

REVIEW ESSAY

On the Objectivity of Morals: Thoughts on Gilbert's *Democratic Individuality*

DEMOCRATIC INDIVIDUALITY. By Alan Gilbert.† Cambridge:
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I

ARISTOTLE AND SLAVERY: WAS HE WRONG AND SHOULD WE CARE?

According to Aristotle, certain men are to be treated like animals. Those who cannot reason, or who cannot initiate the rational processes necessary for the control of their actions and appetites, may be brought into the human sphere only by being subjected to those who can:

[I]t is clearly natural and beneficial to the body that it should be ruled by the soul, and again it is natural and beneficial to the affective part of the soul that it should be ruled by the mind and the rational part; whereas the equality of the two elements, or their reverse relation is always detrimental. What holds good in man's inner life also holds good outside it; and the same principle is true of the relation of man to animals as is true of the relation of his soul to his body. Tame animals have a better nature than wild, and it is better for all such animals that they should be ruled by man because they then get the benefit of preservation. . . . We may thus conclude that all men who differ from others as much as the body differs from the soul, or an animal from a man (and this is the case with all whose function is bodily service, and who produce their best when they supply such service)—all such are by nature slaves, and it is better for them, on the very same principle as in the other cases just mentioned, to be ruled by a master.¹

These claims strike us today as monstrous. We not only *disagree* with Aristotle's view that some are by nature slaves,² we hold ourselves ready to fight for the proposition that all men (indeed all men *and*

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1. ARISTOTLE, *THE POLITICS* 13 (Ernest Barker ed. & trans., 1962).

2. *Id.* at 14 ("[J]ust as some are by nature free, so others are by nature slaves.").

women) are created equal.³ The very equality that Aristotle condemned as unjust and detrimental we take as one of the axioms of ethical and political thought. As Alan Gilbert remarks wryly at the beginning of his book, "[m]ajor historical changes separate us from Aristotle" (p. 38).⁴

Democratic Individuality is a long and difficult work. One may view it as a protracted discussion of two issues that arise out of our disagreement with Aristotle's theory of slavery. The first is a puzzle about why we still teach, study, and discuss Aristotle's views, when they are, to say the least, "politically incorrect." Though Aristotle was one of the greatest astronomers and biologists of his time, no one today would dream of requiring students in these sciences to read the Loeb edition of his *Physics* or *De Incessu Animalium*. "Despite the contemporary brilliance of [Aristotle's] theories in nonhuman biology and astronomy," Gilbert reminds us, "progress in those disciplines has, today, largely discredited his views" (p. 38).

Yet in moral philosophy and political science, Aristotle is all the rage. His *Nicomachean Ethics* is the fount of modern virtue theory, and no philosophy department is thought complete without someone who can teach his works. Similarly, at a time of considerable controversy about which "great books" are worth teaching, the *Politics* of Aristotle remains one unquestionable item in the canon of western political thought. It is not just there as an antiquarian curiosity. Modern communitarian and civic republican critics of liberal theory proudly display the Aristotelian provenance of their ideas.⁵ Aristotle is regularly cited as authoritative on issues of distributive justice, political community, and democratic deliberation. His view that man is by nature a political animal, and that the person who lives apart from a *polis* must be either a beast or a god, is one of the leitmotifs of modern political thought. And yet that view is inseparable in Aristotle's thinking from his reflections on slavery—inseparable, that is, from sentiments that I should be *fired* (and quite rightly) for teaching in my own voice in the classroom.

The second issue is philosophical rather than curricular. Aristotle's views on women, slaves, and those he called "barbarians" are monstrous and offensive to our deepest moral convictions. But is this all we can

3. Again contra Aristotle. The passage omitted in the ellipsis in the above excerpt, *see supra* text accompanying note 1, runs as follows: "Again, the relation of male to female is naturally that of the superior to the inferior—of the ruling to the ruled." ARISTOTLE, *supra* note 1, at 13. Though the discrepancy between this view and the modern view on gender equality is as striking as the discrepancy about slavery, I shall concentrate mainly on the latter in this article. In this I follow Gilbert, who mentions the issue of gender equality a number of times, but does not develop any sustained discussion of it. For an excellent critique of Aristotle's views on women, see SUSAN M. OKIN, *WOMEN IN WESTERN POLITICAL THOUGHT* 73-96 (1979).

4. ALAN GILBERT, *DEMOCRATIC INDIVIDUALITY* (1990). Parenthetical page references are to this book.

5. *See, e.g.*, RONALD BEINER, *POLITICAL JUDGMENT* 72-97 (1983); ALASDAIR MACINTYRE, *AFTER VIRTUE: A STUDY IN MORAL THEORY* 146-64, 256-63 (2d ed. 1984).

meaningfully say about his views? Can we say nothing more than that our view of the matter is *different* from the Greeks? There is an obvious sense in which we think our view is *right* and theirs *wrong*; that much is implied in actually holding and acting on our view, as opposed to holding and acting on Aristotle's. But are we entitled to think that our convictions are *objectively correct* or (even if we are unsure about ours, for the future may reveal other views which are even better) that, at any rate, Aristotle's theory of natural slavery is *objectively false*? Is the idea of objective truth or falsity helpful or at all appropriate in this area of trans-cultural and transhistorical difference? Or do we rather have to say simply that Aristotle's theory was "true for him" just as our commitment to human equality is "true for us"? The second issue, in other words, is about objectivity versus relativism in moral judgments.

These, then, are the questions discussed in *Democratic Individuality*:

(1) Should Aristotle's ethical and political views continue to be taken seriously in modern philosophy, given our radical disagreement with him on the justice of slavery? (2) Can we plausibly say that Aristotle's views on slavery, and other moral views that we disagree with, are in any objective sense false?

The answer that Alan Gilbert gives in both cases is "yes." He believes that Aristotle's ethics and politics do remain relevant; indeed he goes to great lengths to trace an Aristotelian lineage for the theories of modern western thinkers as diverse as Karl Marx, Max Weber, and John Rawls. He believes also that Aristotle was quite clearly wrong about gender and slavery, and that this is *objective* falsity, a position that we *know* to be mistaken.

There is nothing particularly original in these answers: the world is full of people who believe in moral objectivity, despise slavery, and read Aristotle. What *is* original, however, is the relation that Gilbert sets up between them. He bases his affirmative answer to the second question on his affirmative answer to the first. It is because we have a tradition of thinking about these things—a body of rigorous thought and fierce debate centuries old, in which views on ethics, politics, and human nature have been modified, rethought, held up for scrutiny, tested in our experience of living together in various ways, built on, and dialectically developed out of one another—it is *because* we have this heritage, that we, at one end of this process, can say of a view at the other end that it has proven to be false. Just as the rich history of natural science provides a necessary background for the view that scientific propositions have an objective grounding in the external world, so, according to Gilbert, the rich history of what we may call "moral science" provides the necessary background for attributing objectivity to our claims about the things that are worthy of respect in human nature and the things that are necessary for a good and decent society.

II

A FIRST CUT: THREE APPROACHES TO THE ISSUE OF
MORAL OBJECTIVITY

The second of these two issues, the question of moral objectivity, is of greater importance to Gilbert and will receive the bulk of the attention of this Review Essay. Though Gilbert is mostly concerned with the broad sweep of moral science from Aristotle to Marx, his book is in part a conventional contribution to the philosophical literature on metaethics. In that literature, one finds at least three answers to the question "can moral claims can be assessed in terms of objective truth and falsity?" The answers are "yes," "no," and "it doesn't matter."

The third answer—"it doesn't matter"—has been defended recently, with some panache, by Ronald Dworkin,⁶ and it may help to understand Gilbert's discussion if we examine this option first. Dworkin begins with the following question:

Suppose I say that slavery is wrong. I pause, and then I add a second group of statements: I say that slavery is "really" or "objectively" wrong, that this is not just a matter of opinion, that it would be true even if I (and everyone else) thought otherwise, that it gives the "right answer" to the question whether slavery is wrong, that the contrary answer is not just different but mistaken. What is the relation between my original opinion that slavery is wrong and these various "objective" judgments I added to it?⁷

Dworkin notes that the additional propositions about objectivity are sometimes taken to imply an ontological commitment to *real values* out there in the world; "atmospheric moral quaverings" and "noumenal metaphysical fact[s]" are the terms he uses to make fun of that idea.⁸ His own response is that the claims "slavery is wrong" and "it is objectively true that slavery is wrong" are roughly equivalent: the second is nothing more than a verbose elaboration of the first. "We use the language of objectivity," he writes, "not to give our ordinary moral . . . claims a bizarre metaphysical base, but to *repeat* them, perhaps in a more precise way, to emphasize or qualify their *content*."⁹ Words like "objectively" may be used to indicate that we think the issue is not just a matter of taste, and that we think slavery is wrong even when practiced by people who believe it is right.

Nevertheless, the claim "slavery is wrong even when practiced by people who think it is right" is just another moral claim (about which people may disagree); it does not stake out any controversial position in metaphysics about the reality or existence of values as entities.

6. RONALD DWORKIN, *LAW'S EMPIRE* 78-85 (1986).

7. *Id.* at 80.

8. *Id.* at 80-81.

9. *Id.* at 81.

[T]here is no important difference in philosophical category or standing between the statement that slavery is wrong and the statement that there is a right answer to the question of slavery, namely that it is wrong. I cannot intelligibly hold the first opinion as a moral opinion without also holding the second. . . . They are both statements within rather than about the enterprise of morality. . . . I hasten to add that recognizing the crucial point I have been stressing—that the “objective” beliefs most of us have are moral, not metaphysical, beliefs, that they only repeat and qualify other moral beliefs—in no way weakens these beliefs or makes them claim something less or even different from what they might be thought to claim.¹⁰

Thus, on Dworkin's account, our disagreement with Aristotle about the justice of slavery is simply moral opposition. We oppose the institutions that he defended, and what is more we think those institutions *ought* to have been opposed (as indeed they were by some philosophers) even within his own society. Adding that Aristotle was “objectively” mistaken about slavery and that our view is “objectively” correct is, according to Dworkin, just a way of underlining that opposition. It adds nothing to the vehemence of our original claim, “[S]lavery is wrong and not, as Aristotle believed, right and just.”

Later in this Review Essay, I shall argue that there is a lot to be said for the claim that moral objectivity is a nonissue.¹¹ But for now we had better examine the other alternatives: the answers “yes” and “no” to the question “can moral claims be assessed in terms of objective truth or falsity?”

The negative answer that Gilbert criticizes is the position known as “moral relativism”: “Values are simply relative to the conventions or experiences of the societies, groups, classes, or persons who hold them” (p. 1). Although relativism appears to be a very popular position among nonphilosophers, it is notoriously difficult to formulate in philosophically rigorous terms.¹²

I have always thought the best way to understand moral relativism is by analogy to positive law. In Britain, the legal speed limit on freeways is 70 m.p.h., whereas in California it is 65 m.p.h. There is nothing mysterious about this discrepancy: the different legislatures have enacted

10. *Id.* at 82.

11. See *infra* Part VII. In fact, it is unclear whether this really is Dworkin's position. For as well as saying that claims about objectivity add nothing to one's original moral position, he also implies that there is a legitimate debate—indeed “an ancient and flourishing philosophical debate”—to be had about moral objectivity. DWORKIN, *supra* note 6, at 80. He says it is not one that he proposes to enter into in his book, though it might be worth entering “in a calm philosophical moment.” *Id.* at 82. For a critique of these vacillations, see Michael S. Moore, *The Interpretive Turn in Modern Theory: A Turn for the Worse?*, 41 STAN. L. REV. 871, 941-57 (1989).

12. Bernard Williams calls relativism “possibly the most absurd view to have been advanced even in moral philosophy.” BERNARD WILLIAMS, *MORALITY: AN INTRODUCTION TO ETHICS* 20 (1972).

or authorized different regulations on the matter. But the difference indicates that in talking about "the speed limit" we have to make our claims relative to particular legal systems. There is no objectively true "speed limit," only particular facts about what it is in different jurisdictions. A statement like "the speed limit is 65 m.p.h." is really an abbreviation for "the speed limit is 65 m.p.h. in —," and here one fills in the name of a state or a country.

Moral relativists believe that something similar is true of claims like "slavery is wrong." Such claims, they say, cannot stand on their own. They are always short for "slavery is wrong *for* —," and one fills in the name of a particular society (perhaps at a particular time). Just as the actions of certain legislatures make claims like "the speed limit is 65 m.p.h." true or false, so certain moral conventions or other social conditions make judgments like "slavery is wrong" true or false. "Slavery is wrong" is true *for* those societies in which conventions condemn the institution or other social conditions make it inappropriate, and false *for* those societies, like Athens, in which slavery is supported by local conventions and conditions. There is simply no answer to the transcendent question "is it true that slavery is wrong *tout court*?" Moral claims, like claims about the speed limit, are not the sort of judgments about which questions like that can be sensibly asked. All we can say when we confront our difference with Aristotle, according to the relativist, is that his views about slavery are not "true for us." To ask whether he was objectively mistaken would be like asking whether the British are objectively mistaken in thinking that the speed limit is 70 m.p.h.

A version of moral relativism is commonly associated with the writings of Karl Marx and Friedrich Engels. No one can doubt socialists are in some sense opposed to slavery: Marx wrote in *Capital* of "the barbaric horrors of slavery"¹³ and, according to Gilbert, he celebrated Spartacus as one of his "two favorite heroes" (p. 204). But Marx and Engels appear to have believed nevertheless that slavery in ancient Greece and Rome could not be coherently condemned as unjust. Standards of justice, they thought, were entirely relative to the social and economic conditions under which production and exchange took place. Marx stated this view as follows: "The justice of transactions between agents of production consists in the fact that these transactions arise from the relations of production as their natural consequence."¹⁴ And Engels inferred the obvious conclusion about slavery when attacking a rather more moralistic socialist, Eugen Dühring:

It is very easy to inveigh against slavery and similar things in general terms, and to give vent to high moral indignation at such infamies. Unfortunately all that this conveys is only what everyone knows, namely,

13. 1 KARL MARX, *CAPITAL* 345 (Ben Fowkes trans., 1976).

14. 3 *id.* at 460 (David Fernbach trans., 1981).

that these institutions of antiquity are no longer in accord with our present conditions and our sentiments, which these conditions determine. But it does not tell us one word as to how these institutions arose, why they existed, and what role they played in history. . . . When therefore, Herr Dühring turns up his nose at Helleuism because it was founded on slavery, he might with equal justice reproach the Greeks with having no steam-engines or electric telegraphs.¹⁵

This version of relativism is of particular interest to Alan Gilbert, a self-professed Marxist.¹⁶ One way of viewing the book is as an attempt to make sense of the continuities and discontinuities between Aristotle and Marx (and other modern socialist thinkers). Gilbert's aim is to develop a social and political theory that would "make good on the Marxian project of a communism in which the 'free development of each is the condition for the free development of all' " (p. 471).¹⁷ He is interested therefore in the modern dispute among Marx scholars about whether Karl Marx held an ethical theory and if so how that theory should be understood.¹⁸ Since Gilbert wants to show that Marx applied to all persons the enlightened values that Aristotle applied to only a few (pp. 263-304), he is particularly interested in whether one can extricate passages from the Marx/Engels corpus less congenial to relativism than the ones I have quoted here.

