



A REPLY TO RONALD DWORKIN'S CRITIQUE OF MORAL SKEPTICISM

UMA RESPOSTA À CRÍTICA DE RONALD DWORKIN AO CÉTICISMO MORAL

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This paper focuses on “indeterminacy”, “objectivity” and “truth” in the work of Ronald Dworkin. The text is divided into four parts: first, I will expose the general structure of Dworkin’s conception of objectivity in the moral domain (Section 1). Next, I will present the main critiques Dworkin addresses to two of his most important philosophical enemies, namely the “external skeptic” (Section 2.1) and the “internal skeptic” (Section 2.2). I then intend to address Dworkin’s critiques by presenting counterarguments in defense of moral skepticism (Section 3). In order to clarify the debate and its points, I try to illustrate the arguments with examples whenever possible. In the concluding Section (4), I recapitulate the main points of the text.

Keywords: Ronald Dworkin; moral skepticism; objectivity; truth; unity of value; pluralism of values.

Este artigo tem como temas a “indeterminação”, a “objetividade” e a “verdade” na obra de Ronald Dworkin. O texto está dividido em quatro partes: na primeira delas (Seção 1), exponho a estrutura geral do modo como Dworkin concebe a objetividade no domínio moral. Feito isso, reconstruo as principais críticas que Dworkin faz a dois de seus mais importantes adversários filosóficos: o cético externo (Seção 2.1) e o cético interno (Seção 2.2). Em seguida, na Seção 3, enfrento as críticas de Dworkin, apresentando contra-argumentos em defesa do ceticismo moral. Visando esclarecer o debate e seus principais pontos, ilustro os argumentos, sempre que possível, por meio de exemplos. Por fim, na última Seção (4), recapitulo os principais pontos do texto.

Palavras-chave: Ronald Dworkin; ceticismo moral; objetividade; verdade; unidade do valor; pluralismo de valores.

1. Objectivity and Truth in the Work of Ronald Dworkin

In this Section, I present the overall structure of Dworkin’s ideas on objectivity and truth. The question that underlies his debate with moral skeptics is: is there objectivity and

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truth¹ in the domains of ethics and morality?² If so, what are the criteria according to which moral propositions can be said to be true? If not, what reasons do we have for thinking there is no objectivity in this domain? Dworkin answers the first question affirmatively and offers two main criteria to evaluate the truthfulness of a moral proposition: coherence and conviction. More specifically, conviction coupled with the maximum of coherence that can be attained.³ The criteria could be phrased in the following way: assuming a person will examine her convictions responsibly, taking the situation seriously and scrutinizing her thoughts rigorously, she will be entitled to say a moral proposition is true if, after this responsible examination, her conviction remains unscathed.⁴

Coherence is thus important in the following sense: it is through our commitment to coherence that we can identify moral conceptions that do not adequately fit in our web of convictions (or, to use Dworkin's metaphor, in our "geodesic dome of values") and thus need to be revised. Understood this way, coherence reflects the demand for integration, which is, according to Dworkin, a necessary condition for truth in the moral domain. We should try to identify conceptions of our values that not only are coherent with one another, but that also support each other mutually. Our conceptions are tested against the provisional account of the values we espouse and are revised in light of this account. Once integrated, they must pass the test of conviction.⁵

The demand that one's conviction survives the process of responsible scrutiny broadens the demand for coherence: discursive coherence *per se* does not suffice; the person must feel committed to that interpretation, so that she feels compelled and able to live in accordance with it. Therefore, not only is discursive coherence needed, but also coherence between what one professes and the way in which one leads one's life.

However, this should not be taken to mean that the correctness of a moral proposition depends solely on people's thoughts and actions. According to Dworkin, a moral proposition can be true even if no one thinks it is true, that is: a true moral proposition is mind-

¹ When he describes his thesis, Dworkin uses terms as "truth", "objectivity", "correct/right answer". Dworkin seems to use them interchangeably (Macedo, 2013, pp. 47–48). For different ways of understanding "objectivity" and its possible relations to truth, see Gaukroger, 2012.

² Given the limits and purposes of this paper, I will not distinguish between ethical and moral propositions. According to Dworkin, moral propositions are related to the way we ought to treat others, whereas ethical propositions are related to what we consider to be a good life. Both should be integrated, so that our moral conceptions not only fit but also support our conceptions of what a good life is and vice-versa (2011, p. 25).

³ Dworkin, 2006, p. 162.

⁴ Dworkin, 1996, p. 118.

⁵ Dworkin, 2011, pp. 5–6.

independent. What makes a moral proposition true are good moral arguments that show us it is true (and by *good* we should understand coherent and capable of generating conviction). To illustrate this point, Dworkin claims that torturing babies for fun is wrong—and it would still be, even if no one thought so. What makes the proposition *torturing babies for fun is wrong* a correct moral proposition is a moral argument that shows this is wrong even if no one thought so. Dworkin argues for the independence of the moral domain or the “metaphysical independence of value”, according to which there is nothing outside morality that determines the correctness of a moral proposition. What makes a moral argument true is another moral argument, that is underpinned by a moral theory of responsibility, which, in its turn, is based on other moral conceptions, and so on.⁶

To sum up: Dworkin claims there is objectivity and truth in the domains of ethics and morality. As mentioned, he puts forward two criteria of truth: coherence and conviction. In addition to that, I remarked that these criteria are associated with a defense of the metaphysical independence of value, according to which only moral arguments are decisive reasons for determining the correctness of a moral proposition. In the following Section, I will connect these theses to Dworkin’s critique of moral skepticism.

2. Dworkin’s Critique of Moral Skepticism

In this Section, I will present the main critiques Dworkin addresses, respectively, to the *internal skeptic* and to the *external skeptic*. Against the latter, Dworkin claims that it is impossible to defend the correctness of a moral proposition from a standpoint external to morality. When the external skeptic claims there is no truth in the moral domain, she describes that claim as neutral, philosophical and/or meta-ethical. By doing this, she makes a type of argument Dworkin labels “Archimedean.” Dworkin argues that this kind of argument is impossible, since only moral arguments can count as reasons for us to endorse any moral claim (here included the allegedly meta-ethical proposition that there is no truth in the moral domain). Against the internal skeptic, Dworkin’s main argument is based on an important distinction he draws between uncertainty and indeterminacy. The internal skeptic’s mistake is to assume indeterminacy is the default position in moral debates, whereas, according to Dworkin, the default position is not indeterminacy but uncertainty.

