Diskussion/Discussion

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Morality and Society – The True and the Nasty

Reply to Anton Leist: „For Society – Against Morality?" (Analyse & Kritik 19, 213–228)

Abstract: This paper is a reply to Anton Leist's criticisms of the view I develop in my book, *Morality, Normativity, and Society.* Leist claims that my "standard-based" account of the truth conditions of moral propositions is incoherent. I argue that he is mistaken about this. Leist claims that my "society-centered" account of the justification of moral standards has "nasty" implications. In the course of answering this worry, I develop the idea of a "moral necessity". My theory implies that although moral propositions are metaphysically contingent, they are most likely morally necessary. I also explain that, despite its relativism, the society-centered view is quite compatible with the idea that there are certain "moral universals". Finally, Leist claims that the arguments I have given in favor of my view are unsuccessful. But it is a mistake to think that decisive arguments can be expected in this area. The most we can expect is a clear statement of the costs and benefits of a theory. I claim that my account of the nature and grounding of morality has important advantages over familiar alternatives.

1. The Standard-Based Theory of Normative Judgment

Anton Leist has argued that, although the approach to moral theory that I defend in *Morality, Normativity, and Society* is "original and different", it is nevertheless a "disaster", not least because of its "nasty consequences" (Leist 1997). It is perhaps not surprising that I would like to reply to his criticisms. The objections raised by Leist address the most central and difficult of the issues in my book, and I cannot hope to deal with all of them in this paper. My goal is to say enough here to motivate people to look for the more complete replies that can be constructed from the ideas that are present in the book or in articles I have written more recently (Copp 1995; 1997). There are three "disasters" that Leist brings to our attention. First, he worries that my "standard-based" account of the normativity of moral discourse is incoherent. Second, he argues that my "society-centered" account

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of the justification of moral standards leads to morally "nasty consequences". Given this, my overall account is not going to seem very plausible unless there are compelling arguments in its favor. But, third, Leist appears to see no force whatsoever in my arguments. I will address all three of these worries, beginning with the worry about the semantics of moral discourse.

According to the "standard-based" theory, moral claims express *propositions* about what is required, prohibited, "called for", or "ruled out", by *justified moral standards.*[1] By a "standard", I mean a norm or a rule we might express using an imperative, such as "Do not ever lie". Such things do not have truth conditions. But moral claims express propositions about standards, and a proposition *about* a standard does have a truth value. In general, I say, a simple moral proposition is true only if some relevant moral standard is appropriately justified. An example is the proposition that lying is wrong, which, I say, is true only if some standard calling on us not to lie is relevantly justified. I will say something below about the idea of a justified moral standard, but for now the important point is to understand why I need to invoke this idea. I need to invoke it because there are indefinitely many morally doubtful and arbitrary standards, such as the standard calling on us to lie whenever it is to our advantage, and the standard calling on us to clap our hands twice before speaking to anyone. If there are standards that define what we ought morally to do, they must surely be standards that are *justified* in some relevant way.

There are two chief ideas behind the standard-based theory. First, moral claims are best taken to express propositions—this doctrine is generally called 'cognitivism', or 'descriptivism'. Second, moral claims are normative; they have some essential connection to action or choice. This second idea has motivated non-cognitivist or expressivist accounts of moral discourse according to which simple moral claims do not express propositions, but rather are used to express our moral attitudes, or our acceptance of certain norms. The most promising expressivist accounts, those of R.M. Hare (1952) and Allan Gibbard (1990), analyze moral claims in terms of imperatives, norms, or standards. In this way, their accounts are able to explain the connection between moral claims and action on the basis that standards 'call for' action or choice. The standard-based theory combines these ideas by construing moral claims as expressing propositions, which is the central idea behind cognitivism, while construing moral propositions as propositions about justified moral standards, which explains the connection between moral claims and action.

To illustrate the approach, let me use as an example the claim that it is wrong to lie. So far I have said that this claim expresses a proposition, a proposition that is true only if some standard calling on us not to lie is relevantly justified. To this I would like to add an idea of John Stuart Mill's, that acting wrongly is something that we ought to regret. Accordingly, I say,

[1] The standard-based theory is developed in Chapter 2 of Copp 1995.

the claim that lying is wrong expresses a proposition roughly to the effect that (a) relevantly justified moral standards call for people not to lie, and (b) if someone does lie, then there are relevantly justified moral standards that call for the person to regret doing so, assuming that lying in the situation did not meet excusing conditions specified in the justified standards (Copp 1995, 25–6; Mill 1957, chapter V, paragraph 14).