For Gilbert's book is a defense of the first—the *affirmative*—answer to the question, "can moral claims be assessed in terms of objective truth or falsity?" He is an unabashed moral *realist*. He believes that there are objective facts in the world that make at least some moral judgments true or false, and that these facts are independent of anyone's beliefs about the matters in question and independent, too, of particular social conventions and of the historical conditions that sustain them.

A universal human capacity for moral personality—for sufficient reason, empathy, and compassion to participate as free and equal citizens—is one such fact. Its existence is not just a modern "assumption," but a historic ethical and social scientific discovery, captured in an interrelated series of major political theories—those, for example, of Aristotle, Montesquieu, Hegel, Marx, and Mill. The historically deepening public recognition of this capacity is the natural focus of a progress, required by an argument for moral realism, which is comparable to the advance stressed by scientific realists in other branches of knowledge (pp. 467-68).

We believe that Aristotle's physics and his claims about astronomy are

15. FREDERICK ENGELS, *ANTI-DÜHRING: HERR EUGEN DÜHRING'S REVOLUTION IN SCIENCE* 206, 208 (C.P. Dutt ed. & Emile Burns trans., 1878).

16. For evidence of Gilbert's Marxist position, see generally ALAN GILBERT, *MARX'S POLITICS: COMMUNISTS AND CITIZENS* (1981).

17. Quoting KARL MARX & FRIEDRICH ENGELS, *THE COMMUNIST MANIFESTO* 105 (Samuel Moore trans., 1967).

18. For a sample of this debate, see the essays collected in *MARX, JUSTICE, AND HISTORY* (Marshall Cohen et al. eds., 1980).

false, and, according to Gilbert, we have made similar discoveries about his views on slavery. We now know for a fact that there is no class or race of humans who are by nature slaves; we know also that freedom, individuality, and the capacity to participate in democratic self-government are worthy of respect in every man and woman. Gilbert insists that, in defending these claims, we should be completely unabashed about the objectivity we ascribe to them. We are, he says, not just recording what we happen to think or the standards our society happens to have invented. Nor are we simply repeating ourselves, as Dworkin believes,¹⁹ when we say not only that people have these capacities, but that it is *true* that they have these capacities. Gilbert locates claims about moral knowledge, moral discovery, and moral progress in a context similar to that in which we locate propositions in physics or biology: "a complex, theory-saturated knowledge of a mind-independent world" (p.109). In Gilbert's view, it is this context of philosophical realism that is specifically connoted by such terms as "true" and "objectively," terms Dworkin dismisses as mere verbal repetition.

III

THE HISTORICAL SCOPE OF GILBERT'S THESIS

Elaborating and defending this affirmative theory of moral objectivity is the main aim of Gilbert's book, and it is the one on which I shall focus in this Review Essay. But *Democratic Individuality* is a huge, dense, and unwieldy piece of work, and I should also say something about the remarkably complicated way in which Gilbert approaches his task of defending moral realism.

Some of what he does will be familiar to anyone who is acquainted with the general debate in our culture about moral relativity.²⁰ He takes various well-known arguments for relativism and tries to knock them down. Much of what he does in defense of realism, though, will be familiar only to those who have been immersed in the technical detail of the modern philosophical discussion. Moral relativism is often formulated in terms of a contrast between the apparently hard and objective status of scientific claims, and the flabby subjectivism of the ethical. In Chapter Three, Gilbert argues that recent developments in epistemology and the philosophy of science have made this contrast less persuasive. That there is a mind-independent world to which our observational statements refer is no longer an *assumption* of the scientific method but an inference from the pragmatic or instrumental success of our physical theories. The best explanation of our success is that we are acquiring a deepening knowledge of entities—like particles, genes, etc.—that exist independently of us

19. See *supra* text accompanying notes 6-10.

20. I mean, for example, the debate inflamed by Alan Bloom's 1987 book, *The Closing of the American Mind*.

(p. 110). Gilbert believes that a similar logic can be applied to moral claims. The best explanation of the way our moral and political theories have developed is that we are discovering truths about human good, truths about the way beings like us can best live together in society.

Many moral realists would be content merely to announce this. But Gilbert spends more than 300 pages elaborating the claim. For him, it is not enough to *say* that we have made moral discoveries about the human good, and that our insight into moral value has developed like a science; he wants to *show* that this is the case. So the book, which is at core a philosophical defense of moral objectivity, is also a dialectical history of human thought about freedom, individuality, and democratic politics. It starts with Aristotle, then jumps forward a couple of thousand years (as so many histories of political thought do) to the Enlightenment for the arguments of Rousseau and Montesquieu, pauses in the nineteenth century to examine the theories of Hegel, Mill, and of course Marx, and finally shoots straight into the twentieth century, with a discussion of what thinkers like Lenin, Weber, Mao, and Rawls have added to our knowledge of human value.

Sometimes the book reads a bit like Alan Gilbert's thoughts about everything, recorded largely as they occurred to the author. The most concrete speculations about the Shanghai Commune of 1967 (p. 331) and about Weber's attitude to the Treaty of Brest-Litovsk (p. 398) are interlaced with abstruse discussions of reflective equilibrium and scientific method. But there *is* a logic to it. We are supposed to be seeing a progressive structure in ancient and modern radical democratic thought, a progressive structure that convinces us that such thought is as objectively veridical as modern natural science.

The range of topics considered is breathtaking. What were the consequences of the decline of Mycenaean royalty (p. 39)? How does Lenin differ from Kant on the prospects for international peace (pp. 57-69)? Can one agree with a moral principle and not act on it (p. 104)? Do Heisenberg's matrix mechanics and Maxwell's electromagnetic fields satisfy Hilary Putnam's "evidential indistinguishability thesis" (p. 179)? What would Marx have said to Robert S. McNamara as President of the World Bank (p. 207)? Why did Proudhon approve of slavery (p. 210)? What was the historical significance of "the German tailor Wilhelm Weitling, sometimes celebrated as a Christian, humanist alternative to the 'heartless,' atheist Marx" (p. 210)? Does natural science work by "reflective equilibrium" (pp. 221-22)? What lay behind Engels' analogy between "justice" and "phlogiston" (p. 222)? Is John Rawls a socialist (p. 255)? Does Marx's theory of alienation embody Aristotle's concept of eudaimonia (p. 263)? What did the Paris Commune have in common with the Athenian *polis* (p. 283)? Is "market socialism" an oxymoron (p. 314)? What did the Chinese Cultural Revolution contribute to moral

knowledge (p. 325)? How important are referenda in a democracy (pp. 337-38)? Does empirical political science preclude the discussion of "on-the-job injury, capitalist hierarchy, and the like" (p. 349)? Can a Marxist accept Max Weber's *Protestant Ethic and the Spirit of Capitalism* (pp. 355-61)? Can a liberal (pp. 369-74)? Was Weber right to say that the victory of the Greeks at Marathon was far more important than contemporary events in Africa (p. 378)? Could Weber, German nationalist that he was, explain the emergence of democratic internationalism (pp. 388-94)? Can class solidarity override racial divisions in the American South (p. 420)? Is bureaucracy inevitable (p. 445)? And on and on.

There comes a point when the reader is simply overwhelmed by all this. No matter how you look at it, the book is a mess, and it is not helped by the inclusion in the text of a series of charts, lists, and sixteen-point plans²¹ that, though quite staggeringly unhelpful to the reader, were clearly of great assistance to the author in preparing and organizing this material. The book cries out for a ruthless editor—one who would have sent Gilbert back again and again to his word processor, to pare down the scope of the discussion, and to sharpen the connection between the metaethical claims and what he calls the "transepochal study of leading ethical and political theorists" (p. 263).

All the same, one has to admire the courage of an author who on the one hand is unwilling to allow moral philosophy to remain entirely abstract, and on the other hand is unable to refrain from leavening his own radical social thought with reflections on its philosophical status. Ethical and political thought *is* unwieldy; it *is* reflective. In an odd sort of way, the chaos of Gilbert's writing pays tribute to the seriousness with which he has approached his task. The shelves are full of short and well-organized books devoted to the question of moral objectivity that leave no impression that their author has ever engaged in a process of moral reasoning more complicated than the syllogism "all promises ought to be kept; this is a promise; so it ought to be kept." Whatever space is left on the shelf is usually filled with impassioned articles by members of the "philosophy and public affairs" movement, denouncing drunk driving and commending social justice, with little sense that in fact we lack an understanding of moral judgment and moral knowledge commensurate with the depth of indignation that these arguments convey. There are, in other words, too many clear books on metaethics which convey no sense of the sweep and texture of ethical thought, and too many righteous con-

21. The 16-point plan comprises Gilbert's proposals for "establishing a genuine democracy" (p. 345). It includes such gems as "3. equal incomes for all socially recognized work, as well as for children, the handicapped, the aged, and others not able to work" (p. 345) and "14. takeover of some security and civil judicial functions by neighborhood or regional democratic associations" (p. 346). It's not that there's anything necessarily wrong with these proposals; it's just that, reading their solemn exposition in Chapter Eight, one has to work hard to remind oneself that this is in fact a book about metaethical realism.

demnations of poverty and sexism which convey no sense of the philosophically problematic character of moral discourse. Without taking back anything that I have said about the need for an editor, Gilbert's work is at least acquitted on these scores. It is, in its conception, adequate to the intrinsic difficulty and complexity of the issues.

One consequence of the scope of the project, however, is that there are mountains of interesting material in *Democratic Individuality* that cannot be covered in a Review Essay, even one of this inordinate length. In the remainder of this essay, I shall try to isolate the core of Gilbert's position about moral objectivity, because I think it is deeply and instructively mistaken.

IV

SEVEN ARGUMENTS AGAINST MORAL RELATIVISM

Let me begin with some easy arguments against moral relativism, some which Gilbert elaborates, others which he regards as too obvious to need stating.

A. *Moral Relativism Is Self-Refuting*

Some versions of relativism are simply self-refuting. Bernard Williams defines a popular version—which he calls “the anthropologist's heresy”—in terms of three propositions:

that ‘right’ means (can only be coherently understood as meaning) ‘right for a given society’; that ‘right for a given society’ is to be understood in a functionalist sense; and that (therefore) it is wrong for people in one society to condemn, interfere with, etc., the values of another society.²²

The position is simply inconsistent, according to Williams, “since it makes a claim in its third proposition, about what is right and wrong in one's dealings with other societies, which uses a *nonrelative* sense of ‘right’ not allowed for in the first proposition.”²³ In this sense, as Gilbert says, simple relativism is *self-refuting*, since it makes the nonrelativist proposition that tolerance is the *objectively* proper attitude to have towards the moral judgments of other societies (pp. 4, 23). This is not to say that the third proposition of the anthropological heresy is indefensible. The view that we should hesitate before interfering with the practices of another society because ethnic and cultural diversity are valuable and should not be sacrificed to the imperious imposition of *our* mores, or because people will be disoriented by being made to live with values and principles that are deeply unfamiliar to them, is of course not a relativist view at all. It is itself a moral position and one that a moral realist would have no difficulty espousing. Whatever attraction it has for us is an indi-

22. WILLIAMS, *supra* note 12, at 20.

23. *Id.* at 21.

cation that there *is* something to be said about various societies' dealings with one another, and that we are not confined to saying that values are utterly incommensurable.

B. Moral Judgments Cannot Be Relative to "Shared Understandings" when Members of a Culture Disagree

Most of the relativist theories that Gilbert attacks do not commit the howler of mistaking tolerance for moral relativism. But they make other mistakes as easily exposed. One prominent recent theory, that of Michael Walzer, argues that "[j]ustice is relative to social meanings";²⁴

A given society is just if its substantive life is lived in a certain way—that is, in a way faithful to the shared understandings of its members. (When people disagree about the meaning of social goods, when understandings are controversial, then justice requires that the society be faithful to the disagreements, providing institutional channels for their expression, adjudicative mechanisms, and alternative distributions.)²⁵

But where does the claim in the parenthesis come from? How do we know that "justice requires" a mixed response, faithful to people's disagreements, when there is dissensus on some matter in a society? Is this metaposition inferred from local understandings? Or is Walzer suggesting that *this* requirement at least can be formulated as a universal, nonrelative claim?²⁶

Aristotle said there were many who deserved to be treated as slaves; we say there is no one who deserves that sort of treatment. It is easy to show that a theory which makes such claims relative to the "shared understandings" of particular cultures is incapable of giving an adequate account of this disagreement. Consider the following observation by Aristotle on contemporary debates in Athens. There are some, he said,

who regard the control of slaves by a master as contrary to nature. In their view the distinction of master and slave is due to law or convention; there is no natural difference between them: the relation of master and slave is based on force, and being so based has no warrant in justice.²⁷

This passage shows two things. First, there *was* no moral understanding shared by fourth century Athenians about the justice of slavery: some thought it just and others did not. Our disagreement with Aristotle cannot therefore be attributed to his having lived in a social environment different from ours. Aristotle thought slavery just, but others who lived in that same environment largely agreed with *us*, not *him*, about this issue.

24. MICHAEL WALZER, SPHERES OF JUSTICE: A DEFENSE OF PLURALISM AND EQUALITY 312 (1983).

25. *Id.* at 313.

26. See RONALD DWORKIN, A MATTER OF PRINCIPLE 214-20 (1985) (criticizing Walzer's position).

27. ARISTOTLE, *supra* note 1, at 9.

This same point also undermines most versions of Marxist relativism. We noticed earlier a strand in Marx and Engels that made judgments about the justice of slavery relative to local conditions of production: to condemn Athenians for having tolerated slavery is like berating them for not having the electric telegraph.²⁸ In fact, as Gilbert notes, slave societies—like feudal and capitalist ones—were not characterized by monolithic moralities erected on productive infrastructures. There were revolts, grievances, claims of injustice, and expressions of moral outrage on behalf of the victims of exploitation that belie any simple claims about moral unanimity or about a direct relationship between a superstructure of moral ideology and economic conditions (p. 206). A Marxist may want to argue that such protests were bound to be futile and politically inefficacious until the conditions of production had changed. But this observation—if accurate—is entirely compatible with the existence of real moral controversies in the societies in question, and thus equally compatible with the possibility that one or another party to a given controversy might be morally correct, no matter how weak their political or social position.

