

# Two types of debunking arguments

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## 1. Introduction

Consequentialists and deontologists disagree about the extent to which the rightness of an action depends on its consequences. While consequentialists maintain that an action's rightness is grounded exclusively in the value of the state of affairs that the action brings about, deontologists deny that this is so. Instead, they hold that at least some moral norms hold as a matter of principle, even if compliance with these norms does not maximize the good.

Recently, empirically minded consequentialists have breathed new life into this perennial and somewhat worn-out debate by arguing that consequentialism is supported by empirical findings. Drawing on evidence from moral psychology, neuroscience and evolutionary theory, Joshua Greene and Peter Singer have suggested that there is something wrong with how deontological judgments are typically formed and with where our deontological inclinations come from. In light of these findings, we should reject deontology and embrace consequentialism, or so they argue.

At the heart of the empirically informed attack on deontology is the dual-process account of moral judgment, according to which our moral cognition operates in two different modes. There is a fast, automatic, emotion-driven mode of forming moral judgments, and a slower, controlled, more 'cognitive' one. A plethora of empirical findings, most notably from neuroimaging studies, are taken to indicate that deontological judgements are supported by the former cognitive subsystem whereas

consequentialist judgments are associated with the latter subsystem. While there are of course more elaborate, 'cognitive' defenses of deontology, they must be assumed to be merely post hoc rationalizations of our more automatic deontological intuitions. These automatic deontological intuitions can be shown to be responsive to morally irrelevant factors, such as whether a dilemma involves 'up close and personal' force, and they are likely the residues of our evolutionary history. This casts doubt on the reliability of our deontological intuitions.<sup>1</sup>

These are the cornerstones of the empirically informed attack on deontology, which will shortly be analyzed in greater detail. This attack on deontology is an instance of what have come to be called debunking arguments and which have recently attracted a lot of attention in moral philosophy but also other disciplines including philosophy or religion and metaphysics.<sup>2</sup> They all follow a similar logic, namely that of undermining a belief or doctrine by exposing its causal origins. Debunking arguments are arguments of the form 'You just believe that because...'.<sup>3</sup>

The present essay will mostly be concerned with the above sketched empirically informed debunking of deontology (henceforth 'DoD'). But by discussing DoD, I also intend to make a more general point about the nature of debunking arguments. I will explain why DoD actually involves two distinct, if complementary, debunking arguments. They are distinct in that they target two different lines of defense of deontology and, therefore, offer two different debunking explanations of these attempted defenses. And they are complementary in that neither of them is, on its own, sufficient to defeat deontology. Only if both routes to vindicating deontology are shown to be faulty must deontology be given up. While this may be interesting in its own right, the more general point I wish to make is that there is an important structural difference between these two arguments that has not been sufficiently appreciated. The two sub-arguments are instances of two importantly different *kinds* of debunking

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<sup>1</sup> The most systematic statements of this argument are Greene 2008; Singer 2005. Some of the evidence for the dual-process account of moral judgment include Greene et al. 2001; Greene et al. 2004; Greene et al. 2008. For a more complete list of the evidence, see Greene 2014, pp. 701-706.

<sup>2</sup> For other debunking arguments in moral philosophy, see e.g. Cohen 2000, pp. 7-19; Joyce 2013a; Huemer 2013, pp. 101-136; Morton 2016; Street 2006. For the debates in philosophy of religion and metaphysics, refer e.g. to Barrett 2007; Mason 2010; Thurow 2013 and Korman 2014, respectively.

<sup>3</sup> Cf. White 2010.

arguments. While one of them provides an ordinary undercutting defeater, the other relies on higher-order evidence. And this, in turn, is relevant because debunking arguments of the latter type are open to an objection that debunking arguments of the former type are not open to.

I will first, in section 2, take a closer look at the two sub-arguments of DoD and show that they are instances of two different kinds of debunking arguments, before then, in section 3, presenting an objection that may be levelled against the latter of the two types of debunking arguments.

## **2. A closer look at DoD**

DoD is composed of two distinct debunking arguments that work together to defeat deontology. They are supposed to undermine the cases that have been made for deontology. Each of them targets a different kind of vindication of deontology. I will refer to the two sub-arguments as the primary and the secondary argument. The primary argument is an attack on defenses of deontology that are based on our deontological intuitions, on our rough-and-ready deontological gut reactions. The secondary argument, by contrast, targets more elaborate defenses of deontology, which are the output of abstract moral deliberation rather than simply the articulation of impulsive gut reactions. Let us look at each of these arguments in more detail.

The primary argument can be interpreted in two different ways.<sup>4</sup> The first interpretation yields what Selim Berker calls the argument from evolutionary history:

“P. Our emotion-driven deontological intuitions are evolutionary by-products that were adapted to handle an environment we no longer find ourselves in.

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<sup>4</sup> At least I take these two interpretations to yield the most charitable and plausible versions of the argument. For further possible interpretations, refer to Berker 2009.