Leist has at least two worries about this view. First, he thinks that the view takes the truth of a moral proposition to be "truth relative to a standard", and he rightly says that this "is not normal truth". Moreover, second, he thinks there is something incoherent in the idea that "normative (moral) language can be propositional *as well as* non-propositional". He says, "If 'Stealing is wrong' expresses a kind of imperative and 'you shall not steal' is to be concluded from it, 'you shall not steal' must itself be a kind of imperative" (Leist 1997, 218–9).

I hope it is clear by now that both of these worries are based on misunderstandings. First, as for Leist's worry about truth, moral propositions are either true or false, and the sense of "true" and "false" at issue is the same as the sense in which meteorological propositions are either true or false. As we have seen, reference to justified moral standards is internal to the content of moral propositions, but this does not imply that the truth of a moral proposition is truth *relative to* a standard. In a similar way, reference to weather systems is internal to the content of certain meteorological propositions, but this does not imply that the truth of such a meteorological proposition is truth *relative to* a weather system. The truth at issue is unvarnished truth. Second, as for Leist's worry about the coherence of my view, my idea is that moral claims express propositions *about* justified standards. The fact that *standards* are not propositions does not undermine the cognitivism of my view. Similarly, even though weather systems are not propositions, there is nothing incoherent in thinking that typical meteorological claims express propositions about weather systems. There is no problem here that I can see.

2. The Society-centered Theory

I want to turn now to Leist's worries about the moral consequences of my view. To explain his worries, however, I need to sketch my society-centered account of the justification of moral standards. For a fuller account, I will have to refer readers to my book.[2]

We need an account of the conditions under which a moral standard would be relevantly 'justified' in order to complete our account of the truth conditions of moral propositions. According to the society-centered theory, moral

[2] The society-centered account is proposed in Chapter 6 of Copp 1995.

standards are relevantly justified when they would be rationally chosen by a relevant society to serve as part of the society's social moral code. In the book, and also in an essay published as a companion to Leist's paper, I offered a cluster of arguments and considerations in support of this thesis.

Leist discusses arguments that turn on my account of what is involved in 'subscribing' to a moral standard. In order to discuss these arguments, I need to introduce the idea of subscription to a moral standard. I am going to simplify by ignoring certain irrelevant complexities. The basic idea can be explained quite briefly.

According to the standard-based account, simple moral propositions are, in effect, propositions about justified moral standards. Every such proposition corresponds to a moral standard that would have to qualify as justified in order for the proposition to be true. The proposition that lying is wrong, for example, corresponds to a standard that calls on us not to lie. It is possible to believe that lying is wrong without accepting the corresponding standard, but a morally virtuous person who fully accepts that lying is wrong does accept the corresponding standard. He at least has a policy of complying with the standard—a policy of not lying, for instance. My account of the attitude I call "moral subscription" is meant to explain the attitude a person takes to a moral standard when he accepts it as a standard to govern his choices. Part of subscribing to a standard is intending to comply with it, or making compliance with it a policy. Hence, a person who subscribes morally to a prohibition on lying makes truth-telling his policy.

A person can accept a standard to govern his choices without subscribing to it morally. For instance, some vegetarians make it a policy not to eat meat but do not in fact care whether others eat meat. They might be vegetarians for health reasons, for instance, or simply for reasons deriving from their personal histories; perhaps a close friend many years ago was a vegetarian and vegetarianism simply became part of their way of life. Vegetarians of this frame of mind might subscribe to a prohibition on eating meat in the sense that they make it a policy not to eat meat, but, for them, not eating meat is a personal ideal or standard rather than a moral standard. Those who subscribe morally to a prohibition on eating meat *do* care about whether others eat meat. They make it a policy not to eat meat but they also want others in their society to refrain from eating meat. I propose, then, that one who subscribes morally to a standard intends to comply, or makes compliance with it his policy, and he also desires that others in his society comply with it.[3]

Assuming that this is so, I believe that it is reasonable to conclude that a justified moral standard, one that it would be appropriate for a person

[3] The account of moral subscription to a standard is developed in Chapter 5 of Copp 1995, especially 82–94 and 96–99.

morally to subscribe to, must be suitable to the society whose members the person would desire to comply with it, if he were to subscribe morally to it. A justified moral standard must be one that it would be appropriate for a person morally to subscribe to. But to subscribe morally to a standard is, among other things, to desire that the members of one's society make a policy of complying with it. It is to desire, that is, that the standard have 'currency' in one's society. It is to desire that the standard be a part of the societal moral code. If a moral standard is relevantly justified, then, it must be appropriate for a person to desire it to be part of the societal moral code in his society. The standard must then be suitable to the society. It must be *justified* relative to the society. And it is reasonable to understand this to mean that the society would be rational to choose it to serve as part of the societal moral code.[4]

