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A CONVERGENCE ACCOUNT OF ETHICS AND AESTHETICS  
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A DISSERTATION APPROVED FOR THE  
DEPARTMENT OF PHILOSOPHY

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## **Abstract**

In this dissertation, I argue for a convergence account of the ontological status of the fields of ethics and aesthetics. This project is accomplished in three parts.

In Part I, I defeat six leading arguments in favor of divergence on the basis of principles, properties, obligations, motivation, seriousness, and dilemmas. Defeating each of these divergence arguments offers support for my convergence position.

Part II focuses on moral and aesthetic judgments. I argue that, in both fields, evaluative judgments are formed through a combination of convention, emotion, reason, and a tendency to prefer utility. I offer a two-tiered account of judgment, whereby objective judgments can be reached through an appeal to convention, and subjective judgments allow us to critique the conventions themselves.

As good reason has been given to reject divergence, Part III of the dissertation is focused on determining whether to accept realist or antirealist convergence. Following a discussion regarding who bears the burden of proof in the realist/antirealist debate, an analysis of the implications of accepting divergence is offered, which demonstrates that moral and aesthetic evaluation and discourse is possible under an antirealist view, and a motivation to engage in these activities is not lost.

## **Introduction**

In this dissertation, I will primarily be addressing philosophers, especially ethicists and aestheticians, as well as others concerned with meta-questions within value theory. The dissertation ought also be of interest to art critics and applied ethicists who are interested in the theoretical issues behind their work. Of course, there are many within both fields that are not especially interested in meta-considerations, yet these people are also my target audience, for misguided notions at the meta-level are likely to lead to mistakes and confusions on the applied level as well. It is my hope that this paper will help clear away some of those cobwebs and lead to a more clear and accurate understanding of what exactly it is we are doing when we engage in ethical and aesthetic philosophy.

This dissertation works to build a long-needed bridge between the fields of ethics and aesthetics. I offer an understanding of the way moral and aesthetic evaluative judgments are formed that demonstrates a unity between the two fields such that we ought, in the interest of consistency, hold the same ontological position in both domains. This project reveals a coherence between the two fields that has long been overlooked.

I first offer a convergence account of the ontological status of ethics and aesthetics. I argue that, in the absence of a relevant difference between the two fields that would justify accepting realism in one area and antirealism in the

other, one ought, to avoid arbitrariness, either accept realism in both ethics and aesthetics or accept antirealism in both fields. In Part I, I examine six suggested differences between the two fields which some have argued are sufficient to justify divergence. In each case, I argue that the proposed difference is not sufficient to justify divergence.

Part II is devoted to an in depth analysis of moral and aesthetic judgment formation. I first consider two divergence accounts of evaluative judgments, and explain why those accounts fail. I then offer my own analysis of the way in which we form moral and aesthetic judgments, drawing from elements of several theories to conclude that evaluative judgments are reached through a complex combination of conventional, emotional, and rational elements. I argue that a proper understanding of judgment formation indicates that they are formed in the same ways in both fields. I argue that our judgments in both fields rely on mind-dependent facts. In some cases these facts are subjective and in other cases they are objective but socially constructed. I introduce a two-tiered account of judgments that captures the complexity that is actually involved in evaluative deliberation.

In Part III, I consider, given the acceptance of a convergence account, whether it is more reasonable to converge toward realism or antirealism. While I do not argue that antirealist convergence is the only acceptable position, I do explain why an antirealist account does not imply an inability to form consistent,



rational judgments (on the contrary, it flows naturally from my account of judgments), or an inability to enforce standards of behavior. I argue that the antirealist picture I offer allows us to operate in the world and interact with others in the ways desired by realists, while avoiding the grounding problem faced by realist accounts.

### *Getting Clear on Terms*

There is significant debate in the literature about how we are to understand the terms ‘realism’ and ‘antirealism.’ Richard Joyce describes the issue as “contentious and unsettled.”<sup>1</sup> In discussing the term ‘realism,’ Philip Pettit says:

The issue of how realism is defined is so contested that were I to try to defend any account I might offer, that would take me far afield. So let me just say what I shall mean by realism and offer some motivation for why I mean this. Readers are welcome to call the doctrine by another name, if they are so inclined.<sup>2</sup>

While agreeing with Pettit that the final answer must be a rationally motivated stipulation of the terms as I use them, I will spend some time explaining the dominant positions taken in the literature today, and then situate myself within the debate.

Richard Joyce, while acknowledging widespread diversity in the use of the terms, says, “Traditionally, to hold a realist position with respect to X is to

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<sup>1</sup> Joyce, Richard. “Moral Anti-Realism,” in *Stanford Encyclopedia of Philosophy*, 2007.

<sup>2</sup> Pettit, Philip. “Realism and Response-Dependence,” in *Mind*, New Series, vol. 100, no. 4, Mind and Content, October, 1991, p. 588.

hold that X exists in a mind-independent manner.”<sup>3</sup> Moral antirealism, then, denies that moral properties, facts, or relations exist mind-independently. There are two ways we can understand that claim: 1) The denial that moral properties, facts, or relations exist at all. Moral noncognitivists and moral error theorists fall into this category. 2) The acceptance of only mind-dependent moral properties, facts, or relations. Moral subjectivists, idealists, and constructivists fall under this classification. On the traditional scheme, all of these positions are types of moral antirealism.<sup>4</sup>

Richard Boyd accepts the traditional scheme, understanding moral realism as analogous to scientific realism, in that it can describe reality that exists “prior to thought” about that reality. He sees moral realism as contrasted with noncognitivism as well as conventionalism and other social constructivist theories.<sup>5</sup> Social constructivism, a view promoted most prominently by John Searle, holds that there are entities that seem to have no meaning, and perhaps no existence, outside of the social group that gave rise to them. The concept of money is a classic example of one of these entities; the institution of marriage is another. Current work in social metaphysics suggests that such entities ought to

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<sup>3</sup> Joyce. “Moral Anti-realism.”

<sup>4</sup> Ibid.

<sup>5</sup> Boyd, Richard N. “How To Be a Moral Realist,” in *Foundations of Ethics: An Anthology*, edited by Russ Shafer-Landau and Terence Cuneo. Blackwell Publishing, 2007, p. 163.

be understood as real, although they are mind-dependent.<sup>6</sup> On my scheme, however, accounts of moral properties, values or facts as socially constructed will count as antirealist.

Russ Shafer-Landau and Terence Cuneo offer an explanation of realism in line with the traditional view:

...realists deny that a feature makes things morally right just because of any person's attitudes toward it... That the larger society approves of such actions is neither here nor there... [morality] does not hinge on the endorsement of *any* group of people, no matter how smart, no matter how kind or sympathetic. *No one* gets to make up the moral laws.<sup>7</sup>

To make this point even more clear, Shafer-Landau and Cuneo draw a distinction between what they describe as conceiving-dependent and conceiving-independent properties. A conceiving-dependent property is one that relies on “the intentional attitudes taken toward it by some actual or idealized (human) agents.”<sup>8</sup> They offer ‘being illegal’ and ‘being a ten dollar bill’ as examples of conceiving-dependent properties. Conceiving-independent properties are those that do not rely on human intentional attitudes, such as being round or being symmetrical. Shafer-Landau and Cuneo define moral realism as “the claim that every moral fact is either a conceiving-independent moral fact, or is explained

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<sup>6</sup> See Searle, John R. *Making the Social World: The Structure of Human Civilization*. Oxford University Press, 2010.

<sup>7</sup> Shafer-Landau, Russ, and Terence Cuneo. *Foundations of Ethics: An Anthology*, Blackwell Publishing, 2007, p. 158.

<sup>8</sup>Ibid.

by such facts.”<sup>9</sup> On this view, the rightness or wrongness of an act might depend (based on the particulars of one’s moral theory) on the effects of the act on people (e.g., whether it makes them better or worse off), but that must be a fact independent of the evaluator’s beliefs about the act.

Contrasting with Shafer-Landau and Cuneo’s view is the position held by Alan Goldman, who describes his meta-aesthetic position as “relativized relational realism.”<sup>10</sup> On this view, to assert that a work is beautiful is to assert that “...others with similar cultural backgrounds and educations ought to find pleasure in it to the extent that they are unbiased, sensitive, and knowledgeable.”<sup>11</sup> This judgment is made in virtue of certain “...relations among phenomenal properties that would move relevant ideal evaluators.”<sup>12</sup> For example, the claim “*Annie Hall* is good” expresses an aesthetic fact when uttered by me, because of particular facts about my culture, upbringing, biology and experiences that cause me and others sharing the relevant cultural and background features to have a pleasurable response when in contact with the movie (assuming that we are knowledgeable, free of bias, and so forth). It is important to note that the aesthetic properties on which the truth-value of aesthetic judgments depend, on this view, are mind-dependent. Thus, while

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<sup>9</sup> Ibid.

<sup>10</sup> Goldman is a meta-ethical coherentist.

<sup>11</sup> Goldman, Alan H. “Aesthetic Versus Moral Evaluations,” in *Philosophy and Phenomenological Research*, vol. 1, no. 4, June 1990, p. 728.

<sup>12</sup> Ibid.

Goldman classifies his view as a form of realism, it is antirealist on the traditional account. The amount of disagreement regarding the appropriate use of these terms should be becoming clear.

Richard Joyce acknowledges this disagreement, and points to subjectivism as a large part of the problem. The term ‘subjectivism’ is used to refer to at least three different views: 1) moral facts do not exist, and moral judgments are reports of the speaker’s mental attitudes; 2) moral facts exist and are determined by the mental states of evaluators; 3) moral facts exist and are dependent on the responses of particular kinds of beings, but are not determined by the mental states of evaluators. There is little dispute that 1) and 2) are antirealist views, but it is also fairly clear that 3) need not be understood as a form of antirealism. Thus, some subjectivists are realists and others are antirealists.

The second and third understandings of subjectivism point to an ambiguity regarding the issue of mind-dependence. On some understandings, realism must be mind-independent, but in another sense some form of mind-dependence is compatible with realism. With that concern in mind, other theorists, such as Geoffrey Sayre-McCord, depart from the traditional view and define moral realism as the position that moral judgments are 1) truth apt and 2) often true, eliminating the problematic mind-independence clause from the definition.

Joyce suggests that a way to clarify the various positions, given the different uses of the terms currently in play, is to refer to the traditional view, that no relevantly mind-independent moral facts or properties exist, as “robust moral realism,” and Sayre-McCord’s view, which rejects the necessity of mind-independence, as “minimal moral realism.” Joyce himself does not adopt this classification, however, and continues to use the traditional definition in his own work, with the rationale that there is “an entrenched assumption that mind-independence is a central aspect of realism.”<sup>13</sup> In other words, this is the standard understanding of the term, and thus is the one to be preferred. Regardless of the particular definitions one chooses to use, however, Joyce stresses the importance in clarifying exactly what position one intends the terms to refer to, as the terms are currently being used with reference to a plurality of views.

Philip Pettit defines moral realism as the conjunction of three theses. The descriptivist thesis accepts the existence of distinctive entities, most commonly understood as moral properties. The objectivist thesis holds that these entities “have their character fixed independently of the dispositions of participants in the discourse to assert and believe things about them.”<sup>14</sup> The cosmocentric thesis holds that attaining truth and making progress regarding these entities is a process of discovery, rather than invention. Thus, ignorance and error about

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<sup>13</sup> Ibid.

<sup>14</sup> Pettit. “Realism...” pp. 588-590.

these entities is possible.<sup>15</sup> Accepting all three of these theses implies the acceptance of realism, on Pettit's view.

Pettit presents the concept, drawing on work by Mark Johnston, of response-dependent concepts, which adds nuance to our understanding of mind-independence. Response-dependent concepts include those that have traditionally been called secondary qualities (such as color), and are those that observers will not fail to have under suitable conditions. The concept will be accessible to observers who are capable of ever having the response (they possess the appropriate sense-organs or mental faculties), they do not always have the response, and they might sometimes have the response but disregard it as a false instance of the response (as in a hallucination). In other words, a response-dependent concept is one that is of a property that has the disposition to elicit a particular response under the right conditions.<sup>16</sup>

Pettit holds that this thesis does not conflict with the descriptivist or objectivist theses, as response-dependent properties are not non-existent, nor are they dependent on the responder. He says, "People's responses do not shape certain things so that they fall under the concept of redness, they shape the concept of redness so that it falls upon these things."<sup>17</sup> The response-dependent thesis might, however, threaten the cosmocentric thesis, Pettit says, because it is

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p. 597.

<sup>17</sup> Ibid., pp. 622-623.

not possible for people to be ignorant or in error regarding these concepts when viewing them under appropriate conditions, though learning about the concepts will still be a discovery, rather than an invention. Response-dependent concepts, then, are still mind-independent in the relevant sense, though they can only be accessed through the responses of observers.<sup>18</sup>

Pettit holds that response-dependent concepts are compatible with a realist picture, though it will be one that relies on minds to elicit those responses. An important distinction must be made between a response-dependent concept such as redness, however, and moral concepts. The objective entity that causes the experience of the color red exists when light waves bounce off of a physical object at a particular frequency. Red is perceived when a being that possesses the proper sense organs encounters those light waves. Redness is response-dependent, because any time the right kind of observer encounters those light waves, the experience of red will occur, but the light waves that cause the experience of red would exist even in the absence of a perceiver. The secondary qualities of sounds can be understood similarly, with the existent entity being sound waves that exist in the absence of observers with the proper sense organs to detect them, and which are always detected in the presence of such observers, in appropriate conditions.

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<sup>18</sup> Ibid., p. 623.



Contrasting the concept of color and sound with moral concepts, however, there looks to be something very different going on. An appropriate analogy would seem to be, “x is a morally good action if and only if it elicits an approval response when encountered by the right kind of observer under appropriate conditions.” However, in this case, it is unclear what the objective entity, existent even in the absence of an observer, would be. If there is a property of moral goodness in the way there is are properties of color and sound, mind-independent moral realism surely holds. In fact, this is precisely the point at which the traditional realist/antirealist lines are drawn, so the acceptance of mind-independent, response-dependent concepts does not undermine the traditional definitions.

Perhaps moral concepts are not simple, like color and sound, which could explain them not being readily identifiable in the way that the light or sound waves are. Maybe a moral concept is something more like the concept of ‘edible,’ which only really makes sense in relation to beings that eat. Unlike color or sound, there might be no single property that all edible things share, by virtue of which they are edible. Perhaps moral concepts are likewise irreducible to single simple concepts, such as red, but still exist in relation to beings of a certain type. If this were the case, one would look for sets of properties the conjunction or disjunction of which would indicate the relation. Consider the example of ‘edible,’ a multiply reducible property. We can break down the

concept of ‘edible’ into a long list of chemical properties that react in particular ways with particular bodies. ‘Edible’ is a relational property, in that it cannot be understood without reference to beings that eat, and is relative, as what is edible for one being might be inedible for another. However, these concepts are not determined by the beings themselves; their truth-value is independent of the mental states of the beings.

If moral concepts are related to particular kinds of beings like the concept of ‘edible’ is related to beings that eat, the concepts are mind-independent in the relevant sense needed for robust realism. To determine if this is the appropriate way to understand moral concepts, we would look for the same kind of multiple reducibility to hold true for the relation of moral concepts to beings of a particular type. Just as ‘edible’ is a complex term that would be practically though not theoretically impossible to fully enumerate, moral concepts are likely to be complex and difficult to fully break down into their constituent parts. It would seem likely, however, that some beginning progress could be made for moral concepts, along the lines enumerated above for ‘edible.’

To bring this back to the issue of defining ‘realism’ and ‘antirealism,’ if moral properties are to be understood as real, on a response-dependent view, they must hold true regardless of the mental states of the beings with whom they hold a response-dependent relation. If the properties depend on the mental

states, say, for approval or disapproval, then they are mind-dependent in the sense relevant for robust antirealism. There is disagreement in the literature regarding this point. Pettit holds that the response-dependent relationship is such that realism holds, as explained above, while Crispin Wright argues response-dependence commits us to antirealism regarding moral properties, as he understands the response-dependence relation as such that moral properties depend on humans in such a way that it makes no sense to talk about those properties except in terms of their relation to us, making them relevantly mind-dependent, on Wright's account.<sup>19</sup>

Those who define moral realism along the traditional lines hold that positions invoking conceiving-dependent facts, socially constructed entities, response-dependent concepts, and relational realism are all antirealist positions, because these facts, concepts, and entities are all mind-dependent. The debate regarding the appropriate designation of the terms “realism” and “antirealism” is far from settled within the philosophical community. Thus, like others writing in this area, I will explain clearly what I mean by the terms as they will be used in this dissertation.

By ‘moral realism’ I mean the position that there are objective moral facts that ground morality, that there is a truth of the matter regarding the evaluation of particular human actions, and that this truth does not depend on the

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<sup>19</sup> Wright, Crispin. *Truth and Objectivity*. Cambridge: Harvard University Press, 1992, pp. 195-199.

preferences, intuitions, or conventions of evaluators. Response-dependence views which hold that moral facts gain their truth-value by virtue of relational facts about particular kinds of beings are classified as realist, provided those facts do not rely on the judgments of evaluators to obtain their truth-value (they would be true or false even if evaluators did not recognize them as such).

By ‘aesthetic realism’ I mean the position that there are objective aesthetic facts that ground aesthetics, that there is a truth of the matter regarding the evaluation of artworks, and that this truth does not depend on the preferences, intuitions, and conventions of evaluators. Response-dependence views which hold that aesthetic facts gain their truth-value by virtue of relational facts about particular kinds of beings are classified as realist, provided those facts do not rely on the judgments of evaluators to obtain their truth-value (they would be true or false even if evaluators did not recognize them as such).

By ‘moral antirealism’ I mean the position that there are no objective moral facts that ground morality<sup>20</sup>, and that the evaluation of particular human actions is dependent upon the subjective preferences, intuitions, and/or conventions of human beings. By ‘aesthetic antirealism’ I refer to the position that there are no objective aesthetic facts that ground aesthetics, and that

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<sup>20</sup> On my view, there might still be objective moral facts, but these will stem from convention, and thus do not ground morality in a realist sense. For example, if “X is wrong” means “X violates the relevant human conventions,” then there is an objective fact about whether X is wrong, but it is antirealist because its wrongness is derived from convention.

aesthetic evaluation is dependent upon the subjective preferences, intuitions, and/or conventions of human beings.

Given the disagreement in the literature, any definitions I choose will be subject to some dispute and confusion if care is not taken to be clear about what, specifically, is meant by the terms. I chose these definitions because they are in line with the way the terms have been traditionally understood within meta-ethics, and the way the majority of the authors whose work I am engaging with in this paper use the terms. It is unfortunate that there is not agreed-upon terminology, but such is the state of the debate at this time.

## **Part I: The Ontological Convergence of Ethics and Aesthetics – Defeating Six Arguments for Divergence**

Ethics and aesthetics, as theories of value, are some of the most closely related areas of philosophy. Ethicists and aestheticians tend to glance to their sister fields for examples and arguments that bolster their own positions. However, the dominant ontological position is that it is acceptable to hold a realist position about one field (usually ethics) while holding an antirealist position regarding the other (usually aesthetics). Even those who happen to be realists or antirealists about both tend not to be so for the same reasons, and it has rarely been argued that consistency requires taking the same position in relation to both fields. Divergence theorists hold that the ontological statuses of the two fields are independent, while convergence theorists argue that ethics and aesthetics are ontologically co-dependent – in other words, that accepting realism (or antirealism) regarding one field commits you to accepting it in the other.

In this section, I will examine six of the most commonly invoked and plausible purported differences between the fields of ethics and aesthetics: differences related to principles, properties, obligations, motivation, seriousness, and dilemmas. I will argue that that none of these candidate differences are sufficient to justify a divergence account. As these are the strongest justifications for divergence that have been offered in the literature thus far, I

will argue, through an appeal to consistency, that convergence ought to be accepted unless a stronger argument for divergence is given. Rather than argue in support of realism or antirealism, I will argue merely for ontological consistency between ethics and aesthetics. In Part II, I will offer my antirealist account of judgment formation, and in Part III, I will discuss some factors one might consider when deciding whether to converge toward realism or toward antirealism.

### **(I.a) Principles**

The presence of principles in ethics, along with the absence of principles in aesthetics, is a common justification offered for divergence. But is it true that ethics always involves principles, while aesthetics never does? In this section, I will discuss two standard understandings of principles of value, which I will call the rigid rules view and the rule of thumb view. I will argue that there is good reason to reject the rigid rules view in both ethics and aesthetics, and that there is good reason to accept the rule of thumb view in both fields. On either understanding of principles of value, then, the argument for divergence is defeated.

A principle of value is generally understood as a claim regarding what is good and what is not. Such claims can serve as guides with which to judge actions or entities to have the same value across cases that share a particular element. The principle of utility, for example, tells us that we should always act

so as to maximize the good. If we accept this principle, it can, or so utilitarians claim, tell us both the right way to behave and the right way to judge the behavior of others. While the principle of utility is very general, many principles of value are much more specific. “Do not cause unneeded suffering” allows us to judge as “bad” actions that inflict unneeded suffering in diverse cases. “Protect the innocent” allows us to call “good” actions that adhere to that principle across cases.

If ethics and aesthetics converge, then if moral principles apply value standards across actions, so the goodness of artworks must be determined by the application of consistent aesthetic principles. Aesthetic principles should tell us both what action to take so as to create a good work of art, and also how to evaluate works of art.<sup>21</sup> In order for such principles to exist, it would have to be the case that following them would result in an increase of aesthetic value across artworks. It is generally agreed, however, that no such principles can exist, because what is good in one artwork can turn out to be bad in another (chaos contributes to the aesthetic value of work A but results in lower aesthetic value in work B), so there is no “rulebook” that artists can follow so as to formulaically produce a good work or judge a work to be good.<sup>22</sup> This argument

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<sup>21</sup> Though we might not have the artistic ability to successfully put the principles into practice, we should at least be able to recognize the principles that would lead to good works, had we the ability to execute them.

<sup>22</sup> For detailed presentations of these arguments see: Goldman, Alan. “There are No Aesthetic Principles,” in *Contemporary Debates in Aesthetics and the Philosophy of Art*, edited by



will be presented detail in section (I.b), in the discussion of properties, which are typically believed to be the common entities that are being identified and applied through principles.

If ethics were principled and aesthetics were not, the argument for convergence would fail. However, the term ‘principle of value’ has two common meanings. On the rigid rule view, a principle is absolute. The rigid rule view of moral principles holds that actions are good insofar as they adhere to moral principles and bad insofar as they deviate from them. A rigid rule view of aesthetic principles would hold that artworks are good insofar as they adhere to aesthetic principles and bad insofar as they deviate from them. As demonstrated above, the rigid rule view of aesthetic principles is readily rejected.

The rule of thumb view, on the other hand, understands principles much less strictly, as a good place to start one’s evaluation, rather than as inviolable rules. On this understanding, moral principles are no more than guides to action and evaluation, which in some cases will be over-ridden, and sometimes ought to be violated. They will often point us in the right direction, but might sometimes lead us astray, as well. On this picture, moral principles are not to be understood as necessarily leading to right action or right judgments regarding moral behavior.

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Matthew Kieran. Blackwell Publishing, 2006, pp. 299-312; and Sibley, Frank. “Particularity, Art and Evaluation,” in *Proceedings of the Aristotelian Society*, supplement vol. 48, 1974, pp. 1-21.

The rule of thumb view of aesthetic principles works the same way. Principles such as “dark colors create a spooky effect” and “light colors capture a cheery mood,” will serve as useful guides to an artist, but cannot be counted upon to apply in every case. On the rigid rule view, the aesthetic principle “dark colors create a spooky effect” would be understood as saying that dark colors *always* create a spooky effect in artworks, to which there are clear counterexamples.

Which understanding of principles of value ought we accept? The rigid rule view might seem attractive, especially to those who hold to a realist understanding of value. This view is seen most often regarding moral value. If moral value is relevantly mind-independent, an objective feature of the world, then it would seem the principles that reflect those features should be more stable than a mere rule of thumb. In other words, if right is right and wrong is wrong, these things must be true across cases – right cannot sometimes be wrong, in the way that black is sometimes not spooky.

Many moral realists have accepted the rigid rule view of moral principles because they have seen it as a necessary element of their meta-ethical position. However, a prominent ethical realist view – Jonathan Dancy’s moral particularism – suggests a way to maintain a realist account of morality that is not grounded in the rigid rule view of principles. Moral particularism holds that

there are no moral principles such that our understanding of *x* as wrong (or right) could be applied across all other cases of *x*. He writes:

[T]he behaviour of a reason in a new case cannot be predicted from its behaviour elsewhere. The way in which the consideration functions *here* either will or at least may be affected by other considerations present. So there is no ground for the hope that we can find out here how that consideration functions *in general*.<sup>23</sup>

Dancy offers an example. A common moral belief – something that could be considered a moral principle – is that you ought to return things you have borrowed. The fact that you borrowed it is a reason why you ought to return it. However, Dancy argues that relying on this principle will in some cases cause the agent to behave incorrectly. If I borrow a book from you, only to discover that you stole it from the library, the fact that I borrowed it is no longer a reason for me to give it back to you. In fact, I now have a duty to return the book to the library.<sup>24</sup> This is not merely the overriding of a reason that is still operative. In this situation, the duty to return the book to you no longer exists at all.

This example shows that moral reasons do not exist in a vacuum, but rather what counts as a moral reason depends on the circumstances – in some cases you have a duty to return what you borrowed, and in others you do not. No principle can give us a definitive answer. As a result, legitimate moral analysis cannot take place by asking what principles were followed, but instead must

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<sup>23</sup> Dancy, Jonathan. *Moral Reasons*. Oxford: Blackwell, 1993, p. 60.

<sup>24</sup> *Ibid.*

involve an examination of the broader situation in which the actions and the reasons for them exist.<sup>25</sup> The consideration that gives rise to a reason to do X in case 1 could count as a reason to do  $\sim X$  in case 2, while failing to function as a reason at all in case 3, depending on the circumstances.

Dancy's particularism holds that moral reasons are situation-specific, but it is still a realist position, because Dancy thinks there is, in fact, a single right answer in every given case. In the example of the stolen library book (from the information we were given), the right answer is to return the book to the library, and to do otherwise would be morally wrong (according to Dancy). This theory is not to be confused with one that holds that whether or not the book should be returned to the thieving loaner or to the library (or kept for oneself, perhaps) is left up to the subjective desires of the agent, or is determined by law, or anything of that kind. There is one right answer. The thing that separates particularism from other realist doctrines is the belief that the one right answer will always be context-dependent, rather than determined by a set of moral principles that would hold across contexts.

Particularism presents a clear way to understand morality and moral reasoning that does not rely on the rigid rule view of principles. Regardless of whether we accept Dancy's view in particular, however, there are good reasons

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<sup>25</sup> It is important to note that this is not an epistemological issue, but a metaphysical one. It is not lack of knowledge that keeps us from being able to apply the principle – there exists no principle to apply.

to reject the rigid rule view in favor of the rule of thumb view. The problem with accepting the rigid rules view of moral principles is that there are so many potential defeaters that any rigidly applicable rule we could possibly arrive at would have to be so unwieldy as to be useless. If any given moral rule only applies to one particular situation, there is no point in establishing it as a rule. For example, “One ought to tell the truth” is a widely accepted moral principle, yet is one that most people will hold may be overridden in particular cases, to spare feelings, to save a life, and so forth. “Actions that cause pain are worse than those that avoid it” fails to hold on both the retributive and the deterrent views of punishment. In the former, an action that causes pain to one who deserves it is a better one than an action that would not cause that individual pain. In the latter case, the pain-causing action would be understood as better than one that does not cause pain because it would serve as a teaching tool to shape the future behavior of the person on whom the pain is inflicted.<sup>26</sup>

Given these examples of the context-dependent nature of moral principles, the rule of thumb view seems to be both the most widely accepted understanding of the term, and also the most plausible. Blindly accepting the rule “return what you borrow” might lead you astray. However, “return what you borrow” isn’t a bad rule of thumb, provided we recognize that it might not actually apply in some cases.

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<sup>26</sup> Ibid., p. 61.

I have argued that principles of value should be understood as rules of thumb, rather than as unbreakable rules. Dancy's particularism has demonstrated that one of the biggest worries regarding the rejection of the strong view of principles of value is unfounded – realism is consistent with the rule of thumb view. Once the rigid rule view has been rejected, the argument for divergence dissolves, as aesthetics has rules of thumb, too, which parallel nicely with moral rules of thumb. The rule of thumb, “artists are directly involved in the production of their own artworks,” fails to hold in the case of Andy Warhol, who often did no more than sign his silkscreen prints, which were produced by artists in his studio, the Factory. The rule of thumb, “explosions improve action movies,” fails to hold in some cases. There are counterexamples to these rules of thumb (similar to the case of the library book, above). As in ethics, such tips are a good place to start, but are not enough for a full evaluation. Specific, case-by-case analysis is needed.

The most plausible account of principles of value is the rule of thumb view, which holds across the fields of ethics and aesthetics, thus demonstrating that the argument for divergence on the basis of principles fails. The presence of rule of thumb principles across the fields is not enough to settle the realist/antirealist question. What it does show is that divergentists need to look elsewhere for justification for their position.

### **(I.b) Properties**

Related to the issue of principles is that of how we are to understand moral and aesthetic properties. A thinker who holds that moral and aesthetic properties are to be understood differently is Frank Sibley, who argues that moral properties can be identified by their descriptive elements alone, while the identification of aesthetic properties requires an extra awareness – that of taste. In this section, I will give a brief introduction to the concept of properties. I will then explain Sibley’s view and argue that both moral and aesthetic properties ought to be understood in terms of particularism. Because we ought to understand moral and aesthetic properties in the same way, we have another argument for convergence.

The literature and disagreement regarding properties is vast. For our purposes, properties are qualities or attributes of a thing. They might be descriptive, such as ‘purple,’ or ‘weighing five pounds,’ or normative, like ‘cruel’ or ‘loving.’ Properties might also be relational, like ‘larger than a tennis ball.’ Relational properties can only be understood to exist in terms of other things. Some hold that properties like ‘purpleness’ are relational, because ‘purpleness’ can only be understood in terms of perceivers who can detect the property.

Considerable time has been devoted to nailing down a definition of aesthetic properties that delineates the difference between aesthetic and non-aesthetic properties. No clear agreed-upon definition exists, though some have

suggested that this is not much of a problem, as we seem to have no difficulty understanding the concept through family resemblance, with ‘beautiful,’ ‘balanced’ and ‘gaudy’ being standard examples making it onto most aestheticians’ lists.<sup>27</sup> Properties such as ‘blue,’ ‘long,’ and ‘round,’ though they may well be ascribed to art objects, are not taken to be aesthetic properties. Moral properties are likewise difficult to define, yet also generally recognized and agreed upon. Most ethicists’ lists of moral properties contain properties such as ‘vicious,’ ‘stingy,’ and ‘helpful,’ while properties such as ‘fast,’ ‘sloppy,’ and ‘precise’ are not thought to be moral properties, though they might be ascribed to moral acts or agents.

One way to distinguish moral and aesthetic properties from non-moral and non-aesthetic ones is by noting that moral and aesthetic properties contain both descriptive and normative elements, while other properties are solely descriptive. Take ‘stingy.’ The descriptive elements of this property involve facts about an agent’s attitude toward and handling of his possessions, most typically money. But there is also a normative element – a belief that the individual’s attitude and handling is inappropriate, given the amount he has, his own needs, and the needs of others. A negative value is built into this term. Rafael De Clercq offers a similar example regarding the aesthetic property ‘garish.’ The descriptive element tells us that this property has to do with bright

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<sup>27</sup> De Clercq, Rafael. “The Structure of Aesthetic Properties,” in *Philosophy Compass*, volume 3, issue 5, 2008, pp. 894-896.



colors, and the normative tells us the colors are so bright as to be inappropriate, thus charging the property with negativity.<sup>28</sup>

There is disagreement about whether moral and aesthetic properties all contain both descriptive and evaluative elements or if some of them are solely normative. If ‘good’ and ‘bad’ are to be understood as properties, they are the best, and perhaps the only, candidates for pure evaluative properties, as they don’t seem to contain any extra content other than a positive or negative value. A property like ‘beautiful,’ while very general and capable of being applied to a wide range of objects, will still be restricted to the realm of aesthetic value, giving it at least that one descriptive element.

Thus far, moral and aesthetic properties have been discussed as part of the same set, juxtaposed with non-moral and non-aesthetic properties. However, some philosophers hold that moral and aesthetic properties are relevantly different such that this could be a point at which divergence is justified. Frank Sibley is a divergentist (subscribing to naturalistic ethical realism and aesthetic antirealism). He argues for divergence based on his understanding of aesthetic concepts, which he thinks are necessary for one to form aesthetic judgments and for the attribution of aesthetic properties. On Sibley’s view, aesthetic judgments require an understanding of irreducible aesthetic concepts, which are known through the sense of taste in the way that visual judgments are assessed using

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<sup>28</sup> Ibid., pp. 899-902.

our sense of sight. Without the appropriate concepts in hand, one will be able to provide no more than a non-aesthetic description of the work.<sup>29</sup>

This idea parallels the view in ethics that descriptive claims alone are not enough to reach a prescriptive conclusion. According to Sibley, in order to make an aesthetic judgment – to deem a work of art “good” or “bad” – the judge must employ more than physical descriptors of the work’s non-aesthetic features. These physical descriptors are what Sibley calls “non-aesthetic conditions,” and will never lead to an aesthetic evaluation, which requires knowledge of aesthetic concepts, knowable through the sense of taste. Physical descriptors, on the other hand, are objectively observable properties of the type that could just as easily be found in ordinary objects (rather than artworks), and can be explained to a third party who has not directly experienced the work.<sup>30</sup> For example, a painting can be described in great detail using non-aesthetic terms. The painting might be on a 3-foot canvas, with a gilt frame. The paint is oil-based, and the age of the work has caused the paint to fade and crack. Nevertheless, the paint’s colors can be described in terms of hues of blacks and grays and scarlet. The painting depicts a human figure, outdoors, clad for winter weather. The description of the painting might grow more and more physically complete but, according to Sibley, these factors alone could never lead one to an aesthetic judgment in the

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<sup>29</sup> Sibley, Frank. “Aesthetic Concepts,” in *Aesthetics and the Philosophy of Art: The Analytic Tradition*, edited by Peter Lamarque and Stein Haugom Olsen. Blackwell Publishing, 2004, pp. 128-129.

