Metaethical Moral Encroachment

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Moral encroachment is the notion that belief in a particular view can be dependent on its moral features. Evidence can provide us with reasons to hold a particular belief. However, in some cases, it seems that there are other reasons that bear on our beliefs. For example, believing something that could commit you to harm someone raises the cost of error of that belief, so there is a reason not to hold that particular belief that is not an *epistemic* reason against the belief. As such, it would be beneficial to consider moral encroachment and how it can be used to inform our metaethical views.

In David Enoch's *Taking Morality Seriously*, he argues that the implications of certain anti-realist positions have troubling results that give us reason to reject their viability. For Enoch, whether or not morality encroaches on belief is only a peripheral concern. I aim to shore up his claims by providing an account of moral encroachment and examining his argument with moral encroachment in mind. In this paper, I will (1) explore why non-epistemic reasons can bear on the status of beliefs and (2) explain how the higher cost of error for believing relevant kinds of moral anti-realism gives us reason to reject them.

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The Case for Moral Encroachment

Moral encroachment is a kind of pragmatic encroachment. Supporters of pragmatic encroachment argue that pragmatic reasons can bear on belief. Fantl and McGrath in "Evidence, Pragmatics, and Justification," demonstrate how the pragmatic can encroach upon belief with two different train examples.

> Example 1: You are on a train leaving from the Shire to Rohan. You are going on a vacation, and you're excited to take a break from your job. You ask the passenger next to you if the train is going to make any other stops, even though you don't need to stop anywhere else. The passenger next to you says that the train will stop at every major station, including Mordor. You believe what the passenger next to you says.

> Example 2: You are Frodo, and you are leaving from the Shire on the train. You desperately need to get to Mordor for a very important task or else Gandalf will be very disappointed in you. You overhear two passengers talking about the stops the train will make, and one of them mentions that the train will stop in Mordor. For whatever reason, you didn't check yourself if the train will be stopping in Mordor, so the only information about the train stops you have to go off of is the passenger you overheard. You are worried that the passenger may be mistaken and decide to find some other confirmation that the train will stop in Mordor.[1]

In example 1, it seems that you have enough evidence to be epistemically justified in your belief that the train will stop in Mordor. In example 2, the cost of error for your belief—that the train will stop in Mordor—is much higher. This makes the same evidence you have in example 1, that is sufficient for belief, insufficient in example 2. If you desperately need to get to Mordor, it seems you ought to find more evidence for believing that the train will, in fact, stop in Mordor.

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[1]I have modified this example from Fantl and McGrath 2002.

Some find pragmatic encroachment to be uncomfortable because it rejects evidentialism. Generally, evidentialists want evidence to be the only "right kind of reason" for belief because they think that the right kinds of reasons for belief should only bear on the truth of the content of the belief, not the cost for belief. The aversion to pragmatic encroachment is warranted. However, supporters of pragmatic encroachment do not claim that evidence does not matter, but instead that if there are practical considerations, more evidence is needed. I do not aim to prove that practical considerations encroach on belief; rather, I will demonstrate that *if* practical considerations encroach on belief, *then*—in light of Enoch's argument— certain kinds of anti-realism require more evidence to warrant our belief in them. The brand of pragmatic encroachment that creates problems for some kinds of anti-realism is moral encroachment.

There are, generally, two types of moral encroachment. Moderate moral encroachment is the view that belief in something can depend upon the "moral facts about . . . actions or options" that the belief commits you to (Fritz & Jackson 1395). Defenders of radical moral encroachment argue that a belief can depend upon the "moral facts about [the] belief itself."[2] It could be possible that there are moral facts that bear solely on believing certain anti-realist positions, but radical moral encroachment is far more riddled with controversy. Thus, I am more concerned with moderate moral encroachment. Moderate moral encroachment can be illustrated by the following diner cases.

