

## How Not to Be a Normative Irrealist

A Reply to Jimmy Lenman

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Jimmy expresses sympathy for Scanlon's contractualism but wonders whether it might be better developed in the context of a Humean expressivism. Jimmy presses this point, in part, by observing that much of what Scanlon wants to say about moral and normative discourse, such as their logical discipline and apparent truth-aptness, can be accommodated by the expressivist. If all that Scanlon wants to say about moral and normative discourse can be accommodated by the expressivist then what content can be given to his denial of expressivism, to his commitment to a cognitive understanding of moral judgment and judgments of reasons? The appearance of a genuine dispute between Scanlon and the expressivist can seem to slip quietly out of view. In this reply I will focus in detail on one strand of Scanlon's thought that raises difficulties for the expressivist model that Jimmy favors. The point is to emphasize that there is indeed a genuine dispute between Scanlon and the expressivist and to suggest, tentatively, that Scanlon's contractualism might require its present cognitive development.

Focus on normative discourse, judgments of reasons. The expressivist model is this: Judging something to be a reason is a matter of treating it as a reason. Suppose, moreover, that treating something as reason is to accept a norm that prescribes that it count in favor of something. Then, there will be norms corresponding to reasons, and it might seem that whatever can be expressed in terms of reasons can be expressed in terms of norms understood as noncognitive attitudes.

If the requirements of duty are reasons, then these in turn can be understood as what's prescribed by a system of norms. One characteristic of moral discourse is its authority. Thus if Edgar judges that lying is wrong then not only does he accept a reason not to lie but he also recognizes, implicitly at least, that this reason is not contingent upon his acceptance of it. Morality is not, after all, a matter of taste. Moreover Edgar takes himself to have a good reason for accepting the wrongness of lying, that is a reason not only for himself but for everyone else as well. There is a natural extension of the expressivist model that promises to explain and render intelligible the authoritative role moral judgment plays. Specifically the expressivist might account for this authority in terms of a coherently integrated system of noncognitive attitudes. Thus not only does Edgar accept a norm that forbids lying, but he also accepts a higher-order norm that prescribes that he accept that norm and that everyone accept that norm whether or not they in fact accept it. The general idea is that higher-order attitudes regulate which lower-order attitudes to accept and hence which features of the circumstance are to count as reasons. It is this regulative role in determining what counts as a reason that explains why the authority of the demand is grounded in the higher-order attitudes that prescribe it.

This extension of the expressivist model closely resembles the extension of the desire model of reasons that Scanlon criticizes in *What We Owe to Each Other* (55):

Taking second-order desires into account introduces a broader form of reflection that more closely resembles the kind of thinking I have described. But if second-

order desires are really desires then there is the question of how their second-order character, if it is just a difference in the objects of these desires, can give them the kind of authority that is involved when one reason supports the judgment that another putative reason is irrelevant. My desire to be a person who does not let considerations of personal interest influence his decisions as department chair conflicts in the practical sense with my desire, in this case, to do what will make life easier. I cannot act in a way that will satisfy both of these desires at once. But they are just two desires that conflict with each other. The introduction of second-order desires does not do justice to our sense that there is a deeper conflict, expressed in the judgment that the reason represented by the latter desire is not relevant.

There are two worries expressed here, each of which is a basis of an argument against the extended expressivist model.

First, higher-order attitudes differ from lower-order attitudes: While higher-order attitudes have lower-order attitudes as objects, lower-order attitudes do not. But how could attitudes of fundamentally the same kind differ in authority when the only relevant difference is an intrinsic difference in object? If there was a puzzle about how certain lower-order attitudes could be authoritative all by themselves, it is hard to see how this puzzle could be resolved by appealing to attitudes of fundamentally the same kind that differ only in object. This difference in object could not ground the authority that the latter allegedly has over the former. The point is easier to appreciate if instead of higher-order attitudes that a person bears to his own attitudes we consider the higher-order attitudes that he bears to the attitudes of others. Suppose that Bernice is angry at Edgar. Suppose that Edgar feels that Bernice's anger is unwarranted. He might be angry at her for being angry at him. In this emotional conflict, it is wrong to think that Edgar's anger is authoritative just because it has Bernice's attitude as an object – Edgar, after all, may be being unreasonable. Higher-order attitudes are higher-order not in the sense that lower-order attitudes answer to them but only in the sense that they have lower-order attitudes as objects.

