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Intuition, Perception and Emotion:
A Critical Study of the Prospects for
Contemporary Ethical Intuitionism

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Abstract

This thesis is a critical study of the prospects for contemporary accounts of *ethical intuitionism*. Ethical intuitionism is an epistemological theory about the nature of our justified ethical beliefs, whose central claim is that we have at least some *non-inferentially* justified beliefs. Having been out of favour for much of the latter-part of the twentieth century, ethical intuitionism is enjoying something of a renaissance. Contemporary proponents of the view have shown that ethical intuitionism need not fall foul of the main objections previously brought against it. Furthermore, developments in epistemology have helped to make the notion of non-inferential justification (and the associated view, *epistemological foundationalism*) more philosophically respectable.

As I will suggest, non-inferentially justified belief paradigmatically involves a belief that is justified by a *non-doxastic* state. In this thesis I will consider four accounts of ethical intuitionism which each claim that a particular kind of non-doxastic state can ground justified ethical beliefs: *understandings*, *intellectual seemings*, *perceptual experiences* and *emotional experiences*. Note that contemporary ethical intuitionists do not commit themselves to there being a distinctively *ethical* non-doxastic state. Rather, contemporary ethical intuitionists adopt a sort of *innocence by association* strategy, suggesting that that we gain non-inferential justification in ethics in much the same way as we get non-inferential justification in other domains.

It is my purpose in this thesis to subject each of these four accounts of contemporary ethical intuitionism to sustained philosophical criticism. Although I do not think that ethical intuitionism is implausible, it is my view that the current enthusiasm for the position ought to be seriously tempered, and that much work will need to be done in order to make it acceptable as a meta-ethical view.

Firstly, with regard to the *understanding* (self-evidence) account I argue that there are serious problems with the view that the substantive *Rossian principles* are non-inferentially justifiably believed on the basis of an *adequate understanding* of their content. Secondly, I go on to suggest, inter alia, that proponents of the *intellectual seemings* account of intuitionism cannot appeal to their favoured general epistemological principle in order to ground their ethical epistemology. Given this, much work needs to be done on their part in order to show *why* we

ought to think that intellectual seemings with an ethical content that is *substantive* get to justify. Thirdly, against the *ethical perception* account I suggest that even if it is true that ethical agents have perceptual experiences which represent *ethical* properties, it is not at all obvious that this supports ethical intuitionism, since insofar as such experiences get to justify, it seems plausible that they will ground *inferentially* or *mediately* justified beliefs. I do, however, suggest that a related *perceptual* view *may* be able to ground a plausible account of non-inferentially justified ethical beliefs. Finally, I consider the *ethical emotions* account. Given that this is a relatively new view on the philosophical scene I spend much of my time defending it against some serious recent objections brought against it. However, I will also suggest that there are question marks surrounding the epistemological credentials of emotional experiences and that much work will therefore need to be done in order to make the view that emotional experiences *do* in fact non-inferentially justify ethical beliefs acceptable.

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Introduction

This is a thesis on *ethical intuitionism*. Ethical intuitionism is, first and foremost, a theory in *meta-ethics*, which is the branch of philosophical ethics that evaluates our ethical discourse along metaphysical, semantic and epistemological lines (to name but a few). More precisely, ethical intuitionism is a theory in *ethical epistemology*, i.e., it is a theory about our justification for believing, and knowledge of, ethical propositions. Specifically, the *core* claim of ethical intuitionism – and the central focus of this thesis - is the following claim:

EI: We have some non-inferentially¹ justified ethical beliefs (and knowledge).

Ethical intuitionism has, in some form or another, been around for centuries. There is a long and distinguished list of philosophers who have been labeled intuitionists: e.g., Francis Hutcheson,² Thomas Reid,³ Henry Sidgwick,⁴ G.E. Moore,⁵ and W.D. Ross.⁶ I will, not, however be concerned with explicating or evaluating the intuitionist views of these philosophers in this thesis. Although many contemporary ethical intuitionists take their philosophical inspiration from these thinkers, e.g., Robert Audi's philosophical rehabilitation of the work of W.D. Ross, it is my view that contemporary accounts constitute a significant improvement upon the historical versions of the view. I will therefore be focusing exclusively on *contemporary* versions of ethical intuitionism.

Despite it being more-or-less universally out of favour in the latter half of the twentieth century, ethical intuitionism is enjoying something of a philosophical renaissance at the moment. This is partly due to the clarificatory work of philosophers like Robert Audi (2004) who have shown that ethical intuitionism need not fall foul of many of the supposed objections traditionally brought against it, e.g., the claims that intuitionism is committed to there being a special faculty of *ethical intuition*, or to there being metaphysically weird *non-natural* properties etc. In addition, advancements in epistemology have shown that epistemic foundationalism (which ethical intuitionism has often been thought to be a type of – more on

¹ I will mostly employ the term 'non-inferential justification' throughout the thesis, although I will occasionally make use of the terms *immediate* and *direct* justification. On my view these terms are synonymous. See Pryor, J. (2004) for similar use of the term 'immediate justification.'

² See *Essay on the Nature and Conduct of the Passions with Illustrations on the Moral Sense*

³ See *Essays on the Active Powers of the Human Mind*

⁴ See *Three Methods Of Ethics*

⁵ See *Principia Ethica*

⁶ See *The Right and The Good* and *The Foundations of Ethics*

this later) need not be committed to the seemingly implausible claim that some of our beliefs are *infallible* or *indefeasibly justified*. However, despite these philosophical improvements, it is my view that contemporary ethical intuitionism has not yet been subjected to detailed enough scrutiny to make its acceptance reasonable. Hence a thesis-long treatment of the view is highly pertinent.

Speaking roughly for now, the aim of this thesis is to critically evaluate the prospects for four contemporary accounts of ethical intuitionism grounded in *understanding*, *seemings*, *perceptions* and *emotions*. Again, speaking roughly, my conclusion is that, although ethical intuitionism is not implausible, the current enthusiasm for the position ought to be seriously tempered, and that much work will need to be done in order to make it acceptable as a meta-ethical view.

It will be the purpose of this Introduction to provide a detailed explication of what contemporary ethical intuitionism is committed to and to set the stage for the critical work that will follow. In §1 I will outline the ancillary non-epistemological commitments of ethical intuitionism, distinguishing it from some key alternative meta-ethical positions. In §2 I will discuss in detail the core epistemological claim of ethical intuitionism, EI, connecting it with other epistemological issues and distinguishing it from alternative epistemological views. Finally in §3 I will provide an overview of the thesis and its conclusion, including a detailed chapter summary.

1. Ethical Intuitionism: Non-Epistemological Commitments

In this section I will delineate (but will not argue for) the three ancillary non-epistemological theses that contemporary ethical intuitionists commit themselves to: *cognitivism*, *robust ethical truth* and *robust realism*. At the outset I should reiterate the point that I understand ethical intuitionism to be an *epistemological* thesis about the nature of our justified ethical beliefs and knowledge. Although contemporary ethical intuitionists (and their philosophical forebears) have committed themselves to the semantic and metaphysical views I am about to outline, it is my considered view that these features are not obviously *necessary* features of ethical intuitionism. In particular, I think this point holds for the commitment to *robust realism*, a metaphysical thesis which I will describe shortly. For purposes of space and to

avoid needless complication I will keep my comments on this issue to a minimum. I do, however, invite the reader to keep these points firmly in mind as we progress.

Firstly, let me say something about *cognitivism* about ethical judgments. In order to understand what cognitivism amounts to, consider the following example of an ethical sentence that could be uttered as an ethical judgment in everyday contexts:

(1) The use of nuclear weapons is ethically unjustified.

Cognitivism is a thesis about the *content* or *meaning* of ethical judgments like (1). Cognitivists claim that judgments like (1) either involve the formation of ethical *beliefs*, or the expression of antecedently held (dispositional) ethical *beliefs*⁷ which purport to represent or describe the world as being a certain (ethical) way, in the same manner as non-ethical beliefs represent the world as being a certain (non-ethical) way, e.g., *the United Kingdom possesses nuclear weapons*.⁸ In other words, cognitivists claim that ethical judgments have a propositional content that includes an *ethical* propositional content; ethical judgments ascribe ethical *properties*, e.g., *rightness*, *badness*, *cruelty*, to certain states of affairs, action types (and tokens), individuals etc. In a different locution, ethical judgments are in the business of stating *ethical facts*. Like other beliefs, ethical judgments are assessable in terms of truth or falsity (they are truth-apt).⁹

By contrast, *non-cognitivists* claim that ethical judgments like (1) are not in the business of stating ethical facts or ascribing ethical properties to actions etc. Instead, depending on the sort of non-cognitivism we are talking about, the ethical judgment in (1) – and ethical judgments generally – will express some sort of non-representational *attitude* towards nuclear weapons, e.g., *Boo for nuclear weapons*, or perhaps some sort of *prescription* or *command* against it,

⁷ Dispositional (or antecedently held, or mnemonically held) beliefs should be distinguished from dispositions to believe. A subject, *S*, might be disposed to believe that *p* without already holding that belief. For a full treatment of the distinction between dispositional beliefs and dispositions to believe see Audi (1994).

⁸ For the view that ethical judgments can be understood as *beliefs* which are *non-representational* or *non-descriptive* see the work of Horgan and Timmons (2006). I am unclear as to whether and how this sort of *cognitivist expressivist* view could be combined with an *epistemological* view like ethical intuitionism.

⁹ Ethical intuitionists, and cognitivists generally, face the problem of accounting for the apparent *practicality of ethical judgments*, i.e., that there seems to be a conceptual connection between making an ethical judgment and having some (defeasible) motivation to act in accordance with it. Cognitivists can either attempt to claim that ethical beliefs are capable of motivating (and thereby denying a plausible-sounding Humean account of motivation) or else deny that there is such a conceptual connection, i.e. by adopting *externalism* about ethical motivation.

e.g., *Don't support the existence of nuclear weapons*. Of course, the judgment in (1) has *some* representational content, i.e., it represents the use of nuclear weapons, but the non-cognitivist claim is that the *ethical* element of (1) is non-fact-stating.¹⁰ So the ethical judgment in (1) does not ascribe the *property* of being *ethically unjustified* to the use of nuclear weapons but instead functions to express, e.g., disapproval, of nuclear weapons.¹¹ As a result, non-cognitivists have traditionally claimed that judgments like (1) do not have a truth-value.¹²

Contemporary ethical intuitionists are cognitivists about ethical judgments.¹³ Such a position may seem natural for intuitionists to adopt for at least two reasons. Firstly, given that ethical intuitionists are committed to there being non-inferentially justified ethical *beliefs* and ethical *knowledge* (which entails belief), the commitment to cognitivism seems an obvious option for them. Secondly, the commitment to cognitivism ought to be seen in the context of an overall commitment to preserving the way ethical discourse initially or pre-theoretically appears to us, a commitment which typifies ethical intuitionism in both its traditional and contemporary forms. To illustrate, upon first inspection, many of our ethical judgments do appear to have the surface form of declarative as opposed to, e.g., imperatival, sentences. Furthermore, ordinary ethical agents will often speak of themselves and others as having *strongly held ethical beliefs*, and engage in ethical disputes *as if* the judgments they were making expressed conflicting beliefs. Indeed, the contemporary intuitionist, Philip Stratton-Lake (2002) claims, 'Pre-reflectively, we have no doubt that our moral judgments express moral *beliefs*'¹⁴. Somewhat less stridently, Miller (2003) claims that 'the surface form of moral discourse is *propositional* or *cognitive*'¹⁵, where the *surface form* of a discourse 'is the way that discourse initially appears, in other words whatever is suggested by its surface syntax'¹⁶.

¹⁰ Put another way: on the non-cognitivist view, moral predicates are predicates 'only in the grammatical sense; below the surface – when we get to the "real meaning" of a moral judgment – the predicate disappears' from Joyce, (2006), p. 53

¹¹ In another location, the *primary* sense of ethical judgments is *prescriptive* or *expressive*, while the *secondary* (non-ethical) sense of ethical judgments is fact-stating. See Brink (1989), p. 19.

¹² Note, however, that this is not true of many contemporary expressivists, e.g., Blackburn (1996) who endorse minimalist or deflationary theories of truth.

¹³ Note, however, that some ethical intuitionists, e.g. Ross (whose position appears to be endorsed by the contemporary intuitionist Philip Stratton-Lake) allows that an ethical judgment can express a feeling of approval but in a way that 'does not prevent such judgments from describing the world in some [presumably ethical] respect.' Stratton-lake (2002) p. 14

¹⁴ Stratton-Lake, P., (2002), p. 1

¹⁵ Miller, A., (2003), p. 60

¹⁶ Ibid., p. 61

Consider now the second non-epistemological thesis contemporary intuitionists commit themselves to: *robust ethical truth*. There are actually two sub-theses at issue here. The first is the claim that at least *some* of our ethical judgments are *true*. Again, this seems a natural position for ethical intuitionists to take. The first reason is that this claim is presupposed by the notions of non-inferential ethical knowledge (which entails *true* belief) and – to a lesser extent – justified belief (where justification is understood as being in some sense truth-directed) which ethical intuitionists are committed to as part of their central thesis. The second reason is that ethical intuitionists are concerned with respecting the way ethical discourse appears pre-theoretically, and it is plausible to claim that ordinary – non-philosophical - ethical agents regard certain ethical beliefs as being *true*. Some will think that (1) is such an example. Less controversially, the following appears to be a good candidate for a sentence expressing a true ethical proposition:

(2) The systematic killing of the Jews during World War II was seriously ethically wrong.

Not only do ordinary ethical agents *think* that (2) is true, they will also regard themselves as *knowing* (which entails truth) that the actions of the perpetrators of the holocaust were seriously wrong. In addition, the idea of there being ethical truths seems to be presupposed by the fact that ordinary ethical agents engage in ethical *deliberation*, i.e., that ethical agents think that there is a *correct* answer to ethical questions, which they can sometimes (perhaps all too often) fail to pick-up on.

The second sub-thesis – under the heading *robust ethical truth* – that contemporary ethical intuitionists commit themselves to is the view that *truth* ought to be understood in the *robust* or *non-deflationary* sense. Roughly, this is the view that to say of some proposition, *p*, that *p* is *true*, is to ascribe some metaphysically substantial or robust property to it, e.g., correspondence with the *facts*. In doing so, they reject *deflationary* theories of truth which claim that there is no such thing as a property of truth, or, if there is one, it does not have a substantial nature. Instead, on the deflationary view of truth, ‘the role of the words “true” and “false” in our language is simply to enable us to register our agreement and disagreement with what people say without going to the trouble of using all the words that they used to say it’¹⁷.

¹⁷ Smith, M. (2004), p. 184

Notice, that if a deflationary view of ethical truth could be made plausible (or a deflationary view of truth generally), then non-cognitivists can possibly account for ethical *truth* in our ethical discourse without this entailing a commitment amongst ethical agents to the existence of ethical facts or properties in any robust sense.^{18 19}

Talk of correspondence to ethical *facts* raises the question of what *sort of things in the world* make true ethical beliefs true (assuming a robust conception of truth), which, in turn, brings us on to the third and final non-epistemological commitment of contemporary ethical intuitionism; that of *robust realism*.²⁰ Contemporary ethical intuitionists claim that ethical beliefs are true in virtue of facts which are in some sense *constitutively independent* of the ethical assessments, beliefs or agreements of particular ethical agents, including those made under idealised conditions. In doing so they reject the view that true ethical beliefs are true in virtue of facts which are in some sense *constitutively dependent*²¹ upon the ethical assessments, beliefs or agreements of particular ethical agents, perhaps under idealised conditions. David McNaughton (1988) has the following to say about the sort of *robust realism* contemporary intuitionists have in mind:

it [robust moral realism] insists that there is a moral reality which is independent of our moral beliefs and which determines whether or not they are true or false. It holds that moral properties are genuine properties of things or actions; they are, as it is sometimes picturesquely put, part of the furniture of the world. We may or may not be sensitive to a particular moral property, but whether or not that property is present does not depend on what *we* think about the matter.²²

¹⁸ Counter to both of these views about ethical truth is the *error-theorist* who accepts that our everyday ethical judgments purport to ascribe ethical properties to actions (and more generally that our ethical discourse appears to presuppose that there are moral facts), but claims that all of our positive ethical beliefs are *false* because it denies that there are any ethical properties or facts for our ethical beliefs to refer to, e.g., Mackie (1977), Olson, (2010).

¹⁹ Whether someone could hold a deflationary view about truth and still sign up to some sort of ethical epistemology like intuitionism is an interesting question that I do not have the space to address here. Blackburn (1996) claims that the expressivist (who signs up to minimalism) can account for ethical knowledge as (roughly) being in a situation where we are reliable (but not in a way that involves a link with mind-independent facts) and where there is “no chance that an improvement in our position would undermine [our] evaluation.,” p. 88

²⁰ Note that Stratton-Lake (2002) appears to think that by adopting a *buck-passing* account of goodness and rightness, ethical intuitionists can ‘deny that moral properties must be utterly independent of us and our responses in order to be objective.’ p. 12 It is not clear to me how accounting for goodness (or rightness) in terms of reasons (presumably mind-independent) for adopting pro-attitudes or conclusive reasons for performance, by itself, makes the realism at issue any less mind-independent.

²¹ I borrow this terminology from Michael Huemer (2005).

²² McNaughton, D., (1988), p. 7

By adopting robust realism, contemporary ethical intuitionists reject, inter alia, *subjectivist* accounts, i.e., ethical facts are constitutively dependent on the ethical assessments or agreements of actual ethical agents, e.g. Harman (1977), *sentimentalist* accounts, i.e., ethical facts are constitutively dependent on the dispositions of certain properties to elicit merited *responses* from appropriately situated ethical agents, e.g., Wiggins (2007), and *constructivist* accounts, i.e., that an ethical judgment is true in virtue of the ethical assessments or agreements of ethical agents in idealised conditions, e.g., Milo (2007).

As a brief aside, it is worth noting the suggestion from contemporary intuitionists such as Robert Audi (1996) and Philip Stratton-Lake (2002), that the work of Rawls – characterised here as a constructivist – is partly responsible for the re-emergence of ethical intuitionism as a serious meta-ethical view. Apparently, it is with Rawls and his endorsement of the process of *reflective equilibrium*, which involves – in part – giving considerable credence to our *considered moral judgments*,²³ that we see the beginning of a general trend towards taking ethical *intuitions* seriously.²⁴ It is, however, worth noting that for Rawls, considered moral judgments are *not* claimed to be “hooked up” to some mind-independent ethical reality. Rather, they are arguably an aid to our attaining *self-understanding* - specifically, an understanding of our ethical sensibility – and are more akin to “grammar intuitions” that can aid us in attaining a comprehension of our capacity to form grammatically well-formed sentences.²⁵

As I already mentioned at the beginning of this section, I am assuming, with tradition and in line with what contemporary meta-ethicists who are labelled *intuitionists* endorse, that ethical intuitionism involves the commitment to some form of robust realism. Let me reiterate and expand slightly upon that point. As should hopefully become clear, much of what I argue in favour of, and against, the core epistemological claim of ethical intuitionism stands independently of the commitment to some sort of robust realism, i.e., many of my discussion/objections are not directly related to the problem of how ethical agents get to be “hooked up” to a mind-independent ethical reality (although some of my arguments *will*

²³ A considered moral judgment is a judgment with a moral content that is formed, perhaps reflectively, under conditions apparently conducive to the avoidance of epistemic error.

²⁴ Stratton-Lake mentions this in a footnote in his (2002) Introduction, p. 2

²⁵ I take these points about the role of intuitions in Rawls from Lenman (2007).

involve speaking to directly to the problems faced by robustly realist versions of ethical intuitionism). Indeed, much of what I say would apply to other meta-ethical theories which sought to claim that we could have some form of non-inferential epistemic justification or knowledge along the lines discussed, e.g., constructivists.²⁶ Unfortunately, I do not have the space to explore what is doubtless an extremely complicated issue. Let me simply say that given the nature of many of my arguments, this thesis should hopefully be of interest not just to those who are interested in ethical intuitionism in the “traditional” sense.

It might be argued that we should regard the ethical intuitionist's commitment to robust realism as part of their overarching commitment to taking seriously the way ethical discourse initially or pre-theoretically appears to us. For example, it is claimed that when we consider the phenomenology of certain kinds of moral experience, e.g., *direct judgments of obligation*,²⁷ we find that ethical demands present themselves as originating from *outside* and that this, in turn, provides a pro tanto reason for favouring some form of realism.²⁸ Also, it is often said that, when engaged in ethical disagreement, ethical agents behave *as if* some form of realism were true. Note however, that (i) there have been recent challenges²⁹ to the so-called “argument from phenomenology”, and, (ii) even if the argument from phenomenology were sound, it would plausibly only provide pro tanto support for a *form* of realism and not to *robust* realism. It is therefore not entirely obvious how a commitment to robust realism is motivated by the way ethical discourse pre-theoretically appears.

Despite these caveats, I will assume for the sake of simplicity that ethical intuitionists are committed to some form of robust realism. It should be pointed out, however, that there are

²⁶ Lenman (2007) explains that constructivists like Rawls think that our considered ethical judgments can have evidential value but in the same manner as our linguistic intuitions enjoy that status with respect to the facts about grammar. He states: ‘In seeking to characterize in general terms which English sentences are grammatical, which not, we take the linguistic intuitions of native speakers as enjoying evidential status. But this is not because we take ourselves thereby to be brought into contact with some external domain of grammatical facts determined prior to and independently of those intuitions about which the holders of those intuitions how somehow successfully contrived to find out a whole lot. The relationship between those intuitions and the grammatical facts is a considerably more intimate one. In investigating the grammar of the language I speak, we are in effect studying a complex feature of my psychology and my intuitive dispositions to judge sentences grammatically acceptable or otherwise stand in expressive, causal and indeed, to some extent, constitutive relations to that same feature that earns them a clear evidential status when our inquiry is a grammatical one. Similarly we might understand moral inquiry to be simply the study of our moral sensibilities, sensibilities of which our intuitive moral judgments are an expression.’ P. 70

²⁷ This comes from Mandelbaum (1955). Direct judgments of obligation involve judgments made by an ethical agent about whether there is an ethical duty upon them to perform or refrain from some action.

²⁸ See Mandelbaum (1955) for a seminal treatment of this issue. Mackie (1977) endorses the phenomenological claim about our moral experience but of course rejects realism.

²⁹ See Horgan and Timmons (2008).

varying degrees of robustness. To my mind, there is nothing in the core epistemological thesis of ethical intuitionism that necessitates a commitment to any particular degree of robustness. Let me illustrate this point with regard to three parameters. Firstly, consider the question of *reducibility*. Someone might reasonably claim that realism about a property *e* is a more robust form of realism if it is claimed that *e* is *irreducible* to other properties in the world.³⁰ On this view, realism about mind-independent irreducible ethical properties would be more *robust* than a mind-independent realism about ethical properties which claimed that ethical properties are reducible to other properties, e.g., the property of *rightness* is reducible to the property of *maximising happiness*. However, ethical intuitionism is an *epistemological* thesis and I do not see how it is therefore committed to any particular view about irreducible ethical properties.

Secondly, consider the claim from Mackie (1977) that ethical properties are *motivating* and *categorically reason-giving* properties. Someone might reasonably think that an ethical realism that posits such entities would be more robust than a view shorn of these apparently *queer* properties. However, it is again not at all obvious what connection there is between what is ostensibly a metaphysical view about the nature of moral properties and an *epistemological* view like ethical intuitionism, which is concerned with the nature of our ethical *justified* belief and *knowledge*.³¹ Of course, Mackie himself believed that once we accept that ethical properties are motivating (something which I myself do not endorse) and categorically reason-giving, then this *does* commit us to some apparently bogus epistemological view that requires a special faculty of intuition as queer as the properties it is supposed to detect. I do not, however, see how this follows since even if ethical properties are the way Mackie claims, this does not obviously *necessitate* some sort of sui generis faculty for detecting them. Ethical intuitionists need not commit themselves to intrinsically motivating ethical properties, nor to the view that we need some special faculty to detect them.

Finally, and related to the previous discussions, someone might claim that a more robust realism is one which posits *non-natural* ethical properties, where these can be understood in contradistinction to *natural* properties. Is ethical intuitionism committed to there being non-natural properties? Unfortunately, answering this question is made difficult by the fact that

³⁰ For this view about realism see Oddie (2005).

³¹ Timmons (1987) appears to agree: 'one may hold that there are immediately justified moral belief beliefs... without having to postulate what Mackie calls "metaphysically queer" entities or properties and some special faculty for detecting them.' p. 605

there is no consensus as to what a natural property is supposed to be. On some conceptions of naturalism, e.g., which claim that naturalism is the view that there are no *empirically infeasible synthetic a priori* propositions (see Copp (2003)), ethical intuitionism is compatible with naturalism. Indeed, on this conception, even the apparently *non-naturalist* notion of *self-evidence* (more details on this below) can be made to fit in a naturalistic framework.³² On other conceptions, e.g., those which identify natural properties as those which are the subject of the sciences and that we can take science as our best guide to metaphysical truth (see Lenman (2006)), it is not obvious how the claim for non-inferentially justified ethical beliefs is incompatible with this.

This concludes this section on the non-epistemological commitments that ethical intuitionists have tended to undertake. In the following section I will delineate the central epistemological claim of ethical intuitionism; the claim that we have at least some non-inferential justified ethical beliefs and ethical knowledge.

2. Ethical Intuitionism: An Epistemological Thesis

It was suggested in the previous section that ethical intuitionists have tended to commit themselves to three non-epistemological theses: *cognitivism*, *robust ethical truth*, and *robust ethical realism*. As I claimed, these are not necessary ingredients for an ethical intuitionist position. Furthermore, as I will now explain, they are also by no means sufficient.

On my understanding, ethical intuitionism is an epistemological thesis.³³ Epistemology can be roughly understood as the philosophical study of justified belief and knowledge. As an epistemological thesis, ethical intuitionism is a thesis about our *ethical* justified belief and knowledge. Before detailing what this thesis amounts to, let me say a little about justification and knowledge as I will be conceiving of them in this thesis. Firstly, when I speak of justification I will be referring to *epistemic* justification, i.e., *S* has epistemic justification for believing that *p* just in case *S* has positive support for the belief that *p* in terms of evidence or reasons for *p* that is in some way tied to the *truth* of *p*. Epistemic justification ought to be distinguished from *instrumental* or *practical* justification, which might involve reasons for

³² For agreement on this note following from Crisp (2002): ‘it is unwise to saddle it [ethical intuitionism] as an epistemological thesis with any metaphysical commitment to non-natural properties’, p. 59 Audi (2004) also claims that his ethical intuitionism is not committed to non-naturalism.

³³ Contrast this with *methodological intuitionism*; roughly, the view that there are a plurality of ethical first principles with no lexical priority. For details see Williams, B. (1995), p. 189

belief that are not tied to truth, but instead constitute reasons because of their positive effects, e.g., Mary believes in God – and is instrumentally justified in her belief - because holding that belief is psychologically beneficial for her. In speaking of epistemic justification I will also be making the following two assumptions: (i) justification can come in *degrees*, i.e., an agent *S* may have *some* justification for belief that *p* without having *outright* justification sufficient for reasonable belief that *p*, and, (ii) if an agent, *S*, is justified outright in believing that *p*, *S* will have a *positive* reason to believe that *p*, as opposed to simply having no good reason to reject *p*.³⁴ I will mostly conduct my discussion and argument in terms of justification, but let me briefly say how I will be conceiving of knowledge. Knowledge will be assumed here to roughly amount to *justified true belief* plus some condition that can accommodate the Gettier-type cases.³⁵ In doing so I will be assuming that justification is necessary for knowledge, although my considered view is that there may be some cases of knowledge that do not involve justification.³⁶

Recall, then, the core thesis of ethical intuitionism:

EI: We have some non-inferentially justified ethical beliefs (and knowledge).

Before focusing specifically on *non-inferential* justification, let us consider the general claim that we have justified ethical beliefs and knowledge. According to ethical intuitionists we can have epistemic justification *for* believing ethical propositions. That is to say, we have *propositional* justification for believing some ethical propositions. However, in order to claim that we have justified *beliefs* and knowledge, intuitionists must also show that at least some of our ethical beliefs are *based* upon adequate justification *for* belief.³⁷ The notion of a *basing* relation here amounts to something like the following: to say that *S*'s belief that *p* is *based* on epistemic source, *e*, is just to say that *e* is the reason (and perhaps the cause) for *S* holding that belief and the *S* will appreciate some sort of support relation between *e* and their belief that *p*. To see how these two notions might come apart, consider the following case. In his youth,

³⁴ For an account of *permissive* justification for belief that *p*, i.e. of having no good reason to reject *p*, see Sayre-McCord (1996).

³⁵ So-called Gettier-cases (so named after Edmund Gettier (1967) apparently constitute counterexamples to the claim that justified true belief is *sufficient* for knowledge.

³⁶ e.g. see Audi (2003) on the case of the *idiot savant*.

³⁷ See, e.g., Fumerton (1995), pp. 91-92. This relation between propositional and doxastic justification is widely accepted, although see Siegel (forthcoming) for discussion of complications.

Peter was taught the theory of evolution by several competent and enthusiastic science teachers. Being bright and attentive, Peter understood and internalized the strong supporting evidence for believing the theory of evolution. In such a case one might reasonably say that Peter has justification *for* believing the theory to be true. However, suppose that Peter believes the theory of evolution, but holds this belief on the basis of the say-so of a fairground guru and *not* on the basis of the testimonial evidence he acquired at school, i.e., *the reason* for his holding the belief is the testimony of the guru. In such a case we are inclined to say that the Peter's belief is *unjustified* since it is based on an epistemically inappropriate source.

So in order to avoid the conclusion that no ethical agents have justified beliefs ethical intuitionists are therefore committed to claiming (and showing) that at least some ethical agents sometimes base their beliefs – where the basing relation is normative and causal - upon propositional justifications for those beliefs, i.e., that we can have ethical justification both in the propositional and doxastic senses. Note that the claim that we have justified ethical beliefs and ethical knowledge seems to be in tune with our everyday, pre-theoretical thinking about the matter. We do often speak of individuals having ethical knowledge (as was suggested might be the case for (1) and (2)). Furthermore, we often take ourselves – most commonly in the context of ethical disagreement - to be engaged in the process of providing *justification* (understood in the epistemic sense) for our ethical beliefs.

In contrast, *ethical sceptics*³⁸, deny that we have ethical justification and knowledge. There are two broad ways in which they might argue for this. Firstly, they might deny that we ever have propositional justification for believing ethical propositions. A principal motivation for thinking this is due to the *epistemic regress* argument (more on this shortly), although there are other reasons why someone might be a sceptic, e.g., due to worries about the lack of satisfactory responses to the possibility of ethical *nihilism*. Note that someone could, however, be a sceptic about propositional justification in ethics whilst maintaining that we have justification in non-ethical domains, e.g., empirical beliefs based upon sensory experience. Alternatively, a less orthodox sceptic might accept that we have propositional justification for believing ethical propositions³⁸ but deny that any ethical beliefs are ever *based* upon adequate

³⁸ The primary exponent of ethical scepticism is Walter Sinnott-Armstrong (2006a). Note, however, that Sinnott-Armstrong's view is subtler than a blanket denial of ethical justification and knowledge; he distinguishes between having *everyday* and *philosophical* justification, claiming that we have some of the former but none of the latter when it comes to ethical beliefs.

propositional justification. Again, this might be a fact peculiar to ethics or a general problem with the sorts of things epistemic agents base their beliefs upon, e.g., someone might hold the view that all of our ethical beliefs are based upon *ethical intuitions*, which as a matter of fact, do not justify, whilst maintaining that we could have propositional justification for believing ethical propositions from some other source, e.g., from religious testimony or religious experience.

At this stage it is useful to consider the *epistemic regress* argument. Not only does the regress argument constitute a key plank in the traditional ethical sceptic's position, it also enables us to understand a primary motivation for ethical intuitionism, i.e., the view can be plausibly understood as being partly motivated out of a need to respond to the regress argument. The regress argument (as I am characterising it) goes as follows:

Epistemic Regress Argument (ethical)

P1: If a subject, *S*, has justification for believing an ethical proposition, *p*, then *S*'s justification must derive from another of *S*'s justified beliefs, *q*.

P2: No *S* can have justification for believing an ethical proposition *p* in virtue of holding purely non-ethical justified beliefs, *q*, *r*, *s* etc (the so-called *Autonomy of Ethics*).

C1: If *S* has justification for believing ethical proposition, *p*, then *S*'s justification must derive from another of *S*'s justified *ethical* beliefs, *q*.

P3: If *S* has justification for believing ethical proposition *q*, then *S*'s justification must derive from another of *S*'s justified ethical beliefs, *r*, and so on for any putative justified ethical belief, *n*, held by *S*.

C2: If *S* has justification for believing ethical proposition, *p*, then either the belief that *p* is justified in virtue of an *infinite* chain of justification, or else the belief that *p* is justified in virtue of a *circular* chain of justification, i.e., the justification for believing *p* includes the belief that *p*.

P4: No belief that *p* is justified in virtue of an infinite chain of justification.

P5: No belief that *p* is justified in virtue of a circular chain of justification.

C3: Therefore, no *S* has justification for believing an ethical proposition *p*.

Applied to the case of ethical beliefs, the epistemic regress argument – if sound – entails ethical scepticism (note that the same argument can be given for knowledge). As stated before, ethical scepticism runs counter to everyday thinking about ethical beliefs; we take it that we *know* that the actions of the perpetrators of the holocaust were wrong. Outlining the regress argument is, however, useful, as we can understand the key epistemological positions, including ethical intuitionism, as seeking to provide responses to it. Apart from ethical intuitionism, the other major epistemological position is *ethical coherentism*.³⁹

Before focusing on ethical intuitionism, let me say a little about ethical coherentism (for proponents, see Brink (1989), Sayre-McCord (1996)).⁴⁰ Ethical coherentists about epistemic justification will deny a crucial background assumption of the regress argument, which is most perspicuous in premise P3; that of *linear* justification (note that they may also deny P2, and therefore C1).⁴¹ Coherentists will claim that it is the assumption of a linear *chain* of justification that apparently leads us to scepticism via the regress, i.e., the claim that a belief that *p* is justified by *q*, which is justified by *r*, and so on in a chain-like fashion. Coherentists are able to avoid this result because they conceive of justification as *holistic*; justification accrues to a belief just in case it is a member of a coherent *set* of beliefs. More specifically:

Ethical Coherentism: A subject, *S*, has justification for believing ethical proposition *p* just in case the belief that *p* is a member of a coherent set of beliefs, *q*, *r*, *s* etc held by *S*.

Just as justification can come in degrees, coherence is also a degreed notion. Hence, coherentists claim that a belief is justified according to the degree it coheres with other beliefs the subject holds. That is to say, a belief that *p* is justified to the extent that it exhibits the features associated with coherence, e.g., logical and probabilistic consistency with other

³⁹ There are other significant epistemological views available that I ignore here for purposes of space. Most notably is that of ethical *contextualism*; roughly, the view that correct ascriptions of epistemic justification and knowledge to ethical believers are determined by contextual factors. On this view, one could have non-inferential justification for believing certain ethical propositions in particular contexts. For this view, see the work of Timmons (1996). Also worth flagging up is the possibility of *infinitism* about ethical justification, i.e., the view that we should accept that there is an infinite chain of justification, but deny that this is epistemically vicious. No-one to my knowledge holds this view for ethical justification, although Klein (2007) holds it for justification generally.

⁴⁰ John Rawls is often cited as a proponent of epistemic coherentism. I omit reference to him here because I am limiting discussion to ethical coherentists who are ethical realists in the robust sense I have outlined.

⁴¹ I am assuming here that coherentism, at least in its plausible forms, does not amount to the claim that circular justification is legitimate so long as the circle of justification is sufficiently large.

beliefs, being a member of a comprehensive set of beliefs, standing in explanatory relations to a significant number of other beliefs etc.⁴² So, whether an ethical belief is justified depends upon the number of evidential relations (of the sort suggested) it stands in to other *beliefs*. In a sense, we needn't think of *coherence* being the justifying property, but rather, that coherence is a *measure* of the evidential relations/support that a belief that *p* stands in to other *beliefs*.⁴³

By contrast, ethical intuitionists who accept the autonomy of ethics – and this is the standard intuitionist position⁴⁴ – respond to the regress argument by denying C1; that is, by denying that the justification for believing an ethical proposition, *p*, must derive from other justified *beliefs*, *q*, *r*, *s* etc. Instead, ethical intuitionists claim that we have *non-inferential* justification (and justified beliefs). Before proceeding to explicate in detail what non-inferential justification amounts to, it is worth considering how ethical intuitionism relates to *foundationalism*. Ethical intuitionism is often characterised as being committed to – or being a species of – epistemic foundationalism for ethical beliefs. Ethical foundationalism can be characterised as follows:

Ethical Foundationalism (EF): An ethical belief that *p* is justified just in case *p* is either (a) a basic or non-inferentially justified belief, or, (b) *p* is non-basic or inferentially justified but whose justification is ultimately traceable to a basic or non-inferentially justified belief, *q*.

As should be apparent, non-inferential justification is a necessary component of the ethical foundationalist's epistemological picture. However, a commitment to non-inferential justification does not entail a commitment to foundationalism since EF requires – in addition

⁴² From Brink, D. (1989), p. 103

⁴³ I am ignoring here the question of how coherentism relates to the notion of *reflective equilibrium*. Coherentists like Brink and McCord appear to regard reflective equilibrium as intimately related to coherentism. Note the following from McCord: 'All along, as the method would have it, one should increase the coherence of one's beliefs by eliminating inconsistencies, articulating principles that are already implicit in one's judgments, and seeking out further grounds that would justify and unify these judgments and principles, always willing to shift one's judgments in light of the developments.' (1996: 141) In addition, some of what Rawls says in *A Theory of Justice* suggests that he is committed to coherentism: 'justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view'; it is not a matter of appealing to 'self-evident premises or conditions on principles', p. 21. However, it seems reasonable that one could be an advocate of reflective equilibrium whilst denying coherentism, e.g. one could claim that considered ethical judgments have a degree of *non-inferential* justification (which can of course be defeated, e.g. by incoherence with general principles). Perhaps the best thing to say is that although coherentism and the method of reflective equilibrium sit comfortably, neither entails the other.

⁴⁴ See Sturgeon (2002) and Väyrynen (2008) for discussion of this point.

to non-inferential justification - that there are adequate epistemic connections, e.g., deductive, non-deductive etc, between our basic and non-basic beliefs. One could, however, hold that there is non-inferential justification but maintain that non-foundational beliefs are justified on the basis of some other epistemic feature, e.g., coherence.⁴⁵ Indeed, this latter ‘mixed’ view has been attributed to Russell.⁴⁶ Alternatively, one could hold that *only* foundational beliefs are justified, or, that foundational beliefs have *some* degree of non-inferential justification, but need to be part of a coherent set of beliefs in order to have full-blown justification sufficient for reasonable belief.⁴⁷ It is not my purpose to arbitrate between these views in this thesis. On my characterisation they are all forms of ethical intuitionism (although admittedly, ethical intuitionists are likely to sign up to ethical foundationalism).⁴⁸ Instead, I will focus on the claim for *non-inferential* propositional and doxastic justification, treating this as the core thesis of ethical intuitionism. This seems reasonable since if there were no non-inferential justification for ethical beliefs then ethical foundationalism and the other theories gestured towards would be falsified.

What, then, is non-inferential justification? A recent influential conception of non-inferential propositional justification is due to Walter Sinnott-Armstrong (2007):

Non-Inferential Justification (NI): A subject, *S*, has non-inferential justification for believing that *p* just in case *S* has justification for believing that *p* independently of any actual inference or any ability to infer *p* from other beliefs, *q*, *r*, *s* etc that *S* holds.⁴⁹

The core thought behind Sinnott-Armstrong's conception of non-inferential justification ought to be distinguished from two other positions in the philosophical vicinity.⁵⁰ Firstly, someone

⁴⁵ Ethical foundationalists can of course allow that coherence can play an negative epistemic role, e.g., if the belief that *p* doesn't cohere with the rest of what the subject believes – perhaps because it is rendered highly improbable by the other beliefs – then this can constitute an epistemic defeater for the belief. In the terminology of Robert Audi, non-inferentially justified beliefs may be negatively dependent on coherence. However, foundationalists will claim that coherence is insufficient for justification.

⁴⁶ See Brink, D., (1989), p. 101 for details.

⁴⁷ See Van Roojen (forthcoming) for discussion.

⁴⁸ Timmons (1987) makes the same point in passing, p. 597

⁴⁹ This conception can be gleaned from the claims Sinnott-Armstrong makes in his (2006) and (2007). As outlined, this conception is for propositional justification; non-inferential doxastic justification will amount to NI plus a basing relation between the belief and the source of non-inferential propositional justification.

⁵⁰ The following discussion of the non-inferred and non-inferable theses owes much to Elizabeth Tropman's discussion in her (forthcoming).

might think that for an *S* to be non-inferentially justified in believing that *p* is for it to be the case that *S* has not actually inferred that *p*. Call this the *non-inferred* thesis. Contemporary ethical intuitionists – rightly - reject the non-inferred thesis, since the fact that a belief that *p* has not been explicitly (psychologically) inferred by an *S* does not entail that the *S* in question has justification for believing that *p* *independently* of the ability to infer *p* from other beliefs they hold. As an example, it might be the case that a scientist *non-inferentially* judges that some complex theoretical hypothesis, *t*, is correct, but is only justified in believing this due to their ability to infer *t* from the stock of (largely true) background beliefs they hold.⁵¹

Despite rejecting the non-inferred thesis, it is worth pointing out that contemporary ethical intuitionism is arguably motivated – at least in part - by the ostensible fact that many of the ethical beliefs that everyday ethical agents hold are apparently formed non-inferentially in the *psychological* sense.⁵² That is, they are formed without any explicit reasoning or inference and are, phenomenologically-speaking *immediate*. It is, however, important to note that although such phenomenological evidence by no means establishes the truth of ethical intuitionism, it is arguable whether it establishes something like a *prima facie* reason for the view.

The second thesis in the vicinity of Sinnott-Armstrong's conception of non-inferential justification is what I am denoting the *non-inferable* thesis, which is basically the claim that for an *S* to be non-inferentially justified in believing that *p* is for it to be the case that *S* *cannot* infer *p* from other beliefs that she holds. Contemporary ethical intuitionists reject the non-inferable thesis, allowing that an *S* may have non-inferential justification for a belief that *p* that *could* be inferred from other beliefs, *q*, *r*, *s* etc that *S* holds, or could be inferred from other beliefs that *S* does not presently hold. Note that in allowing for inferential justification of non-inferentially justified beliefs, intuitionists can apparently answer the criticism that non-inferential justification entails that we can't say anything in favour of our non-inferentially held beliefs. According to Sinnott-Armstrong's conception of non-inferential justification, it is not the fact that *p* is non-inferable from other beliefs that makes belief that *p* non-inferentially justified; rather, it is the fact that *S* would have justification for believing that *p* *independently* of the ability to infer *p* that makes their belief non-inferentially justified.

⁵¹ See Sturgeon (2002) for a similar view about the epistemic status of scientific 'intuitions.'

⁵² For evidence of this, see the work of Haidt (2001).

Despite constituting an apparently plausible conception of non-inferential justification, it has been recently persuasively argued by Elizabeth Tropman (forthcoming) that NI does not adequately capture what ethical intuitionists mean when they claim that we have non-inferential justification for at least some ethical beliefs. To see why, it is worth noting that Sinnott-Armstrong has a particularly weak conception of inferable in mind; e.g., a belief that *p* being inferable includes being able to deduce it from other beliefs, the ability to draw inductive inferences, arguments to the best explanation, analogical arguments, appeals to authority, statistical generalisations, second-order inferences about the status of the belief that *p* or the conditions in which it was formed. Importantly, a belief that *p* can be inferred from sources which are not in fact the *reason* why the subject holds the belief, i.e., not the epistemic source upon which the belief that *p* is based.

With this in mind, consider a case where an ethical agent holds an ethical belief that *p* but where they are incapable of inferring that *p* from anything else they believe. Given that we are understanding the notion of inferable in a broad sense, it seems that if the subject really were incapable of inferring that *p* from *anything* else they believed, we might reasonably withhold attributing justification to them for believing that proposition, e.g., we might wonder whether they actually grasp or understand *p*. Yet, given that the things from which *S* could infer the belief that *p* may in fact not be the *reason* or the *epistemic basis* for their believing that *p*, and given how broad a sense of inferability is being employed, we might reasonably doubt that this inferential ability is what actually justifies the belief, i.e., the premises of possible inferences may not form part or the whole of the reason the subject has for holding the belief. As Tropman (forthcoming) suggests, ‘being able to draw an inference to a belief might be a minimal condition for being justified in believing it, even if this inferential ability is not what justifies the belief.’ (online version) Instead, Tropman suggests that what is important about non-inferential justification, and specifically, non-inferentially justified *belief*, is that the justified beliefs in question are not *held on the basis* of other beliefs that the subject holds.⁵³ So, it seems that following constitutes an improved characterisation of non-inferential justification:

⁵³ Note that Tropman thinks that adopting this alternative conception of non-inferential justification can serve to deflect against the recent challenges from Sinnott-Armstrong (2006).

NI*: A subject, S, has non-inferential justification for believing that *p* just in case S has justification for believing that *p* independently of basing the belief that *p* on another belief.

At this point it seems that there are two ways in which one could cash out the idea of justification independently of being based on a belief: a *negative* and a *positive* conception.⁵⁴ The negative way of construing this simply involves claiming that there is some justification in ethics which accrues to belief independently of being based on other beliefs. This of course leaves unanswered the question of what – if anything – a non-inferentially justified belief is based upon. This brings us to the positive conception. Positive conceptions of non-inferential justification will *specify* what non-inferentially justified beliefs are in fact based upon, i.e., in virtue of *what* are non-inferentially justified beliefs non-inferentially justified. Now, although it is by no means the only way of characterising the base of non-inferentially justified beliefs I favour a positive conception which claims that a non-inferentially justified belief is one which is not justified on the basis of another belief, but is instead justified on the basis of a *non-doxastic* (non-belief) state. As an illustration, note the following from Väyrynen (2008):

A *non-inferentially* justified belief is a belief that is based by some non-inferential mechanism on some kind of reasons or evidence, where non-doxastic states such as experiences and phenomenal and intellectual appearances are the relevant kind of reasons or evidence.⁵⁵

There are of course alternative ways of cashing out a positive conception of non-inferential justification. For example, some contemporary ethical intuitionists, notably Robert Audi and Roger Crisp, sometimes speak of our non-inferentially justified ethical beliefs as being based upon/the result of the exercise of our *faculty* of *reason*. However, when it comes to cashing out what the relevant *faculty* of reason actually is the suggestions from intuitionists aren't terribly illuminating, e.g., Crisp (2002) simply claims that it involves (at least partly) the capacity to make non-inferential ethical judgments and thereby to have the possibility of attaining knowledge. Somewhat more helpfully, Robert Audi claims that the faculty of reason

⁵⁴ I think this mirrors the debate about characterising a priori knowledge, i.e. between negative conceptions that claim a priori knowledge is knowledge independent of experience and positive conceptions that claim a priori knowledge is knowledge derived from, e.g., *rational intuition*.

⁵⁵ This is taken from remarks Väyrynen makes in his (2008) p. 491

might enable us to form *conclusions of reflection* – roughly, a belief formed on the basis of considering a proposition *holistically* – which, he claims, can be legitimately be thought of as involving non-inferential justification. However, it is not clear to me that such conclusions of reflection are non-inferentially justified, because it is unclear in what sense a belief based upon *reflection* is not in fact based upon beliefs (those formed during reflection) in a way that makes the justification seem *inferential*.⁵⁶

Alternatively, someone might suggest that a non-inferentially justified belief is a belief that is the result of a *reliable* process.⁵⁷ However, there is the problem of whether any beliefs are actually *based* upon reliable processes as such, i.e., whether the *reason* that ordinary ethical agents have for holding ethical beliefs is that they are the result of a reliable process. Furthermore, reliabilists distinguish between *belief-dependent* and *belief-independent* processes⁵⁸ – the former being their gloss on inferential justification – and presumably the latter sort of process will involve a substantial role for non-doxastic states, e.g., perceptual experiences. I propose then, that it is highly plausible to suggest that non-inferential justification is best understood as typically or paradigmatically involving justification that derives from a *non-doxastic* state. Ethical intuitionism is therefore best characterised as the view that we have justification for believing ethical propositions on the basis of non-doxastic states, and that at least some ethical beliefs that are based on non-doxastic states are justified. (I should, however, note that this conception will be revised in chapter 2. I delay discussion of this in order to avoid needless complication).

Given the plausible characterisation of non-inferential justification as justification that derives from non-doxastic states, we can now distinguish ethical intuitionism's central epistemological claim from two alternative theses in the vicinity. Firstly, it is claimed by Brink (1989) that non-inferential justification basically amounts to the claim that some beliefs are *self-justifying*,

⁵⁶ For a similar sort of worry see Sinnott-Armstrong (2007). It has been suggested to me by Fiona Macpherson that the formation of the belief in the *cogito* seems to be a case of a non-inferentially justified conclusion of reflection. I would agree with this. However, it is important to realise that reflection on the *cogito* seems to play a different role than it does in other putative cases of conclusions of reflection. Specifically, it seems that *reflection* on the proposition 'I am thinking' *itself* constitutes evidence for the conclusion that 'I exist.' This does not seem to be the standard way in which conclusions of reflection – as Audi understands it – apparently result in justified beliefs.

⁵⁷ E.g., Shafer-Landau (2003).

⁵⁸ See Goldman (1979). The idea here is that a reliable process which is belief-dependent cannot confer justification *independently* of the input beliefs to the process being themselves justified.

where self-justification is ‘actually the limiting case of circular reasoning’⁵⁹. Unsurprisingly, Brink thinks that there is something highly problematic about self-justification⁶⁰ since ‘no belief about the world can also be the reason for thinking that that belief is true’⁶¹. Given my account of non-inferential justification we can, however, see that this is not what ethical intuitionists are committed to. Non-inferential justification does not depend upon the bogus notion of a belief that justifies *itself*. Rather, it is a belief that is justified on the basis of a non-doxastic state (although there will presumably have to be some important relation between the contents of the non-doxastic and belief states). Following from this, we can also see that non-inferential justification does not amount to *groundless* justification as Brink also suggests, i.e., the view that some beliefs – the *basic* or *foundational* ones – are neither justified nor unjustified, but are epistemically groundless. Instead, non-inferentially justified beliefs do have an epistemic ground; what distinguishes them is that their ground is a *non-doxastic* state.

Let me end this discussion of non-inferential justification by making two further clarificatory points. Firstly, it ought to be noted that the justification involved in non-inferential justification is not *indefeasible* justification, at least not necessarily.⁶² Instead, ethical intuitionists (and non-ethicists who countenance non-inferential justification) are happy to concede that the justification one obtains on the basis of a non-doxastic state can be defeated – e.g., *rebutted* or *undermined* - by countervailing evidence. Secondly, it should also be borne in mind that ethical intuitionism's commitment to non-inferential justification (characterised by me as justification on the basis of non-doxastic states) does not – by itself - necessarily commit them to taking a particular side in the debate in general epistemology between epistemic *internalists* and epistemic *externalists*.⁶³ Epistemic internalism about justification (note that the debate is also had with respect to knowledge) can be understood as follows:

Epistemic Internalism: A subject *S* is justified in believing that *p* just in case the factors that justify *p* for *S* are cognitively accessibly to *S*.

⁵⁹ Brink, (1989), p. 117

⁶⁰ Although Stratton-Lake (2002) and Shafer Landau (2003) – on occasion – appear to fall into the trap of conflating non-inferential with *self*-justification.

⁶¹ Ibid., p. 117 Someone might think that the belief that *I am thinking* is a plausible counterexample to this claim.

⁶² See the work of Robert Audi (1999), (2004) for this claim.

⁶³ As we shall see in later chapters, it may be the case that only certain kinds of non-doxastic states get to justify, and the factors which enable a particular non-doxastic state to justify *might* be out a subject's ken. Hence the view that non-inferential justification is justification on the basis of non-doxastic states need not rule out externalism about justification.

Externalism about justification is just the denial of internalism, i.e., *S*'s justification for believing that *p* might depend on factors which are not cognitively accessible to *S*. It is not my purpose here to get embroiled in the debate between internalists and externalists. As I suggested, ethical intuitionism's commitment to non-inferential justification – as I think it is best characterised – does not, by itself, entail any particular stance on the internalist/externalist debate. Indeed, contemporary intuitionists do not fall neatly on either side of the divide. For example, the leading contemporary intuitionists, Michael Huemer and Robert Audi, are both internalists about justification (although Audi is an externalist when it comes to knowledge), while other important figures in recent work on intuitionism, Russ Shafer-Landau and Sabine Roeser, adopt an externalist perspective. In this thesis I will avoid explicit discussion of what I take to be a somewhat orthogonal issue vis-à-vis the truth of ethical intuitionism.

