

SEMI-FUNDAMENTAL MORAL DISAGREEMENT AND NON-MORALLY FUNDAMENTAL MORAL DISAGREEMENT

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Abstract

In this paper, I question the dichotomy between fundamental moral disagreements, arising from divergences on moral principles, and superficial moral disagreements, that are expected to disappear under ideal epistemic circumstances. I claim that there are many other possibilities for moral disagreements, including moral disagreements that do not arise from different moral principles but would not disappear under ideal epistemic conditions. I describe two major kinds of such disagreements: semi-fundamental disagreements, which are made possible by the fact that the same moral rules can be applied in different ways to the same situations, and non-morally fundamental moral disagreements, which arise by the fact that moral truths are not the only potentially non-factual truths.

1. Introduction

A fundamental moral disagreement occurs when people disagree about moral issues because they do not share the same basic moral principles. The existence of fundamental moral disagreements is important both for metaethics and moral psychology. At the meta-ethical level, Mackie has used the existence of fundamental moral disagreement to argue against moral objectivism. His ‘abductive’ argument can be summed in the following way:

- i. Fundamental moral disagreements exist;
- ii. The falsity of moral realism is the best explanation for the existence of fundamental moral disagreements;
- iii. Therefore: Moral realism is false.

Indeed, the existence of fundamental moral disagreements could also be explained by a theory that posits the existence of objective moral truths but denies that we have access to

them. But such a theory would be more costly than moral anti-realism, which posits less unknown moral entities.

Let's first define a *fundamental* moral disagreement as the kind of moral disagreement that threatens both moral objectivism and moral universalism. For a moral disagreement to be fundamental, the disagreement must stem from a disagreement about *basic moral principles*.

In the philosophical literature, fundamental moral disagreements are typically opposed to what I will call *superficial* moral disagreements. A superficial moral disagreement is ideally *resolvable*: it would disappear if the two sides were (i) in perfect agreement about the *descriptive* (i.e. *non-evaluative*) *features* of the situation and (ii) in an *ideal epistemic condition* (i.e. both sides are rational and not cognitively biased, for example by emotions or personal involvement in the situation that is to be judged). By contrast, fundamental moral disagreements are supposed to be *irresolvable* and to remain even in these ideal conditions.

Let's take an example of what could, at first sight, seem a fundamental moral disagreement but turns out to be only a superficial moral disagreement due to a disagreement about descriptive features of the situation. In the Indian town of Bhubaneswar, widows are not allowed to eat fish. Clearly, at first sight, it seems to be a moral principle that is very different from ours: we have no moral rules forbidding widows to eat fish. But things appear in a different light when we learn that people in Bhubaneswar believe (i) that the spirit of the dead husband survive after death and can still witness his widow's actions and (ii) that eating fish stimulates a woman's sexual appetite, increasing her chances to cheat on her husband. Knowing this, we can see that people in Bhubaneswar share with most of us the moral belief that cheating on one's "living" partner is wrong and disagree only for non-moral reasons (Haidt, Koller & Dias, 1993).

But what is exactly the connection between fundamental and superficial moral disagreements? It is a methodological connection: for most of the philosophical literature, to prove that a moral disagreement is a *fundamental* moral disagreement comes to prove that this same disagreement is *not* a *superficial* moral disagreement. This line of reasoning relies on the following premise: a moral disagreement is either fundamental or superficial – there is no third way.

In this paper, I will try to challenge this premise. As I will argue, proving that a moral disagreement is not superficial is not enough to show that it is fundamental. There are at least two other options: it can be a *semi-fundamental* moral disagreement, or a fundamental disagreement but not for moral reasons (i.e. a *non-morally* fundamental disagreement).

2. *Semi-fundamental moral disagreements*

The distinction presented between fundamental and superficial moral disagreements relies on the following ‘model’ of moral judgment: people have (i) moral principles and (ii) a description of the case that is to be judged. Moral judgment is the application of these principles to the particular case or, in other words, the subsumption of this particular case under moral principles. The disagreement is fundamental when people use different moral rules and superficial when they hold different beliefs about the particular case or fail to properly apply the rules to the case. This conception relies on the following premise: for a given set of moral rules and a given set of descriptive beliefs about a case, there is only one rational way to apply these rules to this case. Here, I contend that this premise is false: two ideally rational beings with the same moral rules and the same descriptive beliefs can apply these rules to these beliefs in distinct ways. This is what we can call *semi-fundamental disagreement*, because such a disagreement is neither superficial (because would not disappear under perfect epistemic conditions) nor fundamental (because does not arise from a disagreement about moral norms) but lies at an intermediate level (the level of the application of norms to particular cases).