C. So, deontological intuitions, unlike consequentialist intuitions, do not have any genuine normative force.”<sup>5</sup>

Deontological intuitions that are debunked in this manner include the intuitions that there is a difference between up close and personal and impersonal ways of inflicting harm, that we have stronger obligations to people in our vicinity than to faraway people, that culpable wrongdoers deserve punishment and that incest is morally wrong. According to Greene and Singer, we are intuitively more opposed to up close and personal harm than impersonal harm because our ancestral environment did not include the technical means necessary for inflicting harm in an impersonal manner. We evolved an innate moral aversion to interpersonal violence as a way of containing violent non-cooperative behavior. But this innate aversion extends only to ways of inflicting violence that were available in our ancestral environment. This explains why people are appalled at the thought of physically pushing someone in front of the notorious trolley that is headed for the five workers, although they are willing to sacrifice this person if it merely requires hitting a switch that redirects the trolley. Similarly, the fact that we tend to be unmoved, or less moved, by the plight of faraway people is likely due to the fact that in the environment in which we evolved we could not interact with faraway people. Our emotion-backed retributive urges are best explained as evolved mechanisms for the enforcement of cooperative behavior. And the strong emotional aversion to incest probably evolved to prevent birth defects.<sup>6</sup> Like other evolutionary debunking arguments, Greene and Singer’s evolutionary debunking of deontological intuitions is premised on the assumption that evolution is not a truth-tracking process. Greene observes that “it is unlikely that inclinations that evolved as evolutionary by-products correspond to some independent, rationally discoverable moral truth.”<sup>7</sup>

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<sup>5</sup> Berker, 2009, p. 319. For statements of this argument, see Greene 2008, pp. 43, 70-72, Singer 2005, pp. 347-348.

<sup>6</sup> Greene 2005a, pp. 345-346; 2005b, pp. 59; 2008, pp. 43, 47, 59-60, 76; Greene et al. 2004, pp. 389-390; Singer 2005.

<sup>7</sup> Greene 2008, p. 72.

The above version of the primary argument is arguably the most natural interpretation of Greene and Singer's attack on deontological intuitions. But there is a second plausible interpretation, which Berker calls the argument from morally irrelevant factors:

"P1. The emotional processing that gives rise to deontological intuitions responds to factors that make a dilemma personal rather than impersonal.

P2. The factors that make a dilemma personal rather than impersonal are morally irrelevant.

C1. So, the emotional processing that gives rise to deontological intuitions responds to factors that are morally irrelevant.

C2. So, deontological intuitions, unlike consequentialist intuitions, do not have any genuine normative force."<sup>8</sup>

This argument draws on empirical findings about which properties of a dilemma are causally responsible for triggering deontological judgments. Greene and colleagues found that whether people give a deontological or a consequentialist response to a sacrificial moral dilemma depends on whether it is 'personal' in the sense that the "force that *directly* impacts the other is generated by the agent's muscles."<sup>9</sup> It is then claimed that deontological intuitions are unreliable because the factor that triggers deontological responses is morally insignificant. Whether we kill someone by using direct personal force (e.g. by shoving him in front of a trolley) or more indirectly (e.g. by hitting a switch) is irrelevant from the moral point of view. Again, it is what we have learned about the causal origins of deontological intuitions that indicates that they cannot be relied upon.

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<sup>8</sup> Berker 2009, p. 321. This interpretation has been endorsed by Greene (MS, p. 12; see also 2013, pp. 213-217; 2014, pp. 711-713; 2016).

<sup>9</sup> Greene 2009, p. 365, original emphasis. More precisely, it is the interplay of personal force and the intention to cause harm as a means to an end. But the argument from morally irrelevant factors focuses specifically on personal force (Greene 2014, p. 713; MS, p. 16).

The purpose of the present paper is not to assess the merits of the primary argument in its two different versions or to engage with the sharp and subtle criticisms it has received.<sup>10</sup> Rather, it is concerned with how the two versions of the primary argument differ from the debunking argument that makes up the second part of DoD. So let us turn to this second part of the argument.

First, we need to get clear about why the first part of the argument does not yet amount to a complete rebuttal of deontology. The first part of the argument, if successful, debunks our emotion-driven deontological intuitions. However, as Greene and Singer acknowledge, deontological moral theory is more than just the unreflective articulation of these automatic deontological gut feelings. Deontologists have produced a host of extremely subtle and sophisticated philosophical defenses of deontology that do not rest on the debunked automatic and emotion-driven intuitions. These more cognitive defenses of deontology survive the primary argument unscathed. Deontology has therefore not yet been fully debunked. The crucial point, then, is that deontology is supported by more than just one line of argument. First, it is supported by our automatic, emotion-driven deontological intuitions, and second, it is allegedly supported by more subtle and sophisticated philosophical arguments, which are, on the face of it, independent from our automatic, emotion-driven deontological intuitions. Even if the first line of argument is defeated, deontologists can still appeal to the second, independent support for deontology. This independent support for deontology may, of course, itself consist in normative intuitions as long as these intuitions are not among the ones that are the target of the primary argument. That is, they must be intuitions that do not fall victim to the primary argument.<sup>11</sup>

To understand all this better, let us consider one concrete deontological doctrine in more detail. A good example may be retributivism, which is also discussed by Greene.<sup>12</sup> Retributivism is a backward-looking theory of punishment. It regards punishment as a fitting response to some wrongdoing in the past irrespective of whether it has any positive consequences in the future. It thus contrasts with

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<sup>10</sup> Some of the most pointed criticisms include Berker 2009; Kahane 2012; Kumar and Campbell 2012; Mason 2011; Sauer 2012a; Tersman 2008.