Now that I have outlined my characterisation of ethical intuitionism, I would like to end this clarificatory section by briefly considering some notable objections to the view, the majority of which I will *not* be considering in this thesis. Firstly, someone might simply reject ethical intuitionism because they endorse some sort of global scepticism which entails its falsity. I do not find global scepticism very appealing and will not be discussing in this thesis. Supposing then, that we bracket global scepticism, many ethicists will be happy to admit that non-inferential justification exists in non-ethical domains. That is, they will agree that we can have justified beliefs that are epistemically grounded in non-doxastic states. The paradigm example of this is *sensory* or *perceptual experience*, e.g. visual, olfactory, gustatory, tactile, and audition.⁶⁴ Other plausible examples include *introspective* experiences, e.g., the feeling of pain, states of *understanding*, e.g. my understanding of $2+2=4$.⁶⁵ However, despite there being some degree of consensus on the existence of non-inferential justification in non-ethical domains, many philosophers think that the conclusion of the regress argument, i.e., that there is no non-inferential justification for *ethical* beliefs, is true.

There are a number of arguments someone might give in favour of this view. I will briefly mention three notable examples. Firstly, an argument which I will not be discussing in this

⁶⁴ This assumes – correctly in my view – that perceptual experiences are non-doxastic states. Indeed, I will assume this throughout the thesis.

⁶⁵ Also, see Hunter (1997) for the view that understanding sentences confers non-inferential justification for beliefs about their *meaning*.

thesis is what I am denoting the *Confirmation Objection*, developed by Walter Sinnott-Armstrong (2006), (2007). Speaking roughly, Sinnott-Armstrong argues that we cannot have non-inferential justification for believing ethical propositions because of the following: firstly, many of the ethical beliefs we hold are formed in conditions where (i) we are partial, (ii) there is significant disagreement amongst *epistemic peers*, (iii) we are emotional in a way that clouds our ethical judgment, (iv) we are susceptible for illusion or framing errors, or, (v) our beliefs have dubious origins. Secondly, since so many of our ethical beliefs are formed in these circumstances, for any given belief, ethical agents need to have *confirmation* that *that* belief constitutes an exception, i.e., they need to have beliefs about the *reliability* epistemic trustworthiness of their ethical beliefs. Hence, Sinnott-Armstrong claims that any justification we could have for ethical beliefs would have to be *inferential* justification. As stated I will not be discussing or addressing the Confirmation Objection in this thesis, although it is worth noting that there have been a number of plausible responses made to it, e.g. Shafer-Landau (2008), Smith (2010), Väyrynen (2008).

Another argument against the claim that there is non-inferential justification and knowledge in ethics is that it requires positing ‘some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else’⁶⁶. Call this the *Queerness Objection*. I have already referred to the Queerness Objection in the previous section, but it is worth reiterating the points made there. The claim that we have non-inferentially justified ethical beliefs is an epistemological claim. The Queerness Objection, however, involves attributing to intuitionism a particular view about the nature of ethical properties, i.e., that they are *motivating* and *categorically reason-giving*, and to a particular view about the epistemological ramifications of adopting that view. In response, I do not see (i) why ethical intuitionists need to be committed to metaphysically *queer* ethical properties, and, (ii) why a metaphysical commitment of that sort *necessarily* entails that the concomitant epistemology will be *queer*. Therefore I do not think the Queerness Objection should really worry ethical intuitionists.

A more pressing challenge in the vicinity of the Queerness Objection is the objection that non-inferential ethical epistemology (and indeed, ethical epistemology generally), is faced with the insurmountable problem of explaining how ethical agents can be “hooked up” to ethical

⁶⁶ Mackie (1977), p. 95-6

reality. This is apparently a particular problem for ethics because ethical properties are normally assumed to be causally inefficacious. Call this the *Ethical Reality Objection*. Note firstly, that the Ethical Reality Objection is primarily a problem for robust realist accounts of ethical intuitionism, and arguably isn't a major problem for intuitionists who reject this view. It does seem that contemporary ethical intuitionists – who do commit themselves to robust realism – owe us some explanation as to how ethical agents can come to be adequately hooked up to ethical reality in a way which could make their ethical beliefs justified (or constitute knowledge). For the most part, I will not be directly discussing this very deep and complicated issue; however, some of the points I will make against ethical intuitionism will involve reference to this problem.

This concludes my exposition of the central thesis of ethical intuitionism. In the following section I will briefly outline the structure and content of the thesis.

3. Thesis Overview

It was suggested in the previous section that we can best understand the ethical intuitionist's epistemological claim as amounting to the view that we can have justification for ethical beliefs on the basis of *non-doxastic* states. Immediately it might be assumed that the non-doxastic states that ethical intuitionists have in mind here are *ethical intuitions*. However, contemporary intuitionists do not commit themselves to the claim that there is some special *ethical* non-doxastic state that sets it apart from everything else. Rather, contemporary⁶⁷ ethical intuitionists adopt a sort of *innocence by association* strategy in attempting to cash out what sort of non-doxastic states can ground non-inferential justification. That is to say, they claim that we gain non-inferential justification in ethics in much the same way as we get non-inferential justification in other domains.

To illustrate, contemporary ethical intuitionists (e.g. Robert Audi, Brad Hooker, Russ Shafer-Landau, Philip Stratton-Lake) claim that just as some non-ethical propositions are *self-evident*, e.g., *all eligible bachelors are unmarried men*, *no object is red and green all over*, in the sense that an *adequate understanding* of them can confer propositional justification for believing them (where understanding is apparently a non-doxastic state) there are some *self-evident ethical* propositions which are knowable in a similar way. Insofar as we think that there are

⁶⁷ Traditional intuitionists such as Sidgwick and Ross also appear to have adopted this line of argument.

self-evident propositions generally (and even naturalists can apparently accommodate this notion⁶⁸), there is no great mystery about our having non-inferential understanding-based justification for believing ethical propositions.⁶⁹

As a second illustration; some ethical intuitionists (e.g. Robert Audi, Michael Huemer) claim that we can have propositional justification for believing ethical propositions in virtue of having *intellectual seemings* (where these are understood as being non-doxastic states) about ethical propositions. However, in order to support the epistemic credentials of these ethical seemings they make two claims. Firstly, they claim that there is nothing dubious about intellectual seeming states generally because intellectual seeming states are just a species of a broader category of justification-conferring seeming states, which includes perceptual and introspective states. Insofar as there is nothing dubious about the epistemic credentials of perception and introspection there is nothing suspicious about intellectual seeming states. Secondly, once the epistemic credentials of intellectual seeming states have been established, they claim that ethical seemings are just a sub-category of these and hence we have no reason to doubt the epistemic credibility of beliefs based upon ethical seemings. In addition to all of this, Michael Huemer (2007) argues that any epistemological theory which denies the justificatory power of *all* types of seemings – including seemings with an ethical content – is *self-defeating*. Hence, we have excellent general epistemological reasons for thinking that ethical seemings justify.

Before proceeding, a brief word on the term *intuition* is in order: on some contemporary accounts, e.g., Audi, Crisp, ethical intuitions are non-inferentially held *beliefs* which are, inter alia, formed on the basis of adequate understandings of ethical propositions. On other accounts, e.g., Huemer, ethical intuitions are non-doxastic *seeming states* that can *cause* and/or form the *basis* for ethical beliefs but are not themselves beliefs. As I am characterising ethical intuitionism, both *understanding* and *seeming* states can be broadly understood as *intuitions*, and hence any justified beliefs acquired on the basis of these states can be rightly categorised as *intuitively* justified beliefs. Note, however, that by characterising intuitionism as

⁶⁸ e.g., see the work of Copp (2003), and more recently, Jenkins (2008).

⁶⁹ Of course, the problem might be that ethical intuitionists are committed to a particularly controversial kind of a priori knowledge, i.e. *synthetic a priori* knowledge. In response, intuitionists tend to point to the case of mathematical knowledge as a respectable example of synthetic a priori knowledge. Some, e.g. Lenman (2007) complain that this isn't very helpful given that the epistemology of mathematics is particularly murky. In chapter 1 I consider the possibility that the principles ethical intuitionists are concerned with defending might be *analytic*.

committed to the view that we have justified ethical beliefs on the basis of non-doxastic states, I do not take the view to be – necessarily - that all of our ethical beliefs are justified by *intuitions*.

As a third illustration of the innocence by association strategy; some ethical intuitionists (e.g. Robert Audi, John Greco, Justin McBrayer, David McNaughton) claim that we can have non-inferential justification for believing ethical propositions on the basis of having *ethical* perceptual experiences, e.g. a perceptual experience as of the *cruelty* of setting fire to a cat, where perceptual experiences are apparently a paradigm of non-doxastic states that can ground non-inferential justification. Insofar as we think that there is nothing epistemically suspicious about perceptual-based justification in non-ethical domains then there is no motivation for thinking that there is necessarily anything epistemically awry about non-inferential perceptual-based justification for believing ethical propositions. Moreover, insofar as we think that we can perceive complex properties that are not obviously causally efficacious in any robust sense, e.g., the property of being *a table*, then there appears to be no bar to thinking that we could perceive ethical properties.

As a fourth and final illustration, some ethical intuitionists, (e.g. Robert Audi and Sabine Roeser⁷⁰) claim that we can have non-inferential justification for believing ethical propositions on the basis of having *emotional experiences* (where emotional experiences are construed as non-doxastic states) in much the same way as we can have emotions-based justification for believing non-ethical propositions, e.g., my fear can apparently justify me in believing that I am in danger. Insofar as there is nothing epistemically problematic about non-ethical emotional-based justification (admittedly this is perhaps a good deal less obvious than in the other cases), we shouldn't shy away from the claim that ethical emotions can justify ethical beliefs.

This thesis is concerned with critically evaluating the prospects for these contemporary versions/models of ethical intuitionism. That is, I will be critically evaluating the claim that we have non-inferential justification for believing ethical propositions and have non-inferentially

⁷⁰ In her (2011) Roeser claims that ethical emotions are non-inferentially justified *judgments* (where judgments are a species of belief). However, in recent presentations and discussions she appears to have revised this view, claiming instead that ethical emotions are non-doxastic states which can ground non-inferential justification in a way similar to the way perceptual experiences putatively do.

justified ethical beliefs on the basis of *understandings* (of self-evident propositions), *seemings*, *perceptions*, and/or *emotions*. The thesis does not constitute a wholesale rejection of ethical intuitionism, for it is not my view that there are *no* non-inferentially justified ethical beliefs. For example, I think that we could plausibly have non-inferential justification for believing *non-substantive* ethical propositions (an outline of this concept will follow in chapter 1). However, I will suggest that there are significant problems for ethical intuitionism when it comes to the non-inferential justification of *substantive* propositions. In more detail, I will be arguing the following:

Self-Evidence: we have good reason to doubt that the substantive Rossian principles (which contemporary proponents of ethical intuitionism posit as self-evident) are in fact *non-inferentially* justifiably believed on the basis of an adequate understanding.

Seemings: inter alia, it is not at all obvious how ethical seemings about substantive propositions get to justify (non-inferentially or otherwise).

Ethical Perception: insofar as they confer *any* justification, we have reason to doubt that ethical perceptual experiences (if there are any) confer non-inferential justification.

Emotions: it is not at all obvious how ethical emotions are supposed to justify beliefs.

Despite raising these problems for these accounts of ethical intuitionism, I will have some things to say in their support. Indeed, I spend a good deal of time defending the self-evidence, perception and emotions accounts against objections that I do not think count against those views. Given this, my thesis is best understood as a mapping of the conceptual space in an aim to get clearer on what the prospects for ethical intuitionism in its contemporary forms are. If I were to sum up the conclusion of the thesis in a sentence it would be the following: ethical intuitionism is not implausible, but much more work needs to be done in order to begin to make it a reasonable meta-ethical view to adopt.

Here, then, is a summary of the chapters that will follow:

Chapter One: Self-Evidence

In chapter one of the thesis I consider the *understanding/self-evidence* account of non-inferential justification. Specifically, I am interested in casting doubt on the view that the Rossian principles of prima facie duty are self-evident. The first part of the chapter involves delineating the concept of self-evidence and responding on behalf of the intuitionist to a recent objection to the view. Roughly, I argue that intuitionists should not be embarrassed by the fact that there does not appear to be *any* necessary connection between understanding a self-evident ethical proposition and believing it, given that it is doubtful that a similar entailment holds for non-ethical self-evident propositions. In the second part I proceed to consider an objection which *does* present a serious problem for intuitionists: the *Understanding Objection*. This is roughly the view that it is not at all obvious how an understanding of a *substantive* proposition – such as a Rossian principle – could ground justified belief in it. I argue that although the intuitionist can plausibly argue that the Understanding Objection is unsound, an amended version of the argument, *Understanding** is sound. Specifically, the intuitionist is faced with the following dilemma: either the Rossian principles are only justifiably believed inferentially or else they are committed to the claim that *all* true non-contingent ethical propositions are self-evident. In order to avoid the latter disjunct I argue that we have good reason to reject the claim that the Rossian principles are self-evident. In the final part I end by considering and rejecting the view that the Rossian principles could be justifiably believed on the basis of understanding them because they are propositions which are *default reasonable* to believe.

Chapter Two: Seemings

In chapter two of the thesis I consider the *Seemings Account* (S-Account) of non-inferential justification. In the first part of the chapter I outline what proponents of the S-Account are committed to: this involves explaining their account of ethical intuitions (which they claim are *intellectual seemings*), their epistemological principle of *Phenomenal Conservatism*, and their *Self-Defeat Argument*; roughly, the claim that any epistemological theory which does not allow *all* seemings to confer justification (the claim of Phenomenal Conservatism) is self-defeating. In the second part of the chapter I argue that it is possible to credibly resist the Self-Defeat argument and that ethical intuitionists cannot therefore simply rely on the principle of

Phenomenal Conservatism to ground their ethical epistemology. Also, I raise serious concerns about the ability of intellectual seemings about substantive propositions to confer justification, given that it is unclear *how* they are supposed to justify. A similar problem does not arise for seemings about non-substantive propositions which are plausibly the upshot of conceptual competency. Given this, ethical intuitionists have a lot more work to do in order to show that seemings about substantive ethical propositions are justification-conferring. In the third section I offer further reasons for rejecting the S-Account of justification (upon which the S-Account of ethical intuitionism depends). Specifically, I argue that the S-Account is committed to the following odd claim: *all* of our justified beliefs are non-inferentially justified. After considering some ways in which the proponent of the seemings-account can respond, I contend that we have reason to reject the S-Account in its current form. In the fourth section I go on to suggest that, given the arguments of the previous sections, ethical intuitionists would be well-advised to adopt something like a *restricted* Phenomenal Conservatism. However, in addition to the philosophical work required in order to show that substantive ethical seemings do get to justify belief, I will show that ethical intuitionists ought to adopt a new conception of non-inferential justification and justified belief. After outlining my preferred conception, I will consider some applications of my account, notably to the case of the Rossian principles.

Chapter Three: Ethical Perception

In the third chapter I go on to consider the *ethical perception* account. This is roughly the view that (i) we can have ethical perceptual experiences (EP*), and, (ii) we can have some non-inferentially justified ethical beliefs in virtue of having these ethical perceptual experiences (EPj). In the first part of the chapter I explain the motivations for holding these views. In section two I defend EP* against some recent objections – notably the *Looks Objection*. There I argue that by distinguishing between what is *phenomenally present* and what is *phenomenally present as absent* in perceptual experience, the claim that ethical properties don't *look* a certain way is not at all obvious. In section three I go on to present what I take to be the most plausible account of how ethical perception could be possible: via the mechanism of *cognitive penetration*. In this context I respond to two further objections; the *Is There Anything We Don't Perceive Objection* and the *Directness Objection*. In section four, I go on to consider EPj: the epistemological claim that ethical perceptual experiences can non-inferentially justify beliefs. I argue that, despite there being no obvious knock-down objections

to the possibility of there being ethical perception, given my improved account of non-inferential justification (outlined in chapter 2) it is not at all obvious that beliefs based upon ethical perceptual experiences are in fact *non-inferentially*-justifying (insofar as they do get to justify). In the final section, I consider the view that we could have non-inferential “perceptual” justification for believing ethical propositions even if it is false that we can have perceptual experiences that represent ethical properties. Interestingly, I think that the prospects for this sort of view are better than the view that we have non-inferential justification on the basis of ethical perceptual experiences.

Chapter Four: Emotions

In the fourth and final chapter of the thesis I go on to consider the *emotions* account of non-inferential justification. This is roughly the view that (i) emotional experiences are non-doxastic states (EN), and, (ii) emotional experiences can ground non-inferentially justify ethical beliefs (EJ). In the first part of the chapter I will outline the reasons for thinking that emotional experiences are non-doxastic states (EN). In the second section I go on to consider EJ. The emotions account of ethical intuitionism is perhaps the least discussed of the three views, so I spend much of the chapter defending the view against objections that I do not think are successful. In the second section I respond to the *Basing Objection* to EJ: emotions are rarely or never the reason why subjects hold ethical beliefs. I argue that we have good reason to think that emotional experiences are at least sometimes taken at face value by subjects and hence that emotions are capable of grounding non-inferentially justified belief. In the third section I provide a partial response to the *Justification Objection* to EJ, i.e., to the claim that emotions are incapable of conferring justification *by themselves*. However, I will suggest that ethical intuitionists who adopt *robust realism* still owe us an explanation as to how emotional experiences can justify us in believing ethical propositions. In the fourth and final section I argue against the *Proxy Objection* to EJ, which essentially involves arguing against the two related claims that (i) emotional experiences are rendered justificatorily otiose when subjects become non-emotionally aware of the non-ethical features which constitute reasons for making their emotional state justified or appropriate, and, (ii) emotional subjects have normative reasons to gain a non-emotional awareness of non-ethical features because of the goal of *understanding*.

Conclusion

That completes the Introductory chapter. In the following chapter I critically assess the prospects for the understanding-based/self-evidence account of ethical intuitionism.

Chapter 1: Ethical Intuitionism and Self-Evidence

Many contemporary ethical intuitionists follow their philosophical forebears by claiming that some ethical propositions possess the epistemological property of *self-evidence* (e.g. Audi (1999), (2004), (2008), Hooker (2002), Shafer-Landau (2003), Stratton-Lake (2002)). Self-evidence is characterized by the leading exponent of ethical intuitionism, Robert Audi (1999), in the following way:

SE: a truth such that any adequate understanding of it meets two conditions: (a) in virtue of having that understanding, one is justified in believing the proposition (i.e., has justification for believing it, whether one in fact believes it or not); and (b) if one believes the proposition on the *basis* of that understanding of it, then one knows it.⁷¹

According to Audi, a proposition which is self-evident is an *a priori* proposition; indeed, self-evident propositions are said to constitute the *base*⁷² of the *a priori*. Put negatively, self-evident propositions are knowable in a way which is ‘independent of experience’, or ‘not based on experiential sources’⁷³, and are only epistemologically dependent on experience inasmuch as it will plausibly be required in order to furnish individuals with possession of the concepts which figure in self-evident propositions. Put more positively, according to SE an adequate understanding confers *non-inferential* and *defeasible*⁷⁴ justification for belief in self-evident propositions, and if a rational agent forms their belief on the basis of this adequate understanding then they will non-inferentially know it. *Adequate understanding* obviously plays a key epistemological role and is characterized by Audi in the following way:

[an adequate understanding is] more than simply getting the general sense of some sentence expressing it... adequacy here implies not only seeing what the

⁷¹ Audi, R., (1999), p. 206

⁷² i.e. ‘*a priori* propositions are those that are either (a) self-evident, in the sense specified above – call these directly self-evident or *a priori* in the narrow sense – or, (b) though not self-evident, self-evidently entailed by at least one proposition that is – call these indirectly self-evident, or (c) neither directly nor indirectly self-evident, but provable by self-evident steps from a proposition that is self-evident – call these ultimately *a priori*.’ (1999), p. 221

⁷³ The extent to which we can characterise *a priori* knowledge as based on non-experiential sources is a particularly difficult issue. This point shouldn’t, however, be conflated with the idea that gaining concepts which figure in *a priori* propositions may require sensory experience. See Casullo (2003), pp. 150-8 for a treatment of this complex issue.

⁷⁴ Although not indefeasible, the propositional justification that one gets in virtue of adequately understanding a self-evident proposition is ‘plausibly considered as strong as any justification there can be.’ Audi, (1998), p. 95

proposition says but also a kind of *knowing how*. One must know how to use it in description and reasoning; for instance, one must be able to apply it to – and withhold its application from – an appropriately wide range of cases. Similarly one must be able to see some of its logical implications, to distinguish it from a certain range of close relatives, and to comprehend its elements and some of their relations.⁷⁵

Although adequately understanding and seeing the truth of a luminous self-evident proposition, e.g., the truth that *all bachelors are eligible unmarried men*, might come with ease to normal rational agents, Audi claims that some considerable degree of *reflection* is required in order to adequately understand and/or see the truth of other more complex self-evident propositions. Audi denotes the former class of self-evident propositions *immediately* self-evident, and the latter class *mediately* self-evident. As part of his ethical intuitionism, Audi follows W.D. Ross in his espousal of both the truth and the self-evidence of the *prima facie duties* (hereafter, the *Rossian principles*) - those of fidelity, reparation, justice, gratitude, beneficence and self-improvement, and of non-injury.⁷⁶ Importantly, the Rossian principles are, according to Audi, examples of mediate self-evidence:

In my view, the [Rossian] principles are plausibly considered mediate self-evident (roughly, self-evident, but not knowable by us apart from reflection – possibly a great deal of reflection – on their content).⁷⁷

Note that with regard to both immediate and mediate self-evidence, adequate understanding is not claimed to reveal the *self-evidence* or *necessity*⁷⁸ of the proposition in question, but merely

⁷⁵ Audi, R., (2004), pp. 49/50

⁷⁶ Audi adds his own duties of liberty and respectfulness to the original Rossian list. The claim that the *Rossian principles* are self-evident is not essential to intuitionism. One could, e.g., hold that more general utilitarian principles are self-evident. Indeed, this was the view of Sidgwick. Alternatively, one could argue that propositions about particular cases are self-evident; this appears to have been the view of Prichard. I focus here on the Rossian principles because (i) contemporary intuitionists tend to focus on them, and, (ii) they seem to me to be the most plausible candidates for self-evidence. Utilitarian principles don't seem to be true let alone self-evident, whilst it is unclear how particular truths could be self-evident, given that they will be *contingent*. Note also that Audi's conception of self-evidence is quite different from the more basic conceptions that we find in Prichard, Ross and (to a lesser degree) Sidgwick.

⁷⁷ Audi, R., (2002), in Stratton-Lake, P. (eds.), *Ethical Intuitionism: Re-evaluations*, p. 48

⁷⁸ Note that Audi appears to respect the post-Kripkean consensus that there is no entailment between a proposition's being a priori and it being necessary (and vice versa), and hence remains tentatively agnostic as to the modal status of self-evident propositions. It does, however, seem that a proposition's being self-evident sits uncomfortably with it's being contingent. This is because it is not clear how understanding a contingent

its *truth*. Also, Audi appears to allow that in many cases of immediate and mediate self-evident truths (perhaps with the exception of axiomatic truths), their being self-evident does not preclude their being known *inferentially*. With regards to mediate self-evidence specifically, it is important to note at the outset that it is not wholly clear from Audi's remarks just what adequate understanding is supposed to involve. For example, it is not clear whether it is supposed to be equivalent to, or is supposed to outstrip, what might be loosely called *grasp of meaning* (or knowledge of meaning-facts). Related to this, it is also not altogether clear whether Audi thinks that reflection is simply required in order to adequately understand these propositions, or may in fact be necessary over-and-above adequate understanding in order to discern the truth of mediately self-evident propositions.⁷⁹ What *is* clear is that Audi thinks that the truth of mediately self-evident propositions need not be immediately obvious to rational agents upon first inspection or even once they have attained an adequate understanding.⁸⁰

It will be the purpose of this chapter to evaluate the claim that the Rossian principles are self-evident in the way that contemporary ethical intuitionists claim. Speaking roughly for now; it is my view that, once we become clear about what an adequate understanding of a putatively mediate self-evident proposition like a Rossian principle amounts to, we have good reason to reject the claim that an adequate understanding of the Rossian principles can confer *non-inferential* justification for believing them.

Before going into the details of my argument, let me first say a few things about a notable feature of Audi's account of self-evidence; the fact that SE is a *non-belief-entailing* conception of self-evidence. Although any rational agent, *S*, who adequately understands a self-evident proposition, *p*, will thereby have propositional justification for believing that *p*,⁸¹ there is, according to Audi, no such entailment between *S*'s adequately understanding self-evident

proposition, e.g., *John's theft of the apple was wrong*, could furnish an individual with justification for believing it. In addition to understanding, we would plausibly need, *inter alia*, justification for believing the empirical propositions that *John stole the apple*.

⁷⁹ Cf. Shafer-Landau's account of self-evidence: 'A proposition *p* is self-evident = df. *p* is such that adequately understanding and attentively considering *just p* is sufficient to justify believing that *p*.' (2003) p. 247

⁸⁰ For the latter claim, consider the following remarks from Audi: 'it does not follow from the self-evidence of a proposition that if one (adequately) understands (and considers) the proposition, one *does* believe it... one can fail initially to 'see' a self-evident truth yet later grasp it in just the way one grasps the truth of a paradigmatically self-evident proposition: one obvious in itself the moment we consider it... in some cases we can see *what* a self-evident proposition says – and thus understand it – before seeing *that*, or how, it is true.' Audi (2004), p. 49

⁸¹ This has what I take to be the odd implication that someone who firmly denies a Rossian principle still has propositional justification – provided that they retain adequate understanding.

proposition, p , and S 's assenting to p , or even p 's seeming to be true to S . Indeed, it seems that outright *disbelief* is quite possible for self-evident propositions, and, in the case of mediate self-evidence (which is associated with 'synthetic' or 'substantive' propositions – more on these notions later), e.g., the Rossian principles, philosophical theses, disagreement on their truth is not particularly unusual. Despite this, Audi does think that there is an important connection between understanding and belief in the case of self-evidence:

An adequate understanding of a self-evident proposition, p , does imply (at least in a rational person) a *disposition* to believe it, indeed one strong enough so that there should be an explanation for non-belief *given* comprehending consideration of p .⁸²

Given that Audi and other ethical intuitionists, e.g., Shafer-Landau, Stratton-Lake, Hooker hold a non-belief-entailing conception of self-evidence, one might wonder what the motivation might be for claiming that there is *any* connection between adequate understanding and belief, i.e., that understanding necessitates a *disposition-to-believe*. One suggestion⁸³ is that it would perhaps be odd if there were *no* connection between adequately understanding self-evident propositions and believing them. That is to say, although ethical intuitionists seem to be quite correct in warning against conflating the concepts of SELF-EVIDENCE and OBVIOUSNESS, one still might think that for a proposition, p , to have the special epistemic status of *self-evidence*, an adequate understanding of p must place rational agents in a cognitive position such that they are in some sense inclined towards believing p .

Something like this worry – that, if there was no link between understanding and believing self-evident propositions, this would jar with the notion that an understanding of such

⁸² Audi (2008), p. 488 In his (1994), Audi offers the following rough characterisation of a *disposition-to-believe*: 'a condition in which a (causal) basis for a belief is already present in such a way that, typically, the proposition need only be thought of, in order to be believed. S needs an occasion to *form* the belief, but does not lack an adequate psychological basis for it.' p. 426

⁸³ Another suggestion is that adequate understanding is to be understood by analogy with perceptual experience. Indeed, in a recent paper (2010), Audi claims that states of adequate understanding are somewhat analogous to perceptual states, e.g., neither states are belief-entailing although both states have a content upon which beliefs may be formed (justifiably we might assume). Furthermore, in his (1994) Audi appears to subscribe to the view that perceptual experiences necessitate a disposition to believe their contents. Let me note here that there seems to be an obvious epistemic disanalogy between understanding and perceptual experience; whereas there seems to be something about the nature of perceptual representation which gives one a justification for belief on its basis, there isn't something about understanding as such which gives one a justification. Rather it is something about the *proposition* in question (namely, that they are self-evident) which makes understanding *it* yield justification.

propositions could, by itself, yield knowledge - is expressed somewhat more stridently in the following remarks from Klemmens Kappel (2002):

one cannot coherently hold that there is no tendency whatsoever among sufficiently rational beings to believe self-evident propositions, and yet hold that, if they nonetheless do believe them, this belief amounts to knowledge.⁸⁴

The important thing to say here is that Kappel is making what, on the face of it, seems to be a particularly strong claim. To say that it is *incoherent* or *contradictory* to deny a relatively robust link between understanding and belief whilst maintaining a link between understanding and justification, demands argument. Nowhere does Kappel provide such an argument and hence, in the absence of further reasons, we might wonder what grounds there are for thinking that there is some conceptual tension in claiming that *p* is self-evident, but where agents need not be inclined towards believing it.

Indeed, I think that Kappel's worry is ultimately misplaced for the following sort of reason: it seems that there are a great many propositions which we will want to say are *paradigm* candidates for self-evidence, e.g., blatantly analytic truths, but where there may *not* be a necessary link between understanding and belief (including a disposition-to-believe). For example, Timothy Williamson (2007)⁸⁵ has offered some plausible arguments to the effect that competent users of the concept VIXEN might fail to be disposed-to-believe the proposition expressed in the analytic statement 'all vixens are female foxes.' Elsewhere, it seems that competent logicians, e.g., Van McGee, can ostensibly retain understanding whilst denying the validity of what are normally taken to be luminously valid inference patterns, such as modus ponens.

In addition to the possibilities thrown up by Williamson's arguments, it is my view that Audi would be well-advised to drop the claim for a disposition-to-believe. I hold this view for two main reasons. Firstly, whereas it is perhaps controversial whether possessors of the concept VIXEN could fail to have a disposition-to-believe that *all vixens are female*, it seems highly plausible that competent users of the concepts figuring in the Rossian principles, e.g., MORAL

⁸⁴ From his (2002), pp. 400-401

⁸⁵ From his (2007). Note, however, that Williamson appears to think this undermines the view that some propositions are knowable in virtue of understanding. I do not follow him in making this claim.

REASON, PRIMA FACIE, PROMISE etc. could fail to be have such a disposition, despite having adequate understanding.⁸⁶ Indeed, this appears to be the case for moral particularists⁸⁷ such as Jonathan Dancy (see his (1993), (2003)), since under plausible accounts of dispositions, the moral particularist fails to fulfill the conditions for being attributed with a disposition-to-believe. For example, consider the following simple conditional account of dispositions as applied to self-evidence:

Simple: A rational agent, *S*, is disposed-to-believe self-evident proposition, *p*, (which they adequately understand), when they think about, reflect upon, and attentively consider *p* iff *S* would come to believe that *p* if they thought about, reflected upon, and attentively considered *p*.

If we consider the case of the moral particularist the right-hand side of *Simple* would appear to be false. Furthermore, if we consider other more complex conditional accounts or non-conditional accounts, we seem to end up with the same result.⁸⁸ Secondly, making the claim that some individuals, e.g., moral particularists, can comprehendingly deny the Rossian principles whilst retaining a disposition-to-believe would appear to suggest that we have a case of *masked* dispositions, i.e., a disposition which is prevented from manifesting itself by some other feature or object. The problem here is that in order to give a satisfactory account of how a disposition-to-believe might be *masked*, this might involve having to make certain psychological claims which are significantly more controversial than the claim that knowledge of the self-evident simply requires the ‘ability to understand and think’⁸⁹. Specifically, I suspect that it might involve having to claim that a disposition-to-believe a self-evident proposition can persist in the face of the adoption of contrary beliefs because the disposition is grounded in a *modular* faculty of the mind, or at the very least, a part of the mind that is

⁸⁶ Note that I am operating with a vague notion of adequate understanding here. As will become clear, it is my considered view that an adequate understanding of complex and substantive propositions appears to involve more than mere grasp of meaning. However, I would still claim that the point about dispositions-to-believe holds even if adequate understanding is *robust*.

⁸⁷ A moral particularist believes that moral reasons are multivalent. For example, that an action would be the keeping of a promise may count in *favour* (morally) of that action in some cases, but in other cases be morally neutral with respect to the action (or count *against* it).

⁸⁸ Adopting more complex conditional accounts, e.g. the ideal conditions account (see Mumford (1998)) and the *ceteris paribus* account (see Steinberg (2010)), makes the attribution of a disposition-to-believe more difficult to assess but plausibly relies on some conception of *masked* dispositions, which, as I claim, may involve hefty psychological commitments. Also, if we adopt a non-conditional account of dispositions (see Fara (2005)), then it seems obvious that the moral particularist doesn’t have a disposition-to-believe the Rossian principles.

⁸⁹ Stratton-Lake, P. (2002), p. 22. He takes this characterisation of ‘moderate rationalism’ from Bonjour.

informationally encapsulated.⁹⁰ Otherwise it is hard to see how a disposition could persist in the face of the adoption of contrary beliefs and/or dispositions. Now, although this claim isn't obviously false (at least not a priori), it is a good deal more controversial than the more modest claim that we can know some propositions in virtue of our capacity to adequately understand them. Hence, insofar as ethical intuitionists want to avoid extra philosophical commitments, there may be good reasons to drop the claim that there is a disposition-to-believe *all* self-evident propositions, even if there might be a disposition-to-believe *some* of them.

As should already be clear, I do not think that the lack of a disposition-to-believe the Rossian principles rules out their being self-evident, as Kappel would perhaps have us believe. Not only would such a strong condition potentially rule out *all* propositions from being self-evident (or at least a very great many that we would normally take to be self-evident), it is not at all obvious to me that the justificatory story in Audi's account of self-evidence has *anything* to do with any putative links between understanding and belief for rational agents, i.e., there doesn't seem to be any obvious difficulty in adequate understanding grounding *propositional* justification, even if it doesn't necessarily ground justified belief and knowledge.⁹¹ Hence I do not think that ethical intuitionists need to worry too much about there being the lack of a disposition-to-believe their favoured principles.

Despite being able to survive this challenge, I think that there are significant problems with the ethical intuitionist's claim that the Rossian principles are *non-inferentially* knowable or justifiably believed in virtue of an adequate understanding of them. It will be the primary purpose of this chapter to argue for this claim. I will conduct my argument in the context of a consideration of what I take to be a significant objection to the ethical intuitionist's claim about self-evidence which has been raised in the recent ethical literature; the *Understanding Objection*. My claim is that some version of this objection is sound, and that we have strong reason to doubt the truth of the claim that the Rossian principles are non-inferentially justified by an adequate understanding of them.

⁹⁰ Williamson (2007) considers whether it might be plausible to claim that there is a *logic* module which grounds our disposition-to-believe analytic truths (which are reducible to truths of logic). He rejects this claim on empirical grounds. Note that positing a logical module wouldn't appear to be much help to ethical intuitionists given that the Rossian principles do not appear to be good candidates for being reducible to truths of logic.

⁹¹ Note, however, that Williamson (2007) claims that proponents of *epistemic-analyticity* are committed to there being understanding-belief links in order to ground their epistemology.

Given its pivotal role in the discussion that follows, let me end this introductory section by saying a bit about what the Understanding Objection amounts to. Although many non-sceptical philosophers might agree with ethical intuitionists that there are indeed self-evident moral truths in the way defined, some philosophers have expressed doubts about the idea that adequately understanding the propositions which some a priori ethical intuitionists are interested in defending, the *Rossian principles*, could make justification and knowledge of them available to a subject. Here are a couple of examples of the objection:

a priori ethical intuitionism requires that there be self-evident ethical truths. But how is it supposed to be possible to have justification to believe substantive synthetic ethical truths solely on the basis of an adequate understanding of them? A priori intuitionists must explain how this can be so.⁹²

And,

it is not yet clear what it is to understand a proposition in a way that is sufficient for justifiedly believing it... Analytic truths might get by on understanding alone, but ethical intuitionists (rightly) deny that substantive ethical truths are analytic. Without any explanation of how this is supposed to work, the grasping of self-evident propositions is inadequate as a theory of intuitions and intuitive justification.⁹³

The first thing to note is that both of our dissenters appear to acknowledge the existence of *some* self-evident (and hence *a priori*) propositions. Hence, the objection that is being expressed here does not appear to be a *radical empiricist* objection (e.g., of a Quinean variety) about the existence of a priori justification. Rather, the objection apparently amounts to something like the following: although there is nothing, *prima facie*, epistemologically problematic about claiming self-evidence, i.e., understanding-based justification, in the case of *analytic statements* and/or *non-substantive* propositions,⁹⁴ there is, however, something about

⁹² Väyrynen, P. (2008), p. 507

⁹³ Bedke, M.S., (2008), p. 255

⁹⁴ On the face of it, self-evidence is a property of *propositions* and analyticity is a property of *statements*. Also, understanding is usually taken to be of sentences or statements. To accommodate this terminology I will assume the following (rough) bridging principle: when *S* understands a statement, *T*, *S* grasps the proposition, *p*, expressed by the statement *T*.

the nature of *synthetic statements* and/or *substantive* propositions which makes them – in lieu of further explanation – unsuitable candidates for self-evidence. Note here the postulation by our dissenters of a close relationship between the analytic and the non-substantive, or at the very least, the presumption that analytic statements aren't in the business of expressing substantive propositions. Also note the following claim from Väyrynen: 'substantive ethical truths should be synthetic'⁹⁵.

In essence, our dissenters might be roughly understood as expressing *something like*⁹⁶ a moderate empiricist worry, i.e., the objection that there is something mysterious about the possibility of *synthetic* and/or *substantive* self-evident truths which are knowable simply on the basis of understanding them. Roughly-speaking, one might put the complaint in the following way: for *any* proposition, *p*, in order to have a justified belief that *p*, it is a necessary condition that *S* grasps *p*. However, in the case of analytic and/or non-substantive truths, e.g. *all wrong actions are wrong actions*, *S*'s understanding is also *sufficient* for justified belief that *p*, whereas in the case of synthetic and/or substantive truths, e.g. *it would be wrong to kill one person to save five*, *S* needs – in some admittedly vague sense – to engage in cognitive/epistemic activity over-and-above mere grasp of meaning. Put another way, one might reasonably think that in the case of synthetic and/or substantive truths, understanding is *only the beginning* of the process of acquiring justification.

As applied specifically to the Rossian principles, I think we can express the Understanding Objection in the following argument-form:

P1: The Rossian principles are substantive propositions.

P2: Substantive propositions are synthetic (not analytic).

⁹⁵ From his (2008), p. 507

⁹⁶ How accurate it is to label our dissenters as expressing a *moderate empiricist* worry is a tricky issue. Let me explain. One might be a moderate empiricist in the standard sense that one thinks that all substantive knowledge of the world depends upon sense experience for its justification. A weaker view would be that of a moderate empiricist who doubts that substantive knowledge of the world could be had on the basis of understanding, but allows that substantive knowledge could in principle be attained non-experientially. A further view would be that of a moderate empiricist who is sceptical of understanding-based substantive knowledge but who thinks that reason does – in ways distinct from mere understanding - *in fact* ground substantive knowledge. I labour this point here since it seems that both of our dissenters may in fact fall into the third category, e.g., Bedke apparently endorses some sort of seemings based account of substantive a priori justification, while Väyrynen appears to be at ease with the idea of 'substantive ethical thought.'

P3: If a proposition is substantive and synthetic, then the proposition's self-evident status is dubious and/or mysterious.

C: The self-evident status of the Rossian principles is dubious and /or mysterious.

Given the validity of the Understanding Objection, an ethical intuitionist wishing to deny the conclusion needs to deny one of P1-P3. In a nut-shell, and simplifying greatly, I intend to argue that, even if the Understanding Objection is unsound as it stands, an amended version of it *is* sound, and therefore we have good reason to believe that the self-evident status of the Rossian principles is dubious.

The structure of the chapter will be as follows:

In the following section, §1, I will proceed to briefly discuss the distinction between substantive and non-substantive propositions. This discussion will not only facilitate an evaluation of P1 of the Understanding Objection, but will facilitate discussion in later chapters where I will employ the distinction.

In §2 I will go on to apply my rough characterisation of the distinction between substantive and non-substantive propositions to the case of the Rossian principles. I will argue that, although the status of the Rossian principles is perhaps less obvious than is usually assumed, it seems that on the most plausible interpretation of what an *adequate understanding* of them is supposed to involve, they come out as substantive propositions. Hence P1 of the Understanding Objection is true.

In §3 I will then go on to evaluate P2. It will be argued that if the Rossian principles do indeed meet certain sufficient conditions for substantivity, then it is unlikely that they could meet necessary conditions for being analytic, at least under the *epistemic* conception of analyticity. However, if we adopt a *Kantian* conception of analyticity, I will suggest that the Rossian principles *could* constitute *substantive Kantian-analytic* truths.⁹⁷ Indeed, something like

⁹⁷ I will not be considering the *metaphysical* conception of analyticity, i.e. the view that a statement is analytic just in case it is *true in virtue of its meaning* (A. J. Ayer appears to have held this view of the analytic). This conception of analyticity was apparently debunked by Quine, and contemporary proponents of *epistemic-analyticity* also reject it. In any case, given their commitment to robust realism, ethical intuitionists would not

appears to be the claim of Robert Audi (2008). Thus there may be good reason to think that P2 is false.

However, it will then be shown in §4 that, even if P2 of the Understanding Objection is false, an amended version of the argument is sound. Specifically, it will be argued that, given the relatively *robust* conception of adequate understanding that ethical intuitionists appear to be committed to, they are faced with the following dilemma: either it is doubtful whether knowledge of the Rossian principles could be anything other than *inferential*, or else, the account of adequate understanding offered by ethical intuitionists commits them to the implausible claim that *all* non-contingent ethical truths are self-evident.⁹⁸ I will conclude that, in lieu of further argument, we have strong reason to doubt that the Rossian principles are non-inferentially knowable on the basis of adequate understanding as ethical intuitionists claim.

Finally, in §5, I will briefly consider the proposal that the Rossian principles could be regarded as self-evident provided that ethical intuitionists jettison the claim that only a robust adequate understanding could ground justification. Specifically, I will consider the view that they could be examples of propositions that are *default reasonable* to believe, i.e., in the same way that *the external world exists* is, on some accounts, default reasonable to believe.⁹⁹ I will highlight some significant shortcomings of this account before suggesting that, given the way the notion of default reasonability is plausibly understood, it is unlikely that the Rossian principles are candidates for this sort of epistemic status.

Thus, the overall conclusion of the chapter is that the self-evident status of the Rossian principles is highly dubious.

Let me begin by outlining a rough account of the distinction between non-substantive and substantive propositions.

want to claim that the Rossian principles are simply true in virtue of their meaning.

⁹⁸ Recall that it is not clear how a contingent proposition, e.g. *John's theft of the apple was wrong*, could be self-evident, given that one would presumably require justification for believing that *John stole the apple*.

⁹⁹ In a sense, this can be taken as denying the truth of P3 – if we understand self-evidence in terms of default reasonability, then we can have substantive and synthetic ‘self-evident’ truths without any naturalistic worries.

1. Non-Substantive and Substantive Propositions

I will begin by considering the concept of a *non-substantive* proposition. This will facilitate an evaluation of whether the Rossian principles are correctly regarded as substantive, i.e., an evaluation of P1 of the Understanding Objection. Although the issue of whether a true proposition is non-substantive or substantive would appear to be itself a substantive question, I suggest that a useful way into mapping the distinction would be to begin with a few supposedly¹⁰⁰ paradigmatic ethical examples of these propositions:

(a) All wrong actions are wrong actions.

(b) Murder is wrongful killing.

(c) If scenarios x and y are identical in all their non-ethical respects then scenarios x and y will be identical in all ethical respects.¹⁰¹

The proposition expressed in sentence (a) is a logical truth of the form *All F's are F's*. Proposition (b) also seems to be reducible to a logical truth similar to (a) by substitution of the subject term for a synonymous expression (assuming that we take 'murder' to be synonymous with something like 'wrongful killing,' which would seem to be relatively non-controversial). In this sense, (b) is what some philosophers would refer to as *Frege-analytic*. However, proposition (c) - which is of course a rough characterisation of the *supervenience* relation of the ethical upon the non-ethical - seems to be a different case since it is not at all obvious how exactly it could be reduced to a logical truth. So, if propositions (a)-(c) are all non-substantive, it can't be in virtue of their being reducible to truths of logic.

Although I will not offer an analysis of the concept NON-SUBSTANTIVE PROPOSITION I suggest that the following constitutes a rough¹⁰² *necessary* condition on what it takes to fall under this concept:

¹⁰⁰ The precise nature of this distinction is not an object of unanimous agreement. Indeed many philosophers make use of the distinction without ever defining or characterizing it.

¹⁰¹ See Jackson, F., (1998), for the claim that the supervenience of the ethical on the non-ethical is a conceptual truth.

¹⁰² I claim that this is *rough* because it may not be immune to weird counter-examples that obtain in distant possible worlds, e.g., there may be a world where the belief that modus ponens is invalid does not constitute evidence that the subject in question fails to understand it. This might be because the society is based on dialetheist principles. Despite this, I think that my rough characterisation captures the redundant features of our

- (1) If a proposition, p , is non-substantive, then a denial of p – or a failure to manifest belief that p – by an agent, S , constitutes either prima facie or conclusive evidence that S fails to grasp p (or fails to understand a sentence, T , expressing the proposition p).

The first thing to note about (1), is that it is reasonably *permissive*¹⁰³ since it allows that someone can deny a non-substantive proposition without that constituting *conclusive* evidence that they have failed to understand it. This seems appropriate given the sorts of arguments that Williamson (2007) presents to the effect that competent users of concepts can comprehendingly deny what appear to be luminously analytic and, presumably, non-substantive propositions. Note also that the notion of evidence is being tied to the notion of a competent user of concept, i.e., a denial of a non-substantive proposition, p , by agent, S , will constitute conclusive/non-conclusive evidence to a competent user of the concepts in p , U , that S fails to understand p . Notice also that, although a permissive condition allows for genuine (as opposed to merely verbal) disagreement over non-substantive propositions, there *may* be some non-substantive propositions for which genuine disagreement is not possible, i.e., the ones for which denial by an S constitutes *conclusive* evidence that S fails to grasp p .

In addition to (1), I think it is plausible to suggest that another (rough) necessary condition on a proposition's being non-substantive is the following:

- (2) If a proposition, p , is non-substantive, then, *ceteris paribus*, grasping p (or understanding a sentence, T , which expresses p), puts one in a position to recognise that p is true.

concept of NON-SUBSTANTIVE PROPOSITION, even if it isn't precisely correct. To put this point another way, my aim here is to merely characterise this concept here; talking in terms of necessary and sufficient conditions does, however, aid clarity of argument. Thanks to Gareth Young for valuable and helpful discussions on this topic.

¹⁰³ Note the following from Phillip Pettit (2003) 'if a proposition is such that just to count to as a proper participant in the discourse in question, just to count as someone who understands what is going on, you must accept the proposition or you reject it, then it is non-substantive.' p. 423 Note that this appears to be a *sufficient* condition for a proposition's being non-substantive. To my mind this isn't very plausible since it seems to count as non-substantive, propositions such as *the grass is green*, which seem to be trivial but substantive.

Note here that the term *in a position to* is supposed to denote a cognitive standing of the agent such that they needn't engage in inferential processes or consider other propositions in order to be able to recognise the truth of the proposition in question, i.e., it is *not* supposed to pick out a cognitive standing whereby the agent may need to undergo some sort of capacious cognitive process of open-ended character and duration in order to recognise truth. One way to fill this claim out would be to say that in the case of non-substantive propositions, one's understanding performs all the intellectual work required to discern its truth-value, such that a recognition of their truth can be said to fall-out of having that understanding. The *ceteris paribus* clause is included to accommodate cases where an individual, *S*, has adopted a theory which calls for the rejection of *p* such that it is no longer psychologically accurate to say that *S* is in a position to recognize the truth of *p*, e.g., a logician who rejects the validity of modus ponens due to their holding some coherent philosophical theory.

I take (1) and (2) to be plausible rough necessary conditions on non-substantivity. In what follows, I would like to briefly consider two additional features which might be thought to be associated with the concept, but which I do not want to commit myself to.

Someone might think that what unites our putative paradigms of non-substantive propositions (a)-(c), is that they don't really tell us anything about the *content* of moral requirements (perhaps, less helpfully, they don't tell us anything about the *substance* of morality). Even if it seems that (a) and (b) are in some sense about the *content* of morality it would be tempting here to say that, for someone who understands them, they fail to reveal anything *informative* about it, in the sense that acceptance is just part and parcel of possessing the concepts and being a participant in the discourse. To use the terminology employed by some philosophers, non-substantive propositions might be regarded as the *platitudes* surrounding a particular concept.¹⁰⁴ Given this, we might think that the following constitutes an additional necessary condition on non-substantivity:

- (3) If a proposition, *p*, is non-substantive, then its truth is platitudinous or uninformative to those who grasp *p* (or understand a sentence, *T*, expressing *p*).

¹⁰⁴ See Smith, (1994) Ch. 2 and Miller, (2003), Ch.2 for something like this view.

Although I find this plausible for a great many cases, (3) is probably too strong given the possibility that a competent user of a concept *might* come to find the truth of an ostensibly non-substantive proposition in which that concept figures *surprising* or *informative*, e.g. we could imagine this being the case for proposition (c). I think this is possible despite the fact that such a truth may in fact be *trivial*.

Following from this, perhaps something like this is a more plausible necessary condition:

- (4) If a proposition, *p*, is non-substantive then either it is not made true by features of the world (where the ‘world’ picks out *something like* the mind-independent world), or, if *p* does place constraints on the world, it is a trivial or trifling truth.

The thought lying behind the first disjunct of the consequent in (4) is that non-substantive propositions are made true by features of our meanings and ideas, and don’t hinge on reality. Now it is of course a substantive matter whether there could indeed be *any* proposition which owes its truth-value to *anything but the world* (including necessary propositions). Suppose that Quine was correct in rejecting this view. Perhaps, then, the second disjunct holds in the case of non-substantive propositions, i.e., if knowledge of the non-substantive is in some sense knowledge of the world (as opposed to, say, knowledge of the relations between ideas) then *it is knowledge of trivial propositions*.¹⁰⁵ The reader might think that a problem with this characterisation is that it is not wholly obvious what exactly counts as a *trivial* truth; one suggestion would be that if an ethical truth is trivial then it doesn’t require substantive moral thinking (more on this below) in order to determine its truth-value and isn’t in any appropriate sense *explanatory*.

This concludes my account of some rough necessary conditions for falling under the concept NON-SUBSTANTIVE PROPOSITION. As stated, (1) and (2) constitute what I take to be essential features of our concept of non-substantivity, whereas I am less committed to (4) and think that (3) is probably false. Given my commitment to (1) and (2), on my account the following constitute rough *sufficient* conditions for a propositions’ being substantive:

¹⁰⁵ This is not to be confused with view attributed to David Lewis that our knowledge of necessary truths is trivial, i.e. *everyone* has knowledge of necessary truths without any epistemic activity.

- (5) If the denial of a proposition, p , – or a failure to manifest belief that p – by an agent, S , does *not* constitute either prima facie or conclusive evidence that S fails to grasp p (or fails to understand a sentence, T , expressing the proposition p), then p is a substantive proposition.
- (6) If grasping a proposition, p , (or understanding a sentence, T , which expresses p), does *not*, *ceteris paribus*, put one in a position to recognize that p is true, then p is a substantive proposition.

Are these plausible sufficient conditions for a proposition to fall under the concept SUBSTANTIVE PROPOSITION? To see how they are, consider the following which I take to be paradigm examples of substantive ethical propositions (and supposing for the sake of argument that they are *true*):

- (d) It would be prima facie wrong to push a fat man onto a train track in order to block a runaway trolley, even if this would prevent the death of five innocent individuals.
- (e) It is prima facie morally wrong to deliberately kill a human foetus.¹⁰⁶

Plausibly, having a grasp of propositions (d) and (e) is compatible with assenting to, withholding belief or disbelieving them, i.e., we wouldn't accuse someone of evincing some sort of conceptual failing if they failed to adopt a particular propositional attitude towards them – even given time to reflect. Indeed, we need not take disbelief in (d) or (e) as even *prima facie* evidence that the individual in question fails to grasp them. In addition to this I take it that it is uncontroversial that *genuine* disagreement can be had with respect to these propositions, e.g., consider the protracted philosophical debates between utilitarians and deontologists, or between those opposed on the matter of abortion. Given all of this,

¹⁰⁶ Bedke (2008) considers the example *torturing infants for fun is wrong* and asks whether we ought to regard this as a substantive or non-substantive proposition. He claims that perhaps we wouldn't and shouldn't regard someone who denies this as conceptually confused, but we do better to think of them as being morally *corrupt*. Given my characterisation, it is unclear whether this proposition (and others like it) meet any of the sufficient conditions for substantivity. Although this lack of clarity might be regarded as a vice, I take it to be a virtue of my account that it remains agnostic on difficult borderline cases like the ones in question.

propositions (d) and (e) meet a sufficient condition for falling under the concept SUBSTANTIVE PROPOSITION (see sufficient condition (5)), which is just the result we were looking for.