Second, suppose that Edgar accepts a higher-order norm prescribing that he accepts a norm prescribing guilt if he frustrates the expectations of others. Suppose, however, that Bernice expects Edgar to take the blame for her wrongdoing. Edgar may be socially obliging, but he is nobody's patsy: Edgar is not disposed to feel guilty for not taking the blame because he accepts a norm that forbids guilt in those circumstances. So Edgar accepts a higher-order norm that conflicts with a lower-order norm that he also accepts. How might this conflict be resolved? Edgar might revise the lower-order norm forbidding guilt since it is inconsistent with a higher-order norm that he accepts. Indeed, this encourages the thought that higher-order attitudes could be the grounds of impersonal authority. The higher-order norms regulate which lower-order norms to accept and hence which features of the circumstance are to count as reasons. This is an illusion, however. Edgar might equally revise the higher-order norm. Edgar may be obliging and continue to be, but his confrontation with Bernice might reveal that obligingness has its limits, and he might revise his higher-order attitudes to reflect this. Everything else being equal, it is good when attitudes cohere, but when they conflict,

coherence can be achieved by revising either. But this undermines the idea that higher-order attitudes are authoritative: If higher-order attitudes regulate which lower-order attitudes to adopt, then coherence should only be achieved by revising lower-order attitudes but coherence may be achieved by revising higher-order attitudes as well.

To these two doubts we can naturally add a third. There are two ways to describe the case where Edgar revises the lower-order attitude incompatible with the higher-order attitude that he accepts: The case might be described as a mere change in attitude or as a correction of attitude. Suppose that the higher-order norm is authoritative. Then revising the lower-order norm is not merely a change in attitude, but a correction of attitude. However, if, as the expressivist conceives of it, the conflict is between attitudes that cannot be jointly satisfied where the only relevant difference is an intrinsic difference in object, then there is no reason yet to think that the revision is anything other than a change in attitude. If the conflict were between accepting something as a reason for an attitude and accepting a reason that discounts that thing as a reason for that attitude, then the revision would be a correction of attitude. In the latter case, the relevant difference is not an intrinsic difference in object but a difference in the reasons for attitudes that intrinsically differ in object. The point is easier to appreciate it if we engage in the kind of speculative psychology that some might regard as disreputable. Consider the case where Edgar has all the relevant higher-order attitudes without regarding them as authoritative. Suppose that Edgar was raised to be socially obliging by domineering and psychologically adroit parents. Though Edgar cannot shake these attitudes, he can see no reason for acting on them. In these circumstances, if Edgar revises the lower-order attitude forbidding guilt, the revision would be a change of attitude and not a correction of attitude since the revision is not a reflection of the reasons he accepts. Thus, in representing a correction of attitude in terms that could only represent a change in attitude, the expressivist fails to account for the relevant authority.

The basis of a diagnosis of these difficulties is provided by Scanlon in “The Metaphysics of Morals.” There he distinguishes two kinds of normative claims. *Substantive* claims are claims about what reasons there are. In contrast, *structural* claims are claims about the relations that must obtain between attitudes if a person is to be rational. Thus, for example, if Edgar believes that UCL is located at 19 Gordon Square then he must be prepared to rely on that belief in further theoretical and practical reasoning if Edgar is to be rational. Scanlon makes the following observation (“The Metaphysics of Morals,” 17):

Expressivism arises, initially, as an attempt to explain the special intrapersonal normative significance (or, as the expressivist might put it, the special motivational force) of practical judgments. In my terms, it arises as a way to explain phenomena of structural normativity. But *interpersonal* disagreement is mainly about claims of *substantive* normativity. Our disagreements are generally about what is a reason for what, such as whether revenge is a good reason to take a certain action in certain circumstances.

It is easy to see how the conflation of structural for substantive normativity would explain the expressivist’s difficulties. Higher-order attitudes were supposed to be authoritative

since they regulate which lower-order attitudes to adopt and hence what counts as a reason. However, determining what counts as a reason is a matter of substantive normativity. The extended expressivist model is subject to its difficulties since it seeks to explain substantive normativity in terms suited only to explaining structural normativity.