A New Argument Against Moral Relativism

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Abstract

I present an argument against moral relativism. My argument proceeds in three steps. First, since there are many views that go by the name of moral relativism, I begin by identifying my target. I interpret moral relativism as a realist, cognitivist, and naturalist metaethical view, and present what I take to be the strongest argument for it. Second, I spend some time clarifying how an argument against this view can be constructed. Because standard defenses of moral relativism are an admixture of conceptual and empirical claims (concerning, typically, alleged facts about moral diversity and disagreement), sorting out what counts as admissible evidence against it turns out to be a complex task. Third, I lay out my argument. I show a moral norm that applies to all moral agents. I present and interpret the evidence for this norm, and I explain how it can be used to build an argument against moral relativism. I conclude by defending my argument from several objections.

1 Varieties of Moral Relativism

In what follows, I present an argument against moral relativism—or rather, *one kind* of moral relativism, since relativism comes in many different shapes and sizes. Thus, I begin by identifying my target. Then I present what I take to be the strongest case for the target view, and explain how I am going to attack it. After this, I spend some time discussing what my argument can accomplish and what kind of support and evidence it needs. It is only after all these steps that my argument can actually enter the scene. The second half of the paper lays it out.

Moral relativism comes in many forms and some of them differ even in their fundamental metaethical commitments. Some people think, for instance, that relativism is

simply a byproduct of *noncognitivism*. Noncognitivism is the view that moral judgments are not truth-apt: they are neither true nor false. Noncognitivists typically hold that when people make moral judgments, they express some kind of attitude. Evidently, different people may have different attitudes, different attitudes may prevail in different communities, and different communities may consider different attitudes acceptable or appropriate. Thus, the same act might be considered morally right in one community but wrong in another. In this sense, noncognitivism can be considered a relativist metaethical theory.[1]

But this is not the way most moral relativists think of their view. After all, they mean to advance a view about moral truth. Noncognitivism denies there is such thing. To be sure, noncognitivists can argue that moral judgments can be correct or appropriate or fitting in some sense. But that is unlikely to satisfy most relativists. Most moral relativists want to maintain that moral disagreements are genuine disagreements about matters of fact, and a common objection to noncognitivism is that it cannot account for such moral disagreements. Thus, I set noncognitivism aside. I will focus on moral relativism as a *cognitivist* view.

One form of metaethical cognitivism is error theory. An error theorist holds that even though moral judgments are truth-apt, they are also systematically false. When people make moral judgments, they express a belief, but all moral beliefs are false. Error theory is cognitivist, but anti-realist. Moral relativists, in contrast, hold that some moral beliefs are true—they are just not universally true. In other words, most moral relativists are *moral realists*.[2]

These moral relativists would agree with the following claims. There are different moral outlooks or conventions that contain different moral norms, and none of these norms are universal: there is no moral norm that applies to every moral agent. The moral norms within one convention may demand an act that is prohibited by the norms in another convention. But what acts are required and prohibited within a moral convention *is* a matter of truth: moral judgments are true or false depending on the moral norms within the local moral convention.[3]

The kind of moral relativism I am interested in is cognitivist and realist. But there is one more feature to add. One of the best-known defenders of moral relativism, Gilbert Harman, argues that its best formulation is also *naturalist*.[4] There is no generally accepted definition of naturalism, and I will not attempt to provide one. Following Harman, I will say, broadly and very roughly, that a metaethical naturalist takes science seriously and

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[1]See, e.g., Prinz (2007). But some argue that noncognitivism can avoid relativism even in this sense: see Horgan and Timmons (2006).

[2]Harman (2015) and Sayre-McCord (1991) make the same point.

[3]These claims *might be* part of the view that Frankena (1973) and Harman (2000d) call *normative moral relativism*. (I hesitate because their formulations of the view they call normative moral relativism are difficult to interpret.)

[4]In fact, Harman claims this is its most attractive feature. See Harman (2000b).

seeks to fit ethics into the scientific worldview. So metaethical naturalism holds that morality is part of the world as it is discovered and described by science. It insists that *if* there are moral facts, *then* they are natural facts. Naturalism in this broad sense need not take a stand on the issue of the precise relation of moral facts and natural facts—whether moral facts are reducible to natural facts, whether they supervene on them, or, indeed, whether there are moral facts at all.[5]

Harman's version of moral relativism is *cognitivist*, *realist*, and *naturalist* in this broad sense. It differs from other naturalist metaethical views. Error theory, for example, is cognitivist (it holds that moral judgments are truth-apt) but not realist (it holds that there are no moral facts). Expressivism, for another example, is neither cognitivist nor realist. Yet both error theory and expressivism are naturalist in the broad sense: they agree that morality fits into the scientific view of the world.

My focus in the rest of this paper is on moral relativism as a realist, cognitivist, and naturalist view. (It is evidence of the complexity of moral relativism that it takes so much space to explain only one of its versions.) I will take Harman's formulation as the representative of this kind of view and develop my argument against his defense of it.[6]

There are three reasons to focus on this kind of view. First, arguably, it is the most plausible formulation of moral relativism. (I won't defend this claim here.) Second, it seems implicit in many discussions of moral relativism in philosophy and other disciplines. (Although it can be notoriously difficult to interpret what writers in different disciplines mean by moral relativism.) And finally, it seems fairly close to the kind of view that most laypeople have in mind when they talk about moral relativism. Deciding whether it can be defended has therefore more than mere pedantic interest.[7]

2 Relativism and Naturalism

Most moral relativists outside of philosophy seem to be naturalists. For instance, when invited to contribute to the document that was to become the *Universal Declaration of Human Rights*, the American Anthropological Association politely declined and issued a statement to explain its decision.[8] The anthropologists argued that no moral norm can be universally valid, since norms and values are always relative to the culture in which they occur. Hence it is a mistake to attempt to formulate any universal moral norms in

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[5]See Harman (2000b, 78–80). Naturalism in this broad sense is similar to what Peter Railton once called *substantive naturalism*: "a substantive naturalist advances an account of some domain of human language or practice that provides an interpretation of its central concepts in terms amenable to empirical inquiry" (1989, 156). See also Wong (2006) for a related discussion.

[6]But I hesitate to call it "Harman's view," since, as one more source of complication, Harman held different relativist views at different stages of his career. See Harman and Thomson (1996) and the essays in Harman (2000a).

[7]The discussion of other formulations of moral relativism is beyond the scope of this paper, although I believe my argument also applies to many of them. See, e.g., Prinz (2007), Rovane (2013), Tännsjö (2007), Velleman (2015), and Wong (2006).