This passage also demonstrates a second point. Aristotle was aware that “slave” might be given a purely legal or conventional meaning (like “speed limit” in our earlier example).²⁹ But he believed there was a notion of “natural slave” that could be used to assess the Athenian conventional definition: “[N]ot all those who are actually slaves, or actually freemen, are natural slaves or natural freemen.”³⁰ Our disagreement with him is about *that*, not about shared social conventions. A relativist like Walzer can make no sense of our insistence (and Aristotle’s) that the disagreement is about the *natural*-ness, the *non*-conventional justice, of slavery.

C. Differences in Moral Judgment May Be Due to Empirical Disagreements that Can Be Objectively Addressed

Relativism also goes wrong in characterizing our disagreement with Aristotle as though it were a sheer confrontation of disparate values. Gilbert is insistent that the disagreement is as much about the facts of human nature as about values, principles, or attitudes. Indeed, he says, we largely agree with Aristotle about what is important in human life: the capacity for rational and reflective control of one’s actions, and the ability to organize a polity on the basis of deliberation in common with others. Aristotle differed from us in thinking these capacities were confined to free Greek males, and that they were not to be found in women, in “barbarians,” or in most of those exploited as slaves in the Greek city

28. See *supra* text accompanying note 15.

29. See *supra* pp. 1365-66.

30. ARISTOTLE, *supra* note 1, at 16.

states. We think his view rests on a "mistaken theory" about such persons (p. 221). We base our opposition to slavery on "an empirical claim that we have learned enough about human nature to rule out the ancient justification of slavery and to identify that institution as abusive and corrupt" (p. 2):

This claim has two components. First, it registers the initial moral discovery that humans have an equally sufficient rationality, empathy, and sympathy to participate in political life (democracy) and to have rights and duties (the law). This empirical ethical discovery occurred, at least in broad outline, in ancient Athens. Second, the modern ruling out of slavery registers the dramatic empirical extension of this discovery about human potentials to those wrongly deemed deficiently human (p. 2).

"The nonmoral *facts* about human nature would have to be markedly different" from what we now know they are, Gilbert argues, for Aristotle's view of natural slavery to remain an open question (p. 75).

The same is true, he thinks, of many modern moral oppositions, even those that strike us as extreme. It would be an understatement to say that modern liberals differ in their values from Adolf Hitler, but at the same time it would be a travesty to characterize that opposition simply in terms of a difference in value or attitude—by saying, for example, that we value all human life whereas Hitler valued only Aryan life. The moral distance in this case consists partly in Hitler's having believed and acted on propositions about race and racial characteristics that we know to be false, and on his deployment of concepts like "subhuman" that we know to be as scientifically disreputable as phlogiston. We claim that Hitler is a monster, and Gilbert insists that "[t]he most minimal discoveries and inductions about human capacities underpin that moral claim" (p. 122). Given the nature of Nazi racism, "even the weakest identification of a *human* capacity for moral personality condemns it" (p. 158).

This interplay between moral claims and empirical knowledge discredits most simplistic forms of relativism. In real-life ethical confrontations, people entangle their moral claims with factual propositions about human nature and the world. They deliberately open up the former to the latter, sometimes holding themselves prepared to abandon or modify a moral position if the facts turn out to be different. They do not do this consistently or predictably—we are all familiar with the person who is prepared to cling to his moral position come what may. But they do it often enough to indicate that the realm of empirical understanding can serve as a matrix on which rival moral claims are brought into relation to one another and compared, evaluated, and modified. It is therefore inappropriate to use predicates like "true for us" and "true for them" to characterize the rivalry between moral views as though rival values were always incommensurable. Such relativist preconceptions ignore the existence of common matrices of empirical truth that all parties may

acknowledge as determining, at least in part, the acceptability of the moral claims that the parties are disposed to make. The fact that we can progressively refine our empirical knowledge of the world may mean that we can objectively define those moral judgments enmeshed and entangled in that same body of empirical knowledge.

D. The Different Circumstances of Different Societies Do Not Refute the Possibility of Transcendent Moral Truths

A connected objection accuses moral relativism of riding illegitimately on the back of the circumstantial sensitivity of some ethical principles. Different societies face different historical and geographic circumstances, and what is needed to serve underlying values in one society might be different from what is needed to serve identical values in another society. Respect for the aged, for example, may dictate quite different norms in settled agricultural communities than in a desert nomad tribe. Similarly, different levels of knowledge may affect the articulation of basic values into social norms and conventions: a society that knows how epidemic diseases are spread may encourage different individual habits and public policies with regard to hygiene than a society that lacks this knowledge.

But this is not moral relativity at all. It is simply an indication that some moral values and principles are sensitive to circumstances in their application. All moral principles require us to act in the light of our information about what the world is like: as this information varies, the action required of us varies accordingly. This is most easily seen when the principle in question is consequentialist: in order to achieve some favored outcome *O* (prosperity, say, or social solidarity), we might have to do *X* in circumstances *C*₁ and *Y* in circumstances *C*₂. But it can be true of nonconsequentialist principles as well. What counts as deception, murder, or courage may vary according to circumstances. Those circumstances may include not only facts about what is *regarded* as deception, murder, or courage, but also other facts that surround the actions that might putatively fall under these descriptions—for example, facts about technology or social expectations. Whether haggling in a bazaar counts as deception will depend partly on what the parties expect one another to do. Whether having sex with a person can ever count as murder may depend on the existence of infectious diseases like AIDS and on people's knowledge about the way AIDS is spread.

Much of what Marxists say about the relativity of moral standards may be characterized instead as an appreciation of the sensitivity of certain values to economic and other circumstances. We noticed earlier how Friedrich Engels objected to Dühring's condemnation of slavery.³¹

31. See *supra* text accompanying note 15.

Engels went on to say that under ancient conditions slavery served norms of social productivity that could be served in a later epoch by norms of economic freedom. In a society where "human labor was still so little productive that it provided but a small surplus over and above the necessary means of subsistence,"³² the necessary foundations for progress could only be laid by freeing some persons entirely from economic life while subjecting others entirely to a life of manual labor.

Only the immense increase of the productive forces attained by modern industry has made it possible to distribute labour among all members of society without exception, and thereby to limit the labour-time of each individual member to such an extent that all have enough free time left to take part in the general . . . affairs of society. It is only now, therefore, that every ruling and exploiting class has become superfluous and indeed a hindrance to social development³³

The same underlying value—the value of progress and economic development—dictates quite different structures of social organization and makes different moral norms appropriate at different stages of historical development. Yet this is quite compatible with the objective—*non*-relative—validity of the underlying value in question.

E. Relativism Undermines Our Ability to Stand by Our Own Moral Claims

A fifth line of attack concerns the way moral relativism alienates us from our own deepest convictions. Someone once defined a liberal as a person who could not take his own side in an argument. This definition applies to the moral relativist as well. When I say that freedom and individuality are to be valued in the case of all humans, I am not just making a claim about social conventions: I am actually committing myself to the position. Even if the fact that I and numerous others hold this view adds up to a social convention, this social convention indicates only that we hold this moral view in an emphatically nonrelativistic spirit. No doubt, in condemning slavery I am expressing and participating in the shared culture of my community; but I am doing that just by *condemning slavery*, not by going around saying that my condemnation of slavery is my way of participating in local conventions.³⁴

It follows that I cannot adequately take my own side in an argument about slavery and yet say—as the relativist seems to want me to say—that my view is "on a par" with the view of Aristotle or of a modern Nazi or racist (p. 23). My view is precisely the claim that the racist view is wrong. The relativist will of course remind me that my opponent

32. ENGELS, *supra* note 15, at 206-07.

33. *Id.* at 218.

34. For elaboration of this view, see Jeremy Waldron, *Particular Values and Critical Morality*, 77 CALIF. L. REV. 561, 578-81 (1989).

believes something exactly similar: when he says that slavery is good he means to imply that *my* view, far from being on a par with his, is wrong and mistaken. But of course I think—again taking my own side—that he's wrong about that too. I know he *thinks* I'm mistaken, but he's mistaken to think *that*. And if the relativist insists, once more, that the defender of slavery thinks exactly the same about me as I think about him, I will respond yet again that the proponent of slavery is wrong about that too.

The point is that someone with strong moral views must always be prepared to take the next step in this regress, no matter how far it has gone: he is never content to *rest* with the relativist proposition that his opponent's views are for the opponent the equivalent of what his views are for him. He always has to add, "yes I know, but the difference is—my opponent is mistaken." His opponent of course, if he knows what he is doing, will follow him step by step in the regress; and the relativist will pant to keep up with them both. But at any stage in the regress, the relativist observer will be content if he can simply describe the symmetry between the two rival views, whereas each of the partisans will always want to take the next step.

This shows something of the difficulty of expressing one's own moral convictions in the relativist idiom. Unfortunately it does not show that moral relativism is false; all it shows is that the philosopher *qua* relativist has a different sort of interest in moral argument than has the philosopher *qua* moralist. The latter is the interest of a committed participant, the former that of an external observer who is intrigued by what is going on. Gilbert is right to insist that one cannot participate in a moral debate about slavery while taking the detached perspective of the intrigued observer. But this does not show that the detached perspective is therefore invalid or inappropriate, and it certainly does not show that moral realism is true.

F. Relativism Exaggerates the Discontinuities Among Cultures

Gilbert comes closer to his target with a sixth line of argument. Relativism is misleading, he argues, in its exaggeration of the discontinuities between the moral conventions of various societies and historical eras. The theory is at its most plausible in comparing the practices of societies utterly remote from one another in space or time. But as Bernard Williams has pointed out, these are precisely the cases in which we do not face a real or practicable moral choice, precisely the cases, in other words, in which moral disagreement becomes "notional" or moot. "The life of a Bronze Age chief or a medieval samurai are not real options for us: there is no way of living them."³⁵ So although as an academic exer-

35. BERNARD WILLIAMS, *ETHICS AND THE LIMITS OF PHILOSOPHY* 161 (1985).

cise we can *compare* either of these options with our own values and practices in modern industrial society, there seems little practical point in so doing, and certainly little point in saying that one of these ways of life is "objectively" superior to the other. We might as well be relativists about such comparisons.

The mistake, according to Williams, is to project this "relativism of distance" onto the moral choices that we really do face in our lives. He argues that in the world we now inhabit, no two societies are so isolated from one another that there are not hard practical choices to be made, on either side, about the merits of different ways of life: "Relativism over merely spatial distance is of no interest or application in the modern world. Today all confrontations between cultures must be real confrontations" ³⁶

Gilbert accepts this, but he denies Williams' implicit suggestion that relativism nevertheless may be appropriate for *temporal* distance—for the enormous historical gulf, for example, that separates us from Athens in the fourth century B.C. (pp. 165-66). It is true that the life of an Athenian slaveholder is not a real option for me (though in the United States it is uncomfortably close in historical terms). Still, it is not utterly discontinuous from the options I do have, or from the moral practices that inform my modern outlook. I do not mean by this that our present moral practices are rooted in the heritage of slavery, though that may well be true. I mean rather that we may not be able to understand fully the moral values and practices that we *now* have without understanding their historical development out of views that were rooted in what seems, at first glance, an utterly alien society, enormously distant from ours in space, time, and culture.

This, at any rate, is Gilbert's position. For him, a relativist characterization is inappropriate not only when we face a real ethical choice, but also when we talk about a developmental relationship between two ethical options, even if one of them is no longer available as a real choice. Indeed, Gilbert suggests that it may be important for some of the real choices that we *do* face (for example, whether a confused teenager in the United States should join the Aryan Brotherhood or remain an uneasy liberal) to be aware that one of the options is the end point of millennia of debate in which the other option has been successively discredited (p. 158).

Earlier I mentioned the regress in which a self-aware opponent of slavery is likely to be involved.³⁷ He knows that some people are racists; he thinks their view is wrong; he knows that they think he is wrong to hold that opinion about their view; but he thinks they are mistaken about that; and so on. Our sense was that every claim about truth or falsity,

36. *Id.* at 163.

37. *See supra* p. 1377.

every claim about what view was correct or mistaken, could be matched on the other side. But Gilbert believes that the opponent of slavery can make claims about the *progressive* character of his view, about its place in the gradual unfolding of an impressive body of moral and political theory, that simply cannot be matched by the racist. If this is correct, the regress simply comes to an end, for there is something the opponent of slavery can say about his position that the racist cannot match, and thus there is a discrepancy between the positions that the relativist cannot reduce to the bland equivalence of "he thinks the same about his views that you think about yours."

G. *Relativism Ignores a Growing Consensus over Basic Moral Values*

Gilbert is not content to establish a progressive line of development that moves from Aristotle's *Ethics* and *Politics* to the democratic and humanitarian basis of our own modern opposition to slavery and racism. He also wants to establish that there is more in common among the various modern opponents of slavery and racism than their rhetoric would sometimes suggest. In particular he wants to highlight the common ground between liberals and Marxists, and indeed between liberals and radical thinkers on the left of all ideological hues. Much of *Democratic Individuality* is coalition building. Gilbert aims to undercut the relativist contention that modern moral discourse is riven by numerous irreconcilable disagreements.

Students of modern social theory are fond of citing the contrasts between Marx and Weber as an example of such a disagreement. But, Gilbert announces, "[d]espite the fame of this debate, I will maintain [Weber's] argument poses no serious challenge to a sophisticated Marxian social theory and ethics" (p. 352). He does not mean, of course, that Weber's work can be dismissed. He means, once again, that the differences between Marx and Weber, like the differences between Marx and Aristotle, are relatively superficial disagreements about matters of empirical fact, while their views converge in the fundamental neo-Aristotelian concerns that drive their work.

There is not space here to go very far into the details of this rapprochement. Gilbert argues that the disagreement between Marx's theory of history and the approach to historical explanation intimated in Weber's *The Protestant Ethic and the Spirit of Capitalism* is a disagreement in social scientific theory, not an argument over ethical values. Their disagreement also seems starker in rhetoric than in the detail and nuance of their theories. Weber, Gilbert says, "astutely limited his anti-materialist claims," (p. 357) while "a sophisticated Marxism" might have less difficulty accommodating the explanatory role of Protestant asceticism than many of its opponents (or indeed many of its supporters) might think (p. 359). Engels' explanation of sixteenth century peasant

uprisings in Germany "may be even more explicitly attentive to the diverse social impact of a complex religious conception than . . . Weber was" (p. 364).

At times this discussion reads as though Gilbert is anxious to minimize the scope of genuine disagreement at all costs. But he need not do that: it is sufficient, for the attack on relativism, if he can show that each of these two allegedly intractable opponents can recognize in the other's theory claims and methods by which to re-evaluate and reform his own.

