

ETHICS, INTENTIONS, AND JUDGEMENT-DEPENDENCE

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ABSTRACT

Error-theories and non-cognitivism about ethical discourse face tremendous obstacles, often stemming from their rejection of the truth of ethical assertions. However, I argue in that generic realism about ethical discourse is equally unattractive. Crispin Wright's judgement-dependence allows for the rejection of generic realism without implausibly rejecting the truth of the distinctive assertions of a discourse. I show how Wright speedily dismisses the judgement-dependence of truth in ethics, but suggest that he has been too quick, ignoring some ways in which a stronger case could have been made in its favour. However, these suggestions do not address the fact that ethical discourse violates one of Wright's fundamental conditions on judgement-dependent account. Wright is able to argue that the 'grammar' of intention discourse allows a form of judgement-dependence to be salvaged despite its violation of the conditions on judgement-dependence. The major project of this essay is to investigate the application of this strategy to ethical discourse, although I argue that the strategy must ultimately fail. I suggest why Wright's strategy worked for intention but not ethics, and conclude that the failure of judgement-dependence for ethics encourages us to seek a plausible judgement-independent account of the discourse.

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1 Introduction

Generic realism about an area of discourse concerning distinctive objects *a, b, c*, and distinctive properties *F, G, H*, has two dimensions:

Existence – *a, b, c*, and so on exist and have properties such as *F-ness, G-ness, and H-ness*.

Independence – The fact that objects such as *a, b*, and *c* exist and have properties such as *F-ness, G-ness, and H-ness* is independent of human conceptual schemes, linguistic practices, beliefs, and so on

(Miller 2010)

Non-realism opposes generic realism about an area of discourse by rejecting either its existence or independence dimension. Examples of non-realism that reject the existence dimension of generic realism are error-theories and non-cognitivism. Error theories accept that the distinctive objects and properties of a discourse would exist independently of human practice should they exist at all, but denies that those objects and properties exist. Non-cognitivists deny that assertions in a given discourse express facts, but express sentiments instead, so the discourse does not regard any distinctive objects or properties at all. Anti-realism is a form of non-realism that rejects the independence dimension instead. Anti-realism comes in many forms, but all hold that the distinctive objects and properties of a discourse are in some way dependent on humans.

Error-theories and non-cognitivism about ethical discourse face tremendous obstacles, often stemming from their rejection of the truth of ethical assertions.¹ However, I argue in §3 of this essay that generic realism about ethical discourse is equally unattractive. Anti-realism allows for the

¹ Wright has argued that an error-theory of ethical discourse is unstable, and must collapse into a wholesale rejection of ethical discourse or a form of anti-realism about ethics. See Wright 1992: 9-10, and criticism of Wright's argument in Miller 2003: 118-123. Non-cognitivism has long struggled to explain the validity of ethical reasoning, and so solve the Frege-Geach problem. The problem is originally posed in Geach 1960 and 1965. For attempts to solve the Frege-Geach problem, see Blackburn 1984, 1993, Gibbard 1990, and Miller 2003 chapters 3, 4, and 5.

rejection of generic realism without implausibly rejecting the truth of the distinctive assertions of a discourse. This essay concerns one form of anti-realism developed by Crispin Wright called 'judgement-dependence'. Judgement-dependence about an area of discourse has it that the distinctive objects and properties of a discourse exist, but the truth about those objects and properties is determined by best judgement. In §2 I introduce the conditions that Wright thinks are satisfied by judgement-dependent areas of discourse. These areas of discourse can then be distinguished from others that do not satisfy Wright's conditions, and in which truth is 'judgement-independent'. In §4 I show how Wright speedily dismisses the judgement-dependence of truth in ethics, but suggest that he has been too quick, ignoring some ways in which a stronger case could have been made in its favour. However, these suggestions do not address the fundamental obstacle to the judgement-dependence of ethical discourse. Ethical discourse violates one of Wright's fundamental conditions on judgement-dependent accounts. In §5 discourse concerning intentions is shown to violate the conditions on judgement-dependence in a similar way to ethical discourse. Wright is able to argue that the 'grammar' of intention discourse allows a form of judgement-dependence to be salvaged despite this. The major project of this essay is to investigate the application of this strategy to ethical discourse. In §6 I apply this strategy and attempt to show how the grammar of ethical discourse might support a limited form of judgement-dependence. I argue that this strategy must ultimately fail. After summarising the essay's arguments in §7, I suggest why Wright's strategy worked for intention but not ethics. I conclude that the failure of judgement-dependence for ethics encourages us to seek a plausible judgement-independent account of the discourse.

2 Judgement-Dependence, Colour, and Shape

2.1 Wright's Judgement-Dependence Distinction

Johnston proposed that shape discourse differs from colour discourse in the following way; best judgements merely *detect* an object's shape, whereas an object's colour is a *projection* of best judgements of colour (Johnston 1993, Wright 1992: 109). Johnston uses a *basic equation* to express the relationship between best judgements and the truth of assertoric sentences of a discourse:

BE For all S, P: $P \leftrightarrow (\text{Conditions C hold} \rightarrow \text{S judges that P})$

Where S is the subject, "P" is an assertoric sentence of a discourse, and C is a complex condition under which the judgements of S are best or maximally credible. Under Johnston's proposal both shape discourse and colour discourse sustain true basic equations:

SBE For all x, S: $x \text{ is square} \leftrightarrow (\text{Conditions C hold} \rightarrow \text{S judges that } x \text{ is square})$

RBE For all x, S: $x \text{ is red} \leftrightarrow (\text{Conditions C hold} \rightarrow \text{S judges that } x \text{ is red})$

Johnston's distinction has it that SBE should be read in a detectivist fashion and RBE a projectivist.

The detectivist reading of SBE prioritises the left-hand-side of the biconditional; best judgements of squareness merely detect the extension of squareness. The projectivist reading of RBE prioritises its right-hand-side; the extension of redness is itself a projection of best judgements. On Locke's distinction between primary and secondary qualities, shapes are primary and colour secondary.

Johnston suspects that his distinction between shape and colour holds for primary and secondary qualities in general.² Johnston suggests that ethical discourse would sustain basic equations similar to those for colour. A form of ethical projectivism would hold, whereby ethical statements are truth-apt, but their truth would be dependent on human judgement.

² This is just one strand in Locke's distinction between primary and secondary qualities. For discussion of other aspects of Locke's distinction, see Wright 1988: 3-4.

Wright argues that Johnston has "...merely gestured at a distinction which it would be good to be able to draw, but which we have not yet explained *how* to draw." (Wright 1992: 110). Principled reasons must be given for thinking that a given area of discourse falls on one side of the distinction rather than the other. Wright argues that the distinction should be drawn between discourses in which truth is *judgement-dependent*, and those in which truth is *judgement-independent*. In order for truth in a given discourse to be regarded as judgement-dependent, it must first sustain a true provisional equation³:

PE For all S, P: Conditions C hold \rightarrow (S judges that $P \leftrightarrow P$)

Where S is the subject, "P" is an assertoric sentence of the discourse, and C is a complex condition under which the judgements of S are best or maximally credible (Wright 1988: 14). A given provisional equation is then subject to the following four conditions (Wright 1988: 18-19):

A Priority – It must be possible to know that a provisional equation constructed for a given discourse is true *a priori*, that is, "purely by analytic reflection on [the concepts involved in the provisional equation]" (Wright 1992: 116-117).

Substantiality – The provisional equation must not be trivially true. This condition is violated if conditions C are specified so that S has 'whatever-it-takes' to form correct judgements (Wright 2002: 131-132).

Independence – The satisfaction of conditions C must be logically independent of facts about the extension of "P". Otherwise, conditions C must presuppose a judgement-independent account of how the extension of "P" is determined (Wright 1992: 120-123).

Extremal – The claim that best judgements determine the truth must be the best explanation of why a discourse satisfies the previous three conditions (Wright 1988: 21). In

³ Wright prefers provisional equations to basic equations, the reasons why are discussed below in §5.2.5.

particular, it must best an explanation in which S is infallible with respect to the extension of “P” (Wright 1992: 124)⁴.

If a discourse sustains a provisional equation satisfying the above four conditions, then truth in that discourse is *judgement-dependent*. Equivalently, best judgements are *extension-determining* in that discourse. As judgement-dependence is established *a priori*, best judgements will form the conceptual ground of truth in that discourse. If a discourse fails to sustain a provisional equation satisfying all of the above four conditions, then truth in that discourse is at best *judgement-independent*. Equivalently, best judgements are merely *extension-reflecting* in that discourse (Wright 1992: 108-111).

The truth of a provisional equation is provisional on the satisfaction of conditions C. So a provisional equation’s satisfaction of the four conditions above only establishes that truth in the discourse concerned is determined by best judgements *in conditions that are C*. Equivalently, the possibility of constructing an appropriate provisional equation only shows that best judgements are *partially* extension determining, that is, extension determining for the subclass of the extension of “P” evaluable under conditions C (Wright 1992: 117-120). The implications of this, and Wright’s motivations for adopting provisional equations in favour of basic equations, are discussed in §2.5.2.

2.2 Colour Discourse is Judgement-Dependent

An application of Wright’s distinction to colour and shape discourse will demonstrate how it operates in more detail. These cases are important as Wright takes colour discourse to be archetypically judgement-dependent, and shape discourse to be archetypically judgement-independent. In light of this, Wright makes it a criterion of the success of his distinction that colour

⁴ Wright often speaks as if the *Extremal* condition is satisfied just if there are *no* rival explanations of how the discourse in question sustains an appropriate provisional equation: “...where no further...[explanation of] why it is possible to construct provisional equations meeting the other conditions, then the notion of (partial) extension-determination has its proper place” (Wright 1992: 124, see also Wright 1988: 21 and 1989: 248). However, given that an implausible explanation entailing the *a priori* infallibility of subjects regarding the extension of P could be constructed for any discourse, the weaker requirement that there be no *better* explanation than judgement-dependence is more conservative.

discourse emerges as judgement-dependent, and shape discourse as judgement-independent (Wright 1992: 113). A provisional equation constructed for colour discourse meets the four conditions sketched above, placing it on the judgement-dependent side of Wright's distinction. A provisional equation for colour is as follows:

RPE For all x , S : Conditions C hold \rightarrow (S judges that x is red \leftrightarrow x is red)

Where x is an object, S is the subject, and C is a complex condition under which the judgements of S are best or maximally credible. Wright builds up an appropriately specified provisional equation for colour in stages, to show how a discourse is proved judgement-dependent on his account. He considers the following a good first try at specifying the conditions for best judgements of colour:

RC1 S is perceptually normal, and S views x in perceptually normal conditions (Wright 1988: 14).

Although the satisfaction of RC1 ensures that the subject is in the right conditions for perception of colour, the subject may nonetheless be conceptually ill equipped to form correct judgements. If the subject fails to possess or apply the concepts involved in judging an object to be red, then they will fail to form correct judgements of colour. RC1 must be modified to exclude errors of this kind:

RC2 S is perceptually normal, S observes x in normal perceptual conditions, S knows which object x is, S knowingly observes x , S observes x in plain view, S is fully attentive in observing x , S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 15).

Where RC2 is satisfied, the subject will not form an incorrect judgement of an object's colour because of failing to possess the appropriate concepts, failing to be attentive to his observations, failing to recognise the object as the subject of their observations, failing to form a belief about the colour of the object at all (for example, because of apathy), or by failing to have confidence that all of the above conditions are satisfied. Substituting RC2 for conditions C makes RPE true.

Although RC2 sustains the truth of RPE, whether the *Substantiality* condition is satisfied turns on how “normal conditions” are construed. Wright discerns two ways of reading “normal conditions” as it occurs in RC2; as conditions that are *conducive* to judging colour, or as conditions that are *statistically typical*. Understanding “normal conditions” in the first way, as whatever conditions are conducive to the judgement of colour, sustains the *a priori* truth of RPE:

RC3 *S has perceptual capacities conducive to judging colour correctly, S observes x in conditions conducive to judging colour correctly, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 15).*

So long as conditions are conducive to the subject judging colour correctly, the subject will judge colour correctly. We can therefore know *a priori* that RPE is true where RC3 is substituted for conditions C. Nonetheless, RC3 is a trivial specification of conditions C. It is true for any discourse, not just colour, that subjects in conditions conducive to making correct judgements will have ‘whatever-it-takes’ to form correct judgements. It is therefore no interesting feature of a discourse if it satisfies the *A Priority* condition in this way. Given that a conduciveness reading of “normal conditions” erodes the intended point of contrast between colour and shape in this way, it must be disallowed by the *Substantiality* condition. So substituting RC3 for conditions C, RPE satisfies the *A Priority* condition only by violating the *Substantiality* condition.