<sup>30</sup> Ibid.

absence of a direct experience of those features. A mere description of the features, no matter how complete, will never be enough.

In order to make an aesthetic judgment, one must employ elusive aesthetic concepts, which are those that can be applied only by a viewer who has taste or perceptiveness (as opposed to merely perception).<sup>31</sup> For instance, anyone with normally functioning senses could describe Lauren Bacall as tall, thin, reddish-brown-haired, brown-eyed, etc., but only someone with an extra perceptiveness would also recognize (on Sibley's account) that Bacall is, for example, smoky. An aesthetic property is one that somehow emerges out of the collected physical attributes of the work. It is something that we come to know through our sensory perception of the work, yet the sensory perception alone is not enough. The aesthetic property of smokiness cannot be reduced to a combination of descriptive elements.

Sibley holds that there are no non-aesthetic descriptors that are logically sufficient conditions for aesthetic terms.<sup>32</sup> So, for example, no amount of detailed physical description could be compiled such that we would have sufficient evidence for Lauren Bacall's smokiness, because information is lost in the description, no matter how detailed. No description can provide enough information to let an evaluator know how she would actually be affected by a work, were she to directly experience its non-aesthetic features. There is by

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<sup>31</sup> Ibid., pp. 130.

<sup>32</sup> Ibid., pp. 128-130.

definition no particular set of conditions that will lead to a guaranteed aesthetic property. Thus, there is no formula a would-be artist can follow which will lead to a particular desired aesthetic property.<sup>33</sup> A work might conform perfectly to the technical specifications stipulated by a genre, yet lack the aesthetic properties that would make it a good work of art.

Sibley's argument for understanding ethics and aesthetics differently is based on his belief that moral properties can be quantified and coded in ways which aesthetic properties cannot. In other words, ethical properties are not the same kinds of entities as aesthetic properties. Sibley asserts that we can pin down and identify an ethical property, such as laziness, and apply consistent judgments regarding those who possess it, and to what degree. This will work, according to Sibley, because, packed into the term, is the concept of failing to perform one's obligations. A quality such as elegance, however, is not only ineffable but also entirely elusive – we might recognize it in a gestalt way when we see it (if we have taste), but it isn't definable in terms of non-aesthetic conditions as other types of properties (including moral properties) are.<sup>34</sup>

Sibley adds that there's something about merit terms in ethics that allows us to offer a description such that one can't but help knowing that the term applies, if one understands the language at all. He gives the example of

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<sup>33</sup> Except for the formula, "Make something that is exactly like this." If an identical reproduction is created, it will have the same aesthetic properties as the original from which it was copied, on Sibley's account.

<sup>34</sup> Ibid., pp. 132-133.

‘courageous.’ ‘Courageous’ is a merit term, and if someone said, “Bill held several men at bay despite great danger to himself,” competent language users would have to agree that Bill is courageous. Sibley holds that merit terms don’t work that way in aesthetics. He asserts that there is no description such that a competent language user could not help but apply ‘graceful’ to it.

This is counterintuitive on two levels. I agree with Sibley that no non-aesthetic description is sufficient to guarantee an aesthetic claim, although the description could give us reason to suppose a particular claim is applicable. A description like “Mary executed each step with perfect poise and rhythm, one movement flowing continuously from another,” for example, could point to ‘graceful,’ just as the previous example pointed to ‘courageous.’ Further, in the above example, competent language users need not agree that Bill is courageous nor that Mary is graceful. After all, Bill might be foolhardy, a robot, or gravely misinformed, any of which would lead us to conclude that Bill is not courageous, or at least that he has not personified courage by this particular act. Likewise, Mary’s performance might turn out to be overly stiff, formal, or boring. The most straightforward and common interpretation of the statement about Bill will likely conclude that he is courageous, and the same can be said about Mary and her gracefulness. However, neither has the one-to-one correspondence that Sibley thinks is present in Bill’s case, and Mary’s case does not rule out a most-common interpretation.

I hold that, given the many defeaters that could rule out both courageousness for Bill and gracefulness for Mary, the most reasonable way to understand both moral and aesthetic properties is in terms of a Dancy-style particularism, as discussed in section (I.a). On this view, no amount of detail could be poured into a description in advance such that we would know that a particular merit term would apply in a given case. Perhaps, in analyzing Bill's situation, we learn that he is actually behaving recklessly, though the advance description suggested that he was courageous. There are so many possible defeaters, to know that Bill is courageous requires full knowledge gained through an encounter with the particular situation in which he is acting; anything short of that might offer good reason to believe he is courageous, but only the particulars of the situation can give us certainty. Likewise regarding Mary – a determination of her gracefulness (or lack thereof) is dependent on the multitude of factors at work in her particular situation. A description, even an extremely detailed one, cannot replace a direct encounter with her particular situation.

Sibley has argued that an advance description, no matter how complete, is insufficient to guarantee the presence of particular aesthetic properties, which cannot be known without a direct encounter with the artwork. He suggested that moral properties are knowable through a complete advance description. I have demonstrated, however, that the class of possible defeaters is such that an advance description is insufficient regarding moral properties as well as

aesthetic properties, using a particularist argument to show that a direct encounter with the situation is needed in the moral case as well. This means that it is impossible for us to issue a certain moral verdict on actions that we did not directly observe, although we can certainly issue educated suppositions, using the information that is available to us, just as we do with artworks that we have not directly experienced. As the two fields are analogous regarding properties, we have another ruling against divergence and in favor of convergence.

### **(I.c) Obligations**

Another area where ethics and aesthetics might part ways regards obligations. Though there are varying accounts of the nature, content and scope of ethical obligations, most people accept that some obligations do exist within the realm of ethics. However, to the extent that it has been thought about at all (there is not much literature on this subject), most people seem to think that there is no such thing as an aesthetic obligation. If ethics can obligate and aesthetics cannot, we either need to establish that, though this is a difference between ethics and aesthetics, it is not a relevant one, or we are pushed to divergence. In this section I will discuss the views of two people who have argued against the existence of aesthetic obligations – Marcia Muelder Eaton and Stuart Hampshire. I will then offer examples of aesthetic obligations, demonstrating that, as obligations do exist in both fields, this cannot be a reason to accept divergence.

Eaton has long been committed to the view that ethics and aesthetics are inseparable. Her approach, until recently, was to argue that there is an inextricable tie between morality and aesthetics. She explains, “I have tried to show...that sometimes artistic success or failure results in moral success or failure.”<sup>35</sup> In a recent paper, however, Eaton argues that aesthetics and ethics are divergent in a very significant way. This is because, she argues, our moral beliefs demand particular actions from us in a way that our aesthetic beliefs do not. For example, if your ethical code includes the belief that lying is wrong, then you are obligated, by rationality, to refrain from lying. Eaton argues that aesthetic beliefs do not carry with them reason-compelled obligations in the way that moral beliefs do.<sup>36</sup> A reason-compelled aesthetic obligation would be, for example, that if someone, call him Roger, believes that wearing a brown belt with black pants is aesthetically undesirable, rationality will compel him to avoid wearing them together.

Eaton rejects the existence of reason-compelled aesthetic obligations because she sees no grounding for aesthetic obligations. In order for us to be compelled to behave in certain ways regarding aesthetic matters, that compulsion must stem from somewhere. Eaton considers the possibility that aesthetic duties might be grounded in Kantian duties to self, but rejects that

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<sup>35</sup> Eaton, Marcia Muelder. “Aesthetic Obligations,” in *The Journal of Aesthetics and Art Criticism*, vol. 66, issue 1, winter 2008, p. 1.

<sup>36</sup>Ibid., p. 1.



route because, for Kant, the aesthetic is reducible to the ethical, so that any aesthetic duties one might have can more properly be understood as a subset of the more primary moral duties. Eaton, on the other hand, is seeking a source of purely aesthetic duties.<sup>37</sup> She then considers the possibility of aesthetic dilemmas as a way of confirming the reality of aesthetic obligations. While not offering an argument for the actual source of aesthetic obligations, Eaton holds that, if there are true aesthetic dilemmas, this would be enough to show that there are aesthetic obligations (even if we have not yet shown where they come from). However, Eaton then rejects the existence of aesthetic dilemmas.<sup>38</sup> The issue of dilemmas, and Eaton's argument for rejecting the existence of aesthetic dilemmas, is discussed in more detail in section (I.e) below.

Despite Eaton's dismissal of reason-compelled obligations, the example of Roger's brown belt and black pants warrants another look. Believing it is aesthetically undesirable to wear brown with black actually *is* enough for most people to avoid doing it. If Roger does choose to wear brown and black, one of a few things is probably going on. He might be making a statement of rejection against this aesthetic convention, either to be contrary or because he thinks the two colors look very nice together.<sup>39</sup> More likely, however, Roger believes he is violating an aesthetic obligation, but feels he has no choice, due to mitigating

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<sup>37</sup> Ibid., p. 3.

<sup>38</sup> Ibid.

<sup>39</sup> In this case, however, Roger doesn't have the aesthetic belief that he shouldn't wear brown with black, though he might have the belief that other people hold this belief.

circumstances. Maybe he got dressed in the dark, and didn't notice the mismatch until he was at work. Maybe his black belt broke as he was getting dressed and he had no choice but to switch to the brown one until he has a chance to go shopping. In any event, if called out on his aesthetic faux pas, Roger is likely to acknowledge that he has violated an aesthetic obligation, and offer an explanation to excuse his behavior.<sup>40</sup> The fact that we make such acknowledgements in daily life suggests both that we do feel compelled by aesthetic obligations, and also that we feel the need to offer justification when we violate them.

Similar instances of overriding circumstances occur in moral situations. Cindy might feel a moral obligation to feed the stray dog that has been hanging around her porch, and in most cases that feeling of obligation will lead her to feed the dog. But, like Roger and the belt, Cindy might fail to feed the dog due to mitigating circumstances. Perhaps she has a strong phobia of dogs, or is too cash-strapped to buy dog food, or maybe when she opens the door to feed the dog, he runs away. If Cindy feels an obligation that she fails to fulfill, she will likely offer some sort of explanation to account for her failure to carry through on the duty.

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<sup>40</sup> Certainly we could construct other circumstances in which Roger would not acknowledge a violation. For example, maybe he is attending a costume party in which, for fun, attendees dress in outrageously mismatched outfits. To do so does not appear to violate any aesthetic obligation. Easy parallels can be found in the moral realm as well. We tell lies in the service of various games, tricks and forms of make-believe that no one acknowledges as a violation of the moral duty of truth telling.

Stuart Hampshire agrees with Eaton regarding the lack of aesthetic obligations. He says that morality places demands on us unlike anything in the aesthetic realm. For Hampshire, one cannot decide not to accept a moral demand. He says, “Action in response to any moral problem...is imposed: that there should be some response is absolutely necessary.”<sup>41</sup> Of course, one *can* choose to opt out of one’s moral obligation, but Hampshire thinks one is necessarily behaving badly by doing so. Hampshire’s point – that we have duties to act in moral cases that we do not have in aesthetic ones – might be understood in terms of Kant’s distinction between hypothetical and categorical imperatives. Hampshire sees aesthetic imperatives as hypothetical.<sup>42</sup> If you want to look nice, don’t wear stripes and plaid. If you want to create art, go for it. But moral imperatives are categorical. Whether or not you want to, you must be just. Regardless of the circumstances, you must not take your own life.

Hampshire sees no aesthetic counterpart to the duty always to tell the truth, or always to be just. The example Hampshire gives is one of an artist who may refrain from creating (presumably good) art without shirking any sort of duty. Because the artist may refrain from engaging in good aesthetic actions, but the moral agent may not refrain from engaging in good moral actions,

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<sup>41</sup> Hampshire, Stuart. “Logic and Appreciation,” in *Aesthetics and Language*, edited by William Elton. Oxford: Basil Blackwell, 1954, p. 163.

<sup>42</sup> Hampshire. “Logic...” p. 163.

Hampshire argues the two spheres must be considered independent. His argument can be expressed as follows:

P1: If ethics and aesthetics converge, then, if there are moral obligations then there are aesthetic obligations.

P2: There are moral obligations.

P3: There are not aesthetic obligations.

C: Ethics and aesthetics do not converge.

Since Hampshire takes P2 for granted, the success of his argument hangs on whether or not he can show that there are no aesthetic obligations. Without justifying that premise, he cannot show that there is no convergence between the moral and the aesthetic. One way to rebut Hampshire's argument is to demonstrate that there are aesthetic obligations, and another is to reject his claim that there are moral obligations.

On the Kantian model, categorical imperatives are those that we must comply with, regardless of our goals and desires. If there are any such imperatives in aesthetics, Hampshire's argument fails. There is just as much reason to believe there are categorical imperatives in aesthetics. Consider, for example, the imperative "do not create art which compromises your artistic integrity." Certainly many artists and viewers accept this as a categorical imperative, and judge those who violate it as having done something wrong (even if it is clear why they did it – for a substantial paycheck, for example).

Another example is, “do not destroy artworks without justification.”

Clearly there is an aesthetic value at work here that underlies the prohibition on the wanton destruction of artworks. Sure, sometimes the wrong would be moral – if the artwork is not yours, we might say that you shouldn’t destroy it because you would be violating the owner’s property rights – a moral transgression. But many people hold that artworks shouldn’t be destroyed even if they belong to the destroyer, or belong to no one. Sometimes artworks are seen as good because they help us learn an important lesson, or are the source of valuable and irreplaceable positive experiences, and so their destruction could be understood as wrong in that they prevented us from achieving those ends. If it is ever wrong to destroy an artwork not because the work is good for some other instrumental reason (be it moral, financial, etc.), but because of its beauty, then we have an aesthetic categorical imperative, and certainly many hold that such cases exist.

In this section, I have argued that obligations exist in both the moral and the aesthetic spheres. I have argued that, in both areas, obligations carry with them a compulsion to act, though in neither field is it the case that the compulsion might not be overridden by mitigating circumstances. The existence of such obligations in both fields demonstrates that divergence cannot be established on the basis of a lack of obligations in the one and a presence of obligations in the other.

#### **(I.d) Motivation**

The next proposed argument for divergence I will consider stems from the motivational force of ethics and aesthetics. Marcia Eaton explains this idea in terms of compulsion. She says that there is no compulsion to refrain from particular aesthetic actions (ones we see as negative), but that there is a compulsion to refrain from moral actions that we understand as negative. Eaton argues that morality motivates, causing us to behave and to refrain from behaving in particular ways. Aesthetics, on the other hand, does not have that motivational force, on Eaton's account.

Eaton is certainly right that some do not feel motivated to act from aesthetic inclinations, but it is also true that some people are not motivated by moral concerns. The question, then, is whether anyone feels a motivational pull from aesthetic considerations, paralleling the moral motivation Eaton describes, and the answer is clearly 'yes.' Examples abound of artists feeling compelled by their aesthetic beliefs to engage in particular types of aesthetic expression, and to refrain from others. When Eaton speaks of moral compulsion, she seems to mean that the moral agent is compelled, or motivated, by his most deeply held beliefs to behave in a certain way. This is exactly what artists seem to mean with regard to aesthetic compulsion.

Artists walk out on commissioned projects all the time, when they feel their aesthetic principles are being unacceptably compromised in the name of commercial success. In this case, the artist sacrifices personal interests (most

notably, a paycheck) in the name of aesthetic value.<sup>43</sup> What is the most common reason given for the breakup of a rock band? Artistic differences. The drummer wants to pursue these aesthetic options while the lead singer wants to pursue those, and eventually there is a breaking point, where they decide it is better not to create art at all in this collaborative group, rather than to create art which they feel violates their aesthetic values. Just as many (but not all) feel compelled to engage in and refrain from particular actions stemming from their moral beliefs, so some (though not all) feel compelled to engage in and refrain from particular actions stemming from their aesthetic beliefs.

In this section, I have demonstrated that moral concerns and aesthetic concerns both sometimes have motivational force, compelling agents to behave or refrain from behavior based on factors within that field. Though some feel no motivation to engage in aesthetic matters, others do, and some people feel no moral compulsion, either. In both realms, motivation is often, though not always, at play. The motivation argument for divergence, then, has been diffused.

### **(I.e) Seriousness**

One of the best reasons to accept divergence is the issue of seriousness. Morality is about really serious stuff – life and death, pain and suffering,

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<sup>43</sup> It might be that in this case the artist fails to be motivated by another aesthetic obligation – to fulfill the contract he made through the commission. As I'm arguing only that aesthetic concerns *sometimes* motivate us to act, just as moral concerns do, this is not a problem for my argument.

kindness and compassion. Whereas aesthetics is about...you know, fluffy stuff. The extras. The stuff that entertains us. As Hampshire puts it, there are “no problems of aesthetics comparable with the problems of ethics.”<sup>44</sup> In this section, I will consider the claim that ethics carries with it a seriousness which aesthetics lacks, and if that difference exists, examine what bearing it has on the realist/antirealist question. The seriousness charge is usually understood as holding that there is more at stake regarding moral choices than there is with regard to aesthetic choices. There is the opportunity for greater harm, and this is what is meant by ‘seriousness.’ I will argue that some moral choices are serious while others are trivial, and that the same holds true for aesthetic choices as well. Following this, I will discuss the bearing seriousness has on the ontological question.

### **(I.e.1) Ethics Holds the Potential for Greater Harm**

Perhaps the most common way to understand the proposed difference in seriousness is in terms of the amount of harm that could come out of moral versus aesthetic actions. Eaton explains her understanding of this difference between her view and Hampshire’s by saying, “There is nothing comparable in seriousness or intensity to an artist’s having to choose between vermilion or crimson...and say, a mother’s having to decide between saving her son or

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<sup>44</sup> Hampshire, “Logic...”, p. 162.



saving her daughter.”<sup>45</sup> The particular point Hampshire is stressing is that the seriousness of morality is such that it’s not acceptable to choose not to engage in it. We can divorce ourselves from aesthetic concerns and the harshest judgment we get will probably be one of pity – look at all the wonderful things we miss out on if we shut ourselves off from aesthetic appreciation. However, amoral agents tend to be judged much more harshly, because their failure to act or decision to ignore moral concerns often results in negative consequences for others, in a way that someone’s failure to develop aesthetic taste does not, although that might result in decisions to dress or decorate one’s home unattractively.

Rather than focus on the question of the optional versus mandatory natures of the fields, we might instead ask whether ethics is really more serious in terms of potential harm than is aesthetics. When comparing the most serious cases in ethics with the majority of aesthetic choices, the aesthetic looks very minor. Choosing what color to use in a painting doesn’t look very serious when compared to Sophie’s choice. And it will probably turn out that the most serious moral cases will trump even the most serious aesthetic cases. However, most moral choices are not of the magnitude of Sophie’s choice.

Within the field of ethics, discussions tend to focus on life-or-death situations that most ordinary people will never face. It is amusing and perhaps

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<sup>45</sup> Eaton. “Aesthetic Obligations,” p. 1.

even useful to ponder what we would do if, like Spider-man, we were forced to choose between saving a loved one and saving a busload of children. However, few of us will ever be in Spider-man's situation. Rather than concentrating on fanciful desert island what-ifs, a better focus of our moral attention are the commonplace ethical decisions we make every day. Many of our unthinking actions have moral implications that usually go unconsidered. Who suffered so that I could eat this meal? Who was mistreated and poorly compensated so that I could wear this t-shirt? Who will pay in the future as a result of my decision to drive this vehicle?

A focus on the moral choices we face on a day-to-day basis transfers perfectly to aesthetic considerations. All of us, artist or no, could face a decision between whether to watch *The Sorrow and the Pity* or *Roadhouse*, and whether to eat a peanut butter sandwich or a tuna sandwich while doing so. Relatively small matters, both, but each one in which someone concerned with living a consistent, principled life might go wrong. Just as small, daily moral decisions add up in a profound way, so aesthetic decisions, many of which seem trivial, can together have a lasting impact on our lives and the world.

Just as we cannot go through a day without engaging in a plurality of moral decisions, we cannot help but make aesthetic choices all the time. The clothes we purchase and don each morning, the manner in which we choose to decorate our homes and offices, the radio station we tune to on the way to work

– each of these simple actions involves aesthetic choices. Even selecting the drabest of garments, leaving your home starkly bare of adornments, choosing to drive and work in silence – these are all aesthetic choices, decisions to refrain from aesthetic involvement. Granted, this might be the result of neglect or apathy, rather than a conscious decision to abstain from aesthetic indulgences, but the same can be said of abstinence from ethical matters. Maybe you fail to give to charity due to carefully considered libertarian beliefs, or maybe it just never occurred to you to share your wealth with others. Failure to reflect on your ethical or aesthetic behavior is no excuse for that behavior, should it turn out to be wrong.

Many seemingly small moral choices end up resulting in serious matters of harm or benefit. However, it is sometimes the case that our moral choices are rather trivial, and if that is so, the triviality of some aesthetic decisions does not push us toward divergence. Is the shade of red an artist selects for a painting any more trivial than the decision to walk out of the grocery store with the pen you used to sign your receipt? Which matters more, the smile I give my student when she leaves my office, or the painting I have hanging on the wall? Both might lift her spirits in a small way; neither is likely to be remembered tomorrow.

It should not be surprising that ethics would seem more serious than aesthetics to those who operate well outside the aesthetic community. However,

artists and aestheticians seem to have the opposite intuition, stemming from their different standpoint regarding the two fields, which would suggest that neither is all-things-considered “more serious” than the other. Consider Paul Gauguin, who felt his aesthetic duty to create artworks trumped the ethical duty to provide for his family. Gauguin famously quit his job as a stockbroker and left his wife and children without financial support, so as to be able to pursue his art full time.<sup>46</sup> More recent is the striking example of Guillermo Vargas Jiménez, the Costa Rican artist whose controversial 2007 exhibition, "Exposición N° 1," featured a starving dog tied up in a gallery without food or water (amid criticism from animal rights activists, the gallerist claimed the animal was fed and watered after gallery hours). Clearly, Jiménez felt his obligation to make an aesthetic statement outweighed any duties he had to care for or to refrain from increasing the suffering of the dog.<sup>47</sup>

In addition to these famous examples, many artists still use lead-based paints, in spite of their known health hazards (especially to children) and the availability of lead-free paints. These artists make a decision to value the aesthetic over the moral when they choose their materials based on the effectiveness of the product at achieving their artistic ends (lead paints are more durable and flexible than other paint compounds), rather than on considerations

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<sup>46</sup> For more information on Gauguin and his life, see Danielsson, Bengt, *Gauguin in the South Seas*, New York, Doubleday and Company, 1966.

<sup>47</sup> Couzens, Gerard. “Outrage at ‘starvation’ of a stray dog for art,” in *The Observer*, March 30, 2008. <http://www.guardian.co.uk/artanddesign/2008/mar/30/art.spain>

that will affect their own health and that of others who are exposed to their work.

Moreover, these types of value judgments are not restricted to artists. Every pastor or church council that elects to spend parish funds on purely aesthetic building restorations and purchases (the painstaking, expensive cleaning of stained glass windows, the purchase of extravagant, gold and jewel-encrusted chalices) rather than offering support to those in need has ranked the aesthetic over the ethical in those particular situations. Every individual who chooses to donate money in support of the arts instead of to an organization that feeds hungry people has ranked aesthetic concerns higher than moral ones in that donation decision.

One could argue that, in such cases, there are actually moral considerations underlying the aesthetic ones. Perhaps a beautiful cathedral will help parishioners get closer to God. A donation to the arts will promote human well-being. Two comments can be made here. First, although this might sometimes be the case, and it is likely that such decisions are often informed by a plurality of values, it is also likely that that in some cases the primary value is the aesthetic one. Especially in the case of the chalice, which Church law dictates may only be handled by a priest, the spiritual benefit parishioners might gain from its intricate beauty (which they will not have the opportunity to see up close) seems so minimal that a more reasonable explanation points us to

aesthetic considerations. If in any case the primary consideration was an aesthetic one, my point is made. Second, in order for an aesthetic choice to be effective at achieving underlying moral goals, it would presumably need to be a *good* aesthetic choice. Not just any chalice brings people closer to God, but ones that are valuable in particular aesthetic ways. Donating to the arts will promote well-being only if that money is then used to fund uplifting works. Thus, even when non-aesthetic considerations are at play as well, in the examples offered above, those goals are believed to be reach through value found in the aesthetic realm.

Clearly, the fact that people in the real world sometimes prefer the aesthetic to the moral does not prove that they are right to do so. My point is simply that it is not clear that morality is always given priority over, or seen as more serious than, aesthetics. An argument for this is needed before that question can be settled. Eaton offers one such argument regarding dilemmas, which will be discussed below.

In addition to the above concerns, it would be a mistake to underestimate the impact aesthetics has on our lives. Local governments spend a surprising amount of time making decisions regarding size caps on commercial structures, zoning restrictions to keep heavy industrial plants tucked neatly out of view, and preserving open spaces. When a balance must be found between a plurality of conflicting goods – aesthetic, economic, convenience, etc. – the aesthetic takes

priority for many people a surprising amount of the time. Such aesthetic matters can win and lose elections, because it turns out people care deeply about the aesthetic quality of the town they live in, the routes they drive each day, and the quality (or lack thereof) of parks that are available for Sunday afternoon picnics and baseball.

Although there are surely extremely serious moral considerations regarding humanity's interaction with the environment, most ordinary people (non-ethicists) base their environmental decisions on aesthetic rather than moral factors. We want smog emissions lowered because we don't like the hue or the smell of polluted air. We are enticed by the "cuteness" of the smart car, and we support the preservation of natural spaces (when we do) largely because we like the looks of them – we are drawn to their beauty and want them to be there waiting for us when we desire an aesthetic fix, the all-natural version of an art gallery.

As one final example of the seriousness aesthetics holds for us, consider the amount of time, stress, and money we pour into our personal appearances. Wardrobe, hairstyles, make-up and complex cleansing and exfoliating products are mainstays for most Americans, and even the cash-strapped typically see at least minimal beautification products as necessities. Even those of us who consciously try to resist such vanity cannot help but see its importance at key moments – as we prepare for job interviews, for example. Personal aesthetic

considerations do not stop at the cash we drop for haircuts and cosmetics, either. Millions of people willingly undergo painful, sometimes risky surgeries in attempts to correct their bodies' natural "flaws" and marks of aging. Perhaps the most extreme illustration of the importance of one's own aesthetic appearance are the individuals who, disfigured in accidents, violent assaults, or war, undergo face transplants. A transplant introduces foreign organic matter into the recipient's body, and requires her to take anti-rejection drugs for the rest of her life. There is always the chance the body will turn against the new organ, rejecting it in a serious, possibly deadly manner. Yet many people whose appearances are dramatically aesthetically repellant will accept these risks, on the belief that their potential to experience life's goods is unacceptably reduced by their aesthetic misfortune.

Some moral choices are extremely serious, with profound impacts on the world. Others are trivial and really do not seem to matter very much, although they sometimes add up to a more serious matter. Aesthetic choices also come in degrees of seriousness. Some aesthetic choices seem to have little impact on others, though if considered carefully, even private aesthetic choices are likely to affect the way we behave in the world (consider the phenomenon of the power suit). All in all, it is clear that ethics and aesthetics both sometimes concern trivial matters and are sometimes serious, so this factor cannot serve as an argument for divergence.



## **(I.e.2) Seriousness' Relation to the Ontological Question**

A strong argument offered in favor of divergence is that morality is serious in a way that aesthetics is not. Although the issue of seriousness can be cashed out in various ways, as seen above, the most common way to understand this issue is that ethics is more serious than aesthetics because greater harm can come from immoral behavior than from bad art. However, seriousness does not actually seem to affect the ontological question. Moral realists do not hold that realism is strengthened or weakened depending on the seriousness of the case. They aren't realists regarding the theft of cars but antirealists about pencil theft. Moral realists remain realists even regarding trivial moral issues. It's not the degree of potential harm or benefit that can result from an action, or the gravity of the imperative being violated, that makes an ethical action objectively good or bad, on the realist view. If this is the case within ethics, there is no reason why, even if aesthetics did turn out to be far less serious than aesthetics, this would entail divergence.

A potential difference between the moral and the aesthetic case, however, is that moral choices are more likely to impact other people than aesthetic ones, thus placing a greater weight on our moral decisions. Although some moral decisions are trivial, some can have enormous negative effects on others, and those cases demand that we implement moral standards to guard against that harm. Once that standard is in place, consistency demands that it be

applied not only in monumental cases, but also in trivial ones. Thus, if the potential for great harm causes us to implement a rule against stealing (to guard against cases of theft that could cause great harm), consistency demands that we retain the rule in cases where no or minimal harm is likely to accrue (like stealing pencils).

If aesthetics does not involve the potential for great harm to others as ethics does, though there are cases in which aesthetic matters trump moral ones, one might think there is less of a reason to believe that aesthetics will have intersubjective force. Individuals must consistently adhere to aesthetic values in their own lives, but this will not get us a rule that must be followed by all agents. There seems to be a confusion here regarding the scope of moral versus aesthetic rules. In morality the rules are very general, possibly, on this account, boiling down into an imperative to avoid harm to others, which is then cashed out in more specific terms. An apt parallel with aesthetics ought be equally general, something like, “pursue beauty,” which likewise can be applied more specifically in particular cases. It is plausible to think that those who hold that one ought to pursue beauty think that obligation applies intersubjectively, just as “avoid harming others” does. Likewise, some will hold that both imperatives can only legitimately be applied to one’s own actions. The range of individuals the rule applies to will depend on a host of meta-evaluative considerations which will be discussed in more detail in Part III.

It is unclear how much primacy should be given to the issue of harm in moral or aesthetic matters. Excepting utilitarians, ethicists typically do not hold that harm is required to make an action morally impermissible. Consider the following cases: 1) A clothing store owner secretly takes nude photos of a patron while she is changing and posts them anonymously on the internet, where they are enjoyed by many people, none of whom know the woman, who never finds out the photos were taken. 2) A wife, after promising her husband fidelity, engages in a steady stream of safe sexual encounters with other consenting individuals. The wife is very clear with her extramarital partners about the nature of their relationships, and no one's feelings get hurt. The husband never finds out, and considers his marriage to be a good one. 3) An employee regularly steals from his employer. The employee never takes enough to be noticed, and there is no negative impact on the business or on the relationship between employee and employer. In none of these cases (and countless more could easily be constructed) is any harm done. Yet these are classic examples of immoral behavior – rights violations, infidelity (and broken promises), theft. It is not harm that prompts a judgment of “wrong” in these cases.

If seriousness and the degree of harm or potential for harm were a relevant factor in determining ontological status, the evaluation of stealing packs of gum and cheating on 5 point quizzes would be subjective, while the evaluation of stealing cars and plagiarizing one's dissertation would be

objective. This is not how most people understand these matters, however. Many antirealists understand morality as subjective, regardless of the seriousness of the case, and realists hold morality to be objective, again irrespective of the seriousness of the matter. Given this, even if aesthetics turns out to be at all times less serious than ethics, the issue of seriousness does not have any bearing on the issue of divergence.

### **(I.f) Dilemmas**

In this section, I discuss the issue of dilemmas, as Marcia Eaton's strongest argument for divergence hinges on the assertion that there are moral dilemmas, but no aesthetic dilemmas. After a brief explanation of dilemmas generally, I will offer reasons for believing that they are possible in both moral and aesthetic forms. I will show that the relevant considerations for a dilemma are the same in both the fields of ethics and aesthetics, so dilemmas do not offer a reason for divergence.

Dilemmas can be understood in a couple of ways. Most commonly, they are thought of as situations in which one must choose between only bad options, but many philosophers agree that there is also such a thing as a "positive" dilemma, in which one has a plurality of good choices before her, and has the happy problem of being forced to select between them.<sup>48</sup> Dilemmas are

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<sup>48</sup> Rosalind Hursthouse offers, as an example of a "happy" dilemma, a parent being aware of many presents that would make her child extremely happy. She cannot choose them all, and

sometimes categorized as ‘resolvable’ or ‘irresolvable.’<sup>49</sup> Resolvable dilemmas are really better understood as tough choices, rather than true dilemmas – they are cases in which one recognizes pros and cons that pull in different directions, but an all-things-considered best answer can be reached. Irresolvable dilemmas, on the other hand, are those in which there is no non-arbitrary decision procedure that could help one decide in favor of one choice over another.<sup>50</sup> In the following discussion, the dilemmas under consideration are of the irresolvable type.

Marcia Eaton holds that there are no true aesthetic dilemmas. A necessary component of a dilemma, she says, is that one feels guilt and remorse no matter which horn of the dilemma one chooses.<sup>51</sup> Sophie’s choice, in which she must choose which of her children will be sent to its death in order to spare the life of the other, is a classic example of an irresolvable moral dilemma.<sup>52</sup> Eaton argues that no such dilemmas exist in aesthetics, because no aesthetic choice is such that guilt and remorse would be appropriate no matter which horn of the dilemma is chosen. She says, “[I]f there are aesthetic dilemmas then there

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whatever she chooses means the others are not chosen, but the situation is win-win, rather than lose-lose, as we typically think of dilemmas. See Hursthouse, Rosalind. *On Virtue Ethics*, Oxford University Press, 1999, pp. 66-67.

<sup>49</sup> This terminology comes from Hursthouse.

<sup>50</sup> Hursthouse, p. 63.

<sup>51</sup> Presumably, Eaton is not considering the possibility of “happy” dilemmas.

<sup>52</sup> In Hursthouse’s terminology, this is a ‘tragic dilemma,’ one that, no matter which horn is chosen, will permanently mar an otherwise good life.

must be aesthetic obligations from which they stem,”<sup>53</sup> and later concludes that, “[A]ll candidates for aesthetic or aesethical obligations reduce to ethical obligations...”<sup>54</sup>

Eaton does not give a reason for the position that seriousness, guilt, and remorse are necessary elements of dilemmas, although this is a standard view. Mightn’t it be the case that one could experience an ethical dilemma over something very trivial? A store where I shop encourages “green” living by giving customers who bring their own shopping bags, or forgo bags altogether, a token when they check out. The customer can then choose to put her token in one of a variety of jars, marked with the names of local charitable organizations. The token stands for a donation of a few cents that the store will make to the charity. By putting the token in a jar, the customer is making a choice between a very small donation to help children, the mentally disabled, animals, or others. The customer might feel that it is very important to help each of these charities, but she only has one token. She must make a decision to help one rather than another. Although she might wish she could help both, guilt and remorse over a few cents is inappropriate. Thus, it is clear that ethical dilemmas need not be serious, or involve guilt and remorse.

