider slavery, sex trafficking, terrorism, segregation, arranged marriages, the beauty industry, stop and frisk, the nuclear family, the fast food industry, witch trials, etc.. Given that so many past and current social practices are defective by not achieving their aim or telos, Manne's teleological claim begins to look quite implausible.

This, though, isn't the main problem, for Manne doesn't take herself to be burdened with defending her teleological claim. However, the implausibility of her claim given the above considerations leaves her with two options: either admit that social practices don't have a telos of human flourishing, which would be bad for her non-objectivist view, or hold that a social practice can have many failings with respect to its telos while still having that telos.¹³² For example, we can still maintain that a frog has a telos of catching flies, even though it misses many flies. To maintain her non-objectivist commitments, it seems like Manne would want to pick the second option, and maintain her claim that all social practices have this telos of human flourishing at large. If the second option is chosen, we now face two more options: either (1) maintain that only those social practice types that meet the consequentialist constraint are valid, or (2) give up this consequentialist constraint. If we pick option (1), then it seems that we fail to meet the undergeneration constraint, since, as stated, many of our social practices fail to achieve a decent amount of flourishing. Since Manne takes herself to be capturing a significant set of practical reasons in providing an account of

¹³² I'm grateful to Preston Werner for making this second option clear to me.

the source of practical reasons (in addition to holding herself quite explicitly to an undergeneration constraint), accounting for a small set of reasons would be a serious issue for her account.¹³³

Faced with this undergeneration worry, Manne might wish to resist the claim that many social practices don't result in flourishing: she might want to say that some of the practices I cited above, while surely leading to the suffering of some, nevertheless reach the satisficing level of utility; that is, that even though, for example, our criminal justice system leads to the suffering of racial minorities, it still produces enough utility, and so many of the social practices I cited above really do meet the consequentialist constraint and thereby generate enough reasons. However, in this case her view would face common objections to consequentialism, since it would hold that those racial minorities who take part in this racist criminal justice system and suffer from it still have reasons to participate in and maintain it (just as persons who are in abusive friendships would have reasons to participate in and maintain them, since the practice of friendship on the whole produces a total sum of flourishing for all that meets the satisficing amount demanded). Likewise, even if we want to allow Manne her claim that a social practice wouldn't count as valid if it lead to the serious suffering of some--which I'm very hesitant to accept, given that her consequentialist commitments wouldn't necessarily rule out the extreme suffering of some, provided that it is counterbalanced by the extreme flourishing of others--surely not all oppressive IPRs lead to the kind of extreme suffering Manne has in mind when she mentions slavery and sex trafficking (the other examples of oppressive institutions I cited above testify to this). In this case, some oppressive institutions would still be ruled as valid under Manne's theory.

¹³³ Manne (2013) states at the onset of her paper that the question she is considering is what the source of practical reasons are, and that we should be optimistic about how many of such reasons her account can capture. See pp. 50 and 70 respectively.

Remember here that Manne has two options when faced with the fact that many of our actual social practices fail to achieve flourishing: either (1) maintain that only those social practice types that meet the consequentialist constraint are valid, or (2) give up this consequentialist constraint. We saw that option (1) won't work, for two reasons. It either undergenerates reasons, or, if in seeking to avoid this undergeneration worry Manne were to deny that many social practices don't result in flourishing, the view faces consequentialist objections by ruling in as normative oppressive IPRs which seem to produce enough flourishing at the expense of those they oppress. If, then, seeking to avoid these consequentialist objections and generating too few reasons, we were to take option (2), we fail to meet the overgeneration constraint: now a social practice can fail to reach the satisficing level of flourishing while still qualifying as valid.¹³⁴ In this case, the oppressive practices that were supposed to be ruled out at the start like sex trafficking now count as valid.¹³⁵ So, no matter which option we take, Manne's view fails to rule out oppressive IPRs as genuinely normative.

3. Looping Social Constructivism

¹³⁴ To be clear, I don't think Manne intends to take option (2), but rather outline it as a possible option that is available.

¹³⁵ Another option would be to endorse some *additional* validity constraint. In fact, Manne seems to go in for this option when she states "I am inclined to think, moreover, that social practices must not be prone to bring serious suffering to anybody in the moral community, in order to count as valid" (2013), p.71. Unfortunately, Manne does not say anything more specific about this additional condition. Regardless of the details of this additional condition, I do not take it up here, as endorsing such a condition would seem to bring with it more problems than it solves. In addition to making the view disjointed and gerrymandered (as now the view would posit *another* condition that is of an entirely different kind), this strategy seems ad hoc, and would push Manne into objectivism, as she must account for the nature of this constraint, and cannot appeal to teleological grounds (as a social practice can't coherently both have the telos of flourishing *at large* and not bringing serious suffering to *anybody*). Since Manne leaves the satisficing dimension of her view undefined, she might also wish to appeal it, claiming that the level of utility rules in just enough social practices to not undergenerate reasons, while ruling out the oppressive ones. Even if finding such an exact level were possible, doing so would seem to be ad hoc.

In the last section, we saw two contemporary social-based views fail to rule out oppressive IPRs as genuinely normative. Note how each view attempted to meet this constraint: namely, by putting forth certain RGC's that a social IPR must meet in order to generate reasons. For Walden, the RGC was stability of the IPR. For Manne, it was that the IPR be conducive to human flourishing at large, in the satisficing consequentialist sense. Of note is that both RGC's put forth were properties of actual IPRs--that is, properties that IPRs of the actual world must instantiate in order to generate reasons.

In this section, I'll articulate an alternative social-based view that, I will argue, is able to rule out oppressive social IPRs as normative in a non-objectivist and content-neutral way.¹³⁶ Moreover, not only does the view I put forth meet this overgeneration constraint, but it also provides an account of reasons for resistance of oppression. The way in which this view differs from the two previous views discussed is with respect to the validity conditions for social IPRs. Specifically, my view endorses a strategy often utilized by individualistic non-objectivist views--idealization--in a novel way: I argue that social IPRs need to be idealized *at the social level*. On my view, the IPRs that generate reasons are those that are idealized such that each position within the IPR has equal power to determine the constitution of the IPR itself.