[8]American Anthropological Association (1947).

the form of human rights. Apparently, the anthropologists did not mean to deny that moral judgments can be true or false; they did not mean to deny that moral facts exist and morality can be fitted into the scientific worldview. On the contrary, they seem to have thought that moral facts can best be studied by the science of anthropology. It is this discipline that helps us understand that norms and values are relative, and it is moral relativism that best fits the naturalist perspective on the world.[9]

Harman would not disagree with the anthropologists, at least regarding the nature of moral facts. He agrees with them that "different people are subject to different basic moral demands depending on the social customs, practices, conventions, values, and principles they accept."[10] On his view, you are *subject to* a moral demand (or norm, principle, constraint, requirement, and so on—for present purposes, I take these to be equivalent) if and only if you intend to act in accordance with it (or you would intend to so act in ideal conditions for forming intentions). Then, the moral demand applies to you: you have a *moral reason* to do what it demands of you. Other people are subject to the same demand if and only if they intend (or would intend in ideal conditions) to act in accordance with it; and you and they have an *agreement* when you all have the intention—when each of you "intends to adhere to some schedule, plan, or set of principles, intending to do this on the understanding that the others similarly intend."[11]

In order to provide a moral reason, the intention does not have to be conscious or explicit. It can also be counterfactual: it suffices if, were you in ideal conditions to reflect on the matter, you would form the intention. Among other things, you are in ideal conditions for forming intentions when you are adequately informed, make no mistakes of reasoning, and have enough time to consider the matter—let's say, for the sake of brevity, when you have successfully undergone "cognitive psychotherapy."[12]

Harman argues that a moral outlook or convention is constituted by the agreement that a group of people reach in their intentions. The agreement can be implicit (and probably it usually is). Moral judgments are true or false relative to such agreements or understandings. If you are part of such an agreement, and it involves a moral demand to ϕ in circumstances C, then it is *true* that you have a moral reason to ϕ in circumstances C. If I am not part of that agreement, then it is not true that I have a moral reason to ϕ in circumstances C.[13] This is the way that moral truth is relative.

Let us say that a group of people who are all part of a moral convention constitute a moral community. I take it that different moral communities can be part of the same

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[9]It is a common misunderstanding to claim that relativist anthropologists were *cultural relativists* and cultural relativism is distinct from moral relativism. It is clear, however, from the writings of relativist anthropologists that at the very least they thought that cultural relativism *entails* moral relativism (see, e.g., Herskovits 1972). They also thought that reflection on moral diversity leads us to recognize certain moral *truths* (for instance, regarding the demands of tolerance).

[10]Harman (2000b, 85).

[11]Harman (2000c, 4).

[12]The term is not Harman's, but Richard Brandt's (1979).

[13]Assuming that the agreements that I am part of involve no moral demand to ϕ in C.

moral convention (for instance, by being comprised of people belonging to different generations), and people can be part of several moral communities at the same time. What is crucial is that when you are part of a moral community, your intentions are in agreement with the intentions of other members—you share them (or would share them in ideal conditions) with your fellows. Thus, in your community, the truth of moral judgments depends on your agreement in intentions; in other moral communities, it depends on *their* agreement on intentions. The agreement determines which moral norms are part of your moral convention—that is, which moral norms are accepted by your moral community. You have a moral reason to follow those norms only when you are part of the moral community.

I am going to adopt this account of moral reasons. It provides the bedrock for Harman's main argument for moral relativism. That argument can be formulated the following way:

(1) A person has moral reason to ϕ (in circumstances C) if and only if there is a warranted route of reasoning that can take them from their present desires, beliefs, intentions, and so on, to forming the intention to ϕ (in C).
(2) There are people for whom there is no warranted route of reasoning that can take them to forming the intention to ϕ (in C).
(3) Therefore, there are people who have no moral reason to ϕ (in C).
(4) If there is a universal moral norm to ϕ (in C), then there are *no* people who have no moral reason to to ϕ (in C).
(5) Therefore, there is no universal moral norm to ϕ (in C).[14]

Harman suggests that opponents of relativism tend to attack Premise (1). They reject the idea that you have a moral reason to do something only if you could form the intention to do that thing through the appropriate sort of reasoning. This premise is a formulation of internalism about moral reasons. The suggestion, then, may be that opponents of moral relativism must reject internalism and embrace externalism about reasons.[15]

But that does not seem right. The case against relativism should not depend on the truth of externalism. If you accept moral universalism (the opposite of moral relativism), that should not immediately force you to accept externalism. And if you accept internalism, that should not immediately force you to accept moral relativism. Intuitively, at least, the distinction between internalism and externalism is distinct from the distinction between relativism and universalism.

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[14]See Harman (2000b, 86–87) for an informal presentation; a different formulation can be found in Harman (2000d). Dreier (2006) also provides a version of this argument. I supplied Premise (4), which is implicit in Harman's presentations. I discuss the interpretation of Premise (2) below. Finally, note that the argument is meant to apply to *basic, non-derived* moral norms. For the sake of brevity, I will omit the qualifier.

[15]Harman (2000d, 30–31) is the most explicit about this. For the distinction between internalism and externalism about reasons, see Williams (1980).

Perhaps the idea is that *only* internalism is compatible with naturalism.[16] I do not know whether that's true. But even if it is, relativists shouldn't assume that universalism cannot be internalist. They should not assume that moral universalism must be anti-naturalist. (After all, they don't think that moral relativism can only be naturalist.) Relativists should allow that some versions of moral universalism can be naturalist.[17] As naturalists, some relativists want to take science seriously: their core argument is that moral relativism is the best fit to naturalism in the broad sense. Surely, something has gone wrong if in the end it turns out that relativism is *entailed* by naturalism.[18]

Be that as it may, I'm not going to press this point. For the sake of the argument, I'll grant that only internalism is compatible with naturalism. That is, I have now taken on board not only Harman's account of moral reasons, but also his view about the connection between naturalism and moral reasons. This isn't only in order to meet him on his own ground. Just like the relativist, I want to take naturalism seriously. So the case against moral relativism turns on whether naturalistic moral universalism is possible. For my argument, I'm going to accept Premise (1).

3   The Second Premise

That leaves Premise (2). If Harman is right that opponents of relativism tend to focus on Premise (1) and reject naturalism, then attacking the second premise while accepting naturalism opens up a novel strategy for the opponents of relativism. So consider Premise (2) again:

(2)   There are people for whom there is no warranted route of reasoning that can take them to forming the intention to ϕ.[19]

How can you decide whether (2) is true or false? What sort of premise is it, anyway?

On the face of it, (2) looks like a straightforward empirical statement. It makes a claim about the existence of people with a particular characteristic: the lack of a warranted route of reasoning that can take them to forming the intention to ϕ, where to ϕ is to follow a moral norm. Suppose you identify a person who does not form the intention to ϕ in the relevant circumstances. What can explain this? In ordinary folk psychology, there are several possible explanations. You can say that the person is callous, or immoral, or perhaps evil. These explanations, however, are normative, and hence inadmissible for the naturalist. They have no place in a naturalistic account of ethics. For the naturalist, only some kinds of explanation are admissible: perhaps the person has not given sufficient

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[16]This seems to be the background assumption in Harman (2000b).

[17]Harman clearly agrees: he's careful to talk only about the *tendency* of naturalism to support relativism. (See, e.g., 2000, 80, 91.)

[18]Incidentally, something like the idea that moral relativism is entailed by naturalism may have motivated some arguments for moral relativism in cultural anthropology. For instance, I believe it is possible to interpret Herskovits (1972) this way.

[19]In circumstances *C*. From now on, I will omit the qualification.

attention to the matter at hand, perhaps she has not had adequate time to reflect on what she ought to do, perhaps she has failed to consider certain arguments or evidence, perhaps she has made some error in reasoning. Perhaps the person is simply weak-willed. But none of these shortcomings are such that they couldn't, so to speak, be fixed with a bit of cognitive psychotherapy.