<sup>11</sup> This is not to deny that these intuitions might be vulnerable to some other debunking argument. But that they are debunkable, too, would of course have to be demonstrated by Greene and Singer.

<sup>12</sup> Greene 2008, pp. 50-55 and 59-66.

consequentialist theories of punishment, which are forward-looking in that they justify punishment by appeal to its beneficial effects in the future.<sup>13</sup> Some retributivists justify retributivism simply by appealing to the strong common sense intuition that culpable wrongdoers deserve to suffer.<sup>14</sup> No attempt is being made to deduce the retributive principle from more general moral principles that explain why wrongdoers deserve to suffer. All the justificatory work is done by our brute retributivist intuitions. Others, by contrast, provide more elaborate justifications of retributivism by offering a rationale for exactly why retributive punishment is a fitting response to culpable wrongdoing. Here is one example of such an independent rationale for retributive punishment:

“Correct values are themselves without causal power, and the wrongdoer chooses not to give them effect in his life. So others must give them some effect in his life, in a secondary way. When he undergoes punishment these correct values are not totally without effect in his life (even though he does not follow them), because we hit him over the head with them. Through punishment, we give the correct values, qua correct values, some significant effect in his life, willy-nilly linking him up to them.”<sup>15</sup>

This vindication of retributive punishment, suggested by Robert Nozick, goes beyond merely insisting that wrongdoers intuitively deserve to suffer. It provides a deeper explanation of why they deserve to suffer, saying something about the effect that the correct values ought to have in people’s lives and about how punishment can enforce this effect. Now, to refute retributivism, it does not suffice to present a debunking explanation of our brute intuition that wrongdoers deserve to suffer. While this may defeat the first set of evidence in support of retributivism, retributivists could retort that they have independent evidence in support of retributivism, such as the argument presented by Nozick.

The function of the secondary argument, then, is to undermine evidence of such independent evidence in support of deontology. It is worth emphasizing how important this second part of the argument is.

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<sup>13</sup> Cf. Boonin 2008, p. 85.

<sup>14</sup> A case in point may be Kershnar 2000.

<sup>15</sup> Nozick 1981, p. 375.

Given that much of deontological theory is fairly sophisticated rather than straightforwardly reliant on popular intuitions, the first part of the argument on its own achieves rather little. It defeats only a subset of the arguments that have been offered in defense of deontological views in moral theory. Deontologists who have advanced – or who have been swayed by – more subtle and refined arguments in favor of deontology need not be troubled by the primary argument and may smugly reply “So what?”. The question whether Greene and Singer succeed in undermining more sophisticated defenses of deontology is therefore of great dialectical importance.<sup>16</sup>

Now, the reason why the existence of such more sophisticated arguments for deontology does not save deontology is that they must be assumed to be mere post hoc rationalizations of our deontological gut reactions, or so the secondary argument claims. Greene and Singer invoke Jonathan Haidt’s social intuitionist model, according to which “moral judgment is caused by quick moral intuitions and is followed (when needed) by slow, ex post facto moral reasoning.”<sup>17</sup> However, while Haidt assumes that virtually all moral judgment follows this logic, Greene and Singer contend that it applies to deontology but not to consequentialism. After all, the dual-process account of moral judgment has it that only deontological judgments are prompted by automatic emotional reactions, whereas consequentialist judgments are formed in a more reasoned and dispassionate way. So unlike consequentialists, deontologists first make their judgements based on automatic gut reactions and then look out for reasons that may be appealed to to justify their intuitive deontological judgements: “In other words, what looks like moral rationalism is actually moral *rationalization*.”<sup>18</sup> What makes this hypothesis plausible is not only the fact that there is ample empirical evidence that people are

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<sup>16</sup> As a side note, this is also why naturalistic explanations of religious belief fall short of debunking religious belief. While they might undermine brute religious feelings or intuitions as evidence of some supernatural being, they cannot on their own disprove the countless independent arguments for the existence of god. To defeat the evidence of such independent reasons to believe in god, one would have to follow Greene and Singer’s strategy and allege that these independent arguments are merely exercises in post hoc rationalization. (Similarly Thurow 2013, pp. 91-97; see also Leben 2014, pp. 341-346).

<sup>17</sup> Haidt 2001, p. 8.

<sup>18</sup> Greene 2014, p. 718. Elsewhere, Greene writes: “Deontology, then, is a kind of moral confabulation. We have strong feelings that tell us in clear and uncertain terms that some things *simply cannot be done* and that other things simply must be done. But it is not obvious how to make sense of these feelings, and so we, with the help of some especially creative philosophers, make up a rationally appealing story” (2008, p. 63; original emphasis). See also Greene 2008, pp. 36, 60-72; 2013, pp. 298-301; 2014, pp. 718-725; MS, p. 24, Singer 2005, pp. 349-350.



generally prone to post hoc rationalization.<sup>19</sup> Indeed, there is even some evidence suggesting that trained philosophers are particularly likely to engage in post hoc rationalization.<sup>20</sup> It is also the fact that it would be an extraordinary coincidence if unbiased rational deliberation just so happened to turn out to confirm our deontological gut reactions. Given that post hoc rationalization is a common phenomenon and given the unlikelihood of this coincidence, post hoc rationalization is by far the best explanation of why moral philosophers have claimed there to be independent support for deontology, or so Greene and Singer's reasoning goes.<sup>21</sup> They thus, not implausibly, argue that deontologists have probably misjudged the evidence in favor of deontology and that there is therefore little reason to assume that there really is independent support for deontology.

