

# How to be impartial as a subjectivist

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**Abstract** The metaethical subjectivist claims that there is nothing more to a moral disagreement than a conflict in the desires of the parties involved. Recently, David Enoch has argued that metaethical subjectivism has unacceptable ethical implications. If the subjectivist is right about moral disagreement, then it follows, according to Enoch, that we cannot stand our ground in moral disagreements without violating the demands of impartiality. For being impartial, we're told, involves being willing to compromise in conflicts that are merely due to competing desires—the parties to such conflicts should decide what to do on the basis of a coin flip. I suggest that Enoch is mistaken in his conception of what it means to be impartial. Once impartiality is properly construed, standing one's ground in desire-based conflicts, whether or not moral values are at stake in the conflict, is consistent with being impartial. I defend a view on which impartiality can be understood in terms of features of our desiring attitudes. An agent acts impartially in desire-based conflicts whenever she is motivated by a final (i.e. non-instrumental) desire that aims at promoting the wellbeing of persons in a way that is insensitive to the identities of persons and their morally arbitrary features like their gender or skin color. Based on the account, I explain where Enoch's discussion of the argument goes wrong, as well as why responses to the argument from Enoch's critics have so far missed the mark.

**Keywords** Subjectivism · Robust realism · Impartiality · Moral disagreement

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## 1 Introduction

Enoch (2011) argues that metaethical subjectivism is inconsistent with some of our basic ethical principles.<sup>1</sup> Here is a pared down version of his argument. On the one hand, the right thing to do in many cases of moral disagreement is to stand one's ground and refuse to compromise. On the other hand, if a disagreement between parties is merely due to their having incompatible desires, the right thing for them do is to be impartial, where being impartial involves being willing to compromise—for instance, the parties might decide what to do on the basis of a coin-flip. The subjectivist thinks that there is nothing more to a moral disagreement than a conflict in the desires of the parties involved. And so it seems the subjectivist is forced to either reject the principle that one ought to be impartial in desire-based conflicts or else reject the principle that one ought to stand one's ground in moral disagreements. Neither option seems especially attractive.

Fortunately for the subjectivist, there is a third way out of the argument. It involves showing that Enoch's conception of impartiality is mistaken. Although Enoch stipulates that 'being impartial' means compromising on one's own preference in mere desire conflicts, his principle of impartiality is only as plausible as the degree to which it reflects the underlying moral considerations: those concerning what it means to be impartial in the familiar, moral sense. And being impartial in the familiar, moral sense is not always a matter of compromising on one's own desires in desire-based conflicts, or so I hope argue. My aim is to show not only that a refusal to compromise can amount to a genuinely impartial response, but also that in *all* cases of desire-based conflict where we, intuitively, ought to be impartial as well as refuse to compromise, we can easily do both. In other words, my aim is to bar Enoch from using any such case as the basis for an 'argument from impartiality' against subjectivism.

To that end, I offer a general account of what it means to be impartial in desire-based conflicts. I suggest that an agent always acts impartially in such conflicts when she acts on the basis of 'final' or non-instrumental desires of a certain sort. Roughly, these are final desires that aim at outcomes where the good of persons is promoted in a way that is insensitive to the identity of persons and their morally arbitrary features. Cases of desire-based conflict where one should behave impartially but also refuse to compromise are cases where one's desires that gave rise to the conflict already reflect one's impartiality. I argue that such a view is most plausible when paired with a certain, ecumenical conception of an agent's reasons for acting—that is, the considerations in light of which the agent acts.

The account offers more than just a decisive answer to Enoch's argument. Based on it, I explain why the responses that Enoch considers on behalf of the subjectivist (and rightly dismisses) seem unsatisfying, as well as why recent responses in the literature miss the mark [e.g. Manne's and Sobel's (2014)]. These responses seem to me to be worth rehearsing to emphasize a point about the dialectic—that first-order

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<sup>1</sup> While the argument is principally intended as a *reductio* of subjectivism, Enoch suggests that it easily generalizes to threaten even the expressivist. My response on behalf of the subjectivist is one the expressivist can also help herself to.

challenges to anti-realist views are not so easily dismissed.<sup>2</sup> Indeed, while I disagree with Enoch's conclusions, I am broadly sympathetic to his sense that the compatibility of anti-realist views with our moral practices is far too often assumed without argument. Enoch is not the only theorist to harbor doubts about the subjectivist's capacity to act consistently with familiar moral principles governing our conduct,<sup>3</sup> and a clearer account of the relationship between morality's demands and what value resides in being impartial should go some way towards addressing such concerns.<sup>4</sup>

### 1.1 Enoch's argument from impartiality against subjectivism

Enoch's argument, in its most basic form, is intended as a *reductio* of 'caricatured subjectivism.' According to the caricatured subjectivist, a moral utterance of the form 'Torture is wrong' just means 'I prefer that people not torture one another,' where 'prefer' is to be understood as "picking out a simple, non-special straightforward preference" (p. 25). The view can be specified in terms of desires rather than preferences without affecting the argument, and I will use the terms interchangeably throughout the paper. Enoch offers the following characterization of the target view, assumed to be true for purposes of the *reductio*:

CARICATURED SUBJECTIVISM: Moral judgments report simple preferences, ones that are exactly on a par with a preference for playing tennis or for catching a movie.

The caricature, Enoch thinks, resides in attributing to the subjectivist the claim that moral and non-moral preferences are 'on a par'—a claim we might refer to as the parity thesis. It is not entirely obvious how Enoch interprets the claim. For now, we can limit ourselves to noting that Enoch presents subjectivists who endorse it as being most vulnerable to the argument.

The argument relies on a crucial normative principle that Enoch calls IMPARTIALITY and takes to bear on interpersonal conflicts involving competing preferences.

IMPARTIALITY: In an interpersonal conflict, we should step back from our mere preferences, or feelings, or attitudes, or some such, and to the extent the conflict is due to those, an impartial, egalitarian solution is called for. Furthermore, each party to the conflict should acknowledge as much: Standing one's ground is, in such cases, morally wrong (p. 19).

<sup>2</sup> On the significance of first-order challenges to meta-ethical views, see Sect. 1.3.

<sup>3</sup> Although Fantl (2006, p. 30) does not put the point in terms of impartiality, he argues that given the subjectivist's meta-ethical beliefs, her participation in our ordinary (presumably justified) practice of interfering violently when persons intend to cause great suffering seems morally inappropriate.

<sup>4</sup> The objections to my view that I consider towards the end of the discussion allow me to comment on the relationship between morality and the good in acting impartially as well as on the general relevance of an agent's meta-ethical beliefs to the moral evaluation of her practical attitudes.

The principle might be motivated by appeal to cases of the following sort. Suppose you and I are trying to decide whether to spend our afternoon watching a movie or playing tennis. Whereas I would prefer to watch a movie, you would rather play tennis, and our preferences happen to be irreconcilable. It seems we ought to feel some moral pressure to resolve our dispute impartially, perhaps, by flipping a coin. Enoch thinks that the pressure stems from an obligation you and I share to treat each other as moral equals. As he puts it, “each one of us should acknowledge that we are equally morally important,” and “that our preferences should—other things being equal—count equally” (p. 18). IMPARTIALITY purports to capture the relevant moral considerations as they bear on our conflict, those concerning what it means to be impartial in the true and moral sense.

Enoch is quite explicit in recognizing that it is far from obvious that moral considerations, having to do with impartiality or otherwise, always demand that we settle interpersonal conflicts involving impossible preferences in an egalitarian fashion as his principle commands. Since being impartial is not the only value one can serve through one’s actions, there will be plenty of cases where compromise is *not* the response that is, all things considered, called for. Nevertheless, he thinks IMPARTIALITY is relevant often enough to be worth taking seriously and that it captures an important value at stake in interpersonal conflicts. For our purposes, we can take for granted that there are indeed many situations involving preference conflict—and the movies-v-tennis case may be one of them—in which considerations of impartiality demand a conciliatory solution.