However, Harman claims there exist people to whom none of these apply and yet they fail to form the intention to φ in the relevant circumstances. These people do not make a mistake in practical reasoning when they do not recognize the moral norm. No amount of cognitive psychotherapy could fix them. So, to explain how a person can fail to have the intention to φ, there is one more thing naturalists can say—or rather, naturalists have the option of basically saying nothing. They can say it just happens to be the case that there exist people of whom Premise (2) is true. It's just a brute fact about these people that there is no warranted route of reasoning for them to come to have the intention to φ.

Consequently, in order to show the truth of relativism, what you need to do is to show, for each purported moral norm, that there is at least one person to whom that norm does not apply—a person for whom it does not provide a reason—and this is not the result of a mistake in practical reasoning or some other shortcoming susceptible to cognitive psychotherapy. Some examples that come to mind, however, do not count. Psychopaths, sociopaths, people with some forms of cognitive disability, or young children all lack the capacity to respond to reasons. (One way of putting this is to say that they are not moral agents.) But these cases do not provide support for Premise (2). There is a perfectly adequate explanation why moral norms do not provide reasons for them—namely, that they lack the capacity to respond to them. What the relativist really needs are people with the capacity to respond to reasons about whom it is just a brute fact that there is no warranted route of reasoning that can take them to forming the intention to follow some moral norm.

I have no idea how to find examples in the scientifically respectable way that naturalism requires. Neither, apparently, does Harman: all he offers are some armchair philosophizing about a character he calls the successful criminal. We are to imagine a person who is part of a criminal organization and who does not accept certain widely shared norms in his community—like the norm prohibiting harming the innocent. This successful criminal just happens to be such that no amount of facts, or reasoning, or cognitive psychotherapy would lead him to form the intention not to harm the innocent. We are supposed to accept this as a brute fact about this person. Therefore, the norm prohibiting the harming of the innocent does not apply to this person, and this shows that the norm is not universal.

As support for Premise (2), this is embarrassing. The story of the successful criminal is not presented as a piece of well-established psychological fact. It is presented as psychological speculation, as a piece of armchair philosophy. But if you are a naturalist,

then armchair philosophizing does not count.

Perhaps the idea is that the mere possibility of someone like the successful criminal is sufficient to make the case for relativism. The point isn't that successful criminals exist; it is that you can imagine them. But if that is the point, then it evidently does not support Premise (2). At best it supports something like (2*a*):

(2*a*) There can be people for whom there is no warranted route of reasoning that can take them to forming the intention to ɸ.

Plainly, if you substitute Premise (2*a*) for Premise (2), the conclusions of the argument, (3) and (5), do not follow. Suppose it is true that there can be people for whom there is no warranted route of reasoning that can take them to forming intentions to follow moral norms. But suppose also that none of those people, as a matter of fact, exist in the actual world. Why should their mere possibility suffice to refute moral universalism?

In the end, Harman has no scientifically respectable argument in support of Premise (2).

Actually, I formulated Premise (2) more broadly than Harman does. In his argument, the claim is that there are people who *in fact* do not ɸ. (His formulation is closest to (2*c*) below.) He says, "the other premise is that there are people, such as certain professional criminals, who do not act in accordance with the alleged requirement not to harm or injure others [...] and who do not seem to have failed in any of the ways mentioned."[20] So what Harman has in mind is no mere possibility. Premise (2), whether in his narrower or my broader formulation, is empirical. This is not an objection; as a naturalist, Harman is surely fine with this.

4   How to Argue Against the Second Premise?

How can the opponent of relativism argue against Premise (2) on a naturalist basis?

First off, note this: *moral relativism is false even if just one universal moral norm can be identified.* After all, moral diversity for a relativist is not just an anthropological curiosity, but a fact that reveals something important about the nature of morality. So if there is at least one moral norm such that there is no moral agent for whom there is no warranted route of reasoning that can take them to forming the intention to ɸ, where to ɸ is to follow that moral norm, then moral relativism is in trouble. You don't need to bother with the (hopeless) argument that there is only one moral outlook that every moral agent shares here, there, and everywhere. Moral relativism can be false yet there can be a lot of moral diversity.[21]

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[20]Harman (2000b, 87).

[21]At some points (e.g., 2000, 21), Harman considers the possibility that moral relativism might allow that there are *some* universal basic moral norms. But that makes it hard to see what distinguishes moral relativism and moral universalism. The moral universalist does not insist that *all* moral norms must be such that everyone is subject to them. She can allow that there is moral diversity. Thus, on this view, we have

Thus, the relativist and her opponent must agree that moral relativism is false if at least one universal moral norm can be identified. This determines whether Premise (2) is true. If there is a moral norm such that every moral agent has a warranted route of reasoning that they can take to form the intention to follow that norm, then that norm provides a moral reason to everyone. It is universal. In addition, the relativist and her opponent must agree to the following *ground rule*: there must be a naturalistic way to determine the truth of Premise (2). Armchair philosophy doesn't count. Neither can moral relativism simply be an implication of internalism about moral reasons.

There is nothing so far in this argument that Harman and his fellow relativists could object to. I granted them that only internalism is compatible with naturalism. Thus, a person is subject to a moral norm only if she intends to act in accordance with it (or would intend to so act after cognitive psychotherapy). In that case, the moral norm applies to her: it gives her a moral reason. She has such a reason just because there is a warranted route of reasoning that can take her to form the intention to do what the norm demands. Moreover, I granted Harman and his fellow relativists the account of moral truth on which the truth of a moral judgment depends on an agreement on intentions among members of a moral community. Finally, I argued that there must be a naturalistic way to determine the truth of Premise (2), since it is in the end an empirical claim. As naturalists, Harman and his fellow relativists should have no issue with that either.

Moreover, they should also agree that if there is a naturalistic way to determine the truth of Premise (2), then science should be able to help us. For it to do so, it will be helpful to make the premise a bit narrower. Here is one way to do that:

(2*b*) There are people who in fact do not intend (and would not intend in ideal conditions) to ϕ.

At least in some cases, to ϕ is to follow a moral norm. I say in some cases, because even though I defined ϕ-ing as doing what a moral norm demands, there is no guarantee that when people ϕ, that's what they in fact do. Perhaps they ϕ for some other reason; perhaps they do it by accident. Nevertheless, it is not unreasonable to take ϕ-ing as *evidence* that a person has the intention to ϕ. (More precisely, as evidence that the person had the intention to ϕ at some point before doing it; after all, his successfully ϕ-ing might have extinguished his intention to ϕ.) Obviously enough, a person's ϕ-ing should not be taken as infallible evidence that that person intends to ϕ. Nonetheless, other things being equal, it is not unreasonable to interpret it as an indicator that she in fact does. One way to put this is to say that your observation that a person ϕ-s provides *prima facie* evidence that she intends to ϕ.

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an impasse: it seems moral relativists and their opponents do not really disagree. But I think most people would say that a view that does not deny that there are universal moral norms does not really qualify as moral relativism. It's also incompatible with Harman's main argument. So, as a further restriction, I set this possibility aside.