Something similar is true of the well-known antipathy between Weber's German patriotism and Marxist internationalism. Marxists were bewildered by the outburst of belligerent nationalism among the working classes of Europe in 1914, whereas Weber argued throughout the war that such nationalism was to be expected. Again this is largely an empirical dispute about the nature of class consciousness and the prospects for successful patriotic manipulation of the masses by the ruling elites (p. 392). Gilbert leaves little doubt where his own sympathies lie: Weber exaggerated the "peaceable" character of capitalist enterprise and failed to apprehend the empirical conditions under which socialist internationalism flourished, to the extent that it did (pp. 388-94). Readers intrigued by these issues can peruse at their leisure the hundred pages that Gilbert devotes to the Marx-Weber disagreement (pp. 348-450). Gilbert's primary point is that social scientific disagreements, however trenchant and fundamental, do not by themselves amount to relativism about moral values.

Ironically, it is Weber who is largely responsible for the cult of moral relativism in modern social science. He argued that all scientific inquiry presupposes that what we are investigating is "'worth being known,'" and that this presupposition in turn depends on "our ultimate position towards life".³⁸

In terms of its meaning, such and such a practical stand can be derived with inner consistency, and hence integrity, from this or that ultimate *weltanschauliche* position. . . . Figuratively speaking, you serve this god and you offend the other god when you decide to adhere to this position. . . .

. . . .

. . . [S]o long as life remains immanent and is interpreted on its own terms, it knows only of an unceasing struggle of these gods with one another. . . . [T]he ultimately possible attitudes toward life are irreconcilable, and hence their struggle can never be brought to a final conclusion. Thus it is necessary to make a decisive choice.³⁹

38. MAX WEBER, *Science as a Vocation*, in FROM MAX WEBER: ESSAYS IN SOCIOLOGY 129, 143 (H.H. Gerth & C. Wright Mills eds. & trans., 1946).

39. *Id.* at 151-52. But Gilbert notes another passage elsewhere in Weber's work which is much less congenial to relativism:

"At first, I might make a few remarks against the view that the mere existence of historical

On Gilbert's account, this image of an intractable struggle between different gods radically exaggerates the value dissension that exists in the modern world. Though Marx and Weber disagreed in their predictions and their explanations—with one an optimist and the other a bleak pessimist—the two still held remarkably similar values:

Weber's theory recognized widespread, undeserved suffering and the "ineluctable eternal struggle of men against men on the earth." He valued the goods of life, prevention of suffering, and more obliquely, individuality, but despaired empirically of protecting them. If liberal or Marxian social theoretical claims about internationalism and radical democracy are right, they provide a complex ethical answer to Weber's argument, based on shared underlying standards. They show that much *undeserved suffering* can be avoided. Thus, on such major ethical issues as the necessity of imperialism, war, exploitation, and the alleged impossibility of effective international solidarity, Weber's metaethical relativism provides a mistaken gloss on his own empirical and moral argument (pp. 400-01) (footnote omitted).

I must say this seems correct. Whatever the detail of the various Marx-Weber disagreements, whatever the nature of their value judgments and their relation to the theories and speculations of social science, the relativist idea of intractably opposed values *confronting* one another in stark and incommensurable opposition is clearly inadequate. Once again something more complex is going on than what one can connote by merely saying that Marx's values were true for Marx and Weber's values were true for Weber.

V

IS MORAL OBJECTIVITY THE BEST EXPLANATION OF MORAL PROGRESS?

A. *Is There Any Moral Progress to Be Explained?*

The fact that our modern moral views have a venerable history as well as an empirical dimension is an embarrassment for simple-minded relativism. But it is not by itself sufficient to indicate either that our moral views are objectively true or that objective truth and falsity are appropriate categories to use. Even if that history is not just historical constancy but development, growth, and dialectic—something that from the perspective of our view looks like *progress*—still, that is insufficient to establish the truth of moral realism.

and individual variations in evaluations proves the necessarily 'subjective' character of ethics. Even propositions about empirical facts are often very much disputed and there might well be a much greater degree of agreement as to whether someone is to be considered a scoundrel than there would be (even among specialists) concerning, for instance, the interpretation of a mutilated inscription" (p. 355) (quoting MAX WEBER, *THE METHODOLOGY OF THE SOCIAL SCIENCES* 12-13 (Edward A. Shils & Henry A. Finch eds. & trans., 1949)).

Gilbert notes sadly that Weber failed to follow up on this intriguing line of argument (p. 355).

We can see this by imagining what someone would say about that "progress" who did not share our exultation in its end point. The best example is the philosopher Friedrich Nietzsche, the most trenchant critic of modern humanitarian sensibilities. Nietzsche spent much of his philosophical career tracing the genealogy of what he regarded as our present depraved ethics: "the bog of morbid finickiness and moralistic drivel which has alienated man from his natural instincts."⁴⁰ That modern morality has developed and grown was for Nietzsche just additional evidence of how deeply rooted this pathological moralism was. Nietzsche would applaud Gilbert's effort to trace the continuities between our modern ethics and those elements in Aristotle's theories that were uncongenial to slavery. It is important, he said, to understand the history of what he called "the slave revolt in morals; a revolt with two millennia of history behind it, which we have lost sight of today simply because it has triumphed so completely."⁴¹ He would agree with Gilbert that, from the perspective of modern man, the "basic disputes in political and social theory arise out of the historic project of creating democratic institutions" (p. 470). A Nietzschean genealogy, looking back from the twentieth century, would include just the material that Gilbert includes:

Athenian politics, the Christian movement, Spartacus's revolt against Rome, the American Revolution, the French Revolution, Toussaint L'Ouverture and the Haitian freedom movement, Chartism, American abolitionism, feminism, the Russian and Chinese revolutions, anticolonialism, and antifascism are parts of a complex, not always progressive movement, gaining insight and territory, losing ground previously attained, articulating the limited actuality and magnificent promise of decent regimes (p. 470).

Only Nietzsche would see this story not in terms of "magnificent promise," but in terms of the slow and gradual deadening of the noble and aristocratic instincts of the human race.

I am not saying that Nietzsche is right and Gilbert is wrong in the way they view the growth of democratic individualism. But the persistence of this opposition, a clash of fundamental values about which Gilbert himself says almost nothing,⁴² indicates that the sheer scale and historical sweep of our moral heritage is not in itself an argument in its favor, and certainly not an argument for the philosophical objectivity of whatever truth claims we make on its behalf.

40. FRIEDRICH NIETZSCHE, *THE BIRTH OF TRAGEDY AND THE GENEALOGY OF MORALS* 199 (Francis Golffing trans., 1956).

41. *Id.* at 168.

42. Gilbert discusses Nietzsche briefly in a footnote: "In Aristotelian terms, his conception looks like a distortion of the good of artistic creativity . . . at the expense of more central goods. . . . Further, if artistic and cultural creativity merely express a will to power, why are they preferable to other versions of that will?" (p. 293 n.74).

B. *The Analogy with Scientific Realism*

A consensus with a history, then, is not necessarily progress. In order to sustain his argument for moral objectivity, Gilbert has to provide us with independent grounds for regarding moral history as progressive. We saw earlier that Gilbert's principal argument for moral realism rests on an analogy between the structure of moral thought and the structure of theorizing in the natural sciences:⁴³

Our ordinary inductions and scientific theories accommodate our terms to causal features of the world, give rise to more focused, intelligent definitions, and lead to more coherent practice. . . .

. . . .

. . . Similarly, my argument for moral realism is sustained by broad inductions from the history of human cooperation, freedom, and individuality and a complex account of theorizing about it (pp. 109, 111).

The analogy is abetted by recent developments in the history and philosophy of natural science. We no longer think of empirical knowledge in terms of simple positivist models, nor do we think of the growth of science in terms of the steady accumulation of facts and the gradually increasing verisimilitude of theories. We understand that observations are theory-laden, that the semantic status of many theoretical terms (whether they are taken to refer to real entities or not) is never clear and is always arguable, and that the replacement of one theory by another is better described by Kuhn's model of revolution than by Karl Popper's calm succession of conjectures and refutations.⁴⁴

Gilbert makes the most of all this in his analogy with ethics. Since observation in natural science is now admitted to be theory-laden, we do not need to invoke any pristine notion of moral "intuition" in order to provide theory-independent sensory foundations for a realist conception of morality (p. 147). Since many respectable scientific terms lack analytic definitions, realist views in ethics are no longer as vulnerable as they once were to G.E. Moore's "open question" test (p. 145). Since science progresses in fits and starts, the dialectical fits and the false starts of moral philosophy no longer seem to undermine the epistemic credentials of that discipline (p. 127).

The analogy with scientific method is even used to explain the puzzle I mentioned at the beginning of this essay: why do students of moral philosophy continue to take Aristotle's *Ethics* and *Politics* seriously, whereas students of astronomy and zoology no longer study his *De Caelo* or *De Incessu Animalium*? Gilbert argues that although there has been progress in ethics and politics since Athenian times, that progress began

43. See *supra* pp. 1368-69.

44. Compare THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (2d ed. 1970) with KARL R. POPPER, *CONJECTURES AND REFUTATIONS: THE GROWTH OF SCIENTIFIC KNOWLEDGE* (1963).

with Aristotle's own theories rather than (as in the case of the natural sciences) with the complete repudiation of the Aristotelian (or Ptolemaic) frameworks. We continue to study Aristotle's *Politics* not because he got everything right (clearly he did not), but because he embarked on a process of thinking about human nature and human community that turned out to be what Gilbert calls "the takeoff point for mature reflection in ethics and political science" (p. 27). The idea of "a takeoff point" comes from modern philosophy of science:

[T]he contingent adoption of an approximately true theory or set of background beliefs contributes decisively to the emergence of a mature scientific method. Thus, Richard Boyd traces the takeoff point of the modern natural sciences—due to the adoption by leading investigators of mechanism and atomism—to the forging of Newtonian astronomy and atomic chemistry in the seventeenth and eighteenth centuries. In Dudley Shapere's terms, such a point is the one at which a branch of knowledge emerges as a domain—the object of coherent questioning, articulation of relationships and specification of relevant reasons, and increasing *internalization* as opposed to a disjointed patching together of common sense, intuition, and appearance (p. 27) (footnotes omitted).

Aristotle believed that distinctively human capacities for reflection and individual virtue could flourish only in a community organized around the idea of public deliberation about the common good. The idea of citizenship as ruling and being ruled in turn, the idea of a self-governing community as the proper unit for ethical and social life, the idea of deliberation as speech addressed by each in turn to all in common, the idea of the common good as having a necessary and discernible relation to the flourishing of each individual member: these Aristotelian motifs, developed in the fourth century B.C., were for moral and political science what seventeenth century atomism and mechanism were for the physical sciences in the modern era. They were a set of ideas, no doubt inadequate and limited in their initial exposition, but organized for the first time into a coherent body of theory, so that people could begin serious investigation of the conditions under which a free and respectful society is possible.

If Aristotelian philosophy is the "takeoff point" for mature ethical and political science, the work of Marx and Engels is, according to Gilbert, the modern consummation of the insights that we share with Aristotle. Marx was a belated Einstein to Aristotle's Newton (p. 225). Although Aristotle actually *advocated* the exploitation of man by man and Marx opposed it, Gilbert shows that there are "profound general similarities of ethical framework" pervading the work of these two thinkers (p. 263). Both men believed in a human capacity for self-aware freedom and self-conscious individuality, and both believed that these capacities could best be realized in a self-governing community where the free development of each person endowed with these capacities would be

the condition for the free development of all persons who were so endowed.⁴⁵ They disagreed about how widespread these capacities were, but Gilbert regards this as a mere factual or empirical disagreement, conditioned partly by their different positions in regard to local class antagonisms (p. 157). He finds more significance in the things that they agreed about: their condemnation of material acquisitiveness, their sense that humans conduct their highest activities when freed from the pressures of material necessity, their conception of the importance of free and cooperative political life based on the common good, their conviction that people are capable of rising above a narrow concern for their own self-interest, and their view that individual development depended crucially on friendship and interaction with others, and thus on the proper organization of society. On a sufficiently abstract level, Aristotle, Spartacus, Montesquieu, and Marx would have concurred about the injustice of enslaving those who were genuinely *human*. It just took everyone a while to see, through the haze of empirical uncertainty and the smoke of class struggle, that women and barbarians were human, too.

Still, all this might be true and moral realism remain false. We might find all kinds of isomorphism in the development of natural science and the growth of our ethical theories of freedom and democracy—takeoff points, theoretical terms, Kuhnian paradigms, the historical unfolding of criteria of explanation and rationality—and still have discovered nothing more than an intriguing analogy. Opponents of moral realism are often accused of reducing morality to a matter of taste, equating “slavery is wrong” with “I dislike pistachio ice-cream” (p. 123). Those who make this accusation take for granted, and quite rightly, that standards of taste cannot be given a realist characterization. Even so, our standards of taste have a history and a complexity, and no doubt much that could be described in terms of takeoff points, webs of theoretical terms, and Kuhnian revolutions: we learn as a culture to develop our palates so as to make finer and more organized discriminations in wine, in clothes, in literature, and in painting. Yet all that exists, in the end, are people expressing likes and dislikes and building practices of commenting on each other’s expressions of preference. Aesthetic taste is none the worse for that, but the lesson for us is that not everything that has a structure and a genealogy amounts to “a complex, theory-saturated knowledge of a mind-independent world” (p. 109).

Gilbert recognizes this. He sees that the *structural* analogy with science is not enough to establish the truth of moral realism. Though an acceptable metaethics “must account for the analogies . . . between ethics and other kinds of knowledge” (p. 131), it has yet to be shown that moral

45. See MARX & ENGELS, *supra* note 17, at 105 (“In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all.”).

realism is the only or the most plausible candidate. To close the argument, Gilbert must demonstrate that the *best* explanation of the development of our moral views over the past 2200 years is that we are learning about an objective mind- and convention-independent reality.

This strategy—the inference to an external reality as the best explanation of theoretical success—is also taken from the philosophy of science. Scientists posit as theoretical entities particles like electrons, neutrinos, and the like, even though the observational evidence might fail to distinguish between theories postulating these entities and other theories (pp. 109-10). We gradually infer that some of these entities are “real,” however, on the basis of the increasing role they play in a variety of theoretical contexts—explaining facts about solar radiation, explaining the behavior of our instruments, accounting for chemical changes, etc. There comes a point eventually when we have to say that “it would be a miracle if observations constantly worked out so nearly the way our best theories tell us, and yet nothing like the nonvisible entities, postulated by those theories, exists” (p. 135). Since realism about neutrinos is a nonmiraculous alternative, and since nonmiraculous explanations are always to be preferred to miraculous ones, the striking success of our postulation of these entities becomes the best possible inductive evidence for their theory-independent reality.