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<sup>53</sup> Eaton, “Aesthetic,” p. 3.

<sup>54</sup> *Ibid.*, p. 8. Eaton coined the word ‘aesethical’ to refer to cases in which the moral and the aesthetic elements cannot be pried apart.

An aesthetic dilemma that follows a similar form is the always-tough choice between the pram curry and the drunken noodles at one's favorite Thai restaurant. There are those days when you want them both very much, but could not possibly order two meals without being shamed by your fellow diners. You recognize the deep pull of peanut-y goodness in one direction, and the salty allure of noodles and vegetables in the other. Here is a predicament, which takes the form of a dilemma, and looks like it might leave one tinged with regret, no matter what one chooses. It lacks seriousness, but so does the above ethical dilemma, and Eaton has not given us a reason to suppose that a non-serious predicament of this form fails to be a dilemma.

Once again, this example shows that guilt and remorse are not necessary elements of dilemmas. Certainly in the case of the Thai food, it is unclear that guilt would be an appropriate emotion, but even in cases that Eaton would clearly accept as dilemmas, it does not look as if guilt and remorse are essential byproducts of the situation. Sophie seems to have been wracked with guilt over her choice, but would everyone? It would seem that a different personality, in Sophie's situation, would feel not guilt and remorse, but pure anger at the Nazi doctor who has forced her to make this choice. Guilt is an appropriate emotion when one has done something wrong. What has Sophie done wrong? What has any person who finds herself in a dilemma done wrong? The wrongness, the problem, is not with the agent forced to choose, but the individuals and factors

which have forced that agent into the position where either decision will carry with it an unwanted price. In choosing, regardless of which child she chooses, Sophie has done the best she could in a terrible situation. This is not reason for guilt, though it is still, of course, reason for sorrow.

I see no reason for one who accepts the reality of moral dilemmas not to accept aesthetic dilemmas as well. Consider authors who must make aesthetic choices when turning a written work into a film. Comic writer Brian Michael Bendis, in adapting his graphic novel *Goldfish* for the screen, made a decision to cut dialog that he thought ought to be in his work, because his script had too much dialog for a movie. Bendis faced conflicting aesthetic values. On the one hand, he saw a great aesthetic good in translating his work into a screenplay. The film medium would open up new creative possibilities for the work and would make its aesthetic features accessible to a wider audience. So, Bendis had good reason to do what it took to adapt his graphic novel into a screenplay. However, Bendis also felt regret as he cut portions of the script which he thought made the work better. He sacrificed one aesthetic value – some great pieces of dialog – to make possible the realization of another aesthetic value – the production of his story as a movie. Two aesthetic values were in



competition, they could not be jointly satisfied, and Bendis was forced to choose between them.<sup>55</sup> This looks like an aesthetic dilemma.

Perhaps the reason Sophie's choice appears more dilemmatic is because, when the stakes are higher, you are more likely to experience psychological trauma when making a tough decision. However, the emotions one feels do not point to the necessary presence of a dilemma. Feeling guilty because you couldn't be in two places at once, because you had to hurt someone's feelings, because you had to let someone down or renege on an obligation does not indicate a dilemma, but only a difficult choice. Sophie made a tough choice in deciding which one of her children would die, but she also did something wonderful – in having the strength to choose in that situation, she allowed one of her children to live, when otherwise they both would have died. Bendis decided that, though he was sorry he had to cut dialog he would have rather not cut, it was better, aesthetically, that the movie be made than that the dialogue remain, at the expense of the production of the movie.

In this section, I have argued that dilemmas are possible in both the realm of ethics and that of aesthetics. Some dilemmas are serious cases in which guilt and remorse are appropriate responses, while other dilemmas are trivial, while retaining the necessary structure of a dilemma. By showing that this

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<sup>55</sup> Bendis, Brian Michael. *Fortune and Glory*, volume 2, pp. 6-16.

feature is present across fields, I have demonstrated that dilemmas cannot be offered as an argument in favor of divergence.

### *Conclusion*

In this section, I've examined the six leading candidate differences between ethics and aesthetics offered in the literature: differences related to principles, properties, obligations, motivation, seriousness, and dilemmas. I have argued that none of these potential differences justifies divergence. Of course, this list is not conclusive. If another relevant difference is presented which firmly shows divergence, then that ought to be considered, and accepted if it cannot be refuted. What I have done in this section is present an argument for convergence based on an analysis of these six categories, demonstrating that no successful argument for divergence has been offered. Thus, convergence ought to be accepted unless a stronger argument in favor of divergence is offered, as it would be arbitrary to adopt different views about the two domains if there were no relevant difference between them.

## **Part II: The Ontological Convergence of Ethics and Aesthetics – A Positive Argument Based on the Way We Form Judgments**

In Part I, I looked at six reasons ethicists and aestheticians have offered for holding a divergence account of ethics and aesthetics. I argued that none of these reasons successfully established divergence. This gives support for a convergence account. In Part II, I will augment this account by considering the way we form judgments in the two fields. First, I will look at two arguments in support of the position that judgments are formed in one way in ethics and another way in aesthetics. As in Part I, I will show why these arguments fail to establish divergence.

So far, I have argued *against* divergence by showing why various divergence arguments fail. In the second portion of Part II, I will consider several elements that are present in judgment formation in both ethics and aesthetics – convention, emotion, reason, and the tendency to favor acts and artworks that promote utility. After considering accounts offered by David Lewis, Marcia Eaton, Jesse Prinz, and David Hume, I will offer my own account of judgment formation, which draws upon the work of each of these authors, while correcting for places I think their arguments go wrong, to present my own account of judgment formation. I will offer a two-tiered system of judgments that accounts for our ability to objectively judge based on conventional criteria, as well as our ability to judge the conventions themselves.

While Part I discusses six factors relating to ethics and aesthetics, the similarity of which could contribute to a convergence account, Part II is devoted only to a discussion of judgment formation in ethics and aesthetics. Judgments are particularly interesting and merit extra consideration because, unlike properties, principles, obligations, motivation, seriousness, and dilemmas, judgments are an area in which clear positive parallels between ethics and aesthetics exist. Six strong arguments against divergence, combined with four positive arguments in favor of convergence, present a compelling case for the convergence of ethics and aesthetics.

### **(II.a) Judgments**

I hold that value judgments are different in kind than non-evaluative judgments. I suspect that all value judgments (prudential, religious, financial, etc.) are of a kind, but here I argue only that moral and aesthetic judgments are of the same kind. Before getting into the arguments, it is important to clarify some terms. By “judgment,” I mean a cognitive exercise whereby an individual considers data and arrives at a determination regarding that data. By “non-evaluative judgment,” I mean a judgment the determination of which is solely descriptive. When I study the data in my kitchen and determine that I have the ingredients to make pizza or calzones, I have made a non-evaluative judgment. By “evaluative judgment,” I mean a judgment the determination of which involves normative elements such as the ranking of some data as better than

others. The determination that pizza would be a better choice than calzones is an evaluative judgment.

Non-evaluative judgments that are about a moral topic, such as the background information surrounding the telling of a lie, will not be called ‘moral judgments,’ as this term will refer only to value judgments about moral topics. The reason for this is that non-evaluative judgments concerning the descriptive data in the context of which a lie occurred could also lead to non-moral value judgments, such as the judgment that the lie was ineffective at achieving one’s prudential goals; the term ‘moral judgment’ will be reserved only for value judgments, in the interest of clarity. The same will hold for non-evaluative judgments about artworks. Aesthetic judgments may stem from non-evaluative judgments pertaining to the artwork, but only the value judgments will be referred to as “aesthetic judgments.”

I do not argue that judgments have a necessary connection to truth. A judgment might be true or false, more or less well supported by evidence, or it might have no truth-value. An antirealist might hold that there is no mind-independent truth-value about the merits of pizza vs. calzones, while realists will argue that there is a fact of the matter regarding which Italian treat is better, even if some people do not know this fact or happen to hold false beliefs about it. These definitions regarding judgment types apply equally on a realist or

antirealist picture, and neither position is being assumed in the following discussion.

Because I argue that moral and aesthetic judgments share elements in common that other judgments lack, it is important to get clear on what those elements are. Most importantly, moral and aesthetic judgments are value judgments. What is it that sets value judgments apart from other judgments? Evaluative judgments depend on prior non-evaluative judgments. It is impossible to make an evaluative judgment without first making a host of non-evaluative judgments. Before a physician can decide which medicine is best for the patient, she must make a considerable number of non-evaluative judgments. What other medications is the patient taking? How severe is the condition? What is the patient's financial situation?

Before the morality of a lie can be evaluated, non-evaluative judgments are needed, regardless of whether the judger accepts a realist or an antirealist account. For one thing, non-evaluative judgments are needed to even determine if a lie has been told. Did the speaker realize he was speaking falsely? Was the listener expecting truth, or are the interlocutors in the midst of a story-telling game? These types of judgments must be made before the lie (if it is one) can be evaluated.

Non-evaluative judgments happen before value judgments, and are needed to make value judgments, but non-evaluative judgments do not always

eventuate in value judgments (many of our non-evaluative judgments stop at the level of description, with no element of normativity). Moral and aesthetic judgments, then, are value judgments concerning, in the former case, the rightness or wrongness, and ranking, of acts performed by agents, and in the later case, the goodness or badness, and ranking, of artworks. With a preliminary discussion of judgments out of the way, we can now consider the way in which we arrive at moral and aesthetic judgments, and whether they are both arrived at in the same way. If they are, this will provide a positive argument for convergence.

## **(II.b) Arguments for Divergence in Moral and Aesthetic Judgment Formation**

In this section, I will consider the leading arguments offered by ethicists and aestheticians in support of the position that moral and aesthetic judgments are arrived at through different routes. I will explain the positions held by P. F. Strawson and Alan Goldman, and offer arguments to demonstrate why these views are misguided. Strawson holds that moral judgments can only be formed in the presence of initial, non-evaluative judgments, yet he argues that aesthetic judgments are not formed with a backdrop of non-evaluative judgments. Alan Goldman argues that moral and aesthetic judgments range over different things, holding that our moral judgments focus on particular parts of acts, while our aesthetic judgments range over entire artworks. I will offer arguments to show

that Strawson's and Goldman's arguments fall through, thus failing to establish divergence and strengthening support for a convergence view.

### **(II.b.1) Moral Judgments Require Non-evaluative Judgments and Aesthetic Judgments Do Not**

P. F. Strawson argues that moral and aesthetic judgments are necessarily different in kind. Moral judgments, he holds, must be arrived at by providing non-evaluative reasons for the praise or blame of an action. Strawson's position is similar to the one held by Frank Sibley, discussed in (I.b). However, Sibley's argument centers on the detection of aesthetic versus moral properties, while Strawson's argument focuses on his understanding of differences involved in judgment formation between the two fields. Strawson holds that moral judgments must be preceded by non-evaluative judgments. On this point, Strawson and I agree. Non-evaluative judgments come first, and inform value judgments. Where we disagree is that Strawson thinks this process works differently in aesthetic judgments.

Promoting a view that was standard at the time (the article where he promotes this view was originally published in 1974), Strawson does not provide examples of the way he understands moral judgments as unfolding, but says that "general rules and principles are essential" to one's ethical



judgments.<sup>56</sup> Here, he probably means that we look for rules that can be applied across cases, such as pain contributing to a negative judgment of an action, while pleasure contributes to a positive judgment (this view will be discussed in more detail in the following section). However, because Strawson does not give examples of non-evaluative judgments in ethics, we must examine his statements regarding aesthetics and extrapolate back to ethics in an attempt to arrive at a full picture of his theory.

According to Strawson, there are two ways in which we arrive at our aesthetic judgments. One way is to simply pile further evaluative descriptions onto our initial judgment of ‘good’ or ‘bad,’ which was arrived at non-cognitively. When called upon to justify that initial judgment, we might hold that an artwork is good, and offer, as justification, that it is original. But, Strawson argues, ‘original’ is itself an evaluative term, so we’re not making much progress with that step. We’re refining our understanding of the work’s goodness by specifying a way in which it is good (good due to originality, rather than good due to poignancy, for example). But at this point we don’t have grounding for the supposition that ‘original’ is good. That claim has been made more specific, but has not been grounded.

On the other hand, we could leave ‘good’ out of the definition. We might define ‘original’ as something like, “never having been done before,” at which

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<sup>56</sup> Strawson, P. F. “Aesthetic Appraisal and Works of Art,” in *Aesthetics and the Philosophy of Art: The Analytic Tradition*. Blackwell, 2004, p. 239.

point it is no longer an evaluative term, but is merely descriptive. The problem is, now that ‘original’ is merely descriptive, we could just as easily judge a work to be bad by virtue of its originality. Think, for example, of any sort of genre-specific fiction. There are rules for writing good crime fiction, a good science fiction story, a good work of fantasy, and these rules are going to be very specific to the genre. What is good in a fantasy story is not good in a sci-fi novel.

Take, for example, the very specific sub-genre of espionage fiction. The success of the James Bond film industry rests on the ability of its creators to stay within very specific tropes – archetypes that keep viewers coming back again and again, from Connery to Moore to Bronson. The cast of villains and the Bond girls’ hairstyles might change, but the plot is basically the same, film after film, and this is seen as a virtue of the industry – viewers do not go to a Bond movie to see something original. Instead, they are seeking a reliable, fairly unoriginal retelling of the expected tropes – the sexual tension between Bond and Miss Money Penny, Q and his gadgets, Bond’s smooth wit and ability to pristinely bounce back from any encounter.

In fact, many judge the movie with the most original of the Bond plotlines – *Moonraker* – to be the worst Bond movie, specifically because it deviates from the accepted tropes of the genre, taking Bond on an outer-space adventure. *Moonraker* was released in 1979, the same year as *Star Wars*

exploded the popularity of the science fiction genre, so it was not dislike of science fiction in and of itself that caused the film to be judged negatively. It was simply the fact that science fiction does not belong in the espionage sub-genre – introducing that element of originality into the work made it a decidedly worse film.

In the past few years, the Bond industry has taken a turn, with the two most recent films – *Casino Royale* and *Quantum of Solace* – being decidedly less funny and grittier than what fans have come to expect from the franchise. Daniel Craig’s Bond gets dirty and stays that way, and we are shown a rawness beneath the sleek Bond veneer. Critics and fans complain that Craig’s portrayal of Bond is *too* original to provide the satisfying fix that keeps fans returning to the theater.<sup>57</sup>

If ‘original’ is understood as a positive evaluative term, such that any work that is original is better than one that is unoriginal, we are no closer to justifying our initial non-cognitive aesthetic judgment than before, as ‘original’ is merely a subset of ‘good.’ However, as the Bond case has shown, understanding ‘original’ as a descriptive term cannot then get us to an evaluative judgment, as originality is sometimes seen as positively affecting a work and at

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<sup>57</sup> See Eastman, Marc. “Quantum of Solace – Movie Review – Bond Bails Out on Being Bond,” March 25, 2009. <http://www.areyouscreening.com/2009/03/25/quantum-of-solace-movie-review-bond-bails-out-on-being-bond>

other times is understood as making the work worse. This same point would hold for other aesthetic descriptors, as well.

Aesthetic judgments, then, cannot be arrived at by adding additional evaluative or non-evaluative descriptors to our initial judgments. The other way to justify aesthetic judgments, according to Strawson, is to point to particular features of a work, but that method is necessarily unrepeatable, because any non-evaluative feature of artwork *x* might turn out to be absent or present to greater or lesser degrees in artworks *y* and *z*, but our judgments do not necessarily match up accordingly. For instance, we might praise the sweetness of Jeff Tweedy's vocals on a song like "Hesitating Beauty"<sup>58</sup> while also praising the rawness of Janis Joplin's voice on a song such as "Cry Baby."<sup>59</sup>

According to Strawson's theory, both sweetness and rawness are properties of these artworks by which we evaluate their aesthetic worth, but the evaluation of the properties cannot be applied systematically across works to form evaluative principles. The property of lyrical sweetness, if present in "Cry Baby," would result in a less-good artwork, while rawness in "Hesitating Beauty" would diminish its aesthetic merit. This example is meant to show that aesthetic properties cannot be used to evaluate artworks in the way that moral properties can because, Strawson holds, the non-evaluative property that

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<sup>58</sup> "Hesitating Beauty." Lyrics by Woody Guthrie, performed by Billy Bragg and Wilco, *Mermaid Avenue*, 1998.

<sup>59</sup> "Cry Baby." Lyrics by Bert Burns and Jerry Ragovoy, performed by Janis Joplin, *Pearl*, 1970.

contributes to the goodness of artwork  $x$  might lead to an aesthetic defect in the very different context of artwork  $y$ .

Strawson does not tell us the sorts of properties that he thinks can be applied objectively across cases in ethics, but, as they are described as non-evaluative properties, one has to imagine that he means something like, for example, the property of taking something that does not belong to you and which has not been offered. We could then take that property and plug it into moral actions  $x$ ,  $y$ , and  $z$  and evaluate them based on the presence or absence of the property within the acts. However, is this really any different than the vocals? Sweetness is good in “Hesitating Beauty” because of the package of which it is a part. It would be unpleasantly jarring to mix Joplin’s anguished voice with Woody Guthrie’s tender lyrics and Wilco’s gentle, up-beat instrumentation. Just so, taking something that doesn’t belong to you and which has not been offered usually counts against the moral worth we assign to an action. In some cases, however, this property does not have a negative impact on the act.

Consider a police action that disarms a would-be assassin. The potential assassin’s weapon is legally owned and registered. The action of disarming the man has the property of taking something that does not belong to the police officers and which has not been offered. Yet, in this case, unlike most others, the normally negative property does not count against the morality of the act. A

property that in most cases would be enough to judge the action as immoral in this case has no effect on our moral judgment at all.

This looks very similar to the case of “Hesitating Beauty” and “Cry Baby.” The reason we praise the police officers is because we think taking something that does not belong to you and which was not offered is the best overall fit within this moral “work.” Just as a more biting style contributes to the overall goodness of “Cry Baby” more than sweet vocalization would, so taking the gun contributes to the overall goodness of the situation more than refraining from taking the gun would.<sup>60</sup> This type of understanding reflects Dancy-style particularism, as discussed in Part I.

Some, however, hold the position that taking something that does not belong to you and which was not offered is always wrong, across the board, regardless of its place within a complex action. This presupposes an absolutist moral theory. This line can be followed through into the aesthetic case as well. Just as the moral evaluator might stipulate that stealing is always wrong, regardless of the context of the theft, so the aesthetic evaluator might stipulate that raw dissonance is always wrong, regardless of context (as, in fact, many people do).

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<sup>60</sup> The fact that the gun does not belong to the police officer is morally neutral. If it were instead the police officer’s gun, which the assassin had somehow come to possess, the police action would not be less good.

An evaluator such as Strawson, who wants to allow for a contextualist account of aesthetic judgment formation, needs to provide an argument for excluding that same type of contextualism in the judgment of moral actions. Strawson's argument does not succeed in demonstrating why contextualism cannot be extended across both ethics and aesthetics.

Strawson's argument for considering moral and aesthetic judgments to be different in kind, which contributes to an argument for divergence, has failed. His argument is based on the thesis that moral judgments are arrived at by way of preliminary non-evaluative judgments about the situation, whereas aesthetic judgments do not involve that initial step. I have shown that the non-evaluative step is present in both cases, which demonstrates that divergence cannot be arrived at through this route.

### **(II.b.2) Moral Judgments Carry a Coherentist Constraint While Aesthetic Judgments Do Not**

Another way that moral and aesthetic judgments might differ regards the particular elements that can be judged. Some theorists, such as Alan Goldman, hold that we form moral judgments based on analysis of particular properties of actions. We then generalize across cases to form coherent standards by which we can judge other actions exemplifying those properties. Aesthetic judgments, on the other hand, on Goldman's account, cannot be evaluated in terms of individual properties taken in isolation. Instead, each artwork is unique, and

must be considered on its own terms.<sup>61</sup> This difference in judgment formation between ethics and aesthetics could provide an argument for divergence, as the method of evaluation would be disanalogous between the two fields. I will explain Goldman's arguments and then offer reasons for rejecting this distinction between the two objects of judgments.

Although Goldman rejects the view that our evaluative judgments will reach unanimity, he does think we can constrain the rules by which we judge in certain ways so as to reach the highest level of agreement possible. This is desirable, on his account, because one of the primary functions of passing judgment is so as to be able to impose social sanctions – we reward and punish actions, praise and disparage artists. Although Goldman does not deny that judgments could be private, with public discourse regarding the objects of evaluation being an important goal, it follows that we would want to establish the strongest evaluative constraints possible, to achieve the highest level of evaluative agreement.<sup>62</sup>

Goldman holds that we cannot place the same level of evaluative constraints on aesthetic judgments as we place on moral judgments, and it is at this point that his argument might suggest divergence. He argues that the highest constraint moral judgments can rationally be subjected to is a coherentist

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<sup>61</sup> Goldman, Alan H. "Aesthetic Versus Moral Evaluations," in *Philosophy and Phenomenological Research*, vol. 1, no. 4, June 1990 pp. 722-727.

<sup>62</sup> *Ibid.*, p. 729.



constraint, and that aesthetic judgments cannot be likewise constrained. The

coherentist constraint says that:

The truth of a moral judgment...consists in its being analogous to some settled judgment, and in its being differentiable, making it a member of some maximally coherent set. A maximally coherent set is one in which, for all differences in judgments, we can specify nonmoral differences that count generally.<sup>63</sup>

This constraint is stronger than a supervenience claim in that the evaluator must be able to articulate the non-moral difference that justifies the difference between evaluative judgments, though the justification need not be universally accepted, provided it is accepted by those who agreed to the settled judgment.<sup>64</sup>

An example can illustrate the coherentist constraint. An evaluator judges abortion to be morally permissible and infanticide to be morally impermissible. The evaluator now needs to demonstrate a non-moral difference between the two cases to justify the difference in judgment. The evaluator suggests that the non-moral difference that justifies abortion but not infanticide is the fact that infants and fetuses obtain oxygen in different ways. When pressed, however, the evaluator concedes that the way a being breathes is usually irrelevant to whether it is permissible to kill that being. Now, coherentism constrains the evaluator. He cannot hold that the manner in which beings obtain oxygen is relevant in the context of the permissibility of killing fetuses versus infants, while being irrelevant in other cases. Coherentism demands that either the evaluator grant

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<sup>63</sup> Ibid., p. 725.

<sup>64</sup> Ibid., p. 726.

that abortion and infanticide receive the same evaluation, or that an (actually) relevant difference between the two cases be articulated.<sup>65</sup>

Goldman argues that the coherentist constraint is possible in ethics because we form moral judgments based on the observation of recurring properties (such as cruelty, benevolence, or honesty) that retain their value (positive or negative) across situations. He says, “While these properties are not sufficient in themselves to entail moral evaluations, they generally make differences among judgments.”<sup>66</sup> Goldman holds that two factors allow the coherentist constraint to go through: 1) in moral judgments, our evaluations are formed by isolating particular properties that we have already evaluated; and 2) we can count on there being specifiable classes of cases such that the property functions the same way in every case in the class.

The property of causing pain most often points toward a negative judgment of acts containing that property. Sometimes, however, the property of causing pain points us toward a positive judgment of the action. This does not rule out Goldman’s coherentist constraint, provided we can pinpoint a non-arbitrary difference between the cases that justifies the difference in judgment. For example, if all and only instances of the positive judgment corresponded to a request from the person experiencing the pain, and each instance of a negative

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<sup>65</sup> Ibid., p. 726.

<sup>66</sup> Ibid., p. 726.

judgment corresponded to a lack of request for the act, the coherentist constraint has still been met.

Due to the coherentist constraint, moral judgments, on Goldman's view, must be backed up by an appeal to properties that would have the same value (positive or negative) in other moral situations. He says, "[W]e must find some morally relevant difference each time we judge differently two cases that seem otherwise similar."<sup>67</sup> If one instance of homicide is judged to be morally justifiable and another is not, a relevant difference between the cases must exist, such that we can identify sets of cases sharing relevant similarities that justify the status of the judgments.<sup>68</sup> An example of such sets might be the set of homicides that were committed in self-defense, as opposed to the set of homicides that were committed in ruthless aggression.<sup>69</sup>

These two factors are the reasons why Goldman does not believe coherentism can be applied to aesthetic judgments. He says, 1) aesthetic evaluations cannot be made on the basis of particular properties taken in isolation, and 2) the value of aesthetic properties does not remain stable across cases. Goldman holds that our aesthetic judgments, unlike our moral judgments,

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<sup>67</sup> Ibid., p. 725.

<sup>68</sup> Ibid., p. 723.

<sup>69</sup> It is worth noting that the particular combination of factors that will be relevant to forming coherent judgments is extremely complicated, on Goldman's view. My examples are meant to indicate the way this process works, but does not necessarily figure in all possible relevant factors.

must range over whole artworks.<sup>70</sup> While particular features of artworks can be analyzed – a line from a song, a figure in a painting – the part must be considered within the work as a whole. Here, Goldman is picking up on a theme also seen in the views of Sibley and Strawson, holding that, while particular properties can be appealed to in order to support the aesthetic judgment of a specific artwork, there is simply no guarantee that that same property will operate in the same way in the context of another artwork. The property of vibrancy contributes to a positive evaluation of artwork A and a negative evaluation of artwork B; tranquility makes artwork C stronger but in artwork D it has a negative effect.

A specific example might make Goldman's understanding of the way aesthetic principles function in judgments more clear. He explains:

We judge, for example, that Mozart is a better composer than Salieri, and, if asked for a reason, we might respond that Mozart's music is less predictable than Salieri's. But this response does not commit us to the view that being less predictable...is generally a musical virtue. The fact that Schonberg's music is less predictable (auditorily) than Mozart's does not at all contribute toward Schonberg's being a better composer.<sup>71</sup>

Unpredictability counts as a positive attribute in the case of Mozart's compositions, but is at best neutral regarding Schonberg's works, and is in fact a reason to negatively judge something like a Beckett play, where the aesthetic

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<sup>70</sup>Ibid., p. 726.

<sup>71</sup>Ibid., p. 727.

property of monotony actually contributes to a positive evaluation.<sup>72</sup> As the value of aesthetic properties does not remain constant across works, Goldman argues that it is not possible to formulate a coherent judgment, such as “unpredictability improves artworks,” or even a more specific judgment, such as “unpredictability improves artworks in cases like X, but not in cases like Y.” This demonstrates why Goldman holds that we must be coherentists about ethics but not aesthetics. Coherentism says that each time our moral judgments are different, we must be able to identify a difference in the descriptive data connected to the situation that accounts for the difference in evaluative judgment, and that difference should be relevantly extendable to other cases, which is impossible in aesthetic evaluation.<sup>73</sup>

The possibility of coherentism in ethics makes moral judgments rationally decidable, according to Goldman, but there is no rational decision procedure possible regarding aesthetic judgments, due to the lack of stability regarding the value of aesthetic properties. This is not to say that aesthetic evaluation is impossible, on Goldman’s account. Evaluation is possible, but artworks must be evaluated as unique wholes, “in which the parts have aesthetic value only in such complete contexts.”<sup>74</sup> Aesthetic properties do not have independent value; their value is relative to the context of the individual

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<sup>72</sup> Ibid., p. 727.

<sup>73</sup> Ibid., p. 725.

<sup>74</sup> Ibid., p. 724.

artworks in which they appear. Thus, properties cannot be pulled out of artworks and evaluated independently. He writes:

a particular line of a given shape and color in a painting might be of great aesthetic value only there, not in the context of any other painting. Likewise, a musical phrase perfect in the context of a particular symphony need not have even prima facie aesthetic value when placed in other musical contexts. All the value of such elements derives from their places in the unique aesthetic wholes of which they are parts.<sup>75</sup>

If Goldman is correct that morality calls for a kind of coherentism that is impossible in aesthetics, this might push us toward a divergence account of ethics and aesthetics. The question, then, is whether his two central claims are correct: 1) Do we evaluate moral actions on the basis of particular properties while evaluating artworks as unique wholes? and 2) Do the properties by which we evaluate moral actions retain their value across relevantly similar cases, while the value of properties by which we evaluate aesthetic properties change from case to case? In response to 1), I will argue that evaluation in both ethics and aesthetics involves analysis in terms of both parts and wholes. Responding to 2), I will agree with Goldman that the value of aesthetic properties is changeable, and demonstrate that the value of the properties by which we evaluate moral actions changes from case to case as well. This will show both that the coherentist constraint cannot function in ethics as Goldman claims, and also that this argument for divergence falls through.

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<sup>75</sup> Goldman, p. 725.

Goldman tells us that moral evaluation is conducted at the level of properties, while aesthetic evaluations, though involving analysis of properties, end in an all-things-considered judgment of the work as a whole. As an example, he considered the evaluation of abortion and infanticide in terms of particular properties. While he rejects the method of oxygen absorption as irrelevant to the moral question, one would suppose he would hold that there are morally relevant properties, such as sentience or viability, by which the moral cases would be judged within the coherentist constraint. While I do not deny that moral judgments are formed, at least in part, by appeal to particular properties, it is plausible that all-things-considered assessments are also made regarding moral actions, and this process is analogous to the process of aesthetic evaluation.

Goldman is correct that, in an aesthetic evaluation, we consider the property of unpredictability not as an abstract concept, but as it functions within a particular work. Unpredictability adds positive aesthetic value, when it does, because of its presence with the complex mix of other factors that combine uniquely in a particular artwork. The fact that unpredictability could end up adding negative value to a different work does not mean we cannot judge this work; it merely means we must consider each work on its own merits, rather than demanding coherence across our evaluations of works.

As I argued in (II.b.1), moral evaluations work the same way. Consider the case of abortion mentioned by Goldman. Certainly the moral permissibility of an abortion will be considered in terms of particular properties, such as the viability of the fetus. However, the property of fetus viability is not always thought to add negative value to an act of abortion. Perhaps the fetus is viable, but afflicted with a severe, permanent disability that will cause it excruciating pain that cannot be adequately controlled. Many people will hold that the property of fetus viability, when combined with the property of severe, untreatable pain, will lead to a different judgment regarding the moral permissibility of abortion in this case as opposed to one in which the property of fetus viability was present but the property of severe, untreatable pain was absent.

Goldman will say, at this point, that these judgments can be systematized. There are identifiable principles that capture the relevant difference between sets of cases such that viability will not always contribute to a negative (or positive) evaluation of the act. I argue that, though Goldman might be correct on that point, there will always be additional factors by which we can narrow our evaluations. We can continue to pull apart our sets on the basis of relevant differences until our sets of cases have been isolated down to individual instances, just like with artworks.



Compare the two cases of abortion with two artworks, each possessing the property of gracefulness. As with the property of fetus viability, gracefulness renders different aesthetic judgments depending on the other properties with which it is joined in a particular work. In a work also possessing the property of tranquility, gracefulness might render the work insipid, resulting in a negative aesthetic judgment.<sup>76</sup> In many other cases, however, gracefulness will lend positive value to the work. The only way to tell for sure is to evaluate each particular work, with its unique combination of factors. Likewise, each particular instance of abortion exists in a unique, complex web of factors that cannot be fully systematized without losing some of the nuances of the particular situation that ought to contribute to a robust moral evaluation of the act.

In both the moral and the aesthetic case, properties feed into the evaluative judgments that are formed. Fetus viability and gracefulness are factors that inform one's evaluations. In neither case are particular properties a reliable indicator of the overall judgment of a work, however. Goldman would agree that fetus viability sometimes pushes toward a negative evaluation of an act and at other times does not, and that gracefulness sometimes contributes to a positive evaluation of a work and sometimes does not. In both cases, an all-

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<sup>76</sup> Ibid., p. 724.

things-considered judgment is reached by analyzing the myriad properties that combine in a unique way in the particular act or work.

Goldman holds that all-things-considered judgments do not have the same relation to the particular properties in ethics as they do in aesthetics, because of his position that, on a specific enough analysis, moral properties can be systematized in a way that aesthetic properties are not. I hold that the only analyses that will be specific enough to account for all relevant factors in the situation will be those analyses conducted at the level of individual acts and unique artworks.

Goldman's justification for divergence is based on the assertion that moral judgments are made based on a complex analysis of particular properties of actions, while aesthetic judgments occur on the level of whole works. I have shown that this is false, by demonstrating how in both cases we reach all-things-considered judgments through an analysis of particular properties. I have demonstrated a consistency in judgment formation between the two fields, thus dissolving Goldman's argument that moral and aesthetic judgments range over different objects (particular properties versus whole works/acts). I have demonstrated that his argument for divergence fails, thus providing an additional argument in favor of convergence.

## **(II.c) Shared Traits in Judgment Formation**

This concludes my arguments against divergence. In section (II.c), I will consider three elements of judgment formation that ethics and aesthetics have in common. These shared traits strengthen the argument for convergence, as they show not only that potential differences between the fields can be dissolved or explained away, as I have done in the preceding sections, but also that there are positive similarities between the two fields. I will first consider conventionalist accounts offered by David Lewis, Gilbert Harman, and Marcia Eaton. Next, Jesse Prinz's arguments regarding the role of emotion in judgment formation will be considered. Finally, a Humean account of judgment formation, which incorporates elements of reason, emotion, and natural inclination, will be considered.

### **(II.c.1) Convention**

A positive argument for convergence will demonstrate ontologically relevant similarities between ethics and aesthetics. In this section, I will argue that, on both realist and antirealist accounts, convention plays an important role in both our moral and aesthetic judgment formations. I will offer a brief introduction to the concept of convention, followed by an explanation of its role in both kinds of judgment formation. This similarity in judgment formation offers a link between the two fields, and thus a reason for accepting a convergence account of these two theories of value.

Nelson Goodman describes convention as “the artificial, the invented, the optional, as against the natural, the fundamental, the mandatory.”<sup>77</sup> Conventions are non-necessary, widely observed regularities. They can occur in nature, and in private, but in this paper, I will use ‘convention’ to refer specifically to social conventions. Uncontroversial examples of conventions include the meanings assigned to stop light colors and the use of letter grades to signify the level of students’ performance in a class. These regularities are observed with law-like consistency, yet could easily have been different. Although Aristotle, Thomas Hobbes, and David Hume all spoke of the role of convention in social interaction and the establishment of social norms and rules, David Lewis’s 1969 book, *Convention*, established the modern framework for our understanding of convention.