2.1. *Rule-based semi-fundamental disagreements*

A first type of semi-fundamental disagreement is *rule-based* semi-fundamental disagreements: disagreement that occurs because the moral rule to apply is incomplete or too imprecise for the present case. Let’s take a non-moral example and imagine a game similar to tennis with players moving on a delimited court. Let’s also imagine that the court is delimited by a painted line that is ten-centimetres wide. Judges (and players) learn the following rules: a player loses the game if he throws a ball that bounces outside the court, and the lines delimitate the court. Now, let’s imagine that a player throws a ball that bounces exactly on a line. Does he lose the game? The answer to this question depends on whether the line is or isn’t part of the court which it delimitates – but the rules are silent about that. Now, we could imagine two impartial and perfectly rational judges who agree about the descriptive facts but have two different opinions, because the rules are imprecise and can be applied both ways: the first judge says that the ball is out of the

court and that the player has lost the game, while the second considers the line to be inside the court and claims that the game is not over. This disagreement is neither fundamental (both judges agree on the same rules) nor superficial (both judges agree to say that the ball bounced on the line): it bears on how the rules must be understood and applied to such a case. In the same way, some non-superficial moral disagreements could arise because there is more than one way to apply the same moral rule to a particular case.

It could be argued that, since they do not agree on how to apply the rule, our two judges use in fact two different rules. A first objection could be that, since the rule are silent about whether landing in the court counts as ‘in’, each judge in fact completes the existing rules by adding a new one. So, our judges wouldn’t disagree about the correct way to apply the *same* rule but would be using two *different* rules. That might be the case in some instances of disagreement. But is it really impossible for two judges to disagree about how to apply a rule and still be talking about the same rule? It seems that, in some cases, people disagree about the best way to apply a rule but still think they are talking about the same rule. It might be the case in debates about how the Amendments to the Constitution of the United States should be applied. In these cases, there is little doubt that the disagreeing parties think that they are talking about the *same* Constitution. They might be wrong in thinking this, but there are also chances they are right. A similar ‘phenomenological’ argument can be used: if the disagreement occurs because each judge chooses to complete the rules by making up his own rule, then each judge should be really confident about his judgment (“I’ve added rule R and rule R definitely says that x”). But we can imagine two judges having this kind of disagreement and being uncertain about their respective decisions.

A second objection could be that the disagreement between the two judges occurs at a semantic level because, for example, they disagree about the referent of the term ‘court’. If the first judge uses ‘court’ to refer to the object defined as the court plus the line, and the second judge uses the same term to refer to the object defined as the court minus the line, then both judges are using the same term in equivocal ways and, since the rule makes use of the term ‘court,’ use in fact two different rules. Indeed, our judges seem to disagree mainly because they use the terms ‘in the court’ in different ways. But it doesn’t necessarily mean that they attribute to this term two different meanings, because two people who use the same term with the same meaning can still disagree about how to use it in certain cases. Let’s think for example about cases of vagueness: when does a man become bald? How many hairs must I have to not be bald? It is possible for two people to disagree about whether a man is bald because this man constitutes a ‘borderline’ case in which the truth conditions of this term are “vague”. But that doesn’t mean that these two people attribute

two different meanings to the term ‘bald.’ So, in our case, we can imagine that both judges use ‘court’ with the same meaning and, thus, understand the rules in the same way, but still apply them differently because there are differences in their use of the term ‘court’ for vague cases.

But can we find a moral example of such rule-based disagreements? We are not in a position to answer this question with certainty, but here is a candidate example: the debate about abortion. Most of (but not all) the discussions about the permissibility of abortion bear on whether the embryo is or isn’t a *person*. In these same discussions, both sides seem to agree on the following moral principle: “if x is a person, then it is *prima facie* wrong to kill x ”. So, people do agree on the rule – does it mean that the debate about abortion is a superficial disagreement that will disappear when we’ll have enough descriptive data to decide whether the embryo is a person? It doesn’t seem so, because ‘person’ doesn’t seem to be a purely descriptive term: two persons can have the same set of factual beliefs about an embryo without agreeing on whether it is a person or not. Rather, we can describe the disagreement about abortion in the following way: both sides share the same moral rule according to which there is a class C of beings that it is *prima facie* wrong to kill and that they call ‘persons.’ They agree about paradigmatic cases of beings belonging to C , for example a 20-year old *Homo Sapiens*. Probably, they would also agree about paradigmatic cases of beings not belonging to C : for example, a worm, a fly or a carrot. The problem arises for a particular case: the embryo. Both sides (putting aside exceptions like Peter Singer) agree that a newborn belongs to C , and that a spermatozoid doesn’t. It’s just in a small intermediary area that they disagree. But that doesn’t necessarily mean that they have different rules: rather, it could be that the rule that they follow to determine whether an individual is a person are unspecified (or underdetermined) for this particular area because there is some vagueness and underdeterminacy in the use of the concept of ‘person.’

