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Pain for the moral error theory? A new companions-in-guilt argument

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The moral error theorist claims that moral discourse is irredeemably in error because it is committed to the existence of properties that do not exist. A common response has been to postulate 'companions in guilt'; forms of discourse that seem safe from error despite sharing the putatively problematic features of moral discourse. The most developed instance of this pairs moral discourse with *epistemic* discourse. In this paper I present a new, prudential, companions in guilt argument and argue for its superiority over the epistemic alternative.

1. Introduction

The moral error theorist claims that moral discourse – thought and talk about (for example) what we morally ought to do, what we have moral reason to do – is wholly flawed because it is committed to the existence of normative properties (or facts or relations) that do not exist.[1] The upshot of the view is that *nothing* is morally permissible (or impermissible) or morally good (or bad).[2]

A popular strategy for replying to the view has been to find so-called 'companions in guilt'.[3] These are forms of discourse that seem in good standing – an error theory is implausible for these

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[1] I sometimes omit the 'moral' in 'moral error theory' for brevity. I similarly suppress the '(or facts or relations)' and formulate error theory (etc) in terms of properties.

[2] The *locus classicus* is Mackie [1977: ch. 1]. See also Garner [1990], Joyce [2001], Bedke [2010], Olson [2014], Streumer [2017].

[3] When deployed by opponents of the error theory they are more accurately labelled 'companions in innocence' but I will follow the existing convention.

domains – but which share the putatively problematic features of moral discourse. Wielders of these arguments then use the good standing of the second kind of discourse, coupled with its sharing the putatively problematic features of moral discourse, to show that moral discourse must be equally in good standing.[4]

This general strategy has been most thoroughly explored in connection with *epistemic* discourse (for example, thought and talk about what we are *justified* in believing).[5] The merits of the strategy are easy to see and I detail them shortly. Nonetheless, doubts have been raised about the argument. These doubts concern the extent to which epistemic discourse has the problematic features of moral discourse. If epistemic discourse does not share these feature then, even if it is in good standing, it makes no trouble for the moral error theorist.

In this paper I present a new companions in guilt argument and argue that it is more troubling for the error theorist than the argument from epistemic discourse. I start (section 2) with a more precise characterisation of error theory and the epistemic companions in guilt argument. I then (section 3) explain a reductionist reply to the epistemic argument that seems available to the moral error theorist. In (sections 4-5) I present my new, prudential, companions in guilt argument and (section 6) argue for its superiority over the epistemic argument.

2. Moral Error Theory and the Epistemic Companions in Guilt Argument

(A) Moral Error Theory

Let me outline moral error theory in detail. Moral error theorists hold that moral discourse involves the ascription of irreducibly normative properties but that there are no such properties. The property commonly focused upon in discussion of error theory is the property of being a categorical reason for action. A categorical reason for action is one that is relevantly independent

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[4] For assessment of a range of such arguments see Lillehammer [2007].

[5] See Cuneo [2007].

of the agent's desires.[6] For example, if I promise to give you my car, but doing so would not fulfil a desire of mine, there is still a moral reason for me to do so, a reason generated by my promise. It is widely but not universally accepted that moral discourse is committed to categorical reasons.[7]

However, the moral error theorist is not only worried about moral *reasons*. The scope of Mackie's [1977: 15] error theory is clear when he writes:

> There are no objective values…The claim that values are not objective, are not part of the fabric of the world, is meant to include not only moral goodness…but also other things that could be more loosely called moral values or disvalues – rightness and wrongness, duty, obligation[.]

According to error theorists, moral discourse is committed to an *array* of normative properties that are *sui generis*, irreducibly normative, features of actions (etc).[8] In holding that the properties ascribed within moral discourse are *sui generis* irreducibly normative features of actions, the error theorist contends that they cannot be identified with any ontologically innocent, natural, property. The error theorist combines this view about the commitments of moral discourse with the denial that such properties exist. I will now outline the *epistemic* companions in guilt argument against moral error theory.

(B) The Epistemic Companions in Guilt Argument

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[6] 'Relevantly' is crucial. There are many cases where your desire is part of the explanation of why you have a reason without making this reason non-categorical. If you desire to hurt others then you have a categorical reason t*o seek medical help.* This reason is relevantly independent of your cares and concerns because it does not prescribe a means of realising your aims.