Conventions can explain how a practice attains widespread acceptance without conforming to an underlying truth or goodness. Lewis expands the basic notion of social norms to arrive at a full theory of the origin and power of conventions through the use of game theoretic models. Lewis explains that we regularly face a *coordination problem* – there is more than one way to achieve a desired result, and that result depends upon each of us acting in concert, but it doesn’t matter which of the options we choose, provided we all choose in coordination with our peers. Although each of us may have a slight preference

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<sup>77</sup> Goodman, Nelson. “Just the Facts, Ma’am!”, in *Relativism: Interpretation and Confrontation*, edited by Michael Krausz. University of Notre Dame Press, 1989, p. 80.

for one option over the others, what we all most want is to do what the others are doing, so we have a strong interest in establishing a convention that will tell us how we can expect others to act.<sup>78</sup>

An example might make this more clear. An extended family regularly convenes in a central location for Thanksgiving dinner. Each nuclear family is committed to bringing portions of the meal, so that everyone has contributed a proportional amount, and a range of dishes are available. The family, not big on planning, assumes things will “just work out.” One year, three turkeys show up, and no dessert. The following year there is no turkey but five pies (three of them pumpkin). The third year, the matriarch takes charge and randomly assigns dishes to each household. The next year, dishes are not assigned, but each household brings the same thing as the year before. This works, and so continues year after year. A convention has been established which, though arbitrary, provides a guide that tells the family members what to expect from each other, and thus how they should act so as to achieve the desired coordination.

Lewis offers a descriptive account of convention, and some have faulted his theory for stopping short of normativity. A conventionalist moral system could hold that, once a convention has been established, something stronger than “people tend to adhere to the convention” becomes true. At this point,

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<sup>78</sup> See Lewis, David. *Convention: A Philosophical Study*. Harvard University Press, 1969, chapter 1.

conventions assume the force of morality, and dictate not only how we *do* act, but also how we *should* act.

This type of moral conventionalism is advocated by Gilbert Harman. Harman's view is relativistic, grounding moral facts in human-determined conventions. On this view, conventions define morality – the moral action is whatever conforms to the established convention, which, though relatively stable, can change over time. He holds that conventions are difficult to change, as no one wants to be the one to upset the established order. However, there will be a point at which an individual's preference for doing other than what the convention dictates will be stronger than his desire to maintain the cooperative equilibrium. One person violating the convention will cause no more than a ripple; if enough people choose to act outside the established convention, the order will be upset and there will be a period of flux before a new convention emerges.<sup>79</sup>

Even for those who accept Harman's account that conventions have moral force (and not everyone does – Richard Joyce, for example, holds that conventionalism cannot establish moral grounding), it can be difficult to explain why conventions have such power over our actions. Ruth Garrett Millikan argues that the tendency of humans to conform to convention relies not on an appeal to reason or to some underlying truth that has been recognized. Rather,

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<sup>79</sup> Harman, Gilbert. "Relativism," in *Moral Relativism and Moral Objectivity*, by Gilbert Harman and Judith Jarvis Thompson, Blackwell Publishers, 1996, pp. 23-24.

we conform because we are highly adaptive creatures. We modify our actions to make our lives better, and when we find something that works, we stick with it, even if a further modification would be even more advantageous. She says, “Coordination conventions proliferate because, rationality aside, people learn from experience exactly as other animals do.”<sup>80</sup>

Millikan argues that we do not seek further modifications for a variety of reasons. She explains:

A pattern may prevail over easily invented alternatives because it is easier or more natural to copy than to use one’s imagination, or because people prefer to do as others do, not wanting to be out of step, or because what is familiar is as such pleasing, or because people feel more secure in the tried and true.<sup>81</sup>

On Millikan’s understanding, humans are the kind of being that tend not to deviate from an established pattern in the absence of a clear reason to do so (why do our students gravitate toward the same seats each class period?).

Sometimes a convention will be the result of rational innovation, but it could just as likely be a happy accident which, once found to work, will be maintained until there is a clear reason to change it.<sup>82</sup>

Conventions play a key role in judgment formation. Convention tells us to proceed when we see a green traffic light, and to brake when we see a red one. It tells us to bring deviled eggs to Easter dinner and pumpkin pie to

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<sup>80</sup> Millikan, Ruth. *Language: A Biological Model*. Oxford University Press, 2005, p. 11.

<sup>81</sup> *Ibid.*, p. 8.

<sup>82</sup> *Ibid.*, pp. 8-11.

Thanksgiving dinner but not – definitely not! – the other way around.

Conventions are key in the formation of our moral and aesthetic judgments. The impact of conventions on our moral judgments will be discussed first, followed by a discussion of the role of convention in aesthetic judgments.

As Millikan says, we are beings who rely heavily on precedent to tell us how to act. We model those around us and quickly fall into habits of behavior. These traits cause us to adopt and adhere to rigid rules, even when we have evidence that we need not follow them. Consider, for instance, groups A and B, both of whom are successfully operating within a subculture with values that are different from that of the dominant culture. Members of group A will understand a particular set of practices as required or forbidden based on the conventions by which they live. Those in group B, living under different conventions, will understand their own rules as binding and the rules of group B as merely conventional, and easily flouted. Each group can readily recognize the conventional nature of the other sub-culture's rules, but neither understands their own code in that way. For those operating within a convention, its structure tends to seem much more like mind-independent reality than an institution that could easily have been different.

Conventions work much the same way in aesthetic judgment formations as they do in moral ones. Marcia Muelder Eaton discusses this issue at length. She argues that art is largely a social endeavor. More often than not, we produce



art for other people, in order to communicate difficult ideas and emotions, because we want to be understood by others.<sup>83</sup> This echoes an understanding of art made famous by Leo Tolstoy, who said, “Every work of art causes the receiver to enter into a certain kind of relationship both with him who produced, or is producing, the art, and with all those who, simultaneously, previously, or subsequently, receive the same artistic impression.”<sup>84</sup> When art is understood in this way, the importance of conventions in our judgment formation becomes clear, as conventions are the means by which we understand one another, through various symbolic representations, from language and icons to the meanings a culture assigns to nonrepresentational elements such as color and tone.

While Tolstoy understands art as necessarily a communicative act, with the possibility of an entirely private artwork being impossible, Eaton allows for the possibility of private works and private aesthetic judgments. Some private judgments will still make use of conventions, but she acknowledges that there are likely to be some judgments that are not convention-dependent. Likely candidates for the object of entirely convention-independent judgments will be objects of natural beauty, rather than artworks, however. For example, regardless of the conventions one brings to the scene, Eaton finds it likely that

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<sup>83</sup> Eaton, Marcia Muelder. *Merit, Aesthetic and Ethical*. Oxford University Press, 2001, p. 5.

<sup>84</sup> Tolstoy, Leo. *What is Art?*, translated by Alymer Maude. Thomas Y. Crowell and Company, 1899, p. 41.

individuals will experience awe at an Oregonian mountain view. This awe will be visceral and universal, she believes. Despite possible natural counterexamples, Eaton sees convention as extremely important in forming the majority of aesthetic judgments, which makes it an important feature to consider here.<sup>85</sup>

On Eaton's view, aesthetic judgments might be partly biological in origin. Here she again cites natural examples, suggesting that an attraction to particular types of landscapes could be tied to a connection the viewer sees between those particular features and a primal ability to survive.<sup>86</sup> This would make us prefer sights of running water and lush vegetation to barren desert scenes. However, she holds that the vast majority of our aesthetic judgments cannot be explained in terms of biological function. Most aesthetic judgments, she says, are deeply embedded in a culture that has taught us to understand and react to artworks in particular ways. There is almost always, Eaton says, a "social determination to the way in which a person reacts aesthetically to objects or events."<sup>87</sup>

Eaton supports this view by pointing out that an individual's judgment of a work is informed by the elements she has been trained to look for in the work.

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<sup>85</sup> Eaton. *Merit...*, p. 14.

<sup>86</sup> *Ibid.*, p. 5

<sup>87</sup> *Ibid.*, p. 5.

In a culture where there is no convention in place to pick out a particular aesthetic feature, that feature will go unrecognized.<sup>88</sup> She says:

The particular properties to which individuals attend when they have what they recognize as aesthetic experiences differ from culture to culture and even within cultures as subcultures develop. Wine connoisseurs attend closely to features of what they drink that nonconnoisseurs not only disregard but also fail to notice at all.<sup>89</sup>

Wine connoisseurs are formally trained to attend to particular features of wine, and to evaluate them according to standards established by the community in which they operate. Eaton's point goes much further than that, however. We all, professional critics and those who have received formal training in aesthetic evaluation as well as the unschooled masses, bring to our aesthetic evaluations presumptions and understandings that are steeped in our culture.

One of the most basic and overlooked conventions that informs aesthetic evaluation is language. To judge a work of poetry or prose, one must understand not only the language itself, but also the particular linguistic conventions at play in the work. Further, Eaton argues that a mastery of technical aesthetic terms is needed for many aesthetic evaluations. She says:

One is not born able to distinguish a fugue from a gigue, nor an early from a late Indian Buddha figure. Doing so depends on acquiring a very specialized vocabulary. Appreciating these things, and the differences between them, is also language dependent, as is the particular response shaped by the words used to describe something.<sup>90</sup>

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<sup>88</sup> Ibid., pp. 13-14.

<sup>89</sup> Ibid., p. 11.

<sup>90</sup> Ibid., p. 13.

In addition to the technical vocabulary needed to engage in specific critical evaluation within a genre, conventions are often needed to even begin to take in and process artworks. It is convention that tells us to read stories from left to right, and to understand a sketchy stick figure as a representation of a human being. Avant-garde film conventions prime us to expect non-linear story telling from David Lynch, and allow us to make aesthetic judgments about a work like *Eraserhead* through an understanding of metaphorical meanings and an acceptance that the main storyline might unfold in a temporally disjointed fashion. Unfamiliarity with the conventions of a particular genre can lead to a judgment based on misconceptions about how a work is to be encountered.

What's more, conventional differences will lead to radically different judgments of a single work between cultures and subcultures. While the differences between cultures are likely to be vast, perhaps of greatest interest are the variations in judgment within a single culture, based on differing conventional understandings. Eaton gives the example of rap music making some feel hope while arousing fear in others.<sup>91</sup> Without knowledge that Chevy Chase's delivery of the news on Weekend Update is presented as satire, one is likely to judge his performance as incompetent, uninformed, and grossly unprofessional. Knowledge of the conventions in play in a production of *Saturday Night Live* will lead to a very different judgment of the work than

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<sup>91</sup> Ibid., p. 13.

would come from an evaluation based on the conventions of standard news broadcasting.

Consider individuals' differing judgments of two works based on their understanding of different conventions at play between the works. Richard Brooks' *In Cold Blood* is far less bloody and graphic than Rob Zombie's *Halloween II*.<sup>92</sup> Both works are visually riveting, and involve excellent use of cinematographic techniques. However, the same viewer is likely to evaluate *In Cold Blood* with far more horror and sadness than *Halloween II*, due to the conventional expectations brought to the viewing of each film. Those schooled in the art of horror movie watching are trained to approach the films with a hearty understanding of make-believe, embracing the gruesomeness and enjoying the terror through a recognition that it is all in good fun – that it is not real. The conventions brought to bear when viewing *In Cold Blood*, however, are quite different. While the viewer expects *Halloween II* to excel, if it does, by taking the viewer on a imaginary nightmare of death and mutilation of epic proportions, if *In Cold Blood* excels, it is by making the viewer experience the simple sadness of one family's murder. Approaching *In Cold Blood* with horror movie conventions in place is certain to leave one disappointed, wondering why so few were killed, and so unspectacularly. Approaching *Halloween II* with *In*

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<sup>92</sup> *In Cold Blood*, directed by Richard Brooks, 1967. *Halloween II*, directed by Rob Zombie, 2009.

*Cold Blood* conventions in place, on the other hand, is likely to leave the viewer violently ill.

It is important to note that this account of the role of aesthetic convention is not all encompassing. Eaton does not hold that convention is the only factor that figures into aesthetic judgment, nor does she argue that it should be. The argument is simply that conventions have a heavy influence on our aesthetic judgments. The presence of other influencing factors does not present a tension for this account. Arguments that something deeper than convention ought to inform our evaluations (the presence of mind-independent aesthetic properties, for instance, which exist regardless of particular conventions) also do not conflict with this descriptive account, which holds that conventions *do* contribute to judgment formations (although non-conventional elements might also be at work).

Violations of established aesthetic conventions can upset our normal judgment methods. The normal convention in theatre or film that understands the audience as an unseen, omniscient presence looking in on the story is violated when an actor breaks the fourth wall. This violation of the convention can disrupt one's understanding of the work, interfering with the suspension of disbelief and leading to a modification of one's aesthetic judgment. We fault traditional narratives that contain a heavy amount of repetition and poor grammar, but easily accept these characteristics in pop songs, because

convention has taught us in what circumstances we are to expect and accept these features.

In this section, I've considered the role of convention in the formation of our moral and aesthetic judgments. While convention does not get us a complete picture of judgment formation, it plays a key role in both initial judgment formation and more in depth evaluative elements. A recognition of the genre of a work plays a part in determining the way the work is to be understood, and technical terms are needed to assess detailed judgments regarding particularly nuanced aesthetic concepts. While an understanding of conventions plays an integral role in many antirealist accounts, holding that conventions play a role in value judgments does not commit one to an antirealist picture. Few deny that conventions play some role in the formation of our judgments, and I am not asserting that conventions are the *only* factor in value judgment formation. All that is needed to make this point is that conventions are involved in both moral and aesthetic judgments, and this position is compatible with both realism and antirealism. Now that the role of convention across the fields has been established, we have a positive argument in favor of convergence, due to this similarity between the fields. In the following section, the role of emotion in moral and aesthetic judgment formation will be considered.

## **(II.c.2) Emotion**

Moral and aesthetic judgments both involve strong emotional elements, a similarity that offers another argument in favor of convergence. In this section, the role of emotion in judgment formation will be considered. Jesse Prinz, a philosopher of mind and cognitive science, offers several arguments for the primacy of emotion in both the moral and the aesthetic realms. Prinz understands judgments as divided between evaluative and non-evaluative types, and sees emotion as functioning the same way in all evaluative judgments, although only moral and aesthetic evaluative judgments are discussed here.<sup>93</sup> Citing psychological and neurological studies to support his position, Prinz argues that there can be little dispute that there is a connection between our emotional responses and our value judgments. In this section, I will consider Prinz's arguments for the impact of emotion on both moral and aesthetic judgments.

Prinz has argued extensively that evaluative judgments are necessarily linked to emotion. He calls on studies from neuroscience and psychology to support three theses: 1) emotions co-occur with evaluative judgments; 2) emotions influence the content of evaluative judgments; and 3) emotions are

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<sup>93</sup> Prinz, Jesse. "Emotion and Aesthetic Value," unpublished paper delivered at the Pacific American Philosophical Association, San Francisco, March 17, 2007, p. 1. Available at <http://subcortex.com/>



necessary for the formation of an evaluative judgment.<sup>94</sup> Prinz's evidence for each of these theses will be considered in terms of both moral and aesthetic evaluations to reveal the clear similarities between the two fields.

Studies of brain activity in test subjects have shown that there is a spike in activity in the emotional response portions of the brain when people are called upon to make moral judgments, but not what Prinz calls 'factual judgments.'<sup>95</sup> Subjects are presented with a series of propositions and are asked to judge each of them as true or false. Propositions such as "stones are made of water" corresponded to no spike in emotional response, while those such as "you should break the law when necessary" did coincide with spikes. While this data does not demonstrate either that emotion causes moral judgments or that moral judgments cause emotional responses, it does present strong evidence of a correlation between the two.<sup>96</sup>

As with moral judgments, extensive neurological studies have shown elevated brain activity in the emotional response parts of the brains of individuals who are being exposed to artworks. In studies, individuals who viewed works that they had previously reported to find either very beautiful or very ugly had considerably higher levels of activity in those portions of the brain than individuals who were not exposed to aesthetic stimuli for which they felt a

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<sup>94</sup> Prinz, Jesse. "The Emotional Basis of Moral Judgments," in *Philosophical Explorations*, vol. 9, no. 1, March 2006, pp. 29-33.

<sup>95</sup> Factual judgments are what I refer to as 'non-evaluative judgments.'

<sup>96</sup> *Ibid.*, p. 30.

strong evaluative response. This suggests a correlation between emotion and aesthetic judgment, analogous to the correlation between emotion and moral judgment.<sup>97</sup>

Prinz's next thesis, that emotions influence evaluative judgments, is supported by psychological studies that demonstrate one's emotional state impacts the force of one's moral evaluation. Subjects presented with the same moral scenario judge the agents more harshly when their negative emotions were already charged when the scenario was presented. Subjects who were in neutral or positive emotional states evaluated the same scenario with more leniency. (If you need convincing, think of the ferocity with which you regard a poorly written essay when you've made the mistake of sitting down to grade papers when cranky.)

Here, too, we see a correlation with aesthetic judgments. Test subjects were asked to report their mood and then to rank their preferences for a series of landscapes. Subjects who reported bad moods preferred landscapes that depicted enclosed spaces, while those in good moods gave preference to landscapes depicting open spaces.<sup>98</sup> This result indicates not only do emotions increase the force of one's judgments, but that different emotions can actually reverse one's preferences. In another study, when shown a series of photographs of the faces

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<sup>97</sup> Prinz. "Emotion and..." p. 2 and Prinz, Jesse. "Can Critics Be Dispassionate? The Role of Emotion in Aesthetic Judgment." Unpublished paper delivered at the American Society for Aesthetics, Houston, TX, October 2004, p. 6.

<sup>98</sup> Prinz. "Emotion and..." p. 2.

of human beings, high-spirited judges offered more generous evaluations of beauty than those in bad moods, which triggered more harsh aesthetic judgments of the people captured in the photographs.<sup>99</sup>

Additionally, in a study described by Prinz, individuals who had strong feelings, such as disgust, regarding a particular issue had a more difficult time modifying their moral evaluations based on evidence, although it did cause them to modify their factual evaluations. When evaluating the permissibility of a case of brother-sister incest, for example, subjects would present reasons for opposing the practice, such as the fact that it can result in birth defects. Subjects were then told that, in this particular case, the siblings were using birth control. Subjects then conceded that this was no longer a valid reason to negatively evaluate the case, but maintained that it was still immoral “simply because it is disgusting.”<sup>100</sup>

Finally, Prinz argues that emotions are *necessary* for the formation of evaluative judgments. He points out that we teach moral rules by conditioning the moral judgment of acts with negative emotions that fall into three main classes – fear, guilt, and abandonment/neglect angst. We learn to negatively judge certain actions because we associate them with emotions we hope to avoid.<sup>101</sup> Positive judgments are learned in the same way – we associate good

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<sup>99</sup> Prinz. “Can Critics...” pp. 6-7.

<sup>100</sup> Ibid., p. 31.

<sup>101</sup> Ibid., p. 32.

feelings with the performance or observation of particular acts, and over time we begin to evaluate those actions as ‘good.’ Interestingly, though Prinz does not point this out, we train animals to conform to particular standards of behavior in the same way.

A vivid aesthetic parallel is presented in Stanley Kubrick’s *A Clockwork Orange*, in which the main character, Alex DeLarge, is trained to respond negatively to Beethoven’s Ninth Symphony after the work has been repeatedly paired with drug-induced negative feelings.<sup>102</sup> On a more mundane level, many people report that songs they previously enjoyed have been ruined for them by their close emotional association with a romance gone sour. The negative emotions that arise in connection with the artwork might bring with them a negative judgment of the work itself, even in cases where the same individual reported both positive feelings and a positive evaluation of the artwork at an earlier time. It might also be the case that an individual ceases to enjoy the work due to such an emotional factor, but continues attribute a positive evaluation to it, recognizing that it is her bias that prevents her from enjoying it, rather than a flaw in the work itself.

Prinz holds that to form an evaluative judgment requires an emotional response. Certainly we can recite something we’ve memorized, such as “killing is wrong,” without reacting emotionally, but this is because we are not really

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<sup>102</sup> *A Clockwork Orange*, directed by Stanley Kubrick, 1971.

evaluating at that time – we have come to accept the proposition as an inert fact, rather than a judgment occurring in our minds right now. When called upon, we can recite the fact without emotion. This corresponds with aesthetic judgments regarding artworks we've already seen and formed judgments about in the past. You experienced strong emotions the first time you evaluated the painting that now hangs over your mantle. Those emotions caused you to positively judge the work. Now, you see it every day. If asked, you will still positively judge the painting, though regular exposure has perhaps caused the accompanying emotional response to fade or even disappear altogether.

As a final argument in support of his position that evaluative judgments are emotionally triggered, Prinz argues that if moral judgments were not the result of emotional responses, “we’d expect more moral convergence cross-culturally.”<sup>103</sup> Normally, when faced with the same data, our judgments regarding the truth-value of propositions relating to that data match up. In moral evaluations, however, there is a great deal of discrepancy, which Prinz holds can be explained best by the differences in our “culturally-inculcated passions.”<sup>104</sup> We all take in the same descriptive data when presented with an instance of polygamy, but the strong negative reaction common in America will be largely unshared by individuals in, for example, Saudi Arabia. The difference in moral judgment, he holds, keys to the differences in the way we were taught the “rule”

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<sup>103</sup> Ibid. p. 33.

<sup>104</sup> Ibid.

about the act. In American culture, we are taught from a young age that marital exclusivity is paramount, and many of us witness dramatic cases where transgressions of monogamy result in fear, guilt, and abandonment/neglect angst, as any child of divorce can testify. Alternatively, individuals who grow up in environments where no social stigma or negative emotional feelings are connected with polygamy will take in the same data and judge it neutrally, or even positively.

Clear parallels of the phenomena described above can be found within aesthetics. Those trained to appreciate classical music often have a hard time enjoying pop music, which triggers a negative emotional response connected with a negative attitude toward the music by one's peer group. Individuals raised on rock and roll tend to react viscerally against country music, again, often because of feelings of animosity and competition between one's own peer group, which endorses rock and roll, and a rival peer group, which favors country music. We often value works because of the emotional response they bring to our minds. When we encounter a work that is far removed from our experiences, we are likely to fail to have a strong emotional response, and thus to be unmoved by the work, resulting in a lukewarm evaluative judgment. The gap is even wider cross-culturally, with listeners or viewers frequently left cold by works which lack a culturally induced emotional trigger for them.

If Prinz is correct, negative emotions trigger negative moral evaluations, and positive emotions trigger positive moral evaluations. When it comes to artworks, however, we are far more likely to experience a negative emotional response and yet form a positive aesthetic evaluation. This is probably due to our ability to disconnect the emotions that are triggered by the art from real life experience, which causes us to have a positive emotional response to what would under normal circumstances be negative, such as the “good” fear experienced at a horror movie, or the “good” sadness felt at a tear-jerker. In aesthetic as well as moral evaluation, however, Prinz holds that emotions are integral to the evaluative judgment that a viewer accepts. He explains, “all of the good-making features of a work are added together and combined with the bad-making features, and the result is an over-all level of goodness (or badness), which is what we report when we verbally appraise the work as good or bad.”<sup>105</sup>

As was the case regarding convention, the thesis that emotion plays a role in both ethics and aesthetics does not necessitate a commitment to realism or antirealism. What it does demonstrate is another clear similarity between moral and aesthetic judgments, offering another reason to favor a convergence position.

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<sup>105</sup> Prinz. “Emotion and...” pp. 4-5.

### **(II.c.3) Hume on Evaluative Judgments**

The language of divergence and convergence was not available to Hume, but he clearly accepts a convergence account of ethics and aesthetics, which stems largely from his understanding of the dual influence of reason and emotion in the formation of both moral and aesthetic judgments. In this section, I will offer Hume's account of evaluative judgment formation, explaining his view of the way humans' natural tendency to prefer utility lends a high degree of uniformity to our judgments.

Hume begins his account of evaluative judgment formation by acknowledging that there are good arguments to support the position that evaluative judgments are formed through reason, and there are also good arguments that they're formed through sentiment (what we would call 'emotion,' which is how I will refer to the concept in this paper), and that neither offers a complete account. Hume says that since the arguments for both are good but incomplete, it is reasonable to conclude that both reason and emotion are involved in nearly all evaluative judgments. To fully understand the way reason and emotion combine to produce evaluative judgments, a third element is needed. Hume describes this element as an "internal sense or feeling, which nature has made universal in the whole species."<sup>106</sup> This extra component

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<sup>106</sup> Hume, David. *Enquiry Concerning the Principles of Morals*, reprinted in *Enquiries*, third edition, Oxford University Press, 1975, p. 172-173.



has two roles: it informs our reason and feeds our emotions, and it accounts for the similarities between individual judgments. Hume does not give a name to this “internal sense”; I will refer to it as ‘natural inclination.’

Hume holds that the particular response a given individual might have to an action or artwork will initially be determined by emotion, which is subjective. He says, “Beauty is no quality in things themselves: It exists merely in the mind which contemplates them; and each mind perceives a different beauty.”<sup>107</sup> Yet, Hume holds that the emotions of different human beings exhibit a great deal of similarity, due to humanity’s natural inclination to prefer sense objects and events that promote or exemplify utility. Reason informs and corrects our natural inclinations and tempers emotion.

As we form judgments, Hume thinks that our emotions sometimes need to be aroused through an intuition pump, done by ascertaining the facts of the situation, examining relevant relations, and making comparisons between the present case and previous ones. Thus, all three elements come together, and correct each other, in moral and aesthetic deliberation. Reason is needed to gather information and conduct analyses, but lacks motivational force. Emotion is beneficial at arousing our interest, but can also be overwhelming, causing our judgments to run awry. While Hume insists that our value judgments need to be founded on empirical grounds – what he calls “fact and observation” – he

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<sup>107</sup> Hume, David. “Of the Standard of Taste,” in *Four Dissertations*, London: A Millar, 1757, p. 208.

clearly also thinks emotion is needed to get things going, with natural inclination providing the common element that contributes to the uniformity he sees in human evaluative judgments.

Regarding aesthetic judgment formation specifically, Hume explains, “...in many orders of beauty...it is requisite to employ much reasoning, in order to feel the proper sentiment; and a false relish may frequently be corrected by argument and reflection.”<sup>108</sup> Given that Hume says emotions are subjective, his view that there is such a thing as a “proper” emotion can seem puzzling. The proper emotion, on this account, will be the one that is shared by other human beings, based on our natural inclinations, and informed by reason. For example, natural inclination arouses the emotion of fear at the sight of a snake, because snakes have the potential to present a real danger to us. This explains why many people fear snakes – we are naturally inclined to do so. However, in some contexts, reason will intervene and temper our emotional response. If the snake is safely confined at a zoo, or is an artistic representation of a snake, rather than a live one, reason will overcome our natural inclination to fear the snake, allowing us to form a more clear judgment.

Hume explains that we can trust our moral judgments through a quick thought experiment – if we would want a quality to be ascribed to us, it is a good one, and if we wouldn’t, it is not, and he thinks our gut-level judgments will

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<sup>108</sup> Hume, *Enquiry*, pp. 172-173.

match up in this regard. For instance, we all want to think of ourselves as honest, even when we know we are not in all cases, so honesty is a good quality for a person to have. Likewise, no one wants to be considered greedy, making that a negative quality. From these initial assessments of particular character traits, Hume thinks we can then go on to determine the principles of moral judgment.<sup>109</sup> He emphasizes his belief that starting with broad principles that are then applied to particular cases in order to form judgments is ineffective, because we won't be able to agree about the principles at the outset. Instead, we must begin with particulars, see what is common, and reason backwards to principles. By starting with common intuitions, we're able to work back to shared principles.

Although the thought experiment used to determine good personal attributes in the moral case does not directly transfer over to aesthetics, a reasonable parallel can be found. Regarding moral qualities, we label as "good" those we would like attributed to ourselves. Regarding aesthetic qualities, then, good ones will be those that we would like to directly experience – good artworks are the ones I would like to look at or listen to, and bad ones are the ones I would rather avoid.

Once he's established the qualities we understand as good, Hume wonders why this is the case. *Why* do I want to be seen as honest but not greedy?

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<sup>109</sup> Ibid., pp. 172-173.

*Why* are there “particular forms or qualities...calculated to please, and others to displease”?<sup>110</sup> Hume thinks that further examination shows that it all boils down to utility. We are naturally pleased to see things functioning usefully. “When a building seems clumsy and tottering to the eye, it is ugly and disagreeable.”<sup>111</sup> Hume sees poor architecture as running contrary to utility because it will lead to diminished comfort for the inhabitants of that structure. “The eye is pleased with the prospect of corn-fields and loaded vineyards; horses grazing; and flocks pasturing: but flies the view of briars and brambles, affording shelter to wolves and serpents.”<sup>112</sup> It’s important that the utility we prefer is that which is useful *to us*, either as individuals or as a species, as Hume rejects the utility of the briars and brambles that house wolves and snakes. Presumably, the snakes and wolves prefer the briars and brambles to the loaded vineyards, as these things are more useful to them.

Hume, writing before the development of non-representational art styles, had no trouble fitting artworks into this picture. Art is beautiful to the extent that it represents the useful, understood in terms of health, life, flourishing, or as a commentary on these elements, which might also be accomplished through a representation of their opposites, to call attention to the lack of utility as a way of appreciating it where it is present (the representation of sickness makes us

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<sup>110</sup> Hume, “Of the Standard..” p. 214.

<sup>111</sup> Hume, David. *A Treatise of Human Nature*. Oxford: Clarendon Press, 1975, p. 586-587.

<sup>112</sup> Hume. *Enquiry*, p. 179.

understand the goodness of health). Today, in an art world filled with the likes of Mark Rothko, Piet Mondrian, and Franz Kline, Hume's is a harder case to make. It looks as if our appreciation of a great many artworks is difficult to explain in utilitarian terms.

Though it would hardly be fair to fault Hume for his inability to anticipate the advent of non-representational art, an account of aesthetic judgment that relies heavily on Hume's understanding of human attraction to utility would need to offer some explanation of the way that might work in non-representational pieces. One response is to suggest that, even in non-representational art, humans tend to be drawn to certain elements, such as the Golden Ratio. While some might hold that we are attracted to the Golden Ratio because it is inherently beautiful, a Humean could respond that the ratio is pleasing to us because we recognize its utility in other instances. We prefer human beings that conform to the Golden Ratio because its proportions correspond to good health. We are drawn to architecture that employs it because of the stability it provides in construction. That same ratio, when present in non-representational art, is naturally pleasing to us, even though we might be unable to articulate the reason. We recognize that the Golden Ratio is good by virtue of its relation to health in the human form, as well as in flowers and snails' shells, and good by virtue of its relation to stability in architecture. From there, we draw a natural inference to its goodness in something like Mondrian's

“Composition in Red, Yellow, and Blue,” which triggers a positive emotional response, even if we are unable to articulate why (if we are unaware of the concept of the Golden Ratio).<sup>113</sup>

While the above account might explain an attraction to many non-representational artworks, it probably cannot account for all of them. Hume might respond that, in these cases, brute emotion takes over, triggering a purely imaginative response. While this might not be the most satisfactory answer, my account, which is given in detail below, does not face a problem on this front, as I hold that emotion, convention, and reason combine with the human tendency to favor utility. Our value judgments are a result of a complex combination of factors, with utility preferences playing an important but not essential role. In cases of non-representational art, I hold that judgments are sometimes independent of assessments of utility.

Regarding judgments of moral behavior, Hume holds that an examination of particular character traits reveals the same underlying preference for the useful that he identified regarding aesthetic judgments. Humans value benevolence because it benefits us when we receive it. Hume offers charitable activities as an example. Applying the thought experiment described above, we want to see ourselves as charitable, which tells us that charity is a good character trait. Why? Because, when we imagine ourselves in the recipient’s shoes we feel

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<sup>113</sup> A similar response can be offered for an attraction to Jackson Pollock paintings, many of which display fractal patterning.

sympathy, and hope that we would receive charity if needed. However, if we sense that the recipients are taking advantage of the charity we react negatively, because we do not place ourselves into those shoes – if the recipient is seen as someone we do not want to be, we no longer understand that person as deserving of help.<sup>114</sup>

As an example of the underlying preference for utility that informs our moral judgments, Hume discusses justice, which he understands as ensuring that each individual has his due regarding property and rights.<sup>115</sup> He argues that we value justice in periods of moderate scarcity. We do not value a just distribution of materials that are available in abundance, like air, because utility is not increased by meting it out fairly or policing who owns it when there are ample amounts for everyone. Likewise, in periods of extreme scarcity, honoring justice reduces utility, and our preference for it is thus discarded. He says:

Suppose a society to fall into such want of all common necessities, that the utmost frugality and industry cannot preserve the greater number from perishing, and the whole from extreme misery; it will readily, I believe, be admitted, that the strict laws of justice are suspended, in such a pressing emergence, and give place to the stronger motives of necessity and self-preservation. Is it any crime, after a shipwreck, to seize whatever means or instrument of safety one can lay hold of, without regard to former limitations of property?<sup>116</sup>

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<sup>114</sup> Hume. *Enquiry*, p. 180.

<sup>115</sup> Hume. *Treatise*, pp. 527-528.

<sup>116</sup> Hume. *Enquiry*, p. 186.

Although justice is normally considered a good, Hume points out that such cases demonstrate that justice is only valued as a means to achieve the more primary value of utility.

The shipwreck example shows that the value we place on justice is based on particular circumstances. Most of the time we live in a condition of moderate scarcity, and in that situation, justice tends to promote social utility. In situations at either end of the spectrum, however – extreme scarcity or abundance – justice actually works against social utility, and is thus discarded.<sup>117</sup> Hume also notes that we only value social utility when it is actually possible to achieve it. In extreme cases, where no action can save the group, we fall back on the more modest goal of self-preservation.<sup>118</sup> The values we apply to particular qualities, then, are context-dependent, on Hume's account. He says:

...the rules of equity or justice depend entirely on the particular state and condition in which men are placed, and owe their origin and existence to that utility, which results to the public from their strict and regular observance. Reverse, in any considerable circumstance, the condition of men: Produce extreme abundance or extreme necessity...By rendering justice totally useless, you thereby totally destroy its essence, and suspend its obligation upon mankind.<sup>119</sup>

As Hume's view regarding justice demonstrates his understanding of utility's influence on moral judgments, his discussion of balance reveals his

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<sup>117</sup> Some might argue that, instead of justice being destroyed in such cases, that it is merely overridden by other considerations. This does not appear to be Hume's view, however, as he says justice is totally destroyed when it becomes useless.