First, I will offer a further analysis of the structure of social IPRs. Then, I will show how idealizing at the social level would affect the mechanics of social IPRs, thereby ensuring that no IPRs that are idealized in this way would be both oppressive and genuinely normative. As I do so, I will explore various ways the adherent to this view may fill in numerous details of the view and

¹³⁶ By "content-neutral" I mean that the view does not specify which particular IPR types (e.g. friendships, marriage, basketball, slavery) are genuinely normative by their being that type, nor by their upholding certain objective values (e.g. being just), but rather specifies which IPRs are genuinely normative by their having certain proceduralist or non-normative features or conditions (e.g. all of the agents who take part in them are fully-informed of all the non-normative facts).

respond to some worries. Lastly, I will briefly show how my view fares well across several constraints for a feminist metaethics.

3.1. The Structure of Social IPRs

Social IPRs are structured in a particular way.¹³⁷ First, IPRs consist of nodes, or positions that individuals occupy, which designate rights, responsibilities, privileges, duties, expectations, and power. Take, as an innocuous toy example, the social practice of basketball. Within this practice, different individuals occupy different nodes: the players occupy different nodes than the coach, and, additionally, each player occupies a different node relative to the position they play. Given their occupation of different nodes, they have different responsibilities, expectations, and power: while the coach is responsible for calling the plays, the players are responsible for scoring points (or, more specifically, the point guard is responsible for handling and controlling the ball, the shooting guard is responsible for taking perimeter shots, the center for getting offensive rebounds and scoring inside the paint, and so on). These rights, responsibilities, privileges, duties, and power are distributed according to constitutive norms: what it is to be a basketball coach is to call the plays, what it is to be a point guard is to control the ball, etc.

Secondly, the choices, options, and actions of individuals within a social IPR are defined relationally.¹³⁸ This means that individual choices and actions cannot be properly understood in isolation, but rather are determined relative to the relations that an individual stands in to others, and their position within the structure of the practice as a whole (the node they occupy). For example, if we are to understand why Kyrie Irving drove to the hoop, it's insufficient to say that it's because he had an open lane. Rather, we should say that it's because Kevin Love blocked Irving's

¹³⁷ Much of what I say in this section follows Haslanger's (2012a) analysis of social IPRs.

¹³⁸ See Haslanger (2012a) and (2014).

defender by setting a screen, thus opening up a lane for Irving. This feature of social IPRs can also be illustrated with less conventional examples. Concerning the social practice of (heterosexual and binary) parenting: when trying to understand why women (rather than men) typically decide to exit the workforce to take care of the child, it is insufficient to merely say that it's because women prefer or simply choose to spend more time with their children. Rather, the optimal explanation makes reference to the fact that maternal, but not paternal, leave is available, and that typically couples can afford only to have one parent stay out of the workforce.¹³⁹

Finally, social IPRs are structured by a *looping effect* that obtains between the agents within the IPR and the IPR and its norms. Ian Hacking explains the looping effect as a phenomenon that occurs when agents are classified in a certain way (e.g. as X's), become aware of their classification as such (e.g. I am an X), behave differently in virtue of their awareness of such classification, and thus change the thing being classified (e.g. what it is to be an X).¹⁴⁰ At the level of social IPRs, looping can be understood as a kind of feedback mechanism wherein the norms of IPRs constrain and govern the behavior of the agents who constitute it, but at the same time the agents that constitute the IPR are able to adjust the IPR and its constitutive norms through their behavior.¹⁴¹ To see how this works in practice, consider the social practice of parenting again. In the past, the constitutive norms of parenting designated that women stay home to raise the child and men stay in the workforce. However, as time passed and opportunities for employment increased, women started joining the workforce, thus adjusting the constitutive norm of parenting that *women* stay

¹³⁹ This case is taken from Haslanger (2012a) and is originally due to Cudd (2006).

¹⁴⁰ Hacking (2001).

¹⁴¹ A careful reader will notice similarities here between Walden's "Mutual Interpretation Process" and the looping effect as discussed here. Walden takes inspiration from the looping effect as discussed by Hacking (2001), but applies it to the "laws of interpretation" or constitutive norms of agency that he posits; here, I keep more strictly to Hacking's account of the looping effect, noting its place in the basic structure of IPRs themselves, rather than any norms of agency as such.

home to raise the child to the norm that it be ensured that the child is being cared for by *someone* (e.g. child care workers) while the parents are at work, but not that the caring necessarily be done by either parent. In this way, IPRs aren't totally rigid, but rather can change both their constitutive norms and the way in which they're structured (the way in which rights, responsibilities, and power are distributed across the particular nodes and the way the nodes stand to one another).

3.2. IPRs Idealized

As stated previously, social-based views must specify RGC's an IPR must meet in order to generate reasons. More particularly, the RGC's that are set need to be able to rule out oppressive social IPRs as genuinely normative. Although idealizing has been widely employed by non-objectivist theories of practical reasons, it has been applied to individual agents--at the individual level--rather than at the social level.¹⁴²

I propose that the RGC social IPRs must meet is a condition of idealization, such that an agent's reasons are a function of the suitably idealized social IPRs she takes part in. Importantly, idealizing at the institutional or social level would be a matter of adjusting the way in which the practice or institution itself is structured. There are a few options one could take when considering how to adjust the structure of the IPR so as to rule out oppressive IPRs.