[7] For recent discussion see Finlay [2008] and Joyce [2011]. See also Foot [1972].

[8] This is not to deny that one could combine error theory with the claim that all normative properties are identical to or reduce to categorical reasons for action.

A common reply to the moral error theorist has been to argue that *epistemic* discourse is equally committed to irreducibly normative properties. If such parity is real then moral and epistemic discourse stand or fall together. Proponents of the argument have assumed that few will embrace epistemic error theory and that we will, instead, reject *moral* error theory on the grounds that epistemic discourse successfully ascribes irreducibly normative properties. Cowie [2014a: 408] nicely spells out the epistemic companions in guilt argument ('epistemic argument') thus:

Epistemic Argument

(1) *Parity premise*: If the arguments for the moral error theory (whatever they may be) are sufficient to establish that the moral error theory is true, then those arguments (or appropriate analogues of them) are sufficient to establish that the epistemic error theory is true.

(2) *Epistemic existence premise*: the epistemic error theory is false.

So:

(3) The arguments for the moral error theory are not sufficient to establish that the moral error theory is true.

This argument has two merits. First, the equivalent error theory — that (for example) no-one is ever *justified* in believing anything — is hard to accept. Second, it holds out the promise of showing that the moral error theorist is dialectically hamstrung because they cannot consistently argue that we *ought to* believe the error theory, that we have *evidence* for it, or *reasons* to believe it.[9]

Having introduced the moral error theory and the epistemic argument let me explain a common, error-theory-friendly, reply to the argument before presenting my alternative argument.

3. Error Theorists' reply to the Epistemic Argument

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[9] See especially Cuneo [2007: ch. 4].

In response to the epistemic argument outlined above one might accept (1) and seek to reject (2), by arguing for error theory about epistemic discourse. There are various ways that an error theorist might seek to do this, such as by arguing that moral and epistemic discourse are actually *entangled* such that there is no division between the two and epistemic discourse inherits the problematic commitments of moral discourse.[10]

A more common reply, the focus of the literature on the epistemic argument, has been to undermine premise (1) by casting doubt on the claim that epistemic discourse is committed to the same problematic properties as moral discourse. One way to put the point is that epistemic error theory is false but that is because epistemic discourse does *not* ascribe ontologically problematic properties.[11]

The trouble for the epistemic argument comes from the fact that, for epistemic discourse, there is a plausible case for a reduction of the properties ascribed within the discourse to the ontologically unproblematic. On such a view, whilst epistemic discourses uses the same normative *terms* as moral discourse (*good* belief forming mechanisms, *reasons* to believe, what we *ought* to believe, etc.) within epistemic discourse the terms ascribe different, ontologically respectable, properties.[12]

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[10] For discussion of a range of proposals about how the moral and epistemic might be interrelated see Cuneo [2007: ch. 2]. One possibility is if there is pragmatic encroachment on the epistemic because epistemic properties are appropriately related to moral reasons for action. On this see Fantl and McGrath [2007], Hawthorne and Stanley [2008].

[11] Fletcher [2009], Heathwood [2009], Olson [2011], Cowie [2014a, 2014b, 2016]. There are other ways of rejecting epistemic error theory, such as rejecting realism about epistemic discourse.

[12] There are two versions of this response. The first is that epistemic discourse ascribes normative properties but that the discourse is in good standing because it ascribes *reductively* normative properties. The alternative is to hold that epistemic discourse is in good standing because the properties it ascribes are *non-normative*. The difference between these two ways of replying does not matter for my purposes here because either is sufficient to falsify the parity premise.

What might such a reduction be like? The suggestion developed and examined at most length is that epistemic discourse ascribes *alethic* properties, such as obtaining or preserving *true beliefs*. So, for example, the property of being an epistemic reason is (just) the property of being something that raises the probability of believing the truth (and so on for other properties ascribed by epistemic discourse). There are of course tricky questions to ask about the precise relationship(s) between epistemic claims and alethic properties and generally whether this reduction succeeds.