Combining IMPARTIALITY with CARICATURED SUBJECTIVISM has unacceptable consequences. According to CARICATURED SUBJECTIVISM, moral disagreements amount to conflicts in mere preference, and IMPARTIALITY demands that we settle such conflicts in an egalitarian, conciliatory vein. But clearly there are many cases where it is not only morally permissible but quite obligatory that we stand our ground and refuse to compromise with the wickedly intentioned. For example, it seems that I ought to feel free (perhaps even obliged) to guide my actions in the light of my judgment that torture is wrong even if a sadist judges things differently and wishes to torture me. Caricatured subjectivism appears to have objectionable moral implications, given that it demands compromise in many cases of interpersonal conflict where moral steadfastness appears to be the right response.

Borrowing directly from Enoch, the argument from impartiality might be formalized as follows:

1. CARICATURED SUBJECTIVISM. (For Reductio.)
2. If CARICATURED SUBJECTIVISM is true, then interpersonal conflicts due to moral disagreements are really just interpersonal conflicts due to differences in mere preferences. (From the content of CARICATURED SUBJECTIVISM.)
3. Therefore, interpersonal conflicts due to moral disagreements are just interpersonal conflicts due to differences in mere preferences. (From 1 and 2).
4. IMPARTIALITY, that is, roughly: when an interpersonal conflict (of the relevant kind) is a matter merely of preferences, then an impartial, egalitarian solution is called for, and it is wrong to just stand one’s ground.

5. Therefore, in cases of interpersonal conflict (of the relevant kind) due to moral disagreement, an impartial, egalitarian solution is called for, and it is wrong to just stand one's ground. (From 3 and 4).
6. However, in cases of interpersonal conflict (of the relevant kind) due to moral disagreement often an impartial solution is not called for, and it is permissible, and even required, to stand one's ground.
7. Therefore, CARICATURED SUBJECTIVISM is false. (From 1, 5, and 6, by Reductio.) (pp. 25–26).

Although Enoch thinks that a subjectivist with any shot at resisting the argument needs to deny premise 1 (specifically, the parity thesis), the approach I recommend involves rejecting premise 4—that is, Enoch's IMPARTIALITY principle. For clarity's sake, it might be worth distinguishing two separate claims made in premise 4:

- (4a) when an interpersonal conflict (of the relevant kind) is a matter merely of preferences, then an impartial, egalitarian solution is called for.
- (4b) when an interpersonal conflict (of the relevant kind) is a matter merely of preferences it is wrong to just stand one's ground (because an impartial, egalitarian solution is called for).

4a seems correct—an impartial, egalitarian solution is indeed called for in interpersonal conflicts of the relevant kind.<sup>5</sup> I will argue that the subjectivist should take issue with 4b, as neither implied by 4a nor correct on independent grounds, at least if 'impartial' is taken in its actual, moral sense. The demands of impartiality do not preclude standing one's ground in cases of preference conflict, and may very well require it.

Before moving on to evaluating the argument, we might briefly consider Enoch's remarks regarding why the objectivist is not vulnerable to a similar argument. For the objectivist, moral disagreements do not reduce to conflicts in mere preference. When you and I disagree about whether it is OK to torture people, we purport to be representing how things really are in the world, independently of our preferences. The truth about whether torture is wrong provides one of us with an impartial standard to appeal to in defense of a refusal to conciliate. I do not offend against the equal moral worth of persons when I stand my ground on a moral issue if, by doing so, I am merely standing up for the truth—or so Enoch thinks. He motivates the claim by appeal to non-moral factual disputes. When you and I are trying to disable a bomb and we disagree about whether to cut the blue wire or the red wire, and one of us knows the truth about which wire to cut, that person need not feel obliged to conciliate for reasons of impartiality. Whether or not Enoch's explanation of what goes on in factual disputes is persuasive, we can safely ignore it, at least for the time being.<sup>6</sup> What interests us at present is not whether the argument from impartiality

<sup>5</sup> Later I will suggest that 4a is correct *for the most part*. That is, there may be special cases of desire-based conflict where we should all agree (realists and subjectivists alike) that we ought not to be impartial (See Sect. 1.4). Indeed, Enoch recognizes that the principle is one that need not hold without exception. All he needs is for the principle to hold often enough to make trouble for the subjectivist.

<sup>6</sup> We will return, in Sect. 1.4, to the purported virtues of an account of impartiality specified in terms of belief in response-independent truth.

reveals a problem that subjectivists *uniquely* face, but whether the argument presents subjectivists with any kind of problem in the first place.

## 1.2 The subjectivist's best response: a metaethically neutral account of impartiality

Enoch's argument rests on a false assumption—namely, that the moral demands of impartiality preclude standing one's ground in mere preference conflicts.<sup>7</sup> This section introduces on behalf of the subjectivist, an account of what it takes to stand one's ground impartially. I deduce from this account an alternative to Enoch's IMPARTIALITY principle, and present some of the reasons why it ought to be preferred. Applying the principle to both moral and non-moral preference conflicts, I explain why it offers the subjectivist a decisive response to Enoch's argument. In later sections, I explain why the response I develop here is to be preferred to various alternatives in the literature (Sect. 1.3), and address some of the objections that might be raised against the metaethically neutral conception of impartiality on which the response depends (Sect. 1.4). The rationale for postponing discussion of likely objections until later in the paper is that it should make exposition easier, and I am optimistic that once the overall account is clearly laid out, its plausibility should be readily apparent.

Let me begin by clarifying some of the terminology I will be using in what follows. Desiring has a two-part structure, one that involves a state of affairs desired, always under some description or mode of presentation, and the attitude of desiring it. It is a familiar enough fact that a state of affairs may be desired as a means to the realization of some other state—that is, instrumentally; or *for its own sake*, in which case it is desired finally. The 'essential description' of a finally desired state of affairs includes all and only those of its features that sustain one's desire for it. A single state of affairs may be represented in many ways, each picking out a different set of salient features. Only some of those features will be such that one's desire for the state would diminish if it did not have them. So, for instance, if I desire to stop sadists from torturing my pet dog, it is an essential feature of the state I desire that it involves the cessation of pain caused to a sentient creature. It need not be an essential feature of the state that it involves *my* dog as opposed to my neighbor's. Undoubtedly, it may take a fair bit of introspection to determine the essential description under which one finally desires a state of affairs.

On the view I will be defending, whether or not a person acts impartially in a given case can be determined by the essential content of the final desires that motivate her to action. Consider, for instance, a way for one's final desires to be evidence of one's *partiality*. Suppose that my final aim in standing my ground during a preference conflict is simply the hedonic upshot associated with satisfying my own first order desires—desires which, let us say, happen to be directed at outcomes familiarly regarded as morally good. If my refusal to compromise on my own preference (when others prefer differently) is motivated entirely by a desire to

<sup>7</sup> Throughout the remainder of the discussion I will use 'impartial' to refer to the quality of an act or person that the relevant moral considerations in fact favor; the quality that Enoch's principle purports to capture. I will use IMPARTIAL to express Enoch's stipulated meaning.

promote my own happiness, my inflexibility falls short of the requirements of impartiality. In being inflexible, I am manifestly privileging my own interests over the interests of others. Even if I am generally inclined to finally desire the gladness associated with satisfying my own desires, it seems important that, if I am to act impartially, this self-focused final desire of mine not be what motivates me to stand my ground during a preference conflict.<sup>8</sup> Of course, the state of affairs my desires finally aim at when I stand my ground may be *describable* as one involving the satisfaction of my own (moral) desires over someone else's (immoral) ones. But it need not be finally desired under a description that makes essential reference to facts about my own (or anyone else's) desire satisfaction.<sup>9</sup>