⁶ Dworkin, 2011, pp. 9–10 and p. 37.

2.1. Dworkin's Critique of Internal Moral Skepticism

Confronted with the overall structure of Dworkin's thought regarding objectivity and truth, an internal skeptic could raise the following objection: there are several cases in which we face a dilemma involving values, and we cannot reach a conclusion regarding the correct answer. These cases are not rare, so it is reasonable to conceive a scenario in which a person, even after scrutinizing her reasons rigorously, cannot reach the sufficient degree of conviction necessary to commit herself to one of the possible answers to a moral or ethical question. If this state of non-conviction is common and recurring, is Dworkin's thesis that we can and should integrate our values in the form of a geodesic dome truthful to our experience? Would not moral pluralism and the claim that some of our values may conflict tragically be a more accurate portrayal of the way we experience these conflicts?

In order to respond to this objection, Dworkin makes a distinction between two positions: that of uncertainty and that of indeterminacy. He claims people are naturally uncertain when faced with difficult and controversial questions. It is reasonable to suppose that, after scrutinizing the arguments, people will not reach a state of conviction. In these cases, we would say we are uncertain. Indeterminacy is different and it must face a heavier argumentative burden than uncertainty, because it goes beyond the latter: according to Dworkin, indeterminacy takes a stand in the debate by claiming that the possible answers to a moral question are neither true nor false.⁷

Uncertainty is totally compatible with the proposition that one of the possible answers to a moral or ethical question is correct. Suppose two persons are debating whether abortion is right or wrong. If I claim to be uncertain, I can still say one of the two is right, even if I myself am not sure about which stand is the correct one. Indeterminacy is different, since it is incompatible with the claim that one of the two persons is right. It goes beyond uncertainty and takes a third possible stand in the debate, according to which there is no correct answer. The person who is uncertain does not have to argue for her position (she could merely say she did not reach a conclusion yet), whereas the person who espouses indeterminacy must present reasons to defend it. If we are dealing with a moral question, the indeterminacy claim must be supported by the same kind of argument that underpins the competing moral claims it is denying (that is, by substantive reasons). Therefore, it is necessary to put forward moral,

⁷ Dworkin, 1996, pp. 130–131.

substantive reasons that support the claim that none of the positions (say, whether abortion is right or wrong) is correct. Indeterminacy demands more than mere uncertainty.⁸

To sum up: the internal skeptic thus errs, since she does not distinguish between uncertainty and indeterminacy and thereby assumes the latter is the default position in moral debates. When making this assumption, she does not provide the required substantive reasons to support her substantive indeterminacy claim. The purportedly neutral argument of the internal skeptic is, in fact, far from being so. And even when correctly considered as the substantive position it is, the skeptical argument is flawed, since the true default position in ethical and moral debates is not indeterminacy, but uncertainty. Even if the former and not the latter were the default position, the internal skeptic does not put forward the substantive, moral arguments necessary to defend the indeterminacy claim.⁹

2.2. Dworkin's Critique of External Moral Skepticism

The skepticism Dworkin labels "external" is different. Whereas the internal skeptic accepts the moral enterprise and accepts that at least in principle there is truth in the moral domain, the external skeptic rejects it. According to her, there is no truth in this domain, since there is nothing "in the world" that makes a moral proposition true. When describing this claim, the external skeptic says it is "meta-ethical" and describes it as neutral and external to moral-substantive debates.

The thesis of the external skeptic is rather peculiar: on the one hand, she agrees with universal moral claims such as "abortion is wrong"; on the other, she disagrees with the claim "abortion is *really* wrong," stating that this type of claim is, for instance, a sort of moral projection a person makes into reality (in other words: a mere invention). This reasoning assumes not only the existence of two different levels of discourse (an internal level and an external level), but also that the claims in the external level do not interfere with the claims in the internal one. By agreeing that "abortion is morally wrong," but disagreeing that "abortion is *really, objectively* wrong," the external skeptic counts the first claim as belonging to the internal level and labels it as a value judgement. When it comes to the second claim, the skeptic states it belongs to the external level and labels it as a philosophical or metaphysical

⁸ Dworkin, 1996, pp. 130–33.

⁹ Dworkin, 2011, pp. 91–94.

claim, a claim which is not moral. This allows her to be skeptical about the possibility of saying “abortion is *really, objectively* wrong” without any impact on the substantive claim “abortion is wrong.” It is this assumption that allows the external skeptic to be in a position in which she is allegedly not making any moral judgements, as well as not taking sides in any moral disputes.¹⁰

According to the external skeptic, it is a mistake to argue for the possibility of objectivity and truth in the moral domain, since there is no objective moral reality that could correspond to a moral claim. From the fact that someone claims “abortion is wrong,” one should not conclude that abortion is objectively wrong (and, consequently, that it is possible to find a correct answer to moral problems). It is necessary to clearly separate the internal level of the debate and the external, philosophical one. Whereas the former makes claims *in* the debate, taking part in it, the latter makes claims *about* the debate, not participating in it. As said, it is this distinction that allows the external skeptic to claim that abortion is wrong without having to forgo the claim that it is not possible to find or determine the correct answer to a moral problem.¹¹

Dworkin argues that this distinction at two levels is artificial and cannot be defended. There is no plausible interpretation of the so-called external propositions that shows them to be non-moral, neutral, second-order, external to the debate.¹² In fact, it is possible to reformulate them so as to show they are value judgements (i.e., propositions of the internal kind). That being so, all that is left are internal propositions; the distinction between two levels of discourse (and the alleged skeptical neutrality that accompanies it) falls apart. External skepticism cannot be neutral. Rather, it is morally engaged.¹³

Dworkin’s argument against external moral skepticism is tremendously ambitious, since it consists of affirming that all meta-ethics rests on a mistake -- namely, that of thinking that the question about the possibility of objectivity and truth in the ethical and moral domains is

¹⁰ Dworkin, 1996, pp. 92–93.