This is a summary of a line of reasoning that takes me from my account of moral subscription to the society-centered account of the justification of moral standards. Leist does not discuss this part of my thinking, although he does discuss a variety of related considerations. Unfortunately, instead of offering specific criticisms, which I could attempt to answer, he seems simply to reject the force of my reasoning. It is possible that he rejects my account of subscribing morally to a standard as well.[5] But if so, he does not offer an alternative or give any reason for rejecting it that I can see. It is therefore difficult for me to say anything specific in response to his worries except to recommend the fuller exposition of my view, which is found in my book.[6]

I suspect that part of the difficulty is that I offer these arguments and considerations in the spirit of *motivating* my account rather than in the spirit of *proving* it. Philosophy is not mathematics, and proofs are not in the offing. There are few interesting axioms in philosophy, and so the premises of any deductive argument would themselves be open to doubt. I think that in the most difficult and controversial areas of philosophy, we should not expect a philosophical theory to be supported by anything like a proof. What we should expect instead is a clear display of the intellectual costs and benefits of a theory: a theory should be well-articulated; it should be motivated by being connected to the extent possible to intuitive considerations; its theoretical benefits should be clearly exhibited in a display of the advantages of its proposed way of dealing with the range of conceptual or intellectual difficulties in its domain; and its intellectual costs should be clearly exhibited. This is what I have attempted to do, and it is possible that Leist is reacting against the absence of anything like proof by charging that the considerations

[4] A version of this argument is presented on 114–116 of Copp 1995.

[5] He complains that I do not "provide much argument" for my claim that the distinction between moral subscription to a standard and subscription to a standard as a person ideal turns on the desire that the standard have currency in one's society. See Leist 1997, 225. But he does not discuss the arguments I do present in Copp 1995, 96–100.

[6] See Copp 1995, 104–116. For Leist's discussion of the arguments see Leist 1997, 225–7.

I offer do not amount to decisive arguments. I would agree that I have not given decisive arguments but I believe that decisive arguments are not to be found.

Nevertheless, there are arguments for my view that Leist has not addressed in his article. Perhaps the most important is an argument by elimination (Copp 1995, Chapter 4; 1997, 192–195). It assumes that the standard-based theory provides the best account of the semantics of moral judgment and then discusses various accounts of the circumstances under which a moral standard would be justified that have been suggested in the literature, including intuitionist, contractarian, Kantian, and Aristotelian accounts. It identifies the weaknesses of these familiar theories, and attempts to design a view that corrects for their weaknesses. Intuitively, morality must enable individuals with different goals to coordinate and to cooperate to their mutual advantage. I propose that the best way to accommodate this intuition is to ask in effect which moral standards would deal with the problems faced by a society of cooperating individuals in the most rational way. The moral code that a society would be rational to choose to serve in it as the societal moral code qualifies as justified.

This argument is not a proof of the society-centered view. For all I have shown, there might be plausible accounts of moral justification that I have not considered, and there might be ways of avoiding my criticisms of the accounts I have discussed. The argument is meant to motivate the society-centered account by showing that it has advantages over familiar alternatives.

3. Moral Objections to the Society-centered Approach

Certain normative moral propositions are implied by the society-centered view when it is combined both with the standard-based account of the truth conditions of moral propositions and with the account I propose of what societies would be rational to choose. Leist claims that some of these implications of my view are quite "nasty" (Leist 1997, 220). Unfortunately, in order adequately to defend my view, I would have to go into enormous detail.[7] I will be content if I can here at least cast doubt on Leist's criticisms by showing how and where he has misinterpreted my views or missed the significance of certain of my arguments.

There are the following issues to consider. First, what *does* my theory imply regarding the truth value of various moral propositions? Second, what *might* my theory imply if the world were to be different, or if human psychology were to be different, in various ways? Third, to what extent do these implica-

[7] I have gone into detail about these matters in Chapter 10 of Copp 1995, especially 201–217, and in Copp 1997, 203–211.

tions conflict with our pre-theoretical moral beliefs? Fourth, how significant philosophically are these conflicts? I believe that Leist is mistaken in various of the claims he makes both about what the theory does imply and about what it might imply in various possible scenarios. The issues are complicated, both empirically and conceptually.