Understood in the second way, “normal conditions” are those typically in effect when humans make colour judgements. However, care must be taken that conditions like those under orange street lighting are not counted as normal in this way, as they are not suitable for accurately assessing the colour of an object. Rather, conditions that are typically optimal for making accurate colour judgements should be incorporated into conditions C. The lighting conditions in effect on a cloudy summer’s day are optimal in this way:

RC4 *S has statistically typical human perceptual capacities, S observes x in the conditions of a statistically typical cloudy summer's day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 16).*

RC4 avoids specifying trivially that the subject has 'whatever-it-takes' to form correct judgements of colour, and so satisfies the *Substantiality* condition. It is also *a priori* true that where RC4 is satisfied, the judgements of the subject will be correct. This is because where "statistically typical" conditions obtain, a host of atypical circumstances that could interfere with the subject's forming correct judgements of colour are ruled out. For example, the eruption of a volcano, or the growth of the subject's eyebrows over their face are not statistically typical occurrences, and so are ruled out by the satisfaction of RC4 *a priori*. So where RC4 is substituted into RPE, its truth is knowable *a priori*, as reflection reveals that the satisfaction of RC4 rules out any error on the part of the subject. Substituting RC4 into RPE therefore yields a provisional equation satisfying both the *Substantiality* and *A Priority* conditions.

Although using RC4 will satisfy the *Substantiality* and *A Priority* conditions, the use of "statistically typical" makes the extension of "redness" relative to best judgements in an unacceptable way. Suppose that RC4 is an adequate specification of conditions C for RPE, and that judgements made under those conditions determine the extensions of colour concepts. Now suppose that the Sun's light changes colour from white to red tomorrow morning. From tomorrow morning, a statistically typical cloudy summer's day will be bathed in red light. Consequentially, from tomorrow morning best judgements of colour will find many more objects to be red than the previous day. As we are supposing that best judgements of colour determine the extension of "redness" this will produce a change in the extension of "redness" from tomorrow morning. Wright argues that we do not in fact think that truth in colour discourse is liable to change in this way. The colour of objects would stay

the same, fixed relative to what are currently typical conditions, they would merely *appear* red from tomorrow morning (Wright 1992: 113). So if judgement-dependence is true of colour discourse, RC4 cannot be the proper characterisation of the conditions best for judgement of colour. In order to prevent change in the statistically typical producing change in the extension of “redness”, best judgements must be fixed relative to what is statistically typical just at the actual world, at the current time:

RC5 *S has actually statistically typical human perceptual capacities, S observes x in the conditions of an actually statistically typical cloudy summer’s day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 15-16n.29).*

Here “actually” must be read rigidly. Read rigidly, the “actual” world is just this very world. This contrasts with an indexical reading of “actual”, whereby the word “actual” refers to the world it is uttered at, in the same way that the word “I” refers to the person who utters it. If “actual” in RC5 were read as an indexical, then tomorrow morning an actually statistically typical day would be bathed in red light, as that is the state of the world were “actual” is then used. Only the rigid use of “actual” fixes RC5 relative to the actual state of the world at the current time. Accordingly Wright calls this strategy “rigidification” (Wright 1992: 114). Once RC5 is rigidified no change in what is statistically typical will change the extension of redness. With the concern about ‘relativity’ dealt with in this way, best judgements may properly be thought of as determining the extensions of colour concepts.

Specifying conditions C as in RC5, RPE satisfies the *Independence* condition. No demands on the extension of redness are made in RC5. Wright notes that a person lacking colour vision or colour concepts could determine whether RC5 obtains. This illustrates that the satisfaction of conditions C is logically independent of any facts about the extension of “redness”. The *Independence* condition

is therefore satisfied (Wright 1988: 20-21). RC5 also allows RPE to satisfy the *Extremal* condition. There is no better available explanation of RPE's satisfaction of the *A Priority*, *Substantiality*, and *Independence* conditions than the explanation that best judgements are the conceptual ground of truth for colour discourse (Wright 1988: 18, 20-21). As RPE can demonstrably satisfy all four conditions on judgement-dependence, truth in colour discourse is judgement-dependent.

2.3 Shape Discourse is Judgement-Independent

A provisional equation constructed for shape discourse fails to meet the four conditions on judgement dependence. The provisional equation for squareness is as follows:

SPE For all x , S : Conditions C hold \rightarrow (S judges that x is square \leftrightarrow x is square)

As it is, SPE is simply false, and so unable to satisfy any of the four conditions on judgement-dependence. It is not true *a priori* – or even *a posteriori* – that our best judgements of shape are reliably correct. For our best judgements of squareness to be reliable, we would have to be able to reliably detect whether an object has four sides of equal length and four interior angles of 90°. But we are just not able to detect whether an object has four sides of equal length and four interior angles of 90°. As far as our capacity to judge shape is concerned, it is all the same whether the sides of an object are exactly equal, or just approximately equal. As such, shape discourse cannot sustain a true provisional equation, and so cannot be judgement-dependent (Wright 1992: 17).

To have any chance of constructing a true provisional equation for shape discourse, SPE must be modified to concern approximate squareness:

SPE* For all x , S : Conditions C hold \rightarrow (S judges that x is approximately square \leftrightarrow x is approximately square)

SPE* is true because our best judgements of approximate shape *are* reliable. Our capacity to judge shape is sensitive to whether an object has four sides of approximately the same length, and four

interior angles of approximately 90°. Just as with colour, best conditions for judgement of approximate shape should ensure that the subject is perceptually and conceptually equipped to form correct judgements:

SC1 S is perceptually normal, S observes x in normal perceptual conditions, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 17).

Just as with colour discourse, “normal conditions” can be read in two ways. A conduciveness reading is illegitimate for just the same reasons of triviality canvassed in the case of colour. Normal must be read as statistically typical conditions for best judgement of shape. The conditions appropriate for best judgement of colour, the lighting conditions of a cloudy summer’s day, will be appropriate here too. The use of ‘statistically typical’ will invite a worry about the relativity of the extensions of shape concepts to what is statistically typical, parallel to the relativity worry in the colour case. For example, if the sun began to emit radiation interfering with human eyesight, then judgements of approximate shape made in those conditions are liable to change. Accordingly, best conditions for judgement of approximate shape should be ‘rigidified’ relative to the current time and actual world, in parallel with the strategy employed for colour discourse. Modifying SC1 in light of all these concerns yields:

SC2 *S is actually perceptually statistically typical, S observes x in the conditions of an actually statistically typical cloudy summer’s day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions.*

SC2 is set to satisfy the *Substantiality* and *Independence* conditions on judgement dependence, as it does not rely upon ‘whatever-it-takes’ clauses, and does not make demands upon the extension of “squareness”.

However, it will not sustain a true provisional equation. Wright recognises that best judgements of approximate shape require that the object under judgement be viewed from a number of perspectives (Wright 1992: 17). Some objects look approximately square from certain angles, but observations will show that the object is not approximately square after all. The following specification takes this requirement into consideration:

SC3 S is actually perceptually statistically typical, S observes x in the conditions of an actually statistically typical cloudy summer’s day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions, *and S observes x from a number of perspectives* (Wright 1988: 17).

Although SC3 takes the need for multiple perspectives into account, Wright argues that it still fails to sustain a true provisional equation. If an object has an unstable shape viewing it from multiple perspectives will not ensure that a subject judges its approximate shape correctly. It is not clear that the subject can even form a judgement of an unstable object’s approximate shape, as their observations will not support any one judgement. For example, if an object is square for the first five seconds it is observed and oval for the five seconds thereafter, the subject cannot correctly judge the object in question to be approximately square or oval. As SC3 fails to account for unstable objects, judgements made under SC3 will not be best and will not sustain a true provisional equation. In order to sustain a true provisional equation, SC3 must be modified to specify that the shape of an object is stable throughout the subject’s observations:

SC4 S is actually perceptually statistically typical, S observes x in the conditions of an actually statistically typical cloudy summer's day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, S observes x from a number of perspectives, S is free of doubt about the satisfaction of any of these conditions, *and x is stable through S's observations* (Wright 1988: 17-18).

Now Wright reaches a crucial disanalogy between colour and approximate shape discourse. The satisfaction of the stability condition is logically dependent on facts about the extension of "squareness". The circumstance that the stability condition is satisfied relies on independently determined facts about the shape of the object in question across time. As various objects are inherently unstable in shape, there is no possibility of satisfying *Independence* by reducing a stability condition to some condition given in non-shape terms (say, a physical condition). So either a stability condition is included, in which case SPE satisfies the *A Priority* but not the *Independence* condition, or it is excluded, in which case SPE satisfies the *Independence* condition but not the *A Priority* condition (Wright 1988: 18-19).

Another point of disanalogy between colour and shape discourse that Wright identifies is that colour discourse can satisfy the *A Priority* condition, where approximate shape discourse cannot (Wright 1988: 19-20). The following biconditional is *a priori* true:

OC x is approximately square \leftrightarrow the four interior angles of x are measured to each be approximately 90°, and the four sides of x are measured to be approximately equal (Wright 1988: 19).

OC describes the "operational criteria" for an object's being approximately square. Suppose that judgement-dependence holds for shape discourse so that SPE* is *a priori* true. Under this

supposition SO and SPE* are *a priori* true, so according to the principle of the substitution of *a priori* equivalents, the substitution of OC into SPE* ought to preserve the *a priori* truth of the result:

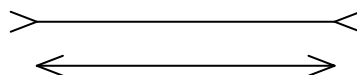
SPE** For all x: Conditions C hold \rightarrow (S judges that x is approximately square \leftrightarrow the four interior angles of x are measured to each be approximately 90°, and the four sides of x are measured to be approximately equal (Wright 1988: 19).

However, SPE** is not *a priori* true. We cannot know *a priori* that best judgements of approximate shape will agree with the deliverances of operational criteria. For example, “[i]t is not *a priori* that the world in which we actually live allows reliable perceptual appraisal of approximate shape – is not, for example, a world in which the paths travelled by photons are subject to grossly distorting forces” (Wright 1988: 20). In fact we discover in experience that SPE** is *a posteriori* false – perceptual appraisal often clashes with applications of operational criteria. The Müller-Lyer illusion⁵ is an illustrative example – the apparent difference in length between the lines is merely a visual illusion, because an application of operational criteria finds no difference in length (Wright 1989c: 249). SPE** is therefore at best *a posteriori* true. It follows that the supposition that SPE* is *a priori* true must have been false; SPE* must be at best *a posteriori* true. Shape discourse cannot satisfy the *A Priority* condition.

Shape discourse cannot satisfy the *Independence* and *A Priority* conditions on judgement-dependence, and so best judgements of shape merely detect the truth (Wright 1988: 19-21).

2.4 Motivating Wright’s Conditions on Judgement-Dependence

⁵ The Müller-Lyer illusion consists of two lines drawn as follows:



The upper horizontal line appears longer, but can be proven to be equal in length to the lower by applying operational criteria, in this case manual measurement of the lines.

To prove the significance of Wright's distinction, it needs to be shown how each condition on judgement-dependence operates, and how they might collectively identify a significant feature of a discourse.

2.4.1 A Priority

Wright initially attempts to express the judgement-dependence of truth in a discourse in modal terms (Wright 1992: 114). Wright's idea is that in discourses where truth is constrained by best judgement, best judgements must reflect the truth as a matter of necessity, given that they also determine the truth in that discourse. Not so in discourses where truth is not so constrained, as it will be possible that best judgement fail to reflect the truth, given that it does not also determine the truth. A modal distinction is underpinned by the following condition on provisional equations:

Necessity – The provisional equation must be necessarily true.

The hope is that judgement-dependent discourses will sustain necessarily true provisional equations, whereas judgement-independent discourses will sustain only contingently true provisional equations.

Wright ultimately rejects a modal distinction because it is eroded by the use of "rigidification" to specify adequate provisional equations for colour and shape. In order to specify conditions C substantially, normal conditions must be specified as statistically typical conditions (for example, "perceptually statistically typical"). However, this made the extension of judgement dependent concepts relative to best judgements in an unacceptable way; change in what is statistically typical determined a change in the extension of the concept in question. The solution there was rigidification, fixing statistically standard conditions relative to what is statistically typical at the current time, at the actual world. That way, change in what is statistically typical does not change what is statistically typical now, at the actual world, relative to which the extension of judgement-dependent concepts must be fixed.