¹¹ Dworkin, 1996, pp. 95–97. See also: Dworkin, 2011, p. 31.

¹² According to Dworkin, the strategy of interpreting the external claims as meta-ethical (as metaphysical propositions about matters such as the existence of moral properties in the universe) fails (1996, pp. 99–101). The strategy of interpreting the external propositions in light of the division between primary and secondary properties also fails (pp. 101–103). The strategy of interpreting them as propositions about the correspondence between moral convictions and moral facts is also doomed to failure (pp. 103–108).

¹³ Dworkin, 1996, pp. 97–99.

not an ethical or moral question. Dworkin believes there are no meta-ethical questions or claims; all the purportedly “external,” “meta-ethical” claims are simply internal, substantive.¹⁴

2.3. An Example that Illustrates Dworkin's Critiques

An example might illuminate the way in which both internal and external skepticism are substantive positions that take sides in moral debates. Let us imagine a person that is considering getting an abortion and is facing the dilemma of not knowing whether this would be the correct thing to do. She decides to ask for a friend's advice, who happens to be a professor of ethics in a distinguished university.

In a first scenario, the professor tells her friend she ought not to get an abortion, because this is morally wrong. In this case, if the woman decides to disregard the professor's advice and get an abortion, she will have to carry the burden of having made a morally wrong decision. This burden follows from the truthfulness of the moral proposition “abortion is morally wrong.”

In a second scenario, the professor subscribes to a skeptical position in relation to objectivity and truth in the moral domain and tells her friend that, since there is no objectivity in this domain, there is no correct answer to her dilemma. In this case, if she decides to get an abortion, she will not have to carry the moral burden she would have had to carry in the first scenario. Granted, she would not be able to claim getting an abortion was objectively the correct course of action. Nonetheless, she could at least count in her favor the impossibility of claiming abortion is objectively wrong, since, according to the professor, there is no objectivity and truth in this domain.

In a third scenario, the professor tells her friend there is no correct answer to her dilemma, but offers a different justification for holding this position. Instead of saying abortion is neither *really* wrong, nor *really* correct (since there is no objectivity in the moral domain), she says that the question is indeterminate. According to her, there are good arguments on both sides. Equally important and incommensurable values are at stake, and they conflict. The question is indeterminate: there is no correct answer to the question of whether abortion is right or wrong. In this scenario, if the person decides to get an abortion,

¹⁴ Dworkin, 2011, pp. 67–68.

she also cannot claim abortion is morally acceptable. However, just as in the previous scenario, she could at least claim in her favor that she cannot be censured, given the impossibility of claiming abortion is objectively wrong.

The second and third scenarios represent, respectively, external and internal skepticism and they differ sharply from the first (non-skeptical) scenario. Whereas in the second and third scenarios the conduct of the person who decides for an abortion cannot be censured, in the first scenario her action would be described as morally wrong. If both internal and external moral skepticism have implications regarding the way we conceive our actions, they are far from being neutral, meta-ethical claims that do not take part in the debate. Therefore, according to Dworkin, both external skepticism (by denying the possibility of objectivity in the moral domain) and internal skepticism (by assuming indeterminacy is the default position in morality) are substantive, morally engaged positions.

3. A Reply to Dworkin's Critique of Moral Skepticism

3.1. A Defense of Internal Moral Skepticism

In defense of internal skepticism, I will put forward three main arguments. The first one regards the artificiality of Dworkin's characterization of the internal skeptic. I claim that Dworkin not only does not portray the internal skeptic's arguments faithfully, but he also wrongly ascribes an implausible thesis to her. The second argument concerns the artificiality of the distinction between uncertainty and indeterminacy. I argue that, by crafting this distinction, Dworkin demands more from the internal skeptic than from those who claim there is a correct answer to a moral dilemma. The third argument has a more substantive character. By appealing to the notions of "moral remainder" and "rational regret" (which are also mentioned in the first argument) and to the limits of human reason, I put forward a moral case for indeterminacy. This case is centered on the value of epistemic modesty, a value we cherish and that supports indeterminacy.

3.1.1. Caricatures, Moral Remainder and Rational Regret

By this point, the reader might be as suspicious as I am. Dworkin's critique of the internal skeptic seems to be based on a caricature, does it not? As an example, let us analyze a passage written by him:

Now suppose someone says that she [a woman who is facing a dilemma of whether she should pursue a life as a lawyer in NYC or as a person living in a kibbutz in Israel] is silly to worry about any of this, because, since both of these lives are valuable, there is no right answer to the question which is, all things considered, the best (1996, p. 136).¹⁵

This passage exemplifies that Dworkin's portrayal of internal skepticism is more like a caricature. An internal skeptic would not say it is 'silly' to worry about this dilemma. On the contrary, she would probably revisit the arguments of both sides and claim that, regardless of the choice the woman makes, there will be something to regret, there will be a moral remainder: no matter what choice is made, there will be gains and losses.¹⁶ In any scenario, values we cherish will have to be sacrificed for the sake of other values. This is far from being a truism;¹⁷ it is a position that stems from a responsible and rigorous argumentative exercise: the position of indeterminacy is achieved after a scrutiny of the arguments in favor of and against each of these lives. This does not necessarily lead to inaction, nor to arbitrary choice. The fact that there is no definitive answer leaves room for a practical, provisional compromise between the conflicting values.¹⁸

Dworkin continues his argument by emphasizing that, despite indeterminacy being substantively defensible, it has no logic or epistemic priority over the substantive positions that defend the existence of a correct answer to a moral dilemma. The problem thus seems to be a certain logic or epistemic priority the internal skeptic allegedly claims for her position. But who is claiming this priority? Dworkin does not provide us with an example; at best, he points generically to those who defend a pluralism of values and to a way of thinking that is popular in law schools.¹⁹

¹⁵The same example is discussed in Dworkin, 2011, p. 93.