The point might be put in terms of the agent's reasons for acting (in the deliberative and not merely causal sense) as indicative of the description under which she finally desires a state of affairs.<sup>10</sup> An agent's reasons are the considerations or features of a situation in light of which she acts, those that present to her as relevant/justificatory in her practical deliberations about what to do. It is admittedly controversial what the state of a feature 'striking' a person as practically relevant amounts to. But I do not think that the dispute between the realist and the subjectivist on this question is likely to be relevant here. The point I am about to make draws on what should be common ground: namely, that agents typically do attend to (prosaically naturalistic) features of the world in deciding how to act and sometimes the features they attend to are part of the explanation for why they acted the way they did.<sup>11</sup> That is, sometimes the considerations the agent takes as justificatory are in fact what motivate her, in the sense that they correspond to the content of her motivating desires. If her desire to  $\phi$  finally aims at states of affairs with feature F, her reason for  $\phi$ -ing might be that  $\phi$ -ing promotes states of affairs with that feature. Of course, an agent's reasons and her motivating desires can come apart, and everyone needs an account of what such states involve.<sup>12</sup> But we can

<sup>8</sup> For a discussion of how virtue, generally, involves the situational silencing of desire, see McDowell (1998) and Seidman (2004).

<sup>9</sup> A single state of affairs can be desired under different descriptions, and I know of no argument that shows that when I finally desire some outcome, I must finally desire it under every possible description.

<sup>10</sup> A fact can causally explain why the agent acted without being the agent's reason for acting in the sense at issue.

<sup>11</sup> Admittedly, the view of an agent's reasons being presupposed here is not entirely uncontroversial. But as far as I can tell, the presupposition is dialectically fair. Notably, Enoch is happy to regard an agent's reasons (unlike *normative* reasons) as ordinary features of actions and states of affairs: "The reasons for which we act—that it contains vitamin C, that she needs help, that he's charming, that it's so expensive, that I really want to—these can be perfectly ordinary, naturalistically respectable things" (2011, p. 219).

In fact, the subjectivist might say a good deal more about what is involved in a consideration striking one is practically relevant (or, in other words, it *seeming* to one that the consideration is relevant). It involves *experiencing* a desire with a particular aim and, perhaps, forming appropriate beliefs about one's desire. To judge that the fact that  $\phi$ -ing promotes states of affairs with feature F is a reason to  $\phi$  is to judge that one desires to realize states of affairs with feature F. For further discussion on this point, see footnotes 13 and 14.

<sup>12</sup> Although the details of the subjectivist's view are not entirely relevant, here is what I think she can say. Sometimes the agent can be mistaken about her reasons in the sense that the considerations that strike her as relevant do not in fact motivate her. It might *seem* to me that the fact that  $\phi$ -ing maximizes

focus on cases where the agent's reasons and the content of her desires align in the sense outlined—where her reasons are *indicative* of what in fact motivated her.<sup>13</sup>

The 'selfishly steadfast' agent described above seems partial partly because, insofar as she is transparent to herself, her reason for sating her desire for the morally good outcome is the prospective pleasure to be gained from doing so.<sup>14</sup> But there is no need for the subjectivist to suppose that whenever an agent acts her reasons are self-regarding in this way. The temptation to think otherwise may stem from the following rather suspect line of reasoning. Suppose the subjectivist takes the fact that  $\phi$ -ing will maximize happiness to be practically relevant—to, say, militate, decisively, in favor of  $\phi$ -ing. By her own lights, this cannot amount to much more than the judgment that she desires to maximize happiness.<sup>15</sup> After all, the judgment that F militates decisively in favor of  $\phi$ -ing (is a decisive reason to  $\phi$ ) seems like a *normative* judgment, which must be analyzed in terms of desires. In a straightforward sense, then, according to the subjectivist what makes the fact that  $\phi$ -ing will maximize happiness practically decisive is the fact that she desires to maximize happiness. According to a view that Mark Schroeder (2007, p. 24) in a slightly different but related context refers to as the "No Background Conditions View," anything invoked to explain *why* something is practically relevant must

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Footnote 12 continued

happiness is a reason to  $\phi$ , when in fact I only  $\phi$  because it promotes my own interests (my motivating desire to  $\phi$  finally aims at my own happiness). Nevertheless, for it to *seem* to the agent that F is a reason to  $\phi$ , the agent must, at the very least, be in a state that seems, phenomenologically, like a motivating desire state with the appropriate content. As far as I can tell, nothing in Enoch's argument rules out the subjectivist's commitment to such theses.

<sup>13</sup> The focus on such cases is reasonable because, as I go on to suggest, her reasons are relevant to her impartiality only insofar as they are indicative of what motivates her.

<sup>14</sup> I say partly because it is not enough to be considered impartial to not take self-regarding considerations as ones reasons. For one might still be motivated by self-regarding final desires. In fact, on the view I am proposing the agent's impartiality is essentially determined by the content of the final desires that motivate her, and insofar as the agent's reasons are relevant at all it is because the considerations she takes as practically significant are (generally) indicative of what motivates her. Even the falsidical state of being mistaken about one's reasons (in the sense that the considerations one regards as relevant are not what motivate one) might reveal something about the agent's motivational set. This is because, as I understand the falsidical state, it is due to the agent's being in a non-motivating desire or 'desire-like' state. Roughly, for it to *seem* to an agent that the fact that  $\phi$ -ing will promote states of affairs with feature F is her reason to  $\phi$ , she should experience a state that is phenomenologically a lot like a motivating desire for states of affairs with feature F. Ideally, an agent's desires (whether or not they motivate her) should not be in any way self-regarding; and impartiality may be, on the view I am proposing, a matter of degree—in particular, the degree to which an agent's motivational states are at all self-regarding. These finer details of the view I have kept out of the main discussion because they are not essential to countering Enoch's argument. They might be useful, however, in explaining why one might have the intuition that an agent's reasons bear on her impartiality. An agent's reasons have a kind of derivative (evidential) significance and only because of the significance of her actual desires—a fact that should become vivid once the overall conception of impartiality is fully fleshed out.

<sup>15</sup> Of course, a less caricatured subjectivist might give a richer account of the 'taking' state, but I am embracing the caricature for purposes of the argument.



itself be practically relevant.<sup>16</sup> A commitment to NBCV entails that the subjectivist must always regard the fact that she desires to  $\phi$  as practically relevant or, in other words, her reasons for acting must always refer back to her own desires. And if her reasons for acting are always self-regarding in this way, it raises the worry that her actual motivations are as well.

Fortunately for the subjectivist, there are good reasons for rejecting the NBCV. For one thing, the combination of subjectivism and the NBCV is inconsistent with the phenomenology of practical deliberation—we do not ordinarily reflect on facts about our own desires in deciding what to do (see Smith and Pettit 1990).<sup>17</sup> For another, the distinction between what some thing is and the things that must be cited in a complete explanation of why it is that thing is a perfectly good one in other contexts (see, e.g., Schroeder's example of the conditions that explain why Barack Obama is the president of the United States and what it is to be the president of the United States). In any event, it would be dialectically fair and reasonable for the subjectivist to reject NBCV. If pressed to say more, she should say that an agent's reasons—the considerations in light of which she acts/those that present to her as practically relevant—are typically what her desires *aim* at, not the desires themselves; and that the distinction between a desire and its aim is a perfectly good one. Even when her desire to  $\phi$  is phenomenologically salient during practical deliberation—in the sense that she is aware that she is in a state with a distinct motivational character (the desiring to  $\phi$  state) as she deliberates about what to—this does not make her desire to  $\phi$  part of her reason for  $\phi$ -ing.<sup>18</sup> The only case in which her desire to  $\phi$  becomes part of her reasons for  $\phi$ -ing is when she thinks something like ' $\phi$ -ing has the property of promising to satisfy my desire to  $\phi$ , so I *should*  $\phi$ ,' a judgment that might indicate that she is motivated by a self-regarding final desire.