The problem this introduces for a modal distinction is brought about by the modal rules governing the truth of “necessarily P” and “actually P”. “Necessarily P” is true iff “P” is true at all possible worlds. “Actually P” is true iff “P” is true at the actual world. Supposing “actually P” is true, it follows that “necessarily actually P” is true; it is true at all possible worlds that “P” is true at the actual world. Now, given that a provisional equation is actually true under rigidification, it is also necessarily true; a provisional equation whose truth is fixed relative to the actual world is true at all worlds. Accordingly, if rigidified provisional equations for colour and shape discourse are true, they are necessarily true (Wright 1992: 114-115). Accordingly, the *Necessity* condition is unable to distinguish between rigidified provisional equations for colour and shape. *Necessity* is therefore unable to distinguish a feature particular to judgement-dependent discourse, and the intended modal distinction collapses.

Wright draws an epistemological distinction to replace a modal distinction, yielding the *A Priority* condition on judgement-dependence:

A Priority – It must be possible to know that the provisional equation for a given property is true *a priori*, that is, “purely by analytic reflection on [the concepts involved in the provisional equation]” (Wright 1992: 116-117).

This condition sustains a distinction between colour and shape discourse even where both sustain necessarily true provisional equations through rigidification. We can be sure that any provisional equation, and indeed any proposition, that owes its necessity purely to rigidification cannot be known *a priori* (Wright 1992: 116). For example, if it is true that “I had cornflakes for breakfast this morning”, then it is necessarily true that “it is actually the case that I had cornflakes for breakfast this morning”, so long as “actually” is read rigidly. But this necessary truth cannot be known *a priori*, only *a posteriori* – I have to consult my memory, inspect the cereal bowl, and so on. Likewise some *a posteriori* work must be done to find out whether a provisional equation that is necessarily true as a product of rigidification is true at all. In contrast, where judgement-dependence is true of a

provisional equation, that fact ought to be available by analytic reflection on the concepts it involves.

2.4.2 Substantiality

The *Substantiality* condition, prohibits specifying that the subject has ‘whatever-it-takes’ to form correct judgements concerning a sentence’s extension. If this kind of specification were permitted, any discourse could use it to satisfy the *A Priority* condition. Wright therefore rules out ‘whatever it takes’ specifications, as they produce trivially true provisional equations with no substantial implications about the nature of truth in a discourse. Trivial provisional equations have no bearing on the distinction Wright is attempting to draw, so they must be ruled out (Wright 1992: 112).

2.4.3 Independence

The *Independence* condition requires that conditions C are specified so that their obtaining is logically independent of facts about the extension of the property in question. Wright implements the *Independence* condition to avoid a concern that may arise for his account. A provisional equation does not give a reduction of discourse-facts to about best judgements. If facts concerning the extension of propositions of the discourse are used in specifying the conditions for best judgements then, that is not inherently damaging to efforts to give a judgement-dependent account in Wright’s spirit. Nonetheless, Wright is aware that using facts concerning the extension of propositions of the discourse in specifying the conditions for best judgements may undermine a judgement-dependent account in a more subtle way. Conditions C must not call upon the extension of “P” in such a way that it must assume facts about P that are prior to a judgement-dependent account. To call upon facts about P in such a way may be to introduce an extension for “P” that is determined prior to and independent of best judgements. In order to ensure that no judgement-dependent account is undermined in this way, Wright implements the *Independence* condition:

Independence – The satisfaction of conditions C must be logically independent of facts about the extension of “P”. Otherwise, conditions C presuppose a judgement-independent account of P (Wright 1992: 120-123).

Satisfaction of the condition ensures that a specification of conditions C makes no implicit demands on the extension of P. Wright calls this a “conservative response” to the concern raised (Wright 1992: 122). The judgement-dependence of truth in a discourse might be prosecuted along Wright’s lines except allowing specifications of conditions C that make demands on the extension of “P” consistent with judgement-dependence. For example, Wright notes that P may be safely introduced into conditions C if it occurs within the scope of an intensional operator; P’s appearance in this context makes no presuppositions about the details of its extension. However, making an exception of this case and others would require further argument, as well as a more complex iteration of the *Independence* condition. This would only make Wright’s task of enforcing a distinction between colour and shape discourse more difficult. So the use of (for example) colour facts in the specification of best colour judgements, whilst not against the spirit of Wright’s account, would threaten its practical application. Wright is therefore content “to preempt a certain kind of complaint” by introducing the *Independence* condition (Wright 1992: 123).

2.4.4 Extremal

The *Extremal* condition ensures that a discourse’s satisfaction of all of the above conditions is best explained by the judgement-dependence of truth in that discourse, and not in some other way. Wright motivates adoption of the *Extremal* condition by using pain discourse as a case that he believes satisfies the other conditions on judgement-dependence, but is not best explained as a genuine case of judgement dependence. Wright suggests that our common sense view of pain has it that subjects can be in pain without their judging that they are in pain (Wright 1992: 113). The view also has it that subjects are infallible judges of their pains, as subjects have direct access to their own

pains. Assuming the common sense view, a provisional equation can be constructed for pain discourse as follows:

PPE For all S: Conditions PC hold \rightarrow (S judges that he is in pain at t \leftrightarrow S is in pain at t)

PC S possesses the concepts required to form that judgement that he is in pain (Wright 1992: 124).

Assuming the truth of the common sense view of pain, PPE satisfies the *A Priority*, *Substantiality*, and *Independence* conditions. PPE is true *a priori*, as the common sense view takes it to be a conceptual truth about pain that subjects are infallible judges of their pains in conditions like PC. PC is a substantial specification of the sole condition for best judgement of pain on the common sense view. The condition is minimal but non-trivial, and suffices to ensure the *a priori* truth of PPE. The satisfaction of PC also presupposes nothing about the extension of “pain”, and so satisfies the *Independence* condition. However, satisfaction of these three conditions is not in this case best explained by the judgement-dependence of truth in pain discourse. A better explanation is provided by the common sense view of pain – pain discourse satisfies the three conditions because subjects are infallible about their pains, as a matter of conceptual truth regarding pain. The subject’s judgements cannot be anything other than a feat of detection on this view, as pain is held to be “something whose occurrence requires no capacity of judgement on the part of the subject” (Wright 1992: 123). Wright argues that this necessitates the introduction of the *Extremal* condition:

Extremal – The claim that best judgements determine the truth must be the best explanation of the satisfaction of the previous three conditions (Wright 1988: 21). In particular, it must best an explanation in which S is infallible with respect to the extension of “P” (Wright 1992: 124).

Satisfaction of this condition ensures that a discourse's satisfaction of the previous three conditions is a genuine consequence of the judgement-dependence of truth in that discourse, and not just a consequence of the some other feature of that discourse, such as infallibility (Wright 1992: 124).

2.5 Objections to Wright

I will now raise some objections to Wright's account that suggest it may need revision, but need not be rejected as a result.

2.5.1 The Extremal Condition is Not Necessary

Wright argues that the *Extremal* condition is required in order to prevent his distinction marking discourses in which subjects are infallible as discourses in which truth is judgement-dependent.

Wright argues that the Extremal condition is required to mark the features of best judgement and truth in pain discourse better explained in terms of infallibility than judgement-dependence.

However, it is not clear that infallibility is a better explanation than judgement-dependence for the satisfaction of the *A Priority*, *Substantiality*, and *Independence* conditions by pain discourse.

On the common sense view of pain, the unreflective authority of subjects concerning their pains is explained by the direct access subjects have to their pains. However, it is unclear whether there are not instances where the subject's being in pain relies on their capacity to judge that they are in pain. Indeed, this is the sort of argument prosecuted by McDowell against what Wright calls the common sense view of pain⁶. An account that takes truth in pain discourse to be judgement-dependent has a rival account of why subjects are unreflectively authoritative about their pains. Best judgements determine the extension of avowals of pain, and people frequently are under the best conditions for judging pain. So subjects are effortlessly authoritative judges of their pains because those very judgements determine the truth about their pains.

⁶ See McDowell 1998 "One Strand in the Private Language Argument".

Wright has not given any further examples of discourses better viewed in terms of infallibility than judgement-dependence, and no such example is forthcoming. So it seems the adoption of the *Extremal* condition in response to the example of pain discourse is under motivated. It turns out pain discourse is not clearly a case that requires the introduction of the *Extremal* condition in order to rule it out. As such, the *Extremal* condition is not urgently required in order to reject this uncertain view. In the absence of further examples that threaten the judgement-dependence distinction, we are provisionally entitled to dispose of the *Extremal* condition. However, when applying Wright's distinction later in this essay, I will retain the *Extremal* condition in order to faithfully investigate the implications of his iteration of the distinction.

2.5.2 Johnston's Equivocity Objection

I mentioned above in §2.1 that the truth of a provisional equation is provisional on the satisfaction of conditions C. As a result, a provisional equation's satisfaction of Wright's four conditions only establishes that truth in the discourse concerned is determined by best judgements *in conditions that are C*, and that best judgements are *partially* extension determining. A basic equation's satisfaction of Wright's four conditions would establish that truth in the discourse concerned is entirely determined by best judgements, including in conditions that are not C. Wright opts to use provisional equations in favour of basic equations because of a convincing objection to the use of basic equations from Mark Johnston (Johnston 1993: 119-121, Wright 1992: 117).

A basic equation is as follows:

BE For all S, P: $P \leftrightarrow (\text{Conditions C hold} \rightarrow \text{S judges that P})$

Where S is the subject, "P" is an assertoric sentence of a discourse, and C is a complex condition under which the judgements of S are best or maximally credible. Johnston argues basic equations concerning some P such that the state of affairs conferring truth on P is causally active and causally

acted upon are likely to be false (Wright 1992: 117).⁷ This is because in such cases the obtaining of conditions C might causally interfere with the state of affairs conferring truth on P, so that the truth of P changes and S comes to an erroneous judgement concerning P. The case of Johnston's Chameleon illustrates this possibility in the case of colour discourse. A basic equation for colour (that is likely to satisfy Wright's four conditions) is as follows:

RBE For all x, S: x is red at t \leftrightarrow (Conditions RC5 hold \rightarrow S judges that x is red at t)

RC5 S has actually statistically typical human perceptual capacities, S observes x in the conditions of an actually statistically typical cloudy summer's day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 16).

Where x is an object, S is the subject, and t is a given time. Now consider a Chameleon ensconced on a green pillow in the dark at time t. Suppose also that at time t the Chameleon happens to be red in colour. In order to make a best judgement of the Chameleon's colour at t, conditions RC5 must be implemented. RC5 specifies in part that the Chameleon must be lit as on a cloudy summer's day. However, implementing this condition brings about a change in the colour of the Chameleon – it will blend into its surrounding and turn green. So a best judgement of the Chameleons colour at t will find that it is not red, but green. But by hypothesis the Chameleon was red at t, not green. So where the object in question is the Chameleon, best judgements are doomed to be incorrect (Johnston 1993: 119, Wright 1992: 117-118). The Chameleon case cannot be ruled out *a priori*, as it is not only a possible case, but could readily occur. It follows that RBE itself cannot be *a priori* true, cannot satisfy the *A Priority* condition, and cannot support Wright's proposed distinction between colour and shape discourse.

⁷ If numbers are construed Platonistically, as outside of the causal order, then the problem Johnston identifies does not apply to a basic equation for arithmetic, see Divers and Miller 1999: 286n.5.

Wright's adoption of the provisional equation is his response to Johnston's Chameleon. Best judgements will be incorrect for objects like the Chameleon that are altered when best conditions are implemented. Provisional equations reflect this limitation:

PE For all S, P: Conditions C hold \rightarrow (S judges that $P \leftrightarrow P$)

Provisional equations are conditionals, taking conditions C as their antecedents. This is what makes provisional equations provisional; the truth of a provisional equation is provisional upon the obtaining of conditions C. This is why a provisional equation's satisfaction of Wright's four conditions only establishes that "truth within a particular discourse is *partially* determined by best opinion" (Wright 1992: 120). A provisional equation's satisfaction of Wright's four conditions does not establish how truth is determined in cases where conditions C do not obtain. It is in fact precisely this feature of provisional equations that allows a provisional equation for colour to be *a priori* true despite the possibility of Chameleon case:

RPE For all x, S: Conditions C hold \rightarrow (S judges that x is red \leftrightarrow x is red)

RC5 S has actually statistically typical human perceptual capacities, S observes x in the conditions of an actually statistically typical cloudy summer's day, S knows which object x is, S knowingly observes x, S observes x in plain view, S is fully attentive in observing x, S is prey to no other cognitive dysfunction, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 16).