¹⁶ Minow and Singer (2010, p. 916); Stocker and Williams made the same point (Mason, 2015).

¹⁷ Dworkin describes this argument as a truism in the following passage: "That [Antigone's] is an ethical question, and the third answer—that neither [choice] is [best]—needs, not truisms about the pluralism of value, but an ethical defense of the kind it almost never receives" (1996, p. 136).

¹⁸ As Berlin says: "Hence, things being what they are, we are compelled to adjust claims, compromise, establish priorities, engage in all those practical operations that social and even individual life has, in fact, always required" (2002, p. 53; see also p. 173).

¹⁹ Dworkin, 1996, pp. 135–37; Dworkin, 2011, p. 91.

It seems to me the internal skeptic does not necessarily claim that indeterminacy is the default position in morality. In other words: Dworkin is wrong in attributing this thesis to internal skepticism, at least in this strong formulation. In view of our common experience, this position is highly implausible. We conduct our moral lives without constantly experiencing dilemmas. Despite being qualitatively more interesting than the cases in which we do not hesitate, moral dilemmas are rarer. If we can make moral judgements regarding a myriad of quotidian moral questions, why would someone claim indeterminacy is the default position? Isaiah Berlin, a value pluralist Dworkin criticizes by associating him with moral skepticism,²⁰ argues that in *some* cases *some* of our values *might* conflict tragically. This is far from being the implausible thesis according to which indeterminacy is the default position, even if taken to mean that indeterminacy is the default position *in cases of conflict*. It is not. Berlin, for instance, is not affirming this. In many cases, he would admit that a conflict can be solved; there will be others, though, in which an intractable and tragic conflict occurs.²¹

This caricature of the internal skeptic's thesis is evident in the following passage, in which Dworkin makes its defense almost impossible:

What would it take to show, a priori, that no matter how thoroughly and imaginatively the dozens of complex issues at stake are canvassed, no case can be constructed that will show, even if only marginally and controversially, that one side or the other has the better of the overall argument? (2011, p. 95)

Dworkin does not say who, specifically, is arguing for a priori indeterminacy. Those who put forward indeterminacy claims do not have to make them a priori. Their point is merely that there are cases in which a genuine conflict of ultimate values occurs. When we experience these conflicts and are convinced there is no better argument that would determine the correct choice (or, if there is such an argument, that there will still be something to regret), we are entitled to the indeterminacy position.

Supposing Dworkin accepts this stricter formulation of the skeptic's thesis, he could object by saying that "in any case it would seem at best premature to suppose that positive arguments for indeterminacy are always available when people are deeply uncertain" (2011, p. 94). Given the limits of human reason (which will be addressed in one of the following sub-sections), I reply: in any case it would seem at best premature to suppose that definitive

²⁰ Dworkin's critique of Isaiah Berlin's moral pluralism appears in three main texts: in the essays "Moral Pluralism" and "Hart's Postscript and the Point of Political Philosophy", both published in *Justice in Robes* (2006), and in passages of *Justice for Hedgehogs* (2011).

²¹ See, for instance, *Berlin's last interview* (Rosenberg, 1998).

arguments (i.e., coherent and conviction-generating arguments) for one of the non-skeptical theses in question are always available when people are deeply uncertain. Why should the burden be with the internal skeptic, given the limits of human reason?²²

In the previous paragraph, I intentionally formulated Dworkin's argument in a caricatural manner. He does not necessarily claim that definitive arguments are always available when people are deeply uncertain. By doing that, I intended to show that the argument he attributes to the internal skeptic is also artificial. Why would the internal skeptic assume, as Dworkin says, "that positive arguments for indeterminacy are always available when people are deeply uncertain"? It simply does not make sense to assume that definitive arguments are always going to be available—either in favor of indeterminacy, or in favor of one of the other two contending positions. Given that this assumption does not make any sense, why should our point of departure be that there is one correct answer, and why should we recognize indeterminacy only when we find a "positive argument" in its favor? Why not the opposite: in cases of deep controversy, we depart from indeterminacy and recognize a correct answer only when we find a convincing argument in favor of one of the contending positions? In other words, why should the argumentative onus be with the internal skeptic (or the moral pluralist) and not with Dworkin? This brings us to the second argument in defense of internal skepticism.

3.1.2. The Greater Burden Imposed on the Internal Skeptic and the Artificiality of the Distinction between Uncertainty and Indeterminacy

Let us revisit our example of the Ethics professor and her pregnant friend. According to Dworkin, if this person hears the arguments in favor of abortion and feels convinced by them, she will have earned the right to claim "abortion is not morally wrong." Similarly, if she hears the arguments against it and feels convinced by them, she will have earned the right to claim "abortion is morally wrong." Let us now imagine a third scenario. She first hears the arguments pro-abortion and is convinced they are not good. She then hears the arguments against it and feels equally convinced they are also not good. That is to say: she is convinced

²² Berlin is an example of a pluralist that appeals to these limits (see 2013, p. 183). Gray also argues along these lines: "(...) Dworkin has argued that we cannot know when conflicts of value are irresolvable: if we go on inquiring, we may find reasons that settle dilemmas that Berlin believes are rationally insoluble. But the idea that such reasons will always be discoverable assumes a realm of value that is independent of human experience" (2013, p. 23).

that neither the arguments in favor of abortion nor those against it are good enough and she can offer reasons to support her lack of conviction. According to Dworkin, in this scenario, she would not have earned the right to a substantive position (namely, to indeterminacy), but only to uncertainty, the “true default position.” Why does conviction (i.e., the fact that she is convinced the arguments of one side are better) suffice for her to earn the right to make a substantive claim in the first and second scenarios, whereas the same conviction (i.e., the fact that she is convinced that no side has the better argument) does not suffice for her to earn the right to make the substantive claim of indeterminacy?