So let us suppose that the subjectivist who stands her ground in a moral disagreement is not motivated by facts about her own desire-satisfaction; what must be true of her motivations for her conduct to qualify as impartial? Another way to put the question is as follows: in virtue of which features of her actual motivations might she be regarded as impartial. The general lesson to take away from the

<sup>16</sup> Schroeder states the view in terms of normative reasons. The view is that anything involved in the explanation of what makes it the case that something is a normative reason is itself part of the reason. I have deliberately eschewed talk of normative reasons to avoid giving the impression that my response on behalf of the subjectivist illicitly relies on robustly realistic meta-ethical commitments. Of course, the subjectivist is entitled to speak in terms of normative reasons. I suspect that the response being offered is more illuminating when put in terms of desires and the agent's reasons.

<sup>17</sup> "We are no more inclined to think that the deliberating agent always considers his desire-states than we are to imagine that he always considers his states of belief. In deliberating, and more generally in inference, the agent will consider alleged facts such as that p or that q without considering the fact about himself, if it is a fact, that he believes that p or that q. He may take cognizance of the fact that he has this or that passion or yen or hankering. But such self-concern seems to be the exception, not the rule." Smith and Pettit (1990). See also Enoch (2011, p. 221).

<sup>18</sup> Smith and Pettit (1990) sometimes seem to suggest that it suffices for an agent's desire to be part of her reasons (in their terms: 'deliberatively foregrounded') for the desire to be phenomenologically salient during deliberation. On my view, this is not the case. For the desire to be part of her reason, the agent must think something like ' $\phi$ -ing has the property of promising to satisfy my desire to  $\phi$ , so I should  $\phi$ '.

example of the selfishly steadfast is that if I am to act impartially in standing my ground, my final desires should not be responsive to the interests of particular persons over the interests of others merely in virtue of their identities. Let us call final desires ‘identity-independent’ if they aim at states of affairs under a description or mode of presentation that does not make essential reference to any particular person. When my desire for a state of affairs is identity independent it means that the features of the state that sustain my desire for it—the features of the state in virtue of which the state presents as inherently attractive to me—can be characterized without using any indexical terms or proper names. The identity-independence condition implies that, in order for me to qualify as impartial, the motivations underpinning my steadfastness during a disagreement cannot finally aim at a state of affairs in which the interests of particular persons (like myself) are catered to simply in virtue of who they are.

There may be conditions other than identity-independence that my final desires would have to satisfy before it would be reasonable to describe me as impartial. One possibility is that my desires may need to also be ‘non-arbitrary.’ Final desires count as non-arbitrary if they are insensitive to morally arbitrary features of persons like their gender or skin color.<sup>19</sup> Note that it is just the essential content of my final desires that cannot refer to the relevant features. I might desire to promote race-based affirmative action, but my final desires would not thereby be *essentially* responsive to anyone’s race. The non-arbitrariness condition will be relatively ignored in the ensuing discussion because the kind of partiality mainly at issue in Enoch’s argument is the partiality involved in having *identity-dependent* desires—that is, the subjectivist is portrayed by Enoch as favoring herself over others by standing her ground in preference conflicts. A further reason to be less concerned with the non-arbitrariness condition is that it might be possible to describe the failure of impartiality involved in racism and other forms of discrimination simply in terms of the having of *identity-dependent* desires (specifically, in terms of desires that aim at privileging one’s in-group).

Consider, then, the significance of standing one’s ground in a conflict by acting on a final desire to promote the wellbeing of persons in a way that is both non-arbitrary and identity-independent.<sup>20</sup> For present purposes, ‘wellbeing’ refers to the good of persons, non-normatively construed in familiar ways. We can rely on the ‘objective list’ theories of Scanlon (1993) and Hurka (1993), which characterize wellbeing in terms of such things as happiness, self-respect, and knowledge. While the concept will have to remain under-specified, that does not mean it is entirely lacking in content. We know, for instance, that a person’s wellbeing, so conceived, is not just a matter of her desires being satisfied.<sup>21</sup> My motives would be consistent with the above characterization if, in standing my ground, I were to simply desire

<sup>19</sup> Which features count as morally arbitrary will, of course, depend on the correct moral theory.

<sup>20</sup> I do not mean to suggest that the impartial perspective has to be cashed out in terms of desires that aim at wellbeing promotion. The characterization in terms of wellbeing promotion is largely illustrative, as I go on to explain.

<sup>21</sup> Pure desire-satisfaction theories of wellbeing are being ruled out for being overly reductive. There are well-known objections to these theories that I need not discuss here.

the maximization of aggregate wellbeing. A final desire to maximize aggregate wellbeing would clearly satisfy the stated conditions. Alternatively, I might finally desire the maximization of wellbeing subject to familiar side-constraints, so long as my interest in respecting those side-constraints does not reflect an *identity-dependent* final desire or a final desire essentially responsive to morally arbitrary features of persons. For instance, I may desire that aggregate wellbeing be maximized subject to a prohibition against violating the fundamental rights of persons or subject to a requirement that persons who harm others are themselves harmed.

Might it not be enough to make a person's impartiality vivid to note that she acts on the sort of final desire described above? Indeed, final desires characterized in terms of identity-independence, non-arbitrariness, and well-being promotion are all the subjectivist needs in order to motivate an alternative and considerably more intuitive conception of the relevant moral intuitions (those concerning what it means to be impartial in the true, moral sense) than Enoch's. According to this conception, the following principle governs inter-personal conflicts:

IMPARTIALITY\*: In interpersonal conflicts that are merely due to competing preferences, an impartial solution is called for, which means acting on the basis of a final desire for states of affairs whose essential mode of presentation is identity-independent and non-arbitrary. An impartial solution entails, among other things, that one cannot act on the basis of a desire that particular persons enjoy greater wellbeing simply in virtue of their identities. Acting on the basis of an identity-independent, non-arbitrary final desire for the promotion of wellbeing is a paradigm case of acting impartially.

Note that, like Enoch's IMPARTIALITY principle, the one on offer here does not purport to capture *all* of the relevant moral considerations that bear on interpersonal conflicts. The principle attempts to capture only what is called for (the response favored) by what value exists in being impartial.<sup>22</sup>

Here are reasons for accepting IMPARTIALITY\* and even preferring it to Enoch's principle.<sup>23</sup> To begin with, IMPARTIALITY\* seems consistent with the rationale Enoch offers for his own principle. Recall that Enoch motivates IMPARTIALITY by appeal to the *equality of persons*. Realists and subjectivists alike should want to go in for something like IMPARTIALITY, he argues, because "each one of us should acknowledge that we are equally morally important" (p. 18). Now, surely, being motivated to promote the wellbeing of persons in a way that does not privilege or disfavor any particular person on the basis of their identity or their morally arbitrary features is a way of showing persons equal respect. In other words, having the kind

<sup>22</sup> A further clarification: like Enoch's principle, the one on offer holds *for the most part*. I explain in Sect. 1.4 that there may be special cases of desire-based conflict where we should all agree that one ought not to be impartial.

<sup>23</sup> Here is Enoch's principle for reference: "In an interpersonal conflict, we should step back from our mere preferences, or feelings, or attitudes, or some such, and to the extent the conflict is due to those, an impartial, egalitarian solution is called for. Furthermore, each party to the conflict should acknowledge as much: Standing one's ground is, in such cases, morally wrong".

of motivational profile that IMPARTIALITY\* demands is supported by the considerations that speak in favor of treating persons equally. By contrast, it is not at all clear that the same considerations always favor having the motivations required by Enoch's IMPARTIALITY principle—which, recall, bluntly calls for a willingness to compromise whenever there is a (mere) preference conflict and an equal number of preferences on either side of the conflict. In cases where being willing to compromise on one's own preference entails giving up on one's desire to promote the interests of persons equally, following Enoch's principle would be inconsistent with treating persons with equal respect (understood as promoting their interests equally). The point is that it seems more plausible that the impartial way to behave in a world where subjectivism is true—where moral disagreements (including over whether we should treat persons' interests equally) are just due to competing preferences—is as IMPARTIALITY\* demands rather than IMPARTIALITY.