The most difficult issue theoretically is the question about the philosophical significance of conflicts between what my theory implies and our pre-theoretical moral beliefs. The first point to notice in this regard is that my account is a form of indirect consequentialism. Its implications depend on "contingent empirical considerations", as Leist notes, because it is a contingent matter according to the society-centered theory whether a given moral standard is justified. Whether a given moral standard is justified depends on what in fact is true of human nature and of the circumstances of human societies. It seems to me that this is a strength of the theory since it is what enables the theory to explain moral facts on the basis of facts about human nature and the circumstances of human society. But it does mean that the theory is liable to conflict with our firm moral beliefs in imaginary circumstances in which human nature is different from the way it actually is, or in which societies face different challenges from those they actually face. Any *theory* that explains the dependence of moral facts on facts about human nature and the situations faced by human societies would be liable to conflict in this way with firm moral beliefs in various imaginary circumstances. It seems to me that this latter point undermines the idea that the existence of such conflicts impugns a moral theory. For it is quite plausible, I believe, that moral facts depend on facts about human nature and our circumstances in societies. If any theory that is responsive to this dependence is liable to conflict with our pre-theoretical moral beliefs in various imaginary circumstances, we might need to acknowledge that no plausible theory can account for all of our pre-theoretical beliefs.[8]

Questions need to be asked, of course, about the *nature* of the conflicts between a theory and our pre-theoretical beliefs. Perhaps, for example, the conflicts do not go especially deep but rather point to mistakes of detail in explaining exactly how the moral facts depend on various empirical facts. Alternatively, perhaps our pre-theoretical beliefs conflict with the implications of a theory in ways that the theory both predicts and explains as something that is to be expected if it is true that the moral facts depend in the way the theory says they depend on facts about human nature and of the circumstances of human societies. If this is so, then the existence of the conflicts might in fact be viewed as supporting the theory. This is what I want to say about the conflicts that Leist brings to our attention in his paper.[9]

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[8] I have argued these points in greater detail in Copp 1995, 213–4.

[9] I present an argument to this effect in Copp 1997, 203–4.

The society-centered theory views our pre-theoretical moral beliefs as reflecting to a large extent the content of the local moral culture, the culture into which we have been acculturated. There is no guarantee that the standards to which we have come to subscribe morally as a result of this process of acculturation are justified.[10] According to the theory, whether they are justified is a contingent matter. It should be no surprise, then, if the theory implies that some of them are not justified. For example, it is widely accepted in contemporary American culture that capital punishment is morally appropriate. For many people, this is a fixed point in their moral thinking. Yet for many other people it is a fixed point in their moral thinking that capital punishment is wrong. Does any moral theorist really think that the failure of a theory to accommodate all such fixed points would somehow impugn the theory? I take it to be a strength of the theory I have proposed that it does not take our pre-theoretical firm moral beliefs at face value but rather subjects them to appraisal.

4. Moral Necessities

There is room for confusion about whether the society-centered theory actually does conflict with our pre-theoretical moral beliefs. To explain one important source of confusion, I need to take a brief detour. Societies are rational to choose the currency of moral standards the currency of which would further their ability to meet their needs and otherwise to cope with their problems – this idea is the burden of an argument that I do not have the space to enter into in this paper.[11] Hence, society-centered theory implies that moral standards are justified relative to a given society when their currency in the society would enable it to meet its needs and otherwise to cope with its circumstances. The relevant point is that, because of this, society-centered theory predicts that justified moral standards will be of limited complexity. Most important, given our limited cognitive and emotional capacities, it is preferable from the point of view of society that the standards that have currency *not* be *conditional* in their content such that they restrict their own application to circumstances in which their own currency would be rationally preferred by the relevant society. That is, for example, it is preferable to have people subscribe to a rather simple standard that prohibits lying—except to save a life and so on—rather than to have people subscribe to a highly complex conditional standard that prohibits lying—except to save a life and so on—unless the society is rational to prefer that people subscribe to some other standard pertaining to lying. People who subscribed to the latter

[10] I discuss these issues in Copp 1996, 262–4.

[11] See Chapter 9 of Copp 1995. The position is sketched in Copp 1997, 196–8.

standard would have to have views about what the society would be rational to prefer in order to act on the standard, and issues about what the society would be rational to prefer are not generally transparent to people, certainly not in circumstances in which they are attempting to decide whether or not to tell the truth. In short, society-centered theory predicts that justified moral standards will not call for behavior conditional on those very standards being such that their currency would rationally be preferred.

I can now explain the source of confusion that I mentioned before. The society-centered theory predicts that the standards we subscribe to are not in fact the complex conditional kind discussed in the preceding paragraph. If we subscribe to a standard that prohibits capital punishment, for instance, it does not prohibit capital punishment on the condition that that very standard be rationally preferred by the society. Given that we take the standards to which we subscribe to be justified, our standards therefore incline us to think that, say, capital punishment would be wrong even if a society were in circumstances in which it would rationally prefer the currency of a standard that called for capital punishment. This judgment appears to conflict with the central thesis of society-centered theory, according to which the wrongness of capital punishment depends on whether society would rationally prefer the currency of a standard that called for capital punishment. Because of this, society-centered theory predicts that its central doctrine will appear counter-intuitive!