<sup>118</sup> Hume. *Enquiry*, p. 188.

<sup>119</sup> *Ibid*, p. 188.



view regarding the influence of utility on aesthetic judgments. He says: “There is no rule in painting more reasonable than that of balancing the figures, and placing them with the greatest exactness on the proper center of gravity. A figure, which is not justly ballanc’d, is disagreeable, and that because it conveys the ideas of its fall, of harm, and of pain.”<sup>120</sup> In art, as in life, Hume holds that we delight in the useful, and are naturally drawn to images that arouse feelings we find pleasing in life, such as stability and health. Artworks that bring to our imagination associations of angst we will find displeasing.

Hume must respond to the clear fact that not all artworks that are pleasing to many people portray the order and balance that is useful in life. He argues that, when we form positive aesthetic judgments regarding works that bring to our imaginations ideas that run counter to utility, these judgments are formed not because of these factors, but in spite of them. He says:

Ariosto pleases; but not by his monstrous and improbable fictions...[or] by the want of coherence in his stories....He charms by the force and clearness of his expression, by the readiness and variety of his inventions, and by his natural pictures of the passions...; and however his faults may diminish our satisfaction, they are not able entirely to destroy it.<sup>121</sup>

In such cases, then, we are attracted to elements of utility as they exist alongside elements of disorder. Reason allows us to recognize the artwork as a work of

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<sup>120</sup> Hume. *Treatise*, pp. 364-365.

<sup>121</sup> Hume. *Standard*, pp. 211-212.

fancy, rather than reality, and thus our minds permit enjoyment of elements we would find repellant if encountered in life.

It's important to note that Hume doesn't think morality or art criticism arose because people recognized their social usefulness. Rather, he holds that we have a natural inclination to prefer the useful, before reason or education points us in that direction. To put it another way, Hume doesn't think we first recognized the usefulness of particular qualities and then built a moral or aesthetic code around them. Instead, he thinks we are intuitively drawn to things that are useful, before we cognitively process their utility.<sup>122</sup> Hume explains this phenomenon in terms of either a direct experience of an object's goodness, or indirectly, through our ability to empathize as we recognize the object's goodness by putting ourselves in someone else's shoes. The ability to empathize is a trait that Hume recognizes as the key to both moral and aesthetic agreement. The peculiarities of individual emotion, triggered by particulars of our past experience, might cause us to be initially unmoved by a particular work. Upon seeing the pleasure it causes our peers, however, we are moved to investigate further, to see what it is that causes the positive reaction we initially failed to experience.

We are personally affected by the fortunes of others. Both laughs and tears are contagious. We are directly, sometimes viscerally moved by the

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<sup>122</sup> Hume. *Enquiry*, p. 214.

experiences of others, be they dear to us or total strangers. It's hard to hear about an outbreak of lice at the local daycare without scratching your scalp, even if you are not acquainted with any of the infected parties. Fiction has such power to captivate and move us because we are the type of being that is extremely good at imagining ourselves having the experiences that we observe other people having. Interestingly, Hume seems to think we can relate to other humans, even those far removed from us in space and time, but that we are not likewise moved by the fortunes of other species.<sup>123</sup>

Hume understands sympathy as the origin of most of our aesthetic attraction. As an example, he describes our appreciation of architecture, which he holds pleases us not only because of the usefulness we imagine it could bring ourselves, but because we recognize the usefulness it can have for others. Aesthetic experience, which leads to aesthetic judgment, involves an imaginative engagement with, in some cases, the artist, and in other cases, the subject of the work. He says, "We enter into his interest by the force of imagination, and feel the same satisfaction, that the objects naturally occasion in him."<sup>124</sup> We judge narrative works through the imaginative act of placing ourselves in the protagonists' shoes. In works that have no subject, such as architectural works, we instead form judgments based on our appreciation of the usefulness of the structures for those who will inhabit or otherwise use them.

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<sup>123</sup> Ibid., p. 220.

<sup>124</sup> Hume. *Standard*, pp. 363-364.

Although Hume thinks it is part of our nature to be pleased by that which promotes the social good,<sup>125</sup> he holds that social usefulness varies depending on custom and situation, so the qualities we value change over time. For example, in some historical circumstances, physical strength was valued much more, and considered to be more essential, than it is in today's computer age, when intellectual ability is at a premium.<sup>126</sup> Likewise, some qualities valued in artworks change over time, with modern sensibilities accepting qualities such as the stream of consciousness of James Joyce's *Ulysses* that previous generations of audiences would have found difficult to stomach.

While Hume does say that in times of extreme scarcity we will abandon social utility in favor of personal preservation, he emphasizes that his theory is not egoism. Private virtues such as prudence and temperance are naturally pleasing to us when we observe them in others. Hume says that, though such virtues are good for those who possess them, they cannot be of benefit to others. Thus, it must be that we simply find people who possess useful qualities pleasing, regardless of whether they are good for us personally.<sup>127</sup> It seems to me, however, that private virtues do benefit others. All things considered, we prefer to be around the prudent and temperate more than the imprudent and intemperate, for a variety of reasons. A prudent individual is more likely to give

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<sup>125</sup> Hume. *Enquiry*, p. 231.

<sup>126</sup> *Ibid.*, p. 241.

<sup>127</sup> *Ibid.*, pp. 243-244.

good counsel and to have money to lend if we need it; temperate people are less likely to drag you into bar fights and eat all the Oreos. Thus, we can understand the preference Hume recognizes for those who possess virtues that are not characteristically socially-minded in terms of both the empathetic response discussed above, as well as an understanding of the way those qualities, possessed by those around us, might prove useful for us as well as their possessors.

In this section I have offered an account of Hume's understanding of evaluative judgment formation, based on a combination of reason and emotion, informed by natural inclination, which Hume sees as the key that allows humans to form the same or similar value judgments, despite variations in emotion, reason, and education. Hume believes humans are naturally drawn to useful qualities, with social utility thus forming the base of our evaluative systems. Because utility is context dependent, preferred qualities will differ depending on the situation. The typical list of virtues and aesthetically valuable features includes qualities that are usually useful, but the value of the qualities is not absolute – in situations where a quality, such as justice, actually works against utility, Hume believes humans will intuitively reject it. Of particular importance in Hume's account is his thesis that preferences are based on utility, and that utility differs depending on context. What promotes utility for one individual does not necessarily promote utility for another. Hume thinks social utility

trumps personal utility, but that doesn't get us out of every sticky spot, because we have different ideas about what would best promote social utility. Because of this, the idea of social utility ultimately boils down to another form of personal utility, as agents seek to promote their own conception of the social good. The similarities between the two fields offer a positive argument for convergence, as they demonstrate that our moral and aesthetic beliefs share a common starting point.

#### **(II.d) My Account**

In the preceding section, I have presented accounts of moral and aesthetic judgment formation that include conventionalist, emotional, and rational elements, as well as an account holding that the commonalities among evaluative judgments can be explained in terms of a natural biological inclination towards utility. I hold that each of those elements plays an important role in the formation of our value judgments. In this section, I will offer my account of value judgment formation, which includes all four of these elements. While my account finds points of agreement with each of the philosophers discussed in the previous sections, I argue that my position is to be preferred because it takes into consideration each of the most common factors involved in the process of judgment formation. I will first discuss the individual elements of judgment formation, followed by an analysis of the ways in which these elements interact as we form and modify our evaluations. This step is important

to demonstrate that the elements interact in relevantly similar ways in moral and aesthetic evaluations. Next, I will discuss two levels at which our judgments might occur. We can judge an action or artwork based on already established conventions, or we can judge the conventions themselves. On this level of judgment, we can also evaluate actions directly but, rather than judging solely according to conventions, we might also factor in some of the other elements of judgment, and thus form a judgment that runs contrary to the conventional answer. I will explain how it is appropriate to form judgments on each of these two levels, to demonstrate not only that we do evaluate in relevantly similar ways in both ethics and aesthetics, but also that it is appropriate to do so. As proper moral and aesthetic judgments are formed in the same ways, this account offers a positive argument for convergence.

### *Convention*

I hold that conventions can play several roles in our evaluative judgments. First, they give us a framework for thinking about a work or an act, and thus are usually the basis for our initial evaluative judgments. Some examples might make this more clear. Consider an encounter with artwork  $x$ . For starters, convention is going to be the element tipping us off that  $x$  is an artwork rather than something else, which will have a strong influence on the way we judge it. If I encounter something that appears to be food on display in an art gallery, I will evaluate it differently than I would if something visually

identical showed up on my dinner plate (although what is on my plate might be art as well). The gallery setting will tell me (unless I receive specific instructions to the contrary) that  $x$  is to be judged based on its visual elements, rather than its taste. Without this conventional tip-off, I would begin my judgment of  $x$  from a very different starting point – thinking about it in terms of a food item, rather than as an artwork.

Likewise, conventions such as literary genres often help begin our judgment formations of written works. Consider a book called *Nanny Ogg's Cookbook*.<sup>128</sup> Were this book shelved in what seems like the reasonable place – the cookbook section – judges would encounter the work with the expectation that it was providing real, meant-to-be-prepared recipes, and would evaluate the book based largely on the strength of those recipes (though other factors, such as presentation, might also be considered). However, if this book is encountered in the humor section at a bookstore, a quite different evaluation will ensue. Rather than judging the book based on the strength of its recipes, the reader will evaluate the work based on its ability to amuse. Convention provides the set up for the subsequent evaluation.

Of course, the external setting in which a work is found provides only the initial conditioning for how we will encounter a work. Other data, internal to the work, will also trigger particular judgments. An evaluator who, due to

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<sup>128</sup> Pratchett, Terry and Stephen Briggs. *Nanny Ogg's Cookbook*. Doubleday, 1999.



external data, initially understood *Nanny Ogg's Cookbook* according to standard cookbook conventions would be likely to modify that understanding upon realizing that most of the recipes, if attempted, would lead to either disgusting or impossible-to-prepare dishes, but that the commentary and motherly advice offered by Nanny Ogg nestles the work securely in the category of humorous fiction. External conventions such as the location and manner of presentation offer initial conventional clues regarding the way a work will be judged. Those conventions are then either bolstered or corrected by internal data, which will more securely situate the work within a conventional setting.

Conventions also help set evaluative judgments regarding moral issues. As the genre conventions set the parameters for what would be acceptable within *Nanny Ogg's Cookbook*, societal conventions determine the range of what is considered to be acceptable moral behavior. Consider the issue of corporal punishment in schools. In the late 1960s, caning was a common, acceptable form of punishment within the British school system. According to the convention in that time and place, the acceptability of caning was not the question; rather, caning was assumed to be acceptable, and the moral debate centered on the manner and severity of the practice. The consensus suggested

that children should not be forced to disrobe in order to be caned, and that the punishment should stop short of leaving welts or bruises on the skin.<sup>129</sup>

Before we congratulate ourselves for the moral progress we have made since the 1960's, it should be noted that corporal punishment of students in the public school setting is legal in 23 states in the U.S. today. Nearly a quarter of a million students were physically punished at school during the 2006-2007 academic year, according to the American Civil Liberties Union and the Human Rights Watch. This data is supported by evidence from the United States Department of Education. There are reports of elementary school students being hit by their teachers with belts, rulers, "a set of rulers taped together," and toy hammers. They are pushed, slapped, grabbed hard enough to leave bruises, and dragged across the floor. Many of the students subjected to this treatment are disabled.<sup>130</sup> According to a national poll, slightly over a quarter of Americans support some form of corporal punishment in schools.<sup>131</sup>

Evaluative response to such behavior is extremely divided. For individuals steeped in a culture terrified of child abuse, where children are encouraged to report any potentially inappropriate physical encounters, the

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<sup>129</sup> "Education: The Cane or the Strap," *Time*, September 8, 1967.

<http://www.time.com/time/magazine/article/0,9171,899793,00.html>

<sup>130</sup> Stephey, M.J. "Corporal Punishment in U.S. Schools," *Time*, August 12, 2009.

<http://www.time.com/time/nation/article/0,8599,1915820,00.html>

<sup>131</sup> Crandall, Julie. "Support for Spanking: Most Americans Think Corporal Punishment is OK," *ABC News Analysis*, November 8, 2009.

[http://abcnews.go.com/sections/us/DailyNews/spanking\\_poll021108.html](http://abcnews.go.com/sections/us/DailyNews/spanking_poll021108.html)

question of how hard a teacher may strike a student is not even on the table. Convention prepares individuals to accept or reject certain practices. In a culture that assumes teachers have the authority to physically punish students, most people will accept the practice in general, and quibble about the particulars. This explains why the practice continues in many schools today. Teachers and parents were physically punished as children, and in turn continue the practice with little thought that it might be immoral. In an environment that forbids the physical punishment of children by anyone other than their parents, however, most people will reject the practice out of hand, without even considering the particulars of its execution.

I argue that our evaluative judgments regarding the corporal punishment of children in schools are determined partly by convention. This is not to say that these influences entirely determine our views; certainly we can reject the norms of our society and respond negatively to the beliefs of our peer group. I argue merely that cultural influences feed into our evaluative judgments, and as such, a reaction against the conventions we live under will require extra steps, as we recognize the convention, consider its appropriateness, and choose to reject it. Those who do not go through those reflections and analyses are far more likely to stick with the conventional judgment that their society or peer group has handed to them. The interaction between convention and the other evaluative elements will be discussed in detail below.

To consider another example, dietary conventions have an extremely heavy influence on what an evaluator will see as morally acceptable to eat. France, Germany, Italy and many other European countries have no taboo against the consumption of horse meat, though there have long been strong social sanctions against the practice in the United States. Though horses are slaughtered in the same way as cows, and are similar in constitution and intelligence, the vast majority of Americans accept the rigid convention that tells us the practice of killing and eating cows is acceptable, but killing and eating horses is not. While some might find the prospect of eating horsemeat disgusting, yet not immoral, it clearly is a moral issue for many. Amid passionate support from hundreds of American and international individuals and organizations, the American Horse Slaughter Prevention Act overwhelmingly passed in a House of Representative vote in 2006. This bill, which never went to vote in the Senate, sought not only to eliminate the slaughter of horses for human consumption, but also to prevent the sale of horses for this purpose.<sup>132</sup> Such an organized effort to change national law strongly suggests those individuals in support of the bill considered the consumption of horsemeat to be more than merely disgusting, but a matter of moral concern, worth considerable effort to prevent.

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<sup>132</sup> <http://www.govtrack.us/congress/billtext.xpd?bill=h109-503>

Despite the usefulness and power of conventions, they can never give us a complete picture of judgment formation, for a couple of reasons. First, although conventions serve as a starting point in our moral and aesthetic evaluations, we can always choose to reject them. This might happen because we believe the conventions to be baseless or arbitrary, or because we see reasons to prefer a new or different conventional schema. Second, we know that conventions don't provide a rock bottom grounding for our judgments, because conventions themselves arise from sets of judgments made by groups over time, and change as the judgments made by the groups change. As convention does not offer a full picture of judgment formation, other contributing factors must be considered.

### *Emotion*

Like Prinz and Hume, I hold that emotion has a strong influence on our moral and aesthetic judgment formations. Emotion contributes heavily to our response to and motivation regarding moral and aesthetic judgments. The ability of an artwork to elicit a strong positive emotional response will contribute to the likelihood that we will return to the work, in order to experience more of that positive emotion. Negative emotions might also be sought out in the context of artworks, for catharsis. Craving more of the emotion an artwork led us to experience, we might seek out other works that we believe will have similar

emotional impacts on us. These works might share a theme, or have been produced by the same artist.

Emotion influences our motivations regarding moral judgments as well. A strong negative emotional response to an act could prompt a desire to punish the agent, or to correct the perceived wrong perpetrated on the victim. This motivation comes from a desire to act so as to minimize the negative emotion, and to avoid future incidents of it. Likewise, strong positive emotional responses contribute to a desire on the part of the evaluator to praise the agent and to replicate the action, in order to produce more of that positive feeling. The element of emotion in moral and aesthetic judgment formation plays the important role of explaining the way in which these judgments contribute to our subsequent actions.

How are emotions and conventions related in our judgment formations? Conventions are sometimes formed based on emotional responses. For instance, the taboo against eating horses in America arose because of the close relationship early Americans had with horses. As animals used for work and transportation, people often formed close bonds with their horses, and as such saw them more as companions – like cats and dogs – than as dinner. Thus, a convention against eating horses developed, based on an emotional aversion to eating the same species of animal that you name, groom, and spend hours riding around on.

Today, however, most Americans have as little interaction with horses as they do cows. At this point, the aversion most Americans have to eating horsemeat stems not from an understanding of a companion relationship with horses, but from the convention, which, throughout our lifetimes, has told us that horses are not food. This example shows the complicated relationship between convention and emotion. Emotion can play a role in setting conventions, but even in the absence of emotion the convention will often stick, and an action can trigger an emotional response simply by virtue of the fact that it violates the convention.

### *Reason*

A third ingredient in moral and aesthetic judgments is reason. Reason is our attempt, in some cases, to make sense of the other elements that go into the formation of our judgments, and in other cases, when we see those other elements as flawed, to resist them. For instance, reason might help us to recognize that we are forming judgments about a particular matter based on an arbitrary convention. Realizing that the convention is arbitrary can open the door to its rejection, and the adoption of a new judgment. Recognizing the role of reason in judgment is not going to be sufficient to get us to realism, but reason can help improve our judgments in a couple of ways.

One of the biggest ways reason can improve our moral and aesthetic judgments is by helping us to eliminate inconsistencies between our judgments.

If I have formed the judgment that it is never morally acceptable to kill a human being, and I have also formed the judgment that it is morally acceptable to kill human beings in war, I hold inconsistent beliefs. Reason can both help me to see that this is a problem and also help me to find a way out of it, by revising one or both of those beliefs to achieve consistency. Perhaps I really think it is morally acceptable to kill people who are guilty, or maybe I think it is morally acceptable to kill people in the name of saving more lives overall. Alternatively, maybe I really do think it's immoral ever to kill human beings, in which case I need to revise my judgment to hold that it is immoral to kill human beings in wartime.

Reason can also help us to get clear on what it is we personally value, so that we can then work toward a coherent individual belief system based on those values. It is at this point that my account differs most sharply with Humean accounts, which hold that humans' belief systems will be quite similar to one another. As my hybrid understanding of evaluative judgments shares much in common with the Humean picture, it is worth taking some time to discuss some important differences between my view and a Humean account. The primary place that I part ways with the Humean regards our understandings of human nature.

The Humean position is that there is a great deal of uniformity in the natural inclinations of human beings. These accounts hold that this uniformity is



the route by which people's moral and aesthetic judgments line up with each other, despite differences in convention and emotion. Although I agree with the Humean position that humans will often share inclinations based on biological similarities, I do not see the widespread agreement across humanity regarding moral and aesthetic judgments that is described in Humean accounts.

Humean accounts hold that humans naturally prefer utility. He combines that claim with the view that we are naturally sympathetic creatures. These two elements lead us to favorably judge objects and events that are useful, both to ourselves and to others. On this view, then, we will negatively judge acts that we understand as diminishing utility to ourselves and, through sympathetic extension, to others. If this position were correct, any time an individual correctly identified an act that resulted in diminished utility, that act would receive a negative evaluation. I hold that this does not actually occur nearly as often as the Humean claims.

Take, for example, acts that cause pain. While not all acts that cause pain lead to decreased utility (dental work is a ready counterexample), there is certainly a strong correlation between the infliction of pain and diminished utility. Individuals who are suffering are less likely to be able to satisfy their desires or contribute to social interests. This would seem to be a fairly straightforward intuition, shared by those who have a personal aversion to suffering themselves, which would include all or nearly all human beings. Like

the Humean, I recognize that many people have a strong tendency to empathize. We observe the experiences and emotional states of others and, to the degree to which we see ourselves as like those others, we imagine ourselves in their place. This leads to evaluative judgments along the lines that, if the act is one that I would not like done to me, it is a bad act, regardless of who is involved.

There are two problems with the Humean thesis, as I see it. First, convention and emotion can cause us to understand others as relevantly *unlike* ourselves, in which case we will lack the sympathy that would have led to a judgment based on what we see as good for ourselves being good for others as well. For many years, convention convinced the majority of white Americans that African Americans were relevantly unlike themselves so as to justify a treatment that they would not have found acceptable for themselves. Today, most people feel likewise regarding the non-human animals that they use as resources.

Some of this evaluative disagreement might be explained in terms of disagreements regarding factual matters. Misinformation can lead to judgments that are later retracted upon receipt of new evidence. A Catholic school child, told that embryos are microscopic, yet fully formed, sentient human infants at the moment of conception, might form a judgment regarding the morality of stem cell research and abortion that is later modified when that information is discovered to be false. Yet factual discrepancies cannot account for all cases in

which our sympathy fails to assign value judgments to acts that are reflective of our own preferences for treatment based on utility.

There is little scientific disagreement regarding the facts of porcine physiology and cognition. Pigs are frequent subjects of experimentation, as their internal structure is quite similar to that of humans. Their skin sunburns, like ours. Their intelligence is comparable to that of dogs. Most people, if not already aware of these facts, report some surprise when they learn them. These facts might be sufficient to cause a small number of individuals to change the evaluative judgment, “it is morally acceptable to eat pigs” to the evaluative judgment, “it is morally unacceptable to eat pigs,” based on their recognition that pigs feel pain much the way humans do, and that they themselves would not like to be eaten. Most, however, take in this data, accept it as factually true, but are not led to modify their value judgment regarding the moral permissibility of eating pigs. Why not?

I hold that, in a great many cases, our sympathy is overpowered by a collection of other preferences. If called upon to think carefully about the plight of the pigs, most people manage to dredge up some sympathetic feelings. However, those feelings are easily overpowered by a great many other factors, not the least of which is, “I derive extreme pleasure from eating bacon.” Humeans understand a human preference for utility as pushing us to favor acts that promote usefulness. However, this can get cashed out in very different

ways. The long-term utility for the group of sentient beings is certainly promoted by letting the pigs live, and deriving nutrition from non-animal sources. However, utility for the average meat-eater looking to have dinner tonight might well be met most easily by heating up a pork chop.

The second place I think the Humean goes wrong stems directly from the preceding point. I think the Humean account gives us too much credit for being other-regarding. I disagree fundamentally about his claims regarding human nature. I think humans have a strong tendency to put their own interests before the interests of society. While Hume's shipwreck example discussed in (II.c.3) illustrates his position that humans promote societal interests except in times of extreme scarcity and need, I hold that most people's default position is far more self-regarding than he believes. Many people are other-regarding only when to be so promotes their own interests as well, and when their own needs have already been adequately met.

I also disagree with the Humean position regarding the primacy of utility in our aesthetic judgment formations. While I do believe utility will sometimes play a role – we are often attracted to depictions of flourishing life – I think the more primary influences on our aesthetic judgments are often emotional and conventional. However, I think artworks do provide us with more utility than we typically realize. An encounter with a work might be understood as diminishing

utility at the time it is viewed, but later be recalled in a way that is helpful in the evaluator's life.

As mentioned above, I hold that this collection of elements comes together with individuals' particular value sets to form evaluative judgments. Convention will have a lot to do with the similarities between different people's value sets, but conventions are changeable, and the conventions an individual accepts will be due largely to accidental features of their experience, such as the time and place in which they happened to have been raised. What's more, conventions play a stronger role in determining the judgments of some people than of others. Some individuals are likely to unreflectively form judgments based on whatever conventions happen to be present in their culture, while others look more critically at the conventions present in other cultures, and consider whether or not there is a strong basis for accepting the judgments which the conventions of their own culture point them toward.

In addition to the role convention plays in forming our value sets, emotion has a strong influence as well. The emotional responses of individuals will differ based on biological make up as well as a host of external factors. Reason can help us to recognize and work against our emotions when we evaluate, but we won't be able to entirely get rid of them (and we might not even want to). Some hold, for instance, that emotion provides us with a solid evaluative guide, while others feel emotion gets in the way of one's ability to

make a careful, reasoned judgment. A detailed discussion of the various ways the elements might interact will make it more clear that moral and aesthetic evaluations proceed in the same ways.

### *Interaction Among the Elements*

On my account, emotion, convention, reason, and an inclination toward utility all contribute to evaluative judgment formation. I hold that there is no one way that we can count on these elements interacting, and I do not hold that these are the only possible factors that contribute to evaluative judgment. My claim is that these are common, dominant elements of judgment formation that exist in both fields, and that these elements function and interact in the same types of ways in both fields.

To demonstrate that these elements function in relevantly like ways across the fields, I will consider a variety of ways in which a particular moral action could be evaluated. This is not meant to be an exhaustive account of all the ways an evaluative judgment regarding this action could be formed; it is designed to demonstrate the complexity of the process and to offer a robust sample of the various ways it might work. The action under evaluation in this example is sex between two consenting adult males. Several ways in which the action might be judged will be considered.

Moral Evaluative Process A: Earl finds sex between two men to be viscerally disgusting, and from that disgust he forms the emotional response, “sex between two consenting adult males is immoral.” Earl

stops evaluating at the level of his emotional judgment, and does not consider the issue any further.<sup>133</sup>

Evaluative judgments sometimes work as simply as in Moral Evaluative Case A, in which a single dominant evaluative element produces a judgment which then remains rigidly in place. More often, however, an initial judgment will be fed or tempered by other evaluative elements, as demonstrated in the following cases.

Moral Evaluative Case B: Earl has the same emotional response as in case A. Additionally, he lives in an environment, and is surrounded by a peer group, that has in place a rigid conventional understanding of sex between two consenting adult males as immoral. That convention reinforces Earl's emotional reaction, working to solidify his judgment that sex acts between consenting adult males are immoral. In college, Earl takes a critical reasoning course, and learns about potential biases in judgments and the importance of consistency in reasoning. This helps Earl to realize that he should rethink his hatred of women, Jews, African Americans, Latinos, and Asians. However, Earl's emotions are so strong, and are so rigidly reinforced by the homophobic conventions under which he lives, that he fails to recognize that the biases he now sees in some of his other judgments also apply in this one. Earl retains his initial judgment that sex acts between two consenting adult males is immoral.

Moral Evaluative Case C: Earl has the same initial emotional judgment and lives in the same conventional environment as case B. In this scenario, however, Earl has a slightly more persuasive critical reasoning teacher, who manages to convince Earl that his initial judgment is chock full of biases and inconsistencies with his other beliefs. Earl still feels a deep emotional revulsion to the idea of acts of male homosexuality, but he recognizes that emotional responses are not always keys to sound judgments, as he also feels a deep revulsion to broccoli, but understands that his personal desire to avoid broccoli does not imply that others

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<sup>133</sup> It should not be assumed that particular individuals respond primarily through one particular element in every case of evaluation. I am considering particular acts and artworks in isolation in an effort to get a handle on a very complex process. Earl might be quite rational in some evaluations, guided by convention in others, etc.

should likewise steer clear of the vegetable. Earl modifies his initial judgment to conclude that sex between two consenting adult males is morally acceptable, though he remains personally uncomfortable about the topic.

Moral Evaluative Case D: This case retains the emotional and conventional elements of case B. Earl becomes good friends with Dan, who he comes to regard with strong positive emotions. Well into the friendship, Earl learns that Dan regularly engages in consenting sex with other adult men. Earl cares about Dan, and does not see Dan as an immoral person. While he viscerally judges the idea of sex between two consenting adult men as immoral, Earl is not disgusted by Dan, and finds himself unable to judge Dan's private activities as immoral. Recognizing that it is inconsistent to judge Dan's homosexual sex acts as moral while judging the homosexual sex acts of strangers as immoral, yet emotionally unable to judge Dan's behavior as immoral, Earl modifies his judgment to conclude that sex between two consenting adult men is not immoral.

Notice that in both Moral Evaluative Cases C and D, Earl modified his initial emotional judgment, but the various other elements contributed differently in the two cases. In C, Earl's reason overcame his emotion, while in D, a new emotion overrode the original one. Reason prompted him to be consistent, but it was his affection for Dan that lead him to conclude that other instances of homosexual sex must be moral, instead of concluding that Dan's behavior was immoral. Either conclusion would have given him the needed consistency; emotion determined which conclusion he chose. In B, reason did play into Earl's experience, but was not in that case sufficient to override the other, more dominant elements.



I have attempted to lay these cases out in a sufficient amount of detail to reflect the complexity of judgment formation, but these cases are really only sketchy approximations of the innumerable factors that go into evaluative judgment formation. Hopefully the cases offer enough detail to demonstrate some of the clear ways in which the elements can interact with one another to form and modify judgments. Next, an analysis of an aesthetic judgment will be provided, to demonstrate that the same types of interactions occur in aesthetic judgments. This similarity will offer a positive argument for convergence. In the moral case, Earl evaluated a class of actions of a particular type. In the aesthetic case, Earl will evaluate a class of artworks of a particular type – improvisational jazz music.

Aesthetic Evaluative Case A: Earl hears some improvisational jazz music and finds it viscerally repellent. He finds it confusing and is resentful that he does not derive the enjoyment that he observes other people experiencing. Earl forms the evaluative judgment that improvisational jazz music is aesthetically bad. Earl stops at his emotional judgment and does not consider the issue any further.

Aesthetic Evaluative Case B: Earl has the same emotional response as in case A. He lives in an environment that has no conventions in place that would help him to appreciate improvisational jazz. What's more, his peer group has imposed rigid conventional strictures against listening to or attempting to appreciate music outside of a set of musical forms far removed from improvisational jazz. These factors reinforce Earl's emotional reaction, working to solidify his judgment that improvisational jazz is aesthetically bad. In college, Earl takes a music appreciation course, and learns some interesting features of improvisational jazz that lead others to appreciate the music. However, Earl's emotions are so strong, and are so rigidly reinforced by the conventions under which he lives, that he fails to appreciate the features of the music that bring

enjoyment to others. Earl retains his initial judgment that improvisational jazz is aesthetically bad.

Aesthetic Evaluative Case C: Earl has the same initial emotional judgment and lives in the same conventional environment as case B. In this scenario, however, Earl has a slightly more effective music appreciation teacher, who helps Earl to recognize the features of the music that bring joy to others. Earl still does not particularly like improvisational jazz, but he can recognize the elements that others are enjoying, and he can identify positive aesthetic qualities in works of improvisational jazz. Earl modifies his initial judgment to conclude that improvisational jazz has aesthetic merit, though he remains personally unmoved by the music.

Aesthetic Evaluative Case D: This case retains the initial emotional and conventional elements of case B. Earl becomes good friends with Dan, who he comes to regard with strong positive emotions. Well into the friendship, Earl learns that Dan is an improvisational jazz musician. Although Earl does not like improvisational jazz, he does like Dan, and so begins to attend Dan's performances to show support for his friend. Over time, Earl's peer group changes, such that he now operates in a system of conventions that support and attribute significant merit to improvisational jazz. Earl's tolerance of improvisational jazz in order to support Dan gradually evolves into an actual appreciation of jazz music, until one day he is surprised to discover that he forms a positive aesthetic evaluation of improvisational jazz music.

With these cases laid out, we can now consider whether there are similarities sufficient to justify convergent accounts of the manner in which the elements interact to produce moral and aesthetic evaluations. One of the most important similarities is that there is no single answer to the way this process goes. Often, one's initial judgment is formed through an emotional response, but this will not always be the case. In cases in which emotion is the first response, however, the ways in which the other elements feed into the initial emotional

reaction are remarkably similar between the two types of judgments, and this is true in cases where the starting element was reason, convention, or a preference for utility, as well.

Convention contributes heavily to the way one handles an initial gut reaction. Earl, existing in a homophobic atmosphere, receives confirmation from the surrounding conventions that his emotional response is appropriate. Likewise, his conventional context reassures him that his aversion to improvisational jazz is appropriate. In both of these cases, convention supports and strengthens Earl's emotional response.

A parallel story can be told regarding one's evaluation of improvisational jazz. If Earl had experienced his initial emotional aversion to improvisational jazz in a conventional system that held the music in high regard, his initial judgment is far more likely to have changed much earlier, in the way that it did once he began to live under such conditions after befriending Dan. These examples show that an initial emotional response can be strengthened or subdued by the conventions under which one lives.

Another common element between the moral and aesthetic cases is the effect of learning, which incorporates an element of reason into one's evaluations. Reason can help overcome biases and can lead to more consistent judgments, but will not always outweigh emotional and conventional influences. In both Moral and Aesthetic Evaluative Case C, Earl's reason overpowered his

emotional biases, yet in both Moral and Aesthetic Evaluative Case B, it did not, and this difference was the result of the differing levels of interplay between the factors.

Beyond straight rational considerations of consistency and unbiased evaluation, however, the importance of prolonged exposure to an act or work cannot be discounted. Artworks that initially turn us off or leave us cold often grow on us through repeated exposure.<sup>134</sup> The factors at work in this phenomenon will be complicated. As Marcia Eaton points out, lack of a conventional framework can leave us unable to evaluate a work, and when we don't know what to make of something, a typical reaction is that of negativity, as we saw with Earl's initial response to improvisational jazz. The unfamiliar can leave us feeling uncertain about how to react, or stupid because we do not possess the level of understanding we think is expected of us. All of these factors that could feed into a negative initial evaluation are inclined to dissipate over time, with repeated exposure. When Earl first listened to improvisational jazz he heard only noise that he did not understand. Over time, familiar elements emerged from that noise and began to please him.

Relatedly, the impact particular individuals can have on our evaluative judgments is not to be downplayed. Whether it be a teacher, neighbor, or friend,

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<sup>134</sup> Jesse Prinz discusses this phenomenon in detail in Prinz. "Emotion..." p. 3. Of course, the opposite can happen as well. A work that initially struck us as brilliant can come to seem trite or kitschy over time.

the influence of a person about whom we care, or whose judgment we value, can have a profound impact on the formation and modification of our own judgments. Earl had no problem hating the concept of homosexual sex, but was unable to hate a particular gay man. Earl's teacher could not bring him to love improvisational jazz, but the love he felt for his friend, an improvisational jazz performer, helped him to hear the music through his ears, and to evaluate as he evaluated.