Dworkin would probably reply by saying we are assuming that positive arguments are necessary to defend one of the positions in the first and second scenarios, whereas the mere non-existence of these positive arguments would be enough to defend the indeterminacy claim. This mere non-existence, Dworkin would go on, does not suffice. The internal skeptic needs an equally “positive argument” if she wants to earn the right to a substantive claim of indeterminacy.²³

In response, I go back to where we started this Section: the internal skeptic can examine the arguments of both sides and offer reasons for believing the arguments are not decisive. My point is: if she does this exercise responsibly (in the same way the person who claims, for instance, that “abortion is wrong”), why is she denied the right to this third substantive position (i.e., the indeterminacy position)? What other type of argument does Dworkin expect? As J. Raz says:

[W]e may have adequate reasons to believe that the value-based reasons for action in a particular case are incommensurate even when we do not yet have an explanation of why they are incommensurate. In some cases, the nature of the problem and of the values that bear on it, coupled with failure to find any grounds for holding that the reasons supporting any option are conclusive even after due investigation, may warrant the conclusion that the reasons are incommensurate (2014, p. 16).

Dworkin puts a greater burden on the person who makes an indeterminacy claim than on the other two who are making substantive claims. This is reinforced by the artificiality of Dworkin’s use of the distinction between indeterminacy and uncertainty. Suppose we could enter in a dialogue with the person Dworkin says is deeply uncertain. If pressed and asked to

²³ Dworkin, 2011, pp. 90–91. Dworkin criticizes Raz along these lines: referring to the text *Incommensurability*, he says he does not consider Raz’s argument a “positive” one and criticizes him for the absence of such an argument in his defense of moral pluralism: “No such [positive] argument is supplied by only citing the obvious fact that there are many values and that they cannot all be realized in a single life” (see: footnote 6, 2011, p. 93).

choose among the three available substantive positions (namely, “abortion is wrong,” “abortion is not wrong” and “the abortion-question is indeterminate”), she would probably adopt the indeterminacy position. If you have analyzed and scrutinized the arguments responsibly and none of them struck you as a better argument, why are you not entitled to the indeterminacy position? If you took the situation seriously and did not reach the conclusion that “abortion is wrong” or that “abortion is not wrong,” you are not uncertain; rather, you are convinced (and have reasons for your conviction) that the question is indeterminate. Demanding more than this (i.e., demanding some sort of knock-down a priori argument) is to demand more from one of the possible substantive positions (namely, that of indeterminacy) than from the other two that claim there is a correct answer to the dilemma.²⁴

3.1.3.A Moral Case for Indeterminacy

Confronted with the arguments of the previous sections, Dworkin would probably say they do not appeal explicitly enough to a moral value. He would probably demand from us a moral case for indeterminacy. Moral pluralism, a theory that clashes with Dworkin’s defense of the unity of value, provides theoretical support for the indeterminacy claim. Despite that, Dworkin criticizes moral pluralists by saying they do not provide the moral defense any moral theory demands.²⁵ In this Section, I claim indeterminacy can be the default position in some cases, since a value we cherish—epistemic modesty—is violated when we deny this possibility. This value is based on a normative judgement regarding our condition as beings whose reason has limits and on the notions of moral remainder and rational regret.

²⁴ As I hope it is clear, I am not saying the distinction between indeterminacy and uncertainty is necessarily artificial, but rather that Dworkin's use of it is. Uncertainty can be described as an epistemic state of a person, whereas indeterminacy does not refer to an epistemic state, but rather to facts or states of affairs. The former is attributed to a person to indicate doubt; the latter is used to indicate something is unknowable, or incommensurable (in cases of comparison), etc. Dworkin (2011, p. 449, notes 1 and 5) does not distinguish between indeterminacy and incommensurability and believes that most claims of indeterminacy are examples of ignorance. He uses the distinction between uncertainty and indeterminacy to try to entrap the so-called internal skeptic. By arguing that uncertainty is the true default position in morality and ethics, he demands some sort of “positive” or “a priori knock-down argument” from the ones who claim some moral and ethical questions are indeterminate. There is a crucial distinction, though, between the states prior to and after careful examination of an issue. Prior to examination, any substantive claim (A is morally correct; A is morally wrong; the question is indeterminate) would be a rash judgement. But after careful scrutiny, it is possible to assert indeterminacy. If one has carefully examined the arguments from both sides of a moral or ethical question and is convinced that both sets of arguments are not good enough, why can't this person say the matter is indeterminate? What other argument (aside from the unpersuasiveness of the arguments discussed) does Dworkin expect to be presented in defense of an indeterminacy claim?

²⁵ Contrary to what Dworkin believes, this is not true in the case of Isaiah Berlin. His value pluralism and his concept of negative liberty are rooted in the value of choice— “not the rational choice among genuine goods and worthwhile options that is designated by autonomy, but choice *simpliciter*” (Gray, 2013, p. 65; see also: p. 57, pp. 64–65 and p. 193). See also: Berlin, 2013, pp. 213–214; 2002, pp. 51–52 and his “A letter to George Kennan” (2002, pp. 336–344). Plaw offers a complementary normative defense of moral pluralism based on the connection between pluralism and the production of transformative works of genius (2009, p. 110 and p. 123).

Let us revisit the example of the previous sections and look at the question from the perspective of the Ethics professor who is a close friend of the person who is thinking about getting an abortion. In the past, you, as a responsible Ethics professor, were not ‘lazy’²⁶ and really thought about the arguments for and against abortion. After scrutinizing these arguments, you simply could not reach the state of conviction necessary to commit yourself to the claim that “abortion is wrong”, nor to the claim that “abortion is not wrong.” You know the issue is complex; in the past, you have endorsed the position according to which “abortion is not wrong,” and you have changed your mind only recently. Currently, you tend to accept abortion as being wrong (if you were pregnant, you probably would not have an abortion). Given this scenario, what kind of answer would you give your friend? Not only do you know she takes your opinion into account (and so your advice might be decisive), but also that this choice is of extreme importance in your friend’s life. Would you say, peremptorily, that abortion is wrong and that she ought not to do it?