If so, it is not unreasonable to take a person's ϕ-ing as evidence that a moral norm applies to that person. Once again, it is of course not infallible evidence. But if you observe a person ϕ-ing, you can take that as *prima facie* evidence that the person intends to ϕ; and when you observe a person ϕ-ing, you can take that as *prima facie* evidence that she intends to follow the corresponding moral norm. Therefore, other things being equal, you can take your observation as *prima facie* evidence that the person has a moral reason to ϕ.

All of this is much more innocuous than it sounds. You observe a person (with nice shoes on) wade into a shallow pond to save a drowning child. You infer that this person intends to save the child, rather than, say, going through a series of random, involuntary wading and grabbing and pulling movements. You infer that the person has gone through a warranted route of reasoning that took him, from his pre-rescue psychological state (that included his intention to get to his destination and, possibly, the desire not to ruin his shoes), to form the intention to save the child. Therefore, you infer that the person has in fact a moral reason to save the child, and his saving the child is an instance of following a moral norm.

Now, if the intention to save children in mortal danger is prevalent in this person's moral community—that is, it is part of a (perhaps implicit) agreement on intentions—then you can truly say that it was *right* for this person to save the child, that he *ought to* have saved the child, that it would have been *wrong* if he had not done so, and so on.

You go through such reasoning every day. You attribute intentions to people, and when you observe them do what a moral norm demands they do, then at least some of the time you interpret their behavior as an instance of actually following that moral norm. You don't need to suppose that the route of reasoning that has taken a person to forming the intention to follow a moral norm is necessarily conscious or explicit. You recognize that perhaps the person was not thinking in familiar moral terms at all. He may have simply saved the child from the pond because he thought, vaguely, that saving a drowning child at trivial cost to yourself is *just the thing you do* when you have the occasion.

I have been arguing that the first step of evaluating Premise (2) is to evaluate Premise (2*b*). But now (2*b*) can be simplified further:

(2*c*) There are people who do not ϕ.[22]

On the one hand, if Premise (2*c*) is true for some moral norm, then that norm is unlikely to be universal—it does not seem to apply to everyone. To be sure, this does not guarantee that the norm isn't in fact universal. After all, there may be a warranted route of reasoning for those moral agents who do not follow it that *could* take them to intend (and act) in the way the norm demands. But perhaps about some moral agents who do

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[22]As I said above, this is the premise that Harman himself actually uses.

not ɸ it is just a brute fact that there is no warranted route of reasoning that could take them to the intention to ɸ. So the norm is not universal in the end.

On the other hand, you might find that *most of the people* you observe do ɸ. What inference can you draw from this? Can you take it as *prima facie* evidence that the moral norm in question is universal? Perhaps you can. For one thing, recall that not all people are moral agents. Psychopaths, sociopaths, small children or people with some forms of cognitive disability may not ɸ in the relevant circumstances. These cases can be set aside. For another thing, people can be inattentive, uninformed, unthinking, or any number of things that cognitive psychotherapy is supposed to fix. People are seldom in ideal conditions for forming intentions. Therefore, when some moral agents do not ɸ, this isn't irrefutable evidence that they would not do so in more favorable conditions. So an observation that many, though not all, people follow a moral norm cannot just be brushed off by the relativist.

I have argued that moral relativism is refuted if at least one basic moral norm turns out to be universal. A moral norm is universal if all moral agents, in the appropriate circumstances, form the intention to do what it demands. I have interpreted this as an empirical claim. I have argued that in order to evaluate Premise (2), you are better off by first evaluating Premise (2*c*): if you want to know whether a moral norm is universal, you should *in fact* put people in the appropriate circumstances and see if they *in fact* do what it demands. (One reason you want to do this is because intentions cannot be observed but behavior can.) But this still won't give you a clear-cut answer: it will surely not be the case that literally *all* people, without exception, do what the moral norm demands. Some will not understand what you ask them to do, some will be confused, some will not take you seriously, some will be drunk, or whatever. There will be a lot of experimental noise, observations will be ambiguous and contestable, the observed behavior will need to be interpreted, and so on. Nevertheless, the relativist and her opponent have accepted the ground rule that there must be a naturalistic way to determine the truth of Premise (2), and that applies to (2*c*) too. They will have to try to agree on what they accept as evidence and how they interpret difficult and borderline cases.

I cannot say how they might do this in practice. But science may once again help them. The relativist and her opponent have in fact been unwittingly discussing experimental design and social scientific research methodology. So they can simply accept what the best social science tells them about these issues.

What the opponent of relativism is looking for is an empirical generalization to the effect that there is a moral norm that applies to everyone. He and the relativist must agree that if people in the relevant circumstances do in fact do what a moral norm demands, then this can be taken as *prima facie* evidence that that moral norm applies to them. The relativist and her opponent then must first look for candidate moral norms, observe or test them, and then make a good-faith effort of interpreting and evaluating the empirical evidence. They must both accept that when they do this, they must make allowances

for observational noise, statistical flukes, borderline cases, mistakes and confusion, and many other confounding factors. In sum, their standards should be no more demanding than those which are accepted in social science.

In particular, they must recognize that you normally can't put everyone in the relevant circumstances to observe whether they exhibit the behavior you are interested in. The best you can do is to use a sample. This is fine as long as the sample is representative of the population that you are interested in. As luck would have it, this is exactly what the argument about relativism needs. The relativist claims that no moral norm applies to every moral agent. But she also claims that moral truth is relative: whether a norm applies to people depends on the social customs, practices, conventions, values, and principles those people accept—it depends on the moral convention in which their community participates. Therefore, the best way to ask the question whether a moral norm applies to everyone is to ask whether it applies in *every moral community*—wherever people have "a tacit understanding about their relations with one another" (Harman, 2000c, 3). What it takes for a moral norm to be universal is to be part of every moral convention.

This takes us to my final simplification of Premise (2). For the argument for relativism to be sound, the first step is to show, for every candidate moral norm demanding that you φ, that:

(2*d*) There are populations in which a statistically significant proportion of people do not φ.

There are two terms that need to be explained in (2*d*). First, (2*d*) says *population* instead of moral community. This makes no difference to the argument. It is just in acknowledgement that it may be difficult to decide when a population of people constitute a moral community. But the difficulty is practical, not philosophical: some scientists, like sociologists and anthropologists, should be able to tell us when a group of people can be considered to be part of the same moral community. Second, (2*d*) says you need a threshold of a *statistically significant* number of people in a population to provide evidence for the argument. I do not define how many that is. It is too a task for science, not philosophy.

You might think that all I have done is to try to tilt the balance towards the universalist. But once naturalism is taken seriously, there is nothing in the argument so far that could be reasonably rejected by the relativist. And notice how astoundingly high the hurdle still is for the universalist. If he pursues this line of argument, he has to look for a moral norm and show, for every population where it can be studied, that the norm is followed by everyone expect for a statistically *non*-significant proportion of a representative sample of the people of that population. At each step of the way, he has to be able to defend his data and his methodology. It's sufficient if one community is found in which the data does not fit, and the norm is out. And this is only the empirical part—even if his case survives it, it's still open to philosophical objections by the relativist. All of this, I'm sure

everyone agrees, is a very tall order.