It is important to recognize that this reasoning works only if the initial emotion-based intuitions can be dismissed as unreliable, for instance because they have been distorted by evolutionary forces.<sup>22</sup> By contrast, if our automatic, emotion-based reactions can be assumed to be reliable, say because they are the result of some kind of learning process, post hoc justification need not be confabulatory. Post hoc justification may then just be the ex post articulation of actual justificatory reasons, which our intuitions are reliably attuned to.<sup>23</sup> Greene and Singer, however, by first debunking the deontological intuitions that are being 'chased', leave little room for such an optimistic interpretation of

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<sup>19</sup> See, for instance, Dutton and Aron 1974; Gazzaniga and LeDoux 1978; Nisbett and Wilson 1977; Uhlmann et al. 2009; Wilson and Nisbett 1978; Wilson 2002.

<sup>20</sup> Schwitzgebel and Cushman 2012; cf. Schwitzgebel and Cushman 2015; Schwitzgebel and Ellis 2017

<sup>21</sup> One might also add, on Greene and Singer's behalf, that their conjecture is further supported by the fact of peer disagreement. The persistent stalemate between deontologists and utilitarians indicates that one of the two parties must have poorly assessed the evidence. And this arguably lends support to a theory that argues on independent grounds that deontologists are merely post hoc rationalizers. I am grateful to an anonymous referee for pointing this out.

<sup>22</sup> The following passage captures well the interplay of these two elements in Greene and Singer's argument: "Of course it's possible that there is a coincidence here. It could be that it's part of the rationally discoverable moral truth that people really do deserve to be punished as an end in itself. At the same time, it could *just so happen* that natural selection, in devising an efficient means for promoting biologically advantageous consequences, furnished us with emotionally based dispositions that lead us to this conclusion; but this seems unlikely. Rather, it seems that retributivist theories of punishment are just rationalizations for our retributivist feelings, and that these feelings only exist because of the morally irrelevant constraints placed on natural selection in designing creatures that behave in fitness-enhancing ways. In other words, the natural history of our retributivist dispositions makes it unlikely that they reflect any sort of deep moral truth." (Greene 2008, p. 71; original emphasis).

<sup>23</sup> For a defense of post hoc justification along these lines, see Greenspan 2015; Sauer 2012a; 2012b. Cf. also Schwitzgebel and Ellis 2017, p. 172.

deontological post hoc rationalization. In this combination of primary and secondary argument resides the strength of DoD. The primary argument does not only vitiate our deontological intuitions; it also makes it very likely that post hoc reasoning is confabulatory.<sup>24</sup>

The combined debunking argument, consisting of the primary and the secondary debunking argument, thus defeats both sets of evidence in support of deontology. It defeats the evidential status of our brute deontological intuitions, and it shows that there is little reason to assume that any of the more refined arguments in support of deontology are sound. As is characteristic of debunking arguments, this combined debunking argument falls short of establishing that deontology is false. If successful, it merely establishes that there is no positive reason to believe that deontology is correct.<sup>25</sup>

It is crucial to notice that the primary and the secondary argument differ in the way in which they defeat the evidence in support of deontology. The primary argument provides an ordinary undercutting defeater. Undercutting defeaters remove the evidential force of some piece of evidence that had been taken to support some proposition.<sup>26</sup> The primary argument removes the evidential force of deontological intuitions, which had been thought to support deontology. The secondary argument, by contrast, relies on defeat based on what has come to be called higher-order evidence. Higher-order evidence is “evidence about the character of [the first-order evidence] itself, or about subjects' capacities and dispositions for responding rationally to [the first-order evidence].”<sup>27</sup> Higher-order defeat occurs when the higher-order evidence suggests that the first-order evidence does not support the proposition in the way it had been taken to support it. Higher-order defeat is thus similar to ordinary undercutting defeat in that the latter, too, severs the evidential relation between a piece or body of evidence and the proposition it is thought to support. However, higher-order defeat is in an

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<sup>24</sup> Relatedly, Avnur and Scott-Kakures observe that evidence to the effect that one believes something because one *wants* to believe it has an undermining effect because there is typically “no evidence for any correlation between what one wants and the truth.” (Avnur, Scott-Kakures 2015, pp. 22-23). This is what makes rationalizing what one wants to believe epistemologically problematic.

<sup>25</sup> Similarly, Street’s Darwinian Dilemma does not entirely rule out that our moral beliefs might be true (assuming the truth of realism), nor does Joyce’s evolutionary debunking of morality entirely rule out that there might be moral facts (Street 2006; Joyce 2006; see in particular Joyce 2013b, pp. 354-355).

<sup>26</sup> Cf. e.g. Pollock 1986.