In any case, abortion is a delicate social issue, and so it might be beneficial to change the example so as to illustrate my point better. Let us revisit the example of our other friend, the one who is profoundly divided between a community life in a kibbutz and a life as a lawyer in New York. Would you say, peremptorily, that one of these lives is the correct answer to her dilemma? I believe that you would at least hesitate to give a definitive answer. You would probably revisit the pros and cons related to a life as a successful lawyer in New York and contrast them with the advantages and disadvantages of a community life in a kibbutz. You would then conclude that although each of these lives is worthwhile, they serve different values and purposes, and these, being incommensurate,²⁷ do not allow for a definitive and correct answer. The same would happen in the abortion example we were exploring. If you were the professor of our example, you would probably tell your friend that you now tend to consider abortion wrong, but, since you are aware of the complexity of the issue, you would also surely recognize there are other important values at stake (the autonomy

²⁶ By mentioning laziness, I am just teasing. I have the impression that what bothers Dworkin most in skepticism is the kind of “laziness” that can be produced by it. As he says in a podcast interview: “First it is important to notice: what doesn’t follow from the unity of values? Namely: indolence, laziness and excuse. The ideal of pluralism functions very often as an excuse. You can’t have both liberty and equality. I like liberty; therefore I am against taxation of people as rich as I am” (Edmonds & Warburton, 2012). It must be noted that the fact that pluralism can be used as an excuse for laziness cannot be considered a reason for its rejection. There are many persons that, despite endorsing pluralism, make herculean efforts to defend their substantive positions. John Rawls is a remarkable example.

²⁷ A conflict is characterized as involving incommensurable values when it cannot be arbitrated by reason alone—that is, there is no rational and/or logical criteria that could resolve it. This is often the case when “ultimate values” conflict. A value is ultimate when it is “a source of, rather than itself in need of, justification” (Plaw, 2004, p. 121).

of women, for instance), so that even if abortion might be the wrong thing to do, it is still rational to say there is a moral remainder.

As already said, even if you were in the position of uncertainty (as Dworkin wants), if pressed, you would probably opt for indeterminacy. Why is this the case? Because when confronted with notoriously complex moral and ethical questions, it becomes clear to us that we cherish the value of epistemic modesty. If we were omniscient beings, then there would be no indeterminacy. However, this is clearly not our case. We do recognize the limits of human reason. By appealing to the notion of truth in conflicts involving ultimate values, Dworkin's monism has troubling consequences: it indirectly attacks reasonable disagreement.²⁸ If we insist on the idea that there is a correct answer in these cases, there will be a margin (even if small) for intolerance, because there will be no room for recognizing the reasonableness of the position of the person who is on the other side of the moral debate.²⁹

Dworkin says he thinks most indeterminacy claims are in fact examples of ignorance.³⁰ He does not endorse, though, the conclusion we have reached here. On the contrary, he insists on denying value conflict and on appealing to the notion of truth in the moral domain, regardless of the limits of our reason.

Nevertheless, from reading chapter 6 of *Justice for Hedgehogs* (entitled "Moral Responsibility"), one gets the impression that Dworkin's emphasis seems to be not so much on the truthfulness of moral propositions, but rather on the process by which a proposition is made.³¹ This process, according to him, should be responsible: that is, it should be an interpretation that aims at the values of integration and authenticity (i.e., conviction). The point is: since it is not possible for a person to demonstrate to another person the correctness

²⁸ "Reasonable disagreement" is an important part of our moral, ethical and political experiences. We can characterize it as follows: if a moral proposition *p* was examined and debated (i) by a reasonable period of time, (ii) by a large enough group of intelligent people that (iii) have some epistemic competences, (iv) under favorable circumstances, and (v) if these people did not reach a significant agreement in respect of *p*, then a reasonable disagreement is established. Even if understood in this "strict" manner, reasonable disagreement occurs in many contemporary moral and ethical debates.

²⁹ As Berlin states: "[A]ll forms of liberalism founded on a rationalist metaphysics are less or more watered-down versions of this creed [that knowledge liberates]. (...) What can have led to so strange a reversal — the transformation of Kant's severe individualism into something close to a pure totalitarian doctrine on the part of thinkers some of whom claimed to be his disciples? (...) It is true that Kant insisted, following Rousseau, that a capacity for rational self-direction belonged to all men; that there could be no expert in moral matters, since morality was a matter not of specialised knowledge (as the Utilitarians and *philosophes* have maintained), but of the correct use of a universal human faculty. (...) But even Kant, when he came to deal with political issues, conceded that no law, provided that it was such that I should, if I were asked, approve it as a rational being, could possibly deprive me of any portion of my rational freedom. With this the door was opened wide to the rule of experts" (2002, p. 195 and p. 198). Didn't Dworkin leave this same door open? Couldn't his unity of value thesis be interpreted (even if we grant that this would not be its best interpretation) as a contemporary version of these enlightenment rationalist moral theories?

³⁰ 2011, p. 93, footnote 5.

³¹ This impression is stronger when he defines correctness through responsibility: "we are entitled to think them right *if we have reflected on them responsibly enough*" (Dworkin, 2013, p. 19) (italics added).

of her opinions (especially to someone who holds starkly different moral opinions from her), she can at least claim she arrived at her opinions responsibly. This raises the question: if what matters, after all, is moral responsibility, is it really necessary to appeal to the controversial notion of truth? Would it not be better (in the sense of making Dworkin's theory more palatable) to forgo the notion of truth entirely?³²

Dworkin believes he would be buying peace at too high a price. According to him, his appeal to truth is justified by two reasons. First, because renouncing it explicitly would pass for skepticism. Second, because insisting on it “keeps before us the deepest philosophical challenge of this domain: to make sense of the idea that there is unique success to be had in inquiry, even when that inquiry admits no demonstration and promises no convergence” (Dworkin, 2011, p. 221). He does not further develop this point.

The reasons Dworkin puts forward are insufficient. I do not see how renouncing the notion of truth would necessarily pass for skepticism. One can simply avoid this by also renouncing skepticism explicitly (as Dworkin does, by the way), or at least by denying the undesirable consequences that might be associated with it (for instance, the idea that there is no success to be had in moral inquiry, or that it does not matter what decisions we make and how we reach those moral decisions). It is mainly these associated ideas that Dworkin intends to deny.