Initially, one might think that oppressive IPRs are noxious simply because individual choices and options are relationally *constrained* by other agents. Having one's choices and options

¹⁴² Again, to be clear, neither Walden nor Manne utilize idealization strategies. Both look to the social IPRs in the actual world, and assess which of these in fact has some property (producing enough flourishing, being sufficiently stable); the source of an agent's reasons is the IPRs in the actual world that in fact instantiate those properties. Very generally and abstractly, one way to understand this difference is that idealization strategies take something in the actual world, adjust it in certain ways, and then hold that the normative facts in the actual world are determined by this possible/non-actual adjustment of the thing in the actual world. So, for example, one sort of idealization strategy takes an agent's actual mental states, adjusts them for consistency and coherency, and holds that the normative facts (e.g. an actual agent's reasons) are determined by this non-actual adjustment of the actual agent's mental states.

limited by others at all, one might think, is oppressive. So, one might think, suitably idealized social IPRs would be ones where individual options are not relationally constrained or defined at all: they would be ones where individual agents are free to do whatever they please regardless of what other agents do. However, holding that a social IPR must be such that each agent's choices and options are totally unaffected by others' creates two problems: it would not only undergenerate reasons, but also seems to be false as a diagnosis of what makes oppressive IPRs noxious. As we saw above, all social IPRs are structured so that an individual's choices are at least in part determined by other individuals within the IPR. And, having one's options and choices relationally constrained in general is not oppressive: as we saw with the use of the screen in the basketball case, having one's options and choices be relationally determined is not always limiting, and can in fact sometimes be liberating and empowering (e.g. it can make it that one has more ways to achieve one's goals (to score) rather than less).

Another option is to say that oppressive IPRs are distinctive in virtue of their structures being across the board unequal. More specifically, one could say that oppressive IPRs are noxious because they distribute rights, responsibilities and expectations unequally amongst the nodes/individual participants: for example, some individuals have the expectation of child-rearing, while others have the expectation of having a career. In this way, one may think that suitably idealized social IPRs are structured by making everything equal across the board: every individual or nodes has the same rights, responsibilities, expectations, power, etc. Yet, this criteria faces the same problems as the last. For one, merely having generally unequal or different distribution of rights, responsibilities, and expectations across individuals is not necessarily oppressive. We only need to consider the basketball case again to see why that's the case: just because the coach has different

rights than the players, and has power over the way the players play, this does not mean that the players are being oppressed by the coach, or that basketball is an oppressive social practice. For that matter, we do not think that basketball is an oppressive practice simply because Kyrie Irving has different responsibilities than the coach. Similar remarks apply to the institution of parenting: just because a parent has more power than a child does not mean that the child is oppressed (by the parent).

At the same time, I do think that looking to the kind of power that individuals have within IPRs in virtue of occupying certain nodes is a promising place to look when seeking to idealize social IPRs so that they generate reasons--it's just not that all kinds of power that individuals have in virtue of occupying nodes ought to be distributed equally. Remember here that one of the powers individuals have in virtue of occupying a node is with respect to the looping effect, or feedback mechanism in which agents can adjust the norms that govern them within the IPR. It's important to note, though, that this mechanism is value neutral: that is, just as it can operate so as to bring about positive change (like lessening the restrictions on women's roles in parenting), it can also work in ways that are deleterious. Given this, the looping effect itself does not ensure that an IPR isn't oppressive. In light of this, I propose that we idealize the looping effect itself in the following way: that every node have equal looping power--that is, that every node have the same ability to determine the constitution of the IPR itself (the way in which rights, responsibilities, and power are distributed across nodes). It is not that every node needs to have the *same* choices or responsibilities, but that each node need to have the same power *to determine* the choices and responsibilities that belong to each node. Call this view Looping Social Constructivism.

We should now turn to consider versions of two real life institutions idealized for equal looping power: basketball and democracy. Of course, as institutions which exist in the real world, they currently stand as non-ideal. However, just as individualistic views that utilize idealization require some imagination in considering the contours of their idealized individuals, the same will be required here. What is important is to imagine the shape of the institution once every node has the same ability to determine the way in which rights, responsibility, and power are distributed across the nodes. In what follows I will illustrate how equal looping power can manifest in institutions as different as these.

Let's start with our favorite institution, basketball. Within the institution of basketball, there are rules that determine how many points each shot is worth. With the introduction of the three-point line in the NBA 1979, all shots were not equal: while all (non-penalty) shots inside of the three-point line counted as two points, all shots outside of the line counted as three. Over time, the distance of the perimeter three-point line has expanded and contracted. Having once been 22 feet 9 inches across from the basket and 22 feet at the corners, from 1994-1997 the arc was reduced to 22 feet all around; since the 1997-1998 season the arc returned to its former dimensions, where it currently stands today.¹⁴³ One reason why it was reduced was to reduce the number of low scoring games.¹⁴⁴ Similarly, today some fans are calling for it to be moved back even more, one reason being to increase the diversity of shots attempted and overall excitement of the game.¹⁴⁵

In this real life example, there are many roles in play that account for the change of one of the constitutive rules of NBA basketball, the three-point line/shot. It seemed to be a collective effort amongst the players, coaches, fans, and officials: the players shooting better and worse from the line

¹⁴³ Hand (2014).

¹⁴⁴ Ibid.

¹⁴⁵ See, for example, Goldsberry (2014).

affected where it was placed (the better they got at making perimeter shots the further it was placed); the coaches calling certain plays over others affected where it was placed (the more perimeter shots coaches call for the further it is placed); the fans enjoying the three-point line being in play in the first place and desiring an interesting and exciting game affected where it was placed (the less they enjoy it the further it is placed); and, finally, the NBA officials acted in light of all of the agents' actions in these other roles in determining where to place the line as an official rule. Idealizing this case appropriately, it wouldn't just be the NBA officials who decided that the three-point line would be at one length at one time and another length at another time: rather, they would be using their final law-making role and power of deciding which rules to sign into the NBA by responding to the desires and actions of the other nodes (e.g., making it a certain length because the fans desire a most exciting game). This idealized case illustrates that even though different roles or nodes of the institution of NBA basketball have different rights and responsibilities, and different power with respect to different domains (coaches have more power than NBA officials with respect to determining which plays are made), all of the roles or nodes of the institution have equal power with respect to the looping role, that is, with respect to the power to constitute and change the institution as a whole.