The truth of RPE is provisional on the obtaining of conditions RC5, partly characterised as the lighting conditions of a cloudy summer's day. So RPE does not concern how the colour of Johnston's Chameleon is determined sat in the dark as it is. RPE only concerns the colour of the Chameleon once it is in the lighting conditions of a cloudy summer's day. We can know *a priori* that where the lighting conditions are fixed in this way, a best judgement of the Chameleon's colour will be correct. This strategy can be applied to any discourse that concerns states of affairs that are part of the

causal order. No analogue of Johnston's Chameleon can be levied against the *a priori* truth of a provisional equation, because the conditions that could causally affect the truth of the equation are held fixed.

Johnston's Chameleon can be used to illuminate an argument considered by Wright, whereby his own account of colour introduces equivocity into the truth-conditions of ascriptions of colour (Wright 1992: 125-127). Wright's account has it that objects under best conditions have their colour determined by best judgement. Johnston's Chameleon is not under best conditions, and so does not have its colour determined by best judgement. Nonetheless, that the Chameleon has a colour whilst sat in the dark is a common sense assumption in Johnston's argument. We do not think that objects are indeterminate in colour when outside of the conditions best for appraisal of their colour. It would be absurd to think that poppies are red for the duration of a cloudy summer's daytime, but cease to be red for the night-time. The colour of the Chameleon must be determined other than by best judgements. So Wright's account seems to impose an ambiguity on the truth conditions of ascriptions of colour: where best conditions obtain, the colour of an object is determined by best judgement; where best conditions do not obtain, the colour of an object is determined in some other way. Intuitively there is no such ambiguity in the truth conditions of ascriptions of colour. So it seems that Wright's account is mistaken about the character of truth in colour discourse.

Wright argues that the univocity of truth in colour discourse is preserved if objects outside of best conditions have their colour determined through a supervenience relation (Wright 1992: 126-127). It is part of our thinking about colour properties that they supervene on physical properties, that is, it is part of our thinking about colour that no two objects differ in colour unless they also differ in physical make-up. This provides a way in which best judgements can provide the truth conditions of objects outside of best conditions. Best judgements fix which physical properties are associated with which colour properties. For example, best judgements take objects with the physical make up of poppies to be red. The colour of objects outside of conditions for best judgement is then

determined by their having the same physical make-up as objects that have come under best judgement. So poppies that exist outside of best conditions, in the dark of night for example, are red because they share the physical properties of poppies judged red under best conditions. So the colour of objects rests ultimately on best judgement, regardless of whether those objects are under best conditions or not. Univocity is preserved.

Johnston's Chameleon argument might be modified to threaten the univocity of truth even after uses a supervenience relation to deal with the original objection. Consider again a Chameleon ensconced on a green pillow at time t , in the dark. Suppose also that at time t the Chameleon happens to be red in colour. In order to make a best judgement of the Chameleon's colour at t , conditions RC5 must be implemented. RC5 specifies in part that the Chameleon must be lit as on a cloudy summer's day. However, suppose that implementing this condition brings about a particularly violent change in the Chameleon – it explodes. Suppose also that this fate awaits any object with the same physical properties as the Chameleon. Best judgements cannot determine the colour of the Chameleon at t , as it ceases to exist when the conditions for best judgement are implemented. Nor can the Chameleon's colour at t be established by a supervenience relation, as by hypothesis any object sharing the Chameleon's physical properties will explode when placed under best conditions. Nonetheless, we have the intuition that the Chameleon does possess a colour, and this intuition seems well founded; we might imagine that the Chameleon can be seen to be red under dim lighting. So it seems the colour of the Chameleon must be determined other than by best judgements. As before, Wright's account imposes ambiguity on the truth conditions of ascriptions of colour: where an object with certain physical properties can be brought under best conditions, the colour of all objects sharing those physical properties is determined by best judgement; where an object with certain physical properties cannot be brought under best conditions, the colour of that object is determined in some other way. Intuitively there is no such ambiguity in the truth conditions of ascriptions of colour. So it seems that Wright's account is mistaken about the character of truth in colour discourse.

It is unclear how Wright could account for the exploding Chameleon so that it has its colour determined by best judgement. However, Wright is comfortable with the idea that best judgements only partially determine extension, excluding objects like the exploding Chameleon. This is enough to ensure that Wright's distinction is applicable throughout the remainder of this essay. However, if it could be shown that the exploding Chameleon must have its extension determined by judgement-independent means, then it would pose a greater threat. Unfortunately there is not space here to pursue this further.

2.5.3 Shape and the Independence Condition

One reason shape discourse was found to be judgement-independent was that best judgements of shape required the stability of an object's shape over time, and this requirement violated the independence condition. However, I argue that best judgements of colour require the stability of an object's colour over time, for reasons analogous to those for shape.

Judgements of an object's shape were found to be best only if they were made after observing the object in question from a number of perspectives. A consequence of this is that best judgements of shape must be made over a period of time, in which multiple observations are made. However, some objects vary in shape over time, and observing them from multiple perspectives will leave the subject in error or ignorance of the object's shape. A judgement of shape will then only be best if a *shape stability* condition is satisfied by the object under judgement. Best judgements so construed accurately reflect the shapes of objects, and will sustain a true provisional equation. However, now the question of whether a judgement is best makes demands on the extension of shape concepts; a best judgement of shape requires that the object under judgement have the same shape throughout observation. What makes the shape of the object under judgement square rather than oval? It cannot be best judgements, as those in turn require the satisfaction of a stability condition. So it must be that the object has its shape prior to and independent of best judgements. In this way

shape discourse violates the independence condition, and the extension of shape concepts must be viewed as determined independently of best judgement.

Now, an analogous argument can be made for colour discourse. Judgements of an object's colour were found to be best only if the subject is free of doubt about the satisfaction of any of the conditions for best judgement. A consequence of this is that best judgements of colour must be made over a period of time. For example, judgements made in an instant will leave the subject in doubt over the satisfaction of the conditions for best judgement of colour. A consequence of this is that best judgements of colour must be made over some period of time long enough to allow the subject to be certain of the satisfaction of the conditions for best judgement. However, some objects vary in colour over time, and observing them for a period will leave the subject unable to judge their colour. Because of this, a judgement of colour will only be best if a *colour stability* condition is satisfied by the object under judgement. Best judgements so construed accurately reflect the colours of objects, and will sustain a true provisional equation. However, now it appears that the question of whether a judgement is best makes demands on the extension of colour concepts; a best judgement of colour requires that the object under judgement have the same colour through observation. These demands are not consistent with a judgement-dependent account, and violate the independence condition. So the extension of colour concepts must be viewed as determined independently of best judgement. The contrast between colour and shape discourse in terms of satisfaction of the *Independence* condition is lost. This argument can be generalised to any discourse in which the conditions for best judgement include the condition that the subject is in no doubt over the satisfaction of the conditions for best judgement.

It is unclear how Wright should respond to this objection. I think the right sort of reply would narrow the range of objects that a provisional equation concerns to stable objects, and then establish the extension of unstable objects via supervenience. I suspect that the 'free-of-doubt' condition could play this role – subjects will be doubtful about objects that have changed under

observation, or were under observation just for a moment. Provisional equations would then simply not concern unstable objects, and a partial extension-determining role could safely be attributed to best judgements.

No conclusive problems for Wright's judgement-dependence distinction have emerged, and so I shall use it in the form outlined above for the remainder of this essay. I turn now to showing that ethical discourse could not be judgement-independent, necessitating a serious investigation of judgement-dependence.

3 Moral Qualities are Not Judgement-Independent

3.1 Judgement-Independence and Strong Cognitivism

According to judgement-independence, best judgements in a discourse merely detect the truth. In this section I will examine judgement-independent theories of ethical discourse and find them wanting. Strong cognitivist theories of ethical discourse hold that moral judgements are a) apt for evaluation in terms of truth and falsity and b) can be the upshot of cognitively accessing the facts that make them true (Miller 2003: 4). Strong cognitivism is a requirement of any judgement-independent theory of ethical discourse. Judgement-independence can only be asserted of a discourse where it is proper to think of assertoric sentences of that discourse as true or false. Moreover, judgement-independence has it that best judgements can at best detect the truth in a discourse, so it must be possible that moral judgements can be the upshot of accessing (or detecting) those facts. There are two strong cognitivist accounts available to a proponent of moral judgement-independence, naturalism and non-naturalism. I will now criticise these accounts in turn in order to show that the judgement-dependence of ethical discourse needs to be investigated.

3.2 Mackie's Criticism of Strong Cognitivism

Before presenting some specific criticisms of naturalism and non-naturalism, I will present Mackie's criticisms of strong cognitivism. As both naturalism and non-naturalism are strong cognitivist theories, Mackie's criticisms are directed at them too. Mackie argues that our concept of a moral requirement is the concept of an objectively, categorically prescriptive requirement. Prescriptive in that they tell us how we ought to act, or give us reasons for acting. To say that something is morally good is to say that we ought to pursue it, that we have reason to pursue it. Categorically prescriptive in that the reasons moral requirements provide are not dependent upon an agent's having any particular desires (Miller 2003: 115-116). I cannot claim I am exempt from the moral requirement not to torture the innocent because I do not desire to do the right thing, or I desire

strongly to engage in torture. In contrast, I am exempt from the requirement to show up for work on time in order to keep my job if I desire to lose my job. This contrasting latter class of requirements are hypothetical imperatives. Mackie identifies many features of moral requirements that make them objective, including that they can be an object of knowledge, that they are constituted independently of our ways of thinking, and that they can figure in inference. Mackie thinks that these kinds of features render moral requirements objective (Miller 2003: 116).

Mackie makes the ontological claim that objectively and categorically prescriptive requirements like moral requirements do not exist. His first reason is that the existence of objective categorical moral requirements would be metaphysically odd. The existence of moral requirements would be the existence of states of affairs that have demands for certain actions built into them. This is because moral requirements are categorical, and provide a reason for action to any subject who grasps them, regardless of how the subject is constituted. The 'has-to-be-done-ness' of moral requirements must therefore be somehow contained in the requirement itself, a feature of the requirement rather than a relation between a subject's desires and states of affairs in the world (Miller 2003: 116-117).

Mackie concludes that there are no moral requirements existing in the world. Mackie also rejects the existence of moral requirements because of the difficulty of accounting for our knowledge of them. Our epistemology of ordinary states of affairs cannot account for how we might access states of affairs with normative demands built in. Attempts to provide an epistemology of moral requirements are unexplanatory, and rely either on fruitless analogies with regular sense perception, or a trivial capacity to form correct moral judgements (Miller 2003: 117-118).

These criticisms hit strong cognitivists especially hard. Strong cognitivists hold precisely that there are moral facts constitutively independent of human opinion and can be accessed by correct moral judgements. As strong cognitivists are relying upon moral facts as characterised by Mackie above, they are prone to the full force of Mackie's metaphysical and epistemological criticisms. A judgement-dependent account of moral facts should sidestep Mackie's criticisms. The judgement-

dependent concept of moral facts is fundamentally different from the strong cognitivist's as they are not independent of human opinion. Accordingly, moral requirements will not be objective and categorical in the way that Mackie characterises them, as they will not be independent of human opinion. So they will not be objective features of the world – so we would not have countenance objective features of the world that have 'to-be-done-ness' built into them. Judgement-dependence will therefore avoid Mackie's metaphysical and epistemological worries.

3.3 Criticisms of Naturalism

According to the ethical naturalist, a moral judgement is rendered true or false by a natural state of affairs, and it is this natural state of affairs to which true moral judgements afford us access. Moore characterises natural properties as properties that figure in the natural sciences or psychology (Moore 1993: 92). Baldwin argues that the conception of natural properties underlying Moore's characterisation is that natural properties are part of the causal order (Baldwin 1993: xxii). Warnock offers a different more fundamental characterisation along Moore's lines: natural properties are those properties detectable by the senses (Warnock 1960: 15). I shall follow Miller in allowing that a property fitting the any of these descriptions amounts to a natural property (Miller 2003: 10-11). Natural properties can therefore be characterised as properties that figure in the natural sciences or psychology, or are detectable by the senses, or are part of the causal order. A natural state of affairs is then a state of affairs that consists in the instantiation of natural properties. Analytic naturalists hold that moral properties are identical to (or reducible to) natural properties. All naturalists are moral realists; they think that there exist moral facts and properties, and that their existence owes nothing to human opinion.