What, then of the relation between understanding and being in a position to discern truth-value? Do propositions (d) and (e) meet sufficient condition (6) for substantivity? In contrast to (a)-(c) it appears that merely grasping the propositions expressed in (d) and (e), *does not* – by itself – place one in a position to see that they are true (again, supposing for the sake of argument that they are true), i.e., an agent could grasp (d) without having any idea as to its truth-value. Although a grasp of the concepts of (d) might plausibly confer justification for belief about what (d) *means*, it seems that *something more* is required in order to be in a position to discern their truth-value (as opposed to merely plumping for an answer).¹⁰⁷ Väyrynen (2008) refers to this something more as ‘substantive ethical thought’. However, by itself, this suggestion isn’t terribly helpful – we will want to know more about the nature of the thought which is apparently required to discern substantive ethical truths/falsehoods. Whatever its nature, presumably the idea is that ‘substantive thought’ is quite different from what we might call *comprehensional thought* (the sort of thought involved in grasping the meaning of something), and that it is hard to see how comprehension could be sufficient for being in a position to discern the truth-value of (d) – in a sense, we might think that grasping (d) is *just the beginning of the process of evaluating its truth-value*. So again, it seems that proposition (d) and (e) meet another sufficient condition for substantivity.

Before proceeding, can we say anything about what substantive thought might be and how it might differ from its comprehensional cousin? In order to get a grip on this difficult issue, it might be helpful to start with an illustrative non-ethical case: consider the non-substantive proposition that *all bachelors are eligible unmarried males*. Presumably one is in a position to know whether this is true simply on the basis of grasping the respective concepts. Now consider a similar, but nonetheless substantive, proposition: *all bachelors are eligible married males*. It seems that simply grasping this proposition doesn’t put someone in a position to see whether or not it is true (aside from harbouring doubts about making strict generalisations about potentially heterogeneous groups). Presumably in this case, one would have to do some empirical investigation and observation to find out whether it is in fact the case that bachelors

¹⁰⁷ Put another way: if understanding were all that was needed to recognise the truth of (d) and (e) then it seems hard to reconcile this with the ethical deliberation that we would expect to accompany a consideration of it.

happen to be harassed individuals. Now, regarding the case of substantive ethical propositions, I suspect that Väyrynen has something like the following in mind: that substantive ethical thought fulfils the same sort of functional role as empirical investigation in the non-ethical case described. There is of course an obvious disanalogy between the two: unlike the case of establishing the truth of *all bachelors are eligible harried males*, some might argue that in order to engage in substantive ethical thought one need not leave the confines of the armchair. Nevertheless, I take it that the idea here is that some sort of cognitive activity over-and-above mere comprehension of meaning is plausibly required in order to justifiably believe ethical propositions like (d), for much the same reason as empirical investigation over-and-above understanding is required in the case of substantive non-ethical claims of the sort discussed.

Before concluding this section I think it is worth briefly noting that the following *could* constitute a further sufficient condition for substantivity:

- (7) If a proposition, p , is made true by features of the world (where the ‘world’ picks out something like the mind-independent world) and is non-trivially true, then p is a substantive proposition.

It seems that paradigmatic substantive ethical propositions like (d) and (e) meet this further condition too. For instance, there is a sense in which the truth of these claims (assuming of course that they are indeed truth-apt) is something which is not the product of linguistic or conventional stipulation, and are dependent on features of ‘the world’ in some stronger sense. A possible problem with (7) is determining just what is meant by a truth being non-trivial. To repeat an earlier suggestion: we might think that a non-trivial truth is one which requires substantive thought or non-comprehensional epistemic activity in order to determine its truth-value. Also, at level of general principles, we might think that non-trivial principles are those which purport to be *explanatory*. Given all this, according to my account, propositions (d) and (e) meet all three sufficient conditions for substantivity. Note again, however, that I am only committed to the truth of (5) and (6) as sufficient conditions for falling under the concept SUBSTANTIVE PROPOSITION. Indeed, from here on in I will be focusing on the necessary conditions (1) and (2) and the sufficient conditions (5) and (6). The reader is invited to keep the rest in mind.

Now that I have summarised what I take to be some plausible necessary conditions on non-substantivity and some sufficient conditions for a propositions' being substantive, I would like to apply this account to the case of the Rossian principles, to see whether a priori ethical intuitionists are in fact committed to P1 of the Understanding Objection. As I shall suggest, although their status is not exactly obvious (they appear to be somewhat *less* substantive than *paradigmatic* substantive ethical propositions (d) and (e)), under the most plausible interpretation of what an adequate understanding of a Rossian principle should involve, they come out as substantive on my characterization. Hence P1 is most likely true.

2. The Rossian Principles, Substantivity and the Understanding Objection

Consider the following example of a Rossian principle:

- (f) There is always an ineradicable but overridable moral reason to keep one's promises.

A glance at the literature on ethical intuitionism reveals that prominent a priori ethical intuitionists think that the Rossian principles are substantive:

substantive propositions like Ross's principles of prima facie duty can be candidates for a priori justification and even (as he claimed) self-evidence.¹⁰⁸

Given my characterisation in §1 of substantivity and non-substantivity, are ethical intuitionists correct in making this claim? Do the Rossian principles such as (1) meet either of the proposed sufficient conditions for substantivity? Let us consider (5) first:

- 5) If the denial of a proposition, *p*, – or a failure to manifest belief that *p* – by an agent, *S*, neither constitutes prima facie nor conclusive evidence that *S* fails to grasp *p* (or fails to understand a sentence, *T*, expressing the proposition *p*).

Does proposition (f) meet this sufficient condition? Certainly, it seems that, like propositions (d) and (e) and unlike propositions (a)-(c), denial of (f) by an agent, *S*, ought not to be taken as

¹⁰⁸ Audi, R., (1999), p. 223

Also, note that according to Crisp, Henry Sidgwick also regarded his fundamental principles as 'synthetic a priori truths – that is, substantive truths, that can be known merely by the proper understanding of them.' See Crisp (2002), p. 59

conclusive evidence that the *S* fails to grasp (f). Indeed, as was shown earlier, contemporary a priori ethical intuitionists appear relaxed about allowing that an adequate understanding of (f) is compatible with denial of its truth, particularly if the subject in question is committed to a theory calling for the rejection of (f). Also, I take it that the debate between the Rossian and moral particularists who reject (f), is regarded by both parties as a *genuine* debate, and not merely a verbal disagreement.

However, with respect to the idea that the denial of a Rossian principle like (f) by an *S* constitutes *prima facie* evidence that the *S* in question fails to grasp (f) things become a bit more complicated. The first significant point of note is that it might be the case that not all of the Rossian principles are of a piece. That is to say, some of the principles seem to be – for want of a better expression – intuitively *less substantive* than others. I have in mind here the following Rossian principle:

(g) There is always an ineradicable but overridable reason to be just.¹⁰⁹

I can imagine someone arguing that a denial of (g) by an *S* *does* constitute *prima facie* evidence that they have failed to grasp the proposition expressed. Plausibly this has something to do with the fact that JUSTICE appears to be itself a *normative* concept, and hence we think that there is going to be a more intimate conceptual link between this concept and MORAL REASON. Hence, we might think that (g) would fail to meet one of my sufficient conditions for substantivity, (5), while at the same time fulfilling a necessary condition for non-substantivity, (1). If so, then its status as a substantive proposition is unclear.

In addition to this, someone might make a similar claim about the following Rossian principle:

(h) There is always an ineradicable but overridable reason to refrain from acts of injury.

Indeed, with respect to (h), Robert Audi (1997) appears to suggest something like this (although note that nowhere does Audi explicitly subscribe to anything like the necessary and sufficient conditions I have set out):

¹⁰⁹ More specifically: we have a duty to prevent (or overturn) a distribution of benefits and burdens which is not in accordance with the merit of the persons concerned.

Keeping in mind what constitutes a prima facie duty, consider how we would regard some native speaker of English who denied that there is (say) a prima facie duty not to injure other people and – to get the right connection with what Ross meant by ‘duty’ – meant by this something implying it would not be even prima facie wrong. Our first thought is that there is a misunderstanding of some key term, such as ‘prima facie’.¹¹⁰

Now it may be the case that Audi chose this particular Rossian principle for a reason; namely, that it seems *particularly* plausible that there *is* always a moral reason to refrain from acts of injury. However, we might also interpret Audi as wanting to make a similar point with regard to *all* of the Rossian principles, i.e. that denial of *any* of the Rossian principles constitutes prima facie evidence that the *S* in question fails to understand them. So Audi might be interpreted as wanting to make the same point about the Rossian promissory principle (f) and the following:

- (i) There is always an ineradicable but overridable reason to be beneficent.
- (j) There is always an ineradicable but overridable reason to express gratitude.
- (k) There is always an ineradicable but overridable reason to improve oneself.

This point might be brought into more focus if we think of the Rossian principles (f)-(k) as mid-level principles upon which there is significant consensus in philosophical ethics. Significant and *substantive* ethical disagreement could perhaps be characterized as being about how to *capture* and *explain* these mid-level principles in an over-arching general theory.¹¹¹

Of course, there is *some* disagreement regarding the Rossian principles. Moral particularists, for example, will deny that moral reasons, as such, are *univalent* in the way that Ross and Audi claim. Is it implausible to say that the moral particularist’s denial of a Rossian principle constitutes prima facie evidence that they fail to understand it? I must confess that I am not

¹¹⁰ From his (1997), p. 57 Note that in more recent work (2004), (2008), Audi distinguishes between agreement *in* reasons and agreement *on* reasons. He thinks that theoretical dispute *on* reasons is quite reasonable, even if it is among individuals for whom there is agreement *in* reasons. I would suggest that in making this distinction Audi is possibly reining back from the claim expressed in this quotation.

¹¹¹ I take this suggestion from a footnote in Crisp (2007).

sure what we ought to say about this issue. Let me say that I don't think that it is *obviously* implausible to say this. Note that the claim here is that the denial of a Rossian principle by an *S* constitutes *prima facie* evidence that *S* fails to grasp the principle, i.e., there is an initial presumption of a failure of understanding which can be *cancelled* once further evidence about the reasons (presumably theoretical) for denial are brought to the fore.¹¹² Despite this, I can imagine someone claiming that it is simply not true that denying the Rossian principles constitutes *any* evidence that the *S* in question fails to understand them. One reason why someone might think this is that the principles are not obviously *conceptual* or *analytic* truths, and hence we might wonder why a lack of belief should be necessarily connected in some way to evidence of comprehensional failure. Another, more significant reason, is that an *adequate understanding* may in fact involve something more robust than a mere grasp of meaning, i.e., more than a grasp of meaning is required in order to see that they are true, and hence it is not clear why failing to believe a Rossian principle should constitute *prima facie* evidence that the subject doesn't grasp its meaning.

In order to see this point in more detail, it is important that we consider the other sufficiency condition for substantivity:

- (6) If grasping a proposition, *p*, (or understanding a sentence, *T*, which expresses *p*), does not, *ceteris paribus*, put one in a position to recognize that *p* is true, then *p* is a substantive proposition.

Do the Rossian principles meet this sufficiency condition? An overview of the contemporary intuitionist literature reveals that there is some lack of clarity on this. I think this probably stems from a more general lack of specificity amongst intuitionists as to (i) what *adequate understanding* involves and how this relates to what might be termed *grasp of meaning*, and, (ii) whether reflection is required over-and-above adequate understanding in order to discern truth. Let me explain these points. If it turned out that adequate understanding amounts to simply grasping the meaning of the principle in question, then ethical intuitionists might have in mind the following thought: the Rossian principles are complex propositions, i.e., the concepts of PRIMA FACIE, DEFEASIBILITY, PROMISE etc are not easy concepts to grasp. This is

¹¹² Note that the claim could be contextualized such that it only applies to individuals who are *not* engaged in philosophical ethics, i.e., out-with philosophical ethics, if someone denies a Rossian principle this constitutes *prima facie* evidence that they have failed to grasp it. However, I can imagine someone denying this point too.

why reflection is required to see what they mean, and hence to see that they are true. On this first view, it would seem that the principles fail to meet the sufficient condition for substantivity expressed in (6). Alternatively, ethical intuitionists might be claiming that reflection is required *in addition* to an adequate understanding (construed as grasp of meaning) in order to see that they are true. On this second view, they would appear to *meet* the sufficiency condition (6). If, however, adequate understanding is supposed to amount to something more robust than grasp of meaning, then ethical intuitionists might have the following alternative picture in mind: the meaning of the Rossian principles can be grasped with some reflection, but *in addition* to this, some reflection – perhaps involving a deepening of understanding - is required in order to attain an adequate understanding and to see their truth. On this third interpretation, it would again seem that the Rossian principles *do* meet the sufficiency condition for substantivity.

Although there is some textual evidence for thinking that the first option is correct¹¹³, I think that, on balance, we have good reason to think that one of the latter two interpretations is what ethical intuitionists are committed to. Furthermore, I think that they *ought* to hold this view. Consider the interpretative point first; the first reason for thinking this is due to the strong emphasis ethical intuitionists place on *reflection* on mediately self-evident propositions (of which the Rossian principles are examples) in order to see that they are true. Also, the following quotation from Audi suggests that we should think of the role of reflection as *attaining* an adequate understanding:

[mediately self-evident propositions are] those (adequately) understood by them [rational agents] only through reflection on them, say on concrete instances that help bring out their content.¹¹⁴

Furthermore, and significantly, I think that the sort of reflection ethical intuitionists have in mind is of the sort which *outstrips* the attainment of what might be called a *grasp of meaning* (note that this is compatible with saying that some reflection might be required in order to attain a mere grasp of meaning). Consider the following remarks from Klemmens Kappel (2002):

¹¹³ Evidence for something like this interpretation can be found in Audi's (2004), p. 51. Something like this view can also be found in Hooker (2002).

¹¹⁴ Audi, R. (1999), p. 214

mediately self-evident propositions are those that although one may be able to *understand* them immediately, they can only be *justifiably accepted* as true after some reflection. One can be justified in accepting them as true only after some thinking about the matter.¹¹⁵

Note also the following from Robert Audi (2008) on the nature of *adequate understanding*: ‘a central point here is that adequacy of understanding goes beyond basic semantic comprehension’¹¹⁶. And,

I should add here that we might also speak of *full* understanding to avoid the suggestion that adequacy implies sufficiency only for some purpose. Neither term is ideal, but ‘full’ may suggest maximality, which is also inappropriate.¹¹⁷

Given all of this, I think we have reason to think that ethical intuitionists are committed to the claim that merely grasping the meaning of some or all of the Rossian principles does *not* put one in a position to see that they are true, *ceteris paribus*. Given this, and on my account of the substantive/non-substantive distinction, they fulfill a sufficient condition for substantivity. As stated, in addition to this, I think that there are very good reasons for thinking that a more robust conception of adequate understanding is *required* in order to be in a position to see that a Rossian principle is true¹¹⁸; for one, it simply seems intuitively plausible that more than a grasp of meaning is required in order to see that the Rossian principles are true. One could imagine individuals who understand a sentence expressing a Rossian principle without having any idea as to the truth-value of the proposition expressed by it. For example, it seems possible that someone could understand what a Rossian principle means without having had any moral experience, i.e., one might have a purely theoretical understanding of what, e.g., promising is, what a moral reason is etc. In this sort of case, it is far from obvious that the individual would be in a position to see that the principle is true. Secondly, it is not at all obvious that the Rossian principles are analytic or conceptual truths, and hence it seems plausible that in order to see that they are true, this will require more than mere conceptual competency.

¹¹⁵ (2002), p. 394

¹¹⁶ Audi, (2008), p. 488

¹¹⁷ Audi, (2008), footnote, p. 478

¹¹⁸ Perhaps with the exception of the Rossian *justice* principle (g). Admittedly, I am not entirely sure what to say about this example.

Furthermore, even if they are conceptual truths of some sort, the apparently unobvious nature of their truth sits uncomfortably with the thought that simply understanding them puts one in a position to see that they are true. Thus I think we have excellent reasons for thinking that P1 of the Understanding Objection is true.

Before proceeding, consider briefly the other sufficient condition for substantivity suggested:

- (7) If a proposition, p , is made true by features of the world (where the ‘world’ picks out something like the mind-independent world) and is non-trivially true, then p is a substantive proposition.

Given the previous interpretation of the relationship between adequate understanding and grasp of meaning, it seems to me that the Rossian principles are likely to fulfill the conditions in (7). There are of course ambiguities as to what exactly constitutes a *non-trivial* truth, but it seems right to say that a truth which requires reflection over-and-above mere understanding is non-trivial. Also, it seems correct to say that the Rossian principles *are* in some sense explanatory, i.e. they purport to explain and justify our everyday moral practice. Again, this might lead us to want to say that the Rossian principles are non-trivial and hence, according to (7), substantive.

I will proceed on the assumption that the Rossian principles are in fact substantive whilst noting that substantivity might come in *degrees*, i.e., it seems correct to say that the Rossian principles are perhaps *less* substantive than propositions (d) and (e). Given that P1 of the Understanding Objection is therefore true, ethical intuitionists will have to reject P2 or P3 in order to avoid its conclusion. In the following section I will consider whether they can plausibly deny the supposed link between the *substantive* and the *synthetic*. In what follows I will briefly consider and reject the proposal that the Rossian principles could constitute *substantive epistemically-analytic* truths. However, I will then go on to suggest that they *could* constitute examples of *substantive Kantian-analytic* truths, even if they assume a robust conception of adequate understanding (a concept which I will fully explicate in §4).

3. The Rossian Principles, Analyticity and the Understanding Objection

In this section I will consider whether it is plausible to regard the Rossian principles as *substantive* and *analytic*. This of course involves going against the grain of tradition, since ethical intuitionists have tended to assume that the Rossian principles are *synthetic*, e.g.,

what empiricists will find objectionable about the idea of self-evident moral propositions... is not the very idea of a self-evident proposition, but the idea that the sort of propositions intuitionists defend (synthetic ones) can be self-evident.¹¹⁹

However, in the current philosophical climate there is apparently a cloud hanging over the claim that substantive and synthetic truths could be self-evident.¹²⁰ Hence, in order to defend the claim that the Rossian principles are self-evident, ethical intuitionists might be well-advised to explore the possibility that they could be *substantive* and *analytic*, thus denying P2 of the Understanding Objection. I will briefly discuss and reject the idea that they could constitute examples of substantive *epistemically*-analytic truths before going on to suggest that they could constitute *substantive Kantian-analytic* truths.

To begin, consider the best-known contemporary account of analyticity; the *epistemic* conception. For proponents of epistemic-analyticity, e.g., Paul Boghossian, a statement is analytic just provided that ‘grasp of its meaning alone suffices for justified belief in its truth’¹²¹. Hopefully one can see the obvious surface similarities between this account, and how intuitionists characterise self-evidence in SE. If it were the case that what ethical intuitionists meant by *adequate understanding* was the same as what proponents of epistemic-analyticity mean by *grasp of meaning*, then self-evidence and epistemic-analyticity would be effectively equivalent. However, when we consider epistemic-analyticity, we might think that the

¹¹⁹ Stratton-Lake, (2002), Introduction, p. 19

Also note the following from G.E. Moore (note, however, that Moore is *not* discussing the Rossian principles): ‘such propositions are all of them, in Kant’s phrase, “synthetic”: they all must rest in the end upon some proposition which must be simply accepted or rejected... This result may be otherwise expressed by saying that the fundamental principles of Ethics must be self-evident.’ *Principia Ethica*, p. 143

¹²⁰ Admittedly, I am not completely sure about this claim.

¹²¹ Boghossian, P.A., (1996), p. 363

Note that the epistemic conception of analyticity has come in for heavy philosophical criticism in recent years, e.g. see Jenkins (2008) and Bonjour (1998). Also, on one interpretation of epistemic-analyticity and the associated concept of *implicit definition*, (Jenkins (2008)), justified belief in an epistemically-analytic truth will be *inferential*. So even if it were somehow able to be shown that the Rossian principles were epistemically-analytic, intuitionists would face these problems in providing a satisfactory defense of their epistemological claims.

explanation for why grasping the meaning of an epistemically-analytic truth suffices for justified belief, is that grasping its meaning puts one in a position to *see that it is true*. In other words, it seems that the following might constitute a plausible *necessary* condition for epistemic-analyticity:

- (8) If a statement, *T*, is epistemically-analytic, then, *ceteris paribus*, understanding *T* (or grasping the proposition, *p*, expressed by *T*) puts one in a position to recognize that the *p* expressed by *T* is true, *ceteris paribus*.

If this is a plausible condition, then it seems that the Rossian principles will fail to meet a necessary condition for falling under the concept EPISTEMICALLY-ANALYTIC TRUTH. This is because it was argued in the previous section that more than a grasp of meaning is required in order to see their truth. Hence, under this conception and my characterisation of substantivity, they could not be substantive and epistemically-analytic. As a brief aside, despite claiming that the Rossian principles fail to meet a necessary condition for epistemic-analyticity, it is worth noting that my account of substantivity and non-substantivity does *not* rule out the possibility of substantive epistemically-analytic truths. How? Recall that conditions (5) and (6) are only *sufficient* conditions for substantivity. It just so happens that fulfilling these sufficient conditions disqualifies a proposition from getting to be epistemically-analytic. This seems to be the case for the Rossian principles under the current interpretation. However, there could be *other* sufficient conditions for substantivity which *are* compatible with the necessary conditions I have laid down for epistemic-analyticity. Hence, on my view there *could* be substantive epistemically-analytic truths.

I would now like to consider the possibility that the Rossian principles could be *substantive Kantian-analytic* propositions (denying P2 of the Understanding Objection). The Kantian conception of analyticity (so-called due to its originating with Kant in the *Critique of Pure Reason*) classes a proposition¹²² as analytic just in case the predicate concept of the proposition is *contained* in the subject concept. To illustrate by way of a hackneyed example: the proposition that *all bachelors are eligible unmarried men* is said to be analytic on the Kantian view because the concept BACHELOR in some sense ‘contains’ the concepts UNMARRIED and MALE and ELIGIBLE. A proposition is synthetic, just in case the predicate

¹²² Strictly-speaking, Kant refers to analytic *judgments*.

concept lies *outside* the subject concept. This is apparently the case for the following example: *all bodies are heavy*. The idea here is that having a thought of BODY doesn't entail having a thought of HEAVINESS. Instead, what is required is some sort of synthesis or 'putting together' of the concepts. In delineating the crucial idea of 'containment' of concepts, Kant said the following: 'I need only to analyze the concept, i.e. become conscious of the manifold that I always think in it, in order to encounter this predicate therein'¹²³.

Elsewhere Kant claimed that we can understand the notion of conceptual containment in terms of *contradiction*, i.e. it would be contradictory to deny that the predicate 'belongs' to the subject. Although these two ideas, containment and contradiction, do not appear to be *identical* (i.e., denying a logical consequence of an analytic proposition is contradictory, but surely this is not what is meant by containment), it seems that if a concept, *CI*, is contained within another concept, *C*, then denying a proposition which directly links these concepts, e.g. *all C's are CI's*, will be contradictory.¹²⁴

As was suggested in the introductory section of the chapter, the traditional view of the Rossian principles is that they are synthetic propositions, which along Kantian lines would entail that there is no containment relation between the constituent concepts. However, Robert Audi (2008) has recently presented a view whereby the concepts constitutive of the Rossian principles exhibit the sort of containment relation just described, despite the possibility that no full analysis of MORAL REASON may be possible. So, to illustrate; the concept of MORAL REASON is said to contain (among other concepts), the concept of BEING THE KEEPING OF A PROMISE. Audi's thought appears to be that the latter concept *grounds the applicability* of the concept MORAL REASON.¹²⁵ Now, although Audi doesn't speak as if the Rossian principles are *analytic*, it seems that thinking of the concepts in the Rossian obligations as exhibiting a containment relation, *does* commit Audi to the view that the Rossian principles are *not* synthetic, since synthetic propositions are defined as those for which there is no such containment relation. If they are not synthetic, then it seems reasonable to regard them as a

¹²³ Kant in the *Critique of Pure Reason*, quoted indirectly from the *Stanford Encyclopaedia of Philosophy* entry on 'The Analytic/Synthetic Distinction.'

<http://plato.stanford.edu/entries/analytic-synthetic/> Last accessed, 14/04/11.

¹²⁴ There are well-known difficulties with the Kantian conception of the analytic-synthetic distinction. Apart from its apparently being overly psychologistic, one other major difficulty is its apparent inability to deal with paradigm cases of the analytic, e.g. 'If Gareth is taller than Ross, and Ross is taller than John, then Gareth is taller than John,' where no such containment metaphor seems applicable. My use of the Kantian conception here is to facilitate a discussion of construing the Rossian principles, roughly, as conceptual truths.

¹²⁵ See Audi, (2008), p. 479

special type of analytic proposition, or so I will assume. Hence, it seems appropriate to discuss Audi's view in the context of a discussion about the prospects for construing the Rossian principles as *substantive analytic* self-evident truths (Hereafter I will refer to Audi's view as the Kantian-analytic view, whilst acknowledging the subtleties of the account).

Assuming the current interpretation of the Rossian principles, i.e., as meeting particular *sufficient* conditions for substantivity, could they constitute *substantive Kantian-analytic* truths? Initially, someone might think not because they hold the following necessary conditions for falling under the concept KANTIAN-ANALYTIC TRUTH:

- (9) If a proposition, p , is Kantian-analytic, then if an agent, S , fails to believe p , this constitutes either prima facie or conclusive evidence that S fails to grasp p .
- (10) If a proposition, p , is Kantian-analytic, then grasping p will one in a position to recognize that the p expressed by T is true, *ceteris paribus*.

If (9) and (10) were indeed *necessary* conditions on Kantian-analyticity, then it would appear that the Rossian principles would straightforwardly fail to meet them. However, I think that we might reasonably doubt whether (9) and (10) really are correct. Instead, I think that it is reasonable to claim that whether a concept, CI , is contained within another concept, C , is a fact about those concepts that may be opaque to competent users of the concepts, and, is compatible with the idea that the truth of a Kantian-analytic proposition in which C and CI figure need not be obvious. If the truth of a Kantian-analytic proposition is unobvious even to those who understand it, then plausibly neither (9) nor (10) are correct necessary conditions. Given this, we might think that there is not necessarily a conceptual tension in the idea of a proposition fulfilling certain sufficient conditions for substantivity, whilst being Kantian-analytic.

What more can be said about such an account? Someone might argue that for certain Kantian-analytic propositions (the substantive ones), coming to see that a proposition is true is something which requires a *deeper* understanding than what has been referred to thus far as a grasp of meaning. Indeed, one might think that, in the case of putative examples of self-evident Kantian-analytic substantive propositions, adequate *understanding* denotes something

over-and-above grasp of meaning, i.e. a more robust comprehension is required in order to ground justification. If a deeper understanding or conceptual reflection is required in order to discern truth then the possibility opens up that there could be a true proposition, p , such that (i) denial of p is not prima facie evidence that one does not understand p , (ii) understanding p does not, ceteris paribus, put one in a position to recognize that p is true, and, (iii) there is a containment relation between the concepts, C and CI , which partially constitute p . Under my characterisation, such propositions would be examples of substantive Kantian-analytic propositions.

As argued in the previous section, I think that given what Audi and other intuitionists say about adequate understanding, there is good reason for thinking that adequate understanding involves something more robust than a mere grasp of meaning, i.e. something akin to a *deeper* understanding which can only be attained by conceptual *reflection*. Also, as was suggested in §2, it seems that they *ought* to hold something like this view. In addition, it is not only ethical a priori intuitionists who have appealed to deeper understanding in providing an account of a priori knowledge. Consider the following from Christopher Peacocke (2005) (who is not an ethical intuitionist):

sometimes a priori knowledge is hard to attain. Attaining it may require deep reflection on concepts in the proposition known. But deeper reflection, when successful, seems always to involve deeper understanding, rather than anything extraneous to understanding.¹²⁶

So the thought appears to be that by reflecting on the proposition we deepen our understanding of the proposition and thereby come to see that it is true.¹²⁷ Assuming something like this

¹²⁶ Peacocke, C., (2005), p. 751

¹²⁷ Another way of thinking about the idea of deeper understanding might be to consider what Michael Smith (1994) says about concept possession and conceptual reflection. Smith thinks that the judgmental and inferential dispositions possessed by a competent user of a concept, C , can be summed up in a list of what he terms *platitudes*. So for the concept MORAL RIGHTNESS, a plausible list of the platitudes might include things like: *rightness has a close connection with motivation and reasons for action, acts are right or wrong in virtue of their everyday non-moral features* etc. On a similar account, such platitudes would constitute *non-substantive* propositions (note that due to the distinction between *know how* with respect to a concept and *know that* with respect to a platitude which is propositional, *some* reflection might be required to understand these propositions, even for a competent user of the concept). On Smith's account it is the purpose of *conceptual analysis* to attempt to provide plausible summaries of the platitudes surround a particular concept. Such conceptual analyses might be unobvious to even competent users of the concept in question. In addition, I think we can add to this that even competent users who understand and believe the *platitudes* surrounding the concept might fail to be able to see

account, it seems open for a priori ethical intuitionists to claim that the Rossian principles are a species of substantive Kantian-analytic propositions. If deepening understanding involves something like *substantive thought*, e.g., by considering hypothetical applications of the principle, then it seems that ethical intuitionists can potentially provide a plausible account of how a proposition could be known via conceptual reflection but also be substantive. Hence, ethical intuitionists can reject P2 of the Understanding Objection.

Let me end this section by briefly considering two related objections to this claim. In a recent paper¹²⁸ M.S. Bedke (2010) has suggested that the Kantian-analytic account of the Rossian principles is not very plausible because it

generates conceptually necessary truths when there are none... While some might think substantive ethical propositions like this [the Rossian principles] can be conceptually necessary truths, many doubt it.¹²⁹

By themselves, these remarks won't count as an objection, lest we commit something like the fallacy of majority belief. That said, one might think that there is something odd – prima facie – about the notion of a substantive conceptually necessary truth. The reason for this is that we might think that conceptually necessary truths are the sorts of truths that can be known on the basis of grasping their meaning, and are perhaps in some sense trivial. Given this, they would appear to fail to fulfill some sufficient conditions for substantivity (while fulfilling some necessary conditions for non-substantivity). However, in response to this problem I would say the following on behalf of the ethical intuitionist: firstly, my plausible account of sufficiency conditions for substantivity does not generally rule out the existence of substantive analytic truths. If, as seems plausible, we think that analytic truths are conceptually necessary then my account also doesn't rule out the existence of substantive conceptually necessary truths. Secondly, if the Rossian principles are substantive, they perhaps aren't *as* substantive as

the truth of successful conceptual analyses of the given concept since a summary of such platitudes might not be obviously true. Indeed, one might think that one will require something like a *deeper understanding* than a mere grasp of meaning in order to see that a successful conceptual analysis is true. On the account at issue, then, conceptual analyses of platitudes could be examples of *substantive Kantian-analytic* propositions (noting of course that we are ultimately interested in the special attenuated version of this), i.e. propositions which exhibit a containment relation but for which understanding does not put one in a position to see that it is true, and disbelief does not constitute evidence of lacking a grasp of meaning.

¹²⁸ Bedke, M.S., (2010)

¹²⁹ Ibid., p. 1072

paradigm substantive propositions such as (d) and (e). Hence perhaps the idea that they are substantive conceptually necessary truths is not so far-fetched after-all.

Despite there being responses to the objection that substantive conceptually necessary truths are odd, there are further oddities thrown up by this view. A peculiar implication of the idea that the Rossian principles are Kantian-analytic truths is that those who deny them must be in some sense guilty of evincing a *conceptual failing*. So a moral particularist like Jonathan Dancy is not only evincing a *theoretical* error when he denies that moral reasons, e.g., the moral reason to avoid causing injury, are *univalent*, but is in fact evincing a *conceptual* error. Indeed, if we think that containment relations between concepts are sufficient to ground contradictions, then to deny that promise-keeping is always sufficient to ground an ineradicable but overridable moral reason, is contradictory. This might seem like a heavy-handed claim to make. Furthermore, thinking of the Rossian principles as substantive and Kantian-analytic threatens to misdiagnose the nature of the debate between Rossians and anti-Rossians: although it doesn't entail that the interlocutors are talking past one another, or that anti-Rossians lack an understanding of the propositions, it *does* entail that what is at stake in the debate is the very nature of the concept MORAL REASON, and not a substantive theoretical dispute between those who are broadly agreed upon conceptual matters. Although this doesn't constitute anything like a knock-down blow against the position, in order to make this position plausible ethical intuitionists will have to say more about how precisely they understand ethical disagreement over the principles given the claim that they are Kantian-analytic truths.¹³⁰

Assume, then, that the ethical intuitionist can deny P2 of the Understanding Objection. Despite being able to deny its soundness, I think that ethical intuitionists face an amended Understanding Objection (Understanding*) which can be expressed in the following argument:

P1: In order to see that the Rossian principles are true, a robust adequate understanding is required.

¹³⁰ Audi (2008) discusses disagreement (under the heading rational disagreement) but doesn't address (i) the implication that, e.g. the moral particularist, is guilty of conceptual confusion, and (ii) how this is compatible with their having adequate understanding (Audi claims that they *do* have adequate understanding).

P2: If a robust adequate understanding of a proposition is required in order to see that it is true, then the claim that the proposition is self-evident is dubious.

C: The claim that the Rossian principles are self-evident is dubious.

I will argue in the following section, §4, that the account of adequate understanding/deeper understanding, which has so far only been gestured towards, is highly problematic vis-à-vis the claim for self-evidence, and that we have good reason to believe that the amended Understanding* is sound. Specifically, it will be shown that P2 of Understanding* is true.

4. The Problems of ‘Robust’ Adequate Understanding

In this section I will present some significant objections to the claim that the Rossian principles are self-evident. Specifically, I argue that given the relatively *robust* conception of adequate understanding that ethical intuitionists appear to be committed to, they are faced with the following dilemma: either it is doubtful whether knowledge of the Rossian principles could be anything other than *inferential*, or else, the account of adequate understanding offered by ethical intuitionists commits them to the implausible claim that *all* non-contingent ethical truths are self-evident.¹³¹ I will conclude that, in lieu of further argument, we have strong reason to doubt that the Rossian principles are non-inferentially knowable on the basis of adequate understanding as ethical intuitionists claim.

The reader will have noticed that a lot of philosophical work was being done in the previous section by the notion of a *deeper* understanding, or a *full* understanding, i.e., a robust conception of *adequate understanding*. We will want to know more about what the process of attaining a deeper understanding actually amounts to and just how it is compatible with a proposition’s being self-evident.

Generally-speaking, one plausible way in which we might make sense of the idea of a *deepening* of understanding of a Rossian principle, would be to claim that one comes to grasp the connections and relations between that proposition and others. Perhaps by attaining a deeper understanding, one comes to view the proposition in the context of the ‘big ethical picture’, according to which the Rossian principle is true. Although this won’t require that you

¹³¹ I limit this to non-contingent propositions because it doesn’t seem that contingent propositions are plausibly candidates for self-evidence in the first place. See previous footnotes 8 and 28.

see *all* the connections and relations that obtain between the proposition and all the others, it seems that deepening understanding would involve something like seeing how the proposition fits into a wider propositional context. The idea that *understanding* is in some sense holistic can be found in the work of Jonathan Kvanvig (2009):

To understand is to grasp the variety of such connections. It involves seeing explanatory connections, being aware of the probabilistic interrelationships, and apprehending the logical implications of the information in question.¹³²

Note also the following from Catherine Elgin (2007):

understanding is primarily a cognitive relation to a fairly comprehensive, coherent body of information. The understanding encapsulated in individual propositions derives from an understanding of larger bodies of information that include those propositions.¹³³

The problem with this is that it is not clear how this conception of deepening understanding could be consistent with the claim that the propositions which are known via a deeper understanding are *self-evident* since on this picture one sees that a Rossian principle is true because one grasps how it connects to other propositions. This looks suspiciously like some sort of coherentist or inferential process of justification. If a deeper understanding of this sort is required in order to see that the Rossian principles are true, then it looks like their self-evidence is in doubt.

At this point, the ethical intuitionist might reach for the distinction that Audi makes between *internal* and *external* inferences,¹³⁴ where the former are semantic and comprehensional and apparently do not serve as premises for a conclusion. As Audi claims:

any inferential dependence a self-evident proposition has is comprehensional:
the inference serves to bring out the content of the original proposition, a

¹³² Kvanvig, J., (2009), p. 3

¹³³ Elgin, C., (2007) p. 35

¹³⁴ See his (1999) and (2004) for details.

content that, to someone who comprehendingly consider the proposition, is directly before the mind without any need to draw inferences.¹³⁵

Perhaps then, deepening of understanding simply involves drawing internal inferences. I must admit that I don't find this response terribly plausible. However, it will, in any case, be objected that I have presented an uncharitable characterisation of what is involved in the deepening of understanding of an *individual* proposition, as opposed to the *objectual* understanding involved when we are talking about a *body* of information, e.g., my understanding of quantum physics. Instead, ethical intuitionists might claim that in order to gain a deeper understanding of a Rossian principle, one need only consider *applications* of that principle, e.g. hypothetical cases in which the principle is relevant, as opposed to considering how the principle relates to other more obviously *extraneous* propositions. Indeed, this seems to be what at least some ethical intuitionists have in mind.¹³⁶ As W.D. Ross claimed,

we see the *prima facie* rightness of an act which would be the fulfillment of a particular promise, and of another which would be the fulfillment of another promise, and when we have reached sufficient maturity to think in general terms, we apprehend *prima facie* rightness to belong to the nature of any fulfillment of promise. What comes first in time is the apprehension of the self-evident *prima facie* rightness of an individual act of a particular type. From this we come by reflection to apprehend the self-evident general principle of *prima facie* duty.¹³⁷

Ross thought that by reflecting on particular cases we come to see 'the general in the particular' via a process of *intuitive induction*.¹³⁸ This process is also apparently reflective and

¹³⁵ Audi, (1999), p. 218

¹³⁶ Evidence for this view can be found in Audi (1999), Stratton-Lake (2002). Both take this view from W.D. Ross.

¹³⁷ Ross, W.D., (1967) [1930], pp. 32/33 Note that Ross' use of *self-evident* is not the same as Audi's. For Ross, self-evidence simply means, knowable without extraneous evidence.

¹³⁸ This process apparently involves apprehending that a particular act has a certain (moral) property in a particular instance, and, as an intellectual outgrowth of this, apprehending that this holds in all cases where that particular act-type is tokened. So for instance, I apprehend or understand that my keeping my promise in scenario *C* is *pro-tanto* right, and then by intuitive induction, I somehow see the 'general in the particular' and come to apprehend or understand that in *any* scenario, *Cn*, my keeping my promise would be *pro-tanto* right. The idea appears to be that 'understanding' a particular cases allows us to see something general.

non-inferential. An objection here would be that it just does not seem plausible to claim that considering – and presumably forming judgments about - hypothetical cases merely involves drawing *internal* inferences *from* the general principle. Although it might somehow be argued that, in thinking about an *individual* hypothetical scenario, we sometimes form internal inferences, if adequately understanding a Rossian principle involves considering hypothetical examples, it seems a stretch to maintain that the inferences drawn do not play an epistemological role as premises for the overall conclusion.¹³⁹ Indeed, we might reasonably think that this is an illegitimate conflation of comprehensional and substantive thought.

One way of responding to this worry about inference might be to suggest that adequate understanding is something that most normally functioning moral agents simply ‘carry around’ with them. That is to say, normal moral agents with a sufficient stock of ethical experience will have a *general* adequate understanding of ethical propositions which is in some sense the ‘outgrowth’ of their ethical experience.¹⁴⁰ So, if we assume that ethical experience involves reflection, attaining an adequate understanding *does* require reflection, but it needn’t involve the subject drawing inferences (internal or external) when they actually *consider* an individual ethical proposition – although presumably it requires the *capacity* to draw inferences.¹⁴¹ Indeed, perhaps this general adequate understanding allows one to have a content that is directly before the mind when one considers a self-evident proposition. Furthermore, on my preferred conception of non-inferential justification, if adequate understanding is in fact a non-doxastic state, then it seems likely that the beliefs formed on the basis of this adequate understanding are non-inferentially justified. Recall,

A *non-inferentially* justified belief is a belief that is based by some non-inferential mechanism on some kind of reasons or evidence, where non-doxastic states such as experiences and phenomenal and intellectual appearances are the relevant kind of reasons or evidence.

¹³⁹ The reader might be wondering where ethical understanding of particular cases is itself supposed to derive from. One bad answer would be to say that it depends on prior ethical experience. This seems to start a vicious regress with no obvious terminus. A better answer would be to say that we have an innate capacity for moral understanding which is perhaps triggered by our being exposed to certain features in the environment. I merely mention this in passing, although this sort of commitment might make the view a good deal less attractive for some philosophers.

¹⁴⁰ Kirchin (2005)

¹⁴¹ This point is emphasized by Brad Hooker (2002).

On this account, someone who believes a self-evident proposition on the basis of their adequate understanding (construed as a non-doxastic state) could be said to non-inferentially know it. Certainly this *might* be thought to avoid worries about the drawing of internal and external inferences when considering the proposition. However, in response, I would firstly say that it is not obvious that this move avoids the previous objections about inference since there appears to be an epistemic dependency of the adequate understanding upon moral experience in a way which makes the claim for non-inferentiality look odd (I will return to this point at the end of chapter 2). Secondly, and more significantly, I think that we have yet to be given satisfactory reasons for thinking that an adequate understanding of *p* is in fact a non-doxastic state, and not, e.g., a complex set of *beliefs* about *p* or a body of propositions related to *p*, perhaps allied with some abilities with respect to the proposition and its application. Thus it isn't clear whether beliefs based on an adequate understanding really aren't based on doxastic states in a way which, on the above conception of non-inferential justification, would appear to make them *inferentially* justified.

Even if we were to ignore these worries and suppose that reflection on particular cases can somehow be characterized as merely involving *internal* inference, and/or that adequate understanding *is* in fact a non-doxastic state which can ground *non-inferential* justification and knowledge, another serious problem arises: given the robust concept of adequate understanding and given that it is supposed to be compatible with non-inferential knowledge, there appears to be no bar to propositions such as *abortion is prima facie morally wrong* or *euthanasia is morally permissible* (if true) getting to count as self-evident, i.e., either I reflect on hypothetical cases of abortion and come to the conclusion (non-inferentially?) that *abortion is prima facie morally wrong* or *euthanasia is morally permissible*, or else I have an adequate understanding based on previous moral experience such that I can come to non-inferentially believe that *abortion is prima facie morally wrong* upon considering it. To my mind this doesn't seem very plausible. Recall that the justification one gets for believing a self-evident proposition, given an adequate understanding, is of a particularly *strong* variety. I do not see how it is plausible to attribute this sort of *non-inferential* justification for propositions of the sort in question. Furthermore, if we think that there is a distinction between basic and non-basic beliefs as foundationalists claim (recall that ethical intuitionism is closely associated with foundationalism), then the propositions that *abortion is prima facie morally wrong* and *euthanasia is morally permissible* would presumably fall on the non-basic (non-self-evident)

side of the divide. If it doesn't then I am left puzzled as to whether there are *any* non-contingent non-self-evident ethical propositions. Indeed, on this view, it would appear that *every* non-contingently true ethical proposition is self-evident.¹⁴² This result strikes me as implausible. Indeed, I take the foregoing argument to establish the truth of P2 of Understanding*.

In order to avoid this conclusion, the ethical intuitionist might appeal to the claim that the Rossian principles exhibit a Kantian *containment* relation, and that it is only propositions like *this* that can be known on the basis of a deeper understanding. After-all, deeper understanding is supposed to involve *conceptual* reflection, so perhaps only propositions exhibiting a *conceptual* containment relation can be seen to be true on the basis of this. Although this might seem like a way for intuitionists to respond, it remains unclear to me what work the containment relation is actually supposed to be doing vis-à-vis conceptual reflection. Surely we don't want to say that conceptual reflection is to be construed literally, i.e., as involving a *literal* examination of our concepts (would this involve causal connection with our concepts? Some sort of Gödelian perception?). Instead, conceptual reflection or deepening of understanding is plausibly understood as simply involving the *guidance* of our reflection by our concept possession¹⁴³ i.e., considering instances in which the relevant concepts are applicable. So, the point here is that I have yet to see a good reason for thinking that there is something special about the possession of a containment relation vis-à-vis the claim for self-evidence.

Alternatively, it is also worth pointing out that it is unclear why propositions such as *abortion is prima facie morally wrong* (if true) couldn't *also* exhibit a non-reductive conceptual containment relation of the sort Audi posits for the Rossian principles. This seems especially plausible when we consider that Audi thinks the crucial point about the idea of non-reductive containment is that certain non-moral facts *ground the applicability* of the concept MORAL REASON. Given this, the idea that *abortion is prima facie wrong*, could also exhibit a containment relation does not seem so far-fetched. Yet it is surely not self-evident in the way Audi has in mind, i.e., capable of being believed with strong non-inferential justification on

¹⁴² In his (2004), pp. 55 & 59, Audi appears to suggest that only the Rossian principles are self-evident.

¹⁴³ See Jenkins, (forthcoming) for a similar view.

the basis of an adequate understanding. Again, the burden of argument falls upon the ethical intuitionist to show why these objections don't make their view implausible.¹⁴⁴

In addition to all of this, it is worth noting that it seems highly plausible that the same sort of account of deeper understanding would have to be given if the Rossian principles were regarded as substantive *synthetic* propositions. A potential benefit for ethical intuitionists of adopting this approach might be that they can avoid the supposedly problematic claim that the principles are substantive and *conceptually necessary*.¹⁴⁵ Suffice to say, however, I think that the same problems vis-à-vis the account of a robust adequate understanding and self-evidence will arise if the ethical intuitionist were to adopt this strategy.

Given the problems associated with the more robust conception of adequate understanding, perhaps ethical intuitionists who think that the Rossian principles are substantive might be well-advised to retreat to the view that an adequate understanding is equivalent to a grasp of meaning. Note, however, that this would entail that the Rossian principles are *substantive* and *epistemically-analytic*, and as was argued in §3, this is a highly problematic notion (at least given the fulfillment of certain sufficient conditions for substantivity). Given this, ethical intuitionists who want to reject the robust conception of adequate understanding would either have to argue that the Rossian principles are non-substantive or else they would have to *deny* epistemic-accounts of analyticity in favour of some alternative conception, e.g. the *metaphysical* conception.¹⁴⁶ On this latter sort of account, ethical intuitionists could then maintain that an adequate understanding is equivalent to a grasp of meaning, and that a grasp of meaning somehow suffices to confer justification for believing the Rossian obligations, whilst denying that this entails that they are analytic. Another alternative, somewhat similar to this, which the ethical intuitionist could possibly adopt, would be to agree with Quine and

¹⁴⁴ Another line of response which I think is also unsuccessful is the claim that, for the Rossian principles (and not propositions like *abortion is prima facie wrong*), there is some special relationship between *belief* and *understanding*. See the introductory section of this chapter for an argument against this claim. Also, even if it could be shown that there is some connection between belief and understanding for the Rossian principles that does not obtain for *abortion is prima facie wrong*, it is not at all clear what bearing this would have on the claim that the principles are self-evident.

¹⁴⁵ This might not be the case: note that Audi appears to regard synthetic a priori truths as 'conceptual synthetic truths: non-analytic, yet true by virtue of ("synthetic") relations of the relevant concepts.' From his 'Justification, Truth, and Reliability' p. 312 in his (1993).

¹⁴⁶ Again, this is the view that a statement is analytic just in case it is *true in virtue of its meaning*. Under this conception a synthetic statement would simply be one for which it is made true by features of the world. This move seems reasonable, since there is no obvious entailment from a statement's expressing a proposition is knowable in virtue of grasping its meaning to that statement therefore being true *in virtue of its meaning*.

simply reject the analytic-synthetic distinction altogether, i.e., reject *all* conceptions of analyticity, epistemic or otherwise. Admittedly, ethical intuitionists and Quineans make somewhat awkward philosophical bed-fellows,¹⁴⁷ but it is worth noting that this sort of move could be made by the intuitionist in order to avoid the problems associated with endorsing epistemic-analyticity. If, however, a priori ethical intuitionists seek to adopt this line, then they owe us an account of how adequate understanding (conceived as grasp of meaning) could ground knowledge and justified belief in the substantive Rossian principles. This is especially pressing given that they plausibly fulfill the sufficient conditions (5) and (6) for substantivity. In the following final section, §5, I will consider an account of the Rossian principles as substantive and synthetic self-evident truths which apparently isn't dubious in the way P3 of the original Understanding Objection claims, *and*, in a way which doesn't involve an appeal to a potentially problematic 'robust' conception of adequate understanding. This is the view that the Rossian principles could be regarded as *default reasonable* to believe.

5. The Rossian Principles and Default Reasonableness

Ethical intuitionists who accept P1 and P2 of the original Understanding Objection could attempt to resist its conclusion by rejecting P3, i.e., the claim that if a proposition is substantive and synthetic, then the proposition's self-evident status is dubious and/or mysterious. In order to do so they could potentially appeal to the idea of *default reasonableness*; roughly, this would be the idea that the Rossian principles (propositions (f)-(k) above) are among those propositions that it is default reasonable to believe, i.e., which we have some presumptive justification for believing without empirical evidence.¹⁴⁸ A non-ethical example of such a proposition would be that *there is an external world*.¹⁴⁹ If the Rossian principles were default reasonable to believe an understanding or grasp of their meaning would be all that is required in order to form beliefs about them which are default reasonable; hence, they could potentially evade the problems associated with the *robust* conception of

¹⁴⁷ Note that contemporary ethical intuitionists, e.g. Audi, Stratton-Lake, seem to think that there is indeed a cogent distinction to be made between the analytic and synthetic.

¹⁴⁸ See Hartry Field (2000) on the notion of the *weak a priori*. See also Copp (2003) for discussion. Note that Copp thinks that default reasonable beliefs/weakly a priori beliefs are ultimately answerable to experience, i.e. they are empirically defeasible. In this sense, he thinks that the existence of the synthetic a priori (in the weak sense) can be made compatible with naturalism.

¹⁴⁹ One possible problem here that I won't discuss in detail is that default entitlements appear to have been conceived primarily to deal with the threat of scepticism, i.e. in a scenario where it is not at all obvious that we can reason or reflectively arrive at a justified conclusion. Given that ethical intuitionists think that we can *reflectively* come to see that the Rossian principles are true, we might think that they lack the sorts of characteristics typical of putatively default reasonable beliefs.

adequate understanding outlined in the previous section. The motivation for the default reasonable view is that

while non-basic beliefs and rules can be justified non-circularly by appeal to other, more basic beliefs and rules, this process cannot go on forever. Eventually we will arrive at our most basic beliefs and rules, and to them we must be entitled to ‘by default’ or not at all.¹⁵⁰

Some proponents of this view, e.g. Field (2000), take ‘reasonableness’ or ‘default entitlement’ to be *non-factual*, and a mere expression of our positive attitudes towards the propositions in question; a sort of ‘epistemological evaluativism’ somewhat similar to non-cognitivism in ethics. However, the evaluative non-factualist component of the view is not necessary.¹⁵¹ Instead, someone could be a ‘factualist’ about default reasonability, perhaps pointing to some ‘objective’ property which default reasonable beliefs share. I will return to the issue of what sort of properties these might be shortly.

It seems that adopting a factualist version of the default reasonable view could be open to ethical intuitionists. Notice that it would enable them to stake out a firm claim for naturalistic respectability while holding on to the traditional view that the propositions which they regard as being self-evident are also substantive and synthetic. In this regard, note the following from Copp (2003):

[given the notion of default reasonableness] a naturalist can agree that some substantive moral propositions can be reasonably believed *without empirical evidence*.¹⁵²

Moreover, ethical intuitionists might be attracted to the default-entitlement view because of its apparent consistency with the view that our default reasonable beliefs are *non-inferentially* justified,¹⁵³ although just in what sense they are ‘justified’ is something I will address below. Also, notice that appealing to the property of default-reasonableness would apparently enable

¹⁵⁰ Jenkins, C., (2008), p. 440

¹⁵¹ David Copp appears to sign up to something like Field’s view in his (2003) although it is unclear whether he endorses evaluativism.

¹⁵² Copp, D., (2003), p. 188

¹⁵³ See Boghossian (2000) for this point.

ethical intuitionists to resist P3 of the Understanding Objection and defend the view that we have a priori knowledge of synthetic and substantive truths in a way that is naturalistically respectable.