One license for optimism for the strategy highlights an apparent disanalogy between the epistemic and the moral. This is the fact that there is an ontologically unproblematic property — true belief — which plausibly plays a central role in *epistemic* discourse, such that something cannot qualify as epistemic discourse without being connected to that property. By contrast, there seems to be no such candidate in the case of *moral* discourse. There does not seem to be an ontologically innocent property, or set of properties, such that something does not count as moral discourse unless this property plays a central role.[13] As Heathwood [2009: 90] puts it:

> The sentence 'this is likely, given my evidence, but it's not reasonable for me to believe it' does have an air of incoherence about it in a way that axiological statements - even such patently false ones like 'suffering is intrinsically good' - never do.[14]

This feature of the epistemic gives some plausibility to the claim that epistemic discourse can be reduced, that it uses the same *vocabulary* as moral discourse but in an innocent fashion, to talk about *truth* and promotion of true beliefs rather than anything ontologically problematic.[15] This

[13] Moore [1903: ch. 1].

[14] Perhaps Heathwood loads the dice by using 'suffering' rather than 'pain'. As noted above, there are other possible objections to make to the epistemic argument. For example, one might be sceptical that a reductive account of probabilities is possible.

[15] For discussion see Cowie [2016: sec. 4].

yields an asymmetry between the moral and the epistemic which gives grounds for doubting the parity premise of the epistemic argument.

This response has three merits. First, it is plausible that anything unconnected to truth and the promotion of true beliefs is *not* a form of epistemic discourse. Second, the property of promoting true belief is plausibly ontologically unproblematic and so there is some reason to think that the epistemic could be reduced to the ontologically unproblematic. Third, no analogue of these points plausibly holds for moral discourse (a claim that is common ground with the moral error theorist).

Let me clarify the dialectic at this point. A common reply to the epistemic argument has been that, irrespective of the status of (2), there is reason to doubt (1) — that epistemic discourse is relevantly on a par with moral discourse. This reason to doubt (1) comes from the plausibility of a reductive account of epistemic normativity. I do not claim that this reduction is uncontroversial nor that it has been achieved.[16] Rather, my claim is only that there is this plausible ground for doubting premise (1) and that, other things equal, it would be better if we could find a companions in guilt argument without this possible weakness.

This would all be moot if there were no other candidates for companions in guilt arguments. Indeed, some proponents of this reductionist response to the epistemic error theory have presented it as a master argument against *all* forms of the companions in guilt strategy.[17] But this is to overlook the possibility of mounting such an argument based on *prudential* discourse. I provide such an argument now.

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[16] Someone attracted to (e.g.) a deontological conception of epistemic justification might deny that truth plays the kind of role that the reductionist view I have been considering builds upon.

[17] For example Cowie [2016]. However, as he makes clear [2016: 129], it's only a master argument against the *epistemic* argument: 'I have argued that the companions in guilt argument—*at least if it is understood as an argument by analogy with epistemic reasons*—fails.' (my italics). See also Das [2016] and Rowland [2016].

4. The Prudential Argument (I)

For those seeking to resist the moral error theory there is a better companion in guilt: *prudential* discourse. By prudential discourse I mean claims such as: 'Hilary needs water', 'It would be good for John to be head of department', 'Joan ought to change career', 'Pain harms people', 'Leslie should refuse the offer'.[18] Prudential discourse thus utilises the same normative vocabulary as moral discourse.[19]

Let me now present the prudential companions in guilt argument (adapting Cowie's):

The Prudential Argument

(1) *Prudential Parity premise*: If the arguments for the moral error theory are sufficient to establish that the moral error theory is true, then those arguments (or appropriate analogues of them) are sufficient to establish that the *prudential* error theory is true.

(2) *Prudential existence premise*: the *prudential* error theory is false.

So:

(3) The arguments for the moral error theory are not sufficient to establish that the moral error theory is true.

In support of (2), it seems undeniable that some things are good or bad for people, that some people lead lives that go well for them (and vice versa), and that some outcomes are better(/worse) for someone than others. For example, aren't at least *some* pains experienced by at least *some* subjects bad for them?[20] Could it really be true that no pain could *ever* be bad for *anyone*?

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[18] At least some of these sentences can be used to make moral (and other non-prudential) claims as well.