> Diner case 1: You and a friend are eating at a diner at the end of the month. You and your friend finish up your meals, and you generously offer to pay the whole check. As you are about to pay the bill, you remember that you and your spouse have set a budget for the month. Your spouse will be mildly upset with you if you go over the budget. You vaguely remember how much of the budget has been spent and form the belief that there is enough money to cover the meal without going over budget.

> Diner case 2: You and your friend are eating at a diner at the end of the month. You and your friend finish up your meals, and you generously offer to pay

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[2] I recommend Mark Schroeder's "Doxastic Wronging" if you are interested in a robust defense of radical moral encroachment.

the whole check. As you are about to pay the bill, you remember that you and your spouse have set a budget for the month. Your spouse has informed you that if you exceed the budget, they will be filled with rage and kill six innocent people. You vaguely remember how much money has been spent and form the belief that there is enough money to cover the meal without going over budget.

Intuitively, it seems that in diner case 2, you are not as justified in believing that there is enough money to cover the bill as in diner case 1. These cases demonstrate that even though you have the same amount of evidence, whether you should believe that you have not exceeded the budget seems dependent on moral features related to the belief. Some argue against moral encroachment because it is unable to distinguish the right kinds of reasons for belief from the wrong kinds of reasons. Fritz, in "Moral encroachment and reasons of the wrong kind," argues that radical moral encroachment is unable to make that distinction, but moderate moral encroachment can. However, the success of arguments regarding whether moral encroachment can distinguish between the right and wrong kinds of reasons for belief can be difficult to determine because they depend on a preconceived notion of what constitutes the right kind of reason for belief (Fritz 2019). Supporters of moderate moral encroachment argue that moral implications, like the kind in diner case 2, are a right kind of reason for belief.[3]

It seems, on the face of it, that moral encroachment is plausible. Fritz does provide a defense of moderate moral encroachment, but, for brevity's sake, I will not be able to provide a robust account of moderate moral encroachment. As of right now, there is some *prima facie* justification for moderate moral encroachment. So, if it is true, moderate moral encroachment will give more reason to reject subjectivism, expressivism, and non-universal fictionalist error theories.

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[3]Supporters of moderate moral encroachment aim to filter out the wrong kinds of reason for belief from their frameworks. The wrong kind of reasons being a millionaire offering to give a lot of money to a good charity if you are able to suspend the belief that 1+1=2.

Anti-realism and Moral Implication

In his book *Taking Morality Seriously*, Enoch argues that Caricatured Subjectivism is unable to account for the apparent differences between trivial, inconsequential preferences and moral preferences (16). He begins by introducing the principle of impartiality. You and your roommate are throwing a party and must choose one kind of drink. You want to have Coke, and your roommate wants Dr Pepper. Neither of you have food allergies, and both drinks cost the same. It would be rather strange for you or your roommate to refuse to give up their preference.[4] In conflicts between mere preferences, it seems you ought to step back from your preferences or attitudes, and the conflict should be resolved with an impartial, egalitarian solution (17). "Standing one's ground is, in such cases, morally wrong," (19). This principle, according to Enoch, seems to apply more to outlier cases because often there are some other reasons to privilege your own or the other person's preference. While the principle may not hold in many situations, it can certainly apply to some cases (20). The cases that Enoch is concerned with are that of moral disagreement.

In order to demonstrate how impartiality behaves in cases of moral disagreement, Enoch uses a caricatured description of subjectivism. Caricatured Subjectivism is the view that moral claims communicate preferences, similar to beverage preferences. From this, Enoch gives the following *reductio* argument (25-26).

1. Caricatured Subjectivism. (For *Reductio*)

2. If Caricatured Subjectivism is true, then interpersonal conflicts due to moral disagreements are really just interpersonal conflicts due to differences in mere preferences. (From the content of Caricatured Subjectivism)

3. Therefore, interpersonal conflicts due to moral disagreement are just interpersonal conflicts due to differences in mere preferences. (From 1 and 2)

4. Impartiality, that is, roughly: when an interpersonal conflict (of the relevant kind) is a matter merely of

[4]This may be a poor example because, clearly, Dr Pepper is disgusting.

preferences, then an impartial, egalitarian solution is called for, and it is wrong to stand one's ground.