<sup>27</sup> Kelly 2014, cf. e.g. Feldman 2006; Christensen 2010.

important respect different in that it implies that one's assessment of the first-order evidence was flawed to begin with. As David Christensen points out, defeating higher-order evidence "indicates that my former beliefs were rationally sub-par. This is evidence of my own rational failure."<sup>28</sup> Similarly, Lasonen-Aarnio observes that "defeat by higher-order evidence has a retrospective aspect, providing a subject with evidence that her belief was never rational, reasonable, or justified to start out with."<sup>29</sup> Ordinary undercutting defeaters do not have this implication. While the primary argument, if successful, shows that our automatic, emotion-based intuitions fail to support deontology, it does not imply that it was a mistake to take these intuitions to support deontology before we learned about their dubious origins. The secondary argument, by contrast, relies on evidence to the effect that deontologists' assessment of the first-order evidence was flawed in the first place. It is in this sense, then, that DoD does not only involve two complementary debunking arguments but two different *types* of debunking arguments.

The distinction between these two types of debunking arguments is not just academic. As I will now explain in more detail, the second type of debunking argument is open to an objection that the first type of debunking argument is not open to.

### **3. What is wrong with the argument from confabulation?**

There are various reasons why one might take issue with the secondary argument, the argument from confabulation. One might for instance question the extent to which trained philosophers, including the

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<sup>28</sup> Christensen 2010, p. 185.

<sup>29</sup> Lasonen-Aarnio 2014, p. 317. Yet another commentator writes that "higher order evidence is evidence that bears on evidential relations, or evidence that bears on what is *rational*." (Schoenfield 2015, p. 426, original emphasis). An anonymous referee has pointed out that there might be cases in which higher-order defeat does not imply lack of justification at the time the belief was originally formed. If someone's incorrect assessment of the first-order evidence is due to an unconscious bias (as in post hoc rationalization cases), it is not obvious whether the resulting belief is necessarily unjustified. This depends on what theory of justification we subscribe to. It might therefore be preferable to choose more neutral ways of making this point, such as for instance in terms of 'incorrect' or 'flawed' assessment of the evidence. For the purposes of this paper, it suffices that higher-order evidence implies that the subject was irrational in the sense that her assessment of the evidence was incorrect or flawed. I am happy to admit that she might have been rational or justified in some other sense.

likes of Kant, are prone to fallacious post hoc rationalization. While social intuitionism may be an accurate model of how laypeople form moral judgments, it might not apply to professional thinkers in the same way. In particular, it might not be applicable to philosophical work that is the result of literally years or decades of intense – and sometimes joint – intellectual effort.<sup>30</sup> Or, as mentioned above, one might attempt to show that people’s initial emotion-based responses are actually the result of a learning process rather than products of evolution. This might render post hoc reasoning epistemically respectable.<sup>31</sup>

While such reservations deserve to be taken seriously, I would like to draw attention to a different problem with the argument from confabulation. To dismiss more elaborate deontological theories as just the result of post hoc rationalization is really just a polite way of saying that deontologists are probably bad thinkers, that is, that their claims need not be taken too seriously because they are probably not assessing the evidence correctly anyway. And this blunter formulation of the secondary argument should strike one as objectionable.

However, it is not immediately clear exactly what is objectionable about this way of arguing. One might be tempted to dismiss it as an *ad hominem* fallacy, but this would be wrong.<sup>32</sup> For the argument, although certainly *ad hominem* in some sense, is not fallacious. A fallacy is an argument that disguises as a sound argument but really fails to warrant belief in its conclusion.<sup>33</sup> But casting doubt on the merits of some doctrine by showing its proponents to be misjudging the evidence is not fallacious in this sense. The secondary argument is an instance of what Harvey Siegel and John Biro call an argument

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<sup>30</sup> Cf. Dean 2010, pp. 52-53. However, see again Schwitzgebel and Cushman 2012.

<sup>31</sup> See again Greenspan 2015; Sauer 2012a, 2012b.

<sup>32</sup> Kumar and Campbell think that the secondary argument involves a genetic fallacy (which may be regarded as a subspecies of *ad hominem* fallacy). They therefore suggest that Greene should say that the intuitions debunked by the primary argument make up the principal evidence in support of deontology, which renders the secondary argument obsolete (Kumar and Campbell 2012, pp. 313, 327 n7). I disagree on both counts. It strikes me as inaccurate to portray deontology as being mainly justified by appeal to intuitive gut reactions (just think of deontology in the Kantian tradition), and the secondary argument is also not fallacious.

<sup>33</sup> Or, as Biro and Siegel put it: “An argument is fallacious if it masquerades as being able to yield knowledge or reasonable belief but cannot in fact do so.” (Biro and Siegel 2006, p. 2; see also Biro and Siegel 1992; Hahn and Oaksford 2006; Siegel and Biro 1997). This conception of fallacies is not uncontroversial. I am here siding with the proponents of the epistemological account of argumentation (for an instructive overview, see Lumer 2005).

from lack of authority, which may be viewed as a special type of *ad hominem* argument. When we put forth an argument from lack of authority,