As it is surely evident by now, a large part of my case against relativism is concerned with considerations as to what counts as evidence against the view, how it can be verified or falsified, and what an argument against it can accomplish. So here's what it can. The sort of argument that this approach can provide is *inductive* and *statistical.* That may sound disappointing for philosophers, since they like deductive arguments that settle matters once and for all. But in this case, the best you can do is to increase your confidence one way or another by examining, empirically, moral norms that are candidates for being universal. The easier it is to find such moral norms, the more confident you can be that relativism is false. And if that still sounds strange, remember the starting point of the discussion: it was Harman's original argument for moral relativism in which naturalism took center stage. All I have done so far is to map out its implications.

I am now finally in the position to state the argument against moral relativism:

(1) If there is at least one norm that
 (*a*) applies universally;
 (*b*) can be recognized as a moral norm;
 (*c*) is *pro tanto* justified;
 then moral relativism is false.
(2) There is at least one moral norm that satisfies (*a*), (*b*), and (*c*).
(3) Therefore, moral relativism is false.

The argument introduces two additional considerations that I have not discussed so far. Any candidate norm must not only apply universally, but it must also be recognizable as a moral norm, and it should also be at least *pro tanto* justified. I will discuss these considerations in due course. Before that, I present the norm I suggest can pass the hurdle for the universalist.

5   The Case Against Relativism

Moral relativism is the view that there are no universal moral norms. Moral universalism is the view that there are at least some universal moral norms. Moral relativism is false if at least one universal moral norm can be identified. I present one candidate, revealed by empirical research in behavioral economics. The strategic interaction in which it arises is called the *Ultimatum game.*

In the standard version of the game, there are two players who have to divide some prize—for instance, $100. Player 1, often called the *Proposer*, offers some division of the prize. Player 2, often called the *Responder*, can either accept or reject the proposal. If she accepts it, they receive the prize in the proposed division, and the game is over. If she rejects the proposal, neither player gets anything. They lose the prize, and the game is over.

It is easy to see that it is in the interest of the Responder to accept any proposal

no matter how small her share of the prize as long as it is greater than zero. Knowing this, it is in the interest of the Proposer to offer the smallest share that the Responder would accept. The best pair of strategies, therefore, is for the Proposer to make the smallest possible offer ($1, let's say) and for the Responder to accept it. This is what you would expect, at least on the assumption that the players are rational and pursue their own self-interest. This is what the standard textbook model of *Homo economicus* would predict. But this is not how actual people who play the Ultimatum game behave.

In experiments, the most common offer that Proposers make is typically around 30–40% of the total prize, but 50–50 offers are not unusual. As a rule, offers below 20–25% are rejected by Responders. Most studies of the game use real monetary payoffs or tokens with real value. In poor communities, the prizes are sometimes very valuable in local terms. However, the basic results do not depend on the size of the prize—people do not behave as rational self-interest maximizers regardless of whether they have to divide $10 or $100 or $1,000. Neither do the basic results depend on the knowledge of the players: Responders do not behave as rational self-interest maximizers even when they are uncertain about the total size of the prize. In general, varying the wording of the task or the context of the experiments have no or very limited effect.

Researchers agree that experimental subjects do not simply make mistakes when they make and reject offers that are irrational from the perspective of self-interest. No one argues that players are subject to some bias or heuristic that misfires. People do not change their behavior to conform to the *Homo economicus* model after repeated plays, when they can be considered to have gone through a process of learning. (Even though some studies have found that experience leads to lower offers.) The Ultimatum game is simple enough so that it would be incredible to attribute the observed behavior to misunderstanding or some other cognitive failure. That is, the experimental results in the Ultimatum game are not artifacts, and virtually all students of the game agree that they show us something important about human behavior.

I will make the following simple hypothesis. The behavior of the players can be described as instances of following a pair of norms. When Proposers make their offers, they follow something like the following norm: "do not make offers that are too low." I will call this the *Proposer norm*. When the Responders choose to accept or reject offers, they follow something like the following norm: "reject offers that are too low." I will call this the *Responder norm*. Evidently, these formulations are very rough, but they can serve as starting points for my discussion.

Premise (1) of my argument against relativism has three parts. The norm that can serve as evidence against moral relativism must (*a*) apply universally, (*b*) be recognizable as a moral norm, and (*c*) be *pro tanto* justified. There are now two norms on the table: the Proposer norm and the Responder norm. Are they universal in the sense I have described above? Can either or both be recognized as a moral norm? Are they justified?

5.1 In Defense of (a)

The Ultimatum game may be the most extensively studied behavioral experiment in the social sciences. It has likely been carried out in more diverse settings than any other—on campuses from Japan to Slovenia, from the cities of California to the rainforests of South America, from kindergartens in the American Midwest to fishing villages in Indonesia, from Israeli kibbutzim to hunter-gatherer camps in Sub-Saharan Africa. *There is no studied population in which behavior conforms to rational self-interest maximization.* There is no population in which Proposers make minimal offers. There is no population in which Responders accept minimal offers. The basic results hold everywhere—uniformly, robustly, unambiguously. It is impossible to overemphasize this extraordinary result. The social sciences are often considered to be riddled with exceptions, weak generalizations, ambiguous findings, *ceteris paribus* clauses, and so on. The results in the Ultimatum game are nothing like that. The robustness and uniformity of the results are astonishing.[23]

This does not mean that people behave the same way regardless of the parameters of the game. There are many variations. For instance, Responders are willing to accept smaller offers when they do not know the size of the prize, and Proposers make smaller offers when they know the Responders do not know the size of the prize.[24] When the size of the prize is known, the greater the prize, the smaller the offers, in relative terms, that Proposers tend to make—and the greater the prize, the smaller the offer, in relative terms, that Responders tend to accept.[25] It appears that Responders are at least as much concerned with their relative share as with the absolute size of their payoff. In some versions of the game, the Proposer has to choose from several pre-set offers (for instance, divisions of 8/2, 5/5, 10/0). When the Responders know this, their behavior is influenced by the available options. In particular, they are more likely to accept an unequal offer when the other available divisions are even more unequal. It appears that Responders are more concerned with the intentions of the Proposers than the the final distribution.[26] In yet another version, Responders must specify in advance the size of the offers they are willing to accept without knowing the offer they will in fact get. Their action therefore is

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[23]Some of the seminal studies are Güth, Schmittberger, and Schwarze (1982), Kahneman, Knetsch, and Thaler (1986), and Roth et al. (1991); see also Camerer (2003) and Güth and Tietz (1990) for overviews. Oosterbeek, Sloof, and Kuilen (2004) provides a meta-analysis of the results of 75 experiments from 25 countries. Their paper also includes an extensive bibliography with numerous further studies that were excluded from their analysis for various reasons. None of the studies—including those that were excluded from the meta-analysis—contradict the basic results. Henrich, Boyd, Bowles, Camerer, Fehr, and Gintis (2004) reports on a major scientific enterprise to study the Ultimatum game (along with some other games) in 15 small-scale, traditional societies around the world. (This enterprise has since been extended to include additional societies; see Henrich, Ensminger, et al. (2010).) I have not been able to identify a single study that found human research subjects who behave the way rational self-interest maximization would demand.