[19] We do not talk about prudential *permissions* and *obligations*. But we do talk of prudential good and bad, prudential reasons, prudential necessities, what someone prudentially should/must/ought to do. For discussion of the normativity of prudential discourse see Fletcher [in preparation].

[20] I am not taking a stand on whether all pains are prudentially bad. Perhaps pains that are *relished* are not. On this see Bradford [in preparation].

Premise (2) does not, however, presuppose any particular substantive thesis about prudential value. It relies on the claim that *something* is good (or bad) for people. Thus the error theorist who seeks to reject premise (2) must defend the following: *nothing* is either good or bad, beneficial or harmful, better or worse, for *anything*. That would commit them to the view that there are no welfare subjects, that nothing has a level of well-being. Similarly, they must defend the view that no agent ever has a prudentially-grounded reason for anything.

I do not claim that premise (2) is indubitable. An error theorist might be able to come up with an argument for rejecting that premise (and any error theorist who accepts (1) must do so). But crucially for my purposes here, premise (2) seems at least as plausible as the equivalent premise of the epistemic argument. That is, denying premise (2) of the prudential argument, and holding, for example, that nothing is better or worse for anyone at all is at least as implausible as holding, for example, that no belief is more justified than any other.

On the assumption that premise (2) of the prudential argument is plausible, the action is in premise (1), the parity premise. We need to determine whether prudential discourse is sufficiently like moral discourse to establish the parity premise.

5. The Prudential Argument (II)

We saw above that there is a plausible strategy for the error theorist to undermine the *epistemic* analogue of premise (1), in the form of reductionism about epistemic normativity. One piece of evidence for that reduction was the connection between epistemic discourse and *truth*, through the observation that, plausibly, a form of discourse must be connected to truth to count as epistemic discourse but there seems to be no such property that a form of discourse *must* be connected to in order to qualify as *moral* discourse.

Let us turn now to *prudential* discourse. Is there a plausible reduction of prudential discourse to the ascription of a set of ontologically unproblematic properties?[21] I think not. Let me explain why.

I assume that the most likely proposal for such a reduction is that prudential properties reduce to hedonic properties. For example, that being good (/bad) for a welfare subject *just is* being pleasurable (/painful) for them and so on for the other prudential properties (better than, worse than, etc.). The difficulty for this proposed reduction is that, whilst hedonic properties are plausibly ontologically innocent, they do not seem like plausible candidates for the properties ascribed by prudential discourse. Nor does it seem like there are other plausible candidates.

It would be evidence against the proposal that prudential properties are identical to hedonic properties if it is plausible that there can be communities of agents who make prudential judgements without ascribing hedonic properties. And more generally it counts against any proposed reduction of the prudential to the ontologically unproblematic if we can construct plausible scenarios where there is prudential discourse that does not ascribe those properties.[22]

It seems plausible that we *can* construct such scenarios, the prudential analogue of Horgan and Timmons' [1991] Moral Twin Earth thought experiment.[23] On prudential twin earth 1, agents have a form of discourse connected to the exercise and development of unique human capacities. They hold that theoretical contemplation is the only uniquely human capacity and it is plausible that they hold that only this activity has prudential value (and that its value in no way depends upon it being pleasurable). Evidence for this commitment comes from the advice that they

[21] There are plausible candidates for *normative* properties that prudential discourse might be reducible to. For example, Darwall's [2002] claim that prudential value is what it would be *rational* to want in so far as you care about someone.

[22] These points are not decisive against the proposals. Rather, it is some evidence against the reduction and provides the task for a reductionist account of explaining why it seems like there can be (e.g.) prudential discourse that does not ascribe the relevant properties.

[23] See also Hare [1952: sec. 9.4].

give each other ('only have fun if it helps your contemplation', "only exercise if it helps your contemplation) and how they structure their lives both as individuals and as a society. For example, people only non-instrumentally desire contemplation for themselves, they reliably seek it out for themselves and for their loved ones, they envy those with more contemplation time than themselves, and so on.[24] For these reasons it is plausible that they make prudential judgements and that their conception of prudential value is one that ties it to what is unique to humans and to theoretical contemplation.

By contrast, on prudential twin earth 2, agents have a similar form of discourse which is connected to pleasure and pain. It is plausible that *they* hold that only these hedonic phenomena have prudential value (/disvalue). Evidence for this comes from the advice that they give ("have fun!', "only exercise if it feel good') and how they structure their lives as individuals and society.