As illustrative as this idealized NBA case may be, one might think this is a case where such idealization isn't crucial, as it's an opt-in practice, and so it doesn't matter much if this practice is genuinely normative. Turning our attention to a more important case, we can look to the simplified case of an ideal political democracy. Considering only two of its roles or nodes of legislator and citizen/voter, it's obvious that there are many ways in which there are differences in power between these two roles. In order for this institution of democracy to be genuinely normative according to

the idealization constraint of Looping Social Constructivism, it does not need to be the case that these differences in domain-relative power need to be equalized. Indeed, as both of these cases show, my account allows for social IPRs that have a unique legislative node. However, for such IPRs where one node has unique legislating power (that is, where one node uniquely determines the constitutive laws of the IPR), in order for such legislating power to be legitimate, the legislative node needs to be sensitive to the preferences of the other nodes in some way. That is, the only way for such IPRs to meet my proposed idealization constraint wherein all of the nodes have *equal* power when it comes to determining the structure of the IPR, the non-legislating nodes need to either determine the legislating node (e.g. by determining its members in the case of democracy), or the legislating node must legislate by being responsive to and legislating in light of the preferences and actions of the other non-legislating nodes (as in the case of the idealized NBA).

While these cases illustrate the ways in which equal looping power can manifest, questions remain concerning the details of the procedure of idealization over actual non-ideal IPRs that actual agents take part in. Again, as the form of idealization proposed takes place at the social or institutional level, this procedure would leave the individuals who are members of the IPRs untouched.¹⁴⁶ Rather, we are to take the actual social IPR that an agent is a member of, and then we must consider what the constitution of the IPR would be if it were to be the case that every node within that IPR had equal looping power--that is, where each node has equal power with respect to determining the constitution of the IPR (how the rights, responsibilities, obligations, and power were assigned across nodes).

¹⁴⁶ Of course, this doesn't bar the Looping Social Constructivist from *also* utilizing some form of idealization at the individual-level. See section 3.3.

Interestingly, it seems that some thoroughly oppressive IPRs, like slavery, simply cannot survive such an idealization, since having equal looping power would undermine central components of what it is to be a slave. If such idealization does not dissolve the IPR itself, we are to imagine the shape of the idealized IPR by imagining what the IPR would be like if every node had equal status with respect to their ability to bring the IPR into conformance with their preferences.¹⁴⁷ This notion of equal status can be defined negatively: having equal looping power is to *not* have one's ability to affect the constitution of the IPR depend upon with node one occupies.

Lastly, the preferences of a node should be conceived of as those preferences individual agents have *as members of the node*: for example, what IPR structure one would prefer *as a coach*. Usually, these preferences will be largely clear, as given the constitutive role nodes have that distinguish them from other nodes, some things would better satisfy it, and thus would be preferred. In the case where the node's preferences are clear, they can be conceptualized as a consensus of individual preferences; however, if it is unclear what the node's preferences are because, for example, there is disagreement over what *as a member of the node* one should prefer (e.g. disagreement over what, as a coach, one should prefer) such that a consensus is lacking, the node's preferences can be conceptualized as the aggregate or average of individual preferences.¹⁴⁸

¹⁴⁷ Since this conception of equal looping power entails that each *node* has equal status with respect to constituting the IPR in conformity with their preferences, the number of *individual agents* who occupy a single node does not affect the power a node has: it is not the case that just because many agents belong to one node, that node has greater chances of successfully conforming the IPR to their preferences. This guards against tyrannic majority issues.

¹⁴⁸ Of course, many questions and challenges remain concerning this idealization strategy. Many of these concerns are concerns for idealization strategies in general: some epistemic (how can we, actual agents, come to know what our reasons are?), some normative (doesn't this make one alienated from one's reasons?). Although it is outside the scope of the current paper to fully address these issues here, one thing to note is that insofar as these are concerns that afflict idealization strategies as such, this particular account is no worse: if one wasn't against idealization strategies to begin with, the fact that these concerns follow my specific social account shouldn't dissuade one from adopting it. Secondly, it initially seems as though my account faces these issues to a lesser extent, as individual agents aren't themselves changed (so that there is no other version of themselves to be alienated from), and the epistemic access they have to the normative facts is more secure (they don't have to imagine what they would be like if they were different (a very difficult task indeed), but rather just how they would act and what they would choose if they had the power to do so).

Having clarified these details, we can now fully specify Looping Social Constructivism in the following way:

An agent's reasons are determined by the resulting idealized versions of the IPRs she actually takes part in after they are idealized for equal looping power such that each node in the IPR has the same ability to bring the constitution of the IPR (the way in which rights, responsibilities, expectations, and power are distributed across nodes) into conformance with their node's preferences.

3.3. Some Problematic Cases

Although basketball, democracy, and slavery offered straightforward cases that illustrated the RGC of equal looping power and how its use as a RGC can rule out oppressive IPRs, not all cases are so simple. Given this, we should also look to some more complicated possible cases of oppressive IPRs where overgeneration concerns might lurk. Investigating these cases would allow for further understanding of the extent of the view, as well as insight into the resources it has in ruling out oppressive IPRs as normative.

One type of potentially problematic cases are those where it seems like each node within an IPR shouldn't have equal looping power in the first place. First, consider various caretaking practices like parenting. Not only does it seem constitutive of such practices that participants don't have equal power, but it also seems like it would be harmful for those in the cared-for role (e.g. children) to have equal looping power those in the caring-for role (e.g. parents). However, it's important to remember here that equal *looping* power does not entail *node* powers or equal power within an institution that's provided by one's role. This is to say that a practice can have equal looping power (equal power in determining the distribution of rights, responsibilities, and powers

across nodes) without it being the case that each node has the same powers or rights to do the same things (that children also have the right to decide what insurance policy to adopt or to drive). Consequently, a practice of parenting can have equal looping power while the parents have more power or rights to do things than children without it being the case that children lack equal looping power.

Another kind of case where it seems counterintuitive to have equal looping power is the institution of our prison system. Even if we might think that there should be drastic prison reform--as our current prison system is certainly oppressive¹⁴⁹--it seems like we perhaps still wouldn't want to go so far as to say that prisoners should have just as much power in the determination of the overall structure of the prison system as any other node within the institution. The thought here is that if we were to allow prisoners equal looping power, the prison system that would result would be in their favor to an intolerable extent.