[24]See Murnighan (2008) and Straub and Murnighan (1995).

[25]Although the effect of the size of the prize on offers is usually fairly small. See Oosterbeek, Sloof, and Kuilen (2004).

[26]See Falk, Fehr, and Fischbacher (2003).

not a response to the Proposer's offer. In this version, rejection rates are even higher.[27]

Researchers have taken the Ultimatum game out of economics and psychology classrooms and undergraduate programs. In a major interdisciplinary scientific enterprise, anthropologists, ethnographers and economists worked together to study the Ultimatum game in a number of small, traditional societies, including hunter-gatherers, slash-and-burn horticulturalists, nomadic pastoralists, and small-scale settled agriculturalists. The prizes at stake were in some cases substantial: they could amount to several days' wages. The results corroborate all the other findings. As the researchers put it: "there is no society in which experimental behavior is even roughly consistent with the canonical model of purely self-interested actors."[28] This is significant because it shows that the basic results also hold in societies which aren't "WEIRD"—Western, educated, industrialized, rich, and democratic—and which live in conditions closer to those in which humanity has spent most of its existence.[29]

Again, there is a lot of variation beyond the basic results. Often, experimental play mirrors real-life interactions. For instance, among the Au and the Gnau, two tribes in Papua New Guinea, researchers found few low offers but high rejection rates of both low and high offers. This might seem puzzling until it is realized that accepting an offer was interpreted as creating an obligation. By rejecting even very high offers, people were trying to avoid taking on those obligations. At the other extreme, among the Machiguenga people of the Amazon basin, researchers found many low offers and low rejection rates. This is probably not unrelated to the fact that the Machiguenga live in small family groups with minimal outside interaction, and engage only in the most basic economic activities.[30]

Most importantly, researchers found that *no individual attribute correlates with behavior in the Ultimatum game*—including age, sex, level of formal education, or relative wealth. Once again, these results are in line with the findings in developed ("WEIRD") populations. However, some *group-level* attributes in small-scale societies did have some effect. They include attributes like market integration (is there economic cooperation beyond the family level?), anonymity (how common are transactions with strangers?), and privacy (can behavior be kept secret?). While such factors do not correlate with individual differences in behavior, they do correlate with differences between groups.[31]

Other group-level attributes have been found to have no effect. Some researchers examined the results of Ulimatum game experiments in light of cultural and economic differences between different countries and regions. Some of the cultural traits that

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[27]See Güth and Tietz (1990) and Oosterbeek, Sloof, and Kuilen (2004).

[28]Henrich, Boyd, Bowles, Camerer, Fehr, and Gintis (2004, 5).

[29]For doubts that WEIRD societies are representative of the human species, see Henrich, Heine, and Norenzayan (2010), who also argue that WEIRD populations occupy one end of the spectrum of results in the Ultimatum game.

[30]For data on the Au and Gnau, see Tracer (2004); for the Machiguenga, see Henrich and Smith (2004).

[31]See Henrich, Boyd, Bowles, Camerer, Fehr, Gintis, and McElreath (2004) and Henrich, Ensminger, et al. (2010).

were analyzed are levels of trust, individualism, competitiveness, inequalities in power and income, and respect for authority. Apart from a weak negative effect of respect for authority on the size of offers, none of these variables have any effect on behavior with respect to differences between individuals or groups.[32]

Ultimatum games have also been played with children. From independent research, we know that children are mostly self-interested up until around age five, start taking into account the interests of others mainly in order to avoid conflict from around 5 to 7 years, after which they start to begin to think more and more in terms of equity. In Ultimatum games, children around five years of age were much more likely to accept minimal offers, and children around nine years of age were much more likely to make and accept only equal offers. Some of them, researchers found, even rejected offers in which they would have received more than half. In the proposer role, strategic behavior seems to increase with age, and, perhaps surprisingly, it makes a difference whether prizes are in money or in some other commodity (e.g., M&M chocolate pieces). Children from around 9 years also seem to be more generous as Proposers and sterner as Responders than college-age research subjects.[33]

Many explanations for people's behavior in Ultimatum games have been offered. It has been claimed that Proposers make greater than minimal offers out of a "taste for fairness,"[34] or "concern for fairness,"[35] or because they are motivated by "inequity aversion,"[36] "good manners,"[37] or the expectation that small offers will be rejected.[38] Some of these explanations are difficult to tell apart: it's not always clear, for instance, what distinguishes a *taste* for fairness from a *concern* for fairness. Responders' behavior has been explained in similar terms. They too are claimed to be motivated by aversion to inequity,[39] or concern for fairness,[40] or perhaps even wounded pride and spite.[41]

Very roughly, the explanations can be sorted into two groups. In the first group are non-moral explanations (strategic behavior of Proposers, greater than minimal offers due to "good manners," Responders rejecting offers out of pride and spite). These accounts try to avoid explaining Proposer and Responder behavior in ethical terms. They are, however, in the minority. The vast majority of the explanations belong to the second group. They appeal to some form of moral motivation, typically in terms of *fairness*.

Explanations that are based on fairness can be divided into two further groups. In one,

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[32]For details, see Oosterbeek, Sloof, and Kuilen (2004). Note that respect for authority has an effect only on offers, thus it is relevant only for the Proposer norm.

[33]For the studies reported in this paragraph, see Murnighan and Saxon (1998). For further results, see also Castelli et al. (2014).

[34]See, e.g., Thaler (1988).

[35]See, e.g., Straub and Murnighan (1995).

[36]See, e.g., Fehr and Schmidt (1999).

[37]See Camerer and Thaler (1995).

[38]See, e.g., Harrison and McCabe (1996).

[39]See again Fehr and Schmidt (1999).

[40]See, e.g., Güth and Tietz (1990).

[41]See Murnighan (2008) and Straub and Murnighan (1995).

you have those which appeal to some sort of brute psychological disposition: Proposers or Responders have an intrinsic preference for fairness, their behavior is due to aversion to inequity, or they are "fair minded." Although it's difficult to be sure (since these notions are often left vague), the idea seems to be that people have certain psychological dispositions which explain their behavior and need no further explanation themselves. To put it bluntly, it's just a psychological fact that people prefer to make greater than minimal offers and reject offers that are too low.

In the second group you have explanations that appeal to *norms*. When Proposers make offers and Responders decide whether to accept them, their behavior can be explained by appealing to some elementary norms of fairness. Let us say, very roughly, that a norm exists if people believe that it exists, most of them follow it in the appropriate circumstances, and most of them believe that they ought to be followed in the appropriate circumstances.[42] Here's how a norm-based explanation in the Ultimatum game might go. People believe that there is a norm demanding that they should not make offers that are too low in situations in which they bargain over the division of goods. When they take the role of Proposers in Ultimatum games, they follow this norm when they make an offer, and they believe that they ought to follow it. Not all people will have these beliefs, or not all of them will successfully follow the norm. Some people may be weak-willed or confused, some may be overcome by greed, some may be motivated by strategic considerations. But, for a statistically significant proportion of people, it isn't just a matter of intrinsic preference, brute psychological disposition, or strategic calculation that they make greater than minimal offers.