In this instance, however, the conflict between our pre-theoretical *moral* views and society-centered theory is apparent rather than real. To see this, we need to attend to a scope ambiguity that can usefully be schematized as follows, continuing with the example of capital punishment. There is the following *second-order*, or *meta-ethical* proposition, which society-centered theory implies to be true: If it were the case that society would rationally choose the currency of a moral standard that permits capital punishment rather than the currency of one that prohibits it, then *morality would be such that* capital punishment is morally permissible. The 'moral operator' in this proposition has 'narrow scope', since it governs only the consequent clause. There is also, however, the following, quite different, *moral* proposition, which society-centered theory does *not* imply to be true: *Morality is such that* capital punishment would be permissible if it were the case that society would rationally choose the currency of a moral standard that permits capital punishment rather than the currency of one that prohibits it. Notice that, in the latter proposition, the moral operator has 'wide scope' in that it governs the entire proposition rather than merely a subordinate clause. In order for this latter first-order moral proposition to be true, a complex standard would have to be justified to the effect that capital punishment may be practiced if society would rationally choose the currency of a moral standard that permits capital punishment rather than the currency of a standard that prohibits it. I have just argued,

however, that society-centered theory implies that a standard of this complex form is quite unlikely to be justified.

Suppose, then, that someone objects to society centered theory by announcing that he has the moral intuition that capital punishment is wrong, and that it would be wrong in any society, even in a society that would rationally choose the currency of a code that permits capital punishment. It might appear that society centered theory implies the contrary, given that it implies the meta-ethical proposition stated in the preceding paragraph. But this meta-ethical proposition does not in fact conflict with the intuition, for the intuition is a moral intuition. Moreover, if the theory implies that capital punishment is wrong, then, almost certainly, it implies that capital punishment is wrong in any society.[12] Of course, my opponent might now claim that his intuition is actually a meta-ethical intuition and claim that, so understood, his intuition does conflict with the theory. But in that case, the intuition can hardly be offered as a pre-theoretical intuition against which one might propose to test the moral implications of the theory. It is one thing to reject my theory because one thinks it has moral consequences that one finds morally counter-intuitive. This is the kind of objection I mean to be discussing. It is quite another thing to reject the theory because one finds it theoretically unattractive. It is no surprise that Kantians find my theory unacceptable on theoretical grounds. But the issue Leist raised was whether the theory is unacceptable on moral grounds.

Failure to attend to the scope ambiguity that I have been explaining might lie behind some of Leist's objections to society-centered theory. Leist says at one point that, according to society-centered theory, "the moral status of each individual member of society [depends] upon *contingent empirical conditions*". To illustrate this idea, he suggests that "a present day society would do better if it cut down on the medical treatment of the elderly", implying that he thinks both that my theory implies that if that were so then it would be morally required that we cut down on the medical treatment of the elderly and that such a reduction in treatment, as he goes on to say, would be a violation of "the basic rights of individuals" (Leist 1997, 224). There are several mistakes here, one of which illustrates the failure to attend to the scope ambiguity.

By the "moral status" of individuals under a theory, Leist appears to mean the precise inventory of rights that the moral theory attributes to them. He is saying, then, that the rights that individuals have under society-centered theory depend on contingent empirical conditions. We can now see that this

[12] In this discussion, I am simplifying by ignoring the relativism in the society-centered view. The view implies, for example, that wrongness is a relation between an action and the moral code justified in the relevant society. To take account of this, I should say the following: if the theory implies that capital punishment is wrong-in-relation-to-society-S, then, almost certainly, it implies that capital punishment would be wrong-in-relation-to-society-S if carried out in any society. I address relativism in Copp 1997, 200–3.

claim is ambiguous and that society-centered theory supports it if it is meant as a meta-ethical claim—on the narrow scope reading—but denies it if it is meant as a moral claim—on the wide scope reading. Once this ambiguity is noticed, the objection begins to dissolve, for it can be seen the society-centered theory does not have the moral implications that it appeared to have. Indeed, it implies the *contrary* of what it appears to imply! The justified moral code might even be such that whatever rights people have, they would have them under *any* circumstance. For the justified moral code presumably includes standards that accord rights to people and, as I have argued, these standards are quite unlikely to make the possession of these rights conditional on the society's being rational to choose those very standards for currency. Hence, if I am correct in what I have been saying here and in what I said in the book, society-centered theory implies that people have moral rights and that morality is such that they would have these rights even if society would rationally prefer the currency of a code that did not accord them these rights![13] One might have thought that society-centered theory says precisely the contrary of this, that the rights people have depend on "contingent empirical conditions", but it does not say this, not at least under the most natural interpretation of what it means.