“we attempt to persuade ourselves or our audience that some property of the advocate of a certain claim justifies us in rejecting that advocacy as providing reason for the claim. Again, everything turns – should turn – on the genuineness and relevance of the property in question. When it is really present and when its presence bears on whether the advocacy of the claim by its defender provides warrant for our not believing it, there is nothing wrong with appealing to it. (It is, of course, a mistake to think that doing so is, in and of itself, to provide an argument *for* the denial of the claim. Whatever the rhetorical intentions and consequences, the only conclusion for which one has an argument, strictly speaking, is one against accepting the claim without other grounds being offered.)”<sup>34</sup>

The secondary argument would be fallacious if it stated that deontology is wrong or that we can be absolutely certain that all elaborate defenses of deontology are results of fallacious post hoc rationalization. For this would be to ignore that this debunking argument can only make an epistemological and probabilistic point. But this is not how the argument should be understood. Greene and Singer do not commit the error of concluding that their debunking argument ‘provides an argument for the denial’ of deontology, rather than just to defeat the evidence in its favor. And Greene correctly concludes that his argument shows at best that “it is *exceedingly unlikely* that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, *almost certainly* does not. Instead, what that person *probably* has is a moral rationalization.”<sup>35</sup> He does not purport to have conclusively proven that all elaborate defenses of deontology are flawed. So if Greene and Singer are right that

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<sup>34</sup> Siegel and Biro 1997, p. 287, original emphasis. The notion that *ad hominem* arguments and arguments from authority need not be fallacious is by now widely (if not universally) acknowledged, see e.g. Coleman 1995; Goldman 1999, pp. 152-153; Hinman 1982; Johnson 2009; Korb 2003; Lumer 1990, pp. 256-257; Putnam 2010.

<sup>35</sup> Greene 2008, p. 72, emphasis added. He also admits that his argument “will be speculative and will not be conclusive” (Greene 2008, p. 36).

deontologists are probably just post hoc rationalizers, the secondary argument, although certainly *ad hominem*, is not an *ad hominem* fallacy.

Rather, the problem with their argument is, I submit, that academic debate is committed to a higher standard of precision. This standard rules out critiques that rely on higher-order evidence, which – while not fallacious – typically yield only an approximate assessment of the first-order evidence. When criticizing some doctrine, one must engage with the first-order evidence that has been adduced in support of this doctrine rather than speculate about what is ‘probably’ the case. It does not suffice to invoke higher-order evidence to the effect that there is probably no reason to expect the first-order evidence to actually support the doctrine. The argument from confabulation violates this standard. It relies entirely on higher-order evidence and refuses to even consider the arguments that deontologists have appealed to to defend deontology. As a consequence, it yields only an approximate estimate of whether independent arguments for deontology are sound, thereby failing to defeat the evidence in its entirety. It leaves us wondering whether one of the more complex cases for deontology might not be sound after all.

A hint as to why resorting to rough estimates in this way is illegitimate in academic discussions is provided by Christopher Johnson, who, discussing the admissibility of *ad hominem* arguments, remarks:

“Taking as a starting point the idea that we have limited rational capacities, there will be times when we just cannot [...] engag[e] in further investigation or look[...] into the topic ourselves. We may either not have sufficient time to do this – or even if we do we might not be prepared to dedicate that time given other demands we face – or we may not have the necessary intellectual skills or abilities to understand the issues concerned. It may well be in such cases that the reply is made that judgment should thus be suspended; but often decisions are required of us even when we are unable to determine the issue fully factually to our satisfaction. In such cases it seems we have to appeal to criteria other

than the facts of the case since those facts are underdetermining. Turning at this point to judging the people who consider the facts can now be a sensible progression.”<sup>36</sup>

By contrast, resorting to *ad hominem* arguments in academic debates, as Greene and Singer do, is illegitimate because academic philosophical inquiry does not seem to be subject to the above-mentioned two constraints. Academic philosophical inquiry is typically not subject to time constraints. There is not assumed to be a deadline by which the dispute between deontologists and consequentialists (or, for that matter, between Fregeans and Millians, A-theorists and B-theorists, etc.) has to be resolved. Academic philosophical inquiry is not about making decisions at a certain point in time. Rather, philosophical inquiry is usually conducted *sub specie aeternitatis*. And academic philosophical inquiry is also informed by the tacit assumption that we can ultimately get to the bottom of things if only we try hard enough. Clearly, the way philosophical debates are carried out does not suggest that it is considered pointless to continue exchanging and scrutinizing first-order arguments as this will never lead to success anyway. In a nutshell, the attitude implicit in academic philosophical (and arguably most other academic) inquiry is: ‘Let’s take our time and figure this out.’ Singer and Greene’s argument violates these assumptions. They jump to premature probabilistic conclusions without there being any need to do so.

The above considerations also help us make sense of what is wrong with arguments that are essentially like Singer and Greene’s but even more obviously inappropriate. Consider the following debunking arguments, which, like Greene and Singer’s, rely on higher-order evidence:

- (1) This argument for theory *t* is probably flawed because its proponent is just a graduate student from a mediocre university.
- (2) This argument for theory *t* is probably flawed because its proponent has always been horribly wrong on these issues in the past.

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<sup>36</sup> Johnson 2009, p. 257. Similarly, Christoph Lumer points out that such arguments are economical but suboptimal due to their probabilistic nature, and therefore not suitable for scientific inquiry (Lumer 1990, p. 248, pp. 256-257).