Despite its attractions, I think that there are problems with the view such that a priori ethical intuitionists will be unlikely to want to adopt it. Firstly, note that this sort of account would no longer be an *understanding-based* account of a priori knowledge, since it isn't our understanding *per se* which is providing the grounds for positive epistemic status. Rather, our understanding simply enables us to form default reasonable *beliefs* about propositions for which we have an understanding-independent default entitlement to. So, it would not necessarily be true that if one based one's belief on one's understanding of, e.g., a Rossian principle, one would thereby have knowledge of it (because one's belief wouldn't be based on a justification or entitlement *for* the belief).¹⁵⁴ At the very least, the characterization of self-evidence (see SE above) would need to be jettisoned. In order to avoid such revisions, a priori ethical intuitionists could possibly make an emendation to the account such that one's understanding could somehow *ground* the propositional default entitlement. However, they would then have to explain what the relationship is between understanding – construed as a mere grasp of meaning - and default reasonableness, and how exactly understanding can ground entitlement in the way claimed. I do not at present know how exactly such an account might look, especially given that I think grasping the meaning of the Rossian principles *does not* place an individual in a cognitive position to see that they are true.

If ethical intuitionists eschew this revisionary account of default entitlements there is a more general problem which proponents of the view will have to face up to: if understanding isn't playing a justificatory or entitling role then there doesn't appear to be *anything* which is conferring the positive epistemic status, except for the claim for default reasonability. As Jenkins (2008) has remarked:

¹⁵⁴ It also isn't clear how this fits with my conception of non-inferential justification as paradigmatically involving justification conferred by non-doxastic states.

on discovering that someone holds a belief without supporting grounds of any kind, it is extremely tempting – for me anyway, and I expect I’m not alone here – to *withhold* the application of words like ‘entitled.’¹⁵⁵

Proponents of the view that some propositions are default reasonable to believe might claim here that there are good epistemic reasons for thinking that we are entitled to such beliefs. For example, with the threat of external world scepticism it might appear that appeal to something like default reasonability is the only plausible way of vindicating the epistemic practices of ordinary epistemic agents. In the moral case, proponents of the view might claim that, given a particular moral outlook, we have a default entitlement to believe – justifiably – certain propositions,¹⁵⁶ e.g. given a certain widely-held moral view, the proposition *friendship is good* might be default reasonable without empirical evidence. However, an opponent here will likely find such claims unsatisfactory since it is not at all clear where exactly the positive epistemic status is supposed to be coming from¹⁵⁷.

Indeed, quite generally, it is not clear how epistemic agents could have *any* epistemic reason to *believe* a proposition which is putatively default reasonable given the absence of supporting grounds. In this context it is worth noting that Crispin Wright (2004) holds a (factualist) view that a default entitlement in this sense is a (rational) entitlement to *accept* rather than *believe* a proposition. In other words, it is rational for individuals to act or behave *as if* the proposition were true without them having justification or evidence for *believing* it. If this were the most plausible account of what we can be default entitled to then this might not be attractive for a priori ethical intuitionists who claim that we can have non-inferential understanding-based *knowledge* of the Rossian principles. Having said that, if appeal to default entitlements to accept rather than believe could vindicate the everyday moral practices of ordinary moral agents, then perhaps ethical intuitionists would be happy to settle with the view. Note however, that adopting such a view would not in any way constitute a denial of P3 of the Understanding Objection.

In addition to this, however, there is a more serious worry that the Rossian principles are simply not plausible candidates for the sorts of propositions we have *default entitlement* to

¹⁵⁵ Jenkins, C., (2008), p. 441

¹⁵⁶ This view can be found in Copp (2003).

¹⁵⁷ Also, as a response to scepticism it seems to be *too easy* to simply label certain beliefs as *default reasonable*.

accept or to trust. The reason for this is that Wright (2004) holds quite a specific view about what sort of proposition gets to be one for which we have a default entitlement to accept.¹⁵⁸ One such condition is that the proposition must be a *presupposition* of a *cognitive project*, such that the cognitive project as a whole would be in doubt if we were to doubt the proposition (presumably the cognitive project has some importance for human life). Wright has in mind here a proposition like *there is an external world*. Certainly, it seems that this proposition is a presupposition of many cognitive projects, e.g., the natural sciences, and that the significance of those projects would be seriously in doubt if we were to seriously doubt that *there is an external world*. Perhaps in virtue of this and further properties, we have some sort of default entitlement to believe it.

Although appealing to the notion of a *presupposition* would appear to enable ethical intuitionists to avoid the charge from the previous section that *all* true ethical propositions are self-evident (or, in this case, default reasonable), it seems unlikely that the *Rossian principles* are central to the ‘cognitive project’ of *ethics* in the way defined. Although I can imagine someone arguing that something like *the supervenience of the ethical on the descriptive* expressed in (c) occupies something like this sort of central position in the cognitive project of ethics, I see no reason for thinking that seriously doubting the truth of the Rossian principles would undermine the significance of the cognitive project of ethics itself. Even if we were to weaken Wright’s condition such that we could have a default entitlement to accept a proposition if it occupies a central place in our *ethical world view* (construed loosely as a cognitive project), it is far from obvious that the truth of the Rossian principles *is* central to our ethical world view in the relevant sort of sense. A brief consideration of the literature on ethical particularism and utilitarianism should suffice to cast serious doubt upon such a claim.

Given the foregoing arguments I contend that we ought to reject the claim that the Rossian principles are default reasonable to believe. At the very least, ethical intuitionists owe us an explanation as to what we ought to think that they could be candidates for default reasonableness.

¹⁵⁸ See Jenkins (2007) for criticism of Wright’s view.

Conclusion

This concludes my discussion of the claim that the Rossian principles are self-evident. I hope to have shown that we have good reason to believe that there are serious problems associated with this claim. Specifically, I think that either the original or the amended Understanding Objection are sound, and hence, in lieu of further argument, we have good reason to think that the Rossian principles are self-evident in the way contemporary ethical intuitionists claim.

In the following chapter I will go on to discuss the other extant *a priori* account of our putative intuitive knowledge and justified belief; the *seemings* account. At the end of that chapter, and in light of both the seemings account of justification and my own proposed account of non-inferential justification, I will return to briefly re-consider our putative justified belief in the Rossian principles.

Chapter 2: Ethical Intuitionism and Intellectual Seemings

In this chapter I will discuss and assess what I am denoting the Seemings-Account (hereafter, the S-Account) of ethical intuitionism whose main proponent is Michael Huemer (see his (2001), (2005), (2007), (2010)). Roughly, the view is that our ethical intuitions can be characterized as *initial intellectual seeming* states, i.e., *S*'s ethical intuition that *p* can be understood as *p*'s intellectually seeming true to *S* prior to engaging in reasoning or inference. Furthermore, ethical intuitions get to justify in virtue of being a member of the class of seeming states. According to the S-Account, *all* types of seeming, e.g., perceptual, mnemonic, introspective and intellectual, confer at least some degree of justification for belief in their contents. Indeed, this epistemological claim can be summed up in the principle of *Phenomenal Conservatism*:

Phenomenal Conservatism: If it seems to *S* that *p*, then, in the absence of defeaters, *S* thereby has at least some degree of justification for believing that *p*.

Absent defeaters, beliefs based upon seeming states are justified. Hence, the S-account holds that *all* of our ethical intuitions have some initial or prima facie justification. Their view thus promises to provide a comprehensive epistemology of ethical belief.

It will be the purpose of this chapter to assess the prospects for the S-Account, with a particular interest in the implications for ethical intuitionism. Roughly, I will argue that, as it stands, the prospects for the S-Account are quite bleak and hence ethical intuitionists ought not to rely on it to supply an ethical epistemology. However, I will end by suggesting that ethical intuitionists might have good reason to explore the possibilities of something like a *restricted* version of PC.

The structure of the chapter is as follows:

In §1 I will outline the S-Account of ethical intuitionism; roughly, that ethical intuitions can be understood as *initial intellectual seemings*, and that our non-inferential ethical knowledge and justified belief is grounded in these seemings. This will involve discussion of what *seemings* are and the S-Account's epistemological principle of *Phenomenal Conservatism* (PC). I will

also consider the claim made by proponents of the S-Account that denial of PC is *self-defeating* (in a way to be explained). A discussion of this latter feature will be important since the S-Account's epistemology of ethical belief is entailed by the truth of PC. If denial of PC is self-defeating then it appears that ethical intuitionists can simply rely on PC in order to ground their epistemological claim for ethical intuition.

Following from this, in §2, I will advance some objections to the S-Account with a view to showing that *restricted* versions of PC, i.e. versions of PC that deny the justificatory power of at least some seemings, do not face self-defeat. I will begin by challenging the view that there is a *unified* category of *seeming* states of which ethical intuitions are a member. Establishing this is significant because if ethical seemings can be shown to be different in *kind* from other seeming states, then scepticism about the justificatory powers of the former need not lead to a far more wider-ranging (and less plausible-sounding) scepticism about seeming states generally. After this I will go on to argue that it is possible for *restricted* versions of *Phenomenal Conservatism* to avoid *self-defeat*. This is significant because, as I will explain, the ethical intuitionist who is a proponent of the S-Account will now have to provide a full account as to why we should think that ethical seemings – particularly those with substantive contents - *do* indeed justify. I will end by suggesting that it is not at all obvious how ethical intellectual seemings with substantive contents do indeed get to justify belief.

In §3, I will go on to present a further, and in my view, more serious objection to the S-Account. Specifically, I will show that, given some plausible-sounding accounts of non-inferential justification and justified belief, the S-Account is committed to the following implausible claim: every justified belief held by anyone, anywhere, is or has been *non-inferentially* justified (this of course includes ethical beliefs). I will then show that the most plausible available responses to this either lead to further problems or involve giving up central claims of the S-Account. Hence, the prospects for the S-Account are significantly bleaker than has so far been thought.

In the final section, §4, I will go on to suggest that, given the arguments of the previous sections, ethical intuitionists would be well-advised to adopt something like a *restricted* PC. However, in addition to the philosophical work required in order to show that substantive ethical seemings do get to justify belief, I will show that ethical intuitionists ought to adopt a

new conception of non-inferential justification and justified belief. After outlining my preferred conception, I will consider some applications of my account. Notably, I will apply the account to the case of the Rossian principles. As will be shown, my account brings out more clearly why, on understanding-accounts of justification (see previous chapter), the Rossian principles ought not to be regarded as *non-inferentially* justified or *basic*.

1. The Seemings Account

The principal exponent of the S-Account of ethical intuition and intuitive justification is Michael Huemer (see his (2001), (2005), (2007), (2010)). Huemer's S-account relies on two main assumptions: firstly, that there is a *sui generis* intentional mental category which he calls a *seeming*, and secondly, an epistemological principle he denotes *Phenomenal Conservatism*. Let us consider these in turn. According to Huemer, the existence of seemings is supposedly evidenced when one says that it 'seems to me that *p*' or 'it appears to me that *p*.' There are, according to Huemer, several types of seeming: perceptual, mnemonic, introspective and intellectual.¹⁵⁹ The different types of seeming can be individuated on the basis of the sort of experience or mental state which they are typically a response to/are based upon, e.g., perceptual seemings are responses to sensory experiences¹⁶⁰; mnemonic seemings are based-upon/are responses to memory-beliefs. For our purposes we will be concerned with Huemer's notion of *intellectual seemings*, a sub-class of which is that of *initial intellectual seemings*, which are said to be responses to concept apprehension. Initial intellectual seemings are Huemer's gloss on what intuitions *are*: intuitions are initial intellectual seemings or the way things intellectually appear to us prior to reasoning or inference. *Ethical* intuitions, then, are initial intellectual seemings which have an ethical content.¹⁶¹

Intuitions,¹⁶² so construed, are distinguished from belief. This is because there are occasions wherein (i) one can have a seeming that *p* without believing that *p*, and (ii) one can have a belief that *p* without its seeming to one that *p*. To illustrate the former, Huemer points to the

¹⁵⁹ Presumably testimonial seemings are subsumed under these categories.

¹⁶⁰ On this account our perceptual beliefs are *indirectly* based upon perceptual experiences. Lurking in the background here are questions about the relation between perceptual experiences and the seemings we apparently have on that basis. This issue is at least partly related to the question of whether perceptual experiences have *contents*.

¹⁶¹ Note that Huemer does not distinguish ethical seemings from other intellectual seemings except for their ethical content.

¹⁶² What I say here with regard to *intuitions* is true of *seemings* generally. Indeed, what I say here is true of intuitions because they are – on the S-Account – seeming states.

case of utilitarians who may find counterexamples to utilitarianism *intuitive* (i.e., it intellectually seems to them that the non-utilitarian judgment is correct), yet adopt utilitarian-affirming beliefs about the examples all the same. Instances where one can believe something without a seeming are apparently to be found in the case of beliefs based upon self-deception or leaps of faith.¹⁶³ In addition to these distinguishing features, we might also think that seemings can be thought of as distinct from beliefs given the possibility of cases where an individual holds consciously contradictory seemings, while the analogous sort of case for belief does not seem possible. So, for example, it might *perceptually* seem to one that the Müller-Lyer lines are of different lengths, but it *intellectually* seems to you that they are the same (because you have measured them with a ruler)¹⁶⁴, whereas it is plausibly impossible that one could (consciously) believe of the Müller-Lyer lines that they were and were not the same length.

Intuitions, understood as initial intellectual seemings, are also to be distinguished from *dispositions* to believe, although they may often give rise to and explain such dispositions.¹⁶⁵ This is due to the possibility of cases where one has become so convinced that an intuition is inaccurate (e.g., an intuition that the naïve comprehension of axiom of set theory is true) that one wouldn't be disposed or inclined to endorse it (contrast this with Audi's account of the relationship between adequate understanding and a disposition to believe). Also, in the case of wishful thinking that *p*, one could plausibly have a disposition to *believe p* – perhaps based on a desire or hope – without its seeming to one that *p*. For the purposes of this chapter I will assume, not unwarily, that there is indeed a distinctive mental category of intellectual seemings.¹⁶⁶

The second assumption upon which Huemer's S-Account of intuitions and intuitive justification rests is the epistemological principle of *Phenomenal Conservatism*:

¹⁶³ It has been suggested to me by Michael Brady that it is not obvious that things don't seem to us a certain way in the cases of self-deception and leaps of faith. If correct, then this would mean that, by the lights of PC, there are some cases of prima facie justified beliefs based on seemings which are the result of self-deception and leaps of faith. Certainly, it is plausible that there will be *some* cases of these phenomena that involve seemings.

¹⁶⁴ Of course, the seeming based upon the measurement might lead one to adopt a belief. However, proponents of the S-Account will claim that these are distinct states.

¹⁶⁵ Audi appears to agree with this characterization. See his (2010).

¹⁶⁶ Not all philosophers agree that there is such a thing as a seeming. Note the following from Timothy Williamson on the alleged existence of intellectual seemings: 'For myself, I am aware of no intellectual seeming beyond my conscious inclination to believe Naïve Comprehension, which I resist because I know better.' From p. 217 of his (2007).

PC: If it seems to *S* that *p*, then, in the absence of defeaters, *S* thereby has at least some degree of justification for believing that *p*.¹⁶⁷

A few things are worth noting here about PC as it stands; firstly, it is not restricted to a particular type of seeming. *All* seemings confer *some* degree of prima facie justification. However, the degree of justification will depend upon the strength of the seeming, e.g., if a seeming is weak and wavering then it will only confer *some* justification (perhaps not enough for outright justified belief). Also, Michael DePaul (2009) has highlighted that there is an ambiguity as to whether the role of defeaters in PC ought to be understood synchronically or diachronically. However, if initial intellectual seemings are supposed to confer *non-inferential* justification, then it would appear that the absence of defeaters must be understood diachronically, i.e., we have some non-inferential justification which can *then* be defeated by rebutting or undermining evidence. I will have a good deal more to say about how exactly PC relates to non-inferential justification in §3. For now it is worth noting that on some recent conceptions of non-inferential justification, if a belief is based upon and justified by a seeming state, and if seeming states are not beliefs, then it would seem that *all* seemings-based beliefs will be non-inferentially justified. The implications of this will be discussed in detail in §3.

Given my overriding interest in ethical intuitions and their epistemology it is important to note that the truth of PC entails the following epistemological principle:

PC*: If it initially intellectually seems to *S* that *p* (and *p* is an ethical proposition), then, in the absence of defeaters, *S* thereby has some degree of justification for believing that *p*.

Note that the ethical propositions which could become the object of an initial intellectual seeming are not restricted to any particular class of ethical propositions, e.g., they are not constrained to propositions about general or mid-level principles, e.g., the Rossian principles, and PC* can thus potentially provide a reasonably comprehensive epistemology for our intuitive ethical beliefs. So, for example, PC* commits us to saying that my initial intellectual

¹⁶⁷ Taken from his (2007).

seeming that it would be permissible to unplug myself from the famous violinist¹⁶⁸ (a proposition about a particular case) confers some degree of prima facie justification on my belief that such an action would be ethically justified. Also, note that Huemer thinks that if it intellectually seems to me that *p*, (where, e.g., *p* is an ethical proposition), then I gain some degree of justification for the belief that *p*, *no matter what the content of p happens to be*. So an implication of the view is that if, upon considering the proposition, it intellectually seems to me, e.g., that *torturing children for fun is morally required*, then in the absence of defeaters (presumably these will either be other appearance states, or beliefs based upon other appearance states), I will have some degree of justification for that belief. As stated, I will consider in detail what the *nature* of the justification in PC and PC* is supposed to be in §3, i.e. whether it is inferential or non-inferential.

Although our interest is in the S-Account of ethical intuitions, it is arguably at least partly in virtue of being a member of a general class of seeming states that ethical intuitions gain epistemic respectability. Given this, it is therefore important to note some other significant claims that Huemer makes about the role of seemings with respect to our normally held beliefs. In addition to positing an intentional seeming mental state and a commitment to *Phenomenal Conservatism* (see PC and PC* above), Huemer also makes the following striking claim regarding the *causal* role that seemings play in our everyday belief formation:

- (1) All of our beliefs held in normal circumstances are held on the basis of the way things seem to us, i.e., on the basis of seeming states.¹⁶⁹

Huemer claims that we have good reason to think that the way things seem to us – in normal cases, i.e., all cases except where beliefs are formed on the basis of self-deception or leaps of faith – is the only proximate causal factor in one’s belief formation. He also claims that whenever one points to some other possible causal basis for belief formation, e.g. the fact that *p*, these belief forming bases are only plausible candidates insofar as they cause us to be in a state of its seeming to us that *p*. Consider the following example from Huemer (2007):

¹⁶⁸ See J.J. Thomson’s much-discussed paper (1986).

¹⁶⁹ Note that the idea that seemings are typically the *basis* of our beliefs neither entails nor is entailed by the idea that seemings typically *cause* the formation our beliefs.

the fact that there is a cat here might causally explain my belief that there is a cat here... what I maintain is that the cat's presence causes me to believe that there is a cat here only *by* causing it to appear to me that there is a cat here. Furthermore, the appearance probabilistically *screens off* my belief from the external fact. That is, *given* that I experience exactly the same sort of appearance I am now experiencing, the probability of my forming the belief that there is cat is unaffected by the actual existence or non-existence of the cat.¹⁷⁰

Huemer's point here appears to be that *if* we hold the way things seem to the subject constant, then changes in other potential bases for belief formation, e.g., the facts, *don't* make a difference to belief formation or the probability of belief formation. More generally, Huemer's argument against the existence of alternative bases for belief formation, seems to rest on his belief in the truth of the following counterfactuals:

- (i) if it seemed to *S* that *p*, but alternative belief-base *x* did not obtain, then *S* would, *ceteris paribus*, believe that *p*.
- (ii) if alternative belief-base *x* obtained, but it did not seem to *S* that *p*, then *S* would, *ceteris paribus*, not believe that *p*.

I take it that Huemer's thought here is that there is a counterfactual dependence between its seeming to *S* that *p*, and *S*'s forming the belief that *p*, whereas there is no such dependence between alternative causal bases, e.g., the fact that *p*, and *S*'s believing that *p* (assuming that we hold facts about the presence of the seeming state constant). It should be clear from this that Huemer thinks that in normal conditions, appearances determine beliefs by inclining subjects towards endorsing the content of their seemings. Given all this, Huemer thinks that the best explanation for belief formation – in normal cases – is that it seems to *S* that *p*, and not some alternative causal base.

To link (1) directly to the ethical case, Huemer's point here is that *all* of our ethical beliefs are held on the basis of the way things seem to us. So this rules out the idea that, e.g., one could base one's ethical belief about the rightness of promise-keeping *solely* on the basis of a

¹⁷⁰ Huemer, M., (2007), pp. 39/40

process of reasoning which employed the categorical imperative. According to Huemer, there are *no* beliefs held in normal circumstances which are based directly on the categorical imperative or any other decision procedures. Instead, all ethical beliefs are based upon the way things seem to us, although appearance states may themselves be produced by a process of reasoning such as that involved in the consultation of the categorical imperative. With respect to our justified ethical beliefs, Huemer would claim that these will *all* be based upon intellectual seemings with ethical content.¹⁷¹

In addition to (1), Huemer also holds the following general epistemological principle as true:

- (2) If one's belief that *p* is based on something that does not constitute a source of justification for believing that *p*, then one's belief that *p* is unjustified.

The epistemic principle expressed in (2) depends upon the cogency of a distinction Huemer makes – and which is made elsewhere¹⁷² – between justification *for* belief and justified *belief*. To get a grip on these two notions and how they can come apart, consider the following case. In his youth, Peter was taught the theory of evolution by several competent and enthusiastic science teachers. Being bright and attentive, Peter understood and internalized the strong supporting evidence for believing the theory of evolution. In such a case one might reasonably say that Peter has justification *for* believing the theory to be true. However, suppose that Peter believes the theory of evolution, but holds this belief on the basis of the say-so of a fairground guru and *not* on the basis of the testimonial evidence he acquired at school. In such a case we are inclined to say that the Peter's belief is *unjustified* since it is based on an unreliable and epistemically inappropriate source. In this case, and others like it, Huemer wants to say that although Peter has justification *for* his belief, his belief is itself *unjustified*. Hence, Huemer thinks that one can have a justified belief only if one's belief is based on a justification *for* the belief.

Taken separately, the import of (1) and (2) may not be immediately obvious. However, Huemer claims that in conjunction, the truth of propositions (1) and (2) entails the following:

¹⁷¹ One might wonder whether there isn't a role for ethical *perceptual* seemings here. Huemer is, however, explicit in his rejection of the idea that we can observe or perceive moral properties. Hence he is restricted to intellectual seemings/intuitions in his account.

¹⁷² The distinction made is usually between *propositional justification* and *doxastic justification*. See, e.g., Fumerton (1995), pp. 91-92.

- (3) No belief is justified unless one may have justification for believing that *p* in virtue of its seeming that *p*.

For Huemer (1) and (2) become premises in what he calls the *Self-Defeat* argument, the conclusion of which is proposition (3). Once we accept that our normally-formed beliefs have their proximate causal basis in the way things seem to us, and if we assume premise (2), then it follows that we can only have *justified* beliefs if it is true that things seeming to us a certain way can – sometimes - confer justification. Otherwise, we would have no justified beliefs (although note that we could still have justification *for* beliefs if seemings don't justify). The Self-Defeat argument is so-called because, if accepted, it appears to follow that any epistemological theory which claims that seemings *never* justify will entail that we have no justified beliefs. This appears to follow from the fact that, given the truth of (1), the opponent of seemings will reject the existence of seemings and their justificatory efficacy *on the basis of the way things seem to them*. Combine this with (2) and it suggests that their denial will itself be unjustified. The same can be said of beliefs like *PC is false* or *alternative epistemic theory, x, which rejects the justificatory power of seemings, is true*. Indeed, according to Huemer's argument there is an obvious sense in which someone who either (i) denies the existence of seemings, or (ii) denies that they can/would have justificatory power, is committed to there being no justified beliefs. So, to illustrate by use of one of Huemer's own examples, the following comprehensive theory of epistemic justification, the *Acquaintance Theory* (held by, among others, Russell¹⁷³ and, more recently, Fumerton¹⁷⁴), is apparently condemned to self-defeat:

Acquaintance Theory: *S* has defeasible non-inferential justification for belief that *p*, iff *S* is acquainted with the fact that *p*.¹⁷⁵

Commitment to the *Acquaintance Theory* is apparently self defeating since it rules out the ability of seemings to confer justification *for* belief. Now, if one accepts premises (1) and (2)

¹⁷³ See his (1997) [1912], esp. Chs. 9 & 10.

¹⁷⁴ See his (1995), esp. Ch. 3

¹⁷⁵ Huemer, M., (forthcoming). Note that Fumerton holds a more sophisticated version of AT, what Huemer calls the 'Triple Acquaintance Theory': one is non-inferentially justified in believing that P when and only when one is acquainted with all three of the following: (i) the fact that P, (ii) the thought that P, and (iii) the relation of correspondence between (i) and (ii). I focus on the 'Simple Version' for clarity.

of Huemer's self-defeat argument the Acquaintance theorist is stuck in an unfortunate position: if their theory is correct, then their belief in the *Acquaintance Theory* (and the negation of PC and PC*) is unjustified. Indeed there will be no justified beliefs. Why? Well, the Acquaintance theorist's belief in, e.g. the negation of PC, will (given premise (1)) be based upon the way things seem to them, but they claim that seemings cannot confer justification. Thus, given the plausible-looking premise (2), the Acquaintance theorist seems committed to there being *no* justified beliefs. Unless this was their original aim it looks as though holding the Acquaintance theory (and thereby denying any justificatory role for seemings) is self-defeating.¹⁷⁶

At this point the reader will perhaps be thinking that the self-defeat argument does not, on the face of it, rule out *all* epistemological views which reject PC. For instance, it does not appear to entail as self-defeating an alternative epistemic view which rejects PC but still allows that *some* seemings can confer justification on belief. Indeed, all that follows from the conjunction of (1) and (2) is that unless seemings *sometimes* justify then no-one has a justified belief. Or alternatively: if seemings *never* justify, then there are no justified beliefs. PC, however, is a general *sufficiency* claim about the epistemic relation between its seeming to *S* that *p* and *S*'s having justification for believing that *p*, and surely one could hold a *restricted* version of PC which allowed that *some*, but not all, seemings can justify. Hence, so long as the opponent of PC's beliefs in either the negation of PC or in their own epistemic account were based on a seeming which *can* justify, then it is not at all obvious why their rejection of PC need be *self-defeating*.

So, even if PC is false (i.e. it is false that a seeming of any sort is *always* sufficient for prima facie justification), it still might be the case that we have justified beliefs due to there being a certain *class* of seemings that *do* confer prima facie justification. Membership of the class of justification-conferring seemings might be contingent on (i) the *content* of the seeming, e.g., limited to propositions that it would not be objectively crazy to believe, or, (ii) the *type* of seeming in question, e.g., the way it justifies or some other epistemological property. If true, this could have significant consequences for ethical intuitionism since PC* is entailed by the

¹⁷⁶ Someone might think that Huemer's point against the Acquaintance Theory depends upon an uncharitable interpretation of it. This is because it might be natural for an Acquaintance theorist to claim that for a subject, *S*, to be acquainted with *p* just is for it to be the case that *S* is in a state of its seeming to them that *p*. On this reading, the Acquaintance theory would simply amount to a restricted PC.

truth of PC, i.e. if there turn out to be good reasons for adopting a more restricted version of PC then ethical intuitionists will have philosophical work to do in order to show that PC* (or something sufficiently robust) is true.

Despite this threat, Huemer has what he takes to be a more subtle way of pinning the charge of self-defeat onto this type of opponent who rejects PC in favour of a more restricted version. According to Huemer, all accounts of this sort will have the following sort of structure:

RPC: *S* has defeasible justification for believing that *p* iff (i) it seems to *S* that *p* and (ii) $R(S, p)$.¹⁷⁷

Note here that *R* is supposed to stand for some relation that *S* stands with regard to the relevant proposition, *p*, e.g. *S* has given careful consideration to the proposition *p*, or, *p* is a proposition which *S* is infallible about¹⁷⁸ etc. As stated, on the face of it, it would appear that someone who held a version of RPC could evade Huemer's charge of self-defeat, just so long as the basis of their belief in RPC was based upon the class of seemings which they take to be justification-conferring, e.g. belief in their theory is based upon a seeming which is the result of careful consideration of *p*.

Despite this, Huemer thinks that all versions of RPC will indeed face self-defeat. He makes two claims in this regard; firstly, that the condition (ii) of RPC must be epistemologically relevant, i.e. it must identify a feature which really *does* separate good seemings from the bad. Secondly, in order for RPC to avoid self-defeat, condition (ii) must be a part of the *causal* basis for the production of belief, e.g. *S*'s having given careful consideration to the proposition, *p*, must be part of the basis of the belief that *p*.

With regard to the first claim, Huemer thinks that it is not possible to come up with a non-arbitrary feature that really does distinguish the good seemings from the dubious ones. He thinks that all attempts to do so will either be implausible or ad hoc. Let me say for now that this claim strikes me as odd. It doesn't seem terribly difficult to come up with candidates for distinguishing features which don't – prima facie – seem obviously implausible or ad hoc, e.g.

¹⁷⁷ Huemer, M., (2007), p. 42

¹⁷⁸ These are the views of Lawrence Bonjour who privileges intellectual and introspective seemings.

reliability; more on this later. With regard to the second claim, as was noted in (1), Huemer claims that *all* our beliefs – formed in normal conditions - will be based upon the way things seem to us, *not* on the way things seem to us plus some other factor, e.g. that *S* is infallible about the proposition in question. According to Huemer, its seeming to *S* that *p* probabilistically *screens off* the belief from other factors, i.e. if it seems to *S* that *p* and if we hold the seeming state constant, then the fulfillment of whatever condition (ii) is in RPC will make *no difference* to the probability of the belief that *p* being formed. Therefore, the additional feature is not causally relevant to belief production, and cannot be part of the causal basis. Hence no belief will be based upon its both seeming to *S* that *p* and, e.g., *S* being infallible about *p*, in which case any version of RPC will entail that no belief will be based upon an adequate justification *for* belief, and therefore that no beliefs will be justified. Put another way, by the lights of RPC (of any type), whenever a belief is formed under normal conditions, the basis for the belief will be inadequate as a justification *for* the belief since only one of the conditions of its epistemic principle will constitute the causal base (its seeming that *p*) for the belief.

So to re-cap: the S-Account holds that there is a distinctive mental category, a seeming, which is evidenced when one says that ‘*p* seems a certain way’, or ‘*p* appears true.’ Secondly, the S-Account holds that all seemings of whatever kind, be it perceptual, mnemonic, intellectual, or introspective, confer some degree of justification, *no matter what their content*.¹⁷⁹ Furthermore, the S-Account claims that *all* of our beliefs are based upon the way things seem to us, and as a result, alternative views which deny the justificatory clout of *all* seemings are doomed to *self-defeat*. In the context of providing an epistemology for ethical belief, Huemer’s account implies that ethical intuitions get to justify in virtue of (i) being a type of seeming state, and (ii) the principle of *Phenomenal Conservatism*. Since ethical intuitions are a type of seeming-state, this is sufficient for them to generate some degree of prima facie justification for belief. From this it is perhaps apparent that ethical intuitionists might be attracted to defending something like PC since it neatly affords them an epistemology of ethics by associating, e.g. ethical intellectual seemings about substantive propositions, with a broader class of seemings which (arguably) have more epistemic credibility. Furthermore, they might want to defend the self-defeat argument since if the denial of PC is self-defeating and PC

¹⁷⁹ Huemer thinks that weak or wavering seemings or appearances don’t confer full-blown justification, but presumably he thinks that all non-weak and non-wavering seemings can confer some measure of prima facie justification such that, absent defeaters, the subject has a justified belief.

entails PC*, they are – bracketing scepticism - guaranteed an epistemology of intuitive justification.

In the following section, §2, I would like to suggest ways in which opponents of Huemer's S-Account might resist the claim that all principles that fall short of PC are *self-defeating*. Specifically, I want to suggest that some versions of RPC could indeed avoid self-defeat. I will begin by casting doubt upon the idea that all of our beliefs are based on *seemings*, where this is understood as the claim that there is a *unified* category of mental state called a seeming state upon which all our beliefs are based (in normal circumstances).¹⁸⁰ This is worth considering since if it could be shown that there are qualitative differences between different sorts of seeming state, then it opens up the possibility that one could deny that, e.g., many or most ethical seemings justify, without entailing some sort of general scepticism about the ability of seeming states to justify. Furthermore, it opens up the possibility for *restricted* versions of RPC. Following from this it will be suggested that there are ways in which a proponent of RPC could avoid self-defeat and that this opens up the possibility for a restricted version of PC that excludes seemings about, e.g., many or most substantive ethical propositions. Finally, I will suggest that it is not obvious how seemings about substantive propositions are supposed to justify belief in their contents. Thus, the conclusion of this section will be that ethical intuitionists have work to do in order to demonstrate that our ethical intuitions typically confer *prima facie* justification.

2. Defeating the Self-Defeat Argument

A key part of Huemer's S-Account of the justificatory power of ethical intuitions is that ethical intuitions are members of a more general class of mental state, namely, seeming states. Given this, someone who is sceptical of the ability of ethical intuitions to justify beliefs, will be in danger of committing themselves to a general scepticism about the justificatory power of seemings. This appears to follow since if ethical seemings are no different from other sorts of seemings (except for their having an ethical content), then presumably they will justify belief in their contents in the same sort of way. So if someone denies that ethical seemings can justify, it seems to follow that they will be in danger of committing themselves to the claim

¹⁸⁰ Another way to resist this would be to claim that we can imagine beings (perhaps not human beings), who typically form their beliefs on the basis of other mental states, e.g. acquaintances with things. See DePoe (forthcoming) for a recent argument to this conclusion.

that *all* seemings fail to justify. This sort of general scepticism won't strike many people as very plausible or attractive.

Is there a way of resisting the claim that ethical intellectual seemings justify in the same way as other seemings, e.g. perceptual seemings? In a recent paper, M.S. Bedke (2008) has suggested that it is in fact possible to draw distinctions between *kinds* of seemings in a way that suggests they justify belief in their contents in different ways. Recall that Huemer's view is that *all* seemings are a *sui generis* intentional attitude taken towards some content, e.g. a perceptual seeming is taken towards a perceptual content¹⁸¹, an intellectual seeming is taken towards an intellectual content etc. According to Bedke, Huemer has failed to make important distinctions between types of seeming state. Most notably, Bedke argues that *perceptual* seemings can be distinguished from intellectual seemings by virtue of the following sort of feature: for perceptual seemings the seeming is *in the content* of the perceptual experience, i.e. it is not some attitude taken towards a perceptual experience. Bedke offers the following illustrative example:

consider a case where a representative agent, Abraham, looks at a stick that is placed in some water causing in him a sensory experience whereby it seems to Abraham that the stick is bent... the question is whether the seeming is in some special attitude taken toward the content, or in the content itself. A little reflection reveals the second option as the natural way to think about the case. If the seeming were in the attitude then it should be possible for Abraham to have the very same bent-stick experiential content before his mind without it seeming that the stick is bent. Just toggle the seeming attitude off and place some other attitude in its stead. Yet this is not a genuine possibility.¹⁸²

Bedke contrasts the perceptual case with that of intellectual seemings, e.g., the seeming that $2+2=4$. According to Bedke, it doesn't make sense to say that the seeming is *in the content* in the same way as it is in the perceptual case, i.e., it *does* seem possible to consider the content

¹⁸¹ Note that I am tentatively assuming that perceptual experiences do have contents but not that such contents are propositional.

¹⁸² Bedke (2008), p. 259 Contra-Bedke, someone might argue that seeming isn't built into the content in perceptual experience, but rather, is the attitude one takes towards the content. One could hold that perception, perceptual imagination and perceptual memory all could potentially involve the same phenomenal character (and hence content), yet differ in *attitude*, e.g., in perception: it *seems now*; in imagination: it *seems possible*; in memory: it *seems that it was*. Thanks to Fiona Macpherson for this suggestion.

$2+2=4$ without its seeming to you to be true. If this doesn't sound right – perhaps because $2+2=4$ is so obviously true - think of a more complex and less obvious a priori proposition, e.g. *knowledge requires true belief*. In this case it seems uncontroversial that a subject could have that content before their mind without it seeming to them to be true. Bedke's point is that this isn't the case for perceptual seemings where the seeming is in some sense *built* in to the content of the perceptual experience and is not some attitude taken towards it. If we think that this is reasonable then it might also seem appropriate to extend this point about perceptual seemings to some cases of introspective seemings, e.g., the seeming that I am in pain. Again, it is not obvious that it makes sense to say that we can toggle the presence of the seeming on and off whilst experiencing pain.

In addition to this, someone might also reasonably argue that there are qualitative differences between kinds of *intellectual* seeming. For example, Bedke claims that we can make distinctions amongst intellectual seemings, namely, between those that are *competence-driven* and those which are not. Bedke's distinction between competence driven and non-competence driven intellectual seemings appears to map on to, or is at least closely related to, the distinction between *non-substantive* and *substantive* propositions. Roughly, competence-driven seemings will typically be had for non-substantive propositions. Bedke's claim is that there is a qualitative difference between these kinds of seeming: in the first case, there is something like a felt-veridicality or felt-appropriateness plus a feeling that judgment is *required* by the concepts figuring in the proposition, whereas in the second case there is simply the phenomenology of felt-veridicality or appropriateness.¹⁸³ Given these putative phenomenological differences Bedke thinks that we have reason to believe that these sorts of seemings belong to distinct *kinds*. In addition to what Bedke claims, some philosophers might also think that ethical seemings quite generally can be distinguished from non-ethical intellectual seemings in virtue of their connection to the *will*, i.e., ethical seeming states have some necessary connection with motivation. If this were correct then it might provide an alternative way of distinguishing between ethical seemings and other intellectual seemings, e.g., the seemings that are apparently evinced in response to non-ethical philosophical thought-experiments.

¹⁸³ This might be similar to Lawrence Bonjour's thought that the phenomenology of considering a conceptually necessary proposition involves a feeling that the propositions *must* be true and could not be false. I admit that the phenomenological difference between competence driven and non-competence driven seemings is likely quite subtle, if indeed there is one at all.

If we suppose that Bedke is correct in his general claim that there are important differences between seeming states, then this makes Huemer's claim that all our beliefs are based on a unified category of mental state look dubious. Moreover, it also goes some way to neutralizing the worry that denying the justificatory powers of, e.g. intellectual ethical seemings about substantive propositions, commits us to making similar – less plausible – claims about the justification-conferring power of, e.g., perceptual or introspective seemings. Since these seemings are plausibly regarded as belonging to distinct kinds, doubting the epistemological credentials of one need not cast doubt – even *prima facie* - on the epistemic credentials of *all* types of seeming.

Presumably, Huemer could agree with all that has been said thus far whilst still denying that any restricted version of his *Phenomenal Conservatism* is plausible. Recall from §1 that Huemer believes that all restricted versions of his Phenomenal Conservatism will fall foul of his self-defeat argument. According to Huemer, restricted versions of PC will have the following general structure:

RPC: *S* has defeasible justification for believing that *p* iff (i) it seems to *S* that *p* and (ii) $R(S, p)$.

Huemer thinks that any version of RPC will be self-defeating since (i) it is not possible to identify some plausible and non-ad-hoc epistemological property that distinguishes some seemings from others, and (ii) it is never the case that a belief held in normal circumstances is based upon the fulfillment of its seeming to an *S* that *p* and the additional feature of seemings that versions of RPC identify. So, e.g., no *S* bases her belief on its seeming to her that *p* and *p*'s being a necessary proposition. For Huemer, the seeming state that *p* probabilistically screens off the belief that *p* from any other factor, such as, e.g., the proposition *p*'s being necessary. So any restricted version of RPC with this form will entail that all beliefs are unjustified since, by their own lights, no beliefs will be based upon an adequate justification *for* a proposition.

So even if it is true that there are distinct kinds of seeming, any epistemological theory that seeks to restrict the class of seeming states that can justify is, according to Huemer, doomed to

do so in an ad hoc way and will, in any case, be self-defeating. The task for the opponent of PC is to come up with a good reason for thinking that there are plausible epistemological distinctions to be made and to then show that their RPC is not self-defeating. I think that it is possible to do so, but before explaining how and why, I would briefly like to mention one good reason for thinking that PC isn't plausible as an epistemological theory. Consider the following, which I take to constitute a counter-example to the sufficiency claim of PC¹⁸⁴ (and a counter-example to the idea that the causal etiology of a seeming has *no* impact on its ability to confer justification):

Wishful-Thinking: For some reason David really wants it to be true that he is a Jedi Warrior. His desires are such that whenever he considers the proposition that *I am a Jedi Warrior* it seems (intellectually, let's say) to him to be true, although the proposition wouldn't seem to him to be true if he lacked these desires. According to PC, David has some degree of justification for his belief.

The opponent of PC should agree that this simply isn't plausible. An epistemological theory that countenances any degree of justified belief on the basis of wishful-thinking appears to have gone seriously wrong – this holds even once we allow that David's belief will likely be defeated very quickly.¹⁸⁵ Of course, *Wishful-Thinking* will likely not impress the staunchest defenders of PC, but it is not my purpose here to try to persuade adherents to the view. Instead, I simply present *Wishful-Thinking* as the sort of example which should make us think twice about holding the view that seemings are always *sufficient* for some degree of prima facie justification.

By considering examples like this, I think we can begin to identify the sorts of epistemological properties that defenders of RPC could identify in order to distinguish some seeming states from others (contra Huemer's odd claim that this is not possible). I do not wish to commit myself to any particular view here, but will merely suggest what I take to be one plausible-sounding account. One thing that seems problematic about *Wishful-Thinking* is that if one simply believes what one *desires* to be the case, it is unlikely that one's beliefs are going to be true, and hence simply believing on the basis of desire-based seemings will be unlikely to

¹⁸⁴ Huemer's account also entails that it is a necessary condition on an *S* having a justified belief that *S*'s belief is held upon the basis of a seeming.

¹⁸⁵ Although I think it is possible to come up with scenarios whereby David's belief would go on undefeated.

constitute a *reliable* way of forming beliefs.¹⁸⁶ Contrast this with the case of perceptual experience; it seems that once we bracket scepticism, there is widespread agreement that perceptual experience constitutes a reasonably reliable way of forming beliefs about the world.¹⁸⁷

Similar points could plausibly be made for introspection and memory, and what Bedke calls *competence-based* intellectual seemings. With regard to the latter, if one has adequate grasp of certain concepts then this plausibly might make one reliable with respect to certain *non-substantive* (and perhaps some substantive) propositions in which those concepts figure.¹⁸⁸ The thought here is that grasping¹⁸⁹ certain concepts puts one in a position to form true beliefs (based on seemings, which will in turn be based on understanding) about propositions in which those concepts figure. What of substantive ethical seemings? If it is indeed the case that substantive ethical seemings are different in *kind* from competence-based intuitions, and if this entails that they are *not* based simply on a grasp of concepts, then this might be some reason for thinking that an alternative process is being employed.¹⁹⁰ Hence, substantive ethical seemings may not be able to legitimately piggy-back on the alleged reliability of competence-based seemings. Indeed, Huemer himself (2008) appears to be somewhat sceptical of the reliability of substantive ethical intuitions (although he would of course say that they still have some initial *prima facie* justification which is then defeated once, e.g., their dubious origins are discovered). As a result, different epistemological conclusions might be reached with regard to both of these types of intellectual seeming. I will have a little more to say on this issue at the end of the section.

Even if Huemer accepts this, he will still claim that restricted versions of RPC are doomed to self-defeat. This is because he thinks that

¹⁸⁶ I loosely discuss reliability here, but I think that similar points could be made in terms of *proper function*, see Plantinga or along *virtue* epistemological lines.

¹⁸⁷ Plausibly this might have something to do with the fact – if it is a fact – that perceptual seemings are *in the content* of perceptual experience. The reason for thinking this is that if there are less intermediaries between the world and belief, then, *ceteris paribus*, it seems right to say that there are less opportunities for error to arise.

¹⁸⁸ Huemer (2005) suggests something like this view. Although note that he thinks it applies in the case of *all* ethical intuitions, substantive and non-substantive.

¹⁸⁹ In order to avoid this sounding like Gödelian perception, the grasping of concepts had better not involve causal relations.

¹⁹⁰ If substantive ethical intuitions do not simply flow from conceptual competence, then it is not altogether obvious *what* process is being employed.

one who would avoid the self-defeat argument by proposing a restricted phenomenal conservatism, then, must argue not only that there is some epistemically relevant difference between some appearances and others, but also that this difference makes a difference, causally, to what we believe. It is unlikely that this constraint is satisfied.¹⁹¹

Versions of RPC involve ruling out that certain types of seeming can provide any justification.¹⁹² So, e.g., a radical empiricist might argue that only perceptual, introspective and mnemonic seemings can justify, and that no intellectual seemings can confer justification. Alternatively, someone might deny that perceptual seemings justify their contents, e.g., because there is an inappropriate relation between the contents of perceptual experience, perceptual seemings and perceptual belief. According to Huemer, it will then be up to them to show that whatever epistemologically relevant characteristic they identify as setting these states apart from intellectual seemings plays the requisite causal role in belief-formation. As was stated earlier, Huemer appears to think that this additional characteristic must be some sort of *relation* holding between the individual and a proposition, however, I am not clear on why this has to be the case. Instead, it seems better to characterize versions of RPC as claiming the following:

RPC: *S* has defeasible justification for believing that *p* iff (i) it seems to *S* that *p* and (ii) the seeming that *p* has epistemological property, *F*.

Huemer's claim is that in order to avoid self-defeat, it must be possible for a belief to be based on both (i) and (ii), i.e. that it seems to *S* that *p*, and that the seeming has property, *F*. Otherwise, *S*'s belief would only be based upon a partial condition for justification. Put another way; given the claim that a belief is justified only if it is held upon an adequate justification for it, Huemer thinks that since all our beliefs – in normal circumstances - are based upon seemings (and nothing else), no beliefs will be based upon the conjunction of (i) and (ii), i.e. no beliefs will be based upon a sufficient justification *for* belief. Hence any version of RPC will be self-defeating.

¹⁹¹ Huemer, M.,(2007), p. 43

¹⁹² Of course they don't entail this. Someone could hold a view that excludes, e.g., intellectual seemings from the class of seemings that confer prima facie justification but yet claim that they can confer *some* justification which would be insufficient for justified belief even in the absence of defeaters.

Before proceeding to a response to this, I would like to make two points about Huemer's argument. Firstly, it is not altogether obvious that Huemer's PC isn't itself in danger of facing self-defeat. The reason for thinking this is due to the following: Huemer claims that some beliefs can be formed without a seeming state, e.g., in cases of self-deception, leaps of faith etc (there are bound to be others, e.g., he might claim that beliefs held on the basis of emotions don't involve seemings). Call all the possible bases for belief that Huemer allows for *scheeming* states. Given this, it appears to be open for someone to claim that, as a matter of fact, *all* of our beliefs are formed on the basis of *scheeming* states and not on *seemings*. Of course, seeming states *are* members of the class of *scheeming* states but a belief's being a *scheeming*, in some sense, probabilistically screens off the relevant belief, i.e., in some cases, if it *scheemed* to *S* that *p* but it did not *seem* to *S* that *p*, *S* would still, *ceteris paribus*, form the belief that *p*. If this is correct, then it is not obvious that Huemer's PC doesn't itself face self-defeat, given that it is seemings that justify and no belief is formed on the basis of a seeming (but are instead based upon *scheemings*). In response, Huemer will likely claim that the notion of a *scheeming* state is gerrymandered and, unlike seemings, is not a natural kind. Perhaps he would be correct in claiming this (although similar points might be made about the notion of a *seeming*). However, I think that Huemer will have to say a good deal more about just why his own account doesn't face self-defeat.¹⁹³

The second point I want to make is that a defender of RPC could concede Huemer's point about justified belief but still hold fast to their belief in RPC. That is to say, a defender of RPC could claim that only certain seemings can confer *sufficient* justification *for* belief, and admit that no belief is based upon both (i) and (ii). However, they could potentially evade the charge that their account is *self-defeating* by allowing that all beliefs based upon seemings (of any sort) can confer *some* degree of justification, but where this degree of justification is insufficient – even if undefeated – for outright reasonable belief. Such a view would of course be odd, but it is not entirely obvious that it would be *self-defeating* to hold such a view. It *might* be self-defeating if it entailed that it was epistemically inappropriate for the proponent of such a view to hold belief in their version of RPC. However, it is not obvious that justification and epistemic appropriateness necessarily go hand in hand, e.g., there may be cases where it is epistemically appropriate to form a belief without justification such as *might* be the case for beliefs about the existence of the external world.

¹⁹³ Thanks to Martin Smith for suggesting this line of argument.

Even if this strikes the reader as an unattractive option, I think that the adoption of such a position is in all likelihood unnecessary since there is a way in which defenders of a version of RPC can deflect the charge of self-defeat. Demonstrating this will open up the possibility for restricted accounts of PC that do *not* include *all* ethical intellectual seemings amongst the class of seeming states that are capable of conferring justification. Hence the conclusion of this section will be that ethical intuitionists cannot rely on the claim that denial of PC (which entails PC*) is self-defeating in order to defend their epistemological claim.

I think that the best way for defenders of RPC to respond to Huemer's self-defeat argument would be to deny Huemer's supposition that, in order to be justified by the lights of RPC, a belief would have to be based on conditions (i) *and* (ii). Instead, the proponent of RPC ought to claim that, although only some seemings bear their favoured epistemological property, *F*, so long as the subject's belief is formed on the basis of a seeming that *p* which *does* bear this property, then it *is* based upon an adequate justification for *p* and is hence justified.¹⁹⁴ Notice that such a position is consistent with Huemer's claim that seemings are always the proximate cause of our beliefs formed in normal circumstances. It need not be the case that any *S* has a *dual* basis for their belief, i.e. its seeming that *p* plus the fact that the seeming has property *F* in order for it to be justified, where this is understood as the claim that two *competing* causal bases are providing a joint-basis for belief. To illustrate these points, consider the following version of RPC (which I merely use as an example):

RPC*: *S* has defeasible justification for believing that *p* iff (i) it seems to *S* that *p* and (ii) the seeming that *p* is either built into the content of experience or is the intellectual outgrowth of conceptual competence.¹⁹⁵

What I think a defender of RPC* should say in response to Huemer is that it need not be the case that a subject's belief is based upon a conjunction of (i) and (ii). Rather, so long as *S*'s belief is based upon a seeming that *does in fact* fulfill one of the disjuncts in condition (ii), then if they believe on the basis of that seeming their belief is justified.

¹⁹⁴ See Depaul, M., (2009) for a similar point.

¹⁹⁵ I can imagine someone plausibly arguing that these features are epistemological relevant.

Indeed, it is worth pointing out there is something odd about Huemer's claim that subjects would have to base their belief on a conjunction of (i) and (ii) and the claim that no *S* would base their belief on such a conjunction. The oddity lies in the fact that it seems to treat (i) and (ii) as if they were *alternative* or *competing* bases for belief, and that opting for one is *exclusionary* of the other. My claim is that it doesn't always make sense to say this. Although it might make some sense if we were - to take an example of Huemer's - choosing between the *fact* that *p* and the *seeming* that *p* as being the proximate cause of belief, I don't see how it could apply in the case of, e.g., RPC*. To illustrate, consider the following counterfactuals, the putative truth of which Huemer presumably thinks demonstrates that no *S* bases her belief on (i) and (ii):

- (iii) if it seemed to *S* that *p*, but the seeming that *p* was neither built into the content of experience nor the intellectual outgrowth of conceptual competence, then *S* would, *ceteris paribus*, believe that *p*.
- (iv) if it seemed to *S* that *p* where the seeming was either built into the content of experience, or the seeming that *p* is the intellectual outgrowth of conceptual competence, but it did not seem to *S* that *p*, then *S* would, *ceteris paribus*, not believe that *p*.

Now, if we assume that there exist seemings besides perceptual and intellectual seemings then counterfactual (iii) looks to be true. Notice, however, that the antecedent of (iv) is *impossible*, e.g., it would be impossible for it to perceptually or intellectually seem that *p* to *S* and at the same time *it not* seem that *p* to *S*. Something has clearly gone awry here. I suggest that the problem is in thinking of conditions (i) and (ii) as *competing* or *exclusionary* bases for belief. An *S* can base her belief on a seeming which is, e.g., the intellectual outgrowth of conceptual competence, and that belief be justified in virtue of it being a seeming *with that property*. This is consistent with claiming that if the seeming that *p* did not fulfill one of the conditions in RPC*, then it would *not* be justified.¹⁹⁶

¹⁹⁶ An alternative way of attacking Huemer's self-defeat argument against RPCs, in the vicinity of the suggestions outlined, is to question why we should think that the second condition of RPC (i.e. the special epistemological property) has to be thought of as an additional *justifier* for belief, rather than an *enabling* condition on a seeming being able to be justification-conferring. Thanks to Martin Smith for suggesting this.