Similarly, Gilbert wants to argue, there comes a point ethically and politically at which we have to say either that our positive valuation of the moral capacities of the ordinary human being is a response to those capacities’ *really having value*, or that there is a massively improbable coincidence going on, with things just happening to work out as they would if capacities of empathy, rationality, and deliberation really were objectively valuable. Since coincidence is inherently implausible, we postulate the existence of objective values as the best explanation of the long-term success of liberal and radical democratic movements.

C. *Difficulties with the Inference to Moral Objectivity as the Best Explanation of Moral Progress*

Gilbert briefly discusses several controversies about this “inference to the best explanation” approach to justifying realism in science (pp. 131-35).⁴⁶ We shall not go into those here, but we shall assume for the sake of argument that if there were facts about the development of our moral views best explained by our coming to terms with a moral reality independent of these views, then that would be a highly persuasive (even

46. Arthur Fine and others have argued that ontological hypotheses about the external reality of certain entities require more stringent justification than ordinary empirical hypotheses and that “the inference to the best explanation” approach does not offer anything over and above the ordinary standard of justification. See, e.g., Arthur Fine, *The Natural Ontological Attitude*, in *SCIENTIFIC REALISM* 83, 86 (Jarrett Leplin ed., 1984).

if not a philosophically conclusive) argument for moral realism. At any rate, I will try to show that Gilbert fails to produce any such facts and fails to consider how disruptive such an inference would be to the way we understand ethics.

1. *The Entanglement of Fact and Value*

As we saw in Section IV.C, there are a host of ordinary propositions about human nature and human psychology whose objective truth provides the best explanation of some of the quandaries and embarrassments that entangle the theories propounded by slaveholders and racists. Racists, whether they are Nazis or South Africans or opponents of miscegenation in the American South, often must draw arbitrary or farfetched boundaries, whose scientific status is evidently suspect, in order to justify their beliefs with regard to a normally flourishing and interacting human population. Even Aristotle got caught up in these mires. On the one hand, he wanted to say that a slave was incapable of virtue because virtue involved precisely the rational control of action and appetite whose absence was the mark of natural slavishness; on the other hand, he wanted to distinguish between good slaves and bad slaves, between those who submitted virtuously to their masters and those who were intemperate, insolent, licentious, and cowardly.⁴⁷ Certainly the best explanation of his embarrassment, and of the incoherences into which he was led, is that he was trying to found moral and political distinctions on empirical differences that simply did not exist.⁴⁸

Though moral and empirical issues get entangled in this way, it would be a mistake to infer that all moral disagreements and oppositions are ultimately empirical. Once again, the example of Nietzsche is illuminating. His quarrels with modern liberalism are not founded on significant differences in what people are like; rather, Nietzsche despises in the common herd the very capacities of compassion and moral deliberation that liberals extol. A moral realist like Gilbert eventually has to bite the bullet and, undistracted by empirical side issues, show that in some sense the successful development of our positive valuation of these attributes

47. ARISTOTLE, *supra* note 1, at 33-38. Aristotle faced a similar dilemma with regard to women, and found it necessary to argue

that temperance—and similarly fortitude and justice—are not, as Socrates held, the same in a woman as they are in a man. Fortitude in the one, for example, is shown in connexion with ruling; in the other, it is shown in connexion with serving; and the same is true of the other forms of goodness.

Id. at 36.

48. Much the same can be said about the discrepancy between his argument in Book I of *Politics* that slaves are unfit for freedom and his view in Book VII that "it is wise to offer all slaves the eventual reward of emancipation." *Id.* at 306. For a general discussion of the "major and irreparable flaw" in Aristotle's view of slavery, see Nicholas D. Smith, *Aristotle's Theory of Natural Slavery*, in *A COMPANION TO ARISTOTLE'S POLITICS* 142, 146 (David Keyt & Fred D. Miller, Jr. eds., 1991).

can best be explained by the hypothesis that they are, as a matter of objective fact, precious and valuable capacities in every human being.

2. *Moral Lessons from Slave Revolts: The Explanatory Power of "Moral Facts"*

In fact, Gilbert's attempts to argue for this thesis are sporadic and unconvincing. His clearest case concerns slave resistance and revolts. The best explanation, he suggests, of the restiveness of Athenian slaves, the resistance of the Helots to the Spartans,⁴⁹ the exodus of the Jews from Egypt, the Spartacus revolt against Rome, the early Christian movement, the resistance of slaves in the Americas, and the development of abolitionism—the best explanation of these historical events is that *slavery itself was unjust* (pp. 30, 44, 86-87). The clearest statement of his claim is the following:

We see the fact of [H]elots waiting in ambush for their masters, grievances ("shirking," unarticulated expressions of discontent), and slaveholder concessions as so many signs that this ruthless system violated the universal capacity for moral personality (autonomy, social rationality); for the causal role of this moral fact does not depend upon agreement—we may suppose that rebellious slaves concurred with their owners on the broad conventions and putative facts about slaveholding. They imagined only that they had mean[-]spirited masters or that they were unjustly enslaved though others were not. Yet either slave interpretation would be (partially) mistaken; the *injustice of the institution* still, produced—and, thus, would be appropriately invoked to account for—their discontent. Reasonable overall explanations include this moral feature and rule out Aristotle's. The existence of such *moral explanations*, however, makes a conventionalist account utterly unlikely (pp. 153-54) (footnotes omitted).

We need to scrutinize this argument very carefully. There are several possible explanations of slave discontent that Gilbert has to rule out. He points out, quite rightly, that the slaves' own *belief* in the injustice of slavery is not relevant: probably they did not believe that slavery as such was unjust; and even if they did, to explain their restiveness on the basis of this belief would provide no vindication of moral realism. It is the "moral facts" about slavery, not people's beliefs about those facts, for which Gilbert has to carve an explanatory role.⁵⁰

Also, it is not enough for Gilbert's purposes to explain slave discontent in terms of the slaves' possession of the rational faculties which Aristotle claimed they lacked. Of course, it is true that they could not have organized disciplined rebellions of the Spartacist kind if their psy-

49. See ARISTOTLE, *supra* note 1, at 74.

50. Thus, for example, when the slaveholder Thomas Jefferson wrote that he "trembled" to think "God is just," it was his *beliefs* about what God's verdict on slavery would be, rather than God's verdict itself, that explained his trembling. HANNAH ARENDT, ON REVOLUTION 66 (1963).

chology had been as Aristotle described; so that fact helps refute his empirical claims. But it does nothing to sustain the view that the *wrongness* of slavery is also a fact, in itself capable of entering into social explanation.

3. *The Problem of Supervenience*

The most difficult hurdle for Gilbert's argument is what philosophers call the "supervenience" of moral judgments. Suppose we agree (as of course we do) that the institutions against which the slaves rebelled were unjust. Moral judgments of this kind are usually taken to be supervenient on certain factual propositions: an institution may be described as unjust only by a speaker who identifies some factual characteristics that distinguish it from institutions that he would not describe as unjust. When anyone makes a judgment that something is right or wrong, just or unjust, we are entitled to ask, "Why? What is it that makes it unjust?" And we expect him to give us an answer such as "because it frustrates certain capacities" or "because it inflicts unwarranted suffering." The moral judgment therefore *supervenes* on certain factual judgments. It cannot be the case that one institution differs from another *only* in respect to injustice; if it differs in respect to injustice that must be because it differs in at least one other characteristic as well.

This feature of moral language poses a great difficulty for Gilbert's argument. For his antirealist opponent, under pressure, may always say that it is not the (acknowledged) *injustice* of the institution that explains the slaves' restiveness, but the *facts* on which the injustice supervenes. If slavery is unjust, in our opinion, because it inflicts needless suffering, maybe we can explain everything we want to by reference to this suffering. The moral gloss on that suffering may be significant for our condemnation, but—and this is the important point—the moral gloss is not necessarily important for the purpose of *explaining* the discontent. The facts on which the moral gloss supervenes may be sufficient for that purpose. Since supervenience is a general feature of all moral discourse, this line of attack threatens to undercut completely any argument for realism based on the explanatory power of what Gilbert calls "moral facts."⁵¹ Since the independent existence of "moral facts" was to be inferred from the changes they produce in the real world, the proof becomes unconvincing without firm evidence that these "moral facts" themselves, and

51. A similar line might be taken in regard to discussions of the economic efficiency of slavery in the American south. Suppose we say that slavery was wrong because it was economically inefficient: the wrongness supervenes on the inefficiency. Still, if the inefficiency is sufficient to explain the crisis of the 1850s-60s, we don't need to invoke the wrongness as an *explanans*; and so again, the argument for the objectivity of the wrongness based on an inference to the best explanation is undercut.

not other facts correlated with them, provide the explanation for concrete change.

The author is evidently sensitive to this criticism. He considers a version of it advanced by Gilbert Harman⁵² and responds:

[T]o make good on Harman's epistemological claim, we would have to think that other nonmoral capacities and historical circumstances do *all* the explanatory work and that approximately true . . . claims about a good life do none. But supervenience in the sciences does not work this way: though the element oxygen supervenes on a complex microphysical structure, it has causal properties irreducibly relevant for combustion that Harman—as a naturalist about science—would recognize. He needs some argument to show that this peculiar nonexplanatory status of moral properties—as against other supervenient ones—is not just logically possible, but plausible (pp. 103-04) (footnote omitted).

I shall try to answer this last challenge in Part VI; that is, I shall show why it might be positively *mistaken* to attribute explanatory power to "moral facts." For the moment, let us press Gilbert a little further on the supervenience point.

To sustain the analogy with oxygen, Gilbert would have to show that an explanation of the slaves' restiveness in terms of the nonmoral properties of slavery was itself inadequate or hopelessly unwieldy—like trying to explain the combustibility of a gas in terms of the characteristics of fundamental particles. He would have to show that the nonmoral properties are, so to speak, "shapeless" for explanatory purposes without the organization imposed on them by the moral term.⁵³ An analogy might help here. Whenever we call some situation *funny* it is presumably on account of some feature that it has. But any specification of the features that make situations humorous is likely to be unwieldy and unsatisfactory: the disjunctive list of features will look "shapeless" to anyone who does not share our sense of humor. If we want to explain why someone laughs on a given occasion, it might be more satisfying to say simply that the situation was *funny* than to explain the laughter by reference to the list of features on which funniness supervenes.⁵⁴ Analogously, it may be simpler to explain the slaves' restiveness in terms of the injustice of

52. See GILBERT HARMAN, *THE NATURE OF MORALITY* 23 (1977) ("Since moral facts seem to be neither precisely reducible nor useful even in practice in our explanations of observations, it remains problematic whether . . . there are any moral facts.").

53. I owe the term "shapeless" to Blackburn. See Simon Blackburn, *Reply: Rule-Following and Moral Realism*, in WITTGENSTEIN: TO FOLLOW A RULE 163, 167 (Steven H. Holtzman & Christopher M. Leich eds., 1981).

54. The argument in the text is formulated by Blackburn, *see id.* at 167-68, though ultimately he himself does not accept it. He argues that we may be perfectly able to explain why someone laughed in a given situation (or why someone rebelled in a given situation) without using the predicate "funny" (or "unjust"); the difficulty posed by the problem of shapelessness arises only if we are trying to give a *general* explanatory theory of why people laugh at what is funny (or why people revolt against injustice). *See id.* at 168-70.

their situation than in terms of an unwieldy list of the things that make it unjust.

Maybe; but this has to be shown. Not all cases of supervenience have this feature. Suppose I say that my car will not move because it's not working. The statement is true but unhelpful as an explanation. Its not working is a property that supervenes on some more precise description—the battery is dead, or the carburetor is broken—and anyone who wants to help me start it will insist on the more precise description. It is this more precise description—the description on which the statement “it's not working” supervenes—that provides the real explanation. Unfortunately, Gilbert offers no argument to show that *unjust* is like “funny” or “oxygen” in this respect, and unlike, in our car example, the supervening term “not working.” He simply assumes, in the passage quoted, that the burden of proof is on the other side.

He might argue that if a moral feature like wrongness or injustice *always* supervenes upon, say, the factual characteristic of causing needless suffering, and if the causation of needless suffering provides an explanation of some event in *all* cases where we want to say it is “wrong,” and only in those cases, then under those conditions, we *might as well* say that the wrongness explains the event. But it is not clear that this essentially pragmatic move yields a particularly convincing case for realism. Maybe it is not sufficient for a moral predicate to figure in what we would ordinarily accept, for practical purposes, as an explanation; maybe we should say that the moral predicate must figure *irreducibly* in the law-like statements to which the explanation appeals. These considerations take us back to the philosophical controversy mentioned earlier: what must we prove if the “best explanation” argument is to succeed?⁵⁵ Suffice to say that the issue concerns whether the claim of moral realism is to be taken seriously or just admitted, pragmatically, as a convenient *façon de parler*.

4. *The Historical Evidence: Democracy and the End of History*

Given the scope and sweep of Gilbert's overall thesis, it is not enough to show that the injustice of slavery offers the best explanation of slave discontent. Gilbert has to show also, as we saw earlier, that the objective moral value of the human capacity for democratic individuality provides the best explanation of what he believes is the gradual emergence of decent, democratic forms of society. Gilbert offers very little in defense of this general proposition, and it is not quite clear what would count as evidence of or argument for a claim on such a scale. He says himself that part of the moral truth is the potential for “common ruin”

55. See *supra* Section V.C.

(to use Marx and Engels' phrase)⁵⁶ shadowing our experimentation with democratic regimes (p. 6); his own references to Nazism (p. 3) indicate precisely how precarious and contingent western moral progress actually is. It is not clear, then, exactly what he takes as the *explanandum* for which the objective reality of certain values is supposed to provide the best explanation. That unclarity is important, for, as we saw in the case of slave discontent, the validity of this form of argument for realism hangs on how precisely the *explanandum* is formulated.

In any case, there are some sobering facts—one ancient, one modern—worth bearing in mind. Gilbert takes Aristotle to have discovered the human potential for democracy, the potential for the self-governance of a community of equals through reasoned and empathic deliberation (p. 26). One can be dewy-eyed about this discovery and view what Aristotle thought he had discovered and what, for example, Lincoln celebrated at Gettysburg as an epochal progression that only the reality of democratic values can explain. But the Greeks were less ingenuous than us on this matter. Athenian democracy was a precarious and controversial achievement that predated Aristotle and was on the wane even as he wrote. Contemporary commentators regarded it as a weak, licentious, corrupt, pusillanimous, and peculiarly irresolute form of government,⁵⁷ a verdict borne out by the demagoguery, perfidy, and abject unreliability of Athens under Macedonian hegemony and in the face of the Persian threat throughout much of the fourth century B.C. Even as Aristotle wrote, he was aware that the *polis* was to be eclipsed by the nation-state of Philip's Macedon and the imperialism of his own pupil, Alexander. It is ironic that we still glorify the small, communal city-state—and the democratic structures appropriate to it—in our political theory, even though we are heir to forms of political organization that are utterly incompatible with the *polis* and much more akin to the great regional states and empires that overwhelmed it. Maybe we should lament the sordid and ignominious collapse of Athenian democracy. For present purposes, that is neither here nor there. There is virtually nothing in the history of Aristotle's Athens for which the objective reality (as opposed to the social prevalence) of democratic values could possibly be thought to provide the best explanation.