I also do not see why we need the notion of truth so as to make sense of the idea that there is success to be had in moral inquiry. Could this success not simply be equated with the painstaking effort to realize moral responsibility? Is this not challenging enough? I do not see how, by claiming he focuses on moral responsibility and not on the truthfulness of moral propositions, Dworkin would weaken his position concerning these issues. His theory would certainly attract less attention, but he would avoid a lot of criticism and his theory could potentially gain in acceptance. As Guest said: “Hart claimed, and I believe this is true, that if Dworkin's theory does not get a good reception, it will be because people will not accept the idea that there can be correct answers to legal [ethical and moral] questions if there is no way of demonstrating which are the correct ones” (apud Macedo Jr., 2013, pp. 43–44, nt. 73).

³² Despite characterizing Dworkin's position inadequately (see Dworkin, 2011, p. 455, nt. 17), Zipursky's article (2010) is illustrative of the multitudinous debates and controversies that this appeal brings.

In sum, Dworkin violates the value of epistemic modesty by clinging to the notion of truth in this way and by denying moral conflict. Instead of being justified by a theoretical necessity, his appeal to truth seems to be rhetorical, in the sense that it is a device that amplifies his claims; it provides the eloquence that a mere appeal to moral responsibility does not provide, an eloquence that seems to be a characteristic trait of Dworkin’s writing-style.

Before someone raises the objection, I say in advance I am not basing my argument on the mere fact that human reason is limited so as to defend the substantive position of indeterminacy. I have reached my conclusion about the value of epistemic modesty by making a normative judgement of this fact. In other words, I developed my argument in response to the question “once this fact is acknowledged, how should we behave when confronted with complex moral issues?”. The value of epistemic modesty can be understood as a more specific conception of modesty or humility, a value we already endorse and that fits in our convictions of how we should act and treat other people. We endorse modesty as a value, because we think it makes us better persons; we become better persons by recognizing there are cases in which ultimate values conflict tragically, so that regardless of the choice we make there will be a loss (a moral remainder) to be rationally regretted.

3.2. A Problem in Dworkin’s Critique of External Moral Skepticism

Most of the external skeptics attempt to offer a reply to Dworkin’s argument by trying to find a way to describe their meta-ethical claims (which, according to Dworkin, are substantive ones) as non-substantive. For instance, they try to find something in propositions such as “abortion is *really, objectively* wrong” that would render possible a description of this proposition as non-substantive. Dworkin replies by saying that none of these defenses is strong enough, since they fail to show that the purportedly meta-ethical, external propositions are non-substantive.

By claiming there is no point outside morality from which a meta-ethical discourse could be possible and limiting his argument to this claim, Dworkin seems to dismiss external skepticism too quickly (as he himself admits).³³ Nonetheless, I believe he has a point when he claims that purportedly neutral meta-ethical claims such as *there is no objectivity in the moral*

³³ Dworkin, 2011, p. 76.

domain have an impact on the way we conceive our actions and are *in this sense* far from being external (the example of Section 2.3, *supra*, tried to illustrate that). I cannot revisit this debate in the last pages of this article. The problem I would like to point out in Dworkin's argument is that of circularity.

In his critique of moral external skepticism, Dworkin argues for the metaphysical independence of value. According to him, the truthfulness of a moral proposition is mind-independent: that is, a moral proposition can be true, even if no one regards it as true. Dworkin goes on to claim that, once we recognize the mind-independence of moral propositions, we do not have to go beyond morality and search for something 'out-there' that would provide the conditions for a moral proposition to be true. According to Dworkin's thesis, the truthfulness of moral propositions depends solely on moral arguments. By stating this, Dworkin denies that facts play any role in determining the correctness of a moral proposition and proclaims the independence of the moral domain from the scientific domain.³⁴

Is this not circular reasoning? If what makes a moral argument true is another moral argument, which is underpinned by a moral theory of responsibility, which in its turn is based on other moral conceptions, and so on, we are facing a circular argument—as Dworkin himself admits.³⁵ He dodges this critique by saying that his argument is circular only in a non-problematic sense—moral epistemology is circular in the same way as scientific epistemology is:

We must rather find our epistemology as part of an overall search for broad harmony (...) among our opinions as a whole, and none of these can be given an automatic or antecedent veto over the rest. It is true that, in a different and less troubling sense, this equilibrium epistemology also begs the question. We assume along the way whatever standards for reliable belief we take the process ultimately to justify. *That is as much true for physical or scientific epistemology as for any other* — the 'best explanation' test assumes that the various psychological hypotheses about perception and belief that give us reason to accept the test themselves meet it. In the end the whole intellectual structure stands or falls together like the struts of a geodesic dome.³⁶ (1996, p. 119; italics added).

³⁴ Dworkin, 1996; Dworkin, 2011, footnote 4 and p. 9.

³⁵ "We are always guilty of a kind of circularity. There is no way I can test the accuracy of my moral convictions except by deploying further moral convictions" (2011, p. 100).

³⁶ In the same spirit: "Is it reasoning in a circle to answer the question of reasons in that way? Yes, but no more circular than the reliance we place on part of our science to compose a theory of scientific method to check our science" (2011, p. 28).

Nonetheless, there are differences (which Dworkin himself acknowledges) between the moral and the scientific domains that have an important impact on the circularity in each of them. Dworkin correctly states that our scientific method presupposes, for instance, the correctness of our beliefs about optics and biology, and that it is this very scientific method we use to confirm our beliefs. However, scientific circularity seems to be less problematic than moral circularity. We ordinarily think our scientific theories are based on facts, whereas our moral theories are based not on facts, but on moral arguments. It is this, as Dworkin himself claims, that makes the “causal dependency hypothesis”³⁷ plausible in science, but implausible in the moral domain.³⁸ Another important difference between the scientific enterprise and the moral one is that, whereas the purpose that justifies the former is irrelevant to the correctness of a scientific proposition, the purpose that justifies the latter is relevant to the correctness of a moral proposition. These differences explain why we can expect convergence in science and not in morality. In morality, people diverge, and this divergence is in part related to the different purposes each one of them attributes to the moral enterprise.