I find this response to the self-defeat argument highly plausible. Hence there is much philosophical work to do for ethical intuitionists who are attracted to the S-account. I have shown in this section that they can no longer rely on PC and the self-defeat argument to support their epistemological claim. Given that versions of RPC are not necessarily self-defeating, defenders of the S-account will either have to show that my arguments against the self-defeat argument are unsound or provide some plausible-sounding story as to why ethical intuitions (or ethical intellectual seemings) are to be included amongst the class of seemings that *do* provide justification. To put further pressure on ethical intuitionists consider the following *ethical* RPC:

ERPC: *S* has defeasible justification for believing ethical proposition *p* iff (i) it seems to *S* that *p*, and, (ii) *S*'s seeming that *p* is competence-driven.

Someone could hold ERPC and claim that seemings about substantive ethical propositions are not justified. One reason for thinking that it is plausible is that we have a potentially good explanation for why competence-driven seemings about non-substantive propositions are justified: they are the upshot of concept possession. So long as we have some story as to how our concepts are adequately hooked up to the world then it seems that we thereby have a decent story to tell vis-à-vis the justificatory power of competence-driven seemings. However, it is not at all obvious that anything like this story is available to those seeking to defend the justification-conferring powers of non-competence driven ethical seemings about substantive propositions, i.e. it would take a lot of argument to show that they are somehow the result of conceptual competency in the same or similar sort of way. Hence, the defender of the S-Account of ethical intuitions will need to say a lot more about why we should think that, e.g., non-competency based ethical intuitions about substantive propositions, do indeed get to confer justification for belief.¹⁹⁷

In the following section I will apply more pressure on the S-Account by arguing that, given some plausible-sounding conceptions of non-inferential justification, it is committed to the

¹⁹⁷ Ralph Wedgwood (2007) attempts to give an account of this by appealing to the notion of the *primitive rationality* of some ways of forming beliefs; roughly, that being capable of a given type of attitude (such as a substantive ethical seeming) requires having at least some rational dispositions with respect to that attitude. He illustrates by reference to sensory experience ' [i]t may be that it is essential to sensory experience that any subject who has such experiences has some disposition to have experiences that veridically represent certain aspects of her environment', p. 231. Wedgwood claims that we can make similar claims about our normative/ethical intuitions (in this context, ethical seemings). However, see Lenman (2010) for an argument against this strategy.

implausible claim that *all* of our justified beliefs – formed in normal circumstances - are *non-inferentially* justified.¹⁹⁸ I will then show that the most plausible available responses to this either lead to further problems or involve giving up central claims of the S-Account. Hence, the prospects for the S-Account are significantly bleaker than has so far been thought. Ethical intuitionists should therefore think twice about pinning their hopes on the S-Account to deliver an ethical epistemology.

3. An Implausible Conclusion

Recall Huemer's account of *Phenomenal Conservatism*:

PC: If it seems to *S* that *p*, then, in the absence of defeaters, *S* thereby has at least some degree of justification for believing that *p*.

PC claims that no matter what the content or the etiology or the type of seeming that is involved, if it seems that *p* to *S* then that seeming confers some degree of propositional justification for *S*'s believing *p*. I have so far focused on whether we are necessarily committed to something like PC (or else face self-defeat). However, I would like to now focus on the *nature* of the justification posited in PC, i.e. I want to consider the question of whether the justification we get from a seeming is inferential or non-inferential and just when and how there is a difference. As we shall see, under some recent plausible accounts of what it is for a belief to be non-inferentially justified, Huemer's account entails that *all* beliefs are non-inferentially justified.

To begin to see why this is true, and to relate the discussion directly to the ethical case, consider again PC*:

PC*: If it initially intellectually seems to *S* that *p* (and *p* is an ethical proposition), then, in the absence of defeaters, *S* thereby has some degree of justification for believing that *p*.¹⁹⁹

¹⁹⁸ I do not think that qualification for normal circumstances has a significant impact on the claim that *all* of our justified beliefs are non-inferentially justified: given that leaps of faith and self-deception are epistemically-dubious I don't think the claim that *all* of our justified beliefs are non-inferentially justified is too strong.

¹⁹⁹ It is important to note that other intuitionists appear to be committed to something very similar to PC*, e.g. Robert Audi (2010) appears to think that an intellectual seeming which is somehow the outgrowth of an adequate understanding gets to confer defeasible justification. Note that he also thinks that all perceptual seemings get to

Although Huemer is explicit in saying that ethical intuitions are to be identified as *initial* intellectual seemings – or the way things seem to us prior to reasoning – he says very little, if anything, about whether the sort of justification referred to in PC* or PC is to be understood as inferential or non-inferential.²⁰⁰ Such an omission might seem puzzling given that ethical intuitionism – of which he is a major proponent – is meant to be the view that we have some *non-inferential justification for* ethical beliefs and some non-inferentially justified ethical *beliefs*. As far as I can tell, the only place where this issue is even referred to is on page 102 of his (2005) where he states:

an intuition that *p* is a state of its seeming to one that *p* that is not dependent on inference from other beliefs and that results from thinking about *p*, as opposed to perceiving, remembering or introspecting.²⁰¹

One might think that the dependency that Huemer refers to here is some sort of *inferential* dependency. If so, from this we might surmise that *non-initial* intellectual seemings with an ethical content are distinguished by the fact that their justification depends upon their standing in certain inferential relations to other beliefs. Indeed, something like this appears to be suggested when Huemer considers propositions such as *We should privatize social security* and *Abortion is wrong*: ‘Though these propositions seem true to some, the relevant appearances do not count as ‘intuitions’ because they depend on other beliefs’.²⁰²

However, if Huemer means by this that our justification *for* belief and justified *belief* in non-intuitive cases depends for its epistemological status on inferential relations to other beliefs then it is not at all clear that this is consistent with Huemer’s overall picture about the justificatory dependency of our beliefs upon seemings. For recall that Huemer claims that *all* of our beliefs – in normal circumstances - are held on the basis of *seemings*, and recall that Huemer thinks that *all* seemings can confer some degree of justification. Given that seemings are to be understood in *distinction* to beliefs, then it would seem reasonable to infer from what Huemer says that *all* of our beliefs are justified by non-doxastic states (in the absence of

justify.

²⁰⁰ That said, in his (2001) he states that it is a principle for foundational justification. However, in more recent work it is to apply to *all* of our justified belief.

²⁰¹ Huemer, M., (2005), p. 102

²⁰² Ibid.

defeating evidence – which will presumably be other seeming states). This would seem to be true whether we are talking about *intuitive* or *non-intuitive* cases, e.g. whether we are talking about the seeming that $2+2=4$ or the seeming that *Abortion is wrong*. This can be expressed in the following argument:

P1: All of our beliefs – in normal circumstances - are held on the basis of seemings (premise (1) of the Self-Defeat Argument).

P2: All seemings can confer some degree of justification (PC).

P3: All seemings are non-doxastic states.

C1: All of our justified beliefs are justified by, or have some degree of justification in virtue of, non-doxastic states.

Consider now what I took to be a plausible interpretation of some recent interpretations of what it is for a belief to be non-inferentially justified:

A non-inferentially justified belief is a belief that is based by some non-inferential mechanism on some kind of reasons or evidence, where non-doxastic states such as experiences and phenomenal and intellectual appearances are the relevant kind of reasons or evidence.²⁰³

It would appear that, given the conjunction of C1 and these plausible-sounding accounts of non-inferential justification, we are left with the further conclusion, C*:

C*: *all* of our justified beliefs are *non-inferentially* justified.

Also, we get the same result if we consider an alternative account of non-inferentially justified belief²⁰⁴:

A non-inferentially justified belief is a belief that is justified independently of any actual inference and independently of any ability to draw an inference.²⁰⁵

²⁰³ This is taken from remarks Väyrynen makes in his (2008) p. 491

²⁰⁴ Note, however, that I rejected this account of non-inferential justification in the Introduction. I include it here merely for completeness.

²⁰⁵ This conception can be gleaned from the claims Sinnott-Armstrong makes in his (2007).

This is because, by the lights of the S-Account, all beliefs are justified independently of inference or an ability to draw inferences. All beliefs that are based on seemings have some degree of justification *no matter what*. So the S-Account is indeed committed to C*. Put another way; the S-Account is committed to the following concomitant claims: there are *no* inferentially justified beliefs; every justified belief is a *regress-stopper*; every belief is epistemically *basic*. Let me simply state that it seems to me that C* and its associated claims are implausible.²⁰⁶

If this doesn't strike the reader as correct it might help to consider an example of an ostensibly inferentially justified belief and to see how the S-Account in some sense *transforms* this belief into a non-inferentially justified one. Consider then, the following belief which I would take it that most would agree is *inferentially* justified for normal human beings: *the theory of evolution is true*. It seems – and I trust that I am not anomalous here – that the justification I have for believing this proposition is in some way dependent upon some mixture of testimony, inference and reasoning. Hence, it doesn't appear to be a good candidate for non-inferential justification. However, consider now what Huemer's account entails about my belief: Huemer will claim that, although I may have read about evolution and acquired good testimony, and although I may have gone through some process of reasoning and inference, this process will have involved multiple *seeming* states, e.g. it *seems* to me that what my biology teacher said was correct, it *seems* to me that this constitutes good inductive evidence etc. Ultimately, and most importantly, my resultant belief that *the theory of evolution is true* will, according to Huemer, be based upon the fact that it *seems* to me to be true (recall premise (1) of the self-defeat argument). Given that my belief has this basis, and given that, according to PC, the seeming state will necessarily confer justification, and assuming the accounts of non-inferential justification given above, then it looks like my belief counts as epistemically *basic* or *non-inferentially* justified. The same story holds for any belief the reader cares to imagine. As stated, this result strikes me as implausible.

²⁰⁶ It doesn't appear to have been Huemer's intention either. Note the following comments from his (2005): 'Phenomenal Conservatism and my version of intuitionism are versions of *foundationalism*: they hold that we are justified in some beliefs without the need for supporting evidence.' P. 120 Note also the following from Huemer's (2001): 'its seeming to *S* as if *P* is a distinct state from *S*'s believing that *P*. This is important, since otherwise PC would be granting foundational justification, automatically, to all beliefs, and this is not what we want; we want to identify a special class of foundational beliefs, to be distinguished from merely arbitrary beliefs.'

So it appears that the S-account eliminates the class of non-basic justified beliefs. It seems that someone might respond in the following ways. Firstly, it might be argued that although all of our *beliefs* might be non-inferentially justified, there might be a foundationalist structure when we consider *propositional* justification, i.e. justification *for* belief. That is to say, if we focus on propositional justification it might be the case that we can still legitimately draw some distinction between *basic* and *non-basic* beliefs, i.e. although some beliefs provide propositional justification *for* other beliefs, there is a special class of beliefs for which it is false that other beliefs confer justification for believing them. Indeed, perhaps the chain of reasoning that we undergo (with multiple seemings in-between) when arriving at ostensibly inferentially justified beliefs reflects this structure in some way. In addition to this, someone might argue that epistemological foundationalism can and should be understood as a conditional claim: if there are justified beliefs then they must ultimately be traceable to non-inferentially justified or basic beliefs. It just so happens that on Huemer's account *all* beliefs are non-inferentially justified or basic. Although these responses are correct they do not, however, impinge upon the implausibility (not just the oddity) of the claim that all of our beliefs are non-inferentially justified.

Given this, I think that it is incumbent upon the proponent of the S-Account to say something in response.²⁰⁷ As an initial response, someone might point out that, although odd, there is nothing *implausible* about C*. After-all, epistemological coherentism is committed to the opposite claim, i.e. that all justified beliefs are inferentially justified, but that in itself doesn't count as a decisive mark against it. As a dual counter-riposte I would say that, (i) once we reflect upon the nature of, e.g., perceptual justification, coherentism *doesn't* seem very plausible anyway, and, (ii) the concept of non-inferential justification seems to have an intimate link with the idea of *direct* or *unmediated* justification²⁰⁸ and it just isn't plausible to claim that we have direct or unmediated justification for all of our justified beliefs, e.g. beliefs about the truth of complex scientific hypotheses and beliefs about the existence of scientific entities such as protons.

²⁰⁷ Although it may be true that externalist accounts of justification, e.g. reliabilism, appear to expand the class of non-inferentially justified beliefs, they are not usually as expansive as PC appears to be. Furthermore, process reliabilists, e.g. Goldman (1979) distinguish between belief-dependent and belief-independent processes, with the former apparently being their gloss on inferential justification.

²⁰⁸ Although see Audi (1999, 2004) for a contrary view.

Perhaps, then, the thing for proponents of the S-Account to say in this context would be that, on the S-Account of justification, the distinction between non-inferential and inferential justification just isn't theoretically significant. What might be meant by this? Perhaps proponents of the seemings account should claim that there aren't really two kinds of justified belief. Rather, there is only one such type: *seemings*-based justified beliefs.²⁰⁹ We can eliminate the alleged implausibility I have highlighted by simply denying the distinction that it presupposes. Although this *might* be a position for defenders of the seemings account to adopt, there remain some problems with it: firstly, Huemer is an ethical intuitionist and ethical intuitionism is traditionally and contemporarily regarded as the view that we have non-inferentially justified belief. For an ethical intuitionist to claim that the distinction upon which the epistemological claim of intuitionism rests is theoretically insignificant is puzzling, e.g., imagine a disjunctivist claiming that the distinction between veridical perception and hallucination isn't theoretically significant. Secondly, Huemer himself appears to employ something like the distinction when he talks about the difference between *initial* seemings and seemings which depend upon other beliefs (see previous quotations). The main problem, however, with this response is that it involves dispensing with a distinction that has a long philosophical history, and which serves to differentiate between key epistemological positions, i.e., foundationalism (including its more recent moderate forms) and coherentism. In other words, it would be *highly surprising* if it turned out that the distinction between inferential and non-inferential justification turned out to be theoretically insignificant.

Given this, I would suggest that the proponent of the S-Account should look for an alternative response. There appear to be four main options available to them:

- (i) Reject the claim that all of our beliefs held in normal circumstances are held on the basis of seemings.
- (ii) Reject the claim that all seemings justify.
- (iii) Claim that some seemings are in fact beliefs.
- (iv) Adopt a new and more plausible conception of non-inferential justification/non-inferentially justified belief.

²⁰⁹ In private correspondence Huemer has suggested something along these lines.

As shall become clear, none of the options (i)-(iv) are going to be of help to the proponent of the S-Account: (i) and (ii) involve giving up central claims of the S-Account, (iii) involves the commitment to a further problematic claim, while (iv) won't actually enable the S-Account to avoid the commitment to C*.

Suppose that the proponent of the S-account tries to avoid the commitment to C* by opting for (i), i.e. rejecting the claim that all of our beliefs held in normal circumstances are held on the basis of seemings. How might they go about arguing for this? The best approach here would be to point to plausible cases whereby it looks like an *S* has a belief where this hasn't been formed on the basis of a seeming. Perhaps the following is one such case:

Maths: After working out the answer to the long multiplication sum 235×235 , Phillip believes that $235 \times 235 = 55225$. However, it doesn't seem to him that $235 \times 235 = 55225$, he simply believes this – inferentially – on the basis of his calculations.

I find *Maths* reasonably plausible as a counterexample to the claim that *all* of our beliefs are held on the basis of seemings (in normal circumstances). Perhaps there are many more examples like it. However, even if this is true, I think that problems could remain since it still might turn out that *most* of our justified beliefs are non-inferentially justified, i.e. because *most* of our beliefs are held on the basis of seemings. This would, I think, still be an implausible result. Furthermore, once we allow that there is such a thing as a *seeming* state, it might be difficult to conclusively demonstrate that we can believe propositions without their seeming to us to be true.²¹⁰ In any case, proponents of the S-Account are likely to be highly reluctant to go for option (i) since it renders the SDA unsound, and hence involves undermining crucial support for PC.

Another option, (ii), for the proponent of the S-Account would be to adopt a restricted version of PC e.g., a version which only allows *perceptual* seemings to justify, perhaps in conjunction with some other theory, e.g., epistemological coherentism, about scientific and a priori beliefs. By adopting a version of RPC, proponents of the S-Account could avoid the conclusion that *all* of our justified beliefs are non-inferentially justified, since on this sort of view, only *some*

²¹⁰ For an attempt to show this see Depoe (forthcoming).

of our seemings states get to justify. Although this *might* be a way of avoiding C*, it is unlikely to be attractive to them given that it involves giving up their central epistemological claim, PC.

Option (iii), i.e. that at least some seeming states are *beliefs*, also has associated costs for the proponent of the S-Account. Although claiming that some seemings are beliefs could avoid the conclusion that all justified beliefs are justified non-inferentially, it might not avoid a similar conclusion if it turns out that *most* of our beliefs are based upon seemings that are *not* beliefs. Furthermore, adopting (iii) further muddies the waters as to what exactly a seeming state is supposed to be, and certainly puts further pressure on the idea that seeming states constitute a unified kind of mental state upon which all of our beliefs are held (in normal circumstances). However, in addition to all of this, the most important cost associated with option (iii) is that it seems to imply that some beliefs (those that are seeming states) are *self-justifying*, i.e. believing that *p* confers justification for believing that *p*. This strikes me as just as implausible as C* and hence won't be of any use to ethical intuitionists seeking to make the S-Account look more plausible.

Finally, perhaps proponents of the S-Account could try to avoid the commitment to C* by presenting a plausible alternative account of what counts as a non-inferentially justified belief; one which would not entail that *all* of our justified beliefs are non-inferentially justified. This is what option (iv) involves. Perhaps then, the problem isn't with the S-Account as such, but with the conceptions of non-inferentially justified belief that generate C*. How might such an account look? Before outlining a plausible candidate, I suggest that the following ought to constitute some desiderata of an account of this concept: firstly, it should entail that our everyday perceptual beliefs are non-inferentially justified; secondly, it should entail that introspective beliefs about our own mental states are non-inferentially justified; finally, it should *not* entail that beliefs about highly complex propositions, or beliefs that are ostensibly based upon reasoning and inference get to count as non-inferentially justified. Given this, I suggest that the following constitutes an improved (although somewhat rough) account of *non-inferential justified belief* which meets these desiderata:

Non-Inferential: A non-inferentially justified belief that *p* held by a subject, *S*, is a belief that is epistemically grounded by some non-inferential mechanism

on some non-doxastic state, where the non-doxastic state doesn't *epistemically depend* upon already held beliefs or the drawing of inferences.

Some clarification of *Non-Inferential* is in order. As should be clear, the account presupposes that *S* possesses the concepts that figure in *p*; otherwise they couldn't form the belief in question. Also, the concept *epistemically grounded* is supposed to pick out something like a causal and normative relation: the non-doxastic state causes and provides reason or evidence for believing the proposition. The key concept, however, is that of *epistemic dependency*. The first thing to say is that this term cannot be picking out the presence or absence of a mere causal dependence. If it were, then it would fail to count – implausibly in my view - as basic and non-inferential my perceptual belief based on my perceptual experience as of a red square, where my turning my head in the direction of the red square and thereby having that experience causally depends upon my *believing* that there is a red square over there (and perhaps desiring to see one). Instead, by epistemic dependency I have in mind *something* like the concept that Robert Audi (1997) employs: roughly-speaking, Audi thinks that to say that *x* is *epistemically dependent* on *y* is just to say that *y* must be known or justifiedly believed by an *S* in order for *S* to know or justifiedly believe *x*.²¹¹ Perhaps, then, the correct way to think of epistemic dependency is this:

Epistemic Dependency: for a non-doxastic state, *d*, to epistemically depend on a non-doxastic state(s) or belief(s) that *q*, *r*, *s*...or the drawing of relevant inferences, is for it to be the case that, *ceteris paribus*, the subject, *S*, would have had to have had those non-doxastic states, beliefs, drawn those inferences etc. in order for *d* to be justification-conferring, and that an appropriate proportion of those non-doxastic states, beliefs, inferential processes etc. will have had to have been justified, justification-conferring or valid (respectively). Furthermore, the non-doxastic states/beliefs *q*, *r*, *s*...ought to be in some way *relevant* or appropriately related to the non-doxastic state *d*, i.e. they ought to *support d* (but where the support relation isn't inferential).²¹²

²¹¹ Audi, R., (1997), p. 117

Note that Audi does *not* employ this in an account of *non-inferential* justification.

²¹² This might leave the boundaries between inferential and non-inferential justification vague. I am not unhappy with this result given that there are in all likelihood borderline cases.

On this account, a non-doxastic state that is epistemically dependent on other non-doxastic states or beliefs or the drawing of relevant inferences could only confer *inferential* or *mediate* justification. Indeed, in the case of the seeming that *the theory of evolution is true*, it is plausible to think that, insofar as this sort of seeming could confer justification at all, it could only confer *inferential* or *mediate* justification. Does this new conception of non-inferential justification help the proponent of the S-Account avoid the commitment to C*? Unfortunately it does not. The reason for this is that by the lights of PC, *no* seeming state will ever be epistemically dependent in the way specified, because the causal etiology of the seeming state has *no impact* on the justification-conferring powers of the seeming state, i.e. the only sort of dependency will be *causal* and not epistemic. So, on the S-Account, *all* seemings get to justify, and, by the lights of *Non-Inferential*, all beliefs will be non-inferentially justified. Therefore option (iv) cannot help the proponent of the S-Account to avoid C*. Notice, however, that a restricted PC *could* utilize this account of non-inferentially justified belief in order to evade the commitment to C*, since at least some versions of this could allow for the sort of epistemic dependency specified, i.e. some seemings will only be justification-conferring if they are the result of, e.g., justified beliefs, other justification-conferring seeming states. I will have more to say about RPCs and this issue in the following section.

I therefore contend that we have good reason to think that the prospects for the S-Account, as it stands, are bleak. It is therefore doubtful that contemporary ethical intuitionists can rely on PC in order to ground their ethical epistemology.

In the final section, I would like to suggest that it is reasonable to think that the most plausible seemings account of justification is going to involve some sort of *restricted* PC. I have already explained in §2 that, given the possibility of RPC, ethical intuitionists will have work to do in order to show that ethical seemings are among the class of seeming states that do get to justify. In the following section I will also suggest that ethical intuitionists who opt for a restricted PC ought to adopt a new conception of non-inferentially justified belief. I will propose such an account and end by considering some applications of it, including the case of the Rossian principles.

4. Restricted Phenomenal Conservatism and Non-Inferential Justification

In the previous sections I have argued that the S-Account – which involves a commitment to PC and to the SDA as support – faces serious problems. Specifically, I have shown the following:

- (a) There are other epistemological principles apart from PC that avoid self-defeat, e.g., RPCs.
- (b) PC faces plausible counterexamples.
- (c) The assumptions of the S-Account lead us to an implausible conclusion.
- (d) In order to avoid (c), proponents of the S-Account need to make substantial revisions to their position, e.g. adopt a restricted version of PC.

It is reasonable to assume that the problems with the S-Account that I have highlighted lead us – cumulatively – to the point whereby some sort of restricted PC is the most plausible position for someone (e.g. an ethical intuitionist) who is attracted to something like the S-Account to adopt,²¹³ i.e., given (b), (c) and (d), it appears that we have reason to doubt the truth of a full-blown PC. In addition, once we accept the truth of (a), we can see that adopting some sort of restricted version of PC need not lead to self-defeat.

However, as was suggested in §2, ethical intuitionists who opt for a restricted PC will have work to do in order to show that ethical seemings are part of the class of seeming states that *do* get to confer justification for belief. I will not be attempting this task here. Supposing, however, that ethical intuitionists can address this problem, proponents of RPC (intuitionist or otherwise) will have to show that their epistemology does not commit them to the implausible conclusion C*, and that it can avoid allowing for the illegitimate transformation of ostensibly inferentially justified beliefs into *non-inferentially* justified beliefs, e.g., as was the case with PC and the belief that *theory of evolution is true*. In order to do this, it appears that the proponent of RPC has three options (although note that they are not mutually exclusive):

- (i) claim that some beliefs are not based upon seemings,
- (ii) restrict seemings-based justification to paradigm foundational beliefs,

²¹³ Contemporary ethical intuitionists like Audi appear to hold *something* like a restricted PC.

- (iii) adopt a new conception of non-inferential justification that allows seemings – in certain circumstances - to confer *inferential* justification.

I will suggest that proponents of RPC ought to select option (iii), (although this could be adopted in conjunction with (i)), but let me consider these options in turn.

Firstly, the proponent of RPC might claim that some beliefs are not, as a matter of fact based upon seemings. For example, they might claim that, e.g., beliefs about scientific hypotheses and the existence of scientific entities are not based solely upon seemings but are, instead, based upon seemings and background beliefs, or are simply based upon beliefs.²¹⁴ If this is so, then by assuming the most plausible extant accounts of non-inferential justification and justified belief these justified beliefs would not be candidates for non-inferential justification since they are not based upon non-doxastic states. Perhaps then, this could enable RPC to avoid the commitment to C*. There are, however, a number of potential problems with this approach. Firstly, once we accept that there is such a thing as a seeming state,²¹⁵ there is the possibility that all of our beliefs held in normal circumstances are, as a matter of fact, based upon seeming states. If this is true, then proponents of RPC would need to give an account of how beliefs in complex propositions like *the theory of evolution is true* get to be justified in a way which doesn't entail that they are non-inferentially justified. Even if this claim about the basis for our beliefs isn't plausible for *all* our beliefs, it might be more plausible vis-à-vis our *ethical* beliefs, including beliefs that are formed as a result of reasoning and reflection. If so, then proponents of RPC would be faced with having to account for how ostensibly *inferentially* justified ethical beliefs (if they are justified at all), e.g., the belief that *abortion is prima facie wrong*, or, the belief that *a world, x, with a huge population of lives barely worth living would be better than a smaller world, y, with a population with high quality of life, provided that x's population was sufficiently numerous*,²¹⁶ get to be justified. Furthermore, and related to this, even if it is false that all of our beliefs (ethical *or* non ethical) are based upon seeming states, it still might be the case that some believers hold their beliefs about ostensibly inferentially justified beliefs on the basis of seeming states, e.g., beliefs about complex

²¹⁴ In private correspondence, Elizabeth Tropman has endorsed something like this view.

²¹⁵ Contemporary ethical intuitionists like Audi *do* think that there are seeming states, e.g. see his (2004), (2008), (2010).

²¹⁶ Huemer himself endorses the *repugnant conclusion*. See his (2008). Presumably, he thinks that this belief is justified by a seeming-state.

scientific hypotheses or beliefs based upon scientific observations.²¹⁷ Given that it is not implausible to think that such beliefs would be justified, proponents of RPC would therefore need to say something about the justificatory status of these beliefs and the sort of justification these seeming states can confer.

The second way in which proponents of RPC might avoid the commitment to C* and the problem of illegitimate transformation would be to restrict seemings-based justification to basic or foundational beliefs, e.g., perceptual beliefs, introspective beliefs, some a priori beliefs etc. By adopting this position they would have no problem with there being a commitment to C*. However, adopting this position might leave the scope of seemings-based justification unnecessarily restricted, i.e., once we allow that there is such a thing as a seeming-state it is possible that subjects could base their beliefs upon seemings for non-foundational or non-basic beliefs. This seems especially pressing in the case of ethical beliefs where, as I suggested, it is reasonable that our beliefs tend to be based upon the way things seem to us (even beliefs that are the result of reasoning and reflection). In such cases, if we simply restrict seemings-based justification to foundational beliefs then by opting for (ii) we either have to say that non-foundational beliefs based upon seemings are unjustified, or that they are non-inferentially justified. In some cases, neither of these options will be particularly attractive, e.g., a case where it seems to a subject that *abortion is prima facie wrong*, or it seems to someone that the so-called *repugnant conclusion* is true as the result of reasoning and ethical reflection.

Given this I suggest that in order to best address these issues, defenders of RPC should adopt a new conception of non-inferentially justified belief which allows for non-doxastic states such as seemings to confer *inferential* justification in certain circumstances. Specifically, I think that they would do well to adopt the conception offered in the previous section:

Non-Inferential: A non-inferentially justified belief that *p* held by a subject, *S*, is a belief that is epistemically grounded by some non-inferential mechanism on some non-doxastic state, where the non-doxastic state doesn't epistemically depend upon already held beliefs or the drawing of inferences.

²¹⁷ See Harman's famous example of the proton observation (1979). I will discuss this in the following chapter.

Recall also, the associated account of epistemic dependency:

Epistemic Dependency: for a non-doxastic state, d , to epistemically depend on a non-doxastic state(s) or belief(s) that $q, r, s...$ or the drawing of relevant inferences, is for it to be the case that, *ceteris paribus*, the subject, S , would have had to have had those non-doxastic states, beliefs, drawn those inferences etc. in order for d to be justification-conferring, and that an appropriate proportion of those non-doxastic states, beliefs, inferential processes etc. will have had to have been justified, justification-conferring or valid (respectively). Furthermore, the non-doxastic states/beliefs $q, r, s...$ ought to be in some way *relevant* or appropriately related to the non-doxastic state d , i.e. they ought to *support* d (but where the support relation isn't inferential).

I submit that proponents of RPC have good reason to adopt this characterisation (and note that it is only a *characterisation*, not an *analysis*) of non-inferential justification, and that it, quite generally, constitutes an improvement on extant accounts. Unlike those who are committed to PC, proponents of RPC can legitimately allow for some non-doxastic seeming states being epistemically dependent in the way outlined. That is, proponents of RPC can and should adopt the view that the justification conferred by a non-doxastic state need not always be *non-inferential* justification.

Not only does this account plausibly enable RPC to avoid a conclusion like C* (and the general problem of non-inferentially justified belief being so *ubiquitous*), but it also avoids the problem of the illegitimate transformation of inferential to non-inferentially justified belief. Furthermore, it fulfills the desiderata for a satisfactory account of this concept outlined in §3 for above. At this point, however, someone might reasonably take issue with my use of the term *non-inferential*. Given that epistemic dependency does not entail an *inferential* dependency (since it is plausible that seeming states aren't inferentially based on anything) it might not seem plausible to label this a condition on *non-inferentiality*. If this seems like a problem, perhaps it would be better to distinguish between *basic* and *non-basic* beliefs instead. Alternatively, one might use the terminology of *immediate* and *mediate* justification. Either of these alternative labels will suffice; either way, my account provides a more plausible gloss on

what justified beliefs of normal epistemic agents are *basic* or *immediate* as compared with extant accounts.

I will now briefly consider some applications of this improved conception of *non-inferential* or *basic* justification to the case of ethical beliefs. Firstly, consider the case of *non-substantive* propositions, e.g. *murder is wrongful killing* (see previous chapter for more details). It seems highly plausible that a seeming state about this proposition will simply flow from an understanding of it, i.e., from the possession of the concepts figuring in it. This is because it seems plausible that understanding this proposition puts subjects in a position to see that it is true. Given this, it appears plausible that a seeming state about this proposition will not be epistemically dependent on subjects having justification for believing other propositions. Hence, justified beliefs in non-substantive propositions will turn out to be non-inferentially justified on my conception. This seems precisely the right thing to say about these cases.

What though of the case of beliefs about *substantive* ethical propositions? Let me begin by considering *particular* cases, e.g., the seemings-based belief that *what John did was wrong*. In this sort of case is the seeming-state epistemically-dependent? I can imagine someone claiming that seemings had in response to the non-ethical features of the particular scenarios are not epistemically dependent upon beliefs or perceptions of those non-ethical features. This would likely involve an appeal to the *autonomy* of ethics, i.e., that there is no legitimate inference from purely non-ethical premises to an ethical conclusion.²¹⁸ However, even if we accept this, notice that it might still be the case that seemings about substantive propositions are in fact epistemically dependent on other *ethical* beliefs. In other words, the justification-conferring powers of seemings about substantive ethical propositions might be similar to the putative justification-conferring powers of seemings about scientific propositions, i.e., they might depend on the subject having a stock of relevant justified ethical beliefs. Hence, on my conception it is an open question whether and which seemings-based beliefs about particular cases are non-inferentially justified (setting aside issues of *how* they are supposed to justify).

Consider now the case of seemings about non-self-evident substantive propositions with a general content, e.g., *euthanasia is morally permissible*. Although I will not be arguing for this

²¹⁸ There are tricky questions here about what counts as being *relevant* or *appropriately related* as it is specified in *Epistemic Dependency* when we are considering the relation between states with ethical and non-ethical contents.

point, I think that it is plausible that seemings about this proposition will be epistemically dependent upon the possession of other justified ethical beliefs, e.g., about particular cases or about the badness of suffering. Finally, consider the case of apparently substantive self-evident propositions, e.g., the *Rossian principles*. Recall the previous chapter where it was suggested that it is not plausible to claim that an adequate understanding of the substantive Rossian principles could ground non-inferential justification for believing them. The ethical intuitionist could of course attempt to deny this by claiming that adequate understanding is a *non-doxastic* state. Given recent conceptions of non-inferential justification this would suffice to support their claim for non-inferential justification. Recall, however, that in response I argued that (i) it is not obvious that, given the reflection on particular cases apparently required for adequate understanding, *non-inferential* justification is conferred by an adequate understanding, and, (ii) we haven't been given sufficient reason for thinking that adequate understanding *is* a non-doxastic state.

Firstly, let me say a few things about objection (ii) in light of the foregoing discussion of intellectual seeming states. If an ethical intuitionist wanted to avoid having to give a detailed account as to why we should think that adequate understanding is a non-doxastic state, they could perhaps simply claim that beliefs based upon an adequate understanding are mediated by *seeming* states. Indeed M.S. Bedke (2010) appears to attribute this view to proponents of the self-evidence account such as Robert Audi.²¹⁹ Perhaps, then, seeming states which 'flow from' or are in some sense the 'intellectual outgrowth' of an adequate understanding get to confer a particularly strong sort of prima facie justification, i.e. the sort we associate with self-evidence. If plausible, this would neutralise my worry about adequate understanding simply being a more-or-less complex set of beliefs.

Despite this, ethical intuitionists still need to face objection (i). Indeed, I think that given my improved conception of non-inferential or basic justification, we have even better reasons for thinking that beliefs based upon an adequate understanding or seeming states that are the intellectual outgrowths of adequate understandings of mediately self-evident substantive propositions are *not* non-inferentially justified. That is to say; even if adequate understanding

²¹⁹ Specifically, he claims that Audi (2008) commits himself to the view that '(some) ethical intuitions are dispositions to believe self-evident ethical propositions based on non-inferential impressions of their truth, where the impression of truth flows from adequate understanding.' For what it's worth I do not actually agree with this interpretation of what Audi claims in his (2008) but this doesn't impinge on the *possibility* of holding this view.

is a non-doxastic state or if adequate understanding gives rise to a non-doxastic seeming state, given that in order to be justified on this basis a subject will have had to reflect on and form justified judgments about hypothetical cases, it seems that adequate understanding/understanding-based seemings *epistemically depend* upon the consideration of, seemings about, judgments about, these hypothetical cases (or our having prior experiences of particular cases). On my conception of non-inferential or basic justification, beliefs based on this sort of robust adequate understanding (or seemings that are the outgrowth of such understandings) are therefore *inferentially* or *non-basically* justified. Although this enables the ethical intuitionist to avoid the implausible claim that *all* non-contingent ethical truths are self-evident, it requires them to give up the claim that beliefs based upon an adequate understanding of the Rossian principles are non-inferentially justified or basic.²²⁰

Suppose that I am correct in claiming that adequate understanding-based justification is going to be *inferential* justification in the case of the Rossian principles. Surely, however, it is possible for someone to have a seeming that *p*, where *p* is a Rossian principle, without a *robust* adequate understanding, e.g. simply with a grasp of the meaning of *p*? I think that this is possible, although I would conjecture that the reason why *p* would seem true to the subject in this sort of case would likely have something to do with the similarity between the Rossian principles and the sorts of rough-and-ready principles we are inculcated with as children, e.g. ‘Don’t lie’, ‘Keep your promises’ etc, and *not* because the subject is in fact in a position to see that the principles are *true*. In this sort of case, is the seeming state justification-conferring? If, as seems plausible, the Rossian principles are *substantive*, then we might think twice about claiming that they are justified, given the worries about *how exactly* substantive ethical intuitions get to be justified. Perhaps, however, if the concepts figuring in Rossian principles *do* in fact stand in some relation of *containment* then perhaps seeming states based upon a grasp of their meaning could be said to be *competence-driven*. Hence, perhaps seeming states about them *are* justification-conferring. Although this might seem plausible, we should keep in mind that if, as seems correct, a deeper understanding (a more robust adequate understanding) is required in order to see that the Rossian principles are true, then it might be the case that only seeming states which are the intellectual outgrowths of this more robust

²²⁰ Of course, this assumes an epistemological particularism; i.e., that we come to see the truth of general principles by reflecting on particular applications of it. Although I do not have a developed argument for this position I do think it is highly plausible. W.D. Ross certainly held this view, and Audi appears to endorse something like it.

understanding are correctly regarded as competence-driven. As a result, it is not at all obvious whether and how we have non-inferential justification for believing the Rossian principles.

Conclusion

This concludes my treatment of the S-Account of non-inferential justification. As should be clear, I think that we have reason to think that the prospects for the S-Account – as proffered by Huemer - are quite bleak. However, I do think that there are considerably better chances of some version of RPC being made plausible, although I think that a good deal more work is required in order for it to provide support for ethical intuitionism, e.g., given the lack of clarity about just *how* substantive intellectual ethical seemings are supposed to confer justification, the prospects for an intellectual seemings-based ethical epistemology are unclear.

In addition to this, I have also argued that we need an improved conception of non-inferential justification. Extant accounts appear to allow for the illegitimate transformation of inferential to non-inferentially justified belief and also threaten to make the latter sort of justified belief *too ubiquitous* to be plausible. I have already shown that the application of this account to the now much-discussed case of the Rossian principles makes more perspicuous my claim that they are *not* in fact candidates for self-evidence.

In the next chapter I want to consider another ethical intuitionist account which has been the subject of growing discussion in recent years: the *ethical perception* account. This seems highly relevant to the present discussion given that *perceptual* seemings are arguably paradigms of the sort of seeming state that get to justify belief, and that perceptual seemings are usually taken as paradigm examples of states capable of grounding non-inferential justified beliefs.

Chapter 3: Ethical Intuitionism and Ethical Perception

In the recent ethical literature there has been a growing interest in a view which I will denote the ethical *perception* view (Greco (2000), Watkins & Jolley (2002), McGrath (2004), Goldie (2007), Väyrynen (2008), McBrayer (2010), Cullison (2010), Audi (2010), Dancy (2010)):

EP: we have some non-inferentially justified ethical beliefs on the basis of ethical perception.²²¹

As it is standardly discussed, EP actually involves a conjunction of two claims. The first of these is a thesis about perceptual experience:

EP*: ethical agents can have perceptual experiences as of ethical properties.

The second component of EP is a thesis about the epistemological relation between the contents of *ethical* perceptual experiences or the nature of perception and the justificatory status of ethical *perceptual* beliefs that are, roughly-speaking, *based* upon these experiences:

EPj: ethical agents have non-inferentially justified ethical, *perceptual*, beliefs.

I have already spoken extensively about non-inferentially justified beliefs referred to in EPj. All that is distinctive about EPj is that the non-inferentially beliefs in question are in some sense grounded in or based upon perceptual experience. I will have more to say about this later in the chapter. Let me then say a little about the details of EP*. In my discussion of EP* I will be assuming a standard *representational* theory of perception which is ‘by far the dominant view of perceptual experience in recent years in philosophy (and psychology and neuroscience)²²². This is (roughly) the view that to have a perception of an object *O* as having a property *F*, is to be in a perceptual mental state with phenomenal character which represents *O* as having the property *F*, i.e. has representational content *O* is *F*. It is almost always accompanied by the view that perceptual experiences, like beliefs, have *accuracy* conditions, and that specifying the accuracy conditions of a given perceptual experience is a way of

²²¹ As is customary, I will be focusing on *visual* perception. For what it’s worth, I think that the only other sensory modality which could plausibly be amenable to ethical perception would be audition, e.g., ‘I heard his *demeaning* tone.’

²²² Macpherson, F. (2011).

specifying the content of that experience, i.e., if we know that the experience will be accurate iff there is a red ball on a chair, then we also know that the perceptual experience has the representational content that *there is a red ball on a chair* (it is however a point of intense debate what the accuracy conditions are of perceptual experiences). This leads on to a popular distinction which I will be employing here between *perceptions* which are necessarily *factive* ('perceive' is what is sometimes termed a 'success' verb), and perceptual *experiences* which are non-factive, i.e. one could have a perceptual experience which was illusory or hallucinatory but if one perceives that there is, e.g., a red apple in front of them, then there really must be a red apple in front of them. Finally, I will also be making the relatively innocuous assumption that there can be no change in the representational content of a perceptual experience without a change in the phenomenal character of that experience and vice versa.²²³

Speaking more specifically about EP*, there are a couple of key points upon which philosophers agree must be true if EP* is to be plausible. Firstly, if there is any ethical perception, it will require some degree of conceptual and cognitive sophistication on the part of the perceiver. The general idea seems to be that in order to have ethical perception one would need to acquire certain intellectual abilities which augment a more basic perceptual endowment.²²⁴ How precisely we are to understand the mechanism by which one's perception can come to be altered with training is a point which I will return to later. Secondly, and somewhat related to the first point, philosophers seem to be in agreement that, *if* we can perceive ethical properties, this need not require some dedicated faculty or organ of ethical perception. In the words of Watkins and Jolley (2002), EP* does not require that we have 'otherworldly' perceptual abilities.²²⁵ Consider also the following from Dancy (2010):

if we are to make sense of moral perception, it should be as the ordinary perception of moral objects or properties. We should not find ourselves inventing further senses, or special adaptations of the existing senses, in order to make moral perception possible.²²⁶

²²³ From Macpherson, (forthcoming).

²²⁴ This idea is discussed in Greco (2000), Watkins and Jolley (2002), McGrath (2004), Väyrynen (2008), Cullison (2010) Dancy (2010). The one possible exception to this is Audi (2010), although he thinks that conceptual capability is required for what he calls *propositional* perception.

²²⁵ Watkins and Jolley (2002), p. 75

²²⁶ Dancy (2010), p. 113

Hence defenders of EP* apparently set out to evade John Mackie's (in)famous charge that if we had ethical perception 'it would be utterly different from our ordinary ways of knowing everything else'²²⁷, and would therefore be unacceptably mysterious. Indeed, according to philosophers who have been interested in EP*, if we have ethical perception, then it need not be any different from other putative examples of sophisticated perception, e.g., perceiving that someone is feeling uneasy, that *that* is my house, that you are angry, that the wine is fine, that the cliff is dangerous etc.²²⁸

Speaking roughly; in this chapter I will argue that, although defenders of EP* can respond to the recent objections brought against it, it is not at all obvious that EPj is true, i.e., that ethical perceptual experiences could ground *non-inferential* or *immediate* justification. Hence, even if there is ethical perception (and it is my view that this is a *big* if), this fact might not support ethical intuitionism. The possibility of a weaker view about the nature of ethical perception and its relation to non-inferential justification will also be discussed.

The structure of the chapter is as follows:

In §1 I will outline what I take to be the motivations for the EP* and EPj views.

In §2 I will consider the plausibility of EP*. This will involve responding to three recent objections to EP*: the *Morally Blind Objection*, the *No High-Level Representation Objection* and the *Looks Objection*. It will be argued that the defender of EP* can plausibly respond to all three of these objections. Specifically, it will be argued that the most interesting of these, the *Looks Objection* (roughly, the idea that ethical properties, e.g. rightness, cruelty, don't *look* a certain way) can be undermined if we distinguish between what is *phenomenally present* in experience and what is *phenomenally present as absent* in perceptual experience.

In §3 I will consider how the defender of EP* might provide a plausible psychological account of how ethical properties could come to be represented in experience. It is my view that the

²²⁷ Mackie (1977), p. 38

²²⁸ For a further sceptical view about literal moral perception see Simon Blackburn (2007), e.g., 'Literal talk of perception runs into many problems... do I have an antenna for detecting timeless property-to-value connections? Is such a thing much like colour vision?' p. 50

most plausible sort of account will involve positing (moral) *cognitive penetration* of perceptual experience; roughly, the alteration of perceptual contents by states in the cognitive system, e.g. beliefs, emotions etc, which have *ethical* contents. I will outline what I take to be some prima facie plausible accounts of how cognitive penetration might work in the ethical case; this will involve considering *direct* and *indirect* accounts and models which involve the penetrating states being *beliefs*, *seemings*, *emotions* and *concept* possession. Following from this I will respond to two further objections to the EP* that posit cognitive penetration: the *Is There Anything We Don't Perceive Objection*, and the *Directness* Objection. Again, it will be concluded that the defender of EP* can plausibly respond to these.

In §4 I will proceed to evaluate the prospects for EPj. I will begin by explaining why philosophers have believed that the truth of EP* is necessary for the truth of EPj, i.e., the view that if EP* were false, any justified ethical *perceptual* beliefs could not be *non-inferentially* justified. I will, however go on to question whether the truth of EP* is *sufficient* for the truth of EPj. That is, I will suggest that even if ethical perception is possible along the lines of MP* (involving cognitive penetration), it is not obvious that some or most ethical perceptual experiences would get to confer *non-inferential* justification for ethical belief, and hence it is not obvious that the putative truth of EP* supports EPj and ethical intuitionism. This is because it seems plausible that ethical perceptions which are the result of cognitive penetration will be *epistemically dependent* upon the penetrating states, if those states are *ethical beliefs*, *ethical emotions* or *ethical seemings*.

In the final section, §5 I will briefly discuss a view about ethical perception that claims that EP* may not be necessary for the truth of EPj. Roughly, this is the view that we could have non-inferentially justified ethical beliefs that are in some sense *perceptual* beliefs, without actually having perceptual experiences as of the instantiation of moral properties. It will be suggested that non-doxastic states such as *seemings* and *emotions* could possibly facilitate this sort of non-inferentially justified ethical belief.

1. The Motivations for EP* and EPj

In this section I will briefly explain the motivations for holding EP* and EPj.

EP* will likely strike many philosophers as odd and some might wonder what the motivation for discussing it is. Despite initial appearances, I think that there are at least two primary motivating reasons for being interested in EP*. The first of these is what I call the *phenomenological* motivation. Consider the following oft-quoted example from Gilbert Harman (1977):

Cat: If you round a corner and see a group of young hoodlums pour gasoline on a cat and ignite it, you do not need to *conclude* that what they are doing is wrong; you do not need to figure anything out; you can *see* that it is wrong.²²⁹

From this phenomenological datum defenders of EP* think that we have something like a *prima facie* case for the view that the moral *seeing* described here is non-metaphorical. Sceptics might object that all such scenarios establish is a case against the view that when making particular moral judgments subjects always consciously (or unconsciously) infer from general principles. I will discuss this point later in the essay, but for now it is worth noting that EP* seems to at least provide a coherent alternative hypothesis about what goes on in *Cat* to the view that we infer – consciously or otherwise – that what the youths are doing is wrong.

In a sense, the *phenomenological* motivation – as I have characterized it – offers a response (albeit a limited one) to a possible worry about EP*. I have in mind here the thought that our ethical life is taken up by *reflecting* upon real-life or imagined cases, often with a view to making an ethical judgment. For example, we may be wrestling with an ethical dilemma which we ourselves are faced with, or we may be considering a hypothetical case from an ethics textbook. Thus, it might be said that our ethical lives are largely constituted by ethical *thinking* rather than ethical *perceiving*, which may then lead to questions about the utility of sketching something like EP*, i.e. if we can gain ethical knowledge just by reflecting, who needs ethical perception? Where is the philosophical problem?²³⁰ I take it that the *phenomenological* motivation pushes us at least some way towards meeting this challenge; insofar as there seem to be cases where subjects have ethical knowledge but where talk of pure ethical ‘thought’ or ‘reflection’ seems strained, the ethical perception view has some initial relevance and (hopefully) some initial credence. Furthermore, defenders of EP* *might* claim

²²⁹ (1977), p. 4

²³⁰ Something like this objection is pushed by Simon Blackburn (2007), p. 50. Similar points are made by Michael Smith (1994), see Ch. 2.

that in the sorts of scenarios they are interested in, subjects may be unable to appeal to general principles or similarity to prior cases.²³¹

The second, more significant, motivation for discussing and taking seriously the EP* view is, I think, due to recent developments in the philosophy of perception. Call this the *high-level-perception* motivation. Almost everyone who thinks that perceptual experiences have representational contents agrees that the contents of visual experience will include properties pertaining to shape, size, position, colour and object-hood.²³² It seems to me that some recent commentators and defenders of EP*²³³ have derived impetus from the development of a *high-level* view about the admissible contents of perceptual experience. For example, Susanna Siegel (2006), (2009), has argued that human beings might come to have perceptual experiences which represent ‘high-level’ properties (*H-properties*) such as natural kind properties, semantic properties, and causal relations. In this context, it seems that *if* suitably trained perceptual agents can come to perceive that, e.g., the tree over there is a pine, then, plausibly, it becomes somewhat less incredible to think that in scenarios like *Cat*, conceptually and cognitively sophisticated agents could come to perceive that what the hoodlums are doing is wrong. I will have a lot more to say about the high-level view of perceptual experience in §2, but for now it should be noted that, in conjunction with the phenomenological datum above, the *high-level-perception* motivation provides further reason to consider and take seriously the EP* view.

Let me briefly say a little about the motivations for EPj. One principal motivation for being interested in EPj is that it might be able to contribute to making plausible a *naturalistic* epistemology of ethics. For example, the prominent moral naturalist David Copp (2000) takes naturalism to be roughly the view that ethical epistemology is *empirical* in the sense that it is grounded in *observation*. In addition, Copp thinks that a thoroughgoing naturalism ought to be

²³¹ Note however, as Jonathan Dancy (2010) nicely points out, that in some cases it seems that reflection or judgment must be our way in to moral knowledge as opposed to perception: ‘I might easily run an intellectual check on my moral perceptions, and would hardly do it the other way round. I don’t say “Well I reckon it would be wrong, but I will be able to check on that when I have done it because then I’ll be able to see whether it is right or wrong.”’ (p. 115) Dancy goes on to note, that things seem to be different in the aesthetic case; e.g., the best way of checking what the addition of a brush-stroke to a canvas looks like – which we had previously only conceived intellectually – is often by simply *adding the brush-stroke* and *seeing* what it looks like.

²³² See Macpherson (forthcoming)

²³³ E.g. Väyrynen (2008) discusses the view explicitly, while McBrayer (2010) seems to have the view in mind when defending the possibility of ethical perception. Also, Cullison seems to gesture towards this view in his (2010).

committed to a sort of *methodological naturalism*. This is roughly the view that any acceptable ethical epistemology must fit with our best empirical psychology. Now, given that EPj purports to offer an epistemology which is at least partly grounded in perception, and given that theorists of EPj have been keen to stress that there needn't be anything psychologically bogus about the view (from the perspective of empirical psychology), it would seem that the EPj view will be a natural focus of philosophical interest for ethical naturalists (I think this point holds whether one is a naturalist of the non-reductive or reductive kind),²³⁴ and for those who are interested²³⁵ in the prospects for an empirical ethical epistemology.

The second motivation for considering EPj comes from a well-known view about ethical knowledge, attributed to Aristotle, that the virtuous agent may be correctly said to attain ethical or evaluative knowledge via something akin to ethical perception. The thought is that we ought to think of the *practical wisdom* (*phronēsis*) possessed by the virtuous agent, as being a perceptual capacity.²³⁵ Now, although ethical intuitionism is not commonly associated with virtue ethics (W.D. Ross was, however, a significant Aristotelian scholar), it seems that the persistence of interest in this view provides us with at least *some* reason to think that a view about ethical perception is worth considering.

Finally, philosophers ought to be interested in the prospects for something like the EPj view insofar as it promises to ground a *non-inferential* epistemology for ethical beliefs. It is commonly assumed that perceptual experiences get to justify empirical beliefs (perhaps *all* of them get to justify – more on this view later), and furthermore, that the justificatory story is a *non-inferential* one. After-all, perceptual states are apparently paradigm examples of *non-doxastic* states, and given a plausible understanding of non-inferential justification this basically involves non-doxastic states *grounding* justification for belief (see previous chapters). Given this, it would appear to be worthwhile for those interested in the prospects for ethical intuitionism (and moral epistemology generally) to investigate the prospects for something like EPj.

²³⁴ In addition to the attraction EP potentially holds for naturalists, I think that those philosophers who are inclined towards moral *particularism* may also wish to explore the view. Indeed, Sarah McGrath thinks that EP is the only sort of view that can account for our knowledge of particular cases. It is also, of course, of interest to ethical intuitionists who are interested in defending the possibility of non-inferential moral knowledge.