Moreover, Enoch's principle excludes a wide range of responses to non-moral preference conflicts that seem consistent with treating persons with equal respect. Consider the movies-v-tennis case. In that case, we are invited to suppose that going to the movies would contribute to my wellbeing just as much as playing tennis would contribute to yours. The supposition seems reasonable and, so, a conciliatory solution to our dispute seems favored—we should decide on the basis of a coin flip, seeing as it best promotes our interests without privileging either one of us. However, whether we should conciliate is not entirely *settled*, as Enoch's IMPARTIALITY principle seems to imply, by the existence of a preference-conflict. There are ways of further specifying the case so that a non-conciliatory response begins to seem just as impartial as flipping a coin—a fact that only IMPARTIALITY\* can capture. Suppose that while you and I disagree about whether to watch a movie or play tennis, I know your preference to be capricious. I know that you will lose your desire to play tennis and find yourself wishing you had gone to the movies the moment we start playing. There is at least an argument to be made that instead of ceding to your current, yet fleeting preference for tennis, I should insist on a movie because it would best promote your wellbeing which, one might reasonably think, is a function of your diachronic happiness. My conduct might seem objectionably paternalistic. It may even be morally disfavored, all things considered. But as far as the specific reasons of impartiality go, they do not disfavor my insisting on a movie, so long as I am not ultimately motivated by my own interests—I would be willing to play tennis, if I knew it would make you lastingly happy. Given my intention in standing my ground to promote our wellbeing interests in an identity-independent, non-arbitrary manner, it would be unfair to accuse me of *partiality*, whatever else I might be justly accused of. Of course, a conciliatory response might also be consistent with acting impartially.<sup>24</sup> The point of the case is just to show that whether we should conciliate in ordinary cases of non-moral preference conflict for reasons of impartiality is far less settled by the existence of a preference-conflict than Enoch's principle makes it out to be. I submit that IMPARTIALITY\*, by leaving

<sup>24</sup> If I were to decide to conciliate, perhaps because I prioritize respecting personal autonomy over promoting happiness, I would qualify as impartial so long as my final desires remain identity-independent and non-arbitrary.

open a wider range of responses to non-moral preference conflicts than Enoch's principle, offers the more precise characterization of what acting impartially in such cases really amounts to.

Enoch suggests in response that, here, his principle does not apply because the preferences of the parties are not 'equal' in the sense that one is capricious and the other not. But nothing in Enoch's IMPARTIALITY principle suggests that such a move would be kosher. For his principle does not distinguish between desires according to their stability across time. It states that an egalitarian solution is called for whenever there is nothing more to a conflict than the conflicting preferences of the parties involved. Moreover, it seems evident that the case should *not* be an exception to the principle—that is, his principle should have something to say about the case. After all, it is a case involving conflicting desires where one ought to be impartial. The fact that Enoch's principle needs to be refined even in response to such an ordinary case, should raise serious doubts about whether it even approximately captures the relevant moral considerations bearing on how we should behave in desire-based conflicts.

Might Enoch appeal to objective moral truth (realistically understood) as a distinguishing factor here? The reason, he might say, that my insisting on my preference for watching a movie would be impartial is that the moral facts militate in favor of acting in ways that maximize (diachronic) happiness. In other words, the conflict over whether to watch a movie or play tennis as I have described it is *not* just due to desires in Enoch's sense. In response, we might stipulate that the case is one where, although morality recommends acting impartially, it does not settle whether I should insist on the movie or flip a coin. There are, after all, good reasons to pursue either option (as noted above). Quite plausibly, objective moral truth—supposing that there are such truths—does not settle whether one should insist on the movie or not. If so, then by standing my ground I couldn't just be doing as objective moral truth recommends I do, even if I am a robust realist. If the only thing the realist can say in defense of insisting on the movie is that morality permits her to act in this way, why cannot the subjectivist say the same: namely, that in some conflicts that are just due to desires in the sense that objective moral truth (realistically understood) does not settle what desire one should have, sticking by one's desires is perfectly permissible/impartial? These considerations are not meant to be decisive, of course. But they should give us some reasons for being skeptical of IMPARTIALITY.

Endorsing IMPARTIALITY\* allows the subjectivist to agree with Enoch that there is value in being impartial when parties have competing preferences while also disagreeing with him that that value necessarily conflicts with standing one's ground in moral conflicts if subjectivism is true. The principle is consistent with acting on one's own preference during mere preference conflicts, so long as one's preference is itself reflective of one's impartiality. Indeed, in paradigmatic cases of moral disagreement, subjectivists and realists alike should recognize that standing ones ground and frustrating the preferences of immoral people best serves the goal of impartially maximizing wellbeing. The person vulnerable to torture, for example, clearly has a greater wellbeing interest at stake in the moral disagreement than the

would-be torturer.<sup>25</sup> In sum, we can account for our practices of compromise and non-conciliation during preference conflicts in terms of a fairly familiar sort of desire—the desire to promote the wellbeing of persons without privileging particular persons in virtue of who they are or arbitrary features of them. And what more could we be possibly asking of a person than that he act on such a desire, when we demand that he act impartially? (I will turn this rhetorical question into something closer to an actual argument in Sect. 1.4... although, as I said before, I expect the fleshed out proposal to be inherently plausible.)

Clearly, a morally steadfast subjectivist is not prevented from acting on the kind of final desire that I claim makes for impartial conduct (unless she endorses a kind of motivational egoism—see discussion above on the No Background Conditions View). Admittedly, the subjectivist may run the risk of polluting what motivates her to stand her ground by having one thought too many about her own desires and the prospective pleasure to be gained from satisfying them.<sup>26</sup> But an unhealthy (impartiality-threatening) focus on her own motivations is certainly not forced upon her by her meta-ethical beliefs. The prospect of any private gains from standing her ground can be motivationally ‘silenced’ by the strength and character of her final desires for the identity-independent, non-arbitrary promotion of wellbeing.<sup>27</sup>

### 1.3 The advantages of the present proposal over others offered on behalf of the subjectivist

The preceding discussion was guided by the thought that impartiality appears to be a feature of a person’s attitude towards other people, an attitude reflected in her motivations (and, typically, her reasons for acting). The challenge for the subjectivist was to describe the motivations of a person willing to stand her ground during moral disagreements in sufficient detail so as to make vivid the person’s impartiality quite apart from her meta-ethical beliefs. I suggested that the challenge can be straightforwardly met by identifying the final desires of the person as identity-independent, non-responsive to arbitrary features of persons, and aiming at wellbeing promotion. The characterization in terms of wellbeing promotion, in

<sup>25</sup> In a review of *Taking Morality Seriously*, Sepielli (2012) argues, in a similar vein, that the subjectivist should explain why standing one’s ground in such a case does not offend against impartiality by appeal to the intuition that some tastes are simply offensive and so do not warrant our concern. Enoch might reasonably ask why we shouldn’t think that in disregarding the torturer’s tastes the subjectivist is simply revealing her partiality towards herself and her own preferences. In my terms, the disregard of offensive tastes may reflect a side-constraint on the promotion of wellbeing. So long as the subjectivist’s refusal to take offensive tastes into account does not reflect bias or prejudice towards particular persons or sensitivity to arbitrary features—that is to say, so long as she finally desires outcomes under identity-independent, non-arbitrary descriptions—her conduct qualifies as impartial. See the discussion in Sect. 1.4 for additional objections Enoch might raise against such a view and how they might be answered.