In this section, I have offered an account of the way I believe judgments are formed in ethics and aesthetics. Although there is not one set way in which the particular elements interact, the types of interactions and the particular factors are similar across fields. Emotion can be reinforced or overridden by convention. Reason sometimes overpowers emotional and conventional influences. Prolonged exposure tends to contribute to positive evaluations. Particular individuals have a strong influence on our judgments. Because moral and aesthetic judgments both arise through a complex combination of convention, emotion, reason, and inclination, this account points us toward moral and aesthetic convergence. Next I will offer a normative account of evaluative judgment formation, to demonstrate that *appropriate* evaluative judgments are formed in similar ways across the two fields.

### *A Normative Account of Evaluative Judgments*

I hold that there are two levels at which we can form evaluative judgments, and the appropriate method of judgment formation will depend on the level at which the evaluator is operating. When we form judgments as a part of social discourse, because we want to be engaging in the same conversation as those around us, we will be compelled to judge within established conventional frameworks. I will call such judgments that are made in terms of established conventional standards ‘level 1 judgments.’ Level 1 judgments are objective within the context of the convention, though the objectivity is socially constructed, and thus mind-dependent. At level 1, the conventions themselves are not judged, but are merely accepted as socially constructed facts, and evaluations are made in terms of those facts.

A level 1 judgment aims to evaluate the act or work’s conformity to the set standards of the language. This will be a conventional, objective evaluation; everyone who has adequate knowledge of the rules of the genre or society will form like judgments regarding the act or work’s conformity to those rules. The rules could have been otherwise, but it turns out they weren’t, and so a level 1 judgment is restricted to an evaluation in terms of the rules as they stand at the time of the evaluation. In terms of aesthetic evaluation, a level 1 judgment involves evaluating artworks according to established genre conventions. The standards of the genre itself are not evaluated, and the work is not judged on any basis other than its conformity to the standards of the genre. Likewise, level 1

moral judgments are conducted solely at the level of moral conventions, rather than in terms of an evaluation of the efficacy, utility, or other value of the convention itself.

Appropriate level 1 judgments, then, should be conducted through an attempt to focus in on the conventions, and to filter out the influences of emotion and the preference for utility as much as possible. Reason will play a role in helping the evaluator to determine whether the act conforms to the conventions, but reason does not have a place, in level 1 judgment, in critiquing the current conventions. In moral and aesthetic level 1 evaluation, a proper judgment is one that correctly identifies the act or work's conformity to the convention, without being led astray by the subjective force of the evaluator's own emotions and preferences.

When Earl evaluated improvisational jazz according to the conventional standards that he learned in his music appreciation class, he was conducting a level 1 judgment. His judgment is a good one to the extent to which it accurately evaluates the artwork in terms of the conventional standards and bad to the extent to which it fails to do so, due to lack of knowledge of the conventional standards, or biases introduced due to other factors such as his own emotional reaction to the music. Earl's level 1 judgment of acts of homosexual sex between consenting adult men is evaluated in the same ways.

Level 1 is the point at which evaluators will have the most agreement, but unfortunately, level 1 judgments are not always possible, nor do they always seem sufficient to the evaluator. Level 1 judgments are sometimes impossible for a couple of reasons. In some cases, there is no convention in place by which to judge the act or work in question. This is discussed in more detail in Part (III.c.2) regarding works that set the prototype for new artistic genres, as well as new moral paradigms that do not yet have established conventions. In such cases, a different level of evaluation is in order, and that evaluation will contribute to the establishment of a new convention by which level 1 evaluations will occur in the future. Additionally, some level 1 evaluations, though possible, seem insufficient to the evaluator, because in such cases the evaluator has no trouble identifying the proper level 1 judgment, but has non-conventional reasons for finding that judgment unacceptable. Level 1 judgments do not allow for evaluations outside of the conventions themselves, and so fail to allow for the type of evaluation desired in some cases. At these times, level 2 judgments are needed.

Level 2 judgments are those by which we evaluate the conventional rules that set the objectivity of the level 1 judgments. A level 2 judgment would be one that critiques the rules of genre or group, rather than one that assessed a act or work's conformity to those rules. For example, at level 1, all competent evaluators will reach the judgment that slavery in pre-abolitionist America was



moral, because, despite its opposition by a significant number of white people, as well as virtually all slaves, there were clear conventions in place that established it as such (it's legality, for example). The proper way to reach that level 1 judgment is by filtering out emotional and utilitarian responses, as well as rational concerns for the consistent, humane treatment of individuals regardless of their race. The act of slave-holding is evaluated simply in terms of conventional standards. Forming that level 1 judgment will not be particularly difficult to do – being happy about it is another matter.

Many evaluators today will look back on acts such as slave-holding and want to be able to do more than merely say that the act is moral based on the conventions in place at the time; they want to be able to judge the conventions themselves. My account is equipped to handle such judgments through level 2 evaluations. Here, proper judgments consider the conventions in terms of the other factors. Given particular individuals' value sets, as well as the agreed-upon values of the society (all men are created equal), the convention that established slavery as morally acceptable in pre-abolitionist America can be rejected. This judgment will arise from some combination of emotion, reason, and preference for utility. Because the way these elements come together to form level 2 judgments is based on individuals' value sets, these judgments will be subjective.

Level 2 judgments, while not objective, still rely on principles of reason, allowing evaluations to occur between various level 2 judgments. In other words, if I form level 2 judgment  $X$  and you form level 2 judgment  $\sim X$ , we or a third party can evaluate the strengths and weaknesses of those two judgments. The same basic principles of rationality apply in evaluative judgments as in other avenues of our lives. Whatever an evaluator's value set happens to be, she ought to work toward consistent judgments based on those values. Thus, if an evaluator's judgment regarding slavery is inconsistent with other elements of her value set, that judgment is worse than one that does not lead to such inconsistencies. On this basis, Earl's Case B evaluations can be deemed weak, as he failed to recognize inconsistencies and biases that he ought to have taken into account in forming his judgments.

In addition to conforming to principles of rationality, level 2 judgments should be understood as better insofar as they more accurately reflect the evaluator's actual value set. If the evaluator values music, and wants to be able to derive enjoyment from music, but has a strong emotional bias that prevents him from appreciating particular works due to external factors that have nothing to do with the properties of the works themselves (they remind him of a bad romantic break-up), a judgment that manages to overcome the external emotional biases is a better one, as it allows the evaluator to do something that he desires, according to his own value set. Likewise, if an evaluator's value set

compels him to be a tolerant person, but he was raised in an environment such that he has strong negative feelings toward members of particular ethnic groups, a judgment that recognizes and overcomes those feelings is better, because it promotes the evaluator's own value set.

As the various Earl scenarios show, much of our actual evaluation occurs at both levels 1 and 2. Although we recognize conventional standards and are influenced by them, our own mix of emotional reactions, inclinations and values combines to produce subjective evaluations of acts and artworks. This was seen in Earl's two Case C evaluations, where he was able to recognize conventional standards (level 1), yet his personal inclinations ran contrary to conventional standards. Although not all evaluators think about level 2 judgments in terms of the rejection of a convention, that is technically what is going on when an evaluator both recognizes that there exists an objective evaluation based on a convention, and then offers a personal evaluation that runs against that evaluation.

Although level 2 judgments cannot reach the level of objectivity, as they are grounded in individual emotions, inclinations, and so forth, similarities among evaluators as well as rational constraints will lead many evaluators to agree on issues such as slavery. Most people care about consistency, and recognize an unacceptable level of arbitrariness in singling out members of a particular racial group for subjugation. However, there will certainly be some

individuals whose value set is such that they maintain an unshakeable belief in the validity of the convention by which slavery is judged morally acceptable. Such individuals might well hold consistent beliefs, based on their other values. What can my account say about the judgments of such individuals?

One response is that morality must be understood as necessarily other-regarding in cases where the interests of others are relevant to the action. Here is an argument for such a view. Over time, across cultures, the conception of morality that has arisen and developed is one that includes other-regard as an essential element. Certainly an act can sometimes be considered immoral for exclusively self-regarding reasons (Kantian duties to the self, such as the duty not to commit suicide or the duty to cultivate one's talents, are an example). And even if others are given due consideration under a particular act, that act still might be deemed immoral for other reasons, perhaps for failing to consider its environmental costs, for example. But despite these provisos, this argument goes, when evaluators think about morality, they think about it in terms of the impact of actions on others. Insofar as this is an essential element of morality, an action with effects that do not appropriately consider others is an immoral act. On this understanding, other-regard when appropriate is a definitional part of morality. Thus, regardless of individual belief sets, the morality of actions is assessed partly in terms of other-regard.

This feature of the nature of morality is a level 1 evaluation; it is conventional and objective. It asserts that there is a humanity-wide standard that says that acts that fail to be other-regarding in the relevant ways are immoral. The history of human morality might have developed differently, but as it turns out this is the way it developed, so insofar as something is a moral action, it is a relevantly other-regarding action. This allows us to form a level 1 judgment in which slavery is immoral even in a context in which it is conventionally accepted within a particular society.

It would be good to say a bit more about this argument. What is established on this view is the conventional rule that morality involves other-regard. What has not been established is exactly how that is understood to manifest in particular acts. That is set by the conventions at work in localized contexts. Must other-regard be extended to all members of one's society, to all human beings, to all sentient beings? Does other-regard require active care for others or merely that one refrain from causing them harm? In what situations is other-regard legitimately overridden? These types of questions are left to be determined in the ways discussed above, through a combination of evaluative elements, which interact differently depending on the particular attributes, attitudes, and value sets of individual evaluators.

In this section, I have offered my account of the way moral and aesthetic judgments are formed, as well as the way they *should* be formed. Level 1

judgments ought to be formed by accurately applying the conventional standards at work in the context of the act or within the genre of the artwork. Level 2 judgments ought to conform to basic standards of rationality and should also conform to the evaluator's particular value set. Additionally, I have offered an argument that morality has evolved as an other-regarding enterprise, and as such acts can be judged on the basis of their conformity to this standard. The similarities in judgment formation between the fields of ethics and aesthetics offer a positive argument for convergence. This argument stems from my antirealist account of judgment formations, and so leads most readily to antirealist convergence. However, one might instead argue for a realist convergence. In Part III, I will consider reasons one might be pushed toward realist or antirealist convergence, and discuss what would be needed to make such accounts viable. I will discuss the issue of who bears the burden of proof in the realism vs. antirealism debate. Additionally, I will flesh out an antirealist account and discuss some of the implications of accepting antirealist convergence.

### **Part III: The Dilemma – What Should We Do Now?**

In the first two parts of this dissertation, I have argued in favor of a convergence account of our ontological understanding of ethics and aesthetics. I've shown why the proposed differences between the two fields, in some cases, are not differences at all, and in other cases, are not sufficient to justify divergence. I've offered a positive account of our moral and aesthetic judgment formations, showing that these value judgments are often formed in the same ways; this offers another reason to accept convergence. Accepting a convergence account, however, does not commit one to either realism or antirealism – it simply demands that, whichever position one accepts, it be held consistently across fields.

The final part of this dissertation is aimed at those who began reading as divergentists and, convinced by my arguments and in the interest of consistency, are now convergentists. Out of that group, the majority is likely to have begun as realists about ethics and antirealists about aesthetics. Although some might have been realists about aesthetics and antirealists about ethics, that group is likely to be quite small, so this section is primarily aimed at addressing the particular concerns of those who began as moral realists and aesthetic antirealists (although the other alternatives are also considered), but who now are convinced that they must be convergentists. This group faces a dilemma. Presumably, they began the day committed to both moral realism and aesthetic antirealism. Now,

consistency demands that they give something up. Either they must find a workable account of aesthetic realism, giving up their previous commitments to aesthetic antirealism, or they must give up moral realism and accept antirealism across the board. Those choosing the latter option will need to explain why they endorse antirealism when it looks as if they have accepted a realist picture. This gets at the heart of the final section of this part of the dissertation, where a clear account of antirealist implications will be given. Offering a conclusive argument in either direction is a dissertation unto itself, but it will be helpful here to spend some time discussing how one might go about making a decision, and what some of the implications of each choice might be.

This part of the dissertation is meant to set the stage for making a decision regarding which option – realist or antirealist convergence across both fields – is the most reasonable. It is also aimed at demonstrating why the option likely to be met with most resistance – antirealism – should not be rejected out of hand. The first section of Part III will discuss the ways in which one might begin to make a decision about which meta-option to accept. I will consider some common but weak reasons, and explain why these routes ought to be avoided. From there, I will examine the issue of burden of proof, as this will be helpful in determining the reasonableness of each option, as well as what is expected of each side in terms of proof of the position. By the end of the burden of proof section, I will have shown why the realist account bears the heavier



burden of proof, which argues in favor of accepting antirealism. Yet, many are left with some concerns regarding the implications of that view. Thus, the last section is devoted to a discussion of the practical implications of accepting an antirealist account, including an explanation of the way moral and aesthetic discourse could continue, as well as the continued motivation to engage in value reasoning even after accepting antirealism. Because this option is the one likely to be met with the most resistance, it will be given the most attention.

### **(III.a) Realist or Antirealist Convergence?**

New convergentists could come in four varieties: 1) originally a moral realist and an aesthetic antirealist, now adopting realism in both ethics and aesthetics; 2) originally a moral realist and an aesthetic antirealist, now adopting antirealism in both ethics and aesthetics; 3) originally a moral antirealist and an aesthetic realist, now adopting realism in both ethics and aesthetics; or 4) originally a moral antirealist and an aesthetic realist, now adopting antirealism in both ethics and aesthetics. In this section, I'll consider some factors that could contribute to one's decision about whether to converge toward realism or antirealism, and I will argue against some common but weak bases for one's decision.

Whether one began as a moral realist and an aesthetic antirealist or as a moral antirealist and an aesthetic realist, the new convergentist now faces a tough task. Consistency demands that realism be accepted across the fields, or

that antirealism be accepted across them, but necessarily the new convergentist is in need of a new argument, because if she had a solid argument that unified either realism or antirealism across the fields, she would have been a convergentist to begin with. The task I'm proposing is unusual. Typically, our meta-evaluative positions are arrived at in one of three ways. Often, we have intuitions in one direction or another and seek arguments to support those intuitions. In other cases, we accept whichever position is first presented to us in a convincing manner, and maintain that position until we encounter stronger evidence to the contrary. Finally, we might reject our default position (which we accepted either intuitively or because it was handed to us as truth when we were children) because careful inspection convinces us that it is untenable. What we don't normally do is reject a system for some external reason despite the fact that it is working for us. But that is exactly what the arguments presented in the previous sections demand.

Those who began reading with the belief that they had good reasons to be realists regarding one value field and antirealists regarding the other are in the strange position of being asked to surrender an argument that they otherwise find convincing, in the interest of having a consistent belief set. They will need to consider appropriate methods for deciding which currently held position to reject. This is an extremely important move, as consistency, desirable though it is, has little value if one's position is consistent, but false.

Probably the most common method of deciding which position to reject and which new one to adopt stems from the depth of one's already-established commitments. If you are more deeply committed to your meta-ethical position than to your meta-aesthetic position, you are more likely to give up your meta-aesthetic position, and vice versa. The depth of our commitment is often connected to the amount we care about a particular field, and that caring can come in several varieties. We care more about our meta-evaluative stance in one of the fields because: 1) we think it is the more important field; 2) we have stronger intuitions about it; and 3) we think the arguments for it are stronger than the arguments for the other. I will consider and evaluate each of these reasons in turn.

Out of the above reasons, 1) and 2), though common, are both problematic. Regarding 1), what does it mean for one field to be more important than the other? Perceived importance can come in several forms, some of which were discussed and dismissed in Part I. There is a common belief that morality is more serious than aesthetics, and thus should hold more weight in our meta-evaluative decision-making. This seriousness might be understood in terms of a compulsion to act regarding ethics that is lacking regarding aesthetics. Responses to that position were discussed in (I.c), where I offered strong reasons to suppose that aesthetics also carries with it an obligation to act. This is borne out not only by the actions and testimony of artists, but by the behavior of lay

people, who feel the need to apologize for mismatched clothing, and who maintain that neighbors with ill-kept yards or garish paint jobs are doing something wrong.<sup>135</sup> If morality is not more serious than aesthetics, this is not a good reason to converge toward realism.

On the other hand, some might hold that aesthetics is more important than ethics, resulting in a decision to converge in the direction of one's aesthetic commitments. Although this is a less common view, it is very likely to be one held by some artists, who are strongly motivated by their understanding of their aesthetic obligations, but who give little thought to morality at all, or who feel it ought to take second place, either in their own lives or in everyone's. This is a position exemplified by Paul Gauguin, as discussed in part 1. The problem with this reason for determining the direction of one's convergence mirrors that discussed above. It is unclear that aesthetics is more important than ethics; in fact it looks like some aesthetic decisions are more important than some moral ones, and vice versus. If neither field is clearly more important than the other, we ought to avoid deciding which way to converge on this basis.

Another common reason for choosing which way to converge is that we feel the stakes are higher regarding one field than the other. Usually, the belief is

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<sup>135</sup> In some cases it might be thought that the neighbors are morally transgressing; an overrun yard could harbor rodents who might then move into my yard, and your untended dandelions will certainly travel next door on a windy day. However, the concern is often, if not mere aesthetic displeasure, one of diminished property values. If your ugly property can cause the value of my house to plummet, we have a good indicator of the seriousness of our aesthetic choices.

that the stakes are higher regarding morality. This was expressed by Marcia Eaton in the example of Sophie's choice about which of her children's lives to save, as opposed to a painter's choice regarding the colors to use in a particular work. Sophie's moral decision determined the fate of two human beings. Eaton argues that no aesthetic decision has such high stakes. The problem with this argument, as discussed in (I.e.1), is that our meta-evaluative ontology is not based on the height of the stakes in particular cases. We are not realists when the stakes are high but antirealists when they are low (remember the example of stealing cars versus stealing pencils). Most of the moral decisions we make are far less serious than Sophie's choice, and many of the aesthetic decisions we make have higher stakes than a paint color. Regardless, because ontology does not hinge on this point, it is not a good reason to decide which flavor of convergence to adopt.

Another form reason 1) might take is that we foresee negative consequences stemming from moral antirealism that we don't see stemming from aesthetic realism. A lot of these fears come from a misunderstanding of what antirealism entails, leading to the concern that antirealism must be avoided at all costs. For instance, there is often the concern that antirealism requires us to surrender all moral judgment. People are generally less concerned about the possibility of being unable to evaluate artworks, so what seemed like a small

problem for aesthetics looms large regarding ethics. This issue will be discussed at length in (III.c), and so will be set to the side for now.

A second reason that might influence a new convergentist's decision about which direction to converge is 2), that his or her intuitions are stronger in one field than in the other. At least among non-artists, most people report stronger intuitions regarding ethics. This seems to be connected with the idea that lay people generally consider themselves to be more expert regarding morality than regarding aesthetics. With no formal instruction, most of us have the idea that we can find our way around a moral landscape, that we are equipped to pass evaluative judgments about our own actions and others we observe or hear about, and we tend to feel that those judgments are accurate, and justified, even if we cannot articulate a clear moral system or ground our moral claims.

Certainly many lay people are also happy to be amateur art critics, confidently pronouncing one work "brilliant" and another "absolute junk." However, regarding artworks, a lay person will generally back down pretty quickly if asked to provide reasons for such claims. Non-artists and non-aestheticians quickly lose their nerve and surrender aesthetic positions that they can't ground – remember John Cleese's final sputter at the end of the "Michelangelo and the Pope" Monty Python sketch, "I may not know much

about art, but I know what I like!”<sup>136</sup> But regarding moral matters, intuitions are so deeply grounded we are much more likely to maintain a position even if we are unable to adequately argue for it. Of course, there will be individuals who feel ill equipped to argue points of morality, but who have deep-running aesthetic intuitions that they find harder to surrender than any moral intuitions they might have.

In both cases, the idea seems to be, if my intuitions run this deep, there must be a solid grounding for the belief, even if I do not happen to know what it is. Our shallower intuitions are easier to surrender, on the assumption that we probably got something wrong. The problem with this reason for realist convergence will be covered at length in the next section (III.b). In short, strong intuitions run in both directions, they are unreliable indicators of truth, and they have often led us to believe, endorse, and act on things that we now look back on in horror (the moral acceptability of enslaving other human beings based on race or class, for example, has been a common intuition across many times and cultures). Knowing that intuitions are unreliable and even dangerous in these ways, depending on them to answer the meta-evaluative question seems clearly ill advised.

As for the issue of “feeling like a moral expert,” it is unsurprising that many of us feel like we know more about morality than we do about aesthetics.

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<sup>136</sup> *Monty Python Live at the Hollywood Bowl*, 1982.

We live in a morality-laden culture, where we are told what is right and wrong, and quickly learn to tell others the same, from a very young age. Thus, it makes sense that we feel more equipped to pass judgments regarding morality. Whether all this field experience actually makes us better moral judges is another question, however. If the judgments stem from poor sources – intuitions, unreflective authority figures, unconsidered traditions – they are unlikely to be any more informed or reliable than the weaker beliefs we have regarding our aesthetic judgments, although they are likely to be extremely powerful – certainly strong enough to push us toward a convergence for which we lack a well-formulated account.

Certainly, professional philosophers, the presumed audience of this paper, will have subjected their intuitions to critical analysis that will eliminate some of these elementary pitfalls of intuitive judgments. However, philosophers from any area of specialization seem to find themselves qualified to say a few words about morality, whereas most non-aesthetician philosophers quickly become quiet when the subject turns to art. This seems to suggest that the same trends we see in lay circles persists in philosophical circles as well. What's more, an appeal to common sense intuitions is often offered as a reason to shift the burden of proof one way or the other, so lay intuitions are worth some consideration here.



An additional problem is that members of the primary target audience of this section – new convergentists – are likely to have had strong intuitions running in both directions – realist in one field and antirealist in the other, which originally prompted them to be divergentists. The strength of those intuitions is likely to stem from a variety of factors, many of them having little to do with powerful arguments. Instead, these intuitions stem from one’s culture, upbringing, social group, and particular set of life experiences, all of which inform one’s gut response to the dilemma, without necessarily much consideration of arguments. More will be said about this in the following section.

The above are two common but weak reasons why new convergentists might choose which meta-evaluative route to adopt across the fields. The strongest basis for such a decision is 3). Here, the individual, realizing that consistency demands convergence, reevaluates his reasons for initially accepting his moral and aesthetic positions, and concludes that the arguments which convinced him of the truth of one are stronger than those that convinced him of the truth of the other. As there are many arguments for each of these positions, an exhaustive discussion would be misplaced here, but whatever those arguments are, it looks like this is exactly the right reason to appeal to in deciding which way to converge. You had good reasons to accept both A and B. Now you realize you *cannot* accept both A and B, as they are inconsistent. So,

you have to give up either A or B. If the arguments for B are weaker than the arguments for A, the reasonable thing to do is to start looking into the arguments for  $\sim$ B.

Accepting whichever argument is stronger sounds pretty straightforward and obvious, but the above (weak) moves are common, and we still need to figure out what is needed to construct a stronger argument one way or the other. What's more, unless the former divergentists had really lousy reasons for being divergentists in the first place, it looks like they ought to be approaching the dilemma in a state of agnosticism, rather than with an assumption that the right answer will obviously be realist convergence. Meta-value theory carries with it particular roadblocks and tendencies for flawed reasoning that merit considering this issue apart from the standard reasons we might offer for evaluating a philosophical argument. One of the most important considerations in the meta-values debate is determining which side – realism or antirealism – bears the burden of proof. The next section will discuss this issue in detail.

### **(III.b) Burden of Proof**

Meta-value theory inevitably involves burden of proof shifting. Whose job is it to demonstrate the positive truth of their position? How does a view get to be the default position, the one that others must respond to and argue against? Realists ask antirealists to prove there are no mind-independent evaluative criteria, and antirealists demand that the realists show them these mind-

independent moral and aesthetic properties they speak of. So, who really bears the burden of proof in this debate? In this section, I will examine the issue of burden of proof regarding realism and antirealism. This will be helpful in determining which flavor of convergence we ought to adopt, as we want to hold not only consistent but also defensible positions. If the greater burden falls on one side, rather than the other, accepting and defending a new position – either moral antirealism or aesthetic realism – will be a more difficult task. This is a good thing to know when deciding which choice to make regarding the dilemma.

In Part I, I argued from the position that the burden of proof was on my opponent regarding the convergence/divergence debate. It was clear in that section that divergentists – those positing a difference between the fields – bear the burden of demonstrating that difference. If that cannot be done, the fields should be considered together, as relevantly similar. In this section, I will also present the common view that the burden of proof falls to the antirealists. Although this position has been offered by many meta-value theorists, I will examine the arguments offered by ethicist William Frankena, as they are both clearly stated and commonly cited as decisively settling the issue.

The counter-position offered by antirealists will be considered next. Here, Richard Joyce's argument against realists such as Frankena will be

given.<sup>137</sup> Joyce's argument, which I will expand and improve, offers support for placing the burden of proof on realism. In addition to Joyce's argument, I will consider other reasons to support placing the burden of proof on realism, which will in turn demonstrate the difficulty of the realist position.

There are at least three distinct ways in which we determine who bears the burden of proof in a philosophical debate. First, error theorists are usually thought to bear the burden. If your position is that people are generally mistaken in their beliefs, intuitions, or ways of speaking about things, the burden is on you to explain why. Second, if one view is clearly counterintuitive and lacking the folk endorsement of the majority, that view is thought to bear the burden of proof. In a meat-eating society, vegetarians are usually asked to bear the burden of proof against omnivores. Finally, the position favored by ontological parsimony gets to shift the burden of proof to its opponent. The theory of evolution and intelligent design both offer an explanation of a data set, but the theory of evolution can explain the data without positing additional entities, so the burden of proof falls to the proponents of ID. Each of these arguments will

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<sup>137</sup> Frankena calls himself an absolutist, but in the interest of clarity I will continue to use the word 'realist.' His particular flavor of realism is of the ideal observer variety, holding that we would all form the same value judgments if we had complete knowledge. The completeness of this knowledge, on Frankena's account, seems to be so extensive (including the attainment of something he refers to as 'enlightenment' on the part of the observer) that it appears to be a "God's eye view" account, though he does not use that language. Frankena, William K. *Ethics*. Prentice-Hall, 1973, p. 112.

be considered regarding realism versus antirealism, and will then be applied to the convergence/divergence debate.

### **(III.b.1) Error Theories Bear the Burden of Proof**

One reason to think a particular position bears the burden of proof is that it holds that ordinary people are in error with regard to their speech, beliefs, and practices. Although error theory is usually associated with moral antirealism, one could be an error theorist regarding any or all classes of judgments. Moral error theories hold at least three propositions in common: 1) moral judgments aim to represent mind-independent moral facts; 2) there are no mind-independent moral facts; 3) no moral judgments can be true.<sup>138</sup> Moral error theory, then, seems to imply that ordinary people are mistaken about a great many things – all moral claims, for example – and a theory that holds that many of our already established beliefs are in fact false needs to explain why that is. The burden is on those who challenge the belief system status quo.

Ethicist William Frankena argues that moral antirealists bear the burden of proof against moral realists. He offers several arguments, but perhaps the best way to classify his line of reasoning is in terms of the error theorist complaint. Frankena relies on the widespread acceptance of moral beliefs to make his case

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<sup>138</sup> Shaffer-Landau, Russ and Terrence Cuneo. "Moral Error Theories," in *Foundations of Ethics: An Anthology*, edited by Russ Shaffer-Landau and Terrence Cuneo. Blackwell Publishing, 2007, p. 9.

for asking antirealists to shoulder the burden of proof. If antirealism is correct, an awful lot of people are wrong.

For this line of reasoning to go through, universal acceptance of moral beliefs is not required, but Frankena does hold that moral judgments would be unanimous, under ideal conditions. Frankena argues that there is a unified moral code – a moral fact sheet, one might call it – and that some cultures and individuals simply fail to see or to properly understand those facts. Divergences in opinion regarding morality do not reveal an actual divergence or lack of truth about morality, but rather they show us simply that some people are mistaken. The error theorist denies the existence of the moral fact sheet, which in turn implies that claims regarding the content of the fact sheet must be false. The burden of proof is on the antirealists, Frankena says, to defend the claim that those facts, accepted by so many people, do not exist.<sup>139</sup>

Frankena further bolsters his argument by pointing out that our ordinary language presupposes moral realism. We are not in the habit of saying, “I would prefer that you refrain from stealing that car.” Nor do we say, “Our society prohibits car theft.” We also don’t say, “You shouldn’t steal that car if you want to avoid the risk of punishment.” No, we say, “It’s wrong to steal that car.” We say, “You should not steal that car” and “Do not steal that car.” Frankena argues

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<sup>139</sup> Frankena, William K. ‘Recent Conceptions of Morality,’ in *Morality and the Language of Conduct*, edited by Hector-Neri Castaneda and George Nakhnikian. Detroit: Wayne State University Press, 1965, p. 13.

that the language we use speaks to an already-accepted truth about morality. The burden is on the antirealists to explain why our language does not reflect the metaphysical reality they claim exists. If the universe is devoid of moral truths, why do we speak as if they exist? If the world contains only hypothetical and prudential oughts, why do those caveats not come through when we judge, warn, praise and sanction?<sup>140</sup>

One way to respond to Frankena's point about the formal structure of our language is to point out that we engage in loose talk and hyperbole all the time, and that these figurative uses of language are not typically believed to be keys to an underlying truth that we would otherwise miss. "God damn it," "Heaven forbid," and "Good luck" are common phrases that are used meaningfully by those who do not hold that they key to some underlying real property. We use these phrases to mean something like, "I'm really upset," "I hope *x* does not happen," and "I hope you succeed at your endeavor," without any necessary belief in or commitment to the reality of God, heaven, or luck.

The above examples demonstrate that antirealism need not involve error theory at all. The fact that people use such expressions does not decisively indicate their commitment to mind-independent moral facts, so denying the existence of the facts need not involve accusing people of systematic error, as Frankena claims. What's more, an antirealist might hold that there are moral

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<sup>140</sup> Ibid.

facts, and thus we can speak meaningfully, and even objectively, about them, but that these facts are mind-dependent. On this view, “It’s wrong to steal the car,” is not necessarily meaningless, but it is shorthand for a longer claim. It *is* wrong to steal the car, but not categorically. Stealing the car violates the rules of private property. It is illegal to steal the car. Stealing the car might result in punishment. So, if by “wrong” you mean “illegal,” “might result in punishment” or “violates the rules of private property,” stealing the car is wrong. Thus, an appropriate response to Frankena is that “it’s wrong to steal the car” is shorthand for a more complex claim, which could perhaps be summed up as “The moral norms prevalent in our society hold that stealing the car would be unacceptable.” But this is not evidence that speakers who use the phrase are committed to an underlying moral realism. On this understanding, ‘wrong,’ though not meaningless, does not mean what Frankena thinks it means.

We use imprecise language all the time. Sometimes this leads to confusion that then requires us to clarify the content of our communication through more precise wording. Most of the time, however, loose talk is an effective means of communication because both speaker and audience have the same understanding of the way the language is being used. We translate incoming data, much of the time without even being aware that we’re doing it. “I’m starving” means “I’m really hungry.” “Nobody dresses like that anymore” means “Your clothes are out of date,” etc. Frankena holds that antirealists accuse



individuals of making false or meaningless statements, but in fact antirealists need not be error theorists. A more reasonable way to understand what is going on is that everyone – realists and antirealists alike – makes non-literal assertions and literal shorthand assertions all the time. Just as “heaven forbid” does not commit its speaker to belief in heaven, so “stealing is wrong” does not commit its speaker to belief in moral realism.

It is also worth pointing out that realists use this same sort of loose talk and hyperbole when engaging in moral discourse. One of the most universally accepted moral imperatives of all time, “Thou shalt not kill,” is a perfect example of hyperbolic language. Given both the context in which it was originally written as well as the way it is understood today, this moral imperative seems to mean something more along the lines of, “thou shalt not kill innocent human beings except your enemies in wartime.” Frankena has observed an interesting feature of the way we use language, but he has not discovered an underlying truth about moral reality.

Above, Frankena argued that the realist language inherent in our speech indicates a truth about moral realism. I have pointed out why it is not necessary to understand our use of moral language in this way; there is a viable antirealist alternative that does not involve the attribute of widespread error, as our language is riddled with speech referring to socially constructed and otherwise relevantly mind-dependent facts. However, Frankena might respond that our

attitudes underlying our moral speech often point to a deeper, realist underpinning to the content of our language. Thus, while granting that much of our language refers to mind-dependent facts, Frankena might argue that at least some moral language is not, and is instead referring to mind-independent facts. This is evidenced by our beliefs and attitudes about what we are doing when we engage in moral discourse. In other words, Frankena holds that we sometimes mean something real, and more robust than the type of conditional statements mentioned above. He says, “[W]e are claiming some kind of status, justification, or validity for our attitudes and judgment.”<sup>141</sup> This kind of validity can only be obtained if we are talking about something real, Frankena claims.

Here, Frankena seems to be assuming a theory of truth similar to that of Bertrand Russell, who holds that the only true assertions are those that accurately map onto the actual world.<sup>142</sup> On this view, if our moral claims can assert truth, they must map onto things that exist in the actual world – relevantly mind-independent moral facts.<sup>143</sup> Thus, once again, because we already accept realism – our attitudes as well as our language bear this out – the burden of proof is on those who claim otherwise, namely error theorists who accuse

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<sup>141</sup> Frankena, “On Saying the Ethical Thing” in *Perspectives on Morality*, edited by K. E. Goodpaster, University of Notre Dame Press, 1976, p. 116.

<sup>142</sup> See Russell, Bertrand. “On Denoting,” in *Mind*, New Series, vol. 14, no. 56, 1905, pp. 479-493.

<sup>143</sup> There is a great deal of literature regarding what it means for something to be an existent object. On some views, moral and aesthetic facts need not be mind-independent in order to be real; they could, for example, be socially constructed entities. On the definition of realism and antirealism I am using (see Part I), however, moral and aesthetic facts must be relevantly mind-independent for realism to be true.

ordinary people of being seriously mistaken about what they are doing in the instances where they understand their moral assertions as literal.