²³⁵ For more details see McDowell (1979).

Now that I have outlined what I take to be the primary motivations for being interested in EP* and EPj I will proceed in the next section to evaluate the prospects for EP*.

2. Evaluating EP*

In this section I would like to consider three challenges to the EP* view: *the Morally Blind Objection*, *No High-Level Representation Objection* and the *Looks Objection*. Dealing with these objections is important in its own right, but it will also allow us to cash out what the most plausible version of EP* might look like. The conclusion of this section will be that the defender of EP* can credibly resist these objections.

The first objection to EP* that I am briefly considering is the Morally Blind Objection. The worry has been discussed by Andrew Cullison and David Copp in recent articles and can be understood via examples like the following:

Morally Blind: Pat and Chris are walking home from school. As they round a corner they see some of their undergraduate students pour gasoline on a cat and light it on fire. Chris screams 'I can't believe they're doing that! That's so wrong!' Pat asks, 'What do you mean?' Chris replies 'Don't you see it? Can't you see that it's wrong?' Pat shrugs his shoulders.²³⁶

The worry which stems from this example, and others like it, is that although Pat is putatively failing to pick up on the instantiation of an ethical property, intuitively we are disinclined to say that there is anything going wrong with his perceptual faculties. Here is a formalisation of the argument:

P1: If there is such a thing as ethical perception then Pat fails to perceive that what the hoodlums are doing is wrong and Chris does not fail to perceive that what the hoodlums are doing is wrong.

P2: If Pat fails to perceive that what the hoodlums are doing is wrong and Chris does not fail to perceive that what the hoodlums are doing is wrong then Pat's perceptual faculties are defective.

P3: Pat's perceptual faculties are not defective.

²³⁶

This example is taken directly from Cullison (2010).

C: No-one can perceive that what the hoodlums are doing is wrong.²³⁷

The thought amounts to something like this: Pat's and Chris' perceptual apparatus are both working just fine. If Pat evinces any error it is an error of *judgment* rather than one of perception, i.e. perhaps he lacks a relevant set of ethical beliefs connecting animal torture with wrongness. Put another way: if Pat's perceptual apparatus is not defective, then the best explanation of their divergent judgments is that neither he nor Chris are perceiving ethical properties.

Now, although this argument seems initially attractive it fails to take into account a point noted earlier that commentators and defenders of EP* are keen to stress; namely, that moral perception will plausibly involve a degree of *conceptual* or *cognitive sophistication* and/or the possession of some sort of recognitional capacity. Given this, a response to the Morally Blind Objection seems to be forthcoming; if we allow that the possession of conceptual or cognitive sophistication can enable a perceptual agent to perceptually 'pick up' on certain features of the world that other agents who lack such sophistication cannot (a central claim of defenders of EP*), then P2 of the Morally Blind Objection no longer appears true. Put another way, if we can reasonably conjecture that Chris' perception that *what the hoodlums are doing is wrong* requires some sophistication that Pat does not possess, then we can allow that Pat fails to perceive that *what the hoodlums are doing is wrong* without saying his perceptual faculties are *defective*. This seems plausible if we assume that ethical perception involves some sort of *skill*; we do not normally regard the lack of a skill as a *defect*.²³⁸ Alternatively, the defender of EP* might claim that, given that Pat is failing to pick up on moral wrongness (due to his lacking in sophistication), this *can* be reasonably regarded as a defect, and hence P3 is false.²³⁹ In any case, if this doesn't seem plausible, it is still open to the defender of EP* to deny P2.²⁴⁰ Indeed, the Morally Blind Objection begs the question against someone wanting to defend the view that, given some conceptual or cognitive sophistication, subjects can perceive things

²³⁷ This argument formalisation is adapted from that found in Cullison (2010).

²³⁸ Thanks to Michael Brady for this suggestion.

²³⁹ However, given that some might think that Pat isn't *misrepresenting anything*, this strategy may seem a good deal less plausible than the former.

²⁴⁰ It has been suggested to me by Martin Smith that a more difficult case would be the following: suppose that Pat, rather than shrugging his shoulders, insists that what the hoodlums are doing is *fine*. If there is ethical perception then it seems that Pat must be *hallucinating*. But of course Pat isn't hallucinating so the EP* view must be false. I think in response the defender of EP* should admit that such cases of hallucination are possible but that these sorts of cases are no more odd than other cases of mis-perception of high-level properties.

over-and-above what are normally taken to be basic objects of perception, e.g. objects, colours and shapes.

This brings us on to the second objection, the *No High-Level Representation Objection*, which basically amounts to a rejection of the high-level view about the admissible contents of experience sketched above, i.e., a denial of the view that in addition to properties pertaining to shape, size, position, colour and object-hood, perceptual experiences can represent *H*-properties such as natural kinds, causation, individuals etc. The objector will claim that moral properties are plausibly regarded as *H*-properties (based upon an intuitive grasp of the distinction between high-level and low-level)²⁴¹, and that since *H*-properties generally can't get into the contents of experience, there can be no ethical perception.

The fundamental problem with this objection is that it fails to respect what is in fact an on-going and unresolved debate in the philosophy of perception regarding the admissible contents of experience; roughly, between *high-level* and *low-level* theorists about perceptual content.²⁴² Of course the objector is correct in claiming that *if the high-level view about content is false*, then EP* is plausibly also false (assuming that ethical properties *are H*-properties). However, the point of import here is that the antecedent of that conditional is far from established, and hence the *No High-Level Representation Objection* fails to establish the falsity of EP*. In addition, it fails to take into account the plausible thought that whether a property gets to be

²⁴¹ It has been suggested to me by Stuart Crutchfield that, given that the high/low level distinction is to some extent *stipulative*, it is not clear if intuitions about this distinction really cut much ice.

²⁴² Recently, high-level theorists have deployed what has come to be known as *contrast* arguments (see Siegel (2006), (2007)). This involves taking the putative difference in the phenomenal character – the *what-it-is-likeness* – of a given pair of experiences *e* and *e** with the same (or as similar as is possible) low-level content, and inferring that the best explanation of the phenomenal disparity between *e* and *e** is that they differ in high level content (note again that the success of such arguments relies on the assumption – which I am making – that there can be no change in the representational content of a perceptual experience without a change in the phenomenal character of that experience and vice versa). So for example, the phenomenal character of an individual who can come to identify pine-trees by sight is plausibly different from the character of their experience prior to acquiring this ability. High-level theorists about content will argue that the best explanation for the phenomenal disparity is that the pine-tree expert has come to have perceptual experiences which can represent the property of *being a pine tree*. There are of course counter-hypotheses that an opponent will push, e.g. either denying that the change in phenomenology is due to a change in the character of perceptual experience as opposed to a change in the character of experience elsewhere in one's cognitive economy, e.g. the making of a judgment (which may or may not have phenomenology), or else by resisting the claim that the change in character of perceptual experience is due to the representation of an *H-property*, as opposed to the experience involving a different focus in *attention*. High-level theorists do, however, have things to say in response. No-one to my knowledge has proposed similar sorts of contrast cases for moral properties. I suspect that this may be because it might be easier for opponents to point to other, non-perceptual sources of phenomenological change in overall experience, e.g. emotional phenomenology, to account for any apparent change in phenomenal character. Indeed, I doubt that someone could come up with a convincing contrast example for the moral case.

represented in experience is something which might need to be resolved on a case-by-case basis. Hence, *even if* the perceptual representation of ethical properties is implausible, this neither entails nor is entailed by the truth or falsity of the claim that other *H*-properties, e.g. natural kinds, get to be represented in perceptual experience. Given all this, what will be of more interest is an objection to the EP* view which grants or remains agnostic about the claim that some *H*-properties can figure in the represented contents of perceptual experience, but which denies that ethical properties are amongst this class.²⁴³

Let us now consider an objection to EP* which apparently does not rely on ruling out the high-level view about content altogether²⁴⁴ but instead focuses on the phenomenal representation of moral properties as being problematic. Specifically, the objection is supposed to boil down to the deceptively straightforward idea that ethical properties, e.g., wrongness, cruelty etc *don't* look (or sound, smell, feel, taste) like anything. I will follow Justin McBrayer (2010)²⁴⁵ in denoting this the *Looks Objection*.

Here is the general point as expressed by the ethical intuitionist Michael Huemer (2005):

For someone to observe that an object is *F*, where *F* is some property, there must be *a way that F things look* (or sound, smell, etc.), and the object must look (sound, smell, etc.) that way... The point of interest here is that there is no such thing as *the way wrongful actions look or the way that permissible actions look*.²⁴⁶

More formally, the argument runs:

P1: It is possible to have a perceptual mental state that represents an ethical property only if there is a way that ethical properties look.

²⁴³ Of course, someone who is a card-carrying low-level theorist will deny that perception can represent moral properties. The point here would be that this doesn't seem to be an objection to the representation of moral properties *per se*.

²⁴⁴ In discussions of the Looks Objection, e.g. McBrayer, it is assumed that the Looks objection is in fact independent from a denial of high-level visual representation. I am not convinced that this is the case, given that the Looks objection can be plausibly run against just about any putatively represented high-level property. Indeed, my conclusion is that defenders of EP* are in no worse a position vis-à-vis the Looks objections as they are against the No High-Level Representation objection.

²⁴⁵ See his (2010a)

²⁴⁶ Huemer, M., (2005), p. 86

P2: Ethical properties, e.g. wrongness, cruelty, don't look a certain way.

P3: Therefore, it is not possible to have a perceptual mental state that represents an ethical property.

C: Given a representational theory of perception, EP* is false.

McBrayer (2010) has recently attempted to defend EP* from the Looks Objection (hereafter: LO). His method is to consider the extant accounts of *looks* (which is clearly an ambiguous term) and to contend that whichever we assume, the argument which expresses the LO comes out as unsound. At this point I wish to express some scepticism about McBrayer's argumentative strategy. It seems to me that McBrayer does not really tackle head-on the notion of looks which is of crucial import here, what I am terming *phenomenal-looks*, i.e., the looks which we associate with phenomenal experience in perception. Instead, he considers accounts of looks which do not entail phenomenal-looks, and hence I am doubtful that his response really addresses the objection. To illustrate these problems, consider the following account of 'looks' which McBrayer spends some time discussing:

X experiential-doxastic looks F to S iff the way X looks to S disposes S to believe that X is F.

Given this way of cashing out the notion that 'X looks F to subject S,' McBrayer thinks that the LO fails, since he thinks that it is *easy* to imagine cases where the way things 'look' disposes an agent to form an ethical belief. I agree that it is indeed straightforward to imagine cases, such as CAT, whereby a normally functioning moral agent, S, will likely be disposed to form an ethical belief based on the way things phenomenally look. However, although this may provide some sort of limited response to a version of the LO I seriously doubt that it serves to establish a sufficient reason to think that in such cases S is actually phenomenally representing *ethical* properties and is thus appropriately disposed to form beliefs about their instantiation, as opposed to other plausible counterhypotheses, e.g. S's represents some non-ethical properties which are filtered through his background beliefs, such that he is appropriately disposed.

Thus we might think that although this sense of looks makes P2 of the LO obviously false, it seems inappropriate for the sort of looks – *phenomenal-looks* - that we are talking about and in

any case doesn't appear to be the sense that the objector has in mind.²⁴⁷ That isn't to say, however, that, e.g., the experiential-doxastic sense of looks has *nothing* to do with phenomenology since it is clear enough that the phrase 'the way *X* looks' refers explicitly to an agent's experiential state. The problem is that 'the way *X* looks' is ambiguous between two broad interpretations, only one of which involves the phenomenal representation of '*X* as *F*',²⁴⁸ and *that* is what is at issue here. To remove the ambiguity experiential-doxastic looks would have to be re-written as follows:

X* experiential-doxastic looks *F* to *S* iff *X*'s looking *F* to *S* disposes *S* to believe that *X* is *F*.

Given this emendation to the experiential-doxastic account of looks, the view that there is non-controversially a moral 'look' may become less obviously correct.

Here I aim to provide an improved response to the LO which I believe *does* tackle the main thrust of the objection. My response involves distinguishing between what can be usefully referred to as:

- (a) *sensory* phenomenal representation or phenomenal *presence*, and,
- (b) *non-sensory* phenomenal representation or phenomenal *presence as absence*.

Before going into the details of my argument, let me firstly give a very rough description of the distinction in mind. The thought here is that to be sensorially represented (or to be phenomenally present) is to be represented in the same sort of robust way in which colours and shape properties get represented. To be non-sensorially represented (or to be phenomenally present as absent) is to be represented in experience in some *other* –somewhat less robust - sort of way, i.e. in a way different from the way colours and shapes get represented.

²⁴⁷ I would suggest the same for the other sorts of 'looks' that McBrayer considers, e.g. *comparative-looks*.

²⁴⁸ I use this locution rather than '*that X is F*' since I want to remain non-committal as to whether the contents of visual experiences are propositional.

As will hopefully become clear, my response to the LO amounts to the claim that it involves equivocating on the notion of ‘looks’.²⁴⁹ That is to say, if we interpret *looks* as referring to sensory phenomenal representation or phenomenal presence, then although I admit that P2 of the LO, which would claim that there is no sensorial representation of ethical properties, is probably true, P1, which would limit the representation of moral properties in experience to *sensorial* representation, becomes dubious. Alternatively, if we interpret *looks* as including non-sensorial representation or phenomenal presence as absence, then we have the converse result; P1 looks more plausible, but P2 no longer appears to be obviously true. Either way I think we have insufficient reason to think that the argument is sound, or so I shall argue.²⁵⁰

Let me make some further clarificatory remarks concerning the distinction between categories (a) and (b) that I have in mind. The first thing to say is that although the distinction between (a) and (b) is potentially very closely related to the debate about whether *H*-properties are represented in perceptual experience, I do not think that the distinctions necessarily map on to one another neatly. For example, it seems that a high-level theorist who thinks that, e.g., pine trees can come to be represented in experience could claim either that the way *H*-properties get to be represented is in terms of sensory phenomenal representation, or that *H*-properties are only represented in the non-sensorial or present as absent sort of way. That said, to my mind, *if* it is the case that *H*-properties do come to be represented in experience, then it seems most plausible that they would be represented in a way which *differs* from the way in which colours and shapes are represented.²⁵¹ In any case, I think that defenders of EP* should welcome the elucidation of this distinction since I believe that it can provide a convincing response to the Looks Objection, and at the very least constitutes an improvement on extant responses.

In order to see what sort of distinction I am getting at, consider Alva Noë’s (2009) view that, in having an experience, e.g., as of a tomato, in addition to experiencing what might be loosely called the qualities of the tomato which are *visible*, i.e. the colour, shape of the side of the

²⁴⁹ McBrayer makes the same claim, although as stated, I do not think he really addresses the objection by considering the accounts of ‘looks’ that he does.

²⁵⁰ One might object here that I am committing the same mistake that I attributed to McBrayer, i.e. of focusing on a sense of looks which the objector doesn’t have in mind. I think my response to the LO constitutes a significant improvement on McBrayer’s because it (i) focuses on *phenomenal* looks, and (ii) accounts for the prima facie attractiveness of the LO. If the objector didn’t have non-sensorial looks in mind when formulating the objection then I contend that they *ought* to have this in mind when discussing the contents of experience.

²⁵¹ Robert Audi appears to refer to this ‘robust’ sort of representation as *cartographic* representation.

tomato one is looking at, one also may have an experience as of the *backside* of the tomato, which is of course in some obvious sense *not seen*. As Noë (2009) puts it:

vision is not confined to the visible. We visually experience what is out of view, what is hidden or occluded... For example, you look at a tomato. You have a sense of its presence as a whole, even though the back of the tomato (for example) is hidden from view. You do not merely *think* that the tomato has a back, or *judge* or *infer* that it is there. You have a sense, a visual sense, of its presence.²⁵²

This is putatively a case where there is phenomenal representation of a property but where this is of a different sort from the ‘normal’ representation of colour and shape properties. Noë characterizes such representation as *presence as absence*. As I am understanding the distinction, presence as absence is roughly synonymous with what some philosophers refer to as *non-sensorial* representation, although it is worth noting the possibility that these might denote different categories of phenomenal representation.²⁵³ Other ostensible examples of this sort of non-sensory/presence as absence representation include the representation of *absences* or *empty spaces*, and the representation of the *differences* between objects, e.g. that one object is bigger than another.

Consider now Susanna Siegel’s case of perceiving the property of *being a pine tree* after developing a recognitional capacity. I would suggest that it makes sense to say that although this property cannot be properly said to be *visible* in the same way that the features associated with, e.g. the colour and shape of the leaves clearly are, this natural kind property may nonetheless be in some sense *phenomenally present* in your visual experience, in a way similar to the way the backside of the tomato is present, or perhaps more similar to the way that the empty space between objects is present in your experience, without it being *seen* as such. The crucial point is that the things which are phenomenally present as absent make a difference to the *phenomenology* of the experience, i.e. they can get into the representational contents of

²⁵² Noë, A., (2009), pp. 470/1

²⁵³ Thanks to Stuart Crutchfield for pushing me on this point. I think that there is probably a degree of confusion within the philosophy of perception literature as to how the notions of non-sensorial representation and phenomenal presence as absence relate to one another. Although I concede that they may not, in the end, amount to precisely the same thing, they appear to be sufficiently similar for my relatively modest use of them here.

visual experience, but the difference they make to phenomenology is not the *same* as the way, e.g., colours and shapes affect phenomenology.²⁵⁴

What relevance does all this have for the Looks Objection? My claim is that it is only by thinking of *phenomenal presence* or *sensorial representation* that P2 of the LO seems plausible; it does seem false that wrongness or injustice or goodness look a certain way if we are thinking of this in terms of the way colours and shapes can look a certain way. However, as we have now seen, it is not at all obvious that *this* type of phenomenal representation is the *only* type of phenomenal representation, and hence it is not at all clear that P1 of the Looks Objection comes out as true.

Indeed, what I claim the defender of EP* ought to say here is that, *if* there is the phenomenal representation of ethical properties in perceptual experience (and recall that they are plausibly construed as *H-properties*), then it will most plausibly be *non-sensorial* phenomenal representation. Once we acknowledge the possibility that there can be non-sensory phenomenal representation in visual experience (or that things can be represented in visual experience as being *phenomenally present as absent*), P2 becomes a lot less attractive, and hence I contend that we have insufficient reason to think that the Looks Objection is sound. To clarify my argument here: it seems that defenders of EP* are in much the same dialectical position vis-à-vis the Looks Objection as they are with respect to the No High-Level Representation and Morally Blind objections. That is to say, it is not obvious that one can simply rule out moral properties as being phenomenally represented in experience without pre-judging the outcome of an ongoing debate in the philosophy of perception as to what sorts of things can come to be represented in experience, and in what sort of *way* they are phenomenally represented.

This concludes this section on the EP* view. I hope to have shown that the defender of this view can deflect substantial objections to the view. I also hope to have provided a plausible account of what moral perceptual representation may actually be like. In the following section, §3, I will briefly outline how the defender of EP* might provide a plausible psychological

²⁵⁴ Robert Audi (2010) appears to hold *something* like this view: ‘moral properties are not easily conceived as observable, in what seems the most elementary way: no sensory phenomenal representation is possible for them,’ p. 87.

account of how moral properties might come to be represented in experience. This will involve a brief consideration of the putative phenomenon of *cognitive penetration*.

3. EP* and Cognitive Penetration

At this point the reader will want to know a bit more about how visual experience might come to involve the representation of *H*-properties. As I understand this issue, it essentially involves considering how perception might get to *non-sensorially* represent properties or represent properties in a *present as absent* sort of a way. To repeat my claim from the previous section; it seems to me that the most plausible way of understanding how high-level properties like *being a pine tree* could be represented in experience, is in terms of those properties being represented non-sensorially or present as absent. Indeed, I find it difficult to get a grip on the idea that *H*-properties could be represented in the same way that colours and shapes get to be represented.

The task then, for this section, is to sketch a plausible psychological account of how experience might come to represent *H*-properties, of which ethical properties are plausibly a species. This will involve a discussion of the phenomena of *cognitive penetration*. It will be suggested that this is the most plausible way in which *most H*-properties get to be represented in perception (if any are). I will also suggest that there are no principled reasons for denying that cognitive penetration could occur in the ethical case. Although my account will be admittedly speculative in nature, my aims are, in any case, modest: I am simply sketching what I take to be the most psychologically plausible accounts of how moral perception *might* be possible. After doing this I will end the section by responding to two residual objections to an account of ethical perception that depends on cognitive penetration: the *Is There Anything We Don't Perceive Objection*,²⁵⁵ and the *Directness Objection*.

Let us first consider the issue of how *H*-properties might come to be (non-sensorially) represented in perceptual experience. It seems to me that there are two general ways in which this could occur: high-level representation might be *hard-wired*, or it may be *acquired* and enter into experience via some psychological mechanism. That is to say, it could be argued that either the visual system comes ready-made for non-sensorial phenomenal representation, or, that only after the acquisition of certain cognitive and conceptual capabilities could non-

²⁵⁵ Andrew Cullison (2010) discusses this problem under the same heading.

sensorial phenomenal representation come to be possible.²⁵⁶ I think which option is most plausible may vary depending on the putative case of non-sensorial representation we are talking about. More specifically, I think how cases are resolved may well have something to do with the extent to which having the representation of the properties in question would *normally*²⁵⁷ be useful to a human agent, *regardless of the environment they are placed in*.²⁵⁸ Susanna Siegel (2009) has suggested that it is not incoherent to think that the visual system might come hard-wired to represent *causation*, where causal relations apparently fall on the high-level²⁵⁹ side of the high-level/low-level divide (and, in my view, are good candidates for non-sensorial representation). It seems reasonable to think that being able to perceive causal relations is something which *would* normally be useful to human agents regardless of the environment in which they are placed.

What, though, of the ethical case? Interestingly, one might think that, unlike the representation of, e.g., being a pine tree, the representation of, e.g. wrongness, is the sort of thing which *would* be useful (roughly, fitness-enhancing) to human beings in almost any environment in which they would be placed. The same might also be reasonably said for evaluative properties like *danger*. This might lead someone to think that the most plausible account of how the visual representation of ethical properties comes about is that moral phenomenal representation is in some sense *innate*.

Although I have no knock-down arguments against the innate perception view, it doesn't strike me as being particularly plausible and in any case would appear to involve taking on quite serious theoretical commitments that I think ethical intuitionists should want to avoid. I have the following things to say against the proposal. The first thing to note is that it is plausibly only a *necessary* condition for innate representation that a property's being visually represented would normally be useful to an agent regardless of their environment. It is not a

²⁵⁶ A third view might be that representation is hard-wired in the sense that the brain is configured in such a way as to have representation triggered by exposure to certain environmental stimuli. There are no doubt other views one could take.

²⁵⁷ I insert this clause to deal with apparent counterexamples. For example, Michael Brady has pointed out to me that human beings are plausibly hard-wired to find other human beings sexually attractive, but there are some abnormal circumstances where this would be useful to individuals, e.g. where there are strict prohibitions on sexual intercourse etc.

²⁵⁸ I take this suggestion from Macpherson (forthcoming). To illustrate, she thinks that it is doubtful that human beings come ready-made for the representation of natural kind properties like 'being a pine tree' since this is a property the representation of which would only be useful in relatively specific circumstances.

²⁵⁹ Let me say in passing that it isn't obvious to me whether causal relations *do* fall on the high-side of the high/low-level divide.

sufficient condition. Hence, a lot more evidence would have to be garnered for such a view. To my knowledge there is little or no empirical evidence to back up this claim. Although there may be some evidence from empirical psychology supporting the claim that young children (as young as three-years old) are ‘ready-made’ for making ethical *judgments*,²⁶⁰ it is not obvious to me what relevance this might have for the claim that the *visual* representation of ethical properties is hard-wired; e.g., the fact that children can apparently distinguish between categorical and conventional imperatives doesn’t necessarily tell us *anything* about what sort of visual experiences they are having. Also, the idea that ethical perceptual representation is hard-wired seriously conflicts with some plausible models of ethical development, e.g. the Aristotelian view that virtue has to be educated. Moreover, as was stated at the outset, most²⁶¹ commentators and defenders of EP* seem to be in agreement that ethical perception involves the *acquisition* of capacities, and hence appear to be rejecting the innate-model (at least in a simple form). Given all of this I will assume from now on that non-sensorial ethical representation only comes with some degree of *acquired* cognitive sophistication, whilst acknowledging the possibility that ordinary human agents *could* come ready made for ethical representation.

If the capacity for ethical visual representation is something which is acquired, how might this occur? I think that the most plausible answer is that it occurs via a process of *cognitive penetration*.²⁶² What is meant by cognitive penetration? Here is a plausible (although admittedly rough) *sufficient* condition for cognitive-penetration:

CogPen: A visual experience, *e*, is *cognitively penetrated* if the representational content and phenomenal character of *e* are altered by states in the cognitive system, and where this does not merely involve those cognitive states having effects on the subject’s visual *attention*.²⁶³

²⁶⁰ See Richard Joyce’s (2006) for an extensive treatment and endorsement of this claim.

²⁶¹ I think the only notable exception to this is Robert Audi, who appears to think that something like a proto-moral visual representation (or something like it) of *fittingness relations* is innate. See his (2008) and (2010) for details. As I suggest, it seems that this involves quite a considerable theoretical commitment and one which might make many think twice about endorsing an intuitionist account.

²⁶² It could also be via a process of *non-cognitive* penetration. Non-cognitive penetration of visual experience – as I understand it – is identical to cognitive penetration except for the fact that the penetrating state is *non-cognitive*, e.g. a sensation. I will not be discussing non-cognitive penetration here since it is not at all obvious how this might facilitate the representation of the sorts of properties that I am interested in, i.e. moral properties.

²⁶³ In her (forthcoming a), Siegel offers the following necessary condition for cognitive penetration: ‘If visual experience is cognitively penetrable, then it is nomologically possible for two subjects (or for one subject

The basic idea expressed in *CogPen* is that the cognitive states of a subject, e.g. beliefs, concepts, emotions, non-doxastic states and desires²⁶⁴ of the subject, could come to alter the content and character of the subject's perceptual experience, where this is not limited to apparently trivial cases such as where I *desire* to look at the television and end up having a visual experience as of the television due to my turning my eyes in its direction. Rather, the idea is that states in the cognitive system are having a more intimate causal effect on the phenomenal character (and content) of the experience. Applying this to the sorts of cases we have been discussing, e.g., pine tree expertise, the idea would be that a subject who possesses some degree of cognitive sophistication with regard to pine trees could come to have the phenomenal character of their visual experiences altered by these cognitive states, such that they could visually (but non-sensorially) represent the natural kind *pine trees*.

There are two ways in which cognitive penetration of visual experience might occur; it might be via a *direct* or an *indirect* mechanism. Roughly, direct cognitive penetration would involve a cognitive state *directly* affecting or modifying the phenomenal character and representational content of a perceptual experience. Indirect cognitive penetration – as it is conceived in the philosophy of perception literature - involves a slightly more complex mechanism:

the first step of the mechanism involves our cognitive states causing some non-perceptual state with phenomenal character to come into existence or to alter the phenomenal character of some existing non-perceptual state that has phenomenal character... the second step involves the phenomenal character of these non-perceptual states interacting with and affecting the phenomenal character and content of perceptual experiences.²⁶⁵

Although *indirect*, this mechanism still facilitates cognitive penetration since it involves a cognitive state causally affecting the phenomenal character and content of the subject's experience.

in different counterfactual circumstances, or at different times) to have visual experiences with different contents while seeing *and attending to* the same distal stimuli under the same external conditions, as a result of differences in other cognitive (including affective) states.'

²⁶⁴ At least *some* desires might be plausibly understood as *cognitive* states if we think that cognitive states are just those states that have intentional or propositional contents. See Dustin Stokes (forthcoming) for the claim that visual experience might be cognitively penetrated by *desires* (understood as cognitive states).

²⁶⁵ Macpherson, F., (forthcoming), pp. 30-32

Although the question of whether cognitive penetration does actually occur is by no means settled, there are many suggestive studies²⁶⁶ apparently supporting the claim that cognitive penetration of visual experience is indeed possible. To my mind the best evidence comes from psychological experiments²⁶⁷ where the colour experiences of subjects appear to have been altered by their antecedently held beliefs (see Macpherson (forthcoming) for details). For the rest of the discussion I will be assuming that cognitive penetration is indeed a psychologically real occurrence and will suggest some plausible models of how it might occur in the ethical case (the reader is of course invited to bear in mind that what follows is *conditional* on cognitive penetration being possible for ordinary perceptual agents).²⁶⁸

Let us first briefly consider a few models of *direct* cognitive penetration. Recall again Harman's *Cat*. Suppose that you have just rounded the corner and are visually presented with the hoodlums setting the cat alight. There are, I think, a few (prima facie) plausible ways in which direct cognitive penetration of your visual experience might result in your perceptual experience having an ethical content, i.e. *this is wrong*, or *what the hoodlums are doing is wrong*. The first is that you might have some standing *belief* to the effect that torturing or causing unnecessary pain to sentient creatures is prima facie (or conclusively) *wrong*. When presented with the visual scene of the hoodlums torturing the cat, this background belief about wrongness might cognitively penetrate your visual experience such that you come to visually represent the wrongness of what the hoodlums are doing. An alternative candidate for the penetrating cognitive state might be something like the possession of a concept (admittedly, referring to a concept as a state seems strained – I will have more to say about this shortly). In this case, one's visual experience is penetrated by one's possession of the concept of MORAL WRONGNESS such that one comes to visually represent the scene as instantiating wrongness. In a bit more detail: if a *classical* view of concepts is correct, (roughly, the view that a concept, *C*, has a definitional structure in that it is composed of simpler concepts which constitute

²⁶⁶ e.g., see Bruner and Goodman (1947), Gegenfurtner et al, (2006)

²⁶⁷ From Delk and Fillenbaum (1965)

²⁶⁸ One might object that the case which, e.g., Macpherson, describes involves *low-level* properties, i.e. colour properties, and this sort of phenomenal representation is apparently different from the sort of non-sensorial or present as absent phenomenal representation which I am interested in. In response, I would say the following: if we are convinced that perceptual experience can be altered in the way the experiments cited appear to demonstrate, then there doesn't seem to be any principled reason for denying that the same sort of mechanism – direct or indirect - might work for non-sensorial representation.

necessary and sufficient conditions for falling under C^{269}) then the scene before you in the case of *Cat* might be said to fulfill a sufficient condition for the application of the concept MORAL WRONGNESS. Alternatively, if one is attracted to a non-classical view, e.g. the *prototype* view of concepts - roughly, the view that concepts are represented by one or more of their exemplars or instances - then one of the prototypes for MORAL WRONGNESS might reasonably be of cases of the causing of unnecessary suffering. In this case, one's possession of the *concept* might come to affect or modify the perceptual content of your visual experience.

One other possible account of direct cognitive penetration in *Cat* is that your initial visual experience triggers an *emotional* response,²⁷⁰ e.g. horror or outrage or disgust, which cognitively penetrates your visual experience. I will say a good deal more about the emotions in the following chapter, but for now let me note that it is a widely held view amongst philosophers of the emotions that emotions have *intentional* contents, i.e., they represent the world as being a certain way. Now, if emotional experiences can sometimes have *ethical* contents, i.e. representing the world as bearing certain ethical properties, then it seems possible that in the case of *Cat*, your visual experience could be cognitively penetrated by your emotional experience such that you come to visually represent the wrongness of what the hoodlums are doing.²⁷¹ A somewhat broader way of cashing out this emotional model of cognitive penetration would be to say that someone with the right sort of (virtuous) character would be disposed to be in particular emotional states in response to stimuli like that presented in *Cat*, and would be disposed, in virtue of their having such a character, to have their visual experiences cognitively penetrated by emotional experience. In a sense, it could reasonably be said that the ethically sensitive person's virtuous *character* is cognitively penetrating their visual experience.²⁷²

Perhaps though, the idea of a person's character cognitively penetrating experience is more aptly described as an instance *indirect* cognitive penetration. Recall that indirect cognitive penetration involves a cognitive state, e.g. a belief, bringing into existence a phenomenal non-

²⁶⁹ From entry on 'Concepts' in *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/concepts/#ClaThe> Last accessed 06/04/11.

²⁷⁰ The same points would hold about *seeming* states with the same or similar contents.

²⁷¹ In her *forthcoming*, Susanna Siegel suggests that brain architecture (i.e. connections between the brain area V1 and the amygdala) is consistent with there being emotional influences on visual experiences.

²⁷² Susanna Siegel also mentions this possibility in her (forthcoming a).

perceptual state which then interacts and modifies the phenomenal character and content of perceptual experience. So perhaps, the example of character penetrating one's visual experience, i.e. where one's character brings into existence and emotional state which then penetrates one's perceptual experience, is best described as *indirect* cognitive penetration. Before briefly saying a bit more about how indirect cognitive penetration might work in the ethical case, it is perhaps worth noting that there is decent (although not uncontroversial) *independent* empirical evidence to think that the sort of phenomenal modification by phenomenal states on perception, which proponents of indirect cognitive penetration point to (e.g., Macpherson), does in fact occur, e.g. the Perky effect, and the incorporation of external stimuli into dream experiences. Thus there is perhaps more reason to think that such a process of interaction is a psychologically *real* occurrence, and hence that it is the more plausible of the two proposed accounts.

In addition to the example of character penetrating one's visual experience, in what other ways might indirect ethical cognitive penetration occur? Macpherson suggests that *imagination* could be a possible candidate for the non-perceptual state with phenomenal character (note that she believes that imaginative states can be unbidden and non-deliberate such that there isn't any experience of their deliberate conscious formation), which somehow interacts with, and alters the character and content of the perceptual state. How might this work in the ethical case? Returning again to Harman's *Cat*, perhaps your standing moral *belief* which links the causing of unnecessary pain to sentient creatures and moral wrongness could trigger an imaginative state to come into existence which then interacts with your visual experience, thus altering and modifying the representational content of the experience. Perhaps the imaginative state would amount to something like the imagining of 'moral wrongness being in your midst'. Alternatively, it might be the case that the possession of the *concept* of MORAL WRONGNESS triggers the same sort of imaginative state to come in to existence, e.g. imagining myself *suffering similar treatment*.

Another view would be an account of moral cognitive penetration and perception, orientated along virtue-ethics lines, where a suitably sensitive moral agent has some *conception* of an idealised ethical agent such that, when they are presented with a moral situation, they *imagine* (perhaps in a spontaneous and unbidden manner) what the idealised agent would do in such a case, and as a result come to represent an ethical property in their visual experience. So, e.g.,

upon seeing a beggar lying on the street who is clearly ill and in need of medical help, a sensitive observer might spontaneously imagine the idealised agent helping the beggar, and as a result, come to see that such an action is required of them. The thought here would be that one's non-perceptual imaginative state could interact and alter the character and content of the visual experience. Presumably, what distinguishes the ethical expert from the non-expert is that they have a better conception of an idealised agent, involving more vivid or fine-grained imaginative capabilities.²⁷³

I do not commit myself here to any of the foregoing models. Instead, my aim has been merely to present some (hopefully) plausible-sounding psychological accounts of how cognitive penetration might occur in the ethical case. Hopefully, then, the reader will think that there is considerably more than a modicum of plausibility to the suggestions.

Before proceeding to §4, and for the rest of this section, I will consider two residual problems which have so far been left unaddressed in my discussion of EP*. As I see it, there are two²⁷⁴ major problems that remain to be dealt with, which I will label as follows; the *Is There Anything We Don't Perceive Objection* and the *Directness Objection*. I will consider these in turn.

The *Is There Anything We Don't Perceive Objection*, stems from the fact that the account sketched above seems to imply that we could perceive things which seem to be, intuitively at least, *unobservable*, e.g. recall the much-discussed case of the physicist's 'observation' of a proton being fired in a cloud chamber. The physicist observes a vapour trail in a cloud chamber and remarks non-inferentially, 'there goes a proton.' In this case, although the physicist's judgment may be *psychologically* non-inferential, it plausibly depends for its justification on an antecedently held belief about the relationship between what is observed and the presence of a proton. Furthermore, we are highly reluctant to say that the physicist actually *perceives* the proton in the cloud chamber, since protons aren't the sorts of things that

²⁷³ I take this virtue-ethics suggestion from Dworkin (1995).

²⁷⁴ There is a third major objection which I will not be discussing here, and that is the *causal* objection to moral perception. Note that In a recent paper, McBrayer (2010a) has defended the ethical perception view (roughly EP*) against this objection, claiming that whichever ontological position one adopts with regard to moral properties, that the causal problem isn't really a problem at all.

ordinary human beings are supposed to be capable of visually perceiving. In the words of a recent philosopher of perception; ‘perception isn’t that powerful’²⁷⁵.

The problem for the defender of EP* seems to be that, *prima facie*, there doesn’t seem to be any principled reason to support the claim that something like the psychological story told about *cognitive penetration* in the previous section, couldn’t be told in the case of protons. More worryingly, there doesn’t appear to be any good reason for thinking that putative cases of so-called *ethical* perception aren’t just like the proton case, i.e. that ethical properties are just as unobservable as protons intuitively are. If this is so, then it seems that the mere coherence of the idea of ethical cognitive penetration is *not* a sufficient condition for establishing that ethical perception is *in fact* possible, since for all we know, it could be more like the proton case, and less like, e.g., the pine trees case. The task therefore remains for the defender of EP* to somehow give a good reason for thinking that the ethical case is sufficiently different to the proton case.

There are a few avenues of response which I think are open to the defender of EP* to explore. The first of these is the *innocence by association* response. The response here would be to say that all philosophers who want to defend the possibility of high-level representation need to find some way of showing that the *H*-properties, which they claim can be represented in perceptual experience, are *not* like protons, i.e. they are not *unobservable* properties. So, the response would go, defenders of EP* are no worse off than defenders of the view that we can, e.g., perceive natural kind properties. Perhaps, then, defenders of EP* should just hold fast to their view in the hope that the ethical case *is in fact* different from the case of protons. In her (forthcoming), Macpherson denies that her account in any way entails that we can alter our perceptual experiences at will, and surmises that very specific conditions for cognitive penetration may in fact exist.²⁷⁶ However, she claims that it is the job of *psychologists* to work out just what these might be. So, perhaps the defender of EP* might be best advised to leave the issue of what we can and cannot perceive open, and simply cross their fingers that, once the ‘specific conditions’ for cognitive penetration are spelt out fully, the ethical case (or at least the case of *some* ethical properties) falls on the right side of the divide.

²⁷⁵ Siegel, S., (2009): note, however, that Siegel does not say this in the context of a discussion of the perception of protons.

²⁷⁶ Specifically, Macpherson (forthcoming) suggests that ‘the difference between voluntary and involuntary imagination may have some, as yet unknown, role to play, as may one’s familiarity with what one is imagining, as may some relations between imagined and perceived properties.’ P. 41

This, however, might seem quite an unsatisfying response to many (including those attracted to the EP* view). A more appealing option might be to attempt to identify some feature that does indeed distinguish ethical properties (and other *H*-properties) from protons. I must confess, however, that I cannot at present think of what such a feature might be. Despite this, I would like to briefly mention an alternative and under-discussed option for the defender of EP* that I actually find quite attractive; once we have the sensory/non-sensorial phenomenal representation distinction in mind, perhaps the possibility of the phenomenal visual representation of protons doesn't seem so outlandish – bearing in mind that we are only talking about cases like that of the physicist observing a vapour trail in the cloud chamber. At a push, we might even concede that the *perception* of protons – in suitable circumstances - is possible. After all, if it is possible to have perceptual experiences of the *backside* of objects (see Noë (2009), and above), and if we admit that 'vision is not confined to the visible', then perhaps the perception of protons isn't such an unpalatable prospect. If this is correct, then the mere possibility of proton perception shouldn't make us worry about ethical perception since proton perception might not be that unpalatable a prospect.

Admittedly, under plausible contemporary accounts of non-inferential justification (and knowledge) – where non-inferential justification is justification that is grounded in a *non-doxastic* state - this suggestion would seem to imply that we could possibly have *non-inferential* knowledge of protons, and we might then agree with Nicholas Sturgeon (2002) when he claims that this is 'not very plausible'²⁷⁷. I concede that this doesn't seem like the correct thing to say. However, as will be suggested in §4, we have good reason to think that, given my improved account of non-inferential justification (see previous chapter), if the perception of protons were possible it would not be the sort of experience which could ground *non-inferential* justification. Instead, such experiences could only ground *inferential* or *mediate* justification. This, it seems to me, is precisely the right thing to say about these cases.

However, even if we think that the perception of protons could be possible (bearing in mind that there are alternative responses at hand), this suggestion leads us on to the second problem which I identified: the *Directness Objection*. The problem seems to be that *if* we have conceded that non-sensorial representation might be possible in the case of protons (i.e. that

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Sturgeon, N. (2002), p. 202

protons could be *phenomenally present as absent* in visual experience), then maybe this simply shows that non-sensorial representation is not *direct* enough to facilitate *perception*. This sort of point might involve making a distinction between *perception* and what might be called *accurate phenomenal representation*, where the latter captures the redundant features of veridical phenomenal representation which in some way falls short of *perception*. Such a distinction seems to be employed by philosophers of perception who are interested in the question of high-level representation. For example, note the following from Susanna Siegel (2009) (here she is discussing the perception of *causal* relations):

[visual] experience could represent (even correctly represent) that causal relations obtain, but these experiences might fail to count as perception, if their relation to what they represent is never sufficiently direct.²⁷⁸

The thought here would be that non-sensorial representation, and the sort of cognitive penetration described in the previous section (especially the *indirect* form of cognitive penetration), are just *too* indirect to be counted as giving rise to *perception* of the properties in question. Indeed, one might hold this for *all* cases of non-sensorial representation: *if* non-sensorial representation of *H*-properties works in the way envisaged above, i.e. by way of the mechanism for cognitive penetration outlined, then it is *insufficiently direct* to ground perception.²⁷⁹

In response, it seems that the defender of EP* could simply claim that in the case of *H*-properties which come to be represented via cognitive penetration, the relation to what is represented is as *direct as we could reasonably hope for*, given the apparent need for cognitive sophistication. Such a response might be made in tandem with the following concomitant point: even if it is true that in veridical cases of the visual representation of moral properties we are not dealing with instances of *perception* as such (because the relation to what is represented is insufficiently direct), the defender of EP* - and those interested in defending EPj - might simply claim that *accurate visual phenomenal representation* is a type of mental state that is in the business of conferring justification.

²⁷⁸ Siegel, S., (2009), p. 519

²⁷⁹ Note of course that if non-sensorial representation comes *hard-wired* for certain properties, then perhaps the representation could be sufficiently direct to count as perception. As noted above, such a route could be open to an ethical intuitionist, although I will not pursue this possibility here.

Another response available to a defender of EP* at this stage might be to say that *if* cognitive penetration (in either its direct or indirect forms) is a reasonably pervasive feature of our perceptual lives, then this might lead us to rethink how we understand *perception*. To put this somewhat elliptical point another way: if it turns out that perceiving, e.g., that the person in front of me is *my mother*, via cognitive penetration is a regular occurrence, then perhaps our view that perception is in some – admittedly loose – sense, (causally) *direct* or *unmediated* ought to be jettisoned.²⁸⁰

Suppose that all I have said so far is correct (or suppose that any difficulties with my arguments can be addressed). In the next section, §4, I will go on to discuss EPj. I will begin by explaining why some philosophers have assumed that the truth of EP* is necessary for the truth of EPj before considering whether it is also *sufficient*. Following from this I will argue that, if we assume that cognitive penetration is required for ethical perception then it is not at all obvious that some or most ethical perceptual experiences could get to confer *non-inferential* justification for belief. Hence, it is not at all obvious that the putative truth of EP* supports EPj and ethical intuitionism.

4. EPj and Cognitive Penetration

EPj is a claim about the type of justification - non-inferential - that ethical *perceptual* beliefs are supposed to possess. On the face of it, the view is logically independent from EP*. However, in the recent literature it has been suggested that there is in fact an important relation between EP* and EPj, e.g., Väyrynen (2008), McNeill (forthcoming), namely, that EP* is *necessary* for the truth of EPj, i.e., non-inferentially justified ethical perceptual belief would only be possible if EP* is true.

In order to see why this is plausible I will briefly outline a suggestion from Will McNeill (forthcoming)²⁸¹ who builds upon a distinction, originally made by Dretske (1969), between what he terms *primary* and *secondary* seeing. Although Dretske originally held the distinction with regard to the *objects* we perceive, McNeill thinks we can make similar distinctions with

²⁸⁰ Thanks to Stuart Crutchfield for suggesting this line of response to me. I think the point connects with the general thought that if cognitive penetration is pervasive then the epistemologically attractive idea that perception is *theory-independent* will need to be given up.

²⁸¹ McNeill, W., (forthcoming)

regard to the *features* or *properties* that we see. The general idea is that in the case of primary seeing²⁸², one can see that '*O* is *F*' by seeing – in some literal sense - the object/event *O* and the feature *F*, while in secondary seeing, one can see that '*O* is *F*' by seeing – in some literal sense - some distinct object/event *Q* and some distinct feature *G*. Here is an example of primary seeing: I can primarily see that there is a red apple by literally *seeing* the *apple* and the property of *redness* that it instantiates. Here then, is an example of secondary seeing of the sort described: I might be said to see *that* John is ill without seeing John himself and the property of being ill which he bears. Instead, I might reasonably be said to see *that* John is ill by seeing *that* his mother is crying outside his hospital room. Notice that the relation between secondary and primary seeing is one of dependency; in the case of seeing that John is ill, I can only secondarily see this by primarily seeing that his mother is crying outside his hospital room.

What is the significance of this distinction? McNeill argues that whether an instance of perception is one of primary or secondary seeing is directly relevant to the question of whether the perceptual knowledge which one gains is inferential or non-inferential. In a nutshell, McNeill thinks that if an instance of perception is one of secondary seeing, then the knowledge gained on that basis is necessarily *epistemically* inferential. This is true, even though such perception might be psychologically *non-inferential*, i.e., 'spontaneous' or 'unbidden'. Only with primary seeing (as I have defined it) is the knowledge gained non-inferential. In the case of secondary seeing that 'John is ill', McNeill claims that one will have to possess "some state that can connect the fact primarily seen with the fact secondarily seen, and do so in a way that secures knowledge of that second fact."²⁸³ McNeill seems to think that in order to be warranted in one's beliefs such a state would need to be some sort of *belief* – although it needn't be involved in any conscious inference – connecting the fact that John's mother is crying with John and his illness. The general lesson is a familiar one: 'some knowledge that we spontaneously come by on the basis of seeing is nonetheless epistemically inferential'²⁸⁴.

²⁸² Technically, McNeill uses the term *primary seeing* when discussing the perception of objects. He doesn't use the term in his discussion of features (so for McNeill, primary seeing only sometimes generates non-inferential knowledge, i.e. when the properties/features in question are also seen). I think, however, that nothing is awry in using the term in the way I do here.

²⁸³ McNeill, *Ibid*, p. 7

²⁸⁴ *Ibid*, p. 11

To illustrate, suppose for now that the primary seeing of protons is not possible. Now consider the case of the physicist's observation of a proton being fired in a cloud chamber.²⁸⁵ In this case most commentators will claim that although the physicist's judgment that 'there goes a proton' may be psychologically non-inferential, it plausibly depends for its justification on an antecedently held belief about the relationship between what is observed and the presence of a proton.²⁸⁶ Hence there is a crucial distinction between psychological and epistemological inferentiality. The point argued by McNeill is that only cases of primary seeing can ground epistemic non-inferentiality.

Suppose that McNeill is right about all this. The import of all this for our discussion is that EP*, i.e., the view that we represent ethical properties in perceptual experience (we have primary ethical seeing) is apparently necessary for the truth of EPj. We can, however, also ask whether the truth of EP* is *sufficient* for the truth of EPj. *Dogmatists* about perceptual experience claim that *all* perceptual experiences (including cognitively penetrated experiences) justify non-inferentially. *Perceptual Dogmatism* (PD)²⁸⁷ amounts to the conjunction of the following claims:

- (1) If a subject, *S*, has a perceptual experience of *X* as *F*, then, in the absence of defeaters, *S* thereby has justification for believing that *X* is *F*.
- (2) The justification in (1) is *immediate* or *non-inferential* justification.

A few things are worth noting about PD. The first thing to say is that (1) amounts to the claim that a perceptual experience – *whatever its content* - is sufficient for prima facie justification and will therefore include perceptual experiences with *impossible* contents, e.g., the Penrose triangle, and, *contradictory* contents, e.g., the waterfall illusion. Secondly, (2) amounts to the claim that the subject of a perceptual experience gets justification for belief that does not depend upon the subject having justification for believing other propositions.²⁸⁸ In more detail;

²⁸⁵ It was Harman who introduced this example; see his (1977) p. 6. Harman understands an observation as 'an immediate judgment made in response to the situation without any conscious reasoning having taken place.' Hence, given this there can be observations of protons.

²⁸⁶ As Tropman (2009) suggests: 'despite the lack of explicit reasoning in this case, the physicist's theoretical belief concerns unobservables, and for this reason it would be strange to call her scientific observation 'non-inferential.' P. 443

²⁸⁷ Audi, Huemer and Pryor can all be reasonably regarded as perceptual dogmatists.

²⁸⁸ Some philosophers, e.g. Crispin Wright, think that the justification we get from perceptual experiences depends upon our having something like a propositional justification for believing (or accepting) other propositions, e.g., about the existence of the external world. Such a position is sometimes referred to as

PD claims that, although cognitively penetrated experiences might be *causally* dependent upon having certain beliefs or non-doxastic states, the justified beliefs that are formed on the basis of those experiences are *epistemologically* independent of such background beliefs. Put another way, the causal etiology of a perceptual experience is, according to Dogmatists, *irrelevant* to the justificatory status of beliefs based upon perceptual experiences experience, i.e., as to whether they are justified at all and whether the justification is non-inferential. On the topic of inferentiality, note the following from James Pryor (2000):

why should the fact that your background beliefs causally affect what experiences you have show that the justification you get from these experiences relies on or derives from those background beliefs? Your sunglasses causally affect your experiences, but none of you perceptual beliefs are justified to any extent by your sunglasses.²⁸⁹

Applied to the case at hand, Pryor's thought is that although a subject's background belief(s) may play a causal role in cognitive penetration, this does not entail that the resultant justified belief or knowledge that one has on the basis of the cognitively penetrated experience depends *epistemically* for its justification upon that background belief(s). In some sense the etiology of the perceptual experience is epistemically screened-off by the subject's perceptual experience. Given its compatibility with non-inferential justification it is unsurprising that some recent ethical intuitionists, e.g. Robert Audi, subscribe to something like Perceptual Dogmatism.

Despite its affording a nice straightforward epistemology of perceptual belief, PD is controversial and has recently come in for some heavy criticism (see Markie (2006), Siegel (forthcoming), Lyons (forthcoming)). Indeed, if there is such a thing as cognitive penetration of visual experience, then the claim that the causal etiology of perceptual experiences has *no impact* on the justificatory status of beliefs based on perceptual experience is probably false. Susanna Siegel (forthcoming) has suggested the following as a counter-example to claim (1) of Perceptual Dogmatism:

Conservatism (not to be confused with *Phenomenal Conservatism*). I am assuming here (and in the thesis as a whole) that Conservatism is false. See Nicholas Silins (2008) for discussion and an argument against Conservatism.

²⁸⁹ Pryor, J. (2000) p. 546

Angry-Looking Jack: Jill believes, without justification, that Jack is angry at her. The epistemically appropriate attitude for Jill to take toward the proposition that Jack is angry at her is suspension of belief. But her attitude is epistemically inappropriate. When she sees Jack, her belief makes him look angry to her. If she didn't believe this, her experience wouldn't represent him as angry.

Siegel thinks that it is implausible for Dogmatists to claim that Jill gets *any* justification from her perceptual experience and hence the sufficiency claim of Dogmatism is false. She claims that the explanation for this is that there is a circular structure to Jill's belief-formation; the idea here is that the Jill's perceptual belief that Jack is angry is ultimately based on her antecedently held belief about Jack's anger. However, the following points ought to be highlighted about Siegel's claims; firstly, we might doubt that there really is a basing relation here given that it is unlikely that non-doxastic states such as perceptual experiences get to be non-causally *based* upon anything. Hence the claim for circularity might seem odd. Indeed, it seems plausible that the belief is based upon the *perceptual experience* alone. We might, however, still think that Jill's belief is unjustified *because* of her original unjustified belief as opposed to circularity. Secondly, defenders of PD might just want to bite the bullet in the case of Angry-Looking Jack. Despite this, even if defenders of PD do say that Jill's experience is justification-conferring (which I don't think is very plausible), Jack Lyons (forthcoming) has suggested that Dogmatism cannot cope with the following example:

Wishful-Thinking: Suppose Jack really wants it to be the case that Jill is happy to see him, so much so that when he does see her, his wishful-thinking penetrates his experience such that he comes to perceptually represent Jill as happy to see him.