3.3.1 Naturalism and Moral Motivation

If an agent makes a moral judgement, then she will be motivated to act in accordance with that moral judgement, so long as the agent is not suffering from weakness of the will, where weakness of

the will includes psychological afflictions such as apathy, depression, and so on (Smith 1994: 61). This is a statement of *Internalism*, held by proponents to be a conceptual truth about moral judgement. It follows from *Internalism* that absent weakness of the will, judging an action to be morally good entails being motivated to perform that action. As *Internalism* is held to be a conceptual truth, it follows that someone who judges that an action is morally good but claims to see no reason to perform that action has failed to grasp the concept of moral goodness. Now for any given naturalistic property N, competent and reflective English speakers are convinced that they are able to imagine strong willed beings that judge that N obtains, but see no reason to act in accordance with that judgement. We would expect English speakers to have this conviction if it were not a conceptual truth that judging that N entails being motivated to act in accordance with that judgement.

A problem is now posed for naturalist analyses of “good”. If there is no other explanation of this conviction of English speakers, then we are entitled to conclude that there is no conceptual link between judging that N obtains and being motivated to act in accordance with that judgement (Darwall, Gibbard, and Railton 1992: 117). And because there is a conceptual link between making a moral judgement and being motivated to act accordingly, we are further entitled to conclude that the judgement that N obtains is not a moral judgement. So finally we are entitled to conclude that the property of moral goodness is not identical or reducible to the property of being N as a matter of conceptual necessity. It is the responsibility of the naturalist to give an alternative explanation of why competent English speakers are able to imagine beings unmotivated by judgements that N. In the absence of an alternative explanation, we are entitled to conclude that the property N is not a moral property⁸.

⁸ There are forms of naturalism that attempt to avoid this worry; synthetic reductionism of Railton and the non-reductionist naturalism of the Cornell realists. However, I do not have space to discuss these options here. For non-reductionist naturalism, see the debate between Harman and Sturgeon (Harman 1977, chapters 1 and 2, Harman 1986, and Sturgeon 1988). For Railton’s synthetic reductionism, see his 1986a and 1986b.

So as the judgement-independent naturalist project rests on the reduction of moral properties like goodness to natural properties, we are provisionally entitled to claim that that project fails. Holding that moral properties are judgement-dependent is not prey to this objection. Judgement-dependence is non-reductionist – it does not give a reduction of moral properties to non-moral properties, natural or otherwise. Rather it gives an analysis of the truth-conditions of assertoric sentences of ethical discourse (so there would be no equivalent to that natural property N and no similar case to make).

3.4 Criticisms of Non-Naturalism

According to the ethical non-naturalist, a moral judgement is rendered true or false by a non-natural state of affairs, and it is this non-natural state of affairs to which true moral judgements afford us access. Non-natural properties can be characterised as properties that do not figure in the natural sciences or psychology, are not part of the causal order, and are not detectable by the senses. A non-natural state of affairs is then a state of affairs that consists in the instantiation of non-natural properties. Non-naturalists hold that moral properties are simple and unanalysable non-natural properties.

3.4.1 The A Priori Supervenience of the Moral on the Natural

Moral properties supervene on natural properties. That is, if two things are identical in respect of their natural properties, then they must also be identical in their moral properties. If two things differ in their moral properties, then they must differ in their natural properties also. The supervenience of the moral on the natural is conceptually (or logically) necessary – someone who denies it shows incompetence with moral concepts (or violates the laws of logic). It is knowable *a priori* that the moral supervenes on the natural, as it is a conceptual truth (Miller 2003: 31-33).

According to the non-naturalist, correct moral judgements can be the result of perceiving the natural features of an action, and then ‘perceiving’ the moral qualities of the action through intuition, a

cognitive capacity similar to regular sense perception. Now consider two instances of correct moral judgements on the non-naturalist account:

- a) I perceive that Jones is inflicting pointless deliberate cruelty on a child, and thereby perceive that what Jones is doing is wrong.
- b) I perceive that Smith is inflicting pointless deliberate cruelty on a child, and thereby perceive that what Smith is doing is wrong.

As mentioned previously, the supervenience of the moral on the natural can be known *a priori*.

Accordingly, supervenience entails the following truth, also knowable *a priori*:

- c) Any two actions which are acts of inflicting pointless deliberate cruelty (and are otherwise identical in their naturalistic properties) must receive the same moral evaluation.

Note now that as far as the characters of moral properties are 'perceived' on the non-naturalist account, the truth of c) cannot be known *a priori*. The perception of identical moral properties across cases that are naturally identical, as in a) and b), can at best entail the *a posteriori* truth of c) by induction. So non-naturalism fails to explain the *a priori* truth of the supervenience of the moral on the natural (Smith 1994: 22). It is up to the non-naturalist to give an account of this *a priori* truth that is consistent with their intuitional-perceptual epistemology (Miller 2003: 33) There is reason to be sceptical about the non-naturalist's chances of accomplishing this. How could they consistently introduce a way of knowing c) *a priori* without the *ad hoc* introduction of an alternative, non-perceptual mode of discovering moral truths *a priori*?

A judgement-dependent account does not suffer from this objection. Since the judgement-dependent account does not subscribe to a detectivist epistemology in the manner of non-naturalism, it does not have to view the likes of c) as at most *a posteriori* true.

3.4.2 The Role of Perception in Moral Deliberation

Miller discerns a related objection to the non-naturalist brought out by the previous point (Smith 1994 23-24, Miller 2003: 33-34). The non-naturalist would have it that we move from particular perceptual moral judgements like a) and b) to more general moral judgements like 'all actions that inflict pointless deliberate cruelty are morally bad'. However, this seems to misrepresent how we infer general ethical principles. Rather than inductive reasoning moving from known cases like a) and b) to those that are imagined or unknown, reflection on actions themselves provide the grounds to support general ethical principles. In particular, ethical reasoning of this sort does not seem to have the inductive gap in it that it would if it were supported by inductive reasoning as on the non-naturalist account. If it were carried along by inductive reasoning, we might be one to the thought that a case could arise that is a case of pointless deliberate cruelty, but is not perceived to be morally wrong. Rather we think that reflection rules out this kind of possibility. The non-naturalist is challenged to account for the role of reflection and general principles in moral deliberation. Again though, there is reason to be sceptical (Miller 2003: 34). The non-naturalist requires some non-inductive way of inferring general moral principles from particular moral judgements, and it is unclear how they can do this without the *ad hoc* addition of some conceptual way of knowing ethical truths. Judgement-dependence does not suffer from this problem as it does not entail that ethical judgements rest on the perception of non-natural moral properties.

3.4.3 Non-Naturalism and Moral Motivation

As was the case for naturalism, non-naturalism is unable to account for *Internalism* (Darwall, Gibbard, and Railton 1992: 118). The original argument can be rerun against non-naturalism substituting any natural property N, for any non-natural property M (Miller 2003: 34-35). So for any given non-natural property M, competent and reflective English speakers are convinced that they are able to imagine strong willed beings who judge that M obtains, but see no reason to act in accordance with that judgement. We would expect English speakers to have this conviction if it

were not a conceptual truth that judging that M entails being motivated to act in accordance with that judgement. If there is no other explanation of this conviction of English speakers, then we are entitled to conclude that there is no conceptual link between judging that M obtains and being motivated to act in accordance with that judgement. And because there is a conceptual link between making a moral judgement and being motivated to act accordingly, we are further entitled to conclude that the judgement that M obtains is not a moral judgement. And so finally, we are entitled to conclude that the property of moral goodness is not identical or reducible to the property of being M. Again it is the responsibility of the non-naturalist to give an alternative explanation of why competent English speakers are able to imagine beings unmotivated by judgements that M. In the absence of an alternative explanation, we are entitled to conclude that the property M is not a moral property. Judgment-dependence is immune to this objection as it is non-reductionist.

Judgement-dependence has emerged as an attractive way of avoiding of avoiding the numerous objections that judgement-independent accounts of ethics suffer from. In the next section, I present Wright's attempt at a judgement-dependent account of ethical discourse.

4 Moral Qualities are Not Judgement Dependent

4.1 Moral Qualities as Judgement-Dependent

A first attempt at constructing a provisional equation for ethical discourse is as follows, where Φ is an action:

MPE For all Φ , S: Conditions C hold \rightarrow (S judges that Φ is culpably insensitive \leftrightarrow Φ is culpably insensitive)

MC S knows which action Φ is, S is aware of the motives behind Φ , S knows the consequences of Φ , S knows the consequences of Φ foreseeable by the perpetrator of Φ , S makes no error concerning non-moral fact or logic, S is aware of all morally-relevant considerations, S is fully attentive, S is morally-suitable, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 22-23).

MC is a complex condition because best judgements of the extension of the truth predicate in ethical discourse rely upon being aware of both the moral and the non-moral facts (Wright 1988: 23). Wright argues that substituting MC for conditions C in MPE makes MPE *a priori* true. Wright argues that MC1 is also substantially specified, as it contains detail on the sort of things – motives and consequences – that the subject must be aware of in order to form a best judgement. However, Wright suspects that the moral suitability condition violates both the Substantiality and Independence conditions. The moral suitability condition cannot amount to having whatever-it-takes to form correct moral judgements on pain of violating the substantiality condition. The alternative is that the satisfaction of the moral suitability condition depends upon an anterior determination of the extension of “morally suitable”. Now an analogy is naturally drawn between shape discourse and ethical discourse. Just as the satisfaction of the stability condition in the case of shape was not logically independent of the extension of “square”, likewise it seems that the satisfaction of the moral suitability condition is not logically independent of the extension of

“morally suitable”. As Wright puts it, “S’s moral suitability, in particular, is itself, presumably, a matter for moral judgement” (Wright 1988: 23). In contrast, the satisfaction of conditions under which a judgement of redness is best is logically independent of the extension of “redness”.

Wright rejects the judgement-dependence of ethical discourse at this point. There does not seem any prospect of eliminating the moral-suitability condition, or of reducing it to a non-moral condition (Wright 1988: 23-24). Wright concludes from this not that truth in ethics is not judgement dependent at all, but that it is not judgement-dependent in the way that truth in colour discourse is. So if truth in ethical discourse is not independent of human opinion, then that must be established using different means. This also entails that truth in ethical discourse cannot inherit the sort of objectivity that truth in colour discourse does from a judgement-dependent account. The judgement-dependent account of colour shows what is subjective and objective in ascriptions of colour. Ascriptions of colour are subjective because it is ultimately human subjects that determine the truth of ascriptions of colour through their judgements under best conditions. Ascriptions of colour inherit a kind of objectivity because the facts about whether best conditions obtain are objective facts. As conditions C is a constraint on which judgements determine the truth of ascriptions of redness, something objective enters in to those judgements. Redness inherits a kind of objectivity in that the obtaining of conditions C is a matter independent of the concept of redness and its extension. In contrast, the obtaining of conditions C in the moral case must make demands on moral concepts and their extensions. Wright concludes that moral discourse is not comparable to the mix of objectivity and subjectivity found in colour discourse (Wright 1988: 21-22).

4.2 Objections to Wright’s Account of Moral Judgement-Dependence

Wright chooses an outré ethical notion as the focus of his investigation into the judgement-dependence of ethical discourse. Whether an action is ‘culpably insensitive’ is loaded with detailed questions of etiquette and with complex interactions between moral issues such as violating the rights of others, and of honesty. A much more straightforward moral quality will give the best

chance of constructing a viable provisional equation for ethical discourse. The most plausible such quality is that of moral permissibility. First, the extension of “morally permissible” is much more simple and determinate than that of “culpable insensitivity”. Whether an action is morally permissible is likely to involve less of the complex interaction between moral issues than whether an action is ‘culpably insensitive’. In addition, there is a much broader range of permissible actions (including for instance actions that are not culpably insensitive), and because all actions are either permissible or impermissible, the extension of “moral permissibility” should be determinate across that range of actions. Second, a successful judgement-dependent account of moral permissibility should yield an account of other moral concepts such as the morally obligatory and the morally optional. This is because these notions are derivable from moral permissibility using deontic logic.⁹

These suggestions will be important in constructing a more plausible judgement-dependent account of ethics, but they do not yet address the fundamental difficulty that Wright has identified: the violation of the *Independence* condition. In the next section I will show how Wright asserts judgement-dependence of intention discourse despite its violating the *Independence* condition. This will equip me to apply the same strategy in §7, where ethical judgement-dependence is revisited.

⁹ I elaborate on this below in §6.1.