<sup>26</sup> I am not entirely sure about the degree to which the subjectivist, in light of her meta-ethical beliefs, may be psychologically prone to what Mark Johnston (2001) describes as the “pornographic attitude,” one involving a “change of attentive focus from the appeal of other things and other people to their agreeable effects on us.” I discuss the relevance of this issue briefly at the end of Sect. 1.4.

<sup>27</sup> For a general discussion of the relationship between motivational silencing and virtuous action, see McDowell (1998).

particular, was largely illustrative and part of an attempt to accurately depict the intentions behind our general willingness to frustrate the goals of wickedly intentioned individuals.<sup>28</sup>

Bearing in mind that impartiality is reflected in what a person's desires aim at, we can see why the responses that Enoch himself rejects do not seem quite right. In his original discussion of the argument, Enoch suggests that the only way for the subjectivist to resist his argument is to insist that, in cases of moral disagreement, the party with the desire for what is familiarly regarded as morally good is entitled to give her own desire greater weight in deciding how she should behave, precisely because it is an inherently *better* desire than her rival's (who let us assume desires the morally bad outcome).<sup>29</sup> Enoch puts the point thusly:

[The subjectivist] can certainly say that some preferences are more important than others, or that some moral views (or, for that matter, some preferences) are better than others, thereby (purportedly) reporting yet more preferences, and rejecting the supposed parity between the preferences to which morality is reducible and preferences for playing tennis or for catching a movie (where presumably she does not think that some preferences are better than others). And if some preferences are better than others, then why be impartial among them?

Although he does not make his reasons entirely explicit, Enoch feels that a response along these lines would be "objectionably ad hoc" (p. 33) and unsatisfying as an explanation for why the impartial agent compromises in the movies-v-tennis case but not in the moral case. Note that the objection isn't the dialectically unfair one that the subjectivist's normative claims, about some desires being fundamentally better than others, seem implausible when heard in the subjectivist's intended register (that is, as claims involving the self-attribution of certain higher-order preferences). The objection is that the subjectivist's normative explanation, for why the morally steadfast agent acts in accordance with the demands of impartiality, is insufficiently explanatory even before it is cast in any particular meta-ethical light.<sup>30</sup>

Enoch thinks that the explanation is unsatisfying because it lacks a crucial dimension—one that involves appeal to robustly real normative facts. In fact, the problem with the explanation lies not in its meta-ethical ecumenism, but rather in

<sup>28</sup> An alternative way of characterizing the impartial agent's final desires may be in terms of outcomes that are familiarly regarded as morally good and are consistent with the identity-independence and non-arbitrariness conditions. I discuss alternative characterizations in Sect. 1.4.

<sup>29</sup> In other words, the subjectivist needs to deny the parity thesis—that all preferences/desires are "on a par" (p. 27).

<sup>30</sup> Indeed, the subjectivist is granted, if only for the sake of argument, use of ordinary normative vocabulary. She is allowed to say things like 'A is inherently better than B' or that 'A ought to be preferred to B.' Of course, the subjectivist has a precise understanding of what such claims amount to—namely, that they involve the self-attribution of preferences or desires. For example, the claim that preferring A is inherently better than preferring B simply amounts to the self-attribution of a higher-order non-instrumental preference: 'I finally prefer preferring A to preferring B.' Enoch's line of attack involves questioning the plausibility of the subjectivist's normative explanation quite apart from her meta-ethical commitments. The approach is dialectically fair and we should embrace it.

it's being *implausible* as a normative explanation. The explanation as stated suggests, rather implausibly, that acting impartially in interpersonal conflicts is necessarily a matter of weighing the fundamental normative differences between the desires of the parties involved. The reason, we're told, for our disparate ways of behaving in non-moral preference conflicts, on the one hand, and moral preference conflicts, on the other, is that we find the desires of the parties to be equally good in the one case and inherently unequal in the other. The explanation seems implausible because we do not ordinarily expect individuals in moments of interpersonal conflict to act in the light of judgments of comparative worth across desires. Before refusing to let a sadist torture animals, I do not find myself examining the normative differences between what I desire and what the sadist does. My desires and deliberation seem entirely focused on protecting creatures from harm—that is, the state of affairs I would likely realize if I were to interfere with the sadist's goals.<sup>31</sup> The ordinary explanation for why we act differently in the two kinds of preference conflicts and why most of us succeed in respecting the demands of impartiality as a matter of course is thus unlikely to refer to comparative judgments made about desires.<sup>32</sup> It makes for a far more intuitive response to the argument to locate the ordinary agent's impartiality (along with the explanation for her practices of compromise and non-conciliation) in her rather ordinary first-order desires. The agent is motivated by final desires that aim at promoting the wellbeing interests of all of the parties to a disagreement, without privileging particular persons in virtue of who they are or arbitrary features of them. These attitudinal features of the agent straightforwardly underwrite her impartiality, features that have little to do with normatively comparing motivational states.<sup>33</sup> Once the subjectivist responds as I have suggested, it should be apparent that no further (metaphysically deeper)

<sup>31</sup> A realist might insist that the relevant aspect of my deliberation, as far as my impartiality is concerned, is that it is guided by some belief about the response-independent moral truth about what we ought to do. I argue against this proposal in Sect. 1.4.

<sup>32</sup> Similar problems beset other responses on behalf of the subjectivist discussed by Enoch; e.g. the responses he attributes to Stephen Finlay and Ronald Dworkin (fn. 310). Both are implausible because they locate the normative difference maker in a feature of the moral case that seems largely irrelevant (how deeply rooted moral desires are, in the case of Dworkin, and their strength, in Finlay's case). For a related response that attempts to distinguish cases based on how 'well-informed' the preferences happen to be and Enoch's discussion of it, see Enoch (2014).

<sup>33</sup> In saying that her first-order desires reflect an impartial attitude, we need not be attributing fundamental better-making features to her motivational states that militate in favor of giving them added weight in the decision making calculus. In fact, her rival's desires may be just as impartial, on the present definition. It is not as though the fact that her first-order desires—desires, say, to prevent the torturer from harming persons—reflect her impartiality counts as a further reason for her to act on them on top of such favoring considerations as the fact that by acting on them she might be helping those in most need.

The response I have offered is thus one that even a caricatured subjectivist can sign on to. The subjectivist can grant, if only for the sake of argument, that insofar as essentially psychological facts about the preferences of the parties involved in a disagreement have any *inherent* normative significance for how one should behave, all preferences count equally regardless of content. In that precise sense, the preferences, construed as psychological phenomena, are indeed "on a par," and to be given equal weight (if any) in deciding how to act. Accepting the parity thesis so construed does not mean that the subjectivist cannot impartially act on her own preference for morally good outcomes in cases of disagreement.



explanation is needed. At any rate, I will discuss further in the section to follow whether my own proposal on behalf of the subjectivist requires a further layer of explanation.

Before moving on, it might be worth considering one more alternative response to Enoch's argument, in part because it should make more vivid the advantages of the present proposal. Manne and Sobel (2014) rightly question Enoch's account of impartial action, and offer the following alternative. They define impartiality in terms of a notion they take to be primitive—that of the 'importance' of getting one's way in a preference conflict. On their view, impartiality involves compromising when getting one's way is not all that important and refusing to conciliate otherwise. Manne and Sobel argue that in cases of moral disagreement, it is generally quite important that the person with a desire for morally good outcomes get her way, although, the reasons why this is so are left unspecified; and that, therefore, the morally steadfast subjectivist behaves consistently with impartiality's demands. Notably, their account of impartiality does not seem to turn on the actual motivations behind a person's intention to stand her ground. Yet it would be a mistake to focus exclusively on the nature of the outcome a person realizes by standing her ground to the neglect of her motivations in realizing it, as I have tried to show. To see this consider a case where a stranger is at my door seeking refuge from a deadly blizzard. One might say that it was 'important' for me to grant the stranger refuge. However, the fact that the outcome was important to achieve wouldn't settle whether I acted impartially in allowing the stranger into my home. To settle the question, we would need to know whether, in letting him in, I was motivated to promote our interests equally, or whether I only did it because I needed help completing a household task. It seems wrong to describe me as having acted impartially if what ultimately motivated me was the self-centered desire rather than the identity-independent and characteristically impartial one.