Notice, though, that this doesn't automatically follow from the idealization constraint put forth: that is, just because every node has equal looping power, and thus equal status with respect to their ability to bring the IPR into conformance with their preferences, doesn't mean that the IPR will actually take on the shape of any one node's preferences. This is akin to a direct democracy: just because every citizen has one vote--and thus every citizen has equal power in this sense--does not entail that the law (or whatever is being voted on) automatically conforms to a specific citizen's preferences. So, in this case, even if we were to allow prisoners, as a node, equal looping power in the constitution of the prison system, this does not mean that the shape the idealized prison system ultimately takes would conform to the prisoners' preferences. Many times, it seems as though there

¹⁴⁹ See, for example, Alexander (2012).

will have to be some compromise between the preferences of the nodes when they conflict. Additionally, we should be less worried about this case in particular, as this particular institution is one where there are many nodes with varied interests, and thus the chances of the idealized institution conforming to any one node's preferences are substantially reduced. The prison system, as an institution, consists of more than just prisoners and wardens: it also includes guards, police officers which make original arrests, judges would make the sentencing, private owners who profit from the prisons, government officials, and even medical staff. So, although under this idealization constraint prisoners will have some chance of having the idealized institution conform to their preferences, the chance and thus power they have is not to an objectionable extent.¹⁵⁰

The case of the prison system brings up another important objection that highlights the varied ways in which oppression can manifest: in ruling out oppressive IPRs we should not only look to the relations between the nodes of the IPR, but also to how individual nodes are constituted. More specifically, the objection is that even if every node within an IPR has equal looping power, the IPR might still be oppressive in the way in which individual agents are slotted into certain nodes. For example, even if the prison system were idealized such that every node had equal looping power, the IPR may still be oppressive if all the individuals that come to inhabit the prisoner node are, for example, persons of color. One line of response for the Looping Social Constructivist involves appealing to the interdependence of IPRs. That is, one can point to the fact that individual agents in the actual world belong to many different IPRs. Plausibly, if *all* of the IPRs that an individual belonged in were idealized for equal looping power, then this issue of individuals being slotted into nodes in seemingly oppressive ways would no longer hold. For example, if the prison

¹⁵⁰ Of course, some may think that prisoners having *any* power--that is, having their preferences have *any* impact in the structure of the prison system--is objectionable. I take this position to be much too implausible, as prisoners are still persons, deserving of basic rights, and as such their preferences should carry some weight.

system, judicial system, education system, housing system, etc. were all idealized for equal looping power, it seems unlikely that all of the individuals that come to inhabit the prisoner node would be persons of color.¹⁵¹

Another complicated case arises from the fact that oppression can manifest in social structures by affecting not only whether all individuals have equal looping power but whether they even exercise it at all. Most generally, this is the problem of internalized oppression. For example, consider a possible religious practice where although women have equal looping power in the sense that they *could* change the IPR, women (seem to) voluntarily give up this power, and instead yield to their male partner's every preference, including their sexist or misogynistic ones.¹⁵² Moreover, these women may prefer to use their power in a way that would match or defer to another node's preferences.¹⁵³ For example, women immersed in sexist IPRs may, even under this idealization at the social level, simply defer to men, matching their preferences to the preferences of the men. This is the problem of adaptive preferences: under conditions of oppression, agents come to adapt their preferences to fit their oppressive conditions, typically preferring what their subordinate position prescribes that they prefer. For example, if women's subordinate role prescribes that women stay out of public life (including the workforce) and raise children, women come to prefer to not work and instead raise children. As this kind of case illustrates, even if certain nodes (women) were given equal power of constituting the IPR according to their preferences, and actually used this power, the

¹⁵¹ Of course, the ways in which IPRs interact with and affect one another is an extremely rich topic unto itself, and I cannot do it justice here. Rather, I hoped to have pointed to a plausible avenue of response for the Looping Social Constructivist with respect to this specific issue. I'm grateful to Milo Phillips-Brown for both bringing this important issue to my attention and suggesting this line of response.

¹⁵² This case is very similar to that of the "happy slave" that may be more familiar to some readers.

¹⁵³ Similarly, the oppressed may lack certain non-oppressive imaginative possibilities (that is, they'd lack the ability to imagine certain non-oppressive configurations of the IPR and their node). I'd like to thank Emma Marija Atherton for bringing this point to my attention.

node could end up conforming their preferences to the preferences of other nodes, and thus nevertheless result in an oppressive IPR.

There are a number of things the Idealized Social Constructivist can say in response to this issue. First, they could say that the problem with these cases of internalized oppression is not a structural problem of the kind focused on here, but, rather, the problem concerns bad *individual* starting points. In other words, what makes these cases problematic doesn't have anything to do with the IPR itself or the way it is structured, but rather with the fact that some individuals which occupy the IPR have internalized oppressive values. Nevertheless, more can be said to assuage worries about these cases. Here, one can appeal once again to the web of IPRs that individuals inhabit. Plausibly, if all of these IPRs were to be properly idealized, this bad starting point of internalized oppression would also be revised, as it itself is due to noxious social circumstances and influences. Secondly, one could simply bite the bullet, and admit that in these cases, the idealization constraint is met, and the IPR is normative. But, one could go on to say that there's good reason to believe that these cases where adaptive preferences would persist even after having equal looping power would be quite rare: for the attitudes and beliefs of the individual agents are likely to change in light of having such equal power. For example, once women were given the opportunity to join the workforce, their preferences and values changed as they no longer believed that their "place" was in the home.

However, one might be unpersuaded that these cases of persistent adaptive preferences lie outside of the concern of the Looping Social Constructivist, or are quite rare; or, one might think that, as rare as they may be, they are highly unacceptable. This brings us to the last strategy available to the Looping Social Constructivist. Although the main strategy and hallmark of Looping Social

Constructivism is idealization *at the social level*, there is nothing in principle barring the view from also utilizing idealizing *at the individual level*. So, in addition to idealizing for equal looping power, the view could also idealize for false beliefs of individuals within the nodes, especially those that concern the IPR itself, like the belief that she has such equal looping power and that she's not vulnerable to penalties for using it.