5 Attributions of Intention as Judgement-Dependent

5.1 Meaning Scepticism

Kripke interprets Wittgenstein as questioning what fact constitutes my meaning one thing rather than another by my past use of a given word. Kripke illustrates this question with an example from arithmetic (Kripke 1982: 8). Suppose that I have never performed the computation “68 + 57”, and that I have never encountered a number as large as 57 before. Say I perform the computation and arrive at the answer “125”. I am confident that “125” is the correct answer for two reasons; I am confident that 125 is the sum of 68 and 57, and I am also confident that the symbol “+” means addition. Kripke now introduces a bizarre sceptic that doubts my confidence in answering “125”. Specifically, this sceptic questions my confidence in “+” meaning addition. He suggests that according to my past use of the symbol “+” I intended the answer to “68 + 57” to be “5”, not “125”. The sceptic supports his claim by arguing that my confidence in the answer “125” is not the result of my having given myself the instruction that 125 is the result of this particular computation. By hypothesis I cannot have given myself any such instruction, as I had never contemplated this computation or the numbers involved in it until the present moment. My confidence ultimately lies in my using “+” according to the same rule by which I used “+” in the past. However, the sceptic is able to doubt what that rule was. I have only used “+” a finite number of times in the past, and we have supposed that every such occasion has involved numbers smaller than 57. So for all that has been said, perhaps in the past I used “+” to mean the quaddition function, symbolised by #:

$$\begin{aligned} \mathbf{Q} \quad x \# y &= x + y, \text{ if } x, y < 57 \\ &= 5 \text{ otherwise} \quad (\text{Kripke 1982: 8-9}) \end{aligned}$$

Kripke challenges me to tell the sceptic why we mean addition by “+” rather than quaddition, and so show why I am right to be confident that “125” is the correct answer to the computation “68 + 57”.

A successful response to Kripke’s challenge must satisfy two conditions: it must provide an account

of the type of fact that constitutes the meaning of “+”, and that fact must establish what constitutes correct and incorrect use of the symbol “+” (Miller 1998: 155-156). Kripke allows that I have unlimited epistemic access to two areas in finding a suitable meaning-constituting fact: my previous behaviour, linguistic and non linguistic, and the entire contents of my previous mental history. Kripke argues that no putative meaning fact satisfying his two conditions is to be found within those two areas.¹⁰ Accordingly, as he believes these two areas to be the only areas in which meaning facts could be found, there are no facts about what I meant by an expression in the past (Kripke 1982: 21). It is worth noting that Kripke’s argument applies more generally. Given that my current use of any particular expression will in the future be a past use of that expression, and that there is no fact of the matter as to what I meant by any expression in the past, it follows that there is no fact of the matter as to what I mean by any expression currently. As such, Kripke is led to the paradoxical conclusion that there are no facts about what words mean at all (McGinn 1984: 60-62).

McGinn avoids the Sceptical Paradox by identifying an unargued reductionism implicit in Kripke’s assumption that past use and mental history exhaust the areas in which a suitable meaning fact could be found (McGinn : 150-152). The assumption implies that in answering the sceptic we must not help ourselves to the concept of meaning. For example, by Kripke’s assumption it would be illegitimate to claim that I mean addition by “+” because it is an irreducible fact about me that I mean addition by “+”. Unless Kripke can give reasons why such a non-reductionist reply really is illegitimate, it should be counted a viable way of avoiding the Sceptical Paradox.

Kripke attacks the non-reductionist reply as “desperate” and “mysterious” (Kripke 1982: 51). “Desperate” because Kripke sees the move as a last recourse, simply positing meaning facts after failing to give a reduction of them. Kripke’s accusation of desperation is nothing more than a question-begging prejudice against non-reductionist accounts in this instance. The move is only

¹⁰ Unfortunately I do not have room here to discuss Kripke’s rejection of putative meaning facts. See Kripke 1982: 22-37 for his rejection of dispositional accounts of meaning, Kripke 1982: 37-51 for his rejection of meaning as an introspectable state, and Kripke 1982: 51-53 for his criticism of meaning as a *sui generis* state. Discussion of Kripke’s criticisms can be found in Boghossian: 2002.

desperate if it can be shown to be a bad move for independent reasons. The “mysteriousness” of the non-reductionist reply may be grounds to reject it. The fact that I mean addition by “+” determines which of an infinite range of possible applications of the symbol are correct. The non-reductionist has yet to explain how such a fact with an infinite character could be present in our finite minds. The non-reductionist reply is also puzzling in that the irreducible meaning facts posited by the non-reductionist account are meant to be accessible to our minds, but not as introspectable states. So the non-reductionist needs to supply a convincing epistemology for irreducible meaning facts too.

McGinn replies that irreducible meaning facts are not mysterious in these ways because they are analogous to irreducible intention facts which we do not regard as mysterious (McGinn 1984: 159-164). The fact of what I mean by a symbol determines which of an infinite range of uses of that symbol are correct. Similarly, that fact of what I intend determines which of an infinite range of actions fulfil or fail to fulfil that intention. For example, there are an infinite number of actions that fulfil or fail to fulfil my intention to mow the lawn when the landlady complains about its length. So there must be a fact that constitutes my intending one thing rather than another, and determines which actions fulfil that intention. McGinn argues that we do not consider intention facts reducible to any other kind of fact. More importantly, we do not find it mysterious that intention facts are in this way irreducible. Since we do not find irreducible intention facts mysterious, and intentions are similar to meanings, we should not find irreducible meaning facts mysterious either.

Wright criticises McGinn’s reply for failing to engage with Kripke’s criticisms of non-reductionism. Kripke accuses irreducible meaning facts of being mysterious, and McGinn’s response is that there are analogous irreducible intention facts that are not considered mysterious. Wright argues that McGinn has things back to front. If irreducible intention facts really do have similar features to irreducible meaning facts, then they too are mysterious, and we are still without a credible account

of how we could come to know irreducible meaning facts.¹¹ Wright shows that Kripke's Sceptical Paradox is applicable to intention, confirming that intention shares the features of meaning that make an irreducible account mysterious (Wright 1989a: 111-113). The bizarre sceptic can just as well question my *intention* to use "+" as I did in the past. In this modified sceptical argument I am challenged to identify a fact that constitutes my intending to use the symbol "+" as befits addition rather than quaddition. Nothing is lost by making this substitution, and it confirms that McGinn's emphasis on the similarity of meaning an intention cannot provide a means of replying to Kripke. McGinn has widened rather than dispelled the mystery surrounding a non-reductionist account of meaning.

5.2 Intention as Judgement-Dependent

Wright aims to give a non-reductionist account of intention that does not make a mystery of how we are authoritative about what we mean in answering the sceptic. Wright does so by giving a judgement-dependent account of intention. In order to investigate whether best judgements of intention are extension-determining Wright constructs a provisional equation:

IPE For all Φ , S: Conditions C hold \rightarrow (S judges they intend to $\Phi \leftrightarrow$ S intends to Φ)

IC1 S is not self-deceived about their intentions, S has the conceptual resources required to form the judgement that S intends to Φ , and S is fully attentive to the question of what they intend (Wright 1989: 250-251).

IPE is *a priori* true where IC1 is substituted for conditions C. However, the no-self-deception condition is trivial, and so violates the *Substantiality* condition. Wright notes that self-deception can

¹¹ Wright thinks that there is an additional constraint on the sort of epistemology that the non-reductionist must give; the non-reductionist must be able to explain not just how we can know irreducible meaning facts, but how we can know meaning facts non-inferentially, and with first-personal authority. Wright's arguments for why the epistemology of meaning must have this form cannot be discussed here, but see Wright 2007 for an interesting discussion of why it must be that we know meaning facts non-inferentially, and Wright 1989 for his discussion of first-personal authority. Wright's judgement-dependent account of intention below is intended to address these more stringent epistemological requirements.

be the result of any number of psychological, neurochemical, or pharmacological causes. IC1 implicitly relies upon specifying trivially that the subject has whatever-it-takes to correctly judge their intentions in order to rule out all cases of self-deception. No more substantial specification of the no-self-deception condition is available that also preserves the *a priori* truth of IPE. Any appeal to science (psychological, neurological, or whatever) in specifying a no-self-deception condition will yield a provisional equation that is at best *a posteriori* true. So there is no way of specifying the no-self-deception condition so that it satisfies both the *Substantiality* and *A Priority* conditions. It seems that best judgements fail to be extension-determining on Wright's account after all.

Miller argues that the no-self-deception condition also violates the *Independence* condition on judgement-dependence. This is because certain forms of self-deception are the product of the subject having a certain intention. So ruling out such forms of self-deception will involve determining that the subject does not possess certain intentions. In this way satisfaction of the no-self-deception condition is logically dependent on the subject's possession of certain intentions (Miller 1989: 171). Miller gives an example like the following to support his claim that self-deception can be the product of possessing a certain intention (Miller 1989: 171-172). Suppose that Dan is at a nightclub with his girlfriend, whom he adores and has a happy relationship with. Whilst his girlfriend is absent, Dan falls into an embrace with another woman who looks similar to his girlfriend. Suppose that Dan recognised that the strange woman was not his girlfriend, but also noted the similarity. Dan's girlfriend catches him locked in an embrace with the strange woman. Suppose that Dan immediately and sincerely protests that he thought the strange woman was his girlfriend. Dan's self-deception might plausibly be attributed to an intention on his part, not just to keep his girlfriend, but to ensure that a happy, guilt-free relationship with his girlfriend is maintained should it be threatened. To this end, Dan deceives himself into believing that he intended to kiss his girlfriend when he kissed the strange woman, when in fact he *really* intended to kiss the strange woman. If such a case is held to be plausible, then Wright's no-self-deception condition also violates the *Independence* condition.

5.3 Intention Discourse and Positive-Presumption

Wright argues that there is a way of asserting judgement-dependence of intention discourse, despite the no-self-deception condition violates the *Substantiality* and *Independence*. Participants in intention discourse routinely presume that persons are not self-deceived. Wright claims that “...such is the ‘grammar’ of ascriptions of intention, one is entitled to assume that a subject is *not* materially self-deceived, or unmotivatedly similarly afflicted, unless one possesses determinate evidence to the contrary.” (Wright 1989: 251-252). “Grammar” here indicates that the presumption that subjects are not self-deceived is something integral to making sense of intention discourse. Given that presumption is integral to intentions discourse in this way, IC1 can now be rejected in favour of IC2:

IC2 S has the conceptual resources required to form the judgement that S intends to Φ , and S is fully attentive (Wright 1989: 250-251).

Now that the self-deception condition has been deleted, IC2 yields a provisional equation that is “*a priori* credible”. Any violation of the *Substantiality* or *Independence* conditions present in the no-self-deception condition has been eliminated (Wright 1989: 251, Wright 1992: 138 n.45-47). Wright argues that this is enough to sustain a judgement-dependent account in this case. Moreover, IPE now satisfies the *Extremal* condition. There is no better explanation of why IPE is *a priori* credible, and satisfies the other three conditions, other than attributing a defeasible extension-determining role to best judgements.

5.4 Miller’s Redundancy Objection

Wright argues that we are entitled to presume that a subject is not self-deceived about their intentions absent evidence to the contrary. Miller argues that on Wright’s account we possess ‘evidence to the contrary’ when the following condition is satisfied:

- Δ-** S's intention to Φ does not cohere with S's other intentions, or S's intention to Φ does not cohere with S's behaviour, or attributing the intention to Φ to S interferes with S's ability to make sense to members of their speech-community.

Condition $\Delta-$ implies that a subject may be presumed not to be self-deceived only whilst the following condition is satisfied:

- Δ+** S's intention to Φ coheres with S's other intentions, and S's intention to Φ coheres with S's behaviour, and attributing the intention to Φ to S does not interfere with S's ability to make sense to members of their speech-community.

Condition $\Delta+$ is satisfied where the subject's avowals are true, and is otherwise false. Condition $\Delta+$ therefore constitutes a criterion for the truth of avowals of intention. Miller sees two ways of explicating the role of $\Delta+$ in determining the truth of avowals of intention on Wright's account:

- I1** $\Delta+$ indefeasibly determines the truth of avowals of intention. The deliverances of $\Delta+$ determine the truth of avowals of intention, irrespective of whether they accord with the deliverances of best judgement or not.
- I2** Best judgements defeasibly determine the truth of avowals of intention. Where best judgements accord with the deliverances of $\Delta+$, best judgements determine the truth of avowals. Where best judgements clash with the deliverances of $\Delta+$, $\Delta+$ determines the truth of avowals.

Miller doubts there is any reason for preferring I2 to I1, given that in both explanations the deliverances of $\Delta+$ always correspond with the truth the appeal to best judgements in I2 seems redundant. In any case, Wright's judgement-dependent account of intention requires that I2 is the correct conception of how truth is determined in intention discourse.