Although the defender of Dogmatism might again slam down their fist and say that Jack *is* defeasibly justified in believing that Jill is happy to see him, I would be inclined to agree with Lyons when he claims that 'an epistemology that licenses wishful-thinking in this way simply can't be taken seriously'²⁹⁰. It just isn't plausible that the causal etiology of a perceptual experience has *no* effect on the justification-conferring powers of that experience, lest we be

²⁹⁰ Lyons, J. (forthcoming) p. 18

forced to conclude that *Wishful-Thinking* and my perfectly kosher experience as of the computer screen in front of me start off with the same epistemic credentials. Given this, I conclude that we have good reasons for thinking that claim (1) of Perceptual Dogmatism is false.

Despite this, notice that the problems raised by Siegel and Lyons need not themselves be taken to undermine the claim that cognitive penetrability makes perceptual belief *inferentially* justified, i.e., of undermining claim (2). Rather, they could be understood as pointing out that the causal etiology of a perceptual experience can affect whether that experience *gets to be the sort of thing that can confer justification*. In cases of *epistemically-bad* cognitive penetration, perceptual experiences just don't seem to be in the business of justifying at all. That is why, as it stands, PD is falsified. However, Siegel claims the existence of epistemically-bad cases of cognitive penetration is consistent with (a) there being *good* cases, and, (b) those good cases being capable of justifying *non-inferentially*. Put another way; admitting that causal etiology can affect the justification-conferring power of perceptual experience does not entail that it does so in all cases and need do so in a way that impinges on the claim about non-inferentiality.²⁹¹ So, even if Perceptual Dogmatism is false, it is not obvious that this undermines perceptual ethical intuitionism. That claim requires more argument.

I would now like to suggest that we do in fact have good reason for thinking that at least some (and perhaps many or most) cognitively penetrated perceptual experiences - including putative cases of ethical perception - will only be capable of conferring *inferential* or *mediate* justification for belief. In other words, I will be suggesting that insofar as some cognitively penetrated experiences get to justify, claim (2) of Perceptual Dogmatism is plausibly false, i.e. although many or most perceptual experiences are sufficient for justification, in the case of cognitively penetrated experiences, some or many of these will only be compatible with *inferential* or *mediate* justification. In order to begin to see this, recall my account of *non-inferential* or *immediate* justification offered in the previous chapter:

²⁹¹ Note the following remarks from Siegel (forthcoming a): 'Pryor says cognitive penetration itself doesn't impede immediate justification, because it need not introduce justificatory intermediaries. This seems correct. He also suggests that it doesn't impede immediate justification at all, on the grounds that etiology and justification are independent issues. But the cases just described suggest that the etiology introduced by cognitive penetration does sometimes impede justification, not because it forces the structure of justification to be mediate rather than immediate, but because some kinds of etiology seem to place constraints on when experience can justify beliefs at all – a fortiori, on when experiences can immediately justify them.'

Non-Inferential: A non-inferentially justified belief that p held by a subject, S , is a belief that is epistemically grounded in some non-doxastic state, d , where the non-doxastic state, d , doesn't *epistemically depend* upon relevant non-doxastic states, beliefs or the drawing of relevant inferences.²⁹²

Given my account, whether a perceptual experience confers inferential justification will be contingent upon whether it *epistemically depends* upon other non-doxastic states, beliefs or the drawing of relevant inferences. Recall that epistemic dependency amounts to something like the following:

Epistemic Dependency: for a non-doxastic state, d , to epistemically depend on a non-doxastic state(s) or belief(s) that $q, r, s...$ or the drawing of relevant inferences, is for it to be the case that, *ceteris paribus*, the subject, S , would have had to have had those non-doxastic states, beliefs, drawn those inferences etc. in order for d to be justification-conferring, and that an appropriate proportion of those non-doxastic states, beliefs, inferential processes etc. will have had to have been justified, justification-conferring or valid (respectively). Furthermore, the non-doxastic states/beliefs $q, r, s...$ ought to be in some way *relevant* or appropriately related to the non-doxastic state d , i.e. they ought to *support* d (but where the support relation isn't inferential).

Before proceeding to argue that at least some moral perceptual experiences are epistemically dependent in the way described (and hence not capable of conferring *non-inferential* or *immediate* justification), I would like to remind the reader of the principal motivation for wanting to adopt a conception of non-inferential justification along the lines of *Non-Inferential*; that is, under alternative conceptions of non-inferential justification, which claim – roughly – that a non-inferentially justified belief is a belief that is epistemically grounded in a non-doxastic state, there is the possibility of the *illegitimate* transformation of ostensibly inferentially justified beliefs into non-inferentially justified beliefs.

²⁹² It is worth pointing out that there are similarities between my account of non-inferential justification (and the associated account of epistemic dependency), and the notion of a *belief-dependent* reliable process as suggested by Goldman (1979). The idea here is that a reliable process which is belief-dependent cannot confer justification *independently* of the 'input' beliefs to the process being themselves justified.

I now want to suggest that we have a similar sort of problem in the perceptual case. Specifically, the problem seems to be that under alternative conceptions of non-inferential justification, we could have non-inferential justification for believing propositions which seem to be incapable of being justifiably believed non-inferentially due to the sort of illegitimate transformation referred to; namely, non-inferential justification for believing propositions about ‘scientific’ entities.²⁹³ Recall from §3 my claim that, in certain circumstances and with a sufficient stock of background beliefs, a scientist might be able to have visual representation or perception of protons, e.g., where a scientist observes a vapour trail in a cloud chamber. Given this possibility, however, alternative conceptions of non-inferential justification are forced to say that insofar as beliefs based upon this experience would be justified, then they would be *non-inferentially* justified or *epistemically basic* or *regress-stoppers*.²⁹⁴ That result seems wholly implausible to me; insofar as these sorts of perceptual experiences get to justify it will be *inferential* or *mediate* justification. In the proton case, and others like it²⁹⁵ it seems more sensible to say that my perceptual experience as of a proton is *epistemically dependent* upon my having, e.g., a sufficient stock of background beliefs about protons etc, and that an appropriate number of those beliefs are *justified* beliefs. That is to say, ceteris paribus, the perceptual experience wouldn’t get to justify unless an appropriate number of those background beliefs were themselves justified, e.g., suppose that I formed the relevant background beliefs about protons while under the influence of mind-altering drugs or on a series of whims. I am highly reluctant to say that a perceptual experience that is cognitively penetrated by these unjustified beliefs would get to justify. Given this, I claim that we have good reason to think that my account of non-inferential justification gives the correct answer in the case of the putative perception of ‘scientific’ entities, i.e. that these sorts of experiences could only justify and ground justified belief because of the stock of relevant justified background beliefs that the subjects in question have.

²⁹³ Someone might claim that the same could be said about *perceiving* or having *perceptual experiences* as of protons. In response I would point back to the distinction between sensorial and non-sensorial representation.

²⁹⁴ Someone might claim that no-one would actually *base* their belief on a perceptual experience of a proton. Rather, they would base their belief on background beliefs about the existence of protons. In response I would say that (i) cases where someone actually takes their perceptual experience of the proton as the *reason* for believing a proton to be present don’t strike me as unimaginable, and, (ii) such perceptual experiences would, according to other accounts of non-inferential justification, still be conferring non-inferential justification *for* belief even if they don’t get to ground justified *belief*, which still seems implausible.

²⁹⁵ e.g. Siegel (forthcoming a) presents a case about a scientist who believes in preformationism coming to have a perceptual experience as of an embryo in a sperm cell. Insofar as anyone would want to call the resultant belief about the presence of an embryo *justified* I would suggest that we ought to call it *inferentially* or *mediately* justified.

What, though, of the ethical cases that we are interested in? Is there an epistemic dependency in these cases too? I want to briefly suggest that in at least some cases (and perhaps a great many or all cases), the justification conferred by an ethical perceptual experience which is the result of cognitive penetration seems to be a good candidate for being epistemically dependent, and hence not in the business of conferring non-inferential justification (given my improved characterisation). Therefore, such experiences wouldn't be capable of grounding non-inferentially justified belief²⁹⁶ and hence it is not obvious that the truth of EP* supports EPj and ethical intuitionism.

Consider, then, the following ethical examples of cognitive penetration (I use examples of *direct* cognitive penetration for simplicity, although similar points could be made for indirect penetration):

Martha: Suppose that Martha has some standing moral beliefs about the wrongness of torturing sentient beings (and some related beliefs about the badness of pain etc). Now suppose that she rounds a corner and is presented with some hoodlums setting fire to a cat. Finally, suppose that her background beliefs cognitively penetrate her experience such that she perceptually represents the wrongness of what the hoodlums are doing.

Assume for the sake of argument that Martha does in fact get some justification from her perceptual experience. If we assume that Martha's background beliefs are justified, then I see no reason to withhold justification from her perceptually-based belief that what the hoodlums are doing is wrong. However, to see why the justification Martha gets from her perceptual state is *inferential* or *mediate*, consider a counterfactual scenario where Martha's background beliefs are unjustified, e.g. her ethical background beliefs just popped into her head seconds prior to rounding the corner. In this sort of case I am highly reluctant to attribute justification to Martha's perceptual belief. Given this, I think we have reason to think that Martha's perceptual state is *epistemically dependent* in the way outlined. Now consider a case where the penetrating state is a non-doxastic state (I am assuming here that emotions are non-doxastic states – I will argue for this in the following chapter):

²⁹⁶ Unlike the scientific case, I think it is more likely that ethical perceivers would base their beliefs upon ethical perceptions.

Guilty-Peter: Suppose that Phillip is angry with Peter and suppose that when Phillip sees Peter he perceptually represents him as *guilty* because of his emotional state.

Suppose that Phillip gets justification from his perceptual state. Again, if we assume that Phillip's emotional state is *itself* justified, i.e. because it is based upon adequate grounds, then I am happy to say that Phillip could get justification in virtue of his perceptual state. However, now suppose that Phillip is angry with Peter *for no reason*, such that it makes sense to say that his emotion is itself unjustified. In this case I do not think that it is correct to say that Phillip has perceptually-based justification for believing that Peter is guilty. At the very least, I would want to hear very good reasons *why* we ought to credit Phillip with a justified belief in this case. In lieu of a response, I claim that we have good reason to think that, in insofar as Phillip's experience *does* confer justification (and this is perhaps not obvious), his perceptual experience is *epistemically dependent* upon his emotional state and hence the justification he gets from his perceptual experience is *mediate* or *non-basic*.

I present these as cases which clearly illustrate that at least *some* (and possibly a great many, or *all*) cases of ethical perceptual experience which is the result of cognitive penetration are only capable of conferring *mediate* or *inferential* justification. Hence it is not at all obvious whether the putative truth of EP* does in fact support EPj and ethical intuitionism.

At this point, the perceptual Dogmatist may try to respond by claiming that we can characterise what is going on in the *Martha* and *Guilty Peter* cases in a way which is consistent with Dogmatism's claim (2)²⁹⁷; that insofar as perceptual experiences justify, they confer *non-inferential* justification. The Dogmatist response here would be that we can say that Martha and Peter's perceptually-based beliefs are unjustified whilst maintaining that the reason for this is that the unjustified beliefs or ungrounded emotions serve to *defeat* (by undermining) their *non-inferential* perceptual justification. Indeed, we might think that it is natural to imagine that, in the *Martha* and *Guilty Peter* cases, the subjects do have reason to suspect that their beliefs or emotions are ungrounded and that these are having an impact on

²⁹⁷ Note that this sort of strategy could also constitute a response to claim (1) of perceptual dogmatism. See Siegel (forthcoming a) for an argument against this response.

their perceptual experience. If this is correct, then it no longer seems that the perceptual experiences are epistemically dependent in the way I have claimed. In response to this I would say the following: it is not at all obvious why we should think that Martha and Peter get *any* justification for belief in the bad cases where the penetrating states are unjustified. Indeed, it seems odd to think that an experience that is cognitively penetrated by epistemically unjustified states could nonetheless get to justify, only to then have that non-inferential justification defeated by the presence of *the very states* that cognitively penetrated it. Hence, I think that it is more plausible to claim that the perceptual experiences are epistemically dependent in the way suggested.

Despite all this, I do think that there is at least one sort of case of cognitive penetration that doesn't involve *epistemic dependency*; this is cases where what appears to be doing the penetrating is the subjects' possession of a *concept*, e.g. MORAL WRONGNESS, CRUELTY etc. The reason why these sorts of experiences can confer *non-inferential* or *immediate* justification is because concept possession is *presupposed* by the notion of epistemic dependency, and hence it cannot be true that a perceptual experience is itself *epistemically dependent* on the possession of a concept.

Given all this, it seems that in order for EP* to support ethical intuitionism, ethical intuitionists will have to show that a specific sort of cognitive penetration is a psychologically real occurrence, namely, the penetration of experience by concept possession. So the conclusion of this section is not that EP* cannot support ethical intuitionism, but that ethical intuitionists should temper their enthusiasm for the view, given that EP* will only be sufficient for the truth of EPj if a particular kind of cognitive penetration is possible.

Before proceeding, it is perhaps worth noting that it is unclear whether it makes sense to think of the possession of a concept as *penetrating* a subject's perceptual experience, and hence whether concept possession is relevant to the truth of EP*. Given that it is not obvious that concepts can be usefully understood as mental *states*, it is perhaps hard to see how exactly they could get to be involved in the process of cognitive penetration. Perhaps then, the possession of ethical concepts simply enables subjects to form beliefs with ethical contents directly on the basis of (non-moral) perceptual experiences. Indeed, this seems to be the view of John Greco (2000):

Moral perception would be just like all perception, being distinguished only by the conceptual content of the judgments it produces, rather than by the mechanism by which it produces them.²⁹⁸

If this is correct, then the role of concept possession in perceptual experience might not actually have much relevance to the plausibility of EP*. Instead, concept possession may only be capable of facilitating what was referred to as *secondary* seeing. Importantly, however, it seems that this sort of model could be compatible with non-inferential justification. I will say a bit more about the prospects for the secondary seeing view in the following section.

Having laid out my position, I would now like to briefly consider an objection to it from Jack Lyons (forthcoming), who claims that whether an input-belief to cognitive penetration is justified or whether one has good evidence for the penetrating belief has “little or nothing” to do with whether the resultant perceptual beliefs are justified.²⁹⁹ Justified beliefs are not *necessary* because of the following sort of case,

Snakes: Jack has an unjustified belief that there are snakes in the grass, but if his belief increases his perceptual sensitivity to the existence of snakes, then it appears that he can still have justified perceptual beliefs.

Justified beliefs are apparently not *sufficient* because of the following sort of example:

Angry Note: Jack left Jill an angry note, causing her to believe with justification that he was angry at her. The belief penetrated her experience, so when she saw him, her experience represented him as angry. But her experience would represent him as being angry, whether his expression is angry or neutral.³⁰⁰

²⁹⁸ (2000), p. 244

²⁹⁹ Instead, Lyons claims that what is important for epistemically good/bad cognitive penetration is not the justificatory status of any top-down influences, but rather, whether the perceptual experience is sufficiently *sensitive* or *responsive* to the way the world is.

³⁰⁰ This example comes from Siegel (forthcoming a).

Let me respond to these examples and their associated points in turn. One thing to highlight about *Snakes* is that it is not obvious that Jack's perceptual experiences as of snakes in the grass are *epistemically dependent* on the prior (unjustified) belief about there being snakes in the grass. This is because the case is itself under-described. There appear to be two general possibilities about what is going on in *Snakes*: either Jack can perceive that there are snakes without the mechanism of cognitive penetration or Jack can only perceive snakes due to cognitive penetration. If the first disjunct is true, then it seems that Jack's perceptual experiences of snakes are just like his perceptual experiences as of, e.g. colours, in which case the unjustified status of his belief about the existence of snakes shouldn't have an impact on the justificatory status of beliefs based upon his perceptual experiences of snakes, i.e. his perceptual experiences of snakes are not epistemically dependent on prior beliefs etc. If, however, Jack can only perceive snakes due to cognitive penetration then there are (at least) three options: (i) his unjustified belief about there being snakes in the grass is doing the penetrating, (ii) some other unjustified belief is doing the penetrating, (iii) some other justified belief is doing the penetrating. It seems to me that (i) cannot be true, because the example of *Snakes* seems to *presuppose* that Jack can perceive snakes. Indeed, it is not obvious that, as it is described, Jack's unjustified belief is cognitively penetrating his experience. As I understand it, cognitive penetration involves a cognitive state altering the content of a perceptual state in some intimate sort of way, such that if we held the subject's attentional focus and environment fixed while toggling the presence of the cognitive state on and off, the content of the perceptual experience would alter accordingly. In the sort of case Lyons describes, it is not obvious that the belief is doing anything over-and-above focusing the subject's attention, i.e. it is because the subject is primed to perceive snakes that their attention is focused on the grass and had they not have been primed they wouldn't have been looking in the grass for snakes. However, this is consistent with saying that if the subject's experience as of a snake was held fixed, and the presence of the snake-perception priming belief were toggled on and off, that the subject's experience would not change. Hence it seems that either option (ii) or (iii) is correct. Depending on which we go for, we can then make a judgment about whether Jack's perceptual experiences as of snakes are justification-conferring. What is important is whether the penetrating belief(s) about *snakes* are justified, i.e. the one's that actually *penetrate* perceptual experience and enable it to represent snakes. If they are justified then I think Jack's perceptual experiences could be justification-conferring, if not then I would

be reluctant to call his experiences justification-conferring. Either way, *Snakes* does not tell against my account.

What about *Angry Note*? In this case I would say two things. Firstly, although I agree that *sensitivity* and *discrimination* are undeniably intimately related to the epistemology of perception, I take these to be most plausibly conditions on perceptual *knowledge* rather than *justification*. That is, for a subject to perceptually-know that *p* is for the subject to be able to perceptually discriminate *F* from things that are *not-F* (where the *not-F*'s are limited to *relevant alternatives*).³⁰¹ However, I do not think that the same condition must necessarily hold for perceptual *justification*. That is, I think it is plausible that in some cases like *Angry-note*, where the penetrating belief is justified, the subject's perceptual experience will be able to confer justification for belief. However, there are of course degrees of (in)sensitivity. If the subject really is completely insensitive to the presence of *anger* in this case, then it does seem right to withhold justification for their perceptual belief. This brings me on to my second response. It is a part of my characterisation of *epistemic dependency* that the presence of justified beliefs is *necessary* for the non-doxastic state to be justification-conferring. It is not *sufficient*. Indeed, if justified beliefs really are capable of having epistemically-deleterious effects in the way described in *Angry-note*, then this seems like precisely the right thing to say.

In this section I have suggested that it is not at all obvious that the putative truth of EP* is sufficient for EPj as Dogmatists suppose. Hence it is not clear whether EP* in fact supports ethical intuitionism. In the final section I would like to consider an alternative account of ethical perception which claims that even if EP* is false and we can only have what I have called *secondary* seeing of moral properties, this might still be compatible with the truth of EPj.

5. Secondary Seeing and EPj

In this final section I would like to briefly consider an alternative view which holds that if there is such a thing as ethical *perception* then it would be a *mediate* or secondary form of perception; roughly, that we would only perceive ethical properties by perceiving other, simpler properties with which they are regularly correlated. This seems to be the view of

³⁰¹ See Goldman (1976) for this sort of account. For more recent discussion, see Duncan Pritchard's (2010).

Andrew Cullison (2010). Interestingly, however, he appears to think that this is compatible with the justification had on this basis being non-inferential.

Very briefly, I would like to suggest here that even if it is only possible to see, e.g., wrongness, in virtue of seeing simpler properties, and that it is only possible to have secondary fact-perception of moral properties generally, this still might be compatible with such justification being non-inferential, i.e., the falsity of EP* is compatible with the truth of EPj. Specifically, I think that the positing of a *belief*-state to perform the psychological and epistemological work in linking the primary seeing of simple properties to the presence of more complex properties (as McNeill does) is unnecessary. Instead, I think that McNeill has paid insufficient attention to the possibility that the same work could be performed by a *non-doxastic* state. Furthermore, I think that it is plausible that in some of these cases the non-doxastic state could be epistemically independent and hence capable of conferring non-inferential justification. Indeed I think that there are at least three plausible candidates for filling this role: *seeming states*, *concepts*, and *emotional experience*. I have already spoken of seeming states in the previous chapter; recall, however, that I suggested that it is not obvious how seeming states about substantive ethical propositions get to justify. I have also suggested in §4 of this chapter that concepts *could* facilitate secondary seeing which is compatible with non-inferential justification. However, it is not obvious to me just what sort of justificatory status beliefs held on this basis would have. Given this, it is pressing that we discuss what the epistemological role of emotion might be. Supposing that Cullison is right and that EP* is plausibly false; still it might be possible that if one has an emotional experience in response to one's perceptual experience, e.g., a response of anger or indignation to a perceptual experience as of the hoodlums setting the cat alight, one might come to non-inferentially, in both the psychological and epistemological senses, judge that what the boys are doing is wrong.' In the next chapter I will explore in more detail this emotions-based account.

Conclusion

In this chapter I have argued that, although EP* can survive some recent objections brought against it, it is far from obvious that ethical perceptual experiences (if there are any) can confer *non-inferential* justification for belief. Hence, it is not obvious whether the truth of EP* supports EPj and ethical intuitionism.

However, it has also been suggested that secondary ethical perception may be compatible with non-inferential justification and hence may be supportive of ethical intuitionism. I have already suggested that seeming states and concepts might be able to facilitate this although much work would have to be done in order to demonstrate this. In the next chapter I would like to consider the further possibility that *emotional experiences* might be able to, inter alia, facilitate secondary seeing. This will involve considering, inter alia, whether emotions are capable of conferring justification for belief.

Chapter 4: Ethical Intuitionism and the Emotions

In this final chapter I will assess the prospects for the view that *emotional experiences* are a potential source of non-inferentially justified ethical beliefs:

EE: ethical agents have some non-inferentially justified ethical beliefs on the basis of emotional experience.

I will outline EE in a bit more detail shortly. Before doing so I would like to address an initial concern that the reader may have about a discussion of ethical intuitionism and the emotions. At first sight, a discussion of the theory of the emotions might seem out of place in an essay on ethical intuitionism. After all, intuitionism is most readily associated with appeals to self-evidence, rational cognition, and robust realism, while talk of the emotions in ethics normally occurs in the context of discussions of non-cognitivism, sentimentalism, and ethical anti-realism.

There are, I think, a few things to say in order to assuage this general worry. Firstly, ethical intuitionism hasn't always been associated with rationalism and self-evidence. The C17th and C18th moral theorists such as Shaftesbury and Hutcheson are broadly regarded as intuitionists³⁰² but eschewed a rationalist picture in favour of a quasi-perceptual model. On at least some interpretations, Hutcheson was committed to a realist account whereby the *moral sense* is an organ of *emotional reaction* which is capable of cognising or detecting the presence or absence in an action or person the properties of *goodness, rightness* etc.³⁰³ At this stage someone might think that the Moral Sense Theory sits better with an overall commitment to *sentimentalism* and an associated response-dependence ethical ontology. Hence, insofar as I am purporting to discuss ethical intuitionism, with its commitment to *robust* ethical realism, I would be wise to avoid citing the Moral Sense Theory as a motivation for discussing the emotions. There are, I think, two things to say to this objection. Firstly, ethical intuitionism is primarily an *epistemological* thesis that we can have non-inferentially justified ethical beliefs, and hence, the issue of whether or not we adopt a robustly realist ontology is, in a sense, orthogonal to whether our emotions can provide us with this basic type of justification.³⁰⁴ The

³⁰² For details, see Hudson, (1967).

³⁰³ See Frankena, W., (1955).

³⁰⁴ Note the following from Jesse Prinz (2006): 'Intuitionists believe that moral judgments are self-justifying... they seem to base this assertion on the phenomenology of moral judgments: moral judgments *seem* self-evident...'

second thing to say here is that even if we think that ethical intuitionism becomes distorted or cheapened when we drop the commitment to robust realism (and it is worth repeating the fact that almost all ethical *intuitionists* have endorsed this thesis), it seems that a more traditional intuitionist can, and should, be interested in the prospects for the emotions as a source of non-inferential justification. What they should investigate is the idea that emotions could constitute an input from the stance-independent world of value and obligation, grounding (non-inferential) justification for evaluative and deontic judgments.³⁰⁵ Indeed, recently Graham Oddie has argued for a stance-independent realism which takes our *desires* to be ‘experiences of value,’ which can serve to justify our evaluative beliefs. I am unaware of any principled reason why a robustly realist intuitionist couldn’t reasonably explore the idea that our emotional experiences function in much the same way as Oddie thinks that our desires do.³⁰⁶

Now that I have hopefully addressed the worries about the general project of linking ethical intuitionism and the emotions, let me be more specific about the views that I will be discussing in this chapter. As it is standardly³⁰⁷ discussed, EE involves the conjunction of two claims. The first of these is a view about the nature of emotional experience:

EN: occurrent emotional experiences (including *ethical* emotions, e.g., guilt, indignation etc) are intentional, non-doxastic states with a certain phenomenal character.

The second view is a claim about the epistemological role of emotional experiences:

EJ: ethical agents have non-inferentially justified ethical, *emotional*, beliefs.³⁰⁸

I will primarily concern myself in this introductory section with outlining the motivations for EJ. Let me, however, say a little about EN. In recent years there has been the development of

far from opposing intuitionism, sentimentalism offers one of the most promising lines of defense... sentimentalism explains the phenomenology driving intuitionism, and it shows how intuitionism might be true.’

³⁰⁵ I will use the term *evaluative* as a short-hand for the sorts of properties that emotions might be taken to track or represent. This of course might include *deontic* properties.

³⁰⁶ See his (2005). Although I will not be discussing Oddie’s view in this thesis, in passing we might note the oddity of the idea that a desire might give you a normative reason to believe that what you desire is *good*.

³⁰⁷ Although see Sabine Roeser (2011) for an exception to this.

³⁰⁸ I have already spoken extensively about non-inferentially justified beliefs referred to in EJ. All that is distinctive about EJ is that the non-inferentially beliefs in question are in some sense grounded in or based upon emotional experience. Also, the justification referred to is *defeasible* justification.

neo-judgmentalist and *perceptual* theories of the emotions (see Brady (2009), Döring (2003), (2005), (2007), Elgin (1999), (2005), Prinz, (2004), Roberts (2003), Tappolet (2005)). Roughly, the view is that emotional experiences are akin to *affective construals* or *appearances* or *perceptions of value* in that they apparently tell us about or represent the world of value.³⁰⁹ Given that it is widely assumed that construals, appearances and perceptions are non-doxastic and intentional states, we can perhaps see why drawing an analogy between emotional experience and these perception-like states essentially involves arguing for EN. I will discuss in some detail the reasons that neo-judgmentalist and perceptual theorists give for endorsing EN in §1 of this chapter.

Let me say something about the reasons for discussing EJ. It seems to me that there are three main motivations for exploring the epistemological claim of EJ. The first of these is what I am calling the *rationality of the emotions* motivation. To understand what this amounts to, consider an opposing, traditional view, that emotional experiences are a threat to epistemic – and indeed rational – activity, e.g., the Stoical view of emotions as misguided judgments.³¹⁰ This *irrationality of the emotions* view has been historically popular, and is endorsed by some contemporary opponents of ethical intuitionism, e.g., Walter Sinnott-Armstrong (2006)³¹¹, who regard the emotions as part of a broad class of epistemically distorting factors which threaten the possibility of non-inferential justification in ethics, i.e., the idea that emotions ‘cloud’ our moral judgment. Moreover, some contemporary *proponents* of intuitionism also regard the emotions as only relevant to intuitionism insofar as emotions are a source (among others) of epistemic distortion vis-à-vis our intuitive moral judgments. In this regard, note the following from Michael Huemer (2008):

emotions are known to impair judgment with respect to (other) factual questions, so, assuming the truth of moral realism, it is *prima facie* reasonable to assume that emotions impair our moral judgment as well.³¹²

³⁰⁹ There are other putative analogies between emotions and these sorts of perceptual states which I will not discuss here but are worth bearing in mind; both states are said to be *passive, perspectival, typically caused by external events*.

³¹⁰ I think that part of the reason for this may be due to the conflation of emotional experiences and *desires*.

³¹¹ See his (2006b).

³¹² Huemer, M., (2008), pp. 378

Now despite the historical popularity of this view, there is a growing trend in the emotions literature towards thinking that it is *excessively* pessimistic to think that emotional experiences are always, or are mostly a source of epistemic distortion, and that to simply dismiss outright the thought of their having a positive epistemic role to play, e.g., in grounding justified beliefs,³¹³ is too quick. Indeed, there has been a growing interest in the view that emotional experiences can in fact make a positive contribution to our epistemic activities.³¹⁴ This has been, in part, due to two developments in the theory of the emotions. The first is the now widely endorsed thesis that emotions are not merely directionless feelings or perceptions of bodily changes that regularly obfuscate or derail reason, but are *intentional* or *representational* states which purport to depict the world in a certain evaluative way, e.g., the emotion of *fear* is directed towards an object or event which it can be said to *represent* as dangerous. Secondly, and related to the first point, it is now commonly thought that emotions are assessable for *appropriateness* or *rationality*, e.g., we often say things like ‘her anger was appropriate’, ‘his fear was unjustified’ etc. Furthermore, when we say that an emotion is justified we usually mean that the emotion is in some sense accurately representing the way the (evaluative) world happens to be. This seems to suggest that it is not at all obvious that emotions must always or mostly misguide or distort our epistemic and rational operations. Call this view the *rationality of the emotions* view.³¹⁵

The reason why the *rationality of the emotions* view is a motivation for EJ is that it seems plausible to think that, if an emotion can itself be a justified or appropriate response to a situation, it can potentially play a role in justifying or making appropriate evaluative *beliefs*.³¹⁶ Indeed, there are a growing number of philosophers of the emotions who think that emotions can play the epistemological role ascribed to them in EJ (see Döring (2003), (2007), Roeser (2011)). Furthermore, although some contemporary intuitionists regard the emotions as a source of distortion, others are sanguine about the idea that emotional experiences *could* figure in an account of our non-inferential knowledge. For example, note the following from Robert

³¹³ There are other ways in which emotions might have an epistemic role to play. Roughly-speaking, they might motivate us to search for evidence for evaluative beliefs, or they might focus or direct our attention onto emotionally-relevant objects and events. See Brun, G., Doğuoğlu, U. & Kuenzle, D. (eds.) (2008) for details.

³¹⁴ See Brun, G., Doğuoğlu, U. & Kuenzle, D. (eds.) (2008) for details.

³¹⁵ There is potentially an ambiguity with regard to the sense in which emotions can be rational, e.g., they could be rational in the sense that they are appropriate or justified, or they could be rational in the sense that they are integral to the successful functioning of a rational being. I am focusing here on the former sense.

³¹⁶ here is one obvious way in which this might work: emotions may necessarily involve or be identical to evaluative judgments. See the discussion in §1 on *judgmentalism*.

Audi (2004): ‘emotions may reveal what is right or wrong before judgment articulates it; and they may both support ethical judgment and spur moral conduct’³¹⁷. Another ethical intuitionist, Hugh McCann (2007), goes further. He has (briefly) sketched an account of non-inferential moral knowledge which holds that emotional responses (specifically, what he calls *felt obligation*³¹⁸) can be legitimately viewed as an *objective awareness* of obligation and can epistemically ground moral judgments.³¹⁹ Again, both philosophers think that emotions can be assessed for rationality or appropriateness.

In addition to this, I think there are two other primary motivations for holding the EJ view that I will mention here briefly. The first is that by pointing to emotional experience as a potential source of non-inferentially justified belief, it potentially enables ethical intuitionists to account for ethical justified belief whilst avoiding having to posit the existence of any special *otherworldly* or epistemologically *queer* faculties with which we are not already familiar, e.g., an ‘unnoticed’³²⁰ moral *sense*. Call this the *Anti-Queerness* motivation. Secondly, given that for some philosophers, emotions are grounded in our *cares* and *concerns*,³²¹ it seems that positing emotional experiences as the source and justification of many of our ethical beliefs will also be able to partially answer critics who worry that *cognitivism* - which intuitionism seems to be committed to - commits us to a dry intellectualised ethical knowledge and that it cannot explain why normal ethical agents *care* about morality when we come to know about it. Call this the *Affective* motivation. Note, however, that whether an appeal to emotions can actually account for the supposed *motivational* power of moral judgments (e.g., as Roeser (2011) argues) is a good deal less obvious.³²²

³¹⁷ Audi, R., (2004), p. 57

³¹⁸ This notion has its origin in Mandelbaum (1955). Sabine Roeser (2011) makes similar claims.

³¹⁹ See his ‘(2007). McCann goes as far as to say that emotions can be viewed as *the* primary experience through which we become aware of rightness and wrongness.

³²⁰ Dancy, J., ‘Intuitionism’ from *Companion to Ethics* p. 415

³²¹ For this claim, see the work of Robert C. Roberts, esp. his (2003). Roberts characterises emotions as *concern-based construals*.

³²² See Sabine Roeser’s (2011). Roeser argues that an appeal to a judgmentalist account of emotions can solve Michael Smith’s *moral problem*; roughly, the problem of reconciling *realism*, *Humeanism* about motivation, and *internalism* about moral judgments. Her account depends upon the thesis that emotions (which, on her view, are at least partly constituted by judgments) are necessarily – albeit defeasibly – motivating. It is not at all obvious that this claim is true, e.g., my grief at the death of a relative doesn’t obviously motivate me to do anything. Also, in the case of the aesthetic emotions it is not at all obvious that, e.g., when listening to Beethoven’s *Appassionata*, there is *any* motivational component. Thus the burden of proof is on Roeser to show that the *moral* emotions are different in *kind* with regard to motivation.

It will be the primary purpose of this chapter to evaluate the prospects for EE, understood as the conjunction of EN and EJ. This will be done by outlining the reasons for adopting the EN view, and then defending EJ against three serious extant objections to it. Roughly-speaking, I will argue that, although there are perhaps good reasons for endorsing EN and although the defender of EJ can respond to three significant objections to their view, much work still needs to be done in order to make the EE view plausible (particularly the EJ component of the view).

The structure of the chapter will go as follows:

In §1 I will explicate the EN thesis which is defended by neo-judgmentalist and perceptual theorists of the emotions. This will involve a discussion of their account of what occurrent emotional experiences *are* – roughly, intentional, representational states that fall short of outright belief which haven phenomenal character – as well as an argument to the effect that the neo-judgmentalist and perceptual theories are superior to rival judgmentalist and feelings accounts. In addition, I will also consider some additional theses that some proponents of EN also adopt.

In §2 I will reintroduce the EJ thesis. After doing so I will consider a rival account of the epistemological function of emotional experience from Michael Brady ((2009), (2010a), (2010b), (2010c)), before outlining and responding to an objection against EJ which stems from his account: the *Basing Objection*. I will argue that we have good reason to think that emotional experiences *are* at least sometimes the *reason* why emotional subjects hold evaluative beliefs, and that, in lieu of further argument, the Basing Objection looks unsound.

In §3 I will partially respond to another objection that derives from Brady's rival account of the epistemological function of emotional experience: the *Justification Objection*. I will argue that the defender of EJ can partially defend against the claim that emotional experiences cannot confer justification *by themselves*, i.e. in the absence of an awareness of the evaluative-property-making features of their situation. However, it will also be suggested that it is unclear whether subjects in this sort of case have a *right* to the relevant evaluative beliefs (in a sense to be explained). Finally, I will suggest that much work needs to be done by proponents of EJ in order to provide us with positive reason for endorsing their thesis.

Following from this, in §4, I will introduce and consider Brady's *Proxy Objection* to EJ.³²³ Specifically, this involves the claim that emotional experiences are, at best, *proxy* or *pro tempore* reasons for beliefs and hence lack the status of what he terms *genuine* epistemic reasons. Roughly, I will argue that emotional experiences need not be rendered normatively or justificatorily otiose when a subject is aware of the evaluative-property-making features of their situation, and that defenders of EJ can reject the claim that there is epistemic or normative pressure on subjects to become aware of evaluative-property-making-features in a way which *does* apparently render them normatively and justificatorily otiose.

1. The EN Thesis

Recall the EN thesis:

EN: occurrent emotional experiences (including *ethical* emotions) are intentional, non-doxastic states with phenomenal character.

EN is a thesis about what emotional experiences *are*. As was mentioned in the previous section, both neo-judgmentalists and perceptual theorists can be thought of as subscribing to EN. Note firstly that the EN account of emotions is limited to *occurrent* emotions, and is hence not purporting to account for all emotional phenomena, e.g., the nature of long-standing or *dispositional* emotions such as the love someone has for their partner (although it should account for the occurrent manifestations of such dispositions).³²⁴ Also, according to proponents of EN, emotions are *intentional*³²⁵ and their intentionality is *representational*. I have already said something about the intentionality of the emotions in the previous section. Let me simply repeat the point that it is now widely accepted that emotional experiences are intentional states. Indeed, the most plausible contemporary *feelings* theories of the emotions, i.e., theories that identify emotions with an awareness of bodily changes, try to accommodate this feature of the emotions.³²⁶

³²³ Strictly-speaking, the Proxy Objection only tells against EJ insofar as the justification, evidence or reasons that EJ refers to involves *non-proxy* or 'genuine' justification, evidence or reasons. I discuss this point in more detail in §4.

³²⁴ Also, if we agree with Goldie (2000), that emotions are complex dynamic processes that are only partially constituted by *emotional episodes* (roughly, conscious and occurrent emotional experiences), then the perceptual theory can be viewed as focusing on emotions in their *episodic* form.

³²⁵ e.g. see Döring (2003) and (2007).

³²⁶ See Prinz (2004) for an example.

It is also uncontroversial that occurrent emotional experiences have a certain phenomenology or phenomenal character, i.e., there is *something-it-is-like* to undergo an occurrent emotional experience. Certainly, the idea that emotions typically *feel* a certain way, or have a certain *phenomenology* seems intuitive, e.g., the *pang* of guilt, the *grip* of fear, the *emptiness* of grief etc. Indeed, *most* philosophers of emotion think that emotions are *felt* states.³²⁷ So, e.g., a *judgmentalist* about emotional experience (who deny EN), i.e. the view that emotions are, or necessarily embody evaluative judgments, can allow that emotions are judgments with accompanying emotional feelings (usually taken to be bodily feelings). On this account, the feelings are *add-ons* to the intentional element(s) of the emotion.³²⁸ By contrast, perceptual theorists of the emotions (who endorse EN), will claim that the phenomenal character of emotional experience is intimately bound up with their representational or intentional nature. As Döring (2007) states:

an emotion's intentionality cannot be separated from its phenomenology but is built into it. What an emotion is about is part of its conscious, subjective character, i.e. of what it is like to experience the emotion.³²⁹

So on this view, the feelings in emotion are *not* simply the registering of bodily changes as³³⁰, e.g., a Jamesian feelings theorist about the emotions would have us believe, but instead are directed towards objects *in the world*. At least some emotional feelings are *feelings towards*. This notion originates with Peter Goldie³³¹ who claims (2008):

the intuition behind the idea of *feelings towards* is that, just as we can have thought and perceptions directed towards the world beyond the bounds of our bodies, so too we can have feelings directed towards the world.³³²

³²⁷ e.g. see the work of Peter Goldie (2000), (2008), Robert C. Roberts (2003), Martha Nussbaum (2001), Ronald de Sousa (1987).

³²⁸ See Goldie (2008) for an argument against add-on views which take an emotion's intentionality to be fully explicable in functional terms.

³²⁹ (2007) p. 375

³³⁰ If this 'registering' were intentional then this would nonetheless, intuitively, be the *wrong* sort of intentionality. Although see Prinz (2004) for a neo-Jamesian account which (i) identifies emotional feelings with awareness of bodily changes, and (ii) attempts to accommodate for the notion that emotions *represent* features of the body-independent world.

³³¹ See his (2000).

³³² Goldie, P., (2008), p.7 One point worth noting here is that perceptual theorists need not be committed to the claim that the representational content of emotional experience *just is*, or is *constitutive of*, its phenomenal character. They may however, adopt some sort of supervenience thesis regarding character and content, i.e., the view that there

At this point it should be made clear that the *feelings-towards* view about emotional experience is in no way integral to the view that emotions have phenomenal character, or to the view expressed in EN. Indeed, some proponents of EN appear to hold contrary views about the role of phenomenal character in emotional experience, e.g., Roberts (2003).³³³

The most controversial component of EN is the claim that occurrent emotional states are *non-doxastic*. What reasons are there for accepting this claim? As a starting point, consider the fact that emotions, like sensory perceptions, can ostensibly come into conflict with our consciously held evaluative beliefs and judgments. In the case of sensory perception this can occur with the phenomena of visual illusions and hallucination, e.g. the Müller-Lyer illusion, whilst in the emotional case we see divergence between emotion and belief with *recalcitrant* emotions, e.g. I fear the mouse whilst knowing (and hence believing) it to be perfectly harmless, or I feel guilty at keeping my job whilst my colleagues are made redundant, despite knowing that I have done nothing wrong. Of course, we need not think of the conflict between emotion and belief as rationally requiring that we always side with belief. In the emotional case, we applaud Huck Finn for allowing his emotional response (and rejecting his moral judgment) to guide his actions.

Considering the phenomena of recalcitrant emotions (and other sorts of emotion/belief conflict) can apparently tell us quite a lot about the nature of emotional experience itself. Firstly, it seems that when emotional experience and evaluative judgment disagree, we have a *conflict* but *not a contradiction*.³³⁴ As Döring (2008) states:

it is not contradictory to judge that you are safe whilst at the same time feeling fear, and that is: experiencing the situation as dangerous. Although judgment and emotion are about the same thing and seem to contradict each other in how they represent that thing, there is, in fact, no contradiction.³³⁵

are some phenomenal, intrinsic, but *non-representational* features associated with emotional experience. This would potentially allow some room for bodily feelings in the perceptual theory's account of emotions.

³³³ Roberts characterises emotional experiences as *concern-based* construals. The thought here is that emotions have the affective phenomenology they do because they are *based* upon our concerns. This does not amount to the view that the affective phenomenology performs any representational function.

³³⁴ This phrase originates with Peter Goldie, e.g. see his (2008), but is also heavily used by Sabine Döring, e.g. see her (2008).

³³⁵ Döring, (2008), p. 84

As we shall see, defenders of EN more generally claim that this datum about emotional and judgmental conflict provides us with good reason to construe emotional experiences as non-doxastic states. In order to see this, it should be noted how the phenomenon of emotional recalcitrance apparently puts serious pressure on alternative rival *judgmentalist* and *feelings* theories of the emotions.

Judgmentalist theories³³⁶ of the emotions argue that evaluative judgments are identical to, or are necessary constituents of, emotions. Despite being plausible for much of our emotional experience (arguably, it seems that in many cases if I fear *x*, I will judge that *x* dangerous), with the phenomena of emotional recalcitrance the judgmentalist theory runs into problems.³³⁷ Specifically, it seems that in the case of recalcitrant emotions, where the subject makes a conscious judgment which conflicts with their emotion, judgmentalists are committed to the claim that the embedded ‘emotional’ judgment is held unconsciously.³³⁸ As Brady (2009) has noted

this is criticisable on two counts: first, it imputes too much irrationality to the subject of emotional recalcitrance; second it violates a principle of logical charity in our ascription of mental states.³³⁹

On the first count, judgmentalists appear committed to claiming that agents with recalcitrant emotions have an incoherent cognitive profile. But given that emotional recalcitrance plausibly involves some rational *conflict* without *contradiction* or *incoherence*, this seems too strong a charge. Again, as Döring (2003) notes ‘it is not paradoxical, in the manner of Moore’s paradox, but perfectly coherent to say “I am afraid of the snake though (I know) it is not dangerous”’.³⁴⁰

³³⁶ See the work of Robert Solomon and Martha Nussbaum.

³³⁷ In this respect I think an emotional-intuitionist account that endorses EN is superior to that presented by Sabine Roeser who adopts what appears to be a judgmentalist account of emotions. See her (2011).

³³⁸ Alternatively they might claim that in cases of conflict the subject switches between their emotional judgment and their non-emotional judgment. I do not find this response very plausible: it doesn’t seem like a good response in the perceptual case so I do not see any reason to think of it as a satisfactory response in the emotional case.

³³⁹ Quoted from Brady, M., (2009), p. 414, although the original point is made by Patricia Greenspan in her (1988), p. 18.

³⁴⁰ Döring, S., (2003), pp. 222/3

On the second count, it seems that we should avoid attributing an incoherent cognitive profile to an agent unless there is an overriding reason to do so. In the case of recalcitrant emotions it seems that, given the existence of alternative accounts of the nature of emotions, e.g. feelings and perceptual accounts, we do not have such a reason.

Notice, however, that the phenomena of emotional recalcitrance also places pressure on feelings theories of the emotion, which argue that we ought to identify emotions with feelings, understood as affective awareness, or perceptions of, bodily changes or disturbances. The problem for feelings theorists is that although the conflict between emotion and evaluative judgment doesn't plausibly amount to *contradiction* or *incoherence*, there is *some* conflict between our emotion and evaluative belief in the case of emotional recalcitrance, and it is unclear how this can be accommodated if emotions are simply a subjective registering of bodily change. So in summary, it seems that we can agree with Peter Goldie (2008) when he claims that identifying emotions with

bodily states and bodily feelings give us less than we want, namely no conflict, and belief gives us more than we want, namely contradiction. We want conflict without contradiction.³⁴¹

Defenders of EN, including perceptual theorists of the emotions, can therefore be viewed as taking the phenomena of conflict without contradiction as giving us reason to believe that emotional experience ought to be understood as a non-doxastic state. Indeed, I take this argument from conflict without contradiction as constituting a strong *prima facie* case in favour of construing occurrent emotional experiences in the way EN recommends.

I will therefore be assuming for the rest of this chapter that the EN view is in fact correct. Note, however, there are some potential problems with the view,³⁴² which, due to constraints of space, I will not have time to consider.

³⁴¹ Goldie, P., (2008), p. 16

³⁴² One potential problem is that emotional recalcitrance seems to differ from visual illusion in the following way: in the former case we think that the emotions are *irrational* whilst we do not attribute any rational failing to the subject of a perceptual illusion. This, however, need not be regarded as fatal for the theory. For a good account of how the proponent of EN might account for the *irrationality* of recalcitrant emotions see Brady (2009). Also, a related problem is that it seems plausible that emotions are, unlike perceptions – and like beliefs – subject to inferential constraints. Indeed, it has been argued that, e.g., experiencing fear of the dog *does* rationally commit me to being in other emotional states, e.g., if the dog leaves my immediate environment I ought to feel *relief*.

In the following section I will proceed to consider the prospects for EJ.

2. EJ and the Basing Objection

Let us now consider EJ:

EJ: ethical agents have non-inferentially justified ethical, *emotional*, beliefs.

A number of philosophers now subscribe to something like EJ. Note the following from Sabine Döring (2003):

the fact that emotions have representational content opens up the possibility that the occurrence of an emotion can, in suitable circumstances, entitle a thinker to judge, and possibly know its content simply by taking its representational content at face value. In the case of the moral emotions, the possibility emerges that those emotions may give the thinker a non-inferential way of coming to know moral propositions.³⁴³

Catherine Elgin (2008) suggests something similar:

emotional deliverances are indicators, but not always accurate indicators of aspects of their objects. Just as my experiencing something as blue is evidence... that it is blue, me being frightened of something is evidence... that it is dangerous.³⁴⁴

To illustrate; when I, e.g., feel *disgust* at the bankers lavishing themselves with bonuses this allegedly provides me with justification to endorse the representational content of my emotion,

Indeed, we might think that a subject who did not feel relief (or something like this) once a fear-inducing object was removed from their environment, *wasn't really in a state of fear*. See the Bennett Helm (2003) for the claim that emotions involve rational commitments in a way that, e.g., perceptual experiences, apparently do not.

³⁴³ Döring, S., (2003), , pp. 229

³⁴⁴ Elgin, C., (2008), p. 37

Note also the following remarks she makes elsewhere:

'[That] a contention is grounded in emotion does not automatically discredit it. For emotion need not distort perception or derail reason. Emotions often heighten awareness, redirect attention and sensitize their subjects to factors that had previously eluded them (and others). Absent specific reason to distrust them, cognitive deliverances of emotion are initially tenable.' From Elgin (1999), p. 150

and form the judgment (or something like it) that *the bankers' rewarding themselves with bonuses is disgusting*. Or, e.g., when I feel indignant at the biased decisions of the referee, my indignance supposedly gives me epistemic justification for believing that that *the referee is unjust*. In other words, absent defeaters about, e.g., the untrustworthiness of my emotional capacity, I am epistemically justified in taking the content of my emotion at face value. As a result, and as is putatively the case with our everyday perceptual beliefs, the (defeasible) justification for evaluative beliefs formed directly on the basis of emotional experience will, according to proponents of EJ, be *non-inferential*.

I have already discussed non-inferentially justified belief at length in the Introduction of the thesis. Recall that I suggested that a plausible way of understanding non-inferentially justified belief is in terms of beliefs that are epistemically grounded in justification-conferring *non-doxastic* states. Given this, we can hopefully see that if this conception of non-inferentially justified belief is on the right track then the EN thesis is *necessary* for the truth of EJ. So it is therefore important for ethical intuitionists to defend some sort of neo-judgmentalist or perceptual theory of the nature of emotions. EN is not, however, *sufficient* for the truth of EJ. This is because someone could accept that emotional experiences are non-doxastic states while holding the following epistemological theses:

Justification Objection: emotional experiences are not, by themselves, sufficient to confer justification for outright reasonable belief.

Basing Objection: emotions are rarely or never a subject's reason for holding an evaluative belief.

Hopefully the reader can see that both of these constitute a direct threat to EJ. If the Justification Objection is correct then emotional experiences could never be themselves sufficient for conferring *propositional* justification for ethical beliefs. If the Basing Objection goes through then even if emotions could sometimes confer justification for beliefs, they would rarely or never ground *doxastic* justification, i.e., justified beliefs.³⁴⁵ This would of course undermine the potential for the EJ view to support ethical intuitionism.

³⁴⁵ See the Introduction and Chapter 2 for details on the distinction between propositional and doxastic justification.

One philosopher who holds the EN thesis but rejects EJ is Michael Brady. In a series of recent papers ((2009), (2010a), (2010b), (2010c)), Brady has argued that there are significant problems with EJ and has essentially endorsed something like the Justification and Basing Objections.³⁴⁶ Note, however, that Brady is not a *pessimist* about the epistemological potential of emotional experiences. That is, he does not endorse the traditional view of the emotions as irrational and obfuscating. Instead, Brady rejects EJ because he holds an alternative account of the epistemological role of emotional experience. Given that Brady is sympathetic to the view that emotions can play an epistemological role I think it is therefore particularly important that proponents of EJ address his challenges.

In order to understand why Brady rejects EJ let me outline his alternative account of emotion's epistemic role. Taking evidence from recent work in cognitive science,³⁴⁷ Brady argues that emotions typically serve to capture and focus our attention onto emotionally relevant objects/situations, so as to achieve an enhanced representation of those objects. On what appears to be an evolutionary teleological account, it is claimed that in a world where human subjects are assailed by continuous and large volumes of information from the external world, emotions fulfill a need for what has been termed *preferential perceptual processing*. That is to say, emotions cut through this mass of data and focus our attention onto emotionally significant objects and events. By persisting, emotions make us more sensitive to these objects and events, serving to facilitate the enhanced representation of these features, and enabling the subject to ascertain whether their emotional state accurately represents the world, e.g. the increased attention associated with fear can be thought of as the subject being on the look out for signs of danger. In other words, emotional experiences can be thought of as relatively 'quick and dirty' responses to external stimuli which facilitate the discovery of reasons for evaluative appearances. Moreover, the persistence of attention will *incline* the subject to look for reasons bearing on the accuracy of their emotional take on the situation. As Brady (2010a) states:

³⁴⁶ Note however, that Brady does not refer to these problems in the way that I do. For example, he does not raise the problem of what I am denoting the Basing Objection in the context of a discussion about propositional and doxastic justification. Rather, he raises it as a problem for the perceptual theory emotions which claims that there is an important epistemological analogy between emotions and perception. The same goes for the Justification Objection. In what follows, I will be using Brady's alternative account of the epistemological role of the emotions as a basis for the Justification and Basing Objections.