So far, in attending to Leist's moral objections to society-centered theory, I have made two major points. In the previous section, I argued that it is to be expected that a theory that attempts to do what society-centered theory does will have counter-intuitive implications. For if the moral facts are a function of facts about human nature and the circumstances of human societies, as society-centered theory implies, then the moral facts are contingent, and to the extent that we have firm and uncompromising moral beliefs we will then find the contingency of moral facts to be counter-intuitive. I do not see this in itself as an objection to society-centered theory. In this section, I have been arguing that once a scope ambiguity is attended to, it can be seen that society-centered theory does not have the moral implications that it might initially appear to have. In effect, although society-centered theory implies that moral truths are metaphysically contingent, it implies that they are most likely 'morally necessary'. It is metaphysically contingent that capital punishment is wrong, for example, since if society or human nature had been different, then morality would have been such that a standard calling for capital punishment is justified. But despite this, if capital punishment is in fact wrong according to the theory, then, almost certainly, morality is such that capital punishment would be wrong in any society, even a society that would rationally prefer the currency of a standard calling for capital punish-

[13] The relevant arguments in the book are found in Copp 1995, 201–9. See also Copp 1997, 205–7.

ment. Hence, if capital punishment is in fact wrong, it is most likely morally necessary that it is wrong.[14]

5. Morality in the Actual World

The heart of Leist's objections appears to lie elsewhere, however, for he appears to object to some of the claims I make about what society-centered theory implies in our actual circumstances. For example, he appears to think that society-centered theory would not support the existence of basic rights. "It is not implausible", he says, that "a present day society would do better if it cut down on the medical treatment of the elderly", or if it "gave less than 'rough equality' to the non-employed, not to speak of the disabled and the deranged". He objects to my "dry assurance" that a standard requiring that people be enabled to be roughly equally able to meet their basic needs is justified relative to the actual societies we are familiar with. He quotes my argument that "the persistence and stability of the society's population" is "more likely" if such a standard has currency than if it does not. He objects that the idea of "rough equality" is too vague, since even South Africa under the apartheid regime might count as giving "rough equality" in the ability to meet basic needs, and he objects that although people in India are not even roughly equally able to meet their basic needs, Indian society is still functioning well. The implication is that India might not do any better if a standard requiring rough equality were to have currency in it (Leist 1997, 224–5). All in all, then, Leist appears to be objecting that I am overly optimistic to think that actual societies would rationally prefer the currency in them of standards that required people to be enabled to meet their basic needs with rough equality, or that accorded them certain basic rights, and that, indeed, some actual societies would do better to prefer the currency of standards that permitted the deprivation of the elderly, the disabled, the deranged, and perhaps various other categories of persons as well.

It is difficult to know how to reply to these objections since Leist does not make any very specific arguments against my view. But since I do specifically argue in my book in favor of the positions that he wants to cast doubt on, I can at least direct people to my book. There I do address the example of India, and I address the issue of equality and the question whether there are basic rights including the civil liberties.[15]

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[14] To take account of the relativism in the society-centered view, I should say the following: if capital punishment is in fact wrong-in-relation-to-society-S, then, almost certainly, morality-in-relation-to-society-S is such that capital punishment would be wrong-in-relation-to-society-S if carried out in any society, even a society that would rationally prefer the currency of a standard calling for capital punishment.

[15] See Chapter 10 of Copp 1995, especially 201–216. I discuss India on 213–4.

I can see two reasons why Leist might feel content merely to gesture in the direction of his objections. First, he might think that because the justification of a moral standard is a contingent empirical matter according to my theory, to undermine it, it is sufficient to point out the *logical possibility* of a society's being rational to reject the currency of the rough equality standard, or of the standards that ensure basic rights. But as we have seen, matters are not this simple since, if my arguments are correct, it is morally necessary that there are basic rights and that societies must enable people to meet their basic needs with rough equality.

Second, Leist might think that it is empirically quite likely, and indeed obvious, that circumstances exist or might arise in which a society would "do better", for example, if it refused medical treatment to the elderly or "gave less than 'rough equality' to the non-employed", the disabled, or the deranged. But the issue is not whether a society would do better if certain people were treated a certain way. The issue is whether society would do best if a moral code were to be part of the general culture which called for certain people to be treated that way. For example, the issue is whether a society would rationally prefer the currency of a code which called for, say, refusing medical treatment to the elderly or for the deprivation of the unemployed, the disabled, or the deranged. This is not something that we can establish by finding evidence that there would be certain benefits to such policies at a certain time. For we have to imagine a society's choosing a moral code that is to serve it well in a variety of circumstances, both foreseeable and unforeseeable, over a considerable period of time lasting more than a generation.[16] The question whether a society would be rational to choose the currency of a moral code that refused medical treatment to the elderly, or that allowed the deprivation of the non-employed, the disabled, or the deranged is a rather complex empirical question. Leist's remark that "it is not implausible" that a society would do better to adopt various unhappy policies toward the elderly, the unemployed, the disabled, and the deranged does not begin to address the question in a serious way.