There is no hint of this in Gilbert's book: one gets the impression that he has taken his knowledge of Athenian democracy more or less entirely from Hegel. But if he is offering an "inference to the best explanation" argument for moral realism, he has got to present the facts—the *explananda*—as they are. Anyone could select or make up a set of facts for which the reality of their favorite values would provide the best

56. MARX & ENGELS, *supra* note 17, at 79.

57. The most prominent example is of course Plato's discussion in Book Eight of *The Republic*. See PLATO, *THE REPUBLIC* 372-91 (Desmond Lee trans., 2d ed. 1974).

explanation. The argument is only credible if the putative reality of these values is shown to provide the best explanation of *what actually happened*.⁵⁸

The other example I want to mention concerns events that have occurred since Gilbert finished his manuscript: I refer to the catastrophic collapse of communist regimes in Eastern and Central Europe and in the former Soviet Union, and the subsequent demoralization of the international socialist movement. One could, I suppose, celebrate these events along with Francis Fukuyama as the "end of history" and the final vindication of freedom and democratic values.⁵⁹ I doubt that Gilbert—a Marxist—would join in that applause, and I respect him for that. It is far too early to tell whether the result of this collapse will be anything other than a very superficial form of democracy, fastened to the rather nightmarish forms of domination by wealth in the face of abject poverty, of racism, and of exploitation to which Americans and others have grown accustomed. The economic shambles, political chaos, and nationalist conflict that we are likely to see in Eastern Europe over the next twenty years will certainly need explanation. But again it is unlikely that the best candidate will be the objective reality of the value of free democratic participation.

For better or worse, Gilbert has nailed his flag to a radical mast. In the Preface, he identifies his work with "the resistant, creative spirit" of the anti-war movement, adding that the "book's conception of democratic theory and institutions is a response to my experience with the promise of participatory democracy in Students for a Democratic Society" (p. xiii). He identifies himself also with other traditions of American dissent, extending back to "Shay's Rebellion, the abolitionists, anti-imperialist opposition to the U.S. seizure of the Philippines and Cuba, the IWW, and the CIO, among others" (p. xiii), and more generally with worldwide socialist, feminist, and antifascist thought (p. 470). The emphasis on Marx's thought throughout the book, particularly in Chapters Five through Nine, leaves the reader in little doubt that Gilbert expects Marxian socialism, rather than American-style liberalism, to be the vehicle for democratic freedom and individuality in the years to come:

Marxian movements have broadly and successfully involved workers and peasants in attempts to forge a new society. Compared to the limited

58. Indeed, Hegelian historical analysis has an element of circularity. Often the Hegelian identifies the course of history and then culls the historical record (as well as contemporary societies) for those facts and events that fit his interpretation; the facts that don't fit are relegated to the dust heap of history. Perhaps the most flagrant example of this approach is the last chapter of E.H. Carr's classic *What Is History?* See E.H. CARR, *WHAT IS HISTORY?* 128-51 (2d ed. 1986). Gilbert refers to this problem as the "arbitrary historical continuities argument" but does not refute it (pp. 157-58, 160-65).

59. See generally FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* (1992).

involvement—restricted to occasional voting—of capitalist democracies, vibrant radical movements have been *socially* democratic This fact underpins Marx's and Lenin's claim that, in comparison to truncated liberal regimes, such movements are not only *more*, but even *qualitatively*, democratic (p. 306).

Socialist regimes have, he says, enormous achievements to their credit ("peasant political initiatives in the lengthy social transformation of agrarian China" and the mobilization of workers and soldiers in "the Soviet defeat of the massive Nazi onslaught in World War II" are two that he mentions (p. 306)), and again one is supposed to infer that the objective truth of their underlying valuation of democracy and equality provides the best explanation of these events. Yet obviously there was a dark side to these regimes which, even if it does not morally discredit Marxism, certainly plays havoc with any inference to the reality of Marxist values as the best explanation of socialist achievements.

Gilbert's book was published in 1990, meaning most of it was written before 1989. Thus, nothing much can be done about passages that deprecate "overly easy, a priori dismissals of the Russian and Chinese revolutions based on economic determinist—'too low a level of productive forces'—or Weberian—'the necessity of bureaucratization'—preconceptions, which ignore their cooperative, democratic features" (pp. 447-48). History, it turns out, has dismissed the Soviet contraption on precisely these grounds, and Gilbert's comment that "the Chinese experience provide[s] some grounds for a democratic defense of communism" (p. 331) will strike most readers today as simply bizarre, even after they realize that he is not defending the aging economic "reformers" who ordered the massacre in Tiananmen Square shortly after he completed the book, but rather the ultraleftists of the Cultural Revolution. Gilbert acknowledges dictatorial and bureaucratic abuses in socialist societies, but he argues that a suitably sanitized version of Marx's own theory provides the best possible ground for critiquing and reforming these societies. "Marxian theory," he insists, "has the resources to articulate an alternative path of communist development, one that would strengthen these regimes' earlier, revolutionary features, those admired by radicals whatever they think of contemporary socialism" (p. 308).

One can concede that this *may* be so; one may even hope that it *is* so. But no one in his right mind could be sure that it *will* be so. As things stand, Marxism-Leninism has been utterly discredited as a political alternative in most of the countries where its realization was attempted. So even if Gilbert is right that radical socialist theory is the culmination of two thousand years of arguing about and experimenting with democratic values in the world, he has shown only that modern socialists have a bitter and defiant hope with a history. It is no denigration of the heroism of that aspiration to say that we need not invoke the

objective reality of the corresponding values to explain the fact of its success so far.

Let me repeat: I am not trying to discredit Gilbert's democratic and socialist commitments. I only argue that world affairs have not developed in a way that requires us to attribute objective truth to those values. Remember, the argument was supposed to be that we are driven to postulate the objective reality of certain values because any other explanation of events would be overwhelmingly improbable. But the alleged reality of the values that Gilbert associates with radical Marxism contributes nothing to the explanation of recent world events: far from being the best possible explanation of human history to date, these values are now not even a plausible contender. We have, therefore, no reason to say anything more about these values than what the antirealist would say: they are the attitudes and utterances of a few people who, despite all the odds, continue bitterly to approve and act upon them, but which have no more robust reality in the world than that. History furnishes no proof of their objective existence; if anything it has discredited the particular variety of humanism that Gilbert most prized.

VI

ON THE CHARACTER OF MORAL LANGUAGE: JUDGMENT AND COMMITMENT

There is, in addition, one important positive ground for blocking any inference to alleged moral "facts" as an explanation in history or social science. When terms like "electron" or "neutrino" were introduced into physical theory, they were used in a way that made them *apt* candidates for objectification. Physicists spoke of electrons *as though* they were real entities in the theory-independent world, and so there was no great difficulty when it turned out to be plausible actually to regard them as such. It is arguable, however, that moral predicates like "right" and "wrong," "just" and "unjust" are not apt for objectification in this way. Gilbert wants to say that the injustice of slavery may be regarded as a matter of objective fact, on a par with its antiquity or its prevalence in warm climates. But calling slavery "unjust" evidently involves speech acts other than those of chronological or meteorological description. A person who says sincerely that slavery occurs in warm climates merely notes an interesting fact. But a person who says that slavery is "unjust" strikes an attitude towards slavery, commits himself in a sense to do something about it. If he merely *noted* the injustice of slavery, passing up numerous opportunities to contribute to its abolition, we would say that he was insincere in his utterance of "slavery is unjust."

So if the sentence "slavery is unjust" refers to an objective moral fact, it must be a very strange sort of fact. It must be a sort of fact that one cannot notice or perceive without *eo ipso* committing oneself to cer-

tain actions and attitudes. As J.L. Mackie has argued, "If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe."⁶⁰

Plato's Forms give a dramatic picture of what objective values would have to be. The Form of the Good is such that knowledge of it provides the knower with both a direction and an overriding motive; something's being good both tells the person who knows this to pursue it and makes him pursue it. An objective good would be sought by anyone who was acquainted with it, not because of any contingent fact that this person, or every person, is so constituted that he desires this end, but just because the end has to-be-pursuedness somehow built into it. Similarly, if there were objective principles of right and wrong, any wrong (possible) course of action would have not-to-be-doneness somehow built into it.⁶¹

That entities and properties characterized in this way would be so different in ontological category from other actual entities or properties raises serious philosophical questions about any inferential argument for their reality.

Gilbert is aware of this objection, but he takes it as a purely verbal point: "We say, 'Murder is wrong (for humans)'; no one would say, 'Murder lacks the moral property "to-be-doneness." ' The undoubted 'queerness' of the latter locution is a rhetorical artifact of Mackie's general perspective" (p. 124). But it is not the rhetoric that is queer, on Mackie's account: it is the nature moral facts would assume, given the sort of speech acts that moral judgments involve, that is queer. If making the moral judgment "murder is wrong" is a way of committing oneself not to kill another human being, it is not clear what could be meant by saying that there is *an objective state of affairs*, namely the wrongness of murder, that makes the judgment true as a description of moral reality.

In fact, elsewhere in the book, Gilbert is driven to deny that there is any necessary connection between moral judgment and commitment. He follows the philosopher David Brink in arguing that moral judgments are action-inspiring only for people with certain desires and sympathies (p. 104).⁶² A statement of fact like "the ice you are standing on is melting" is action-inspiring only for those who do not want to get wet; similarly, "slavery is unjust" is action-inspiring only for people who are turned on by justice. An approach like Mackie's, Gilbert argues, "cannot explain the quite plausible position of an amoral skeptic who understands ethical arguments but simply doesn't experience their persuasiveness" (p. 104).

60. J.L. MACKIE, *ETHICS: INVENTING RIGHT AND WRONG* 38 (1977).

61. *Id.* at 40.

62. See DAVID O. BRINK, *MORAL REALISM AND THE FOUNDATIONS OF ETHICS* 37-80 (1989); Michael Moore, *Moral Reality*, 1982 WIS. L. REV. 1061, 1122-23; see also Jeremy Waldron, *The Irrelevance of Moral Objectivity*, in *NATURAL LAW THEORY: CONTEMPORARY ESSAYS* 158, 168-69 (Robert P. George ed., 1992) (further discussion of this issue).

But that is not so. An approach like Mackie's might point to the psychopath as an instance of deviant or abnormal use of moral judgments: the psychopath uses the words "right" and "wrong" to parrot all the judgments that decent moral people make, but his actions show that he doesn't really *get* the force of what he is saying. We would not say that he is fully and perfectly in possession of a true set of moral judgments but merely lacks the *additional* desire to be moral; we would say instead that he does not really understand what he is saying when he says "murder is wrong" and then embarks cheerfully on a series of killings. Gilbert (and Brink) fudge the issue by saying that "normal psychological capacities for sympathy are sufficient to make moral judgments motivationally effective for many people in ordinary circumstances" (p. 104).⁶³ By their approach, "normal" means nothing more than "statistically normal" (in other words, "common"). It is perfectly possible, on their account, that we might *all* apprehend the wrongness of murder and yet none of us show the slightest disinclination to refrain from killing others; it just happens that most of us are more "sympathetic" than that. But that position is plainly implausible. We should say instead that it is part of the normal understanding of the term "wrong"—part of its ordinary *meaning*—that if we go about cheerfully and deliberately killing people without hesitation or scruple, then we do not accept the judgment "murder is wrong."

One supposes Gilbert might bite the bullet and say that the implausibility of his view in this regard is just part of the price that must be paid for moral objectivity. By making values into objective facts, we deprive *evaluations* of some of the features that distinguish them from ordinary descriptions. Or, he might bite the other bullet and embrace what Mackie calls the "queerness" of objective values. He might say, along with philosopher Mark Platts, "Why should it not just be a brute fact about moral facts that . . . their clear perception does provide sufficient grounding for action?"⁶⁴ Either alternative involves a high philosophical cost: an implausible account of moral judgment or an ontologically "queer" characterization of some entities. These philosophical costs should make us pause in any inferential argument for moral realism based on the need for an explanation of social and historical events. If we can explain these events in terms of the empirical facts upon which moral judgments supervene rather than on the basis of any imputed truth of the moral judgments themselves, then we have a good reason to do so because we avoid these philosophical difficulties. The postulation of moral facts, far from offering a useful explanation of moral history or moral progress, throws a spanner into the works, disrupting our sense of what a moral judgment is and of how it is connected to action.

63. Citing David O. Brink, *Externalist Moral Realism*, 24 S.J. PHIL. 23, 35-36 (Supp. 1986).

64. Mark Platts, *Moral Reality*, in *ESSAYS ON MORAL REALISM* 282, 295 (Geoffrey Sayre-McCord ed., 1988).

VII

A REPLY TO GILBERT: THE PRESCRIPTIVIST ACCOUNT OF
MORAL VALUES

I wish to conclude this Review Essay by saying something about an alternative account of moral judgment that avoids all the above difficulties while at the same time avoiding the obvious and easy objections to relativism discussed in Part III.

A. Moral Disagreement and the Problem of Verifying Moral Claims

In modern moral philosophy, there are at least two ways to reach the conclusion that moral claims cannot be judged objectively true or false. One way begins by *attempting* to treat moral claims as if they were on a par with ordinary factual or scientific claims and seeing whether that works. After all, "slavery is wrong" appears to be an ordinary indicative sentence, just like "hemlock is poisonous." We judge the second sentence to be true just in case the plant picked out by the word "hemlock" has the toxic attributes picked out by the word "poisonous," and that, we think, is an objective matter. If anyone wants to dispute the objectivity of the issue, in the name of relativism, antirealism, or any other -ism, here's a cup of hemlock: let him drink it. However, it quickly becomes apparent that "slavery is wrong" is not a judgment whose truth can be established decisively by this sort of empirical test. Some people believe it, some people deny it, and the disagreement seems irresolvable by ordinary scientific means. It is not merely that "slavery is wrong" is more complicated than "hemlock is poisonous." There are propositions such as "slavery is economically inefficient" that are more complicated, more controversial, and certainly more difficult to prove than the moral judgment, but at least we have an idea of how to begin the process of objective verification (or falsification). With a claim like "slavery is wrong," we don't even know where to begin. Some might begin by asking what the institution contributed to overall human happiness; others might see it as an issue of human rights; still others might ask, in a Nietzschean mood, about the impact of slavery on human nobility. These radical disagreements indicate, for those who follow this first route to antirealism, that talk of verification and falsification may be quite inappropriate here. They indicate that categories like "objectively true" and "objectively false" are not particularly helpful in responding to a claim like "slavery is wrong."