Furthermore, their account appears to yield counter-intuitive results. While the concept of 'importance' remains under-analyzed, it does appear to require a threshold amount of good (or whatever quality bears on importance) to be at stake before standing one's ground is permitted by the standards of impartiality. The result seems to be that we are forbidden from standing our ground, even for altruistic reasons, where the good to be done by being steadfast is slight. Such a case might arise, for example, when we disagree about which charity to support using our collective funds, even though all of the options under consideration are good ones. On their view, it would be inappropriate for me to insist that we support my favored charity because it is not all that important that I get my way. Whichever charity ends up receiving our funds, a lot of good will be done, and so I should be willing to resolve the conflict by flipping a coin. In response, Enoch (2014) argues (plausibly I think) that, whatever might be said for conciliating in such a case, standing one's ground does not seem prohibited by considerations of impartiality, and, so, Manne and Sobel get the wrong verdict. By contrast, the view I've defended illuminates why it is permissible to stand one's ground even in what might be deemed 'low importance' cases. When I insist that we support what I feel is the best charity despite the fact that your preferred charity seems a very good one, I do not violate impartiality so long as my insistence sincerely aims at the identity-independent,

non-arbitrary promotion of wellbeing. Even if I am open to criticism on other grounds, perhaps for being stubborn or too sure of myself, it is not in virtue of any partiality on my part. This, I submit, is closer to the truth than a view that construes impartiality as involving a willingness to conciliate whenever the amount of good to be done by standing ones ground fails to meet some obscure threshold.

These alternative responses discussed by Enoch and others seem to me to be worth rehearsing in order to emphasize a point about the dialectic. In mounting a first-order challenge against the subjectivist, Enoch presents the latter's meta-ethical commitments as being inconsistent with our ordinary ethical beliefs (namely, the belief that we can and ought to be morally steadfast while also respecting the demands of impartiality). And so it behooves the subjectivist to avoid committing herself to counter-intuitive ethical claims in response to the challenge. A revisionary account of when and why persons act consistently with the demands of impartiality ought to be avoided, especially if a more intuitive response to the challenge is readily available. Otherwise, the subjectivist will be susceptible to the charge of having unfairly "introduce[d] the normative input needed to get the right normative output" (p. 33), further fueling Enoch's suspicion that the realist has the meta-ethical resources to offer a more satisfying account of why being morally steadfast is consistent with being impartial. Of the accounts available to the subjectivist, I have offered what seems to me to be the most intuitive, and, as I try to argue in the next section, realist alternatives do not enjoy any special advantage over it.

#### 1.4 Objections and replies

I address, in this final section, two objections that might be raised against the proposal. According to the first, my view implies, perhaps counter-intuitively, that acting morally in certain special circumstances entails being partial. According to the second, my account of impartiality only seems plausible when we ignore the fact, according to subjectivism, that moral disagreements are *just due to desires* in an important sense.

Starting with the first objection (as it is easier to dispense with) consider a case where three children are at risk of drowning, one of whom happens to be my daughter, and I am in possession of a single life vest. The parent of the other two children thinks I ought to save one of his, whereas I would prefer to save my own. It seems that I might be morally entitled—perhaps even obliged—to stand my ground and act on the basis of an identity-*dependent* desire to save *my* child. Let us suppose that one is indeed morally entitled to favor one's own when significant benefits to one's loved ones are at stake in a conflict. Despite the fact that the parent at risk of losing both his children and I have competing preferences regarding what I should do, I am, on the view we are supposing, morally entitled to act on my own preference. Based on what I have argued, I would be acting *partially* in standing my ground and following my own preference. My account of impartiality seems to imply that in certain cases of moral disagreement we are morally obliged, or at the very least entitled, to stand our ground despite the fact that doing so entails behaving in a partial manner.

I think what we should say about such a case, if it indeed turns out that morality obliges us to take special care of our own, is that sometimes the value in being impartial conflicts with the demands of (all things considered) morality. This seems to me to be a far more natural thing to say than what the objection assumes we should—namely, that I act *impartially* in saving my child despite doing so simply because she is *my* child; that is, despite the fact that what I care about is for *my* child to survive, as opposed to anyone else's.<sup>34</sup> After all, the value in being impartial consists in treating everyone's interests equally, as we noted earlier, and I am plainly failing to treat individuals as equal when I would rather promote my child's wellbeing than the wellbeing of others.

In fact, such cases highlight why we cannot simply identify impartiality with having and acting on first-order desires that aim at ends familiarly regarded as morally sanctioned/required; and, relatedly, why the subjectivist cannot simply advert to the fact that her preferences aim at a morally sanctioned/required outcome in response to Enoch's argument. Sometimes the morally sanctioned outcome involves privileging one's own interests over the interests of others. Impartiality, I have argued, consists in having and acting on first order desires that aim at morally sanctioned/required outcomes *of a certain sort*—namely, where the interests of persons are treated equally. If my account of impartiality is correct—if all it takes to be partial is to act on the basis of an identity-dependent desire—then it is a fact, whether or not one embraces subjectivism, that in some special cases of desire-based conflict, standing one's ground as morality requires involves being partial. We can safely say that in such cases of interpersonal conflict, where agent-relative values are at stake,<sup>35</sup> we are *not* required to be impartial. Enoch's argument is not about such cases.<sup>35</sup> It purports to be about cases where we intuitively ought to be impartial *and* morally steadfast at the same time.

Moving on, consider the second objection, which goes to the heart of the present proposal. Fix on the fact that despite all that I have said, moral disagreements, according to the subjectivist, are *just due to desires* in the sense that the fact that parties disagree is nothing over and above the fact that they have conflicting desires. Isn't there some plausibility to the notion that conflicts that are just due to desires in *that* sense are ones where the parties ought to conciliate?<sup>36</sup> That it does seem

<sup>34</sup> Note that it would be unrealistic to suppose that I might be acting out of an identity-independent desire to act consistently with morality's demands. Acting out of a sense of moral duty instead of affection for one's child may even be inappropriate in a case like this: see Williams (1981, p. 18). Thus, even if we, suppose, with the realist, that we act impartially whenever we aim to act in conformity with the objective truths about morality, it would not allow us to say that I behave impartially in saving my child from drowning, supposing that my impartiality (or lack thereof) is a function of my *actual* motivations.

<sup>35</sup> Even his principle demanding that we compromise during desire-based conflicts was supposed to hold *for the most part* and not in every case. See discussion in Sect. 1.1.

<sup>36</sup> Relatedly, the realist might suggest that that my account of impartiality only seems plausible if we suppose that there is a response-independent fact of the matter about whether we should promote wellbeing in a manner that is non-arbitrary and identity-independent. Perhaps once it is made clear that, according to the subjectivist, wellbeing is just a condition of persons that the morally steadfast happen to have a strong preference for promoting, it seems less than plausible that acting on such a preference, when others prefer differently, suffices for acting impartially.

plausible is, at any rate, what the realist might insist. I hope that the above discussion has gone some ways towards undermining the notion, but it is perhaps worth saying something more about why it might seem plausible. There is a sense in which conflicts that are ‘just due’ to conflicting desires are ones where the parties ought to compromise. But it is not the sense that the objection presupposes. Perhaps once we clarify the way of a conflict being just due to desires that is relevant to impartiality, it will become even clearer that the subjectivist does not face the problems Enoch thinks she does.