Similarly, people believe there is a norm demanding that they reject offers that are too low in situations of bargaining over the division of goods. Such offers are unfair and Proposers who make them ought to be punished. So when people take the role of Responder in the Ultimatum game, they follow this norm when they decide whether to accept an offer, and they believe that this norm ought to be followed in such circumstances. Again, not all people will follow the norm, and not all of those who try will be successful; but the norm exists when a statistically significant proportion of people do.

How can it be decided whether people's behavior in the Ultimatum game is norm-governed or just the manifestation of brute preference? One piece of evidence comes from reactions to low offers when they are the result of a random procedure—for instance, they are generated by a computer and the Proposer has no say in the matter. If people have a natural aversion to inequity or a brute taste for fair outcomes, they should reject a low offer even when it is randomly generated. After all, what they are supposed to care about is the outcome, not by whom and how it was brought about. But if they follow a norm, they will realize there is no point in applying it to a random event. And this is precisely how Responders react.[43]

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[42]This definition follows Bicchieri (2006).

[43]See Blount (1995).

Another piece of evidence comes from the variations beyond the basic results that I have discussed in this section. They show that people tailor their behavior depending on the information they have about the game, their beliefs regarding the intentions of Proposers, their experience, the expectations prevalent in their society, and so on. It seems highly unlikely that such variations would be observed if behavior was merely a manifestation of a brute preference or psychological bias towards more equal outcomes. If, in contrast, people's behavior is norm-governed, the variations are easier to explain.

Consequently, the empirical evidence seems to vindicate the simple hypothesis that I stared out with. When people make offers, they seem to follow the Proposer norm: "do not make offers that are too low." When they decide whether to accept those offers, they seem to follow the Responder norm: "reject offers that are too low." Of course, this doesn't mean that their behavior has no emotional dimension. They may as well have a "taste" or "concern" for fairness, experience wounded pride and spite when faced with low offers, or feel averse to inequity. Having these experiences is not incompatible with following a norm. Norms and emotions normally work in concert.

The takeaway from this section is this. We have extraordinarily robust results in social science that people in the Ultimatum game do not behave the way standard rational choice theory, together with the assumption of self-interested payoff maximization, predict. So far, the empirical evidence unambiguously suggests that this behavior is universal in human societies. Its best explanation is that people follow a pair of norms, governing their behavior as Proposers and Responders. In the next step of the argument, I need to argue that either one or both of these norms can be recognized as a genuinely *moral* norm.

5.2   In Defense of (b)

At first glance, the Proposer and the Responder norms are promising candidates for universal moral norms. They are both basic: the standard version of the Ultimatum game is an uncomplicated, anonymous, one-time interaction.[44] At the same time, the game has obvious bearing on issues of cooperation, sharing, and fairness. Intuitively, this is the right level of abstraction at which universal moral norms can be expected to surface.

The norms also seem to have the right *scope*. They appear roughly where you would expect them to appear. Very small children, for instance, do not seem to follow the Responder norm. Kindergartners accept minimal offers at greater rates than third or sixth graders. Later, many children go through a period of super-sensitivity for fairness considerations: it's as if they haven't yet learned properly balancing other-regarding and self-interested considerations. As children mature, they show increasing levels of sophistication of norm-following. These findings are broadly consistent with what you would expect on the basis of what we know about children's moral development.

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[44]Researchers prefer studying anonymous, one-shot Ultimatum games because these features are thought to decrease the likelihood of making fair offers and increase the likelihood of accepting low offers.

There is another kind of evidence that becomes useful for deciding whether the Proposer and Responder norms can be regarded as genuine moral norms. It comes from our closest relatives playing the Ultimatum game. We know that chimpanzees and bonobos, just like us, cooperate with each other and coordinate their behavior. But it is controversial whether they recognize any moral norms and, in particular, whether they care about fairness.

Some researchers argue that chimpanzees are sensitive to fairness considerations. They have found that when they play the Ultimatum game, Proposer chimps make greater than minimal offers. (For practical reasons, offers in experiments with chimps have been limited to a few pre-set options). So there is some evidence that chimps might recognize a norm (or perhaps "proto-norm") that corresponds to the Proposer norm.[45] The issue, however, remains controversial, in part because of the methodological difficulties of designing Ultimatum game experiments for animals. Other researchers continue to insist that there is no evidence that chimps (and bonobos) are sensitive to fairness considerations—the findings that seem to show the opposite, they suggest, are due to faulty experimental design. They have found that as Proposers, chimps do not prefer more equal offers.[46]

However, none of these studies have found that chimpanzees and bonobos recognize anything like the Responder norm. Responder chimps and bonobos accept all nonzero offers, even if they are aware that a more equal offer was available.[47]

What do these results show? Although maybe the matter is far from settled, humans are arguably the only species with the capacity to respond to moral norms. We would, therefore, not expect chimpanzees and bonobos to be sensitive to considerations these norms embody. That seems unequivocally the case for the Responder norm, and likely the case for the Proposer norm. We find something similar with small children: they seem insensitive to the Responder norm, while the evidence is less clear in the case of the Proposer norm.

However, regardless of how the empirical evidence turns out, the Proposer norm has a weakness: it is possible to explain by appealing to strategic considerations. Proposers concerned with maximizing their payoff but worried that low offers may be rejected will be motivated to make offers that are just high enough to be accepted. It is worth sacrificing some of your uncertain greater payoff for a more certain smaller payoff. Therefore, even if chimps, bonobos, or children are observed making greater than minimal offers, the most likely explanation may have to do with self-interest, rather than sensitivity to any moral norm. The (ambiguous) evidence in Proposer behavior among chimps fits this explanation well.[48]

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[45]See, for example, Proctor et al. (2013).

[46]See Jensen, Call, and Tomasello (2007). This study repeats that of Falk, Fehr, and Fischbacher (2003) that was done on humans.

[47]But they do reject zero offers. See Jensen, Call, and Tomasello (2007) and Kaiser et al. (2012).

[48]The evidence for small children, however, is more difficult to interpret. As often pointed out, the

Thus, for reasons of caution, I set the Proposer norm aside. Even though it satisfies (*a*) in my argument, it might not satisfy (*b*). Perhaps the Proposer norm cannot in the end be recognized as a moral norm.

That leaves the Responder norm. I suggest that it can be recognized as a genuine moral norm. It is a basic norm of fairness. It has the right scope: chimpanzees, bonobos, and children in the early stages of their moral development do not follow it. It is irrational from the perspective of self-interested payoff maximization. It cannot be explained by strategic considerations or by self-interested motivations. However, it is beneficial for societies to adopt and cultivate this kind of norm: it facilitates cooperation, sharing, and the punishment of selfish behavior. *The Responder norm is a genuine constraint on the pursuit of self-interest.*

I conclude that the Responder norm satisfies both (*a*) and (*b*). It has been observed in every single human society that has been studied. There can be little doubt that it is a norm of fairness. Thus, on the best evidence that we have, it is a universal moral norm. This completes the case against moral relativism.

5.3 In Defense of (c)

I have argued that moral relativism is refuted if at least one norm can be identified that is both universal and recognizably moral. Strictly speaking, that is sufficient for the case against relativism. But it would be a nice extra feature if the norm was also justified. Surely, it would be slightly weird if you identified a moral norm that is held universally yet we should be hesitant to accept it. This possibility cannot be excluded: it is easy to think of norms that were once widely accepted but now we think ought not to be followed. It would be better if the norm we identify is at least *pro tanto* justified.