- (3) This solution to the mind-body problem is probably flawed because the human mind tends to be extremely fallible when it comes to solving such intricate philosophical problems as the mind-body problem.

Or, indeed, a deontologist might be tempted to retort:

- (4) Integrating philosophy, neuroscience, psychology and evolutionary theory is an extremely tricky and error-prone undertaking. Therefore, Greene and Singer's empirically informed debunking of deontology is very probably flawed.

Finally, to offer a non-philosophical example:

- (5) This empirical study that purports to prove claim *c* is probably flawed as its authors are driven by ideological motives and thus biased towards *c*.

While the above arguments need not be fallacious, these and similar arguments are clearly not permitted in academic discussion. The graduate student may rightly insist that he be shown exactly where the flaw in the argument is, and so may the proponents of the second and third argument. And Greene and Singer may of course insist that their argument be taken seriously and carefully examined, rather than dismissed as 'very probably flawed' on such higher-order grounds. And the authors of the empirical study may insist that they be shown exactly what is wrong with the design of their study or with their interpretation of the results. And the reason for this is that we are under no pressure to take such 'shortcuts', which yield only approximate results. We have enough time and cognitive resources at our disposal to evaluate the arguments on the basis of the first-order evidence, making it unnecessary to use rough-and-ready heuristics. By the same token, then, a proponent of a more sophisticated defense of deontology need not accept Greene and Singer's argument from confabulation. When charged with probably just being a post hoc rationalizer, the proponent of a more sophisticated defense of deontology may justly retort: "This is all well and good, but now show me where my argument has gone wrong." In academic philosophical discussion, which is governed by the 'Let's take our time and figure this out' attitude, this proponent of deontology is owed an answer.



Some might want to suggest that we revise our academic practices and jettison the ‘Let’s take our time and figure this out’ attitude in favor of a ‘Let’s us come to a decision and make a rough estimate’ attitude. Indeed, in light of persistent, sometimes centuries-old philosophical peer disagreement, one might feel that there is simply no hope of settling controversial issues in the traditional way by reviewing the first-order evidence. Perhaps we should therefore resort to arguments like that from confabulation or like the ones above in order to come to at least a comparative conclusion, as one may call it.<sup>37</sup> I will not here try to argue against this way of reforming academic philosophical inquiry. Rather, I wish to observe that this would be a revisionary approach, involving a significant departure from the actual academic culture. My claim is therefore a conditional one, whose antecedent I take to be widely affirmed in the current academic culture: If we have enough time and intellectual skills to assess the first-order evidence, it is illegitimate to take argumentative shortcuts that yield only approximate conclusions.<sup>38</sup>

As a side note, I suspect that this maxim underlies much of the skepticism that the genealogical method has attracted, especially from analytic philosophers. But the problem with genealogical arguments that rely on higher-order evidence has often been misdescribed. Maybe typically, John Searle writes:

“A standard argumentative strategy of those who reject the Western Rationalistic Tradition is to challenge some claim they find objectionable, by challenging the maker of the claim in question. Thus, the claim and its maker are said to be racist, sexist, phallo-*phallo*-logocentric, and so forth. To those who hold the traditional conception of rationality, these challenges do not impress. They are, at best, beside the point. To those

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<sup>37</sup> This possibility was raised by an anonymous referee.

<sup>38</sup> To be sure, one can think of arguments from higher-order evidence that are not just approximate. For instance, if we *know for sure* that the proponent of some view has taken a drug that makes him *entirely* irrational (that is, he shows no sensitivity to the evidence *whatsoever*), this would arguably suffice to dismiss whatever argument he puts forth on the grounds that he is under the influence of this drug. But typically, arguments from higher-order evidence are weaker in that they only establish that the proponent of the to-be-debunked view is *probably* not responding to the evidence.

within the Western Rationalistic Tradition, these types of challenge have names. They are commonly called argumentum ad hominem and the genetic fallacy.<sup>39</sup>

However, as we have seen, to argue that some doctrine ought to be distrusted because it reflects some intellectual bias is not fallacious. Rather, an argumentative strategy of this kind is objectionable because it is unnecessarily imprecise and speculative. Without reasonable excuse, it fails to actually engage with the (say) phallogocentric reasoning and to specify where exactly it goes wrong. As a result, it leaves us wondering whether it might not be correct after all.

Note that all this does not mean that evidence of cognitive malfunctions on the part of the proponents of a given philosophical theory must entirely go to waste. There are still various ways in which one may fruitfully make use of such information.

First, arguments from higher-order evidence may be admissible in other contexts. I have been concerned with academic discussions as carried out in academic books, journals and at conferences. If a deontologist were to submit an academic article arguing along the lines of (4), it would rightly be rejected as too conjectural. But this ban on a certain type of argument does not necessarily apply in other contexts, such as, say, informal chats between colleagues. In particular, it does not apply in contexts in which intellectual resources are limited and/or there is an urgent need to arrive at a decision. For instance, debunking arguments based on higher-order evidence are suitable for private use, so to speak. As private individuals, we cannot hope to sort out every philosophical question by exhaustively sifting through the first-order evidence. This makes resorting to rough estimates based on higher-order evidence legitimate. Thus, while we are not allowed to dismiss deontological theory as probably just confabulatory in an official academic debate, it is unobjectionable to do so 'in private'. Likewise, it is permissible to argue from higher-order evidence in those real-life situations in which we must make a quick decision. If the trolley is hurtling down the track towards the immobilized workers, and a group of people has just a few minutes to decide what to do, advancing the argument from