I assume that societies benefit from the contributions people make to each others' lives, and I assume that unless people are enabled to meet their basic needs they will not be in a position to develop their capacities to make such socially beneficial contributions. I assume moreover that societies would not rationally write-off potential contributions. These assumptions are behind my idea that a society choosing a social moral code would rationally choose one that called for people to be enabled to meet their basic needs. The elderly are still in a position to make beneficial contributions to the lives of other members of society, and so are those who are currently unemployed. Nor are

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[16] I say this because, I assume, moral education takes place primarily in the early years of one's life, and each generation teaches the next generation during the early years of its life. Changes in the moral culture take place gradually over rather long periods of time.

the disabled incapable of doing good. Indeed there are well known examples of elderly, unemployed and disabled people who have made enormously valuable contributions to society. There are also examples of people who have been deranged, or deemed to have been deranged, who have made significant contributions to society. It would not be rational for a society to require all people in these categories to be deprived of the ability to meet their basic needs. Moreover, a code that tried to be more selective, excluding certain categories of the elderly from eligibility for medical care, for example, might—if it had currency in a society—have unintended consequences that society would be well advised to avoid. The argument here turns on the psychological strains of various ways that putative moral standards might categorize people. We cannot tailor our sentiments and our concern along any line whatsoever, simply in virtue of the social utility of doing so. There are limits to the plasticity of our psychologies and therefore to the kinds of boundaries that a moral code can establish and enforce. This idea turns on a psychological generalization, but in considering what kind of moral code a society would be rational to choose, we need to consider the psychology of the average member of the society, since the code is to be chosen on the assumption that it will have currency throughout the society. The elderly are members of our families to whom we feel psychologically attached; we will ourselves be elderly; those who are now unemployed, disabled or deranged are known to many of us and many of us are psychologically attached to them; we ourselves could fall into any of these conditions just as we will ourselves likely become elderly. Given these facts, people are naturally inclined to be concerned that people in these categories be able to meet their needs. Because of this, other things equal, a moral code which called for the deprivation of the elderly, the unemployed, the disabled, and the deranged simply because they are elderly, unemployed, disabled, or deranged, would tend to be less securely subscribed to in a society than an otherwise similar code, and this fact would make a society less well advised to choose it for currency than an otherwise similar code. The point I am making here is related to an argument I make in my book where I argue that societies would rationally choose moral codes that call for people to show compassion and kindness in their dealings not only with other members of their society, but more generally, with all "sentient beings that can suffer and experience pain" (Copp 1995, 204–6). Just as it is beneficial to society, other things equal, for its members to subscribe to standards calling for compassion and kindness quite generally, so it is beneficial, other things equal, for people to subscribe to standards calling for all people to be enabled to meet their basic needs, with rough equality, over a normal lifetime. This, at least, is what I have argued in the book.

It is not possible to go into more detail here. The basic point I want to make is that empirical detail is what is needed before a claim can be defended of

the sort that I want to make about the specific moral implications of society-centered theory, or of the sort that Leist wants to make when he says that society-centered theory has "nasty consequences".

One might think that all of this merely exposes an *additional* problem with society-centered theory. Ordinary moral reasoning does not turn on issues such as the psychological strains of various ways that putative moral standards might categorize people. One might think, therefore, that my theory completely fails to account for moral reasoning of the kind that we take to be sound in our daily lives. I cannot address this issue in any detail here, although I have discussed it elsewhere (Copp 1996). Suffice it to say that, despite appearances, my view *can* account for the reasonableness of our ordinary styles of moral reasoning. Society centered theory does not imply, for example, that we must suspend belief in human rights pending further empirical research. Together with standard views in epistemology, it rather suggests that, in ordinary circumstances, our ordinary beliefs about human rights can be justified in the ordinary ways. It sustains the reasonableness of seeking a reflective equilibrium among our moral beliefs.