Some examples will help make this point more clear. When we say, “It was wrong of you to steal that car,” Frankena will argue that we mean something more robust than, “I disapprove of you stealing that car,” or “I wish you hadn’t stolen the car.” We are claiming that we have knowledge of something true about the world. We are not merely voicing our preferences in the hopes of causing you to feel remorse, or to get you to return the car. We are not airing our views in an effort to convince others not to steal cars. We are actually claiming knowledge – we claim to *know* that it was wrong of you to steal the car, and in order for that to be possible, there must be a moral fact of the matter.

The antirealist response is simply that, in the above cases, there *is* a moral fact of the matter; it is simply socially constructed. The above statements are objectively true, and can be classified as level 1 judgments. They are not true in an absolute, unchanging sense, but they are true relative to the conventions under which the speaker is operating. Thus, there is no error when the above claims are made.

Frankena holds that maximally informed and enlightened observers will agree in their moral judgments, and that this agreement points to an underlying realism. In cases where there is disagreement, he argues that the burden falls to

the antirealist to demonstrate that the observers are actually maximally informed and enlightened. If they cannot do so, they have failed to establish the validity of their antirealist claims, as it is likely that the observers in question are simply less than ideal, which accounts for the discrepancy, rather than the lack of a moral fact of the matter.<sup>144</sup> The problem with this argument is that it makes realism unfalsifiable. There is no way to detect whether the observers are actually “ideal,” so any instance of disagreement will get to count as evidence that the observer is not ideal. Frankena describes the process:

...we must do our best, through reconsideration and discussion, to see if one of us is failing to meet the conditions in some way. If we can detect no failing on either side and still disagree, we may and I think still must each claim to be correct, for the conditions never are perfectly fulfilled by both of us...<sup>145</sup>

Frankena goes on to say that the proponent of this view “...is not claiming an actual consensus, he is claiming that in the end – which never comes or comes only on the Day of Judgment – his position will be concurred in.”<sup>146</sup> If ideal observer conditions occur “never or only on Judgment Day,” there is no way to demonstrate that there is actually a set of ideal observers who disagree with each other. This move requires proof of the antirealist that it would be impossible to ever obtain.

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<sup>144</sup> Frankena. *Ethics*, p. 112.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

As a way to make this line of objection more fruitful, Frankena might lay out criteria for ideal evaluators such that it would be possible to know if someone qualified. In that case, we would have a clear test of falsifiability. If two individuals both meet the standards of an ideal observer and fail to agree, Frankena's point has been refuted. The problem is, as Frankena himself admits, ideal observers are not actual observers, and actual observers are never ideal. What this means is, no set of observers are in a position to make the kind of judgment needed to get to a unified evaluation. Because it is impossible to establish the standards of ideal observers, find observers that meet those standards, and then test the unity or disunity of their evaluations, the problem persists. Frankena's appeal to ideal observers does not offer new evidence in support of his position; it merely restates his original position that moral disagreements stem from ignorance.

What's more, the antirealist can argue that even if maximally informed and enlightened observers did end up agreeing about their moral judgments, this would not necessarily point to an underlying realism. An objectivist antirealist could agree with Frankena's claim that maximally informed observers will converge in their judgments once they have perfect (or at least adequate) knowledge of the relevant social norms, emotional states, and so forth applicable to the situation; the agreement would be at level 1 on my schema. An antirealist variety of the ideal observer theory would be one in which the ideal observer has

full knowledge of the facts, and so is able to determine what the operative conventions are, and whether a particular act or work complies with those conventions.

In this section, I have considered the argument that error theorists, and thus some antirealists, bear the burden of proof in the realism versus antirealism debate. Frankena shifts the burden to the theory that attributes to ordinary people widespread error in their beliefs. This is a reason to shift the burden of proof. However, I have argued that we can understand moral language as making objective claims about socially constructed and mind-dependent facts, thus demonstrating that antirealists need not be error theorists. As antirealism can preserve the widespread intuition that we are not in error each time we make a moral claim, this argument for placing the burden of proof on the antirealists fails.

### **(III.b.2) Intuitiveness and Majority Opinion**

Frankena offered arguments in favor of shifting the burden of proof to the antirealists, based on the strength of the beliefs which error theory would find to be mistaken. Frankena's concerns were addressed by demonstrating that moral beliefs and corresponding assertions could be understood as involving claims about the way particular acts fit with social norms. Thus, the antirealist need not hold that speakers are in error when they make moral claims. However, in addition to the argument for a burden of proof shift based on error theory, an

argument from intuitiveness can be given. Many feel realism is the intuitive position – that we default to realism unless called upon to consider the antirealist position. In this section, I will consider whether the intuitiveness of a position presents a good reason to shift the burden of proof onto the opposing position, and whether realism is actually more intuitive than antirealism. There are a couple of problems with giving intuitiveness weight regarding the burden of proof. First, how are we to know which view is more intuitive? Should we conduct a poll? Who do we ask – a random sample of all human beings? Only those we deem to be adequately educated? Only philosophers? Only ethicists and aestheticians? Any one of these groups is likely to give at least somewhat different answers, and the answer of the cross-section of humanity, as opposed to only ethicists and aestheticians, is likely to be very different indeed.

Further, even if we did find reason to take majority intuition as a reliable indicator of truth, it is unclear where the majority stands. Within the fields of ethics and aesthetics, there are clear instances of respected philosophers arguing on both sides. Most problematically, majority intuition goes one way regarding ethics (realist) and the other regarding aesthetics (antirealist), as anyone who began the day as a divergentist knows, so popular opinion is especially useless in resolving the particular question before us.

There are more people who write in ethics and aesthetics on the realist side, though a plausible explanation for this is that, if you're committed to

antirealism, you tend to think there's not a whole lot left to say, and that the enterprise is a waste of your time. This phenomenon is seen in philosophy of religion, also. Though there are a few atheists participating in the discussion, the majority of figures writing in the field of philosophy of religion are theists, as they are the ones who think there is real, productive, and extremely important work to be done in the field. If you reject belief in God, you are likely to think there are better uses for your time than participating in arguments and discussions about the attributes and preferences of an imaginary being. Just so, in ethics and aesthetics, if you are committed to the belief that there are no knowable truths or standards in these fields, you are less likely to want to devote your research time to the subject. I actually think this is misguided, and will say more about that below.

Realists will often claim that their position is more intuitive, as most people seem to live their lives as if there are objective answers regarding morality, and to a lesser extent aesthetics. This point is similar to Frankena's claim about moral language, but is different in ways important enough to receive separate consideration here. If questioned, the vast majority of individuals, regardless of their philosophical background or metaphysical pre-commitments, will tell you that you shouldn't pour gasoline on cats and light them on fire for



recreational purposes.<sup>147</sup> Out of the group of hold-outs, those who are unwilling to commit to a judgment about the morality of setting gasoline-soaked cats on fire in the abstract, only the most hardened will be able to refrain from gasping, crying out, or moving to stop you if you soak a cat in gasoline and reach for your lighter right in front of them. This shows, the realist will say, that we all are actually realists about some moral claims, even if we don't want to admit it. As realism argues only that at least some claims are true in a mind-independent way, while anti-realism argues that none of them are, even this one example is enough to demonstrate the intuitiveness of realism. Regarding the cat, realists get to demand that the antirealist give an explanation about why cat flambé is not mind-independently bad – the burden is intuitively shifted to the antirealist to give an argument that shows how such an action could possibly be acceptable.

It is unclear that our intuitions really do side solidly with realism even in moral cases like the flaming cat. Sure, most people will argue that it shouldn't be done, but there could be many reasons behind the argument, some realist, others antirealist, and some entirely amoral. It might be that you think the cat shouldn't be toasted because you fear legal repercussions for the arsonist. Maybe, like many meat-eaters, you don't see anything wrong with killing animals, but strongly prefer not to witness the death out of squeamishness. Perhaps you object to burning the cat based on your belief that the arsonist

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<sup>147</sup> This example comes from Gilbert Harman. *The Nature of Morality*. Oxford University Press, 1977, pp. 4-5.

would be engaging in an internally inconsistent act, given her beliefs about burning sentient beings generally.

Most likely of all, however, you object because you really don't want the cat to suffer a fiery death. You care about the cat, at least at this moment, at least enough that you don't want it to suffer needlessly in this way. Such a motivation is not inconsistent with an antirealist account. Deep, impassioned preferences can still be understood as just that – preferences not dependent on an outside standard. Even if everyone had the same overwhelming concern for the cat and a strong feeling that it should not suffer in this way, this would not establish realism, as those feelings are easily understandable within an antirealist picture, as stemming from personal desires, preferences, and emotions that happen to be shared by many human beings.

What's more, Joyce argues that, although most people do seem to feel a strong, immediate reaction against a crass egoist or relativistic account, it is far less clear that most people reject the idea that values are mind-dependent. The ideal observer view, on my account (and Joyce's), is antirealist, as it depends on facts about humans as a basis for judgment. Thus, if the types of intuitions we are talking about involve any kind of mind-dependence, an intuitive account would actually end up shifting the burden in the other direction. Joyce

concludes, and I agree, that there is no clear answer regarding which way our intuitions push us about this matter.<sup>148</sup>

Neither intuitiveness nor majority opinion can settle the question of who should bear the burden of proof in the meta-values debate. The same is true regarding the moral and aesthetic convergence versus divergence debate. Certainly historically, convergence has been the majority position, both among philosophers (Plato, Aristotle, Kant), and lay people. Today, informal polling suggests that lay people have an unreflective inclination toward convergence, while aestheticians and ethicists tend more toward divergence. Intuitions can be pumped in either direction, winning some converts each way. The next step, then, is to consider the issues of explanatory strength and ontological parsimony regarding the burden of proof debate.

### **(III.b.3) Explanatory Power and Ontological Parsimony**

A final argument regarding the burden of proof stems from the issue of ontological parsimony. This principle holds that, other things being equal, theories that posit fewer ontological entities are preferable to those that posit more. Appealing to ontological parsimony suggests that the burden of proof ought to be shifted to the realist, as antirealism is more parsimonious. Closely connected with this issue is that of explanatory strength. While parsimony is desirable, the position under consideration must also effectively explain the

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<sup>148</sup> Ibid.

available data. These are more compelling questions than those of intuitiveness and popularity, for even if everyone or almost everyone feels intuitively that there are mind-independent moral and aesthetic truths, we are not philosophically justified in appealing to those feelings unless we have some evidence to support them. Likewise, strong, widespread intuitions toward antirealism can't compete with solid arguments against the existence of mind-independent moral and aesthetic facts. Thus, if both realism and antirealism can adequately explain the data, antirealism is to be preferred, as it posits fewer entities. The burden of proof thus falls to the realist to offer a justification for allowing additional entities into her ontological schema.

Richard Joyce spends some time discussing the question of burden of proof in meta-ethics, and his arguments can help make sense of the issues of explanatory power and ontological parsimony.<sup>149</sup> Joyce points out that, when our intuitions pull us in one direction but the explanatory force of an argument pulls us in the other, we are compelled to surrender intuition in favor of the position that offers the best explanation. For example, Newtonian physics is more intuitive than Einsteinian physics, but we are compelled to accept Einstein's model because it offers a better explanation of the data.<sup>150</sup>

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<sup>149</sup> Similar points can be made regarding meta-aesthetics, as well, though Joyce focuses on meta-ethics, here.

<sup>150</sup> Joyce, Richard. "Does Either Moral Realism or Moral Anti-Realism Explain the Phenomena Better Than the Other?" *Stanford Encyclopedia of Philosophy*, 2007.

It seems legitimate to ask both the realist and the antirealist why they hold the position they do. The antirealist answer is likely to be something along the lines of, “I don’t see sufficient justification for this belief.” It is epistemically irresponsible to hold beliefs without sufficient justification. So, until the realist can show me why I also should be a realist, I ought to remain an antirealist. Can the realist make a similar claim? Is it legitimate for the realist to say that she doesn’t see any evidence for antirealism, and thus she is justified in being a realist until the anti-realist gives her evidence? Is, “this is my default position” enough reason to shift the burden of proof?

Here’s an argument against that position. If we are to maintain consistent methodological principles across fields, we are committed to asking for evidence of the existence of *things* in a way that we are not expected to offer evidence of the *absence of things*. The person positing the existence of Yeti needs to show us some footprints. The Yeti-antirealist is not expected to show us all the places in which there are not footprints; rather, she is required to respond to any Yeti evidence presented to her. She cannot turn her back on the Yeti realist’s discovery of mysterious tufts of white fur left behind in a cave, but there is no such thing as positive evidence for a negative hypothesis. All the antirealist can do is appeal to the lack of evidence. If we scour the area where Yeti is supposed to roam, looking carefully for footprints, fur, droppings (and it seems these would be impressively large and hard to miss), not to mention the

beast himself; if we set out an assortment of enticing treats, and despite all our efforts find no evidence, the most plausible conclusion, and the one we ought to accept, is that there simply is no such creature. The burden of proof falls to the Yeti realist to demonstrate his existence.

Joyce points out that even though our intuition might be to accept mind-independent moral and aesthetic facts at face value, most of us are antirealists about a host of other unseen entities. We are antirealists regarding unicorns, for example, because we have not seen them, and we feel justified in shifting the burden of proof onto the unicorn realists to show us evidence if we are to accept their position.

If realism were always the default position, and the burden were always on the antirealists to demonstrate why we shouldn't accept particular entities as real, each of us would be busy each day working to disprove the existence of every imaginable entity. Russell's teacup, the flying spaghetti monster, the efficacy of voodoo practices, and the Abominable Snowman will all be fair game for existence, until we offer positive arguments against them. And the problem is, in the midst of all that snow, it's going to be awful hard to be sure that the Snowman isn't there. If you're happy to be an anti-realist about Yeti but not moral facts, we have at least diffused the idea that realism is always the

intuitive position, and thus that anti-realists must justify their position against it.<sup>151</sup>

The question is, on what basis do we reject the existence of unicorns and the like, and are moral and aesthetic facts relevantly similar such that they belong in the same category and thus may also be rejected? One way in which unicorns and Yeti are importantly different from moral and aesthetic facts is that they are the type of thing that we would expect to see, if they existed. They are understood as physical objects, and thus when we look in the places we would expect to find them (such as the snow-topped peaks of the Himalayas) and they are not there, we conclude that they do not exist. This, of course, is an unfair criticism to launch against moral and aesthetic facts, as they are not the type of thing we would expect to find physically manifested in the world. If we are to reject their existence on parsimonious grounds, it will have to be for a reason other than our ability to detect their physical presence.

In addition to not finding an entity where it ought to be, if it were real, there are other grounds for rejecting something's existence. Joyce explains a position accepted by both himself and Gilbert Harman: "Given the apparent possibility that any phenomenon may be satisfactorily explained without recourse to an appeal to moral facts, the onus is on the believer in such facts to

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<sup>151</sup> Joyce, Richard. "Is Either Moral Realism or Moral Anti-Realism More Intuitive Than the Other?" *Stanford Encyclopedia of Philosophy*, 2007.

clarify persuasively how they fit into the causal world order.”<sup>152</sup> In other words, as we can explain the world just fine without positing mind-independent moral facts, those wanting to posit those extra entities must put forward reasons for doing so.

Unicorns and Yeti are not needed in our ontology. We gain no benefit from belief in them. They do not account for otherwise mysterious phenomena; they do not help us to make sense of the world. This is an important distinction, because failure to see physical evidence of something is not alone enough to cause us to reject its existence. A persistent fever causes doctors to be realists about the existence of an underlying illness, even if they cannot determine what it is. We allow quarks into our ontology, although they are the type of thing we will never be able to physically detect. The question, then, is whether mind-independent moral and aesthetic facts contribute something to our beliefs about the world such that it is worth adding them to our ontological scheme. Are they more like quarks, or the Abominable Snowman?

Ontological parsimony asks us to keep our ontology as trim as possible. This means we should cut out belief in as many entities as we can, without losing anything important. We trim many things from our ontology without conclusive proof that they do not exist, and the principle of ontological parsimony tells us that is as it should be, for waiting until something has been

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<sup>152</sup> Joyce. “Does...,” paragraph 9.



positively disproven would result in an enormous ontology in the meantime, given how difficult it can be to disprove an entity's existence. We can't be sure there is no Yeti, or that crystals do not actually have healing properties when combined with a mindset of openness and acceptance. However, believing in these entities doesn't buy us anything that would make bloating our ontology worth it.

Accepting belief in Yeti would not cause us to modify our lives or understanding of the world in any way. If we are going backpacking in the Himalayas we might be more fearful if we accepted his existence, but we already have good reason to accept Himalayan polar bears into our ontology, so there does not seem to be much gained from an extra fear of Yeti, as we will already, if wise, be prepared to encounter vicious, white furred beasts on our journey. Likewise, belief in the healing power of crystals fails to buy us anything when the efficacy of modern medicine has already been established, and can provide us with the same benefit that open-mindedness about crystals promises.

Ontological parsimony, then, tells us we should only accept the existence of mind-independent moral and aesthetic properties if we need them. If we can get by without them, our ontology will be trimmer, and this is desirable. I will spend quite a bit of time in (III.c) arguing that mind-independent moral and aesthetic properties are not needed – that our understanding of and ability to act

in the world work just as well without positing these extra entities. It is worth saying a bit about that here. What could accepting the existence of mind-independent moral and aesthetic properties add to our understanding of and ability to act in the world? They do not explain the data better than their absence, as discussed above. They do not contribute to our ability to act in the world, nor does the rejection of their existence prohibit us from acting. We can still judge, praise, and blame. If we are able to think, live, and act in the world in just the same ways with or without belief in mind-independent moral and aesthetic properties, ontological parsimony demands that we reject belief in their existence, as all they do is bloat our ontology.

When deciding whether to converge toward realism or antirealism, the process of reflective equilibrium could be helpful. Former divergentists now realize they hold irreconcilable views. To determine which view to modify or reject, reflective equilibrium suggests that the option that would require the fewest changes to their current belief schemes is the one that should be accepted, all things being equal. This principle in itself does not provide a clear answer about which way to go; for some, the adoption of realist convergence would require a sweeping rewrite of one's belief system, whereas others will require fewer changes if accepting antirealist convergence.

In this section, I have discussed three reasons for understanding the burden of proof as shifting one way or the other on the realist versus antirealist

debate. Error theorists are usually believed to bear the burden of proof, as they posit widespread mistakes in many people's beliefs and speech. I have argued that antirealists need not accept error theory, and the form of antirealism I endorse does not hold that most people's moral and aesthetic beliefs and speech are in error, so that worry is discharged. Regarding intuitiveness and majority opinion, I have argued that neither realism nor antirealism is clearly more intuitive, and thus that point cannot be used to establish which side bears the burden of proof. Finally, antirealism is clearly the more ontologically parsimonious position. It has the power to explain the available data as well as realism, while positing fewer entities, so on that count, realism bears the burden of proof.

Certainly no reflective realist or antirealist thinks he is justified in holding whatever beliefs happen to occur to him until someone shows him why he shouldn't. Of course, we do hold many beliefs without proper evidence, but when this is brought to our attention, as philosophers, we think the fitting action is to then examine those beliefs to make sure we are justified in holding them. Thus, when moral and aesthetic realists realize that they hold beliefs regarding the existence of entities for which there is insufficient evidence, or which are not needed to explain the available data, it looks like the burden is on them to justify those beliefs in the face of this challenge. On the flip side, it seems equally vital that antirealists refrain from taking a head-in-the-sand attitude that refuses to

consider reasons for accepting a realist position (those footprints and white fur tufts demand accounting for).

As the intuitiveness of each position remains an open question, and ontological parsimony rules in favor of antirealism, it looks like it is more reasonable to place the burden of proof on the realist. However, the uncertainty regarding intuition suggests that the issue is not conclusively settled. The appropriate stance for both realists and antirealists, I think, is that of “Please, opponent, convince me. Show me your evidence.” To bring this back to the divergence versus convergence debate, until an argument for divergence is offered that can respond to the objections given in parts I and II, it looks like the most plausible position is that of convergence – there is no evidence to support a divergence position.

At this point, we should reassess the state of the dilemma. New convergentists must decide whether to accept all-out realism or all-out antirealism. Either way, arguments will be needed to support the switch from, taking the one horn, moral realism to moral antirealism, and taking the other horn, aesthetic antirealism to aesthetic realism. The task of those who choose the realist option will be to offer evidence in support of mind-independent<sup>153</sup> aesthetic facts, while the job of those who choose the antirealist option will be

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<sup>153</sup> I understand the terms as Philip Pettit does, holding that a fact could be response-dependent yet mind-independent, if the response is not determined by the mental states of the being. Thus, a mind-independent aesthetic fact could be a property that has the disposition to produce a certain kind of response in observers.

that of responding to evidence of the existence of mind-independent moral facts. Given what has been established in this section, antirealism looks like the less daunting task. Yet, it is the one that is less likely to be chosen. In the following section, I will discuss the reasons one might resist antirealist convergence, and offer some responses to that resistance, with the goal of demonstrating that antirealism does not imply unacceptable consequences.

### **(III.c) Accepting Antirealism**

While I am not arguing that antirealist convergence is the only reasonable way to go, or that all realist arguments fail, it does seem like a mistake to accept realism solely or largely due to misconceptions about antirealism and its implications. While some aesthetic antirealists probably arrived at their position through an unreflective intuition, many of them were likely to have already tried out aesthetic realist arguments and found them lacking, which then pushed them to aesthetic antirealism. The new realist convergentist now has to revisit those rejected arguments and try again to find a workable one.

Additionally, as established in (III.b), a heavier burden of proof falls to realists, who must produce some evidence to support the positing of mind-independent moral and aesthetic facts, while antirealists are not called upon to produce positive evidence of their negative hypothesis (that mind-independent moral and aesthetic facts do not exist). Despite antirealist convergence being the

easier to establish option, it is less likely to be taken than realist convergence. In this section, I will discuss reasons why moral and aesthetic antirealism are often shied away from, explaining why many of those reasons are misguided, stemming from some misunderstandings of what antirealism does and does not entail.

Those tending toward realist convergence for weak reasons, or who are unable to find an acceptable aesthetic realist account, might be inclined instead to adopt a moral and aesthetic antirealist position. These will usually be individuals who are inclined toward moral realism and aesthetic antirealism (though they might also have begun as moral antirealists and aesthetic realists). Most people who are considering or who have committed to antirealism do find particular moral and aesthetic frameworks more compelling than others, but they are unable to offer robust groundings for these preferences. Recognizing that such preferences seem to be based on intuitions that are not universally or, often, even widely shared, and acknowledging the problems with intuitionist accounts as discussed above, these new convergentists feel compelled to look toward antirealism, despite realist intuitions and concerns about antirealist implications. Overcoming some of those concerns will make realism a more viable option for those who are interested in deciding which way to converge based on the strength of the arguments, rather than concerns regarding antirealist implications which could influence one's evaluation of those arguments.

The most likely reason one might be pushed towards antirealism is the observation that there are areas in both fields where firmly held beliefs are clearly split. Is choosing your own time and manner of death moral? Was bombing Japan to end World War II a horrendous evil or a utilitarian good? Aesthetic judgments are perhaps even more divergent. Critics and common folk divide over artists such as Mark Rothko and Jackson Pollock, while critics themselves are divided over whether Jay Leno is funny, and whether Vampire Weekend is any good. These are areas in which thoughtful, rational, other-regarding individuals remain in disagreement.

It is worth noting that there are some profound disagreements regarding the proper interpretation of scientific data as well. In many cases, these disagreements are sharp at the advent of a new discovery, and then dissipate once more information has been gathered. In such cases, the disagreement stems from an initial lack of factual data. The scientific community remains divided on some matters, however, such as the proper understanding of quantum mechanics. In those areas, for precisely that reason, some hold that we must be instrumentalists, as there is no evidence to support an objective answer to the questions.<sup>154</sup> This is similar to the attitude taken by many antirealists regarding moral and aesthetic disagreements.

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<sup>154</sup> Paul Dirac, Richard Feynman, and David Mermin hold this view.

The divergence of views regarding moral and aesthetic judgments, as well as problems with responses to that divergence, such as ideal observer arguments, might push us toward antirealism. However, few are willing to accept a position that commits one to the rejection of all evaluative discourse and makes nonsense of our judgments. Too often, the tendency is to grasp for a realist answer at all costs, even if that means weakening the position to the point that it fails to be realism anymore. So, does antirealism commit us to these things?

Drawing on arguments from Richard Joyce as well as my own arguments, I will show that antirealism need not lead to a disintegration of values or order, mass chaos, or the dissolution of art and morality as we know them. In fact, art criticism and ethical evaluation would continue in much the same way as they always have, according to objective evaluative standards. The main modification will be that we recognize we are judging based on conventional criteria, rather than according to a mind-independent standard. I described this process in (II.d), but more detail will be offered here. This demonstration should indicate why antirealist convergence is not to be avoided if it ends up being the most reasonable position, given the evidence and arguments.

As an alternative to my own account, Joyce's moral fictionalist account offers another route by which we can understand the way meaningful moral and



aesthetic discourse could continue in light of the acceptance of antirealist convergence. Joyce offers both a motivation for the continuance of moral discourse as well as an explanation of what exactly an antirealist can be understood as doing when engaging in moral discourse. Although Joyce focuses on moral discourse, his account can be extended to aesthetics as well, and I will explain how that extension would work. I will analyze the strength and weaknesses of Joyce's account, which is one among several options available to the antirealist. It is worth noting that I am not endorsing Joyce's position specifically; rather, I am presenting it as one response to the charge that accepting antirealism makes moral discourse impossible.

While the best realist moral philosophers generally work to construct positive realist accounts, the response by regular people, including philosophers, to the proposal of antirealism is often one of instant dismissal. How could we even consider accepting antirealism? It implies an inability to engage in moral or aesthetic discourse. It would mean we couldn't evaluate artworks or actions, that we would have no grounds for praise or punishment. Basically, the common view seems to be that accepting antirealist convergence means we'll have to quit talking about morality and aesthetics altogether. So many people seem to think realism implies things that it does not, it is worth spending some time discussing what the antirealist picture I am presenting really looks like, in order to deflate some of those ungrounded fears. These concerns seem to come in three main

flavors: 1) antirealism implies a breakdown of order; 2) antirealism destroys individuals' ability to evaluate; 3) antirealism undermines the ability of groups to engage in evaluative discourse;<sup>155</sup> and 4) antirealism eliminates moral motivation. Each of these concerns will be addressed and deflated.

### **(III.c.1) Moral and Aesthetic Order Will Persist**

A common fear about antirealism is that it would result in a breakdown in the established order. For instance, that antirealism is thought to imply a rejection of rules that would lead to a chaotic society. However, as discussed in (II.d), antirealism is in fact consistent with the invocation of moral rules; it simply holds that these rules are grounded in human conventions and agreements rather than in mind-independent realities. Even the most dyed in the wool realist accepts the existence and validity of many rules and systems that are not “real” in any sort of metaphysical sense. Much of the order in our lives has been placed there by conventions – some of them arbitrary, some matters of general taste – but all of it acting as a stabilizing force in our lives, even though it easily could have been different. It is completely arbitrary that Americans drive on the right side of the street – the left works just as well, as many other countries have demonstrated. Yet, this is a rule that even a hardened lawbreaker will recognize is extremely important to follow. Left or right, it doesn't matter.

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<sup>155</sup> There is an important difference between 2) the ability to evaluate, and 3) the ability to engage in evaluative discourse. Evaluative discourse is done by groups and communities, and can involve elements that would not be present in individual evaluation, such as persuasion, negotiation, and agreements that could lead to the establishment of conventions.

What matters is that we all agree to do one or the other, and it is the power of that arbitrary agreement which keeps our roads from dissolving into chaos.

The power of our traffic laws is generated entirely from human beings, and not even all humans at that. Speed limits, for instance, differ from block to block, or even based on time of day. We find some of these rules distasteful, inconsistent, unnecessary. The ones we are most likely to follow with slavish obedience are those whose importance as stabilizing and safety-ensuring forces we recognize, such as which side of the street to drive on, and using headlights when driving after dark. Anyone who thinks about it will realize that these rules did not exist before a group of people got together and agreed upon them. They have changed over time, and can easily be abolished, thus losing their present force. The only power these laws have is what we give them, in the name of order, convenience, and safety.

In the interest of clarity, it is worth briefly revisiting the sense in which things like traffic laws are antirealist. Given that groups of people have gotten together and codified traffic laws, these rules are now real in the sense that statements about them have truth-value. “It is illegal not to stop at red lights” is a true statement in places where that law has been set. “Green means stop” is false, and “The speed limit on the street nearest my house is 35 mph” is true. However, these propositions are all true and false based on conventions that have been established by human beings, could have been otherwise, and could

easily be changed. Lacking the relevant conventions, the truth-value of the propositions would no longer hold.

Traffic laws are an example of antirealist rules that are extremely powerful and useful, while being clearly non-necessary and the product of human convention. Our lives work better when we have standards we can agree upon, and when there are no absolute standards out there in the world (no holy book or careful deliberation can tell us whether the left or the right side is better for driving) we simply choose one and go with it, because in cases like driving, a rule arrived at by a coin flip is far better than no rule at all.

So many of the rules that guide our daily lives are like this. There is no particular reason why my section of Introduction to Ethics needs to meet from 6:30 to 9:20 on Thursday evenings. It might be that everyone in the class would prefer to begin at 6:00, instead. Perhaps the nearly three hour time slot is less conducive to learning than shorter blocks of time a couple of meetings per week. Maybe everyone in the class feels this way. Maybe everyone wants to meet earlier, and for shorter blocks of time, and on Mondays as well. We could do this. We could buck the rule, or change the rule. But we don't. Why? Partly because many of us don't recognize how easy it might be to violate the rules, and how consequence-free many of those violations might be. Perhaps we think we are the only ones interested in a change, or we fear admonition from authorities. However, those of us who think about it might realize that we could

violate the rules in all sorts of ways, but don't, because we respect the system of which those rules are a part. This example demonstrates that a recognition of the arbitrariness of a great many rules does not lead us to reject them. We continue to follow rules and accept systems that are useful, so to the extent that moral and aesthetic rules and systems are useful, we have good reason to believe they would continue to be embraced with the acceptance of antirealism.

We already accept that we abide by and value rules and systems that are the product of human invention and are subject to change. Moral and aesthetic antirealists agree with this, and add that some of the rules and systems that you might think are absolute are in fact more like traffic laws or university degrees. Contrary to popular belief, most antirealists, like realists, see great value and power in these conventions – even the arbitrary ones. Thus, there is no reason to think the acceptance of antirealist convergence would cause us to feel differently about matters of ethics or aesthetics. Antirealists hold that even something as basic as lying is not deeply, metaphysically wrong (or right). However, antirealists will still have many good reasons to tell the truth, and to want others to do so as well, and these reasons will in many cases mirror the reasons we have for honoring traffic laws and university regulations.

It is worth discussing the difference between a rule about which side of the street we drive on, which seems to be arbitrary, and a prohibition on lying, which seems not to be arbitrary. While it really makes no difference which side

of the street a society agrees to drive on, provided everyone drives on the same side, there are good prudential reasons to favor truth telling to lying. A system in which everyone has reason to think the information they receive will be accurate is, practically speaking, preferable to one in which it's anyone's guess whether any given statement you hear is true. Truth telling works better, all things considered, than lying. This difference between traffic laws and lying might be offered as a reason to think that truth telling is compelling in a way that surpasses arbitrary convention, and thus we should consider the wrongness of lying as relevantly different (more real) than the wrongness of driving on the left side of the road in the United States.

Truth telling versus lying might be understood as more analogous, then, to something like the convention of driving vehicles forward, rather than in reverse. While our roads could function if people regularly drove around in reverse, things clearly go better when we drive our cars forward, so that is a convention which is to be preferred not just in the interest of finding a set standard which everyone will follow, but also because it has practical advantages. The clear practical advantage of driving forward over reverse does not imply that driving forward is better in a morally realist sense, however; it is prudentially better – better for avoiding accidents and getting where we're going as easily as possible.

Although some systems or practices have clear practical advantages over alternative systems, this does not demonstrate that they should be granted realist status. H. Paul Grice argues that truth telling should be favored over lying because it leads to a better system of communication.<sup>156</sup> Many have held that truth telling is preferable because there are practical advantages to being seen as an honest person. There are many reasons to prefer truth telling to lying that have nothing to do with moral realism, or with morality at all. In fact, the clear advantages to a system of truth telling make it extremely likely that people would continue to embrace the practice in the face of antirealism. There is near 100 percent adherence to the driving on the right side of the street convention, which is admittedly arbitrary. Given that there are plenty of non-arbitrary reasons to prefer truth telling, we have good reason to think truth telling would continue even if widely rejected as a realist moral rule. Being an antirealist about the moral status of lying does not change our truth-telling behavior in the world, so antirealism should not be feared or avoided for this reason.

### **(III.c.2) Moral and Aesthetic Judgments Are Still Possible**

Another common, and ungrounded, fear is that if antirealism is true, there will be no room for moral judgment or deliberation, or for art criticism. As discussed in (II.d), we regularly engage in critical analysis and evaluation of acts

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<sup>156</sup> See Grice, H. Paul. "Logic and Conversation," in *Syntax and Semantics*, vol. 3, Speech Acts, edited by Peter Cole and Jerry L. Morgan. New York: Academic Press, 1975, pp. 41-58.

and works that are based on conventional standards. The standards of judgment for any athletic performance are conventional. Football players can run with and kick the ball, but if a basketball player does either we judge him harshly. Soccer players can't even *touch* the ball without a negative evaluation, though they do get to kick it. We understand that these standards have been assigned by ordinary, fallible individuals who could have done things differently, yet we also find something pleasing about learning those arbitrary standards and using them ourselves to assign judgments to athletic performances.

In the same way, there is no reason to think the acceptance of antirealism would prevent us from engaging in art criticism. In fact, antirealists already do so. Rather than an appeal to what is mind-independently beautiful, antirealist art criticism determines artistic merit based on agreed-upon standards, which admittedly could have been different, just as the standards for athletic evaluation could have been different.

One concern about a conventionalist approach is that it does not allow the conventions themselves to be critically evaluated, as there is no standard outside of the convention by which it could be judged better or worse. Those who accept a realist view of value will argue that the conventions should be evaluated and modified in terms of that outside standard. In the moral realm, conventions should be adjusted to line up with mind-independent standards of right and wrong, and regarding aesthetics, conventions should be adapted so as



to conform with mind-independent standards of beauty. The problem is, on an antirealist picture, there is no outside standard by which to judge the conventions, so the worry is that we will be stuck with what could be undesirable conventions with no way to critique and change them.