If my hypothesis is true, then the disagreement about abortion is (as far as the status of the foetus is concerned) neither a fundamental disagreement nor a superficial disagreement. It is a case of *underdeterminacy* and responses to such underdeterminate cases can vary without the rules themselves varying. In such cases, the cultural environment probably plays a great role in determining which way of applying the rule will be chosen, as conformity increases in cases of uncertainty. Consider the following experiment. Baron and his colleagues (Baron, Vandello & Brunsman, 1996; see Asch, 1955 for the original

experiment) asked participants to perform the following task: they were shown a first drawing of a single man then a second drawing of four men. Their task was to detect which of the four men on the second drawing was the same as the man on the first drawing. Each participant was accompanied by two other participants that were in fact the experimenter's confederates and sometimes agreed on giving a wrong answer. As the confederates gave their answer publicly and before the real participant had, the participant could choose to conform to the confederates' answer. There were two conditions: in the low-task-difficulty condition, drawings were shown for five seconds each, while in the high-difficulty condition each drawing was shown for only one second. The results were the following: in the low-difficulty condition, participants relied mostly on their own intuitions and rarely conformed to the confederates' answer. But, in the high-difficulty condition, as their intuition became less reliable, participants suddenly began to conform to the confederate's answer, even if it were false. These results show that, in cases where people are unsure of what the right answer is, they tend to follow the answer shared by the group to which they belong. If the permissibility of abortion and the status of the embryo is such a case of uncertainty, then it is not a surprise that people tend to be highly influenced by the group to which they belong on this issue. In this way, we can have what looks like a fundamental disagreement between individuals and groups without postulating that the two sides have different rules.

2.2. *Description-based semi-fundamental disagreements*

A *description-based* semi-fundamental disagreement arises when the two sides do not have the same description of the situation. At first sight, this looks similar to a superficial disagreement caused by different descriptive beliefs. But this is not the same thing because two persons can endorse a different description of a situation while having the exact same information about this situation.

Let's take two examples. The first one comes from the philosophical literature. In paragraph 48 of his *Philosophical Investigations*, Wittgenstein asks us to imagine the following figure (see Figure 1): a chessboard composed of red (R), green (G), white (W) and black (B) squares.

| | | |
|---|---|---|
| R | R | B |
| G | G | G |
| R | W | W |

Figure 1

According to Wittgenstein, there are at least two ways to describe this figure: one can describe it as an ensemble of nine squares but also as a mixture of four colours. Or, we might describe it as an ensemble of five coloured rectangular shapes. All these descriptions are true (in their own language game) and compatible with the same (perceptual) beliefs.

Here's a second (famous) example, drawn from the psychological literature, but also present in Wittgenstein's *Philosophical Investigations*: Jastrow's duck-rabbit illusion (see Figure 2). In this famous illusion (Jastrow, 1899), the same set of perceptual data can be organized in two very different ways: either you see a rabbit or you see a duck. And there is no 'correct' solution. This is again a case in which two people having the same access to the same pieces of (perceptual) information can form two different descriptions of a situation.

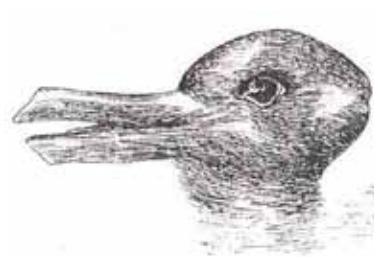


Figure 2

But are there equivalent cases for moral situations? Yes. We can find a good example of such a situation in experiments about a psychological phenomenon known as *framing effect*. Let's take an example. In a famous experiment, Tversky and Kahneman (1981) asked some participants the following question:

Imagine that the U.S. is preparing for an outbreak of an unusual Asian disease which is expected to kill 600 people. Two alternative programs to fight the disease, A and B, have been proposed. Assume that the exact scientific estimates of the consequences of the program are as follows: If program A is adopted, 200 people will be saved. If program B is adopted, there is a 1/3 probability that 600 people will be saved, and a 2/3 probability that no people will be saved. Which of the two programs would you favour?