Sometimes, as was noted earlier, it seems natural to pursue a course of action for no other reason other than the fact that we desire to do so. The principal consideration that strikes us as practically relevant in such cases—the consideration that ultimately motivates us—is that by acting we would be sating our own desires. Conflicts can, of course, arise when parties have such self-regarding aims that cannot be jointly satisfied. In some such cases, the only good to be achieved from acting one way as opposed to another is that either person’s desires will be fulfilled. Such a conflict is ‘just due to desires’ in the sense that the only possible motivation/reason that the parties might have for acting one way as opposed to the other is that their desires will be fulfilled. Moreover, either course of action will realize the very same good: the good of a person’s desires being satisfied. When a conflict is *just due to desires* in that sense—that is, what makes the opposing courses of action at all worth taking is the fact that the parties have the conflicting wants that they do—compromise is often what is called for. In particular, compromise is called for when the happiness/satisfaction to be gained by parties from having their desires sated is equal on either side of the conflict. For a large part of being a morally attuned agent involves recognizing that insofar as one’s own satisfaction is worth promoting, so is the satisfaction of the desires of others. When one sees that one’s reason for wanting to  $\phi$  is just that  $\phi$ -ing will sate one’s desire to  $\phi$ , one should compromise once one notices that someone else wants one to not- $\phi$  (and other things are equal). In such cases, the agent confronts a practical conflict not just because two people want opposing things.

Such conflicts occur quite frequently—a fact that both Enoch and the subjectivist can recognize. When you and I have conflicting movie preferences, arguably the only relevant considerations bearing on which movie we should watch concern our respective desires and the prospective pleasure to be gained by each of us from the different possible outcomes. However, many disagreements between people are not like that. In particular, moral disagreements are generally of the sort where a wide variety of goods (if ‘goods’ sounds in a worryingly realist register, substitute with ‘finally desired ends familiarly regarded as morally good’) are at stake other than mere desire satisfaction, goods whose realization is not dependent on the parties’ desires being sated.<sup>37</sup> Take, e.g., the good of ensuring that people’s fundamental rights are not violated. Achieving that good does not necessarily entail sating my desire for it. Moral conflicts are not ‘just due to desires’ in the sense that desire satisfaction is rarely the only motivating consideration that gives rise to them. The

<sup>37</sup> It remains true that, for the subjectivist, taking some feature of a situation to be normatively significant or good simply amounts to having a desire to promote it (or some such), but that should not detract from the point.

only plausible normative principle in the vicinity of Enoch's is that one should be conciliatory in a conflict when the only good at stake in acting one way or the other is the good of satiating desires, with an equal number of desires on either side of the conflict. By contrast the overbroad principle that one should be conciliatory whenever conflicts are ultimately grounded in competing desires is one we should reject.

What if the realist digs in her heels and insists that without belief in response independent truth, a person's final desires and her reasons for acting, no matter how identity-independent, non-arbitrary, and directed at the general wellbeing, cannot be sufficient to guarantee her impartiality? Are there any positive arguments that might be given to show that realist commitments would make no difference to the impartiality displayed by someone whose actions are motivated by final desires of the relevant sort? The chief things to say in favor of the present proposal have already been discussed—its fit with our moral intuitions about what ought to be done in particular cases, its power to explain our practices of compromise and non-conciliation, and its plausibility given the considerations we attend to in deliberating about what to do in cases of interpersonal conflict. If there is any hope of persuading those who remain unconvinced about the irrelevance of response-independent truth, perhaps it lies in reflecting on cases of the following sort.

First, there is the example of the 'mistaken realist,' which helps show that a person's impartiality does not turn on whether her desires are, in fact, consistent with a mind-independent moral truth (supposing, for the moment, that there are such truths). We can imagine a realist who endorses, say, a purely hedonistic conception of wellbeing and acts to maximize pleasure in the world without privileging particular persons. Presumably, we should be willing to describe her as impartial, and even if the response-independent normative facts turn out to be such that the good of persons consists in more than just pleasure. A realist mistaken about the response-independent normative facts seems impartial, as long as she is well-enough intentioned—that is, as long as she is interested in promoting the interests of persons equally and non-arbitrarily. Hopefully, even Enoch can agree with this verdict. He may insist, however, that it matters that the mistaken realist *believes* that her desire is backed by a relevant normative truth.

The example of the 'unreflectively decent' suggests that even the belief in a mind-independent moral truth is unlikely to be relevant to the agent's impartiality. We can easily imagine a person who has never considered meta-ethical questions, has no beliefs either way about the objectivity of morality, and yet has strong moral convictions. In cases of moral disagreement, he acts just like our resolute subjectivist. He follows his desire to promote the wellbeing interests of parties equally. I doubt we would regard such a person as partial. His identity-independent, non-arbitrary desire to promote the good of persons seems enough to confirm his impartiality. Enoch may counter that the unreflectively decent are at the very least disposed to endorse realist claims, and it is this unexpressed disposition that contributes to the impartiality of their conduct. To put the point somewhat differently, the subjectivist's explicit belief that there are no response-independent moral truths is what renders her conduct, unlike the conduct of the unreflective, distinctly partial. This thought seems false to me, but I do not currently have much

in the way of argument to offer in criticism. I can only speculate about the reasons one might be tempted to think it.

It may be that an agent's meta-ethical beliefs bear on her impartiality *indirectly*—that is, by influencing the desires she ends up acting on—and perhaps this indirect connection tends to be mistaken for a more direct one. Realists are fond of suggesting, after all, that belief in morality's response-dependence is likely to weaken our moral resolve.<sup>38</sup> If, for some reason, this turns out to be true—that is, believing a view like subjectivism makes individuals more likely to be self-interested—then we might have some basis for thinking that subjectivists act partially even when they realize morally good outcomes. For morally good outcomes pursued out of self-interested motives mire the agent in partiality, even on my account. That said, I find it hard to see why the meta-ethical commitments of subjectivism should lead, invariably, to the motivational profile of a thoroughgoing egoist. Even if some such 'egoistic decline' were found to be inevitable, an agent's impartiality would still be grounded in her desires, and not her meta-ethical beliefs. After all, the egoist seems partial precisely because all of her final desires aim at promoting her own interests. We do not need to know anything about her meta-ethical beliefs in order to know that she falls short of the standards of impartiality.

Despite all of this, Enoch may insist that an agent's disbelief in response-independent moral truths undercuts her impartiality in some more direct way, and not just by influencing her motivations. There is not much left for me to say other than that a more direct connection seems unlikely to me. I can only hope the reader shares my sense that once it is revealed that an agent is drawn to states of affairs where the good of persons is promoted equally and without arbitrariness, any questions regarding her impartiality have already been settled. If I am right, we have no basis for questioning the subjectivist's commitment to being impartial in desire-based conflicts, at least absent an argument showing that subjectivists cannot be motivationally drawn to the good of all persons. As far as I can tell, there are no such arguments, and the subjectivist gets to be impartial like everyone else.

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<sup>38</sup> Although the claim is rarely defended explicitly, its proponents sometimes appeal to, on the one hand, an alleged first-order normative principle that states something like 'if morality is response-dependent, then anything goes,' and, on the other, a psychological claim that 'if anything goes' then we are more likely to be selfish than other-regarding. Kit Fine (2001) attributes a principle of this kind to Ronald Dworkin. Jonas Olson (2010) thinks that something like the principle is ordinarily assumed and underlies a widely-felt discomfort about expressivism. For discussions of the worry that a denial of moral objectivity entails giving up on our moral commitments, see Smith (1989) and Foot (1978, p. 167).

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