The person who follows this route has the tone of the "disappointed believer." He was initially inclined to think that moral claims *could* be assigned objective truth values, but his experience of widespread moral disagreement, among persons and across times and cultures, has convinced him that this is hopeless. His antirealism therefore has a "debunking" tone, the tone of the skeptic sneering at the rest of us for

clinging to a belief that he has long since proved to himself to be inadequate. He has found out that there is no Santa Claus and is trying now to shake our confidence and make us doubt our own cherished convictions. He confronts us with those who deny the claims that we cling to, and he challenges us to *prove* that they are mistaken.

Almost all the defenses of moral realism with which I am familiar assume that they are dealing with an opponent of this sort. Gilbert's argument is no exception. He is sensitive to the sneering deprecation that he takes to be implicit in the antirealist view. He thinks the antirealist is mocking the distinctions we want to make between our and Aristotle's views on slavery, or between our and Nazi views on genocide. He thinks the antirealist is saying that there is nothing to choose between these pairs of views, since the issue cannot be proven. And he is (quite rightly) affronted by that, because his own moral convictions—convictions he would fight and die for—are precisely the affirmation of one view in each of these pairs and the rejection of the other.

So, sensing that moral skepticism is fueled by his opponent's experience of intractable disagreement, the realist tries to show that the extent and intractability of disagreement in ethics has been exaggerated. Aristotle is not really opposed to Marx; Marx is not really opposed to Weber. Liberals and socialists are more or less on the same wavelength. There is a lot more moral agreement around than the antirealist thinks, and thus, according to this approach, a lot less reason to think that realism is false.

B. *The Prescriptivist Approach to Moral Language*

There is, however, another route to antirealism in ethics that is left more or less untouched by these considerations. It has very little to do with the tractability or intractability of moral disagreement, and it is certainly not intended as any sort of "debunking" of moral claims. It is the route that the writer of this Review Essay has followed in his own philosophical thinking, and it goes something like this.

Suppose I am struck by and take as my paradigm of a moral claim, not an indicative sentence like "slavery is wrong," but a sentence like "you should oppose slavery." The former sentence appears to say of an institution, slavery, that it has a certain property, namely, wrongness. But in the latter sentence, the term that does the moral work is not a predicate like "wrong" but rather a verbal modifier, "should." The clue seems to be that the distinctively moral character of the sentence lies partially in the way the verb is used: the term "should" indicates that the action of opposing slavery is not being described but rather *prescribed*. It marks something like an imperative use of the language "oppose slavery!" We are led then to the hypothesis that part of what is distinctive about moral language is that it is not used descriptively, to

indicate the presence or absence of certain special properties (real or fictitious) such as good or evil, right or wrong. Instead, like commands, recommendations, and instructions, moral sentences are a species of prescription. They fall into the same logical category as "please shut the door," "no smoking," "let's do lunch," "workers of the world unite!" and "this above all, to thine own self be true."⁶⁵

Now, as I have indicated, this analysis works best for sentences like "you should oppose slavery" and "slavery ought to be abolished." The moral terms "ought" and "should" are readily susceptible to prescriptivist analysis, since their syntax is explicitly that of a verbal modifier. The analysis works less easily for apparently indicative sentences such as "slavery is wrong" or "participation is good." Those do not *sound* like imperatives. They sound more amenable to the descriptive analysis that moral realists are inclined to offer. Still, everyone accepts that "ought" statements and statements about right and wrong are intertranslatable, so there is no advantage to either side in their particular syntactical formulation. Realists and prescriptivists will each take some moral syntax at face value and treat other syntax as concealing a different structure. If we accept the descriptivist analysis and hold that moral sentences attribute properties to persons, institutions, or actions, then we are going to have to say that sentences with an "ought" or a "should" conceal a subject/predicate structure. If, on the other hand, we accept the prescriptivist analysis and hold that moral sentences are essentially prescriptions, then we must translate in the other direction and hold that subject/predicate sentences like "slavery is wrong" really conceal imperatives. We will say that "slavery is wrong" means something like "don't support slavery" or "slavery ought to be opposed." And we will say that the phrase "is good" in "participation is good" is really doing service for a prescription such as "— ought to be promoted and supported."

The analysis of moral claims as prescriptions is not meant in any way to debunk or discredit them. To the contrary, the prescriptive analysis follows in the footsteps of Immanuel Kant, arguably the most solemn of the western moralists, who consecrated with the term "categorical imperative" the awe-inspiring sense of duty posited as the basis of morality in *Groundwork of the Metaphysics of Morals* and *Critique of Practical Reason*.⁶⁶

What is more, as we saw in Part VI, descriptive analyses lack

65. Which of these prescriptions can be properly classified as *moral* will be discussed below. See *infra* text accompanying note 68.

66. If the prescriptive approach at times seems deprecatory, that is perhaps because one has an overly narrow view of prescriptive language. One thinks of a regimental sergeant major barking out orders on the parade ground intending by the noises he makes to galvanize into action recruits under his command. But this is neither the only nor the most typical use of prescriptive language. We need to remember that prescriptions can be issued in the first person, singular or plural, as well as in the second person. The imperative mood is not always the voice of an *imperator* addressing a subject, *de*

prescriptive analyses' ability to clarify the connection between moral judgment and action. On Gilbert's realist view, the function of moral language is to ascribe properties to objects and actions: by saying "slavery is wrong" we describe the fact that the institution in question possesses a particular characteristic. It is not at all clear why the proper response to that should not be "how interesting!" rather than "let's abolish slavery!" On the prescriptivist view, the sentence "slavery is wrong" already expresses an implicit resolution, "let's abolish slavery." To accept a prescription is either to act on it or to form the intention to act on it. If someone says that he accepts the suggestion "let's wait here" and immediately walks off, we would have to say either that he was insincere or that he did not understand what was said. Similarly, if someone professes acceptance of the judgment "slavery is wrong" and yet continues to hold slaves, we should question the sincerity of his profession.⁶⁷ None of this is evident on the descriptivist account, and it is to the credit of the prescriptive analysis, in the seriousness it accords moral judgment, that it makes these connections transparent.

The best-known version of prescriptivism is the theory of the English philosopher R.M. Hare.⁶⁸ Hare is famous not only for the view that moral language belongs to the genus prescriptive language, but also for his account of the specific character of moral language within that genus. Moral sentences, he claimed, are not just prescriptions but *universal* prescriptions. Unlike "shut the door," which commands a particular act of a particular person on a particular occasion, moral judgments are made always with reference to types of action. This is evident enough in the case of "slavery is wrong": anyone making this statement prescribes the abolition or overthrow of an institution of a certain type wherever it is manifested. But Hare thinks it is true also of particular moral judg-

haut en bas. It is also the language that friends use to make arrangements with one another or to express a common resolution: "let's do lunch," or "let us pray." As Hare said:

The processes of *telling* someone to do something, and *getting* him to do it, are quite distinct, logically from each other. . . . Thus the instruction . . . "Supply and fit to door mortise dead latch and plastic knob furniture" is not intended to *galvanize* joiners into activity; for such a purpose other means are employed.

R.M. HARE, *THE LANGUAGE OF MORALS* 13-14 (1952).

67. Thus R.M. Hare began his first book on moral philosophy as follows:

If we were to ask of a person "What are his moral principles?" the way in which we could be most sure of a true answer would be by studying what he *did*. He might, it is true, profess in his conversation all sorts of principles, which in his actions he completely disregarded; but it would be when, knowing all the relevant facts of a situation, he was faced with choices or decisions between alternative courses of action, between alternative answers to the question "What shall I do?", that he would reveal in what principles of conduct he really believed. The reason why actions are in a peculiar way revelatory of moral principles is that the function of moral principles is to guide conduct. The language of morals is one sort of prescriptive language.

Id. at 1.

68. See *id. passim*; see also R.M. HARE, *FREEDOM AND REASON* (1963) [hereinafter HARE, *FREEDOM AND REASON*]; R.M. HARE, *MORAL THINKING: ITS LEVELS, METHOD, AND POINT* (1981) [hereinafter HARE, *MORAL THINKING*].

ments like "Jefferson ought to free his slaves." He thinks such a judgment is to be understood as something like the following: there is something about the circumstances Jefferson is in and the act of freeing slaves, such that—for *anyone* who is in such circumstances and facing such a choice—let him free his slaves! Thus although "Jefferson ought to free his slaves" is not itself a universal judgment, it is, in Hare's language, "universalizable."⁶⁹ Universalizability has the advantage of explaining why, in moral argument, it is natural to test a position by imagining that the tables have been turned. Though the person who says, "You ought to free your slaves," addresses the judgment to somebody else, he cannot be deemed sincere in his utterance unless *he* would be prepared to free *his* slaves were he in the position of the person he is talking to.

Hare's theory of moral language gives rise to many other issues that cannot be discussed in this Review Essay. In particular, this is not the place to assess or criticize his view that the universal prescriptivist grammar of moral language characteristically commits its clearheaded users to utilitarianism.⁷⁰ The point of this excursus into universal prescriptivism has been to illustrate a second route to antirealism, a route other than the skeptical one outlined in Section VII.A. For at some point in this elaboration of the prescriptive theory, it will have occurred to the reader that moral language is being analyzed in terms that make it quite inappropriate to claim objective truth or falsity for moral judgments. *Prescriptions* do not have truth values. It simply does not make sense to say that an imperative like "shut the door!" is objectively true or false. Is "shut the door!" true? We can barely formulate the question. This seems to be the case with prescriptions in general, in virtue of the sort of speech act they are. And if moral judgments are a species of prescription, it applies to them as well.

We cannot say that "slavery is wrong" is true, if what this sentence means is something like "oppose slavery!" We might *agree* with it, in which case we will join in with the prescription and resolve to act on it ourselves. Saying "that's true" might, as Dworkin suggested, be a way of expressing that resolution.⁷¹ But agreement here is more like concurrence or solidarity than the assertion of a proposition. Any more robust notion of truth—as correspondence with some objective feature of reality—is ruled out by the characteristics of the speech act involved. There is simply no sense to the idea that there exists something out there which makes an imperative true. And this is not because of any metaphysical

69. See HARE, MORAL THINKING, *supra* note 68, at 107-16 (discussing the "universalization" of moral judgments). Again, there is an obvious debt to Kant's categorical imperative in Hare's treatment of "universalizable" prescriptions.

70. For such an argument, see HARE, FREEDOM AND REASON, *supra* note 68, at 112-36; HARE, MORAL THINKING, *supra* note 68, at 4-5.

71. See DWORKIN, *supra* note 26, at 214-20.

doubts about the "out there." It is because of relatively straightforward facts about imperatives.⁷² In this sense, then, prescriptivism entails that moral realism is false.

This may or may not be a welcome conclusion for the prescriptivist. It may not have been his intention to come up with an analysis of moral judgments incompatible with attributions of truth and falsity. He may not have *invented* his prescriptivism with that in mind. His aim may have been just to offer the best account of what is going on when people make moral judgments. But faced with this consequence, he may nevertheless stick with his account, saying that he feels much more confident about the prescriptivist analysis of moral judgments than he does about any realist claim that moral judgments must be capable of objective truth and falsity (particularly given the antinomies we discussed in Part VI). It may be with a heavy heart that he owns up to being an antirealist. He takes this position, however, because the case for the analysis he has adopted seems overwhelming, and because that analysis simply leaves no room for making sense of attributions of objective truth or falsity in moral discourse.

What is more, the prescriptivist will continue to maintain his analysis, and the antirealism that follows from it, even when people like Alan Gilbert show him the extent of the moral consensus there is in the world. The prescriptivist's argument against objective truth or falsity as sensible categories for ethics is not dependent on the prevalence or intractability of moral disagreement. Even if everyone turns out to hold the same moral views, people are still only issuing prescriptions, and the logic of a prescription is just not amenable to the predicates "true" and "false" in any semantically interesting sense.

There is nothing disingenuous about this second route to antirealism. As far as one can tell from Hare's writings, it captures roughly the trajectory of his metaethics. Hare developed a prescriptivist account of moral language in his first two books with barely a mention of its antirealist implications,⁷³ and he argued in his third book, perhaps a bit tendentiously, that most ordinary people do not think there is an interesting issue about truth or objectivity at all until philosophers get hold of them.⁷⁴

72. Moreover, the universalization that we introduced to handle the judgment about Jefferson doesn't seem to affect matters. A universal imperative is as inapt for attributions of truth and falsity as a singular imperative.

73. See generally HARE, *FREEDOM AND REASON*, *supra* note 68; HARE, *supra* note 66. There are a couple of brief references to the debate between "objectivists" and "subjectivists" in the latter work, see *id.* at 74, 77, and a footnote to the debate in the former work, see HARE, *FREEDOM AND REASON*, *supra* note 68, at 50 n.1, but nothing to indicate that Hare was taking a position in this debate, let alone that taking a position in the debate was the whole point of his prescriptivism.

74. See HARE, *MORAL THINKING*, *supra* note 68, at 86 ("[O]rdinary people when they use these words are not intending to ascribe objective prescriptive properties to actions, etc.; in so far as

VIII

THE PRESCRIPTIVIST RESPONSE TO THE SEVEN
ARGUMENTS AGAINST MORAL RELATIVISM

It is remarkable that Hare's theory is not mentioned at all by Gilbert. There is no reference to him in the index, and the one brief discussion of "universalizability" attributes the idea, mysteriously, to James Fishkin (pp. 86-87).⁷⁵ Yet the prescriptivist metaethic provides an antirealist view that does not fall into any of the traps that afflict simple-minded versions of relativism and avoids many of the philosophical arguments for realism that Gilbert develops.

Perhaps it is worth briefly reviewing the arguments against relativism discussed in Part IV.

(1) I began with Bernard Williams' argument that the position often described as relativism amounts instead to a *non*-relative call for intercultural toleration.⁷⁶ Prescriptivism is not guilty of this howler. Though the prescriptivist denies that the moral judgments made in different societies can have truth values, he does not infer that therefore we should refrain from interference. Whether we should interfere with another society's practices is itself a moral issue, and a position on that issue, as much as any other, is appropriately expressed as a prescription.

Equally, though the prescriptivist understands *what is going on* when another person makes a moral judgment, he is not thereby committed to endorsing the judgment or to refraining from criticizing it. He knows that if he criticizes the judgment he too will be issuing a prescription (i.e., performing a speech act of the same kind as the one he has attributed to his opponent). But that need not make him think the two are "on a par." So far as speech acts are concerned, the statement "the earth is flat" is on a par with "the earth is round": they are both descriptive utterances. No one who recognizes this is committed to being neutral between statements. The same is true of any given pair of prescriptive utterances.