This pair of scenarios exhibits the following features. It seems plausible that agents in both worlds make prudential judgements and that they manifest a disagreement in conceptions of prudential value. They disagree, for example, about the prudential value of having fun and doing exercise. This is despite there being no plausible candidate for an ontologically unproblematic property that their judgements commonly ascribe. This suggests that we cannot reduce prudential properties to hedonic properties in particular and it seems like the argument can be run with equal plausibility for other ontologically innocent properties (prolonging life, life-satisfaction, desire-satisfaction etc.).

In contrast with epistemic discourse, where there is some plausibility to the idea of a reduction of the epistemic to the alethic, there seems to be little to no plausibility in the idea that prudential discourse reduces to ontologically unproblematic properties. Given this difference in plausibility, the parity premise is more secure for the prudential argument than the epistemic

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[24] There is more to say about (i) how precisely we determine that these are prudential judgments and (ii) what kinds of meta-prudential views we should seek to endorse on the basis of these considerations. These are interesting issues that I lack the space to pursue here.

argument. Thus the prudential argument is the stronger of the two. In the next, final, section I spell out precisely why the prudential argument is the superior companions in guilt argument.

6. The prudential argument versus the epistemic argument

Having established the plausibility of premises (1) and (2) of the prudential argument, let us turn to the merits of this argument as compared with the epistemic argument.

There are two criteria for assessing a companions in guilt argument against moral error theory. First, *how close* is the parallel between the relevant kind of discourse and moral discourse. Second, *how problematic* is it to be committed to error theory about the relevant kind of discourse.

The prudential argument fares better overall than the epistemic argument. This is because whilst they are equal or close to equal on the *how problematic* criterion,[25] the prudential argument fares much better on the *how close* criterion.

Starting with the *how problematic* criterion, the view that *nothing* is good (or bad) for anyone is as implausible as the view that that no belief is justified (or unjustified).[26] Similarly, whilst the epistemic error theory entails that no belief is any more justified than another, the prudential error theory entails the equally implausible claim that no outcome is *any better* (or worse) for someone than another.[27] Thus it is equally bad to be committed to the prudential error theory as to be committed to the epistemic error theory.

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[25] I think they are equally plausible but concede that they might only be of roughly equal plausibility. For readability I will put the point in terms of equal plausibility.

[26] Granted, the epistemic argument promises something that the prudential equivalent cannot — the possibility of showing that the moral error theorist cannot coherently argue for their view (though whether the moral error theorist would be so hamstrung if committed to the epistemic error theory is a vexed question). See Olson [2011], Rowland [2013, 2016], Cowie [2014a, 2014b, 2016], Das [2016].

[27] There are many other controversial entailments of each view. For example, on the epistemic side, that no-one could know anything, that no belief-forming mechanism is epistemically superior to any other and, on the prudential side, that no-one could live well, that there are no rational, prudentially-grounded, preferences.

Crucially, the prudential argument fares *much* better on the *how close* criterion. This is because there is a plausible case for a reduction of epistemic properties to alethic properties but there is no such plausible reduction for prudential discourse.[28] In this respect, prudential discourse is a closer fit with moral discourse. Thus for those trying to mount a companions in guilt reply to the error theory, prudential discourse is the better bet.

The moral error theorist has two options. Their first option is to undermine the claim of parity between the moral and the prudential, by trying to give a plausible account of how prudential discourse *can* be reduced to the ontologically unproblematic (an account which must not carry over to moral discourse for fear of ceasing to be moral error theorists).

Their alternate option is to bite a further bullet by embracing the prudential error theory and trying to show that this is plausible. To do this they would need to make plausible not only that we lack moral obligations to alleviate the pain of people whom we could easily help, but, further, that such pain is *never* bad for those who experience it.[29]

For those who think that at least something is good or bad for at least some subjects and that prudential discourse is relevantly like moral discourse, there is a new strategy to explore for resisting the moral error theory.[30]

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[28] This reduction, if possible, would insulate the moral error theorist from the charge of being unable to consistently argue for their view.

[29] They would be free to combine this extended error theory with a reductive view of epistemic normativity of the sort discussed above.

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