5. Therefore, in cases of interpersonal conflict (of the relevant kind) due to moral disagreement, an impartial, egalitarian solution is called for, and it is wrong to stand one's ground. (From 3 and 4)

6. However, in cases of interpersonal conflict (of the relevant kind) due to moral disagreement often an egalitarian solution is not called for, and it is permissible, and even required to stand one's ground.

7. Therefore, Caricatured Subjectivism is false. (From 1, 5, and 6, by *Reductio*)

One worry about Enoch's argument is that he seems to be begging the question. Premise (6) is a moral claim; would that not be begging the question against the caricatured subjectivist? Enoch is careful to address this objection and demonstrate that he is not begging the question. Premise (6) is a moral claim, but Enoch does not say anything about how to understand this moral claim metaethically. Premise (6) can, then, be understood on a caricatured subjectivist's terms. Even if a caricatured subjectivist rejects (6), that's just their moral preference, and they must still deal with the argument. Similarly, some may worry about bringing in moderate moral encroachment to influence metaethical views because it seemingly begs the question. This is a fair concern because moral encroachment seems to have realist assumptions built into it; however, I make no such realist assumptions. Like Enoch's argument, I make no claim about how to understand moral implications metaethically.

While (hopefully) no one is a caricatured subjectivist, Enoch's argument shows that metaethical views can "fail to be morally neutral" (27). From this argument, Enoch can argue that the problems with Caricatured Subjectivism can be generalized over to anti-realist positions that people actually endorse. The anti-realist views that suffer the same problems are: subjectivism, relativism, expressivism, and non-universal fictionalist error theories.

In order to understand how this problem can be generalized over these anti-realist views, we must first outline the commitments each view holds. Subjectivists argue that moral truths are mind-dependent and therefore not objective. Generally, expressivists agree with subjectivists that moral sentences are mind-dependent. But expressivists also argue

that moral sentences do not express propositions or are not truth-apt, which is to say that "kicking puppies is wrong" means something more like "boo to kicking puppies." In contrast, error theorists claim that all moral statements do express propositions, but all moral propositions are false. A fictionalist error theorist will say that everyone should abide by a moral "fiction," for practical reasons, even though the moral fiction is not describing anything truthful. Furthermore, a non-universal fictionalist error theorist would argue that moral fictions can vary.

The reason that the issues with Caricatured Subjectivism can be generalized over these anti-realist positions is because supporters of these views have no way to reject impartiality in the face of moral disagreement. Impartiality can't be rejected on these anti-realist positions because they ultimately boil down to preferences, attitudes, or interests. Impartiality can't be avoided because if what is good is completely dependent upon the preferences or attitudes of a person, and not upon any sort of moral truth, then it seems that "people should count equally" (28). An inability to reject impartiality in the face of moral disagreement has some dubious results because these problematic anti-realist views cannot reject moral claims based on their content. They can only reject a moral claim if the impartial, egalitarian solution calls for it.

Some anti-realist positions are not affected by this argument. Anti-realists that believe moral responses are necessarily shared by all agents or that correct moral responses can be explained by some other normative idea, like rationality.[5] These are views like a fictionalist error theory that supports a universal fiction, or kinds of anti-realism that reject a moral ontological realm but argue that the right thing to do is a result of a universal standard of rationality, etc.