By a *pro tanto* morally justified norm, I mean a norm that is truly morally justified, even if it can conflict with other moral norms. In some cases of conflict, it is possible that the norm ought not to be followed, all things considered. So the requirement is a weak one: it is certainly not necessary that the norm trumps all other norms under any circumstances.[49]

Here is the sketch of an argument to show that the Responder norm is *pro tanto* justified. Suppose there is some non-trivial, divisible good and two candidates for the

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motivations of Proposers can be better studied by a degenerate version of the Ultimatum game called the Dictator game. In this version, the Proposer simply divides the prize between themselves and the Responder; there is no interaction between them, hence the Responder cannot respond and punish the Proposer. There is plenty of evidence that adult humans make greater than zero offers in this game too. (For an overview, see Camerer (2003).) For the purpose of making my case against relativism, however, I set the Dictator game aside. All I need to do is to identify one norm that is universal; if the Dictator and other games show that there are more, that strengthens the case against relativism, but it is not necessary for it.

[49]*Pro tanto* is often contrasted with *prima facie*: a *prima facie* justified norm appears justified at first glance, but might turn out to be unjustified upon closer inspection. (This is the way I have talked about *prima facie* evidence.) I follow Kagan (1991, 17*n*) in drawing the distinction this way, even though he puts it in terms of reasons.

good. The two candidates do not differ in any relevant respect. Other things being equal, an equal division of the good in these circumstances seems paradigmatically fair. In contrast, a substantially unequal division seems paradigmatically unfair. In the absence of further relevant considerations, the equal division of the good is morally salient.

Plausibly, if you are in a position to determine the distribution of a non-trivial, divisible good between candidates who do not differ in any relevant respect, you have a *pro tanto* moral requirement to select a division that can be justified to them. You have no reason to favor one candidate over another, and whoever is disadvantaged by your choice would have a legitimate complaint. Therefore, selecting the equal division in these circumstances is morally justified. Thus, other things being equal, if you are in a position to do so, you have a *pro tanto* moral requirement to select or promote equal divisions.

In the Ultimatum game, Responders are in a position to promote equal divisions. They are in a position to reject outcomes which are unfair. By accepting offers that are relatively equal, they promote outcomes that are relatively less unfair. By rejecting offers that are two low, they also promote outcomes that are relatively less unfair. (Neither player getting anything is undoubtedly fair.) Therefore, other things being equal, Responders have a *pro tanto* moral requirement to promote equal divisions. This provides a *pro tanto* justification for the Responder norm.

Of course, in real life Responders do not reject all divisions that are less than equal. They are willing to accept offers that are not "too low," and what counts as too low can vary. Now, if only perfectly equal divisions are morally justified, then Responders ought to reject all unequal offers. But that's not what people do in real life. Other things aren't quite equal. So what you observe may be explained by the fact that Responders follow the moral norm imperfectly. Ideally, they should reject all offers that are less than perfectly equal (like some children do at a certain stage of moral development); but in practice, they are swayed by their self-interest when they are faced with unequal but still sufficiently high offers. It is better to accept such offers than to insist on equal division—you can walk away with a decent payoff even if the outcome is less than perfectly fair. But it is also better to reject offers that are too low—although you walk away with nothing, at least you have avoided great unfairness.

Alternatively, equal divisions are perhaps not uniquely morally salient. Perhaps some unequal divisions—those which are not *too* unequal—are also morally justified. This might be because it is permissible to be partial towards yourself to some degree, and when you find yourself in the Proposer position, it would be unreasonable to insist on complete impartiality. Or so people might think, perhaps because of a vague sense that the Proposer has somehow "earned" the prize. In any case, perhaps Responders recognize that some degree of partiality can be tolerated. Thus, it is permissible to accept some unequal offers, at least as long as they are not too unequal. Responders therefore do not follow the moral norm imperfectly—it's only that the moral norm is more lax than at first seems.

I don't suggest these speculations should be taken too seriously. This sketch of an argument is just meant to show the intuitive plausibility of the Responder norm. I have pointed to the moral salience of equal division and justified the norm in terms of it. But even if you remain unpersuaded by this argument, it's hard to think what objection could be given to the Responder norm. At the end of the day, if any moral norm is *pro tanto* justified, then surely the Responder norm is.

6 Conclusion

I have argued that if there is at least one *pro tanto* justified, recognized moral norm that applies universally, then moral relativism is false. Research on the Ultimatum game has revealed one such norm: the Responder norm is a *pro tanto* justified, recognized moral norm that applies universally. Moral agents are subject to it in every community that has been studied. Throughout the argument, I have used the concepts of "applying universally" and "being subject to a norm" in the very same sense that proponents of moral relativism do. So I do not beg any questions against them. Based on the available evidence, we have good reason to conclude that moral relativism is false.

To be sure, mine is a strange argument: an empirical argument in metaethics. It might be thought that such arguments are suspicious, for they amount to deriving an *ought* from an *is*. But my argument does nothing of the sort. I made no normative claims about what people ought to do. Other than suggesting that the Responder norm is *pro tanto* justified, my claims have concerned only facts about what people in fact do.

It might also be thought that my case relies on one specific argument. I did after all start from Gilbert Harman's argument for moral relativism. In particular, I focused on Premise (2) of his argument. So perhaps the counterargument succeeds only in refuting his argument, not naturalistic moral relativism in general.

This would still be some achievement. After all, this is the main argument of an influential contemporary moral relativist. But as a matter of fact, my argument is much broader. It targets any strategy for defending moral relativism that begins from claims about moral diversity or variation or disagreement. Many arguments for moral relativism start out from such claims, and after some steps conclude that the diversity or variation or disagreement is best explained by this view. If the diversity is successfully questioned, then this argumentative strategy collapses.

It might also be said that the argument is nothing new: it is often pointed out, against the claims of moral diversity by moral relativists, that there is much less moral variation and disagreement than appears. My argument does nothing more than make the same point.

But those sorts of debates usually proceed by *making assertions*—often, unverifiable assertions. In the course of making my argument, I have proposed a practical way of finding the relevant evidence. I have presented a result that can be falsified by the other camp. Any debate on moral diversity must be preceded by agreement on what counts as

evidence and how that evidence can be obtained. I suggested that thanks to the work of behavioral economists, psychologists and anthropologists, we now have the evidence.

There is a final advantage to my argument. Just like some moral relativists, I want to take naturalism seriously. But unlike these relativists, I can also provide an account of following moral norms. There is no black box at a crucial point in the argument. In my argument, to follow a moral norm is a *form or irrationality*. When Responders reject unfair offers, they behave in a way that has no immediate or perhaps even long-term benefits for them. Nevertheless, by accepting a constraint on their pursuit of self-interest, they bring great benefits to their moral community, provided that others accept those constraints on their behavior too. There is a long tradition in philosophy, going back to Plato, of regarding moral norms as exactly these kinds of constraints on self-interest. My argument fits into this tradition.[50]

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[50]Perhaps the best-known contemporary proponent of this tradition is David Gauthier (1986).

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