6. Moral Universality and the Society-centered Approach

The final objection I wish to consider is the deepest that Leist raises, for it attacks the basic idea behind society-centered theory, which is that morality can be understood as justified in relation to societies. Leist writes, "According to a widespread understanding of morality, morality transcends the borders of the special society we actually live in". Moreover, "on purely moral terms, we should behave in the same way towards people from China as towards our neighbours within a Western society". That is, he suggests, "moral norms are truly universal and envelop the whole of humanity". "It seems improbable", he writes, "that at the same time morality will be socially fundamental and humanly universal". (Leist 1997, 214)

There is truth in what Leist says here, but the truth in it can be captured in society-centered theory. Society-centered theory can be understood to propose a standard for evaluating moral standards—a standard that calls on people to subscribe to and comply with moral standards that their society would rationally choose to serve as part of the social moral code—and this standard is 'universal' in the sense that it applies to all persons in all societies. All moral codes in all circumstances are held to the same standard of justification. Because of this, society-centered theory implies that people in situations that are the same in all morally relevant ways have exactly the same moral duties. Nevertheless, I cannot agree with Leist that it is a tenet of ordinary morality that "we should behave in the same way towards people

from China as towards our neighbours within a Western society". For it is likely that there will be morally relevant differences between the circumstances of people from different societies, and ordinary morality makes room for this by allowing, for example, that we might have special responsibilities toward members of our own society. Society-centered theory allows that this might be so. Society-centered theory allows, moreover, that people in China might have fundamental moral duties that differ from the fundamental moral duties that people have in America. Chinese society faces different challenges from those facing American society, and because of this, it might be the case that Chinese society needs a somewhat different moral culture from the one that would best serve American society. It is possible, for example, that members of Chinese society are morally required to limit the number of children they have but that members of American society have no such duty. I do not claim that this is true, I merely point out that society-centered theory can explain how it might be true. Furthermore, I think that this idea is compatible with the moral thinking of many people. It is plausible, that is, that the members of societies that face quite different problems might face different moral demands. Hence, if morality is "humanly universal", as Leist claims, then its universality must be understood to be compatible with people having different duties to members of their own society from those that they have to members of other societies, and it must also be understood to be compatible with the members of different societies having different fundamental moral duties.

I do want to stress, however, that only a very limited variability among justified moral codes is likely. Societies have basically the same needs. Moreover, there are many situations where one society is contained within another in the way that French society is contained in Western European society. In these situations, society-centered theory says that the moral code justified relative to the larger and more comprehensive of the societies takes priority. The code of the more comprehensive society places constraints on the moral codes justified relative to the societies contained within that more comprehensive society.[17] This means that if there is a global society that contains all the smaller and more local societies, then there might be a justified universal human moral code. Society-centered theory explains how this might be so even though moral standards are justified in relation to societies.

There is one final point that ought to be mentioned. Leist might be thinking that, on society-centered theory, we could have no moral duty to constrain ourselves in our treatment of people from other societies, that we would be permitted to exploit other societies to the extent that doing so would be beneficial to our own society. This ignores the point about the overlap of

[17] In a situation in which a standard contained in the moral code justified relative to this more comprehensive society conflicts with a standard contained in the moral code that would otherwise be justified relative to a society contained within it, the latter is not actually justified. I defend this view in Copp 1995, 209–213.

societies, for if there is a duty of non-exploitation incumbent on Western Europeans, for example, then it constrains the behavior of the members of the all of the smaller societies contained within Western European society in their dealings with one another. It also ignores the point that, on society-centered theory, the question how I ought to treat a person who is a member of another society turns on what would be right in relation to the larger society of which both of us are members, not on what would be right in relation to the smaller more local society that excludes the other person.[18] And finally, it ignores the point that, as I argued before, societies would in most circumstances be rational to choose moral codes that call for people to show compassion and kindness in their dealings not only with other members of their society, but more generally, with all persons as well as with animals (Copp 1995, 204–6). Other things being equal, a society would benefit from its members' treating each other with kindness and compassion, and our psychology cannot simply be tuned so that we respond with kindness and compassion only to members of our own society or only to humans. If we are compassionate and kind people, then kind and compassionate responses are elicited in us by certain needs in others regardless of their societal membership, and even in non-humans to the extent that we see them as capable of pain and suffering. If this is correct, then to elicit kindness and compassion among its members, a society would be rational to choose a moral code that called for people to exhibit kindness and compassion period, not to choose one that called on people to tailor their kindness and compassion to the boundaries of the society. This suggests a ground in society-centered theory for viewing kindness *simpliciter* and compassion *simplicter* as virtues.

I am grateful to Anton Leist for raising the criticisms that I have attempted to address in this paper. My view is admittedly quite complex. Details can easily be overlooked, and there is room for more work to be done on various aspects of it. I do not believe for a moment that the versions of the standard-based and society-centered theories that I presented in the book are beyond improvement, and I would feel fortunate if this paper suggested ways to improve them. In any event, I will be content if I have been able to make my position and the reasons behind it somewhat more clear than I was able to do in my book or in previous essays.

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[18] This point is explained and defended in Copp 1995, 218–223, especially 221. I am grateful to David Sobel for reminding me of its relevance in this context. See also Copp 1997, 201–2.

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