Lastly, one type of problematic case falls out of a fundamental criticism of ideal theory by non-ideal theorists. The criticism is that if the norms or principles ideal theorists put forth were to actually be instituted and followed in the actual world, the world would fall further from the ideal rather than come to more closely conform to it; as a result, this makes the norms proposed by the ideal theorist illegitimate. To take a simple example: if under ideal conditions it seems that the fair or just distribution of goods would be to distribute them equally, implementing this distribution in the actual world given its injustices in distribution of wealth would only serve to exacerbate these injustices, instead of bringing about conformity to an actual equal distribution of goods. Since Idealized Social Constructivism is a view that uses idealization, one may think that similar problems would arise regarding IPRs that take oppressive forms in the actual world. For example, one might think that if agents actually acted on the norms and reasons that hold for agents in the idealized form of the IPR they take part in, this would only make the IPR more oppressive. Similarly, one might think that certain practices that are essential for undoing the injustices of our actual, non-ideal world, like affirmative action or unions, would be ruled out at the outset as the constitution of IPRs are determined under idealized conditions; the thought here is that if every node had equal looping power none would prefer practices like affirmative action or unions, since

the rationale for these practices depends on the fact that the actual world and IPRs in it are imperfect.

Let's take the second non-ideal theory criticism first. Here, even though Idealized Social Constructivism uses idealization at the social level, one can expect the imperfect status of the actual world to naturally enter into nodes' preferences. This is because the process of idealizing at the social level does not wipe the memory of knowledge that agents have about the injustices and imperfections of the actual world. In this way, nodes' preferences would be a matter of what shape they would want the IPR to take for the actual, non-ideal world, instead of what constitution they would want the IPR to have if no injustices existed and the world were ideal. So these practices would not be ruled out at the outset, and would plausibly even be determined as the form of the practice that results when every node has equal looping power.¹⁵⁴

With respect to the first non-ideal criticism, it's important to note that my account is not an account of what agents should do, all things considered, or what they have most reason to do; rather, it is only an account of what reasons agents have, including those that may be overridden. Even so, one may still think that as an ideal theory, it's worrisome that my account may entail that agents have *any* reason to do actions that, if performed, would either further exacerbate their oppression or make them worse off. For example, consider the institution of public transit during segregation. Idealizing this IPR would, intuitively, make it such that riders who were persons of color had reasons to sit wherever they wanted, including at the front of the bus. But, some might

¹⁵⁴ I say "plausibly" here as I believe it is plausible to assume that a sufficient amount of the individuals who occupy the nodes within the practice both have knowledge of such injustices and prefer that they not persist. Of course, it is possible that one of these features does not hold. In this case, if one is significantly bothered by the possibility that, for example, affirmative action would not be the shape of admissions practices determined after idealizing for equal looping power, one can always utilize a form of idealization at the individual level previously discussed, where one could thereby ensure that individuals at least have knowledge of the imperfections of the actual world.

think it sounds counterintuitive to say that these riders, in the actual world at the time of segregation, had any reason to defy the current laws and sit at the front of the bus, for this would make them vulnerable to penalties. However, I think that it's right to say these riders have *some* reason to defy these laws, for this is merely to say that under conditions of oppression, oppressed agents have some reason to rebel and resist their oppression. Provided that any account of reasons should be able to account for the fact that the oppressed have *some* reason to not simply succumb to their oppression, I welcome this consequence of my view.¹⁵⁵

Idealizing IPRs in the way I've advanced makes sense of what's noxious about oppressive IPRs without ruling out any particular IPRs in virtue of their content. In this way, it's a non-question begging and content-neutral way for a non-objectivist social-based view to ensure that no oppressive IPRs are genuinely normative. First, it seems that an IPR is oppressive when certain individuals or nodes have greater power of constitution via the looping role than other individuals or nodes. Looking at the classic case of slavery, we can see that certain individuals (white slave owners) had greater powers with respect to fixing the rights afforded to the nodes in the practice (slave owners and slaves) through their behavior (voting so as to pass certain laws, using weapons, refusing to help slaves or acknowledge them as human beings, etc.). Secondly, having equal powers of constitution relative to the looping role as a RGC isn't packing in any value-laden content: it isn't saying that individuals ought to have *these particular* kinds of responsibilities and rights or *those particular* choices and options. It also remains sufficiently non-objectivist: my account still holds that an agent's reasons are a function of the values and (constitutive) norms of the social IPRs that she takes part in. It does not say that some relevant evaluative notion of 'equality' is

¹⁵⁵ Importantly, this is not to say that the oppressed have obligations to resist their oppression, or all things considered ought to rebel. On the obligation of the oppressed to resist their oppression, see Boxill (2010), Buss (2010), Card (2006) and Hay (2011).

objectively valuable and the condition under which IPRs are genuinely normative--rather, just as individualistic social-based views idealizes certain *individual* cognitive (evidence, drunkenness) and affective (weakness of will, depression) powers or capacities agents have, my Looping Social Constructivism idealizes certain *social* powers and capacities agents have, as the power of constitution of an IPR with respect to the looping role is a power one has as a social agent.^{156, 157} For these reasons, my Looping Social Constructivism is able to meet one of the biggest challenges to social-based views of ruling out oppressive IPRs as genuinely normative while remaining content-neutral and non-objectivist.

4. Concluding Remarks

While Looping Social Constructivism may not ensure that no agent ever has any reasons to act in ways that seemingly conform to oppressive practices (e.g. that no agent ever has a reason to be a housewife), I've argued that it does ensure that these reasons don't have their source in, or aren't in virtue of, the valid IPR itself. Now, I want to take a step back from this specific challenge that is the focus of this paper and look to some upshots of this work, particularly how the picture of Looping Social Constructivism presented here fits with some issues that are important and underappreciated.

¹⁵⁶ To be clear, on my view it is that the IPR itself is idealized at the social level (at the level of the nodes), and that as a result this affects individuals' (which occupy the nodes) social powers; through idealization, individuals cease being powerless and come to have this social power, but it is only in virtue of occupying the node that their social power changes through idealization.

¹⁵⁷ One question related to the mind-dependency of my view is whether agents's reasons could be a function of IPRs that don't have equal looping power, provided that these agents opt into or choose to have IPRs where some nodes are deprived of this equal power. In the same way as individualistic non-objectivist theorists like Subjectivism wouldn't say that an agent's reasons could be a function of their state of drunkenness even if that the agent choose to be in this state, I would like to rule out the idea that an agent's reasons could be a function of IPRs that don't have equal looping power amongst the nodes provided that an agent chooses to be in such an IPR.