The same story was told to a second group of participants, but they had to choose between these two other programs:

If program C is adopted, 400 people will die. If program D is adopted, there is a 1/3 probability that nobody will die and a 2/3 probability that 600 people will die.

Among participants who had to choose between programs A and B, 72% chose program A. But, among participants who had to choose between programs C and D, only 22% chose program C. This is odd, because programs A and C are identical (and so are programs B and D). The only difference was that programs A and B were described in terms of lives gained while programs C and D were described in terms of deaths avoided. This difference provokes a shift in participants' answers because people tend to be risk-averse when gains are at stake and risk-seeking when it comes to avoiding a loss. Different answers are not due to a difference at the "fundamental" level, since the very same subject could have given a different answer if he had been given a different presentation of the programs. But neither are they due to a difference at the "superficial" level, since people in both conditions have access to exactly the same information. The only difference is the way this information is *framed*, and it isn't more rational to frame it in terms of loss than in terms of gain. If people are informed about this effect and presented with the two sets of questions, it is possible (and probable) that they make their choices coherent. But no evidence points to the fact that all people would converge towards the same choice under these perfect epistemic conditions. It could still be that, even when presented with the whole picture, people would continue to prefer one way or the other to frame the question and thus make different choices on the basis of these preferences. If it were so, then such disagreements would be neither superficial nor fundamental.

2.3. *Decision-based semi-fundamental disagreement*

The third and last kind of semi-fundamental moral disagreements that we will deal with are *decision-based* semi-fundamental disagreements. The idea, here, is that two perfectly rational beings, knowing all the descriptive truths and endorsing the same moral norms, can come to disagree on which is the best course of action.

Let's go back to the first scenario by Kahneman and Tversky: in this scenario, most people choose program A, but some people do choose program B. Does it mean that these people have different moral principles? No! It could just be that they are less risk averse. As people choosing plan A, they think that saving people's life is good, but they are more willing to take the risk of nobody being saved to have a chance of saving everybody. But their being less risk-averse is not based on different moral principles or different descriptive beliefs about the situation. Can this difference be explained by one of the two sides being less rational than the other? I don't think so. Too much adversity to risk is indeed irrational: if I never leave my home because I refuse to cross the street not to take the risk of being hit by a car, it is fair to say that I'm too risk-averse, and that my behaviour is irrational. In the exact same way, it can be irrational not to be risk-averse enough: if I have a choice between two lotteries, lottery A that gives me 9 chances out of 10 to win 1000\$ and lottery B that gives me 1 chance out of 10 to win 1001\$, it would seem irrational to choose lottery B. But, between these two irrational extremes, there are many intermediary degrees of risk aversion that seem to be equally rational. There does not seem to be one exact degree of risk aversion that is the rational one. So, there are multiple rational degrees of risk aversion, and different decisions can be opposed even though they are equally rational. In such cases, those who disagree about the right decision do not disagree for descriptive reasons or because one side at least is irrational: this is again an instance of semi-fundamental disagreement.

3. *Non-morally fundamental moral disagreement*

Now, imagine that we are able to prove that a moral disagreement (i) is not a superficial moral disagreement and (ii) is not a semi-fundamental moral disagreement. Does this mean that we are dealing with a fundamental moral disagreement? Not necessarily, because a fundamental disagreement can occur for non-moral reasons. Thinking that if a disagreement is neither superficial nor semi-fundamental, then it is a fundamental moral disagreement is assuming that morality and moral beliefs are the only kind of topics about which people can disagree when sharing the same factual beliefs. But this is far from being the case.

Let's take the example of aesthetic value. If we endorse aesthetic subjectivism, two men can agree about all relevant descriptive facts about a piece of art, be rational, and still disagree. Now, we can imagine that such a fundamental aesthetic disagreement will lead to a moral disagreement that will be, thus, fundamental but not *morally* fundamental. For example, most of us think that retributive punishment must be proportional to the gravity of the crime and the damages that have been occasioned. Now, let's imagine that someone destroy a picture I owned. How much should he be punished? It will (at least partly) depend on the value of the destroyed picture: clearly the punishment won't be the same in the case the picture is the *Mona Lisa* than in the case it has been made by my two-year-old daughter. But, let's imagine that it is an original picture by a young painter, about whom critics diverge. Does this picture have a great or little aesthetic value? What is the amount of a fair punishment?

Similar, less fanciful cases can be found in cases of political decisions. Each penny a country uses to fund artists or artistic events is a penny that could have been used for other purposes, such as healthcare. Deciding to attribute money to artistic development rather than to social help implies that some value is given to art and artistic culture. But people might disagree on what amount of the available money should be spent in art, and this disagreement could be based on a disagreement about the value of art itself. Such a disagreement would be a fundamental political and moral disagreement that would not arise because of fundamentally different *moral* principles.