³⁴⁷ Specifically, the work of Ben Ze'ev, A. (2000) and LeDoux, J. (1996)

what normally happens in emotional experience is that we (more or less) reflectively and consciously *seek out* reasons which either support or count against our initial emotional appraisal or take on our situation... we *feel the need* to seek out reasons that either back up or disconfirm our emotional take on some object or event, and thus feel the need to seek out considerations that have a bearing on the accuracy of our initial emotional response. In so far as the persistence of attention motivates this search, it functions to promote conscious reflection on such reasons, and enables us to gain an enhanced representation of our evaluative situation.³⁴⁸

So Brady's claim is that the function of the capture and consumption of attention is to arrive at an enhanced representation of the subject's emotional situation, e.g., by becoming aware of the *evaluative-property-making-features* (EPMFs hereafter) of their situation. Given this picture, we can perhaps understand why Brady endorses the Justification and Basing Objections: it is because of his characterisation of emotional experience and its relation to *attention*. Regarding the Justification Objection, Brady claims that in the absence of a non-emotional awareness of the EPMFs subjects will feel inclined to search for reasons and we therefore shouldn't think that emotional experience *by itself* constitutes justification for endorsing the content of their emotional experience. Regarding the Basing Objection; if it is true that emotions capture and consume subject's attention by inclining emotional subjects to seek out reasons for endorsing the content of their emotional experience, it does not seem correct to claim that emotions are typically or perhaps ever the reason or basis for subject's holding evaluative beliefs. Instead, on Brady's picture it seems more plausible that subjects form beliefs on the basis of a *non-emotional* awareness of the EPMFs, and *not* on emotional experience.

It is my view that the defender of EJ can respond to the Basing Objection and at least partially respond to the Justification Objection. It will be the task of this section to show how they can respond to the Basing Objection (I will respond to the Justification Objection in §3). The Basing Objection can be formalised in the following way³⁴⁹:

³⁴⁸ Brady (2010a), pp. 121-22

³⁴⁹ Note that this is not quite the way Brady sets up the problem

P1: Emotions typically, or always incline subjects to search for reasons that bear on their accuracy (i.e., the EPMFs).

P2: If emotions typically, or always incline subjects to search for reasons that bear on their accuracy then they are rarely or perhaps never the *reason* for subject's evaluative or ethical beliefs.

P3: If emotions are rarely or never the reason for subject's evaluative or ethical beliefs then it is not at all clear how they could ground non-inferentially justified beliefs.

C: It is not at all clear how emotions could ground non-inferentially justified beliefs.

How might the proponent of EJ respond here? To begin, it is worth noting that proponents of EJ like Sabine Döring appear to take it for granted that emotional experiences *are* – in a way similar to perceptual experiences – often or normally taken at face value by subjects. As she claims:

being occurrent conscious states, sense perceptions and emotions are very effective at causing judgments. Even if one could work out by inference, or by memory, that the snake is dangerous, the fear of the snake, and its representation in immediate consciousness, means that a judgment which takes that content of the emotion at face value does not need to wait on other means of reaching that same content, if indeed such means exist. Whether or not there are such means, we often operate in a default mode in which we take the content of our emotions at face value.³⁵⁰

It is noteworthy how striking the contrast is with Brady's account of emotional experience. However, Döring simply *asserts* that the default mode is for subjects to take their emotions at face value and we will need more than an assertion in order to cast doubt on the soundness of

³⁵⁰ (2007) p. 379

Note that I am assuming that *taking at face value* and the *basing* relation that is relevant to the propositional/doxastic justification distinction amount to the same thing.

the Basing Objection.³⁵¹ Here, then, are some examples of emotional experience which I think make P1 of the Basing Objection look dubious:

Rom-Com: While watching a trite romantic comedy, I experience profound *boredom*. However, I am in no way motivated to search for the reasons that bear on the accuracy of this boredom.

Strauss: My grandmother experiences *wonder* and *beauty* when listening to the waltzes of Johann Strauss. However, she is in no way motivated to search for the reasons that bear on the accuracy of this wonder and beauty.

Party: I meet someone at a party. While talking to them I develop a sense of *unease* and *suspicion*. Trusting my instincts I make a polite excuse and talk to someone else. I have no inclination to try to search for the reasons that bear on the accuracy of my suspicion.³⁵²

I find these examples plausible as cases where it is false that having an emotional experience inclines the person involved to search for reasons that bear on the accuracy of their emotion. Furthermore, I do not think that these sorts of examples are in any way out of the ordinary. Indeed, they seem typical of the sorts of emotional experiences we are familiar with. Also, it seems plausible that in these sorts of cases people *do* take their emotional experience at face value, e.g., my grandmother *believes* that the waltzes are beautiful. Hence P1 of the Basing Objection looks dubious.

In response to this, Brady and the proponent of the Basing Objection might claim that P1 is not an accurate reflection of their position. Instead they might insist that their claim is that, *when experienced by themselves*, emotional experiences typically incline subjects to search for reasons (and, given an amended P2, are not taken at face value). As Brady suggests (2009):

it is implausible to suggest that in normal circumstances we take the representational content of emotional experiences at face value when forming

³⁵¹ Part of the reason why Döring thinks that emotions are good at getting us to form judgments might be due to the occurrent and phenomenal nature of emotional states, i.e., their salience in consciousness makes them effective at producing judgments.

³⁵² This example is based upon one given by Terence Cuneo in his (2006).

the relevant evaluative beliefs – at least if this suggests that we take such experience at face value in the *absence* of an awareness of those reasons which bear on the accuracy of our emotional response.³⁵³

To illustrate his point, Brady (2010b) presents the following sort of example:

Guilty: Suppose David wakes up feeling guilty the morning after a party at a colleague's house but can't remember the events of the night before. The persistence of guilt might incline David to reflect on the possible reasons for his guilt, i.e., David might be inclined to seek out the possible reasons to judge that he has done something wrong. However, David will *not* simply take his guilt at face value and form the belief that he did something wrong at the party.

Examples like *Guilty* are supposed to demonstrate that subjects *do not* take their emotional experiences at face value. Furthermore, the proponent of the Basing Objection will claim that, when the subject does have an emotional experience where they are aware of the EPMFs, we have good reason to think that it is an awareness of these features upon which the subject's belief is based and not emotional experience. Hence, we have good reasons for thinking that emotional experiences are not typically, or perhaps ever, the reason for subject's evaluative beliefs in the way that EJ appears to require.

In response to this I think the proponent of EJ should say three things. Firstly, although it is plausible that many people would *not* take their emotional experience at face value in the specific case of *Guilty*, it is not obvious that this will apply to *all* emotional subjects (it is an empirical claim after all). For example, we can imagine a romantic Rousseauian who always trusts his emotion and who *would* form a judgment on the basis of his emotion in cases like *Guilty*. Similarly, we can imagine someone who is so convinced of their own moral turpitude that whenever they feel guilty they automatically take this as a reason to believe that they have done wrong.

Secondly, it is not at all obvious that the examples of *Rom-Com*, *Strauss* and *Party do* involve an awareness of the EPMFs of the situation. I think this is especially plausible in the case of

³⁵³ (2010b), p. 14

Strauss (although I do think the point plausibly holds for all three). My grandmother might be incapable of saying *anything* (over-and-above vague statements like ‘it *sounds* wonderful’) about just what it is that makes her feel wonder and beauty when listening to Strauss waltzes.³⁵⁴ Given that cases like this seem quite typical, we might think that cases like this cast doubt on the truth of the amended version of P1. At the very least, it looks like it is highly plausible that emotions are sometimes taken at face value by emotional subjects, even in the absence of an awareness of the EPMFs of their situation.

Finally, even if P1 of the amended Basing Objection were true, i.e., that in the absence of an awareness of the EPMFs, subjects will be inclined to search for reasons, I think that proponents of EJ can reasonably challenge P2. That is, they can challenge the claim that if subjects are typically or always inclined to search for reasons that bear on the accuracy of their emotional experience, then this entails that they will rarely or never take their emotional experience at face value. More specifically, they can challenge the claim that there is a tight connection between, on the one hand, emotional experience inclining subjects to search for reasons, and on the other, subjects *not* taking emotional experience at face value.

The problem with P2 of the Basing Objection is that it assumes that the search for reasons will always be in the manner of a *detective* looking for clues to support a hypothesis that has not yet been endorsed. However, some psychologists claim that we have good empirical evidence to support the claim that in at least some cases, the search for reasons is sometimes a post hoc rationalization of an *already made* emotional judgment. I have in mind here the empirical work associated primarily with Jonathan Haidt (2000), (2001), (2005) and his view that the aetiology of moral judgment can be understood as involving a quick emotional response to external stimuli, followed by a phenomenologically immediate judgment based on this response. So it might be the case that a search for reasons (i.e., the EPMFs) may amount to a post hoc rationalization of an emotionally-based judgment, much in the same way as a *lawyer* constructs a case for a position they have been assigned. Hence, in lieu of further empirical research and argument, P2 looks dubious and the Basing Objection increasingly looks unsound.

³⁵⁴ It might be objected that this is simply a point about capacities for expression rather than a point about the grasp or awareness of features. Although I admit that there may be cases like *Strauss* that simply involve a lack of articulacy, I claim that it is plausible to think that there are cases where it makes sense to say that subjects lack such capacities because they lack an awareness of the features.

In addition to this I think that the proponent of EJ can point to some positive evidence for their claim that emotions *are* typically taken at face value. For example, Jesse Prinz (2007) thinks that we have good empirical evidence for thinking that emotions *co-occur* with the making of ethical judgments:

the major players in moral cognition are brain areas associated with emotion. Common hotspots include areas such as the orbital frontal cortex and the temporal pole, which are involved in assigned emotional significance to events, and areas such as cingulate cortex, which are associated with emotional experience. This has led researchers to conclude the emotions are centrally involved in moral judgment.³⁵⁵

Furthermore, he thinks that the experiments associated with Haidt give us good reason to think that emotional experiences are *sufficient* for ethical judgments. For example, when Murphy, Haidt and Bjorklund (2000) presented subjects with a scenario of consensual incest between siblings, the subjects were reported as having made an ostensibly emotionally-based judgment that *incest is morally wrong*. Subjects were then challenged to justify their ostensibly emotionally-based belief and were recorded as trying to search for reasons to justify their judgments. However, such attempts were thwarted at every point by their being told that such justification was irrelevant in the scenario at hand. Nonetheless, subjects still held fast to their apparently emotionally-based beliefs. Participants in experiments like these were often left feeling ‘morally dumbfounded’,

that is, they would stutter, laugh, and express surprise at their inability to find supporting reasons, yet they would not change their initial judgments of condemnation.³⁵⁶

Furthermore, in such experiments ‘eventually, many people say something like, “I don’t know, I can’t explain it, I just know its wrong”³⁵⁷. Although this does not, by itself, establish the

³⁵⁵ Prinz, J., (2007), p. 272

³⁵⁶ Haidt, J. (2001) e.g., in the consensual incest case, when some cited as ground for wrongness the possibility of genetic mutation in potential offspring they were told that the individuals in the example used contraception.

³⁵⁷ Haidt, J., (2001), p. 814

truth of the claim that emotions are typically taken at face value by emotional subjects, they certainly give us reason to think that emotions are at least *sometimes* taken at face value. Importantly, I think that cumulatively, the preceding arguments give us good reason to doubt that the Basing Objection is sound, and that the burden of proof has been shifted from the defender of EJ and on to the proponent of the Basing Objection.³⁵⁸ I therefore will proceed on the assumption that emotional subjects do – at least sometimes – take their emotional experiences at face value, and hence, if emotional experiences can generate justification *for* beliefs, then they sometimes ground non-inferentially justified *beliefs*. Indeed, contra the Basing Objection, this may in fact be the *typical* case.

In the following section I will consider how the defender of EJ might respond to the Justification Objection.

3. EJ and the Justification Objection

This brings us on to the Justification Objection which amounts to the denial that subjects who take the content of their emotional experiences at face value, apparently in the absence of an awareness of the EPMFs, would be *justified* in doing so. So, e.g., in the case of *Guilty*, Brady (2010b) claims the following: ‘We might not think that the feeling [of guilt] *by itself* is a conclusive reason for me to believe that I did anything wrong at the party’³⁵⁹. Instead, we need to become aware of the EPMFs in order to be justified and to feel entitled to such beliefs:

Absent the discovery (or invention) of such reasons, it is by no means obvious that we regard ourselves as entitled to take the content of our emotional experience at face value.³⁶⁰

Insofar as emotional experiences can only confer justification when subjects lack an awareness of the EPMFs, then the Justification Objection constitutes a direct challenge to the truth of EJ. In the remainder of this section I will respond to this objection on behalf of the proponent of EJ.

³⁵⁸ If the reader is still sceptical about the idea that emotions are the reason for some subjects’ ethical and evaluative beliefs, it ought to be noted that rival judgmentalist theories of the emotions gain a lot of credibility from the idea that typically, when we experience an emotion, e.g. fear, we *judge* that we are in danger. Of course, the judgmentalist claims that emotions are *constituted* – at least in part - by evaluative judgments, which is a claim I think we ought to reject.

³⁵⁹ Brady (2010b), p. 10

³⁶⁰ *Ibid.*, p. 14

As noted, Brady points to the case of *Guilty* in order to support the Justification Objection. Here is an amended version of that example:

Guilty: Suppose David wakes up feeling guilty the morning after a party at a colleague's house but can't remember the events of the night before. The persistence of guilt might incline David to reflect on the possible reasons for his guilt, i.e. David might be motivated to seek out the possible reasons to judge that he has done something wrong. However, if David were to take the content of his emotional experience at face value, i.e. without an awareness of the reasons for his guilt, then his belief that *he had done something wrong* would *not* be justified.

Let me begin by saying that any response to this example ought to concede the point that there is *something* normatively or epistemically dubious about David forming the belief on the basis of his emotion. Indeed, I think that the defender of EJ should concede the point that subjects *might* not take themselves to be entitled to their beliefs in cases like *Guilty*. However, I do not think that in acknowledging this, EJ thereby falls foul of the Justification Objection which is concerned with justification and not entitlement (more on this distinction below).

The first thing to say here is that some defenders of EJ might claim that, insofar as David's guilt is responding to a justified awareness of the EPMFs, e.g., perceptual experiences or beliefs about his behaviour at the party, then his emotional experience is itself justified. Given this, we shouldn't shy away from saying that the emotional experience could itself confer justification for belief. Of course, David has, as a matter of fact, ostensibly forgotten about his behaviour at the party, but this need not negate the justified status of his *guilt* and hence need not impinge on the justified status of a belief formed on the basis of this emotion. However, as was noted, it seems that there is *something* dubious about David's belief. How might the proponent of EJ account for this? It seems to me that they could go one of two ways here. Either, they could account for the dubiousness of David's belief in terms of a failure of *justification* or of some other normative failure.

Let me briefly consider the first option. Someone might claim that, by itself, emotional experience can only confer *some* justification for belief, but not enough for outright reasonable belief. So in the case of *Guilty*, David will have to discover reasons that bear on the accuracy of emotional experience in order to have justification sufficient for outright reasonable belief. This might appeal to those who worry that without an awareness of the EPMFs it isn't very plausible to claim that David's guilt is justification-conferring (even if it is itself justified).³⁶¹ However, we should be aware that this option would essentially involve something of a capitulation to the Justification Objection.³⁶²

Although this position needn't be devastating for the view, I am not convinced that proponents of EJ need to settle with it. Instead I think that they could reasonably challenge the claim that what is normatively dubious about David's belief in *Guilty* is that his emotion does not confer justification for his belief. Instead, proponents of EJ might try to point to some other feature of David's epistemic activity which accounts for the dubiousness of his belief, but which maintains that his epistemic failing is not a justificatory failure. In order to make good on this claim, I suggest that defenders of EJ ought to consider seriously the idea that a goal of evaluative and ethical thinking – perhaps *the* goal – is to attain an *understanding* of one's ethical or evaluative situation, where *ethical understanding* is 'a grasp of the reasons why some action is right, or why some policy or practice is morally wrong'³⁶³ and involves a set of abilities that go beyond what is required for knowledge, e.g. *S* can follow an explanation of why *p*, *S* can explain why *p* in her own words, *S* can draw the conclusion that *p* from *q* etc. Why think that this is true? Well, inter alia, positing something like *understanding* as a goal of evaluative and ethical thinking can arguably best explain what is normatively dubious³⁶⁴ about forming beliefs on the basis of moral *testimony* in a way that avoids claiming, implausibly,

³⁶¹ Cf. Patricia Greenspan's 'Reasons to Feel' where she claims that an emotion could itself be justified without it being capable of conferring justification for belief.

³⁶² Although note that Catherine Elgin (2008) appears to endorse something like this thesis: 'to have less tenability is not to have none. The very fact that [emotional experiences] present themselves as indicators of how things stand gives them some degree of initial tenability.' p. 57

³⁶³ Alison Hills' (2010), p. 256

One might worry about being over-demanding about articulacy of reasons here, but Hills thinks that grasping the moral reasons does not require 'a grasp of reasons "all the way down"'

³⁶⁴ If this isn't obvious, consider the following example:

Suppose that there is to be a referendum on abolishing taxation for only the highest earners. Due to my laziness I don't have the time to give the issue any thought or consideration. Voting is, however, compulsory. As I walk to the polling-booth I bump into my friends who tell me that, after lengthy consideration, each has independently arrived at the conclusion that the tax-abolition is morally unjustified, and will hence be voting 'No.' On the basis of this testimony, I form the belief that the proposed policy is morally wrong and that I ought to vote against it. The *pessimist* intuition (which I share) is that there is something dubious about my forming a moral belief in this case.

that moral testimony is incapable of making justified beliefs available to the recipient of that testimony.³⁶⁵ I would like to suggest that defenders of EJ ought to treat examples like *Guilty* as cases where justified belief could perhaps be made available to the subject, i.e., they could have justification *for* belief, but where there is something normatively *illicit* about forming beliefs on this basis due to the subject lacking an *understanding* of their situation, e.g., David hasn't any clue as to why his guilt might be an appropriate response to the events of the night before. To put this another way; I suggest that defenders of EJ should argue that in cases like *Guilty* where the subject lacks an awareness of the EPMFs they have much the same epistemic and normative standing as someone who accepts testimony on a moral matter, e.g., where I believe that a proposed tax-break for the rich is morally unjustified on the basis of your say-so but without having given the matter any consideration.

If this is plausible, then it seems that proponents of EJ can admit that there is something normatively awry about David's belief in *Guilty* without being forced to concede to the Justification Objection. At this point, however, it seems that there are two outstanding problems.³⁶⁶ Let me deal with the less serious of these first. Someone might object that, although positing understanding as a goal of evaluative and ethical thought might explain why there is something dubious about David's belief, in other emotional cases where a subject lacks an awareness of the EPMFs, e.g., cases like *Strauss* or *Rom-Com*, there doesn't seem to be any normative pressure to gain an understanding. Hence, there is something suspect about pointing to understanding in order to explain the normative dubiousness of the belief in *Guilty*. In response to this, I think that the defender of EJ should admit that there doesn't appear to be anything normatively dubious about, e.g. my grandmother's belief about the beauty of Strauss waltzes, but that this is because either (i) *acquaintance* with rather than understanding of aesthetic objects, e.g. works of art, pieces of music, is what counts³⁶⁷, or, (ii) subjects only have a reason to attain an understanding if they *can* do so (admittedly, though, this wouldn't explain why there doesn't appear to be anything dubious about my belief in *Rom-Com*). However, in the ethical case, understanding rather than acquaintance with 'ethical' scenarios is

³⁶⁵ See Robert Hopkins (2007). Hopkins argues, convincingly, that recipients of moral testimony could gain knowledge via an inductive *Humean* argument, i.e. *I* has been trustworthy in the past, *I* says *p*, therefore I have reason to believe *p*. Alternatively, we might simply have a default right to believe on the say-so of others, and there doesn't appear to be compelling reason to think this wouldn't hold in the moral case.

³⁶⁶ There is another worry lurking in the background. If emotional experiences can only represent ethical properties via some sort of cognitive penetration (see Chapter 3) then they might only be able to confer inferential or mediate justification.

³⁶⁷ See Hopkins, R., (2011) for this suggestion.

what is ultimately important, and hence we can legitimately explain what is dubious about the belief in *Guilty*. If all of this seems right then it appears that proponents of EJ can appeal to *understanding* as the goal of evaluative thinking in order to partially respond to the Justification Objection.

Importantly, however, on some accounts (e.g. Hopkins), such agents who lack a grasp of the moral reasons *why* for their moral belief would in fact lack a *right* to their belief, despite the fact that, if adopted, the belief would constitute justified belief or knowledge. Indeed, this is how Hopkins accounts for what is normatively dubious about forming a moral belief on the basis of testimony. If this view were plausible, then it might be possible to launch an alternative objection to EJ, i.e., emotional experiences are insufficient for a right or entitlement to belief *by themselves* and hence they ought not to be the *reason* for a subject's belief. Indeed, if moral agents really do lack a right to these sorts of emotionally-based beliefs, then it seems that we are faced again with the problem of whether emotional experiences can ground justified *beliefs* since although emotional experiences might confer justification for beliefs, they can't ground justified beliefs because emotions are insufficient to ground rights to beliefs.³⁶⁸ This point is worth keeping in mind for the section that follows.

The second, more serious problem facing EJ, is that, even if proponents of EJ can account for the alleged dubiousness of forming beliefs solely on the basis of emotional experience by appeal to the goal of understanding, we have yet to be given good positive reasons for thinking that the emotional experiences *do* in fact confer justification in the way that EJ claims. Indeed, if emotional experiences are, as Brady claims, quick and dirty responses to external stimuli then we may wonder just what degree of justification they could be capable of conferring. Note also, Peter Goldie's (2008) related claim that emotional experiences can often *skew the epistemic landscape* in such a way as to make the formation of accurate evaluative beliefs difficult.³⁶⁹ Given this, we might be left wondering just what the epistemic credentials of emotional experience really are. Furthermore, and perhaps more seriously, if ethical intuitionist proponents of EJ have a robustly realist ethical ontology³⁷⁰ in mind then they are

³⁶⁸ Technically, if subjects did go ahead and form beliefs (as my response to the Basing Objection suggests), then emotions *could* ground justified beliefs, but there would be something normatively dubious about them doing so.

³⁶⁹ Goldie discusses cases where subjects who are in the grip of an emotion, e.g., jealousy, might *invent* reasons for their emotional construal of the situation. Furthermore, he suggests that it can be difficult for the subject to come to realise that this is happening.

³⁷⁰ Possible, things are less problematic when we adopt a response-dependent ontology. I do not have the space to

arguably faced with similar sorts of epistemological work to do as proponents of *intellectual seemings* accounts (see chapter 2). Recall that in chapter 2 it was suggested that proponents of the intellectual seemings account of non-inferential justification cannot simply rely on the truth of a general epistemological principle like *Phenomenal Conservatism* in order to ground their ethical epistemology. I would like to suggest that the same holds for emotional experiences³⁷¹ and EJ: given that proponents of EJ cannot obviously rely on some general epistemological principle to ground their epistemological claim, it seems that they have serious work to do in order to provide an explanation of how emotional experiences are the sorts of experiences that do get to justify beliefs. As I said, this is particularly important if we are assuming a robustly realist ethical ontology.

The conclusion of this section is that we have good reason to think that EJ can be at least *partially* defended in the face of the Justification Objection, i.e., emotions *could* confer non-inferential propositional justification for ethical beliefs. However, as was just highlighted, it seems that much work still needs to be done in order to give us positive reason for thinking that EJ is correct, i.e., that emotions *can* or *do* confer justification for beliefs.

In the following section, §4, I would like to consider a further objection that Brady raises against EJ which concedes that emotions *could* confer justification; the *Proxy Objection*. As shall become clear, I think we have good reason to think that the proponent of EJ can plausibly rebut this objection too.

4. EJ and the Proxy Objection

I would now like to consider the following objection that potentially causes problems for EJ and which is adapted from the work of Brady (2010c)³⁷²:

Proxy Objection: Insofar as emotional experiences can provide epistemic reasons or justification for beliefs, they can, at best, provide *proxy* or *pro tempore* epistemic reasons or justification.

consider this issue here.

³⁷¹ Someone might think that emotions just are a species of seeming-states. The same problem would apply.

³⁷² Note that Brady raises this objection against the claim of the perceptual theory of the emotions that emotions confer justification in the same way as *perceptual* experiences do.

A few comments are in order. Firstly, some clarification on what a *proxy* or *pro tempore* epistemic reason or justification is supposed to be; the claim here is that the only sorts of epistemic reasons or justification an emotional experience could constitute or confer are reasons or justifications which ‘stand in the place of something else’ (presumably ‘better’ or ‘genuine’ epistemic reasons) and ‘for the time being’ (presumably until the ‘better’ or ‘genuine’ epistemic reasons can be found). The implication is that emotional epistemic reasons or justification are of an epistemically inferior sort that ought to be jettisoned when better epistemic reasons can be found.

In more detail, the bearing of the Proxy Objection on EJ amounts to this: insofar as emotional experiences can confer epistemic reasons or justification for belief, they are of an epistemically inferior sort that ought to be jettisoned when better epistemic reasons can be found. The thought here is that the ‘better’ reasons for evaluative judgments are an awareness (presumably non-emotional) of evaluative-property-making features (EPMFs). Furthermore, given that understanding is plausibly the goal of evaluative thinking, then there is epistemic and normative pressure on us to become aware of these better reasons. So, subjects who are in scenarios like *Guilty* have a normative reason to become aware of the genuine reasons for evaluative belief, but in doing so their emotional justification is apparently rendered *otiose* (because emotional justification or epistemic reasons are mere proxies). So it seems that the epistemic role that EJ attributes to emotional experience is in some degree of doubt. On the one hand, if subjects are unaware of the EPMFs but only have their emotional experience to rely on it is (i) unclear whether they have justification, and/or (ii) not obvious that they have a *right* to their belief. However, if subjects do become aware of the EPMFs, then according to the Proxy Objection, their emotional experience is rendered justificatorily and normatively redundant. Hence, it seems that defenders of EJ ought to say something in response to the Proxy Objection as it threatens to seriously undermine the sort of epistemic role that proponents of that view clearly have in mind for emotional experiences.³⁷³

³⁷³ It is presumably a background assumption of the Proxy Objection that paradigmatic justifying states, e.g., perceptual experiences, are *not* mere proxy or pro tempore epistemic reasons. Rather, the objection appears to assume that perceptual experiences *are* genuine epistemic reasons or *can* confer epistemic justification. However, it has been suggested to me by Martin Smith that it is not altogether obvious that perceptual experience are *not* proxy or pro tem reasons. If we understand by *proxy* or *pro tem epistemic reasons*, epistemic reasons until *better* epistemic reasons come along, then it does not seem inconceivable that at some future point we could discover a knowledge-gathering method which *does* render perceptual experiences epistemically inferior in the relevant sense.

In order to fully understand the Proxy Objection we need to consider briefly Brady's account of the normative relationship between emotion, EPMFs and evaluative beliefs. Firstly, he claims that, unlike perceptions, emotional experiences are or ought to be responsive to *reasons*. On Brady's view, this amounts to saying that emotional experiences are or ought to be responsive to EPMFs. Moreover, the EPMFs which are supposed to be reasons for emotional responses are *also* reasons for the relevant evaluative belief. To illustrate; features of the situation which are reasons for David's guilt, e.g., his having insulted a colleague at the party, are the *same* features which are reasons for his judging that he has done something wrong. On this picture, then, emotions and evaluative beliefs are responsive to the *very same* reasons; the EPMFs.³⁷⁴ Finally, Brady appears to think that emotional experiences could only provide reasons, evidence or justification insofar as they track EPMFs, i.e., it is only *because* they track these features that they could ever be capable of providing reasons for evaluative beliefs.

With this picture in hand we can understand more fully just in what sense emotional experiences are supposed to be – at best – capable of constituting proxy or pro tem epistemic reasons or justification for beliefs. As Brady (2010c) claims, this is because

the normative or justificatory force of our emotional experience would seem to be exhausted by the normative or justificatory force of the features that we take our emotional experience to reliably track... awareness of such features, and of the relation between such features and value, would thus seem to render the emotional experience otiose from the justificatory perspective.³⁷⁵

To illustrate; once I become aware of reasons for judging the film to be boring in *Rom-Com*, e.g., that the plot structure of the film is entirely derivative, then my emotional experience of *boredom* no longer constitutes an epistemic reason or additional justification for believing that *the film is boring*. If I were to do so then I would, according to Brady, be engaging in an illicit form of 'double-counting.' That is, I would be counting the presence of the EPMFs *twice*;

³⁷⁴ This picture is more-or-less identical to that presented in Peter Goldie's (2004), e.g., in the case of a piece of disgusting meat 'the reasons that justify the ascription of disgustingness to the piece of meat (the fact that it is maggot-infested, etc.) are the *very same* reasons that make feeling disgust justified on this occasion.' p. 10 Note that it seems that Brady and Goldie are essentially endorsing some sort of buck-passing account of ethical (and evaluative) properties. I will be more-or-less taking their account for granted here in order to engage with the debate.

³⁷⁵ Brady, (2010c), p. 5

once through my emotion (which is tracking the EPMFs) and again when I become aware of the EPMFs that the emotion was tracking all along. Hence, there is perhaps reason to think that my emotional experience becomes epistemically otiose once I become aware of the EPMFs of the situation.

Brady claims that the epistemic role of emotions is roughly analogous to role played by rules-of-thumb by the lights of act-consequentialism. He asks us to consider the case where I believe that an act is wrong because it involves promise-breaking and because of the relevant rule-of-thumb that forbids promise-breaking. Given this,

suppose that I become aware of the fact that the act in question resulted in bad consequences, and believe that it is wrong for this reason. It would be a mistake to think that the fact that the act is a case of promise-breaking is or continues to be an *additional* reason to believe it wrong.³⁷⁶

Again, the idea is that to count the fact that the act falls under a rule-of-thumb as an additional epistemic reason for believing that the act was wrong would be to engage in double-counting, i.e., the bad consequences of the act (which, on the assumption of act-consequentialism, are both explanatory and constitutive of its being wrong) are illicitly coming into the epistemic picture *twice*. Insofar as we think the rule-of-thumb becomes otiose, and insofar as there is an analogy between this case and the emotional case, the emotions look only to be capable of conferring mere proxy or pro tempore epistemic reasons or justification.

Before explaining how I think the proponent of EJ can and should respond, I want to briefly make clear at the outset that in the following I will be essentially arguing that the epistemic role of emotional experience – assuming that there is one - is not simply limited to case where subjects are unaware of the EPMFs of the situation. Instead, I think that emotions *could* potentially ground non-inferential justification in situations where they are, in a sense to be explained, aware of the EPMFs. This seems important given the worries expressed in the previous section about agents who are unaware of the EPMFs lacking a *right* to the relevant evaluative or ethical beliefs. Indeed, I think that we can think of three broad cases of emotional experience:

³⁷⁶ Ibid, p. 5

- (a) Subjects have an emotional experience but lack an awareness of the EPMFS, e.g., cases like Guilty.
- (b) Subjects have an emotional experience and a non-emotional awareness of the EPMFs, e.g., cases of the sort Brady describes and for which he thinks emotions are rendered otiose.
- (c) Subjects have an emotional experience but have a different sort of awareness of EPMFs from that in (b), i.e., different from a non-emotional awareness.

In this section I am basically aiming to show that (c) is a live option and that in these sorts of cases emotions could confer justification and subjects would unambiguously have a right to their emotionally-based beliefs.

So how might the defender of EJ respond to the Proxy Objection? I think there are two main ways of responding, the first of which is a good deal more controversial than the second. I shall therefore be relatively brief in discussing this first response (although for what it's worth I do not think that it is implausible). Proponents of EJ might respond to the charge that emotional experiences are rendered justificatorily otiose by an awareness of the EPMFs of the situation by denying a key premise of the Proxy Objection; that is, the claim that emotional experiences are responding to, or are supposed to be responding to the *very same* features and events that we can become non-emotionally aware of. Indeed, I do not think that Brady has given us sufficient reason to think that emotional experience *is* picking up on the EPMFs which he refers to, as opposed to, e.g., the supervening evaluative property. Now, it is not my purpose here to get bogged down in questions of evaluative and moral metaphysics, but it seems that a potentially fruitful avenue for the defender of EJ to explore would be to claim that the emotional experience picks up on supervening evaluative properties, e.g. danger, wrongness etc, such that it perhaps makes some sense to say that becoming non-emotionally aware of the EPMFs isn't simply duplicating the epistemic operations of the emotional experience (and vice versa). This might allow the proponent of EJ to avoid the claim that emotional experience is rendered justificatorily otiose and might avoid the claim that to count the emotional experience as an additional (non-inferential) justification would be to engage in double-counting. There are, however, things the opponent could probably say in response to

this point. Rather than get side-tracked in a very complicated metaphysical debate allow me to go on to consider the other less controversial response that I think the proponent of EJ can make.

Brady claims that once an emotional subject becomes aware of the EPMFs the justificatory and normative power of the emotional experience is rendered otiose. I think that in response, the perceptual theorist should say that there is a significant ambiguity as to what constitutes an *awareness* of the EPMFs. Consider the following familiar example:

Cat: Suppose that you round a corner and see a group of young hoodlums pour gasoline on a cat and ignite it.

Now it seems to me that there are broadly two ways in which you might come to judge that what the hoodlums are doing is wrong. One way would be to note the EPMFs, e.g., the causing of suffering, the taking of enjoyment in the causing of suffering etc., as premises that could figure in a conclusion that *what the hoodlums are doing is wrong*. Call this a *non-emotional* awareness of the EPMFs. In this case I think proponents of EJ can admit that to count your emotion as *an additional* reason for thinking that what the hoodlums are doing is wrong might reasonably strike some people as odd. However, there is another way³⁷⁷ in which you might be aware of the EPMFs and come to judge that what the hoodlums are doing is wrong; what I am calling an *emotional* awareness. That is, I think that it is plausible to say that your emotional response of *revulsion* or *outrage* or *horror* (or whatever) to the *Cat* scenario may itself be said to constitute an *holistic awareness* of the EPMFs which then forms the basis of your judgment. Some clarification on the idea of an holistic awareness: I think it is reasonable to claim that, in the cases at issue, your emotional experience is a way of taking in the relevant properties of the scenario *as* evaluative-making-property-features as whole; a kind of broad *summing-up* of the evaluative aspects of the situation. Admittedly, giving a precise account of this idea of holistic awareness is tricky, but it is not without precedent, e.g. see Audi (2004) on *conclusions of reflection*.

What is the import of making this distinction? Well it seems to me that in the case where the subject has an emotional awareness, they could be reasonably said to be *aware* of the EPMFs

³⁷⁷ I am setting aside the possibility that you visually perceive the wrongness.

of the scenario without it being the case that they are engaging in anything like *illicit double-counting*. Let me explain this point. Someone might think that there is still double-counting going on if we think of the subject as having formed beliefs about the EPMFs or noting the grounds that warrant their emotional response *in addition* to responding emotionally. However, I don't think that this needs to be the case. Indeed, although it might be true that, if challenged on their ethical judgment, a subject may be *disposed* to cite particular EPMFs of the situation in *Cat*, I don't see any good reason for thinking that this entails that, when they originally judge that *what the hoodlums are doing is wrong*, they have already *formed* beliefs about the EPMFs, such that it could be said to be true that they are engaging in anything like double-counting of the EPMFs as an epistemic basis for their judgment. Furthermore, I don't see any compelling reason why we should think of the emotional experience as being rendered justificatorily or normatively *otiose* in this case. So, I am essentially claiming here that there is a way of being emotionally aware of the EPMFs that is a sort of middle-way between having an emotional experience but lacking an awareness of the EPMFs (option (a) above), and having an emotional experience with a non-emotional awareness of the EPMFs (option (b) above). This is important because the former might involve subjects lacking a right to the relevant beliefs, while the latter might render the emotional experience justificatorily and normatively *otiose*.

At this point the objector might dig their heels in and say that the emotion still doesn't constitute justification or an epistemic reason for ethical judgment in *Cat*, i.e., even if the subject has formed *beliefs*, it is the non-emotional awareness of the EPMFs (perhaps perceptual) that is still doing the justificatory work here. In response to this, I think the perceptual theorist can retrench and claim that even if the emotional experience doesn't, strictly-speaking, constitute justification *itself*, it does constitute an holistic awareness of epistemic reasons or evidence for evaluative belief, i.e., the EPMFs. That is, it constitutes an holistic awareness of those features of the scenario *as evidence for evaluative properties*. Even if proponents of EJ retrench to this position I do not see any compelling reason to think that the emotional experience is rendered justificatorily or normatively *otiose*. After all, it is enabling us to become holistically aware of the epistemic reasons or evidence for the evaluative belief. Furthermore, it is not obvious to me that this would undermine the claim that emotional experiences can ground justified beliefs as EJ claims. In sum, I think that defenders

of EJ should deny that an awareness of EPMFs necessarily renders otiose the justificatory or normative power of emotional experience.³⁷⁸

Brady and the proponent of the Proxy Objection might concede all of the foregoing but still claim that there is a problem with this idea of *emotional awareness*. Specifically, they will claim that a *non-emotional* awareness of the EPMFs (which they think plausibly does render the emotional experience otiose) constitutes epistemically and normatively *better* reasons or evidence for evaluative judgment. That is, there is epistemic pressure for emotional subjects to become *non-emotionally* aware of the EPMFs. Brady's reason for thinking this is that he takes it to be true that attaining an *understanding* of emotional objects and events is a goal (perhaps *the* goal) of ethical thinking. Recall that an *ethical understanding* is 'a grasp of the reasons why some action is right, or why some policy or practice is morally wrong'³⁷⁹ and involves a set of abilities that go beyond what is required for knowledge. Brady's point is that we have reason to attain what I am calling a *non-emotional* awareness of the EPMFs of evaluative scenarios because this aids our understanding of those scenarios and hence enables subjects to attain an important epistemic goal. Presumably Brady will claim that *emotional awareness* does not help subjects attain this goal. Certainly, he *does* claim that, in the absence of any awareness of the EPMFs, emotional experience does not facilitate ethical understanding.³⁸⁰ Hence, even if all I have said is true, it still might be the case that we have normative reasons to put ourselves in an epistemic position whereby emotional experiences are rendered justificatorily and normatively otiose.

Before considering how the defender of EJ might respond, it is important to briefly explain in a little more detail why Brady holds the view that attaining an *understanding* might be a goal of ethical thinking. Recall that positing *understanding* as a goal of ethical thinking arguably best explains what is normatively dubious about forming beliefs on the basis of moral *testimony* in a way that avoids claiming, implausibly, that moral testimony is incapable of

³⁷⁸ I think it is worth noting that *if* being emotionally aware of EPMFs involves a sort of holistic awareness of those features of the subject's evaluative scenario *as evidence for evaluative properties* then it might seem that beliefs based upon these sorts of experiences could only be *inferentially* or *mediately* justified. In other words, it might be plausible to think that insofar as they get to confer justification, these sorts of experiences will be epistemically dependent on, e.g., justification-conferring perceptual experiences as of the EPMFs. However, in order to fully address this issue, more work will need to be done in order to establish what it is for a non-doxastic state and some other state to be *relevant* or *appropriately related* to one another in the way that *epistemic dependency* specifies.

³⁷⁹ Alison Hills', (2010), p. 256

³⁸⁰ This is essentially what he argues in his (2010c).

making knowledge available to the recipient of that testimony. In addition, positing understanding as a goal of ethical thinking is plausible because understanding, i.e., grasping the reasons *why* something is, e.g., wrong, are important (perhaps necessary) for *morally worthy* action. That is to say, grasping the moral reasons why charity is, e.g. morally required, enables agents to act on *moral reasons* and hence renders their action morally worthy. Insofar as we should act in a morally worthy way, we have reason to attain understanding. Thirdly, understanding might also be important for the *regulation* of our behaviour, e.g. it can facilitate greater *control* over our emotional responses because emotions are typically responsive to understanding, e.g.,

my fear tends to dissipate when I come to understand why I am not in danger...
my guilt usually recedes when I grasp why I didn't do anything wrong... my
anger tends to peter out when I come to understand why he didn't insult me.³⁸¹

Hence we have yet another reason to attain an ethical understanding of the moral reasons why; it can potentially contribute to bringing our emotional experiences under our control, and presumably can at least sometimes contribute to their being more epistemically trustworthy.

Given all this, we can now get a better grip on Brady's claim that we have reason to attain what I have called a *non-emotional* awareness of EPMFs. As he claims:

if the goal of thinking about emotional objects and events is *understanding* rather than evaluative belief or evaluative knowledge, then there is a clear reason why we ought to make ourselves aware of such reasons, rather than resting content with the information provided by our emotional responses alone. This is because the fact that we are afraid of something, let's say, does not contribute to our understanding of the dangerousness of the situation; for the fact that we are afraid is not a feature in virtue of which something counts as dangerous... In resting content with our emotional experiences, we would be failing to pursue our primary epistemic goal of understanding.³⁸²

³⁸¹ Brady, (2010c), p. 11

³⁸² Brady, (2010c), pp. 7-8

Brady does allow that this goal is defeasible, i.e. there may be some occasions whereby it is permissible to rely on proxy reasons, e.g., because gaining understanding is *too costly*.

Given this, how might the defender of EJ respond? It seems to me that there two main ways in which they could respond. I favour the second of these but will briefly sketch the alternative. Firstly, proponents of EJ might simply reject the claim that *understanding* is the primary goal of evaluative thinking. Perhaps understanding is the primary goal for *philosophers* to attain when thinking about evaluative and moral matters, but for ordinary ethical agents, simply attaining ethical knowledge or justified belief is enough. However, in taking this option proponents of EJ are faced with some problems. Firstly, in denying that understanding is a goal of ethical thought, they can no longer appeal to understanding as a way of partially responding to the Justification Objection (see §3 above). Secondly, they will also be faced with the task of providing an alternative account of moral testimony. One option for them might be to become *optimists* about the ability of moral testimony to transmit justification and knowledge. Considering whether this is plausible, however, is far out-with the scope of this chapter. Let me simply register my opinion that some form of *pessimism* about moral testimony seems most plausible. With regard to *morally worthy* action, perceptual theorists might simply claim that acting in this way is *supererogatory* and is not *required* of ordinary ethical agents, e.g. we would still praise Huck Finn if it really turned out that he had no awareness of the EPMFs that make it *right* to help Jim. Finally, proponents of EJ might argue that *if* ethical agents are already sufficiently virtuous, then the need for understanding as a way of aiding regulation and control of emotional responses appears to fall out of the picture. Hence, for relatively virtuous agents there is no need to become aware of the EPMFs in a way that renders emotion justificatorily and normatively otiose.

Although this could constitute a response, I favour an alternative which concedes the plausible claim that understanding might be the goal of ethical thinking whilst denying that this entails that ethical agents ought to become aware of EPMFs in a way that renders emotional experience normatively and justificatorily otiose. The benefits of adopting this position are that proponents of EJ can (i) retain their partial response to the Justification Objection, (ii) are not blocked from what seems like a plausible account of what's normatively wrong with moral testimony, and (iii) can also account for what seems important about morally worthy action. Of course, admitting that understanding is a goal of ethical and evaluative thought means that they have to concede that there *is* indeed something normatively dubious about ethical beliefs in cases like *Guilty*, and that there is epistemic reason for subjects to become aware of the

EPMFs in cases like this. However, I think that proponents of EJ can still resist the claim that subjects with what I called an *emotional awareness* of the EPMFs are under epistemic pressure to become aware of EPMFs in a way which apparently renders them justificatorily and normatively otiose. This is because I think that emotional awareness is not at all antithetical to or unaccommodating of ethical understanding. Indeed, it seems plausible to claim that when a subject has an emotional awareness of their ethical situation, this emotional awareness *does* constitute a *grasp* of the moral reasons.³⁸³ Furthermore, given that subjects with an emotional awareness will likely be *disposed* to cite the moral reasons for their emotion and (perhaps) judgment, it seems that they can be reasonably said to have what might be described as a *dispositional* understanding of their ethical situation. That is, an understanding which is not occurrent or held consciously but could be brought into consciousness if the subject were to reflect. This is in contrast to cases like *Guilty*, where subjects may have, at best, an inchoate or weak *grasp* of the moral reasons, but who lack a dispositional understanding. Given that subjects with an emotional awareness arguably have this sort of understanding, it seems to me that actions performed on the basis of an emotional awareness could also be reasonably said to have *moral worth*. Furthermore, if the subject in question is *already* sufficiently virtuous vis-à-vis emotional experience, it is unclear what need there is to attain an *occurrent* understanding in order to attain great control and regulative power.

In response to this, it might be suggested that subjects still have a normative reason to attain an *explicit* understanding of their ethical situation. I think that at this point the defender of EJ should appeal to a distinction between those who are engaged in ethical philosophy and ordinary ethical agents. I do not see any compelling reason for thinking that the latter group are under any epistemic obligation to attain the sort of understanding that would render their emotional experience justificatorily and normatively otiose. Hence, it seems that defenders of EJ can respond to the second part of the Proxy Objection.

So, to recap: I have shown in this chapter that emotions *could* confer propositional justification for belief, and, insofar as they are taken at face value, *could* ground justified beliefs. However, I have also argued that the only sort of case where taking an emotional

³⁸³ At this point someone might think that subjects in cases like *Guilty* must also have a grasp of the moral reasons since they seem to be having emotional experiences that are more-or-less the same as those in the cases I attribute an emotional awareness to subjects. I think that at best, agents in cases like *Guilty* have an inchoate or weak grasp of the moral reasons, although I am happier saying that they lack an awareness altogether.

experience at face value will be both justified and normatively kosher (e.g. it won't violate any plausible norms of moral belief formation), will be cases where subjects have what I have denoted an *emotional* awareness of the EPMFs of their evaluative situation. In cases where subjects lack an awareness of the EPMFs, e.g. cases like *Guilty*, beliefs formed on the basis of emotion are normatively dubious (i.e., it is not obvious that subjects have a right or entitlement to their beliefs), while in cases where subjects have a *non-emotional* awareness of the EPMFs it is perhaps reasonable to think that the justificatory force of the emotion is rendered otiose.

Conclusion

It has been argued in this chapter that we have a strong prima facie reason to believe the EN thesis: occurrent emotional experiences are intentional, non-doxastic states with phenomenal character. It has also been argued that the proponent of the EJ thesis can defend their view (at least partially) against three major objections recently brought against it. However, it has also been suggested that our enthusiasm for the EE view, and the EJ thesis in particular, should remain muted for now: for it seems that proponents of the view still have a lot of work to do in order to show that emotional experiences *really are* capable of conferring justification for evaluative and ethical beliefs in the way that the thesis claims.

Conclusion

Let me end by briefly restating the conclusions reached in each of the foregoing chapters.

In chapter one, I considered the prospects for the view that we can have non-inferentially justified beliefs on the basis of adequately understanding the substantive *Rossian principles*. There I argued that we have good reason to think that a version of the Understanding Objection (Understanding*) against that claim is sound. That is to say, we good reason to think that, given the robust conception of adequate understanding ethical intuitionists appear to be forced to adopt, the claim that the substantive Rossian principles can be known non-inferentially (or justifiably believed non-inferentially) on the basis of adequately understanding them looks highly dubious. I also considered and rejected the view that we can plausibly think of the Rossian principles as being propositions for which it is default reasonable to believe. In lieu of further counter-arguments, I contend that we have good reason to think that the understanding/self-evidence account of ethical intuitionism is in serious trouble.

In chapter two I went on to consider the prospects for the seemings account of non-inferentially justified ethical beliefs which involves a commitment to Phenomenal Conservatism, and the Self-Defeat argument that supports it. Since Phenomenal Conservatism claims that all seemings get to justify, then ethical intuitionists can appeal to this principle in order to ground their epistemological claim. Against the seemings account I argued that (i) we have good reason to reject the Self-Defeat argument which claims that any theory that denies the epistemological principle of Phenomenal Conservatism is self-defeating, and, (ii) the principle of Phenomenal Conservatism faces plausible counterexamples, and, (iii) that the seemings account appears committed to the implausible conclusion that all of our justified beliefs are *non-inferentially* justified. Given all this, it was suggested that we have reason to think that if any version of the seemings account is going to be plausible it will involve a commitment to a *restricted* version of Phenomenal Conservatism. The upshot of this for ethical intuitionism is that intuitionists cannot rely on Phenomenal Conservatism to ground their epistemological claim. Ethical intuitionists therefore need to do a lot more work to show that substantive ethical seemings *do* indeed get to confer propositional justification (and ground justified beliefs). I ended by suggesting that we have good reason to adopt a new improved account of non-inferential justification (and justified belief) and considered some

applications of this; notably, my improved account of non-inferential justification makes it clearer why adequate understanding-based justification for substantive ethical principles plausibly involves *inferential* justification.

In chapter three I considered the prospects for the view that (i) ethical agents can have perceptual experiences that represent ethical properties (EP*), and (ii) ethical agents can have non-inferentially justified ethical *perceptual* beliefs (EPj). There I argued that proponents of EP* can adequately respond to the most serious extant objections to the view, notably the Looks Objection. There I suggested that by distinguishing between what is phenomenally present and what is phenomenally present as absent in perceptual experience, the view that ethical properties do not look a certain way (and therefore can't figure in the contents of perceptual experience) does not seem compelling. Following from this, I went on to suggest that the most plausible way in which ethical properties could come to be represented in experience would be via the process of *cognitive penetration*, before suggesting some plausible models of how this might work in the ethical case. I then proceeded to discuss the prospects for EPj, and considered some reasons for thinking that the truth of EP* is *necessary* for the truth of EPj. I then argued that, given my improved account of non-inferential justification, we have good reason to doubt that the putative truth of EP* is *sufficient* for the truth of EPj, i.e., even if ethical agents can have perceptual experiences as of ethical properties, this may not support the claim that ethical agents can have non-inferentially justified ethical *perceptual* beliefs. I ended by suggesting that the truth of EP* may not in fact be *necessary* for the truth of EPj, i.e., ethical agents could have non-inferentially justified ethical *perceptual* beliefs even if ethical properties are not represented in perceptual experience. However, it should be noted that the plausibility of this view will depend upon (a) whether it can be shown that substantive ethical seemings do in fact confer (non-inferential) justification, and, (b) whether it can be shown that emotional experiences get to confer (non-inferential) justification.

In chapter four I considered the prospects for the view that (i) emotional experiences are non-doxastic states (EN), and, (ii) ethical agents can have emotional experiences can ground non-inferentially justified ethical beliefs (EJ). There I argued that we have a strong *prima facie* reason to think that EN is correct; that emotional experiences are most plausibly construed as non-doxastic states. I then proceeded to defend EJ against three serious extant objections to

the view: the Basing Objection, the Justification Objection and the Proxy Objection. Against the Basing Objection I suggested that we have good reason to think that emotional experiences are at least sometimes the reason why ethical agents hold ethical beliefs. Against the Justification Objection I argued that by appealing to the distinction between justification and understanding, the defender of EJ can give a partial response to the objection that emotional experiences cannot confer justification by themselves. However, I also suggested that it is unclear whether ethical agents who base their beliefs on an emotional experience – by itself – could have a *right* to that belief. Furthermore, I argued that proponents of EJ still need to give us positive reason for thinking that emotional experiences do in fact confer justification for believing ethical propositions. This is particularly pressing for those who adopt a *robust realist* metaphysical view. Finally, against the Proxy Objection I suggested that emotional experiences are not rendered normatively or justificatorily otiose when subjects are aware of the evaluative-property-making features of their situation. In addition, I suggested that ethical agents are not under pressure to become aware of the evaluative-property-making features of their situation in a way which plausibly might render emotional experience justificatorily and normatively otiose.

As should be clear from the arguments of the foregoing chapters, it is not my considered view that ethical intuitionism is implausible. However, I do think that the recent upsurge in enthusiasm for the view ought to be seriously tempered: I have argued that a lot more philosophical work will need to be done in order to make ethical intuitionism an acceptable meta-ethical position to adopt. Specifically, ethical intuitionists need to give us better reasons for thinking that substantive ethical seemings and emotional experiences do in fact confer justification. Also, ethical intuitionists will need to say something about the account of non-inferential justification offered in this thesis (see chapter two for discussion). I find that account plausible, but ethical intuitionists will likely want to take issue with it, given that it appears to render some kinds of non-doxastic states only capable of grounding *inferentially* justified ethical beliefs, e.g., as was suggested for the case of the justification conferred by robust adequate understanding, ethical perceptual experiences and possibly emotional experiences. Finally, and on a more general note, it seems to me that ethical intuitionists will need to respond to the recent developments in ethical epistemology which appear to suggest that the traditional focus on justified ethical belief and ethical knowledge may be somewhat misguided. That is, they will need to say something about the possibility that *understanding*

might be the goal of ethical thinking and what implications this may have for traditional ethical epistemological views. An interesting possibility is that, if understanding and not justified belief is the goal of ethical thinking, then it is not obvious that some of the motivations for views like ethical intuitionism, e.g., addressing the epistemic regress of justification, really are as significant as has previously been assumed.

Given all of the foregoing, the reader will hopefully agree that, in highlighting some significant problems with the extant accounts of ethical intuitionism and defending the view against unsuccessful objections, I have moved the debate about the plausibility of ethical intuitionism some way forward and have paved the way for an improvement and progression in the philosophical debates surrounding the thesis.

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