(2) In any case, prescriptivism is not committed to any simplistic relativity of moral judgments to social practices or conventions. It is an analysis of the form of individual moral claims, and it can characterize as much or as little ethical diversity as one likes. If everyone in a society says "slavery is right," that consensus can be described as a concurrence of prescriptions; if some people dissent and criticize the institution, their position can be characterized prescriptively as well. The analysis is, so to speak, sociologically neutral. Moreover, a prescriptivist analysis can

they are intending . . . to ascribe objective properties, these are ordinary descriptive properties . . .").

75. Gilbert's treatment of Putnam's neo-Kantianism (pp. 188-94) is an equally unsatisfactory substitute.

76. See *supra* Section IV.A.

describe different bases of moral disagreement. Aristotle's claim that slavery is naturally and not just conventionally right can be paraphrased as follows: there is something about the nature of certain men who live in our society (as opposed to something about the society's conventions or legal system), such that ____: let us support the enslavement of men with that nature! This is the claim we oppose with our contrary prescription: there is something about the nature which all men share, such that ____: let us abolish the enslavement of people with that nature! If our disagreement with Aristotle were, as Michael Walzer suggests,⁷⁷ about keeping faith with the shared understandings of our respective cultures, the opposed prescriptions would be formulated differently.

(3) The prescriptivist, as much as the realist, can explain the entanglement of fact and value in moral disagreement. What prescriptions we are disposed to issue will depend in part on how we respond to our circumstances. We might say "shut the door!" when the weather is cold but not when it is warm. Even in a given climate, two people who find themselves in opposition on this matter—one saying "shut the door!" while the other insists "leave it open!"—might resolve their disagreement when they discover some further facts about fresh air and drafts. Similarly, much apparent conflict between opposing moral prescriptions might be susceptible to this sort of resolution as people alter their positions in response to the growth of scientific knowledge. There is of course no guarantee that this will happen: a Nietzschean may still prefer the icy blast and call for the door to be left open even after we have convinced him that pneumonia will result. The point is that the prescriptivist, like the realist, can say that people confront one another ethically not only with bare value judgments but with complex moral positions staked out in response to factual beliefs.

(4) Since prescriptivism is not a response to the diversity of moral views, it cannot be accused of mistaking circumstantial sensitivity for genuine moral disagreement. Moreover, the prescriptivist can offer a perfectly good analysis of circumstantial sensitivity. The prescription "keep the room cool!" entails "open the door!" when combined with the factual claim that "in this weather, the only way to keep the room cool is to open the door," and it entails "close the door" when combined with the factual claim that "in this weather the only way to keep the room cool is to close the door." Similarly, one and the same moral position may entail different detailed prescriptions depending on the circumstances surrounding its application.

(5) It might seem as though a prescriptivist account undermines our cherished moral convictions. For if I accept the analysis, I know that my claim "slavery is wrong," is only a prescription. But this is not a reason

77. See *supra* text accompanying notes 24-25.

for abandoning my claim. Marx knew when he said, "Workers of the world unite!," that he was "merely" offering a prescription, and that his opponents who said, "Stamp out communism!," were performing a similar speech act. In that respect—if in that respect only—their claims are on a par. The content of the respective prescriptions is different; in that respect they are not on a par, and the prescriptivist as much as anyone else can explain why. One can be a prescriptivist *and* also issue prescriptions, and that is all that is necessary for a prescriptivist to take his own moral views seriously. It is well known that Marxists (even Marxist philosophers) are inclined to append, in their own voice, the prescription "workers of the world unite!" to any calm metaethical analysis of these positions.

Still, one might object: isn't it difficult to *fight* for a moral view that you know is just a prescription? The answer is "not at all." If one is sufficiently passionate about the prescription, or if it falls within the scope of another prescription about which one feels strongly, such as "fight for any cause that promises to reduce human suffering," then the prescriptivist can fight in its favor as much as anyone else.

One may worry that people will become more cavalier about making moral claims once they realize that they are nothing more than prescriptions: they will go around prescribing any old thing. But an antirealist analysis need not be simple-minded. Whether people will become cavalier will depend in part on the other prescriptions they accept, including prescriptions about prescribing, such as "think before you take a moral position!" or "listen to the moral views of others!" or "acquaint yourself with all the facts before you make a moral claim!" People have complicated and qualified views, with different levels of analysis; they may have their first-order views and their second-order views about the way in which the former should be formed. As Simon Blackburn puts it:

[A] moral disposition or sensibility is a tendency to seek, wish for, admire, emulate, desire, things according to some other features which one believes them to possess. Such dispositions vary. Some, one admires. Some, one does not. One's own may well contain elements which seen in the open one would not admire. We don't *have* to be smug. We could learn that we come to admire things too often because of propensities which we regard as inferior: insensitivities, fears, blind traditions, failures of knowledge, imagination, sympathy. In this way we can turn our judgments on our own appetitive construction, and may find it lacking.⁷⁸

Of course, in the end, any moral view that we hold about our prescrip-

78. Blackburn, *supra* note 53, at 175. Blackburn's analysis is emotivist rather than prescriptivist: he sees moral judgments as expressive of attitudes rather than prescriptions. I shall use the term "evaluation" when I want to indicate what prescriptions and expressions of emotion have in common. Much of what has been said in this section applies, *mutatis mutandis*, to Blackburn's view.

tions and about the way we are disposed to issue them is itself nothing more than a prescription:

But there is no circularity in using our own evaluations to enable us to assess, refine, improve upon, our own evaluations, any more than there is in rebuilding Neurath's boat at sea. Nor is anything given an axiomatic status . . . : relying upon other planks we can criticize each plank in turn. A critic might say: "But can you really say that someone who is satisfied with a differently shaped sensibility, giving him different evaluations, is *wrong*, on this theory?" The answer, of course, is that indeed I can. If his system is inferior, I will call it wrong, but not, of course, mean that it fails to conform to a cognized reality. But it ought to be changed, for the better.⁷⁹

I have quoted Blackburn at length because his theory is the one antirealist view of the second type⁸⁰ that Gilbert does confront (pp. 167-69). But Gilbert's response is inadequate. He acknowledges that Blackburn's view can accommodate the mutual influence of ethical views and factual beliefs and that it can portray the development of an individual's ethical sensibility as a continuous process of development rather than as simply a sea change in emotion (pp. 168-69). Still he worries that Blackburn's view may leave him with nothing to say to his moral opponents: "Compared with previous positions, the Nazis saw their own views as progress; others deemed Nazism a barbarous decline. Do we want a metaethics that, as in more standard relativisms, makes a genocidal view right for them and past views right for others?" (p. 169). It is true that the Nazis did see the dulling of humanitarian sensibilities as moral progress: they too had views about the way ethical views should be formed. But Blackburn need not say that their view was therefore "right for them." Like everyone else, he has to acknowledge that this is what they believed. But his own evaluations—his second-order evaluations about how evaluations should be issued, his third-order evaluations about how we should think about second-order evaluations, and so on, as far down the regress as you care to go—everything about his evaluative position, at every level, can be consistently opposed to Nazism. It is unclear to me what more the realist could want than that.

(6) Our sixth argument was that we should not project what Bernard Williams called "the relativism of distance"⁸¹ onto cases where we might face a moral choice when our views are connected historically or developmentally with views that seem distant from ours in time—such as Aristotle's. It is true that I cannot become a Bronze Age chieftain, so I might as well say that the question of whether his way of life is better than any way of life open to me is a nonissue. It is also true that I cannot

79. *Id.* at 176.

80. That is, of the type discussed under point 2 in Part VIII.

81. See *supra* text accompanying note 35.

become an Athenian gentleman of the sort Aristotle described in the later books of the *Nicomachean Ethics*. But there is sufficient continuity of development between our views of friendship, wisdom, and virtue and Aristotle's to preclude any simple-minded dismissal of his ethics as "true only for him." Can a prescriptivist analysis capture any of this?

Again, there does not seem to be any difficulty. If anything, the prescriptivist can make better sense of "the relativism of distance" than the realist, for on the prescriptivist view it is of the essence of a moral judgment to be practical, to guide choices. If there is no real choice to be guided, there is on the prescriptivist view, no moral judgment to be made. For the realist by contrast, there may still be at stake some fact proving the life of a Bronze Age chieftain morally superior to that of a Wall Street lawyer, even though there is no real choice for anyone.

It is true that we often make moral judgments about people who are dead or about situations that nothing can now alter, and that is something that the prescriptivist must explain. He may not, for example, translate the sentence "Jefferson ought to have freed his slaves" uttered in 1992, as the singular imperative "let Jefferson free his slaves!" for that makes the sentence nonsensical. We cannot now guide the conduct of, nor recommend actions to, someone who has been dead since 1826. But we can preserve the prescriptive character of this judgment by emphasizing its universalizability. As we saw earlier,⁸² we are prescribing an action for anyone who finds himself in Jefferson's circumstances: there is something about the circumstances Jefferson is in and the act of freeing slaves, such that—for *anyone* who is in such circumstances and facing such a choice—let him free his slaves! By the same token, we can see continuing prescriptive relevance in Aristotle's views on human nature and ethics, even though his particular recommendations might now seem to us inappropriate. Aristotle's commendation of slavery is, mercifully, not something we can now act on. But the underlying principle of the commendation is that there is something about the nature of certain persons such that—for anyone who is dealing with them—let them treat those persons as though they were incapable of reasoning! The principle is one that we can and must engage (and oppose). Since prescriptivism has no difficulty with the idea that an abstract prescription of enduring relevance might stand behind and support a more concrete prescription that seems, in itself, culturally or historically irrelevant, it has no difficulty in coping with the genealogical side of Gilbert's enterprise.

(7) The final argument against relativism was that it exaggerated the extent of moral and political dissension in the modern world. We have already seen that the prescriptivist is not committed to any sociological hypothesis about the extent of agreement. Prescriptivism is a

82. See *supra* text accompanying note 69.

view about what it is to make a moral claim; it is not a view about the extent to which moral claims made by various people are similar or different.

According to Gilbert, a view like Blackburn's starts "from the claim that the moral *view* of each person is fundamentally different from that of any other, although such views may accidentally overlap" (p. 167). That is simply a mistake. Blackburn's metaethics, like much antirealism, is inspired by David Hume. Like Hume, a modern antirealist can predict that beings, similarly constituted, are likely to have similar responses to similar situations.⁸³ Suppose we all have, as Rousseau suggested, "a natural aversion to seeing any other sentient being perish or suffer, especially if it is one of our kind."⁸⁴ Prescriptivism and Humean emotivism are attempts to give an account of *what it is for an individual person to express such an aversion in a moral judgment*. That is an entirely respectable enterprise; it in no way commits its practitioners to thinking of each individual's sensibility as idiosyncratic, and it in no way precludes a psychological or even sociobiological account of why so many of us feel this way.

Gilbert says that, on an account like Blackburn's, there are "myriad, complete individual moral views as myriad as there are individuals" and that to talk about moral conventions is to talk simply about the "overlap" between such views (p. 168). This too is a mistake. Conventions, as Hume saw, involve and are based on the preconventional sentiments, but they are complicated social structures, far more complicated than the image of a simple overlap would suggest.⁸⁵

Once again it is frustrating that a book of this length caricatures and lampoons antirealist views or examines their least sophisticated versions, rather than considering them soberly and at length. The tradition of thinking that moral judgments are expressions of approbation or prescriptions is a venerable one in philosophy, not a recent concoction by people who for some reason want to make it difficult for us to argue against Nazis. It is a response to powerful philosophical impulses, some of which we explored in Part VI of this Review Essay. Moral judgments seem to have as their point the guidance of action, and seem to have in their character the vehement expression of emotion—features that are quite mysterious in any metaethics that assimilates these judgments to the empirical propositions of science. Antirealist views take these features seriously, and attempt to see what can be made of moral judgment

83. See DAVID HUME, ENQUIRIES CONCERNING THE HUMAN UNDERSTANDING AND CONCERNING THE PRINCIPLES OF MORALS 294 app. at 295-302 (L.A. Selby-Bigge ed., 2d ed. 1902) (1777). For Hume's metaethics generally, see DAVID HUME, A TREATISE OF HUMAN NATURE 455-76 (L.A. Selby-Bigge ed., London, Clarendon 1888) (1739) [hereinafter HUME, TREATISE].

84. JEAN-JACQUES ROUSSEAU, A DISCOURSE ON INEQUALITY 70 (Maurice Cranston trans., Penguin Classics 1984) (1755).

85. HUME, TREATISE, *supra* note 83, at 477-501.

using a model that gives those features prominence rather than leaving them as mysterious add-ons in the background. The enterprise may or may not ultimately succeed, but if it is to be discussed sensibly, it should be discussed in its sophisticated rather than its simple-minded forms. Otherwise a reviewer has difficulty recommending the investment of time necessary to plough through the 500-odd pages of a book like *Democratic Individuality*.

CONCLUSION

I began this Review Essay with Aristotle's views on slavery: that some men are "by nature slaves."⁸⁶ The questions raised in *Democratic Individuality* were: (1) Why do we continue to take Aristotle seriously in moral and political philosophy, given the monstrous character of these sentiments? (2) Can we plausibly say that Aristotle's views on slavery, and other moral views that we disagree with, are in any objective sense false?

Gilbert argued that we can make sense of our claim that Aristotle's views on slavery are objectively false precisely because we stand at the end of a long line of ethical and political discovery—a line actually beginning with Aristotle—whose character and development can be explained only on the assumption that it is a response to the reality of certain values.

Despite the length of this Review Essay, I have not been able to do justice to all the detail of Gilbert's exposition of these answers. *Democratic Individuality* is, as I remarked earlier, a rich as well as an unwieldy book. But I hope I have said enough to indicate why his central thesis fails. There are continuities in ethical thought between our modern humane egalitarianism and the beginnings of democratic philosophy that one finds in Aristotle's *Politics*, and it is important to trace them. Also, we do need to retain a sense, as we survey the range of moral and ethical views that have been held in the world—some noble, some depraved, some gentle, some cruel—of our own commitments, and why we repudiate racism, sexism, and oppression. However, neither of these positions requires us to assimilate judgments in ethics to judgments in science. Such an assimilation aspires to make ethics respectable by borrowing some of the structural or empirical respectability of chemistry or physics. The ambition is entirely misplaced. Ethical judgment is what it is—a matter of practical prescriptive commitment. To attempt in the name of "realism" to make it what it is not—a scientific description of mind-independent features of the world—is to purchase a spurious objectivity at far too high a price. In the end what matters is that we *oppose* Aristotle and others like him on the issue of slavery. Claiming merely to

86. ARISTOTLE, *supra* note 1, at 14.

notice or *perceive* that the institution he defends has the mind-independent property of “wrongness” is neither necessary nor sufficient for that.