Subjectivism, relativism, expressivism, and non-universal fictionalist error theories, however, do need to deal with the issues pressed by Enoch's argument. Moreover, there are serious issues pressed by moderate moral encroachment. Enoch's argument shows that we ought to reject relevant kinds of anti-realism because there are situations where it seems we should stand our ground in moral conflict. An appeal to moderate moral encroachment can be made because if one does not reject some kinds of anti-realism, then their belief commits them to the possible permissibility of people being intentionally harmed. The cost of error for not being able to reject impartiality is moral spinelessness. If person *A* thinks child molestation is permissible and person *B* thinks child molestation is

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[5]Finlay describes this anti-realist position as "pragmatic non-descriptivism" (821).

depraved, solving this disagreement with an egalitarian solution, such as a coin flip, makes child molestation possibly permissible. If culture A thinks racial cleansing is good and culture B does not, then a coin flip would make racial cleansing possibly permissible. In both of these examples, child molestation and racial cleansing are also possibly impermissible, but that doesn't sound much better. These metaethical positions do not allow for standing one's ground in the face of moral disagreement, which raises the cost of error for these positions. Thus, the upshot of Enoch's argument gives more reason to reject certain kinds of anti-realism: namely, the possible permissibility of intentionally harming people makes belief in certain kinds of anti-realism far too costly.

Now, I do not mean to say that anyone who defends the relevant kinds of anti-realism thinks that child molestation and racial cleansing are permissible. I do not believe that is the case. What I want to demonstrate is that because certain kinds of anti-realists can't reject impartiality, which may lead to truly heinous actions being permissible, we have more reason to reject those kinds of anti-realism. The high cost of error seems to be a strong reason to reject subjectivism, relativism, expressivism, and non-universal fictionalist error theories.

Some defenders of relevant anti-realist theories may argue that their position is supported by the 'evidence' that moral disagreement is pervasive in the world, but is that evidence strong enough to overcome the high cost of error? If disagreement is evidence in favor of subjectivism or relativism, then how would we determine the amount of evidence necessary to overcome the high cost of error? Moral disagreement does not work in favor of anti-realism in Enoch's or my argument. As Enoch's argument shows, subjectivism, relativism, and others are not as morally neutral as they seem.

As for how to quantify evidence and cost of error for all the relevant kinds of anti-realism, it is difficult to say. It seems that if you are to overcome the high cost of error for a belief, the evidence in favor of that belief should be proportional to the cost of error for the belief. The difficulty is that quantifying evidence and costs of error seems impossible. We could create our own unit, like happiness units in utilitarianism, but that would be entirely subjective and relatively unhelpful. In train example 2, you are desperate to get to Mordor. We could amend the example to say that the train conductor told you that the train will stop in Mordor; this appears to be sufficient evidence to overcome the higher cost of error for belief. In diner case 2, it seems more difficult to say exactly when you have sufficient evidence to believe you can pay for the meal with respect to your budget when the lives of six people are on the line. The level of evidence necessary to overcome high moral costs for belief is

difficult to determine and beyond the scope of my paper. Though, it does seem that whatever evidence exists in support of subjectivism, relativism, expressivism, and non-universal fictionalist error theories suffers enough from Enoch's argument alone that the high cost of error is still a reason against believing them.

Final Thoughts

Enoch's argument elicits interest and praise on its own, but more thoroughly exploring moral encroachment has given stronger reasons to reject certain kinds of anti-realism. There is now good reason to reject expressivism, subjectivism, and some error theories because they are unable to reject impartiality in cases of moral disagreement and because they could commit one to the possible permissibility of heinous actions. If moral encroachment is true, Enoch's claims are much more powerful.

While what has been argued thus far does not necessarily lead to a realist conclusion, considering how moral encroachment can impact our metaethical views could eventually lead to a realist conclusion. A more robust case for moderate moral encroachment, including why moral cost of error can be a right reason for belief, would be a good step toward strengthening this argument. In order to get a realist conclusion, an argument would have to be made about how the remaining anti-realist positions have suspect moral consequences, and how moral encroachment does not press the same issues for moral realism. From there, more would have to be said about how all kinds of anti-realism do not have enough evidence to overcome their high costs of error. Another route to take is defending a more general pragmatic encroachment and then showing how there are strong pragmatic reasons against believing the remaining anti-realist positions. Until then, we can take comfort in rejecting some kinds of anti-realism.

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