4. Conclusion and some suggestions for meta-ethics

My main point in developing the categories of semi-fundamental disagreement and of non-moral fundamental moral disagreement aimed at showing that it was not sufficient to have a moral disagreement based neither on different factual beliefs nor on irrationality to have a real fundamental moral disagreement. I wanted to show that philosophers should be more careful when claiming that a particular moral disagreement was a fundamental one. So my aim was mainly methodological. Nevertheless, the distinction I proposed could have implication for metaethics.

The more obvious implication is that the category of fundamental disagreement can strengthen the case for divergentism. Faced with the objection from moral disagreement, moral realists can reply in two different ways. Convergentism is the position according to which moral disagreements will disappear under perfect epistemic conditions, and therefore that there's no such thing as a moral disagreement. Divergentism, on the

contrary, typically holds that moral disagreements will not disappear but that this is not a threat to moral realism. Now, the existence of semi-fundamental disagreement is one more argument that can be use by divergentists: there are moral disagreements that will not disappear under perfect epistemic circumstances but that do not threaten moral realism. The same is true for non-morally fundamental disagreements.

Nevertheless, the existence of semi-fundamental disagreements (and of non-moral fundamental disagreements) opens the possibility for a new metaethical position, a position that we can call *semi-objectivism*. Semi-objectivism draws on the distinction between moral principles (general moral judgments) and particular moral judgments that result from the application of these principles to particular cases. For example, “killing is wrong” is a general moral judgment while “Ravaillac did something wrong by killing Henry IV” is a particular moral judgment. Semi-objectivism would be the position according to which moral principles are objectively true but not all particular moral judgments.

Let’s say that the objectivity of general moral judgments relies on the existence of general moral facts (e.g. “killing is wrong” is true because there is a certain moral fact, such as that killing is wrong). If a particular moral judgment can be deduced from the conjunction of general moral judgments and descriptive judgments, then the objectivity of this particular moral judgment is *ipso facto* warranted by the existence of the corresponding general moral and descriptive facts. For example, if it is a (general moral) fact that killing is wrong and a descriptive fact that Henry IV’s killing by Ravaillac is an instance of killing, then the conjunction of these facts warrants the objectivity of the judgment “Ravaillac did something wrong by killing Henry IV.” We don’t need to postulate the existence of a particular moral fact (i.e. the fact that Ravaillac did something wrong by killing Henry IV) to ensure the objectivity of this particular moral judgment. Hence, if all particular moral judgments can be deduced from the conjunction of general moral judgments and descriptive judgments, then the sole existence of general moral facts (e.g., God’s commands) is sufficient to ascertain the objectivity of particular moral judgements and there’s no need to include particular moral facts in our ontology. For example, for a theory that roots moral objectivity in God’s commands, it would mean that God didn’t need to create particular moral facts but ensured objectivity to all moral judgments just by creating general moral laws.

Indeed, the existence of semi-fundamental disagreement (as in the case of framing effects) shows that the same moral principles can be applied in two different and competing ways

to the same particular situation, without one way being better than the other (and the same is true for the existence of non-moral fundamental disagreement). This means that, in certain cases, the conjunction of general moral judgments and descriptive judgements is not sufficient to deduce particular moral judgments and, thus, that the moral objectivity of some particular moral judgments cannot be derived from the objectivity of general moral facts. In these cases, there are two solutions for our moral ontology.

The first solution is to add to our moral ontology particular moral facts that would ground the objectivity of these particular moral judgments. The second solution, the semi-objectivist view, is to accept the existence of general moral facts while denying the existence of particular moral facts. This solution has the following consequences: all general moral judgments are objectively true or false, and so are the particular moral judgements that can be deduced from the conjunction of these general moral judgments with descriptive facts. However, because there are cases of semi-fundamental and non-morally fundamental moral disagreements, there will also be cases of particular moral judgments that cannot be deduced in this way and thus will not be objectively true or false. So, according to this position, some moral judgments will be granted objectivity while some others won't.

Is such a metaethical position interesting? Well, only the future will tell us if there is real use for it. But if the existence of semi-fundamental disagreements means that some particular moral judgements do not directly derive from moral principles, it means that their truth and objectivity must be guaranteed by some "particular moral facts" that would coexist with "general moral facts" (or "moral principles") that make the moral principles true. Semi-objectivism is one of the possible parsimonious metaethical positions because it claims that only general moral facts exist.

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