Miller argues that the availability of condition Δ^+ for determining the truth of avowals of intention is analogous to the availability of operational criteria for determining the truth of ascriptions of squareness. The operational criteria were described as follows:

SO x is square \leftrightarrow the four interior angles of x are measured to each be 90° , and the four sides of x are measured to be equal

Mirroring his treatment of intention, Miller sees two ways of explicating the role of operational criteria in determining the truth of ascriptions of squareness:

S1 Operational criteria indefeasibly determine the truth of ascriptions of squareness. The deliverances of operational criteria determine the truth of ascriptions of squareness, irrespective of whether they accord with the deliverances of best judgement or not.

S2 Best judgements defeasibly determine the truth of ascriptions of shape. Where best judgements accord with the deliverances of the operational criteria, best judgements determine the truth of ascriptions. Where best judgements clash with the deliverances of the operational criteria, the operational criteria determines the truth of ascriptions.

Now the cases of shape and intention are shown to be sufficiently similar that any reason to prefer I2 over I1 for intention would yield a reason to prefer S2 over S1 for shape. But just as I2 constitutes a judgement-dependent account of intention, S2 constitutes a judgement-dependent account of shape. So it emerges that any reason Wright might have for giving a judgement-dependent account of intention will also yield a reason for him to give a judgement-dependent account of shape. Given that the judgement-independence of shape discourse is self-imposed condition of the success of Wright's distinction between judgement-dependent and -independent discourses, Wright will have to reject I2 in order to preserve the distinction.

5.5 Reply to Miller

Wright can resist Miller's argument if he can give reason to prefer I2 but not S2. Wright has reason to prefer I2 but not S2 because best judgements play an indispensable role in determining the truth of avowals of intention, but need not play any role in determining the truth of ascriptions of squareness.

If best judgements of intention did not defeasibly determine the truth of avowals of intention, as in I2, then it would not be possible to determine the truth of those avowals at all. Determining the truth of an avowal of intention is impossible if it is not presumed that subjects are not self-deceived. Suppose that we are not permitted to presume that subjects are not self-deceived, so that the truth of avowals must be determined by condition $\Delta+$ indefeasibly as in I1. Now suppose someone avows the intention to put their foot through the television. This avowal is only true if it coheres with the subject's other intentions, as per condition $\Delta+$. Which other intentions can be truly ascribed to the subject? Just those that cohere with the subject's other intentions and behaviour, and preserve their ability to make sense to members of their speech community, as per condition $\Delta+$. But again, which other intentions can be truly ascribed to the subject? The answer turns again into a question of coherence with yet further intentions. In this way, no avowal can satisfy condition $\Delta+$ where it has an indefeasible extension determining role, as applying the condition leads to an infinite regress. The case is different if best judgements of intention are supposed to defeasibly determine the truth of avowals of intention. In this case, the subject's avowed intention is true if best judgements and the deliverances of condition $\Delta+$ agree that the subject intends to put their foot through the television. Best judgements accord with the deliverances of condition $\Delta+$ only if the avowed intention coheres with the subject's other intentions. Which other intentions can be truly ascribed to the subject? Just those that are made under best conditions and found to cohere with each other. So attributing best judgements a defeasible extension-determining role as in I2 ensures that

there is a foundation of avowed intentions presumed true against which avowals which are the product of self-deception will be found incoherent.

The above reason for preferring I2 does not yield a reason for preferring S2 also. No problem arises from the attribution of an indefeasible extension-determining role to the operational criteria.

Operational criteria can determine the extension of “square” completely independently of best judgements of squareness. For example, objects have interior angles of a given magnitude irrespective of best judgements of their shape. So I2 is to be preferred but not S2.

The point is reinforced by noting that intention discourse is more analogous to colour discourse with respect to the indispensability of best judgements. Remembering that colour properties supervene on physical properties, the closest colour discourse has to operational criteria or condition $\Delta+$ is as follows:

CS x is red iff x has physical properties H

Indefeasible and defeasible extension-determining roles can be attributed to C:

C1 CS indefeasibly determines the truth of ascriptions of colour.

C2 Best judgements defeasibly determine the truth of ascriptions of colour.

C2 is to be preferred as best judgements play an indispensable role in determining the truth of ascriptions of colour. When dealing with Johnston’s Chameleon objection in chapter 2, it was noted that the supervenience relation between physical and colour properties must be fixed by best judgements, as otherwise there would be no way of establishing which physical properties correspond with which colour properties. So where CS has an indefeasible extension determining role as in C1 there is no way of fixing which physical properties H are to be associated with which colours, and cannot be applied at all. This is similar to the impossibility of applying condition where it is accorded an indefeasible extension determining role. Furthermore, best judgements of the

colour of objects like Johnston's Chameleon must be overturned and determined by the supervenience relation described in CS instead. This is captured by the defeasible role attributed to best judgements in C2, and is similar to the way in which best judgements of intention may be overturned. Intention discourse thereby shares more in common with colour discourse than shape discourse, contrary to Miller's redundancy argument. This is a result of the character of condition $\Delta+$, which Miller originally considers irrelevant to the success of his argument (Miller 2007: 262).

I have defended Wright's use of positive presumption to overcome the violation of the *Independence* condition committed by intention discourse. The result is a variety of judgement-dependence for the discourse. Now I will attempt to apply the same strategy to the analogous problem in ethical discourse.

6 Moral Qualities and Positive Presumption

Wright has rejected a judgement-dependent account of truth in ethical discourse on the grounds that it violates the *Independence* condition. In this chapter I pursue a strategy for avoiding this violation of the Independence condition.

6.1 Ethical Discourse and Positive Presumption

The first part of my strategy is to scrutinise an area of ethical discourse more basic than that considered by Wright. Whereas Wright investigates attributions of culpable insensitivity, I have argued that attributions of moral permissibility are more transparent. A provisional equation for moral permissibility is as follows:

MPE* For all Φ, S : Conditions C hold \rightarrow (S judges that Φ is morally permissible \leftrightarrow Φ is morally impermissible)

Where Φ is an action, S is a subject, and conditions C are conditions under which judgements of moral permissibility are best. A specification of conditions C for MPE* will be subject to the same conditions Wright identifies when he constructs a provisional equation for culpable insensitivity. In order for the subject's judgements of moral permissibility to be best they must be fully attentive to the non-moral features of the situation we know to be important to ethical evaluation, namely actions, and their causes, consequences, context and so on. The moral suitability of the subject must also be ensured – having identified the relevant non-moral features of a situation, they must be capable of subjecting them to proper ethical evaluation. With these concerns in mind, conditions C should be specified for MPE* as follows:

MC* S knows which action Φ is, S is aware of the motives behind Φ , S knows the consequences of Φ , S knows the consequences of Φ foreseeable by the perpetrator

of Φ , S makes no error concerning non-moral fact or logic, S is aware of all morally-relevant considerations, S is fully attentive, S is morally-suitable, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 22-23).

MC* violates the *Independence* condition, as the satisfaction of the moral suitability condition is logically dependent on the extension of “morally permissible”. This is because a subject is only morally suitable for judging moral permissibility if they are aware of which actions are in the extension of “morally permissible” – that is, if they are aware of which sorts of actions are morally permissible. For example, a subject is only morally suitable if they are aware that murder is not morally permissible. It is with this violation of the Independence condition that Wright rejects the judgement-dependence of truth in ethics.

In the case of intention, Wright argues for the judgement-dependence of truth despite a violation of the *Substantiality* condition. A judgement of intention is best only where the subject is not self-deceived. It was shown that no substantial specification of a no-self-deception-condition on best judgements of intention is available. Wright avoids violating the *Substantiality* condition by identifying a feature of the “grammar” of intention discourse. The grammar of intention discourse presumes that subjects are not self-deceived in the absence of positive evidence that they are so deceived. I suggested further that this presumption plays an ineliminable role in the determination of truth in intention discourse. This fact supports the attribution of a defeasible extension-determining role to best judgements of intention. If an analogous feature of ethical discourse could be found, it might also support a judgement-dependent account despite its violation of the *Independence* condition on such accounts.

It is a feature of ethical discourse that actions are presumed to be morally permissible, absent evidence to the contrary. Suppose that forming an ethical judgement gives one a reason to act in accordance with that judgement. There are two ways in which ethical discourse would fall into dysfunction were it the permissibility of actions were not presumed. In the worst case, if

participants in ethical discourse did not presume actions were permissible, they would have to discover whether they were permissible before undertaking them. This because the subject cannot be sure that the action is impermissible, and so cannot be sure whether to abstain from the action in question. But the subject must also discover – rather than presume – the permissibility of the act of discovering whether an act is permissible. And again, the permissibility of that investigation cannot be presumed but must be investigated. And so on in an infinite regress. This strongest argument has it that no action could ever be discovered to be permissible, or even undertaken, if actions are not presumed to be permissible in the absence of evidence that they are impermissible. A weaker version of this argument grants that the permissibility of actions may be discoverable, and those actions may be undertaken. However, even then people would undergo constant arduous work to establish whether acts in their daily lives are permissible or not. Both of these arguments conclude that ethical discourse is dysfunctional unless its grammar presumes the permissibility of actions absent further evidence.

Now the moral suitability condition on best judgements of permissibility can be presumed satisfied absent further evidence. This because absent evidence that the action in question is impermissible, a subject's judging it permissible ensures that their moral suitability cannot be in question. Following Wright's strategy for intention, the moral suitability condition can be eliminated from MC* to yield a provisional equation that is "*a priori* credible":

MC2* S knows which action Φ is, S is aware of the motives behind Φ , S knows the consequences of Φ , S knows the consequences of Φ foreseeable by the perpetrator of Φ , S makes no error concerning non-moral fact or logic, S is aware of all morally-relevant considerations, S is fully attentive, and S is free of doubt about the satisfaction of any of these conditions (Wright 1988: 22-23).

Under this substitution best judgements of moral permissibility should be construed as defeasibly extension-determining.

If the above account is so far successful, it will form a basis on which to build judgement-dependent accounts of wider ethical discourse. This is because moral concepts such as impermissibility and obligation can be derived from permissibility. For example, “it is impermissible to Φ ” is equivalent to “it is not permissible to Φ ”, and “it is obligatory to Φ ” is equivalent to “it is not permissible to not Φ ”. The above account has it that best judgements play a defeasible role in determining the extension of “morally permissible”. That is, best judgements play a defeasible role in determining whether an action is permissible or not permissible. And that is already enough to show that best judgements play a defeasible role in determining whether an action is impermissible or obligatory. Call the account proposed in this section the ‘new account’.

6.2 Objections

6.2.1 Moral Impermissibility and Positive Presumption

The new account purports to show how best judgements of moral permissibility defeasibly determine the extension of “morally permissible”, and the extensions of other ethical concepts besides. Best judgements of moral impermissibility cannot be shown to defeasibly determine the extension of “morally impermissible” through the strategy employed by the new account.

If we attempted to construct a provisional equation for moral impermissibility, it would be a condition on best judgements that the subject be morally suitable. That moral suitability condition would violate the *Independence* condition on judgement-dependence. This is because a subject is morally suitable for judging moral impermissibility only if they are aware of which actions are morally impermissible. The new account circumvents a similar problem with respect to moral permissibility in part by showing that the moral suitability condition can be presumed satisfied, absent evidence to the contrary. It claims that this presumption can be made because actions are presumed morally permissible in ethical discourse. The moral suitability of a subject is only in question if a subject judges an action morally permissible when it is in fact morally impermissible.

The same strategy is not available for moral impermissibility. It is not a feature of ethical discourse that actions are presumed morally impermissible absent evidence to the contrary. If in ethical discourse actions were presumed to be morally impermissible absent evidence to the contrary, then ethical discourse would be dysfunctional. To see this, suppose (plausibly) that subjects are motivated to abstain from an action if they judge that action morally impermissible. If subjects then presumed all actions to be morally impermissible absent further evidence, they would not be able to perform any actions. Crucially, the act of gathering 'evidence to the contrary', or even contemplating such evidence, would also be presumed morally impermissible, and so subjects would abstain from these actions too. So as no 'evidence to the contrary' could ever be amassed, all actions would be presumed to be morally impermissible. Subjects would abstain from all actions. So the moral suitability condition cannot be positive presumptive in discourse concerning moral impermissibility, lest that discourse become dysfunctional.

This means that the violation of the Independence condition inherent in the moral suitability condition cannot be discharged for moral impermissibility. Best judgements of moral impermissibility cannot be held to defeasibly (or indefeasibly) determine the extension of "morally impermissible".

As a result, moral suitability must remain a condition of best judgement in discourse concerning moral impermissibility, violating the Independence condition. This has one immediate and obvious consequence for the new account; the account cannot be extended to further ethical concepts like moral impermissibility, and moral obligation. This is because the new account must be able to give a judgement-dependent account of moral permissibility and moral impermissibility in order to extend the account in this way. This is because an act's being morally impermissible is equivalent to its being not morally permissible. So the judgement-dependence of moral impermissibility is required to build judgement-dependent accounts of other ethical concepts using deontic logic.