One important issue this work speaks to is the role and importance of feminist considerations when constructing philosophical theories, especially normative ones. Aims, values, issues, and strategies held by feminist philosophers are often underappreciated; here, they are widely and seriously incorporated. This incorporation is noteworthy since, unlike other areas in contemporary analytic philosophy, there's been an unfortunate dearth of explicit feminist approaches to metaethics.¹⁵⁸

More particularly, the social-based view I put forth here fares very well across several feminist constraints, and so looks to be a good candidate as a kind of feminist metaethics. First, the account is not overly "masculinist" by putting forth a view of agency where agents are completely independent, isolated, calculating, and free of any social ties.¹⁵⁹ Rather, the view of agency developed in this view looks at agents through their social context, taking the social seriously by having the relations that agents bear to others take primary focus. Additionally, the view takes most seriously a great feminist concern: oppression. By holding that theories ought, minimally, *not* entail that agents have reasons to participate in, perpetuate, and maintain oppressive practices and norms that are sourced in the oppressive practice itself, the constraint on theories of normative reasons that no oppressive IPRs be ruled as genuinely normative honors feminist concerns; by meeting this constraint, my view is deemed successful by feminist lights.

Lastly, through the kind of idealizing constraint put forth, this view also makes possible the evaluation and critique of "social structures, social roles, role-obligations, access to power, and the formation of selves to fit the structures" that feminists are urging our ethics and metaethics make

¹⁵⁸ Some exceptions being Driver (2012) and Superson (2012).

¹⁵⁹ This is a classic feminist criticism that has been put forth against theories of autonomy, ethical theories, and theories of justice.

possible.¹⁶⁰ By gaining a picture of what idealized social IPRs look like, we gain a better picture of what is wrong with our current social IPRs, and a direction of where to go and what to change to make the kinds of improvements to our social world that feminists demand.¹⁶¹

5. Summary

There are many considerations that speak in favor of locating reasons on the social level. However, those that do are faced with a pressing task: ensure that some, but not all, social institutions, practices, and relations (IPRs) are genuinely normative and generate reasons. More particularly, I've argued that what's most important is that social-based views ensure that no oppressive IPRs are genuinely normative and generate reasons. In this paper, I have argued that two contemporary social-based views fail to do so, and proposed a new social-based view--Looping Social Constructivism--which is both able to rule out oppressive IPRs as normative and remain non-objectivist and content-neutral. In doing so, I put forth a novel use of idealization that occurs at the social or institutional level, rather than the level of individual agents. On my view, the reasons an agent has are a function of the social IPRs they are actually a part of when they are idealized such that every node within the IPR has equal power in constituting the IPR itself.

¹⁶⁰ See Haslanger (2012b).

¹⁶¹ Although one may be concerned with general issues non-ideal theorists point out with ideal theories, this is one way in which I think my theory, although it endorses an idealizing strategy, does not face similar problems: namely that configuring the ideal is often the first step to understanding what direction to head in when setting out to change our current non-ideal circumstances. Moreover, I take my theory to side-step other traditional non-ideal theory objections, like those lodged against Rawls. For example, the problem many non-ideal and feminist theorists take with Rawls' original position is that it abstracts away from and in this way completely erases the social positions and relations an agent has. However, my theory does not idealize by abstracting away from agents' social features. See also section 3.3. for my resolution of other traditional objections from non-ideal theory.

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C.V.

Nicole Dular

Syracuse University
Philosophy Department
541 Hall of Languages
Syracuse, NY 13244 USA

email: nicoledular@gmail.com

web: nicoledular.weebly.com

EDUCATION

Syracuse University

Ph.D. in Philosophy, 2017 (expected)

Dissertation: "Knowing Better, Reasoning Together"

In this thematically connected set of papers, I seek to explore some ways in which moral knowledge is strikingly different from non-moral knowledge, as well as exploring social constraints on moral knowledge and normative reasons.

Committee: David Sobel (co-chair), Hille Paakkunainen (co-chair), Janice Dowell, Sally Haslanger

M.I.T.

Visiting Student, Spring 2016

Brandeis University

M.A. in Philosophy, 2012

The New School

B.A. with honors in Philosophy, 2009

AREAS OF SPECIALIZATION

Ethics, Epistemology

AREAS OF COMPETENCE

Feminist Philosophy, Social/Political Philosophy, Philosophy of Language

PUBLICATIONS

"Moral Testimony under Oppression" (forthcoming, *Journal of Social Philosophy*)

PAPERS IN PROGRESS

“Harder, Better, Faster, Stronger: Epistemic Standards and Moral Beliefs”

“Social-based Theories of Reasons and the Limits of Oppression”

“Moral Stakes, Higher Standards”

“The Game is Rigged: Responsibility under Oppression”

“Transparently Wrong,” co-authored with Nikki Fortier

“Who’s Afraid of Slurs?,” co-authored with Matthias Jenny

PRESENTATIONS

Professional

“Who’s Afraid of Slurs?,” with Matthias Jenny, Pacific Division Meeting of the American Philosophical Association, April 2017

“The Game is Rigged: Responsibility and Agency under Oppression,” Society for Analytic Feminism, September 2016

“Social-based Theories of Reasons and the Limits of Oppression,” St. Louis Annual Conference on Reasons and Rationality (SLACRR), May 2016

“The Game is Rigged: Responsibility under Oppression,” Workshop on Gender and Philosophy (WOGAP), April 2016

“Harder, Better, Faster, Stronger: Epistemic Standards and Moral Beliefs,” Pacific Division Meeting of the American Philosophical Association, April 2016

“Harder, Better, Faster, Stronger: Epistemic Standards and Moral Beliefs,” Rocky Mountain Ethics Congress, August 2015

“Moral Testimony and Oppression,” *Thinking and Bias* Graduate and Post-graduate Conference, University of Alberta, June 2015

“Still Confused: Normative Language and Moral Indifference,” *Reductionist and Anti-reductionist Perspectives on Normativity* Graduate Conference, York University, April 2015