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<sup>39</sup> Searle 1993, p. 66.

confabulation would be perfectly legitimate. Or, to give a more realistic example, the deliberative process of experts – philosophical or otherwise – who sit on panels that decide about pressing issues of public import should not be subject to the above constraints.<sup>40</sup>

Second, one may make use of such higher-order evidence without actually mentioning it in one's argument. Such evidence may yield useful hints and thus *guide* one in one's inquiry. If you possess, say, evidence to the effect that deontological moral theory is just the product of erroneous post hoc rationalization, this would be a good reason to embark on a research project showing that deontologists got it wrong. After all, you already possess higher-order evidence to the effect that deontological arguments are probably flawed. You just need to find these flaws. The prospects of success are therefore exceptionally good. I am not, of course, suggesting that higher-order evidence may absolve one from the duty of being sensitive to the (first-order) evidence and of eventually going where the argument leads. But we can use such evidence as an indicator of which philosophical projects may turn out successful. I take it that academic philosophical inquiry is often at least partly guided by higher-order considerations of this kind, and this strikes me as unobjectionable.

Third, there is nothing objectionable about offering debunking explanations that rely on higher-order evidence in addition to one's regular argument as long as they have a purely diagnostic or explanatory rather than argumentative function. After having argued for some doctrine on the basis of regular first-order evidence, one may offer conjectures as to why people have failed to recognize the truth of this doctrine. In most cases, this explanation of people's errors will be trivial and not worth mentioning. Typically, the reason why people fail to notice that a given body of evidence supports a certain conclusion is simply that the human mind is fallible when it comes to solving complex philosophical problems, which is not particularly noteworthy. In some cases, however, the explanation is more interesting and worth exploring. The explanation may be that opponents of the argued-for position

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<sup>40</sup> There are of course many other contexts of argumentation that might be worth looking into. Think, for instance, of the political arena or the courtroom. It would be interesting to examine the admissibility of debunking arguments that are based on higher-order evidence in these other contexts, too. But this is a topic for another article.

are systematically biased or under some kind of ideological delusion, and exposing such biases may be quite instructive and enlightening in its own right. If Greene and Singer are right, there is a systematic bias towards deontology because philosophers tend to post hoc rationalize innate deontological gut reactions. So instead of debunking elaborate defenses of deontology by appeal to higher-order evidence, Greene and Singer could have refuted them in the standard way (that is, by engaging with the first-order evidence) and then offered this psychological debunking explanation as a diagnosis of why philosophers have produced these flawed deontological arguments, as an instructive but dispensable add-on, so to speak. This is for instance how Jason Brennan and Peter Jaworski proceed in their defense of markets against critics of commodification. They first present regular, first-order level arguments against the view that some goods should not be for sale. Then, in a second step, they conjecture that anti-commodificationists are merely rationalizing a feeling of disgust that overcomes them at the thought of markets in such goods as sex, organs or surrogacy. That is, rather than to argue from higher-order evidence, they offer evidence of biases on the part of their philosophical opponents as a *diagnosis* of why they were wrong about the moral permissibility of the commodification of certain goods.<sup>41</sup>

By way of conclusion, let me note that it need not necessarily be clear which type of defeating mechanism a given debunking argument relies upon. While the structure of DoD is relatively clear, other debunking arguments may be less explicit about their exact mode of operation. Debunkers typically proceed by showing that the cognition of those who hold the to-be-debunked belief is in some way or another flawed. But such cognitive flaws can often manifest themselves in either (or indeed both) of the two above described ways. They can create false impressions of evidence, e.g. by distorting our moral intuitions, and they may lead one to misjudge the available evidence. Arguments

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<sup>41</sup> Brennan and Jaworski 2015, p. 1077; 2016, pp. 217-219. One difference, however, is that Greene and Singer have stronger independent evidence of post hoc rationalization on the part of their opponents. Brennan and Jaworski's hypothesis that anti-commodificationists are post hoc rationalizers is at least in part motivated and made plausible by the fact that anti-commodificationist arguments were found to be flawed. Greene and Singer's hypothesis that deontologists are post hoc rationalizers, by contrast, is independently motivated. For other such libertarian debunking diagnoses, see e.g. von Mises 1972; Nozick 1997. On the difference between diagnostic debunking explanations and debunking arguments proper, see also Mason 2010, p. 771.

of the form ‘You just believe that because...’ are often indeterminate in this respect. For instance, a leftist critique of some normative political view as ‘ideological’, as merely reflecting social power relations, may be indeterminate as to whether these power relations have corrupted people’s moral intuitions or whether they have led to flawed assessments of the evidence. The same may be true, for instance, of dismissals of egalitarian redistribution as envy-driven, which are popular in libertarian circles.<sup>42</sup> If, as I have argued, one of these two types of debunking arguments is objectionably sloppy, it is important to be precise about which of the two debunking mechanisms a given debunking argument purports to employ.

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<sup>42</sup> Most prominently Hayek 2006, pp. 81-82.

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