A less obvious and more serious consequence may be the failure of the new account as a whole. It was noted above that an act's being morally impermissible is equivalent to its being not morally permissible. Substituting "not permissible" for "impermissible" we may say that the argument of this section has established that which acts are not permissible acts is not determined by best judgement. If this is true, which acts are *in* the extension of "morally permissible" is determined by best judgement, as per the new account, but which acts are *out* of the extension of "morally permissible" is not determined by best judgement, as per the current argument. Not only does this make the new account's status as a form of judgement-dependence utterly mysterious, but is likely to be fatal to the new account. The new account must establish that MPE* is *a priori* credible in order to show that best judgements have the relevant conceptual link to truth for judgement-dependence to hold. But it has emerged that where an action is morally impermissible, best judgements are not *a priori* credible. So MPE* is not *a priori* credible for all actions; where actions are not permissible, MPE* is at best *a posteriori* true or credible.

6.2.2 Triviality

The new account implies that there is a way of determining the extension of "moral permissibility", other than by best judgement. Best judgements of moral permissibility *defeasibly* determine the extension of "morally permissible". The new account is so far completely uninformative about when positive-presumption is overturned and best judgements fail to determine the extension of "morally permissible", and about what determines the extension of "morally permissible" instead of best judgement in these cases. Wright's account of intention is informative on both of these counts: positive presumption is overturned when criterion $\wedge=$ is satisfied, and in those cases it is $\wedge+$ that is extension determining in the place of best judgements.

Scrutiny reveals that best judgements fail to determine the extension of "morally permissible" when there is evidence that the subject is morally unsuitable. According to the grammatical feature of ethical discourse identified by the new account, this evidence would consist in the subject's judging

an act to be morally permissible when it is in fact not morally permissible, or judging an act to be not morally permissible when it is in fact morally permissible. So scrutiny has revealed that the new account takes best judgements to determine the extension of “morally permissible” where those judgements are correct, and best judgements fail to determine the extension of “morally permissible” when those judgements are wrong. The new account is mute on the topic of how the extension of “morally permissible” is determined where best judgements fail to do the job. We are left to assume that in those cases the extension is determined by means other than best judgement.

The new account seems to be deeply trivial, not just in comparison to Wright’s account of intention, but by its own merit also. In fact it is not only consistent with the judgement-dependence of truth in ethics, but actually reliant on it. Call the criterion by which the extension of “morally permissible” is determined where best judgements fail to do the job criterion M. The new account now stands as follows: best judgements determine the extension of “morally permissible” except where those best judgements are wrong, in which case, criterion M does the job instead. Now the question arises, when are best judgements wrong? The natural answer is, when they clash with criterion M. Given that criterion M is characterised just as some way of determining the extension of “moral permissibility” other than by best judgement, criterion M constitutes a judgement-independent way of determining the entire extension of “morally permissible”. So the new account is reliant on a judgement independent criterion fully capable of determining the extension of “moral permissibility” in the absence of best judgements. Why should we attribute best judgements a highly trivial extension-determining role in discourse concerning moral permissibility when that role is completely expendable?

6.2.3 Redundancy

Despite the previous argument, an advocate of the new account is free to prefer their account of a judgement-independent account, as they have been given no strong reason to prefer one account over the other. However, what I called Miller’s ‘redundancy’ objection to Wright’s account of

intention can be brought to bear on the new account, and in this case I will argue that the objection is successful. This will show that the truth of the new account is likely to be deadly to the distinction the account is founded upon. According to the previous objection, the best available characterisation of criterion M is as follows:

M Φ is morally permissible \leftrightarrow Φ is morally permissible

Criterion M is satisfied where a subject's judgements of moral permissibility are true, and is otherwise false. Criterion M therefore constitutes a criterion for the truth of ascriptions of moral permissibility. There are two ways of explicating the role of criterion M in determining the truth of ascriptions of moral permissibility on the new account:

M1 Criterion M indefeasibly determines the truth of ascriptions of moral permissibility. The deliverances of criterion M determine the truth of ascriptions of moral permissibility, irrespective of whether they accord with the deliverances of best judgement or not.

M2 Best judgements defeasibly determine the truth of ascriptions of moral permissibility. Where best judgements accord with the deliverances of criterion M, best judgements determine the truth of ascriptions. Where best judgements clash with the deliverances of criterion M, criterion M determines the truth of ascriptions.

We have reason to doubt that M2 will be preferable to M1. Given that in both explanations the deliverances of criterion M always correspond with the truth, the role best judgements play in M2 seems redundant. In any case, the new account of moral permissibility at hand must find reason to prefer M2 to M1. I have already suggested that best judgements play a trivial role in the new account, and Miller's argument builds on this point by showing that a reason for preferring M2 must also constitute a reason for preferring that best judgements play an extension determining role in shape discourse also, however trivial. The operational criteria for determining shape are as follows:

There are two ways of explicating the role of operational criteria in shape discourse:

S1 Operational criteria indefeasibly determine the truth of ascriptions of squareness.

S2 Best judgements defeasibly determine the truth of ascriptions of shape.

The accounts available for moral permissibility and squareness are sufficiently similar that it can be expected that any reason for preferring M2 will be a reason for preferring S2 as well. But given that shape discourse is archetypically judgement-independent, providing such a reason will precipitate the collapse of the judgement-dependence distinction. So a proponent of M2 must be cautious to support it with reasons that do not also support S2, or the judgement-dependence distinction M2 is ultimately founded on will collapse.

I argued in the case of intention that there are reasons to prefer attributing a defeasible extension-determining role to best judgements. I argued there that the grammar of intention discourse was such that an indefeasible, judgement-independent account cannot determine the truth of ascriptions of intention at all. It is essential to how truth is determined in intention discourse that best judgements play a defeasible extension determining role. Moreover, this is not a feature shared by shape discourse, and so is a reason for preferring judgement-dependence just in the intention case. Can considerations of the grammar of discourse concerning moral permissibility play a similar role? I argue it cannot. In the case of intentions, criteria $\Delta+$ cannot in principle determine the truth of avowals of intention independently of attributing best judgements of intention a defeasible extension-determining role. Not so for moral permissibility in the new account. Criterion M implies a complete determination of the truth of ascriptions of moral permissibility independent of best judgements. The grammar of discourse concerning moral permissibility does not contradict this. Where best judgements play a role, it is only after the independent operational criteria have been applied already. There is therefore no reason to prefer M2 over M1 that would not also be a

reason for preferring S2 over S1. The theory that best judgements of moral permissibility play a defeasible extension-determining role should be rejected.

6.2.4 Judgement-Independence and Positive Presumption

Subsequent to the rejection of a judgement-dependent account of moral permissibility, the place of the grammatical feature, of the presumption of permissibility, is in question. Is it a genuine grammatical feature, and if so, can it be accommodated by a theory that is not judgement-dependent? I argue that presumption of permissibility is a feature of the discourse, but that it can be easily accommodated by a non-judgement-dependent account. It would be bizarre and counter-intuitive to think that we do not routinely presume that actions are permissible in the absence of evidence that they are impermissible. It also seems to be a feature of the concept permissibility that if there are no reasons why an action is impermissible, then it is automatically permissible. A judgement-independent account of moral permissibility can accommodate this fact by holding the subjects presume that actions are permissible, even if that brings them into error. This seems to be the way actual ethical discourse takes place. We appreciate that many actions we take for granted as morally permissible may under further scrutiny turn out to be morally impermissible. For example, the source of my coffee, furniture, or shirt may have ethical implications that I am unaware of, or simply ignore. The grammatical feature is therefore a simplification that makes life easier on a judgement-independent account.

6.3 Moral Qualities are Not Positive Presumptive

The account of moral permissibility canvassed in this chapter fails to prove itself to be substantial and explanatorily useful. Moreover, without a robust and apparently judgement-independent component, it fails to be an account of the extension of “morally permissible” at all. As a straightforward judgement-independent account can do the same work, it should be adopted instead.

7 Conclusion

Wright's distinction between discourses in which truth is judgement-dependent and those in which it is judgement-independent is substantial. Although I object to some of the detail of Wright's exposition of the distinction, I concede that the distinction is real and useful. Judgement-independent accounts of truth in ethics are prey to a number of serious and persistent objections. I also demonstrated that a judgement-dependent account of truth in ethics would avoid these powerful objections, making it an attractive alternative. When Wright comes to consider which side of the distinction ethical discourse falls on, he is too quick to dismiss its claim to judgement-dependence on the grounds that ethical discourse violates the independence condition. I argue that, at the least, areas of ethical discourse other than that which Wright investigates are worthy of study to see if they must also violate the independence condition. I propose that moral permissibility is likely to be a fruitful area of ethical discourse in this respect. Wright's judgement-dependent account of truth in intentions discourse marks an important strategy for avoiding the violation of the *Independence* condition that ethical discourse commits. The offending conditions on best judgement are dissolved when it is recognised that they are presumed satisfied as a matter of the grammar of the discourse in question. I defend Wright's strategy against an objection from Miller by arguing that the grammar of ethical discourse demands that best judgements play a defeasible extension-determining role. Finally, I attempt to apply Wright's strategy for intention to ethics. The grammar of discourse concerning moral permissibility permits the application of a similar strategy. However the cases differ crucially in that the grammar of intention discourse merely *allows* that best judgements play a defeasible extension-determining role, but only in a trivial sense. Attributing an extension-determining role to best judgements of moral permissibility is therefore redundant – the extension of "moral permissibility" is ultimately determined independently of best judgements.

Although the new account's use of positive presumption in section 6.1 ultimately failed, it did illuminate some features of positive presumptive accounts. In particular I believe it is now possible to set out two conditions that are satisfied for any discourse in which best judgements defeasibly determine the truth. The claim at stake is as follows:

- D** Best judgements defeasibly determine the truth of "P". Where best judgements accord with the deliverances of criteria ω , best judgements determine the truth of ascriptions. Where best judgements clash with the deliverances of criteria ω , criteria ω determines the truth of ascriptions.

D holds true in a discourse if the following two conditions are satisfied:

A Priori Credibility – The discourse must sustain an a priori credible provisional equation.

Dependence – The satisfaction of criterion N must be logically dependent on the defeasible deliverances of best judgement.

The satisfaction of the *A Priori Credibility* condition establishes that there is a defeasible relation between best judgements and truth in the discourse being considered. Intention discourse satisfies this condition because of the grammar of intention discourse, as detailed in §5.3. The grammar of ethical discourse was ultimately unable to support the satisfaction of this condition, as detailed in §6.2.1. The *Dependence* condition ensures that the defeasible role that best judgements play in a discourse is not trivial. In §5.5 I showed, in opposition to Miller, that intention discourse satisfies this condition, as the satisfaction of criteria $\Delta+$ is logically dependent on best judgements of intention playing an extension-determining role in the discourse. In section I showed that ethical discourse failed to satisfy this condition, as an application of Miller's redundancy argument shows that the satisfaction of criterion M is logically independent of best judgements playing a defeasible extension-determining role in ethical discourse. The *Dependence* condition is closely tied to Miller's redundancy argument; if the argument succeeds against a discourse, then it is because the grammar

of that discourse can only attribute a trivial defeasible extension-determining role in that discourse. These conditions could, if developed further than this sketch, be used to investigate claims like D for areas of discourse beyond intention and ethics.

Wright recognises that the rejection of ethical judgement-dependence is likely to push us either towards non-cognitivism, or strong cognitivism. However, Wright counsels against being pushed in either of these directions. He suggests that other forms of anti-realism about ethical discourse, other than judgement-dependence should also be pursued. Wright is concerned in particular that the judgement-independence of truth in ethical discourse may not be the best explanation of why ethical discourse fails to satisfy the conditions on judgement-dependence. This is why Wright recommends caution; ethical discourse may have failed to satisfy the conditions on judgement-dependence because ethical discourse is in fact judgement-independent, or because it is non-cognitivist, or because some other form of anti-realism is true of ethical discourse. Wright is probably too cautious here. He should have acknowledged that the judgement-independence of truth in ethical discourse has merit as an explanation. If judgement-independence is true of ethical discourse, then best judgements fail to determine the extensions of ethical concepts just because those extensions are determined independent of human opinion. Accordingly, despite the problems raised for judgement-independent views in §3 of this essay, the failure of judgement-dependence for ethics *does* encourage us to seek a plausible judgement-independent account of ethics.

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