“Moral Stakes, Higher Standards,” Central European University *Moral Epistemology* summer school, July 2014

“What about the Blamed?,” *Moral Responsibility* Graduate Conference, The New School, April 2012

“Moral Criticism in Frankfurt’s Conception of Love,” North American Society for Social Philosophy, July 2011

“Moral Criticism in Frankfurt’s Conception of Love,” Long Island Philosophical Association, July 2011

COMMENTARIES

Professional

Comments on Martin Abreu, "Non-Catastrophic Discrepancies," American Association of Mexican Philosophers Conference, September 2016

AWARDS

Outstanding TA Award, Syracuse University, 2015-2016

Certificate in University Teaching, Syracuse University, 2016

American Philosophical Association Graduate Student Travel Grant, 2016

Syracuse University Graduate Student Organization Travel Grant, 2015-2016

Syracuse University Graduate Student Organization Travel Grant, 2014-2015

Syracuse University Graduate Student Organization Travel Grant, 2013-2014

TEACHING EXPERIENCE

As Primary Instructor

History of Ethics, Syracuse University, Spring 2017

Critical Thinking, Syracuse University, Summer 2016

Introduction to Moral Theory, Syracuse University, Fall 2015

Ethics and Contemporary Issues, Syracuse University, Summer 2015

Philosophy of Feminism, Syracuse University, Spring 2015

Social and Political Philosophy, Syracuse University, Fall 2014

Introduction to Philosophy, Brandeis University, Summer 2014

As Guest Lecturer

"The Oddity of Moral Testimony," PIKSI-Boston, Summer 2015

"Moral Motivation," Metaethics (Brett Sherman), Brandeis University, Spring 2012

"Stephen Darwall and Angela Smith on Blame", Causation and Blame (Marion Smiley), Brandeis University, Fall 2011

As Teaching Assistant

Ethics and the Media, Syracuse University (Paul Prescott), Fall 2016

Stem Cells and Society, Syracuse University (Hille Paakkunainen), Spring 2014

Social and Political Philosophy, Syracuse University (David Sobel), Fall 2013

Introduction to Philosophy, Syracuse University (Mark Heller), Spring 2013

Introduction to Ethics, Syracuse University (Samuel Gorovitz), Fall 2012

Existentialism, Brandeis University (Berislav Marusic) Spring 2012

Ethics and the Emotions, Brandeis University (Kate Moran), Fall 2011

Introduction to Ethics, Brandeis University (Kate Moran), Spring 2011

Bioethics, Brandeis University (Eli Hirsch), Fall 2010

SERVICE

Professional

Executive Committee Member, PIKSI-Boston, 2015-2016

Mentor, PIKSI-Boston, 2014-2015

Chair, American Philosophical Association Central Division Meeting, February 2015

Chair, Princeton University Networking and Mentoring Workshop for Graduate Student Women in Philosophy, August 2014

Departmental

Lecturer, Syracuse University's Philosophy for Children Program with Southside Academy Charter School, 2015-2016, 2014-2015

Co-organizer, Syracuse University Women's Working Papers, 2015-2016, 2014-2015

Reviewer, Syracuse University Graduate Conference, 2014-2015, 2012-2013

Co-organizer, Syracuse University Graduate Conference, 2013-2014

Co-organizer, Syracuse University Women's Group, 2013-2014

Co-founder and co-organizer, Syracuse University Metaethics Reading Group, 2013-present

Founder and Organizer, Undergraduate Women in Philosophy Meet and Greet, 2013-2014

External Speaker Committee, Syracuse University Graduate Conference, 2012-2013

Co-organizer, Brandeis University Brown Bag Series, 2010-2011

GRADUATE COURSEWORK (audited courses marked with *)

Value Theory

*Topics in Ethics and Value Theory (Kate Manne), Spring 2015

Practical Reason (David Sobel), Spring 2014

*How to Be Good (Julia Markovits), Fall 2014

Autonomy (Hille Paakkunainen and Kenneth Baynes), Fall 2013

Varieties of Naturalism in Metaethics (Hille Paakkunainen), Spring 2013

Ethics and Political Philosophy Proseminar (Hille Paakkunainen), Fall 2012

Metaethics (Brett Sherman), Spring 2012

Causation and Blame (Marion Smiley), Fall 2011

Ethics and the Emotions (Kate Moran), Fall 2011

Kant's Moral Philosophy (Kate Moran), Spring 2011

Sources of Normativity (Marion Smiley), Fall 2010

Social/Political Philosophy

Philosophy of Feminism (Kara Richardson), Fall 2013

Philosophy of Social Science (Kenneth Baynes), Fall 2012

Metaphysics and Epistemology

*Epistemic Value and Normativity (Nathaniel Sharadin), Fall 2016

Language, Epistemology, Mind and Metaphysics Proseminar (Andre Gallois and Michael Caie), Spring 2013

Testimony and Disagreement (Brett Sherman), Spring 2012

The Truth about Fiction (Palle Yourgrau), Spring 2011

Personal Identity (Robert Greenberg), Spring 2011

Graduate Proseminar (Eli Hirsch), Fall 2010

Logic and Language

Deontic Modals (J.L. Dowell), Spring 2014

Logic and Language Proseminar (Michael Caie), Fall 2012

Language and Context (Brett Sherman), Spring 2012

Intermediate Logic (Alan Berger), Fall 2010

Continental Philosophy

Heidegger's *Being and Time* (Simon Critchley), Spring 2009

History

History Proseminar (Frederick C. Beiser), Fall 2013

REFERENCES

David Sobel, Irwin and Marjorie Gutttag Professor, Ethics and Political Philosophy (Ph.D. co-chair), Syracuse University, dsobel@syr.edu

Hille Paakkunainen, Assistant Professor (Ph.D. co-chair), Syracuse University, hpaakkun@syr.edu

Janice Dowell, Associate Professor (Ph.D. committee member), Syracuse University, jldowell@syr.edu

Sally Haslanger, Ford Professor of Philosophy and Women's Studies, Massachusetts Institute of Technology, shaslang@mit.edu

Danielle Bromwich, Associate Professor (teaching reference), University of Massachusetts Boston, danielle.bromwich@umb.edu