Given these differences, scientific circularity seems to be less problematic than moral circularity. Therefore, Dworkin cannot dodge the circularity critique merely by saying moral epistemology is circular in the same way scientific epistemology is. At bottom, we ordinarily assume that there is something external to the scientific domain to certify it (the facts, the objects “in the world”, the phenomena, etc.). The same cannot be said of the moral domain—not only as a result of our ordinary assumptions (which Dworkin intends to have vindicated), but also as a result of Dworkin’s thesis, the metaphysical independence of value.

In response, Dworkin would probably say I am recolonizing the moral domain. In other words: he would accuse me of demanding something from morality that is not proper to the moral domain (such as convergence, or the existence of something in the world that makes a moral proposition true, etc.), so as to say there is no truth in morality. I would not be taking the metaphysical independence of value seriously and would be violating his interpretation of Hume’s Principle.³⁹

³⁷ The causal dependency hypothesis applied to the moral domain (which is endorsed, according to Dworkin, by external skeptics) “supposes that unless moral facts can cause people to form moral convictions that match those moral facts, people can have no sound reason to think that any of their moral judgements is a correct report of moral truth” (Dworkin, 2011, p. 70).

³⁸ Dworkin, 2011, pp. 82–83.

³⁹ Dworkin interprets Hume’s principle (HP) so as to assert the independence of morality from science and metaphysics. HP is commonly interpreted as having skeptical consequences for the moral and ethical domains, since it suggests we cannot establish any conclusions about what “ought to be” merely by referring to empirical claims or discoveries about the world. Dworkin interprets it somewhat differently, claiming the independence of morality follows from it: given that the correctness of moral propositions cannot be determined by any

This is not, however, the case. I am merely pointing out that Dworkin cannot ask us to recognize the independence of the moral domain (that is, that we should understand morality as a separate domain of knowledge with its own standards of investigation and justification),⁴⁰ and—when accused of making a circular argument—reply by saying moral epistemology is circular in the same way scientific circularity is. In order to make this argument against the external skeptic, Dworkin needs to offer another explanation for moral circularity—an explanation that does not use non-problematic scientific circularity as a shield. Or, alternatively, Dworkin would have to endorse an ambitious thesis according to which the scientific domain works in the same way as the moral domain: holistically and with the same criteria of truth (namely, coherence and conviction). Since he does not do this, his argument against external skepticism seems to be flawed.⁴¹

4. Concluding remarks

As stated in the introductory Section, this paper dealt with the theme indeterminacy, objectivity and truth in the work of Ronald Dworkin. In this conclusion, I recapitulate its main points.

In Section 2, I presented the general structure of Dworkin's thought on the issue. Contrary to what is defended by moral skepticism, he argues for the existence of objectivity and truth in the domains of ethics and morality. Conviction accompanied by the highest attainable level of coherence are the criteria of truth he puts forward. These criteria are associated with a defense of the *metaphysical independence of value*, a thesis that claims that moral arguments alone are decisive reasons for determining the correctness of a moral proposition.

In Section 3, I presented the main critiques Dworkin addresses to moral skepticism. Against the type of skepticism he calls "external" (Section 3.1), Dworkin points to the "Archimedean" character of the external skeptics' argument. In other words, he accuses external skeptics of defending the correctness of moral propositions from a standpoint

discoveries of logic or facts about the world, morality should be treated as a domain separate from science and metaphysics, a domain with its own standards of inquiry and justification (2011, p. 17).

⁴⁰ Dworkin, 2011, p. 17.

⁴¹ As I understand S. Street's argument against Dworkin (when she distinguishes between "non-trivially question-begging-reasons" in the scientific domain and "trivially question-begging reasons" in the moral domain), I am making a similar point. Dworkin does not offer an adequate answer to our objection. Commenting Street's argument, he simply re-states his own thesis (see Dworkin, 2011, pp. 446–448, n. 9).

external to morality, a type of argument he claims to be impossible. According to him, only moral arguments can count as reasons for us to endorse any moral claim, including the proposition that there is no truth in ethics and morality. External skeptics' attempts to describe this proposition as neutral, philosophical, external or meta-ethical fail. Against the type of skepticism he dubs "internal" (Section 3.2), Dworkin argues for a distinction between uncertainty and indeterminacy. In this case, the skeptic errs by failing to see an important difference between the two positions: whereas indeterminacy is a moral-substantive position, uncertainty is not. Her mistake is to assume indeterminacy to be the default position in morality without providing any moral arguments to defend this claim. According to Dworkin, the default position is not indeterminacy, but uncertainty.

In Section 4, I defended moral skepticism from Dworkin's attacks. In defense of internal moral skepticism (Section 4.1), I put forward three arguments: first, I pointed out the artificiality of Dworkin's characterization of the internal skeptic's argument. I argued that her arguments are not portrayed faithfully, and that Dworkin ascribes an implausible thesis to her. Second, I tried to show the artificiality of Dworkin's use of the distinction between uncertainty and indeterminacy. I argued that, by appealing to it, Dworkin puts a heavier burden on the internal skeptic than on the other persons who claim there is a correct answer to a moral dilemma. Third, I presented a substantive case for the so-called *indeterminacy position*. Centered on the value of epistemic modesty, this defense also appealed to the notions of *moral remainder* and *rational regret*. By doing this, I tried to account for an important pluralistic insight that Dworkin's theory excludes: we do experience choices which entail inevitable moral loss.

In defense of external moral skepticism (Section 4.2), I pointed out a problem in Dworkin's critique of it: namely, the circular character of his argument. I intended to show there are important differences between morality and science (recognized by Dworkin himself) that affect the circularity in each of these domains. By pointing to these dissimilarities, I argued for the implausibility of claiming, as Dworkin did, that moral epistemology is circular in the same way scientific epistemology is. I concluded by saying Dworkin needs a better argument to account for the alleged non-problematic circularity of his thesis.

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