While it is true that conventions cannot be evaluated according to a relevantly mind-independent standard on an antirealist view, there are multiple ways in which they could be subjected to non-conventional evaluation. I do not espouse thoroughgoing conventionalism. As discussed in Part II, I hold that there are several factors that influence and ultimately determine our value judgments (such as the reasons for preferring truth-telling to lying, as mentioned above). In addition to convention, emotion, utility, and reason all play roles, and these additional factors allow for a critique of the conventions themselves. If an established convention began, for any number of reasons, to be unsatisfactory for those who follow it, common consensus is all that is needed to change it. An example of a modification to convention is the errata that are added to rules of play in games when it is found that the original rules are flawed in some way, perhaps in the interest of safety, or to make the game flow better or to add excitement.

In the following sub-sections, I will discuss genre-specific art criticism and convention-specific moral evaluation to demonstrate that much of our current aesthetic and moral evaluation already adheres to a conventionalist

model, and that this does not threaten our ability to judge or the quality of our evaluations. These are level 1 evaluations, using the terminology introduced in Part II.

### *Genre-Specific Art Criticism*

Rock music critics Greg Kot and Jim DeRogatis of Chicago Public Radio's Sound Opinions argue that the Ramones and AC/DC ought to be praised for their characteristic sound (even though all of their songs basically sound the same, by their admission), because those songs established the genre conventions by which we now judge other works of those genres (punk rock and heavy metal, respectively). The Dave Matthews Band, on the other hand, ought to be negatively judged for their characteristic sound, as it does nothing more than work within an existing genre (jam band) in a non-innovative way, so the fact that all their songs sound the same is a bad thing.<sup>157</sup>

New York Times book critic Vanessa Grigoriadis analyzes David Sedaris' *When You Are Engulfed in Flames* specifically in terms of the "realish" personal-anecdotal genre to which it belongs. The action in the book is agonizingly mundane – Sedaris writes of passing the time in his isolated Normandy home by developing unhealthy attachments to the spiders that live in his windowsill (he captures insects to present to the arachnids as gifts), and of

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<sup>157</sup> Kot and DeRogatis have made this and similar points on numerous occasions. See *Sound Opinions* #65, October 16, 2007, #151, October 17, 2008, and #184, June 5, 2009. <http://www.soundopinions.org/>

the wave of love he feels when his partner is willing to lance his hard-to-reach boil (what a moving indicator of the depth of one's commitment!). Such material would be dreadfully out of place in most works, but fits perfectly in a genre that is at its best when the writer is willing to expose and analyze his personal, yet ultimately universal and relatable, moments.<sup>158</sup>

Similar examples can be found for any genre. The unrealistic props, terrible costumes, and over the top portrayals which make a series like *Mr. Show* a brilliant example of sketch comedy would be inappropriate and distracting in a low-budget drama. Because antirealists don't think there is a final form of beauty or aesthetic goodness, there would be little grounds for judging a work as all-things-considered better than all other works. Evaluation will have to be genre-specific, and will largely be higher and lower ratings, rather than something like a numbered list.

Although antirealism is often resisted, this is actually the way art criticism works today, as the above examples make evident. Works are evaluated within genres, and critics can point to specific established standards by which works are judged. We don't fault *The Sorrow and the Pity* for its failure to be funny, or *Airplane!* for its lack of serious content. A critic who would do so doesn't understand the genre-specific conventions by which we judge these films. While much of art criticism is compatible with antirealism,

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<sup>158</sup> See Vanessa Grigoriadis. "Up in Smoke," Sunday Book Review, *The New York Times*, June 15, 2008. <http://www.nytimes.com/2008/06/15/books/review/Grigoriadis-t.html>

this does not demonstrate that realism is false. What it does demonstrate is that concerns that antirealism would lead to an inability to engage in art criticism and aesthetic discourse are unfounded, as antirealist art criticism, which conforms to objective genre-specific standards, is already the dominant form of art criticism we see today.

Additionally, as these examples show, evaluation based on standards that have been established and agreed upon by groups of people do not make the evaluations arbitrary or reducible to “whatever I happen to like.” Even in cases where a particular genre falls out of fashion, the standards of that genre can still be applied, regardless of the popular success of the work. The conventions themselves can also be the subject of evaluation, in level 2 evaluations, as explained in Part II. Probably the most common way this happens in aesthetics is through the emergence of a new genre, which will be discussed in detail below.

The acceptance of conventional standards gives artists something to shoot for, it gives us a common language in which to engage in dialogue, and it helps us teach others the value we see in particular artworks. However, because these standards are merely conventional, there is nothing stopping an artist from choosing to step outside of the established conventions and create a work that, at the time, defies all genres. Maybe it’s a hybrid genre, like the interesting musical mixture created by Uncle Tupelo that we now call alt-country, or something

entirely new, such as Marcel Duchamp's found art. When something new hits the scene, we usually don't know quite how to handle it, because no evaluative standards are in place. This probably partially accounts for the poor reception that initially meets such innovators. However, over time, if the style sticks around, evaluative standards are established which deal with the particular merits common to the genre. Works by new practitioners are then judged based on those criteria.

An interesting phenomenon occurs when new genres are created. The musician Girl Talk calls his music 'collage,' and understands his work as importantly different than the genres that most closely resemble what he is doing. Some critics want to lump his work in with DJ music, while others want to evaluate him according to mash-up standards, but Girl Talk himself and at least some critics – *Sound Opinions'* Kot and DeRogatis, for example – understand his work as a genre unto itself. This means that an evaluation of one of his works in terms of the genre standards of DJ or mash-ups fails to accurately evaluate the work. Girl Talk is currently establishing the prototypes by which other collage artists will be evaluated in the future. Once the genre has been set, we will be able to look back on the earliest examples and discuss the ways in which those standards were set. For the moment, we will have to be content with an awkward, incomplete evaluation of these earliest examples of a new genre.

### *Convention-Specific Moral Evaluation*

Genre-specific art criticism is all well and good, but how does this translate over into our moral evaluations? Do we do anything similar when we form moral judgments, or is moral evaluation necessarily more universal? There are in fact clear parallels in ethics, the most obvious of which can be found in the sub-field of professional ethics. Different standards of evaluation are applied to individuals depending on their institutional roles. In the state of Oklahoma, not known for the progressiveness of its legislation, an individual can receive up to five years in prison for killing an animal (this includes “any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species.”)<sup>159</sup> In addition to the legal prohibition against ordinary citizens killing animals, most people react with horror at such stories – it is commonly considered to be grossly immoral. Yet, certain individuals, such as pest control workers and slaughterhouse employees, are not only permitted to kill animals, they are *supposed* to do it – it is their job.

An individual who is aware that a crime has been committed yet fails to report this information to the police can be charged as an accessory. We tend to think badly of people who allow others to get away with crimes. Yet, we make special moral rules for attorneys, granting them attorney-client privilege, whereby they not only do not have to report their knowledge of the crime, their

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<sup>159</sup> Oklahoma Animal Cruelty Statutes. <http://www.ok.gov/~okag/forms/ogc/anc.pdf>

job is to *not* tell – to protect the person they (in some cases) know to be a criminal. Most moral realists recognize that individuals have special rule sets depending on the particular institutions to which they belong.

These institutions are not all connected with one's profession, either. Parents are granted special authority to make decisions on behalf of their children that others may not make. We hold our close friends responsible for telling us the honest truth even when it hurts, but we permit acquaintances to get away with false niceties. Relationship exclusivity in some degree is expected in many romantic relationships, but would be considered strangely territorial in non-romantic friendships.

As in genre-specific art criticism, discussed above, moral conventions themselves can be evaluated and modified. This will happen as part of level 2 evaluation, which involves a subjective combination of intuition, emotion, reason and a preference for utility that is particular to the evaluator and her value set. Despite the individualistic nature of level 2 evaluations, however, there is usually a great deal of overlap, as discussed above, because most people care about many of the same things – consistency, rationality, and so forth – which leads to a similarity in judgments.

One worry that exists regarding moral conventions that is less of a concern in aesthetics is that we tend to want to say that some moral conventions that have existed are just plain wrong. While a thoroughgoing conventionalist

cannot make such a claim, many antirealists can, including the strain of antirealism I advocate. While antirealism won't allow for a mind-independent moral evaluation, certainly individuals and groups can pass judgment on conventions. If convention A serves an individual or group better than convention B, A can be judged objectively better than B, in that sense (as in the cases of driving forward rather than backward, and telling the truth, rather than telling lies).

Consider how this works regarding an institution such as slavery, which was discussed above. There have been societies in which slavery was a conventionally accepted practice, and was considered acceptable by the vast majority of the population, despite the fact that a minority group's interests were not taken into consideration. If antirealism commits us to holding that slavery is beyond judgment, and is in fact acceptable, in those societies, many will object that this is a deep problem with the position, as the interests of the minority population should not be discounted. An account of morality that is entirely based on convention is committed to the position that, until a particular convention is changed, practices complying with that convention are in fact morally acceptable, as morality consists of nothing more than conforming to the conventions under which one lives. Thus, in slave societies, slavery is morally acceptable, and in free societies slavery is morally unacceptable. This consequence is sufficient for many to reject thoroughgoing conventionalism.



Antirealists need not be committed to this position, however. On my account, moral and aesthetic judgments emerge from a plurality of factors, convention being one, along with emotion, reason, and a tendency to prefer the useful. In level 2 judgments, convention and morality are separable, so it is possible to judge a convention as immoral in the time and place that it exists. In level 2 analysis, conventions, like the other factors, are subject to rational criticism, which in the case of slavery might well include the point that the convention fails to serve the interests of some of the members of the society. Such criticisms will often be the driving force that eventually results in the modification of the convention. If we accept the argument that morality has emerged as an other-regarding institution which was offered in (II.d), the fact that the institution of slavery fails to promote the interests of some members of the group can be offered as evidence that the convention ought to be rejected in favor of a convention that takes all group members' interests into consideration. This is not a realist move, as the establishment of morality as other-regarding is itself conventional.

Above, I discussed Girl Talk, the musician who is making music that is currently the only example of its genre. This is analogous to the situation that arises when new technology presents moral quandaries for which no established norms are in place. An area where this is clear today regards intellectual property. Our previous standards by which someone's creative work is

considered their own have been turned on their head by the availability of electronic media and file sharing. Common intuitions tell us it is wrong to walk out of a music store with an unpaid-for CD, but there are also strong intuitions telling us there is nothing wrong with making a copy of a CD for a friend. So, what happens when suddenly you have thousands of friends happy to share their CDs with you? Electronic media presents a new case. Electronic music files are not CDs, and your BitTorrent friends are not the same as the people you invite to your birthday parties. There is a great deal of uncertainty right now about how we should regard electronic property, and until we get a bit of distance from it, we will be left fumbling for appropriate evaluations, much as we fumble to evaluate *Girl Talk* today.

Just as the presence of conventional standards of evaluation in art criticism does not demonstrate the falsity of realism, so the fact that some of the moral judgments we make today are based heavily in convention and are changeable does not disprove realism. The above examples have shown, however, that moral judgment is still possible and meaningful on an antirealist picture, which should alleviate worries about that possible implication of antirealism. In the following section, I will consider the worry that antirealism leads to an inability to engage in any sort of moral discourse, as well as the concern that it undermines moral and aesthetic motivation, leading to an

“anything goes” attitude. Richard Joyce’s fictionalist account will offer one possible route out of these concerns.

### **(III.c.3) Is Antirealism Self-Undermining?**

A worry regarding antirealism is that it leaves us with no guide for our actions. As Joyce puts it, “If there’s nothing that we ought to do, then what ought we to do?”<sup>160</sup> The concern here is that without a moral system in place, it makes no sense to consider how we should behave at all, which would quickly result in a descent into chaos. Judith Jarvis Thompson discusses this problem in terms of what she calls the Moral Assessment Thesis, which states, “moral assessment is pointless unless it is possible to find out about some moral sentences that they are true.”<sup>161</sup> On this account, antirealism entails serious, unsavory consequences, as it undermines our ability to engage in moral and aesthetic discourse. We would be unable to discuss morality and art at all (in anything but a nonsensical way), and without the ability to discuss, any possibilities of sanction, judgment, punishment, and reward will be lost. We will be resigned to living in a world in which anything goes and no judgments are possible.

Joyce’s response to the worry presented by Thompson (which is a common concern among realists) demonstrates that this isn’t the case, as we can

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<sup>160</sup> Joyce, Richard. *The Myth of Morality*. Cambridge University Press, 2001, p. 175.

<sup>161</sup> Harman, Gilbert, and Judith Jarvis Thompson. *Moral Relativism and Moral Objectivity*. Blackwell Publishers, 1996, p. 67.

distinguish between moral and practical ought's. Joyce argues that, on an antirealist account, moral ought's are nonsensical, but he still holds that there remains plenty of room for a clear, consistent, principled code of conduct, based on any number of practical considerations. All antirealism eliminates are categorical imperatives; hypothetical imperatives will remain alive and well. I take the more modest position that moral ought's are not nonsensical, but that they make sense only within particular contexts. My disagreement with Joyce here is a minor, mainly semantic one. Joyce understands hypothetical imperatives as amoral, whereas I see some hypothetical imperatives as moral. The moral ones are those that concern one's behavior as it impacts other people's preferences, while the amoral ones are those that impact only one's self. "If you want to avoid cavities, brush your teeth," is an amoral hypothetical imperative, and "if you want to ease the suffering of others, give to charity," is a moral hypothetical imperative. Joyce would understand both of these imperatives as amoral, as the appropriate course of action is premised on individual preference in both cases.

Joyce understands amoral practical decision making as the business of satisfying preferences (either actual or informed, and not necessarily selfish) through cost-benefit analysis.<sup>162</sup> He presents an account of how we might understand a continued engagement in moral discourse by individuals who do

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<sup>162</sup> Ibid., p. 177.

not believe there is any moral truth to be found. What would these individuals be doing? Continuing to believe something they have already accepted as false? That would be both irrational and psychologically very difficult. Then, shouldn't moral antirealists simply not engage in moral discourse, just as those who don't believe in astrology don't sit around talking about it? Joyce acknowledges that this is an option, and one he's not necessarily ruling out; maybe antirealists should simply find something else to talk about. However, he maintains that it might turn out that holding onto moral beliefs and the structure they provide produces more good than harm, and such beliefs should be retained for that reason, regardless of their truth.<sup>163</sup>

How do moral beliefs benefit us? Joyce argues that moral beliefs “bolster self-control,” by encouraging us to do things which are practically desirable, yet which we might be tempted to avoid, whether because they are difficult or simply out of laziness.<sup>164</sup> For example, one might see a practical good in marital fidelity without believing there is a moral imperative to be faithful. However, “this is a bad idea that will probably end up netting more bad than good for me” is less persuasive in the heat of temptation than “infidelity is morally wrong.” In such a situation, a moral belief could benefit an antirealist by keeping her on a path toward overall preference satisfaction.

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<sup>163</sup> Ibid, p. 178-180.

<sup>164</sup> Ibid, p. 181.

This account of the usefulness of morality is purely individualistic. Joyce says:

Morality is a useful institution only in the sense of “must-be-doneness” is attached to the already useful actions. But this way of addressing the issue cannot proceed until we get straight on the issue of *to whom* the benefits are accruing or being denied. . . . A vague thought is that when we are asking how useful morality is we’re asking about how useful it is *to the society* as a whole. But it is far from clear what sense can be made of this notion. . . .<sup>165</sup>

Joyce points out that what is good for one society or segment of society may well be bad for another. He gives an example of a war of aggression that is clearly bad for the ravaged country, but just as obviously good for the aggressors. He concludes, then, that the benefit of morality must be unpacked in terms of individuals, rather than societies.

Joyce argues that, once we work out the game theoretic calculus, moral behavior (cooperation, rather than defection) nets more benefit than loss, in general. Though there will be cases in which there is more to be gained through defection, one will fare best, in the long run, by adopting a moral lifestyle. Once this has been established, Joyce thinks it is better to throw oneself wholeheartedly into the project. He says, “. . .we should not think of the task as instrumentally justifying moral beliefs on a case-by-case basis – rather, I am satisfied to provide instrumental justification for ‘being a moral believer.’”<sup>166</sup>

Psychologically, Joyce thinks shifting in and out of moral belief as it is useful

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<sup>165</sup> Ibid.

<sup>166</sup> Ibid., pp. 181-182.

will be impossible, so the smart action, for the moral antirealist, is to will himself to believe in morality, for pragmatic purposes.

This argument by Joyce is fairly weak. It amounts to antirealists tricking themselves into accepting the force of morality “for their own good.” Certainly, pragmatic arguments for the retention of morality for the purpose of crowd control are popular and not unconvincing. But this is not what Joyce is advocating. He is not talking about unreflective individuals who are unable to engage or uninterested in engaging in meta-ethical theorizing. Joyce is talking about himself and others like him – intelligent, reflective individuals who have adopted antirealism after careful consideration of the meta-evaluative options. I do not think his argument gives adequate consideration to the difficulty such individuals would have in tricking themselves into toeing the moral line, even for their own good. What seems more likely is that the individual Joyce describes, weighing the pros and cons of, say, fidelity, will reach a decision through reason, and then will either stick by that decision or fail to do so, due to weakness of will. Given that even those whole-heartedly convinced of morality’s force often succumb to temptation, it seems very unlikely indeed that someone who is trying to trick herself into being a moral believer will find that little trick to be that extra boost needed to strengthen her will.

Joyce’s argument regarding the usefulness of moral belief understands ‘good’ as ‘useful,’ leaving us with the question, useful to whom? Armed robbery

might be useful to me, if I can get away with it, though it is certainly not useful to those I rob. Joyce's picture of the good we are seeking through maintaining moral beliefs relies on work in evolutionary biology and game theory that tells us that cooperation is more beneficial than hostile competition most of the time, and thus that it should be seen as the preferred strategy. This gives us a clear, practical, amoral explanation for following a course of action that accords closely with traditional morality.

It might appear that this explanation offers the grounding for realism that moral theorists have been seeking. What is the moral course of action? It is whatever maximizes group cooperation, which in turn maximizes the good for the individuals in the group. Unfortunately, this is not the case, as a realist system would tell us that the good really *is* that which maximizes group cooperation, and the evolutionary game theoretical picture cannot give us anything that definite. The best this picture gets us is what Joyce calls "for the most part" terms. In general, promoting cooperation is a good way to proceed, but there will be cases in which an individual or the group's preferences can be satisfied better by failing to cooperate, and in those cases the best course of action really is to lie, cheat, steal or bully – whatever will promote the agent's preferences.

This is not a moral system, so restraints on action simply because something oughtn't be done are nonsensical. Joyce says, "...if a person's desires



are not for self-interest, but perhaps for a fiery self-destruction in which she takes as many innocents with her as she can, then we can provide no reason for her to refrain.”<sup>167</sup> Of course, being able to provide reasons that succeed in talking someone out of an action is different from that action being morally right or wrong. Joyce’s point is that, if this is the system you are accepting, there is no answer beyond that which best promotes your interests – that is why he holds that the system he proposes is not a moral one.

The difference that Joyce describes between the preference satisfaction model and a moral model might be better understood through an example. The prescription for action might be the same in both cases, but the reasons for the actions are different. Joyce tells the story of A and B, who are in a long term committed relationship which has enjoyed a long history of mutual cooperation that has resulted in a high level of trust and security between the two. They have come to rely on each other not to defect, and this has made both of their lives better. Thus, when A defects on a particular occasion, A, B, and interested bystanders will all be likely to say it would have been better if A hadn’t defected. Trust has been shaken, and work will be needed to regain the level of efficiency and benefit these individuals enjoyed prior to the defection. Both the preference satisfier and the ethicist are likely to negatively judge the defection. The difference between them – and it is an important one – is that the preference

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<sup>167</sup> Ibid., p. 183.

satisfier will say that A shouldn't have defected because it was not in her enlightened self-interest to do so, and the ethicist will say that A shouldn't have defected because it was not in *B*'s interest for her to do so; same judgment, different reason.<sup>168</sup>

Now, one might object that A regrets her defection not because it ended up making things worse for her, but because she actually cares about B, and regrets harming him. This may well be the case, but that doesn't get us a moral grounding, because A's caring for B is still a contingent fact. If she didn't care for B, or if she stopped caring for him, then there would be no reason for her to refrain from harming him. It is bad for A to harm B only insofar as A harming B causes harm to A (in this case, in the form of emotional distress). Moral judgments, Joyce maintains, do not depend on the agents' self-interest or on whether they care for their victims.<sup>169</sup>

Joyce thinks that there are benefits to maintaining moral beliefs, yet the antirealist seems unable to do so, without embracing falsity and thus irrationality. As a solution to this predicament, he presents a fictionalist solution.

...to take a fictionalist stance towards a discourse is to believe that the discourse entails or embodies a theory that is false..., but to carry on employing the discourse, at least in many contexts, as if this were not the case, because it is *useful* to do so.<sup>170</sup>

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<sup>168</sup> Ibid., p. 183.

<sup>169</sup> Ibid., pp. 183-184.

<sup>170</sup> Ibid., p 185.

Such action is sensible, Joyce tells us, in cases where the discussion is so important to us that the benefit of a continued dialog is greater than the cost of having a discussion that falls short of the truth. A couple of examples might be helpful in illustrating Joyce's point.

Many theologians believe that it is impossible to really say true things about God, that he is so wholly other that no human language could possibly express truth about his nature. Yet, these theologians believe it is so important to talk about God, rather than to remain silent, that they embrace what Thomas Aquinas called analogical predication – they make what they believe to be false ascriptions to God regarding his attributes, because they are the only way to express anything about his nature. Thus, God is described as our father, though he is not a father in anything like the sense in which we normally use the word. The analogy is meant to capture our imperfect approximation of the relationship we are to have with God.

In another vein, many physicists who are instrumentalists about science talk about wave functions and the block world, believing these descriptions to be false and misleading, because they do not have the vocabulary to fully express the concepts, yet they believe the benefit of continuing the discussion outweighs the drawback of discussing the concepts in imperfect terms.<sup>171</sup> In any of these

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<sup>171</sup> Some will hold that the 'wave' in 'wave function' is simply a new use of the word, different from 'wave' in ordinary language. However, many admit that they cannot really articulate what

cases, the fictionalist thinks the right answer is, “keep using the discourse, but do not believe it.”<sup>172</sup> These examples should make Joyce’s points more clear.

The moral fictionalist, then, will continue to engage in moral discourse while not believing his own assertions. This might sound difficult, but we actually engage in similar discourse all the time, when telling stories and discussing fiction. We see nothing unreasonable about saying Santa is fat, bearded and wears a red suit, while also being certain Santa does not exist. We engage in animated conversations about what Kate and Jack and Sawyer are up to on *Lost*, while not for a minute believing they are real people, or that the island exists.

On Joyce’s account when a moral fictionalist makes a moral claim, he is asserting something to be the case inside a particular fictional world, the moral world, in which stories we tell about morality have truth-values. The moral world is not the actual world, but it can be useful to talk about it, just as it can be useful to talk about Santa and the survivors of Oceanic Flight 815. The next question for Joyce, then, is why? What good is moral discourse if we’re doing nothing more than chattering about fictions? Does it boil down to the same sorts of trivial amusements we get from impassioned discussions and speculations about our favorite television heroes, or is there something more to be gained

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this new meaning of the word is, understanding it rather as a rough, imprecise approximation of the ordinary language meaning of the word.

<sup>172</sup> Ibid., p. 185.

from moral fictionalism? An answer to this question is the subject of the next section.

### **(III.c.4) Motivation**

One concern that arises in response to an antirealist moral position is that antirealism gives us no reason to be moral – that it will cause us to reject any sort of order, restraint, or respect for rules. This is concern 4), above. This worry is puzzling to me, as we continue to respect and adhere to all sorts of conventions that we already accept as human dependent, and even arbitrary. The creator of Uno might just as easily have designated 8 cards as the starting hand, but this does not cause Uno players to riotously begin the game with an extra card. There are many good reasons for accepting morality, some of them psychological, others socially practical. Joyce offers one such account, stemming from an understanding of human fallibility and limited rationality regarding prisoner's dilemmas. I present Joyce's argument as one possible motivation for an antirealist acceptance of morality. I largely agree with Joyce, and at the point where I disagree with him, I offer an alternative motivation for moral action.

We all know that, in prisoner's dilemma situations, the group would benefit most by cooperating, but any one individual can benefit more by defecting. In terms of practical action, then, the iterated prisoner's dilemma teaches us that morality, understood as cooperation, is beneficial. Yet, the more

we can count on others to be moral, the more we can cut corners ourselves, and benefit from the stability the moral code provides.<sup>173</sup> If most of us uphold the moral code by paying into public radio, you can free ride. If we all try to free ride, the airwaves will go silent. Thus, enlightened self-interest encourages us to buy into the idea of public radio fund drives (and “buying in” prompts us to donate), because without the system we would not be able to get away with *not* donating sometimes.

The above is a basic game theoretic account, which Joyce then expands upon to explain why antirealists will still want to buy into a moral system. Even the most rational agent sometimes makes mistakes in her tit-for-tat calculations. On a recent airplane flight, I witnessed two self-interested agents attempt to use the existing moral code to their advantage. Enlightened self-interest tells us that everyone will get off the airplane quicker if we observe the Rule of Deplaning which tells us those at the front of the plane get to go first, row by row, until it is our row’s turn, although no one but those in the very first row are maximally advantaged by this. Consequently, a gentleman from the back of the plane took advantage of the fact that everyone else was adhering to the rule, and made a mad dash for the front of the plane the instant the doors opened. The existing code kept the rest of us in our seats, which allowed this man to free ride and deplane significantly sooner than the rest of us in the back. Inspired by his

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<sup>173</sup> Joyce. “Myth...,” pp. 207-209.

success, a woman attempted to follow suit, but was stopped by passengers, alarmed at the chaos they could see emerging before their eyes, which would have ended in all of us stuck on the plane for longer, as everyone pushed toward the front, causing a clog of people.

What can we learn from the successful man and the thwarted woman? We learn that the system can work to make things better for us than they would be without the system, but we also learned that we can be imperfect calculators. The woman believed she could be down the aisle and off the plane before the crowd stopped her and implemented a punishment, but she was wrong. She didn't get off the plane any sooner than if she had stayed put, and she was also publicly shamed by her peers. Our inability to successfully play the system means it is often wise, and certainly safer, to settle for second-best, and allow the moral code to benefit us, while recognizing that others will manage to benefit even more by free riding the system.

Once we realize we *can* play the system, Joyce argues that we will be tempted to do so too often. Enlightened self-interest will always compete with the temptation to give in to impulsive self-interest, where we try to seize as much as we can for ourselves, moral rules be damned. The temptation of the immediate payoff will cause us to lose our heads, taking risks that fail and result in lowered utility for everyone. Thus, buying into the compulsory force of morality ends up being good for us. Joyce explains, "This...is an important

instrumental value of moral beliefs: they are a bulwark against the temptations of short-term profit.”<sup>174</sup> Our flawed, weak-willed natures mean we need morality to keep us in line – we will willingly accept its boogie-man force, even while recognizing, as antirealists, that it is not binding in any sort of realist way. To make sense of this, consider the importance of self-imposed deadlines for academics. There is nothing real, outside of my own stipulation, that says I have to grade ten papers and write two pages before I can stop working for the day, but without such deadlines, far less work would get done, so it is good for me to think of the deadline as real. Antirealists will not opt out of morality, because it is useful to them. Joyce recognizes that understanding morality as a guard against a weak will might make it seem uncomfortably trivial, yet he maintains, “it is not being claimed that this is the *only* value of morality, but it will suffice for our purposes.”<sup>175</sup>

As expressed earlier, I am unconvinced that antirealists will succeed in fooling themselves into accepting morality because it seems like a beneficial motivator. I am also concerned that this would not be desirable, even if it were possible.<sup>176</sup> However, though I disagree with Joyce on this particular point, I

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<sup>174</sup> Ibid., p. 213.

<sup>175</sup> Ibid., p. 214.

<sup>176</sup> This issue seems similar to that of Pascal’s Wager. Certainly many people can be brainwashed into accepting religious dogma without good reasons, and that brainwashing might sometimes prove beneficial. However, that kind of self-imposed control seems most likely to work on the unreflective and weak-willed, which is not the group of individuals Joyce is talking about. What’s more, deliberately manipulating oneself into holding false beliefs ought to be a



think he is correct in his assessment that antirealists will not be compelled to surrender morality, and the psychological explanation he offers is likely to be attractive to some.

I part ways with Joyce only regarding his view that antirealists ought to “talk themselves into” a moral belief system because actually holding the beliefs will be more effective at achieving one’s desired ends. I argue that the costs of adopting a moral system that one holds to be false are greater than the benefits that can be derived from a whole-hearted acceptance of the system. Although some effectiveness might be lost by keeping the system at arm’s length, I think the greatest overall benefit will come from fostering beliefs one accepts as true, and using the system only when it is actually perceived to be beneficial. On Joyce’s view, the adoption of a moral belief system will mean adhering to that system even in particular cases where more is to be gained by deviating from the system, in the interest of long term gain. A more rational route for the antirealist seems to be applying the system of pre-established conventions only in instances of perceived benefit, or to reassess and work to modify the conventions themselves, using level 2 judgments.

Even with my proposed modification to Joyce’s view, antirealists will continue to engage in moral discourse and behavior for a variety of reasons. For one thing, antirealism is not likely to be universally accepted anytime soon.

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frightening proposition to those who are concerned with getting to truth, even when the truth is uncomfortable and less practically beneficial.

Antirealists want to communicate and effectively interact with realists. Thus, they will have a good practical reason to engage in moral behavior and dialogue. The moral language that is already in place is effective at conveying both realist and antirealist sentiments, and if the existing language works, it will continue to be used. Antirealists will continue to desire things, and to wish to modify the behavior of others, as well as having robust beliefs regarding right and wrong, stemming from their particular value set. Moral discussion is an extremely effective way to pursue one's ends; it is certainly more effective than candidly explaining to your listeners that you think there are no moral rules outside of human convention and preference, but that you would like very much for them to do as you prefer. In short, antirealists will be motivated to engage in moral discourse, because it makes their lives better.

The same point can be made about antirealist aesthetics. The belief that there is no objective truth about aesthetics will not cause people to stop engaging in aesthetic evaluation. We will continue the exercise because we care about aesthetics. We want to explain to others why we like certain works and dislike others. We want to convince others that they should make similar aesthetic evaluations, and we want standards that we can point to in making our claims. The fact that those standards will be conventional will not cause us to stop using them, just as we continue to accept and evaluate football in terms of its conventional standards.

## *Conclusion*

Part III has been aimed at helping the new convergentist determine whether to accept realism or antirealism across the board. To this end, I have discussed the issue of the burden of proof. Several considerations go into determining which position bears the burden of proof. After a discussion of these considerations, it is clear that, though the issue is not conclusively settled, there are more reasons to suppose realism bears the burden than to suppose that antirealism does, which offers significant *prima facie* support for antirealist convergence.

Despite this, there is likely to be quite a bit of opposition to antirealism, particularly in the moral realm. To alleviate some of those worries, I have also discussed the practical implications of accepting antirealist convergence, explaining how moral and aesthetic judgment and discourse are still possible as well as motivated. I have not offered an explicit argument in favor of antirealism, but what I have done is explained why it is not a dangerous or unpalatable option for those inclined to take it. This should be helpful to those persuaded by my arguments in Part I and II, who are now deciding whether to converge toward realism or toward antirealism.

## **Conclusion**

In this dissertation, I have argued that that the six strongest bases for moral and aesthetic divergence fail. I have argued that the rigid rule view of

principles is untenable in both ethics and aesthetics, but that rules of thumb exist in both fields. Regarding properties, I have argued that neither moral nor aesthetic properties can be detected through a description alone; in both cases a direct experience of the act or object is needed to be certain about the presence of the property. I have offered examples to demonstrate the existence of obligations as well as dilemmas in both fields. Both ethics and aesthetics have the capacity to motivate action, though in neither case is that motivation guaranteed, as there might be mitigating circumstances that will override one's actions. Finally, I have argued that some moral and some aesthetic choices are serious, and others are trivial, but that the seriousness of the choice does not have a bearing on the ontological question.

Following my deflation of the six leading arguments in favor of divergence, I argued against two divergence accounts of judgment formation. Moral and aesthetic judgments both require initial, non-evaluative assessment of particular properties that is then processed into an all-things-considered judgment. A careful study of the impact of convention, emotion, reason, and a tendency to prefer utility reveals an understanding of evaluative judgments that is informed by a combination of these elements, but in which no one element will necessarily be involved in any given judgment. Judgments occur on two levels. Level 1 judgments are based on established conventions, and are objective. Level 2 judgments are used to critique the conventions themselves,

and are subjective, stemming from the particular value sets of individual evaluators. Appropriate level 1 and level 2 judgments employ the elements in similar ways, leading to a convergence account.

The final part of the dissertation considers whether it is more reasonable to converge toward realism or toward antirealism. I entertain reasons for determining which side ought to bear the burden of proof in the realist/antirealist debate. While error theories ought to bear the burden, antirealists need not be error theorists, and the type of antirealism I defend is not an error theory, so this cannot be offered as a reason for antirealism to shoulder the burden. I argue that there is not a conclusive answer regarding which position is more intuitive, so the burden of proof cannot be settled on the basis of intuition. However, ontological parsimony clearly favors antirealism, as antirealists can explain the data as well as realists, without positing extra, difficult-to-prove mind-independent facts.

Following the discussion of the burden of proof, I offer a careful analysis of antirealism that demonstrates that evaluative judgments and dialogue are possible on an antirealist picture. There is still motivation to engage in moral and aesthetic behavior and evaluation, and the order imposed by these evaluative institutions would remain in force even if their basis were understood as socially constructed or otherwise mind-dependent.

I argue that consistency demands that we accept a convergence account of ethics and aesthetics. While realist or antirealist convergence could consistently be accepted, my account of judgment formation, along with the fact that the burden of proof falls more heavily on realists, suggests that antirealism is the more reasonable option. As I have met the most common objections to antirealism, demonstrating that it is neither implausible nor threatening to the established order, I hold that it is a position that ought to be given serious consideration, especially in the absence of a more plausible, defensible realist theory.

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