

An Erroneous Argument for Error Theory - Samuel Kahn

In Cowie's recent article, "Why Moral Paradoxes Support Error Theory," he provides a novel answer to what he calls the fundamental challenge for error theory: error theory's counterintuitive implications for ordinary moral judgment. Cowie's thesis is that, "even if we allow that error theory's consequences for moral judgment are genuinely troubling and can legitimately be counted against it, the alternative metaethical theories in fact do not fare much better."¹ Cowie then argues that, if other metaethical theories do not fare much better than error theory regarding ordinary moral judgment, then "error theory's superiority in other regards—metaphysics, epistemology, and so on—will be enough to make it come out in "first place" when the explanatory points get totted up at the end of the day."²

In this article it is shown that Cowie's thesis does not withstand critical scrutiny. The article is divided into three sections. In the first, the fundamental challenge, and Cowie's answer to it, are explained in more detail. In the second, Cowie's argument for his thesis, which involves two case studies (trolley problems and population axiology), is critically examined. In the third, it is shown that Cowie's thesis is false. More specifically, it is shown that the counterintuitive implications of realism are dominated by those of error theory.

Three prefatory notes. First, by way of motivation: since Mackie's development of error theory, there have been few innovative defenses of the position; most fall back on the charge that moral facts would be strange, and fail to develop the charge. Cowie's article has the virtue of presenting, and forcefully developing, a novel line of reasoning in favor of the view, and, because of that, it is worth engaging with.³ Second, a caveat: although Cowie, at times, seems to think that, if his answer to the fundamental challenge does not work, error theory cannot be taken seriously, no stand will be taken here regarding whether this conditional is true.⁴ Third, another caveat: although Cowie takes his main target, in answering the fundamental challenge, to be realism, no stand will be taken here regarding whether realism, as opposed to any other metaethical theory (including error theory), is correct.⁵ The point that will be made here is that Cowie's thesis is false: error theory's counterintuitive implications for moral judgment really are much worse than those of other theories. Whether these counterintuitive implications can be balanced out by other factors is not a question that will be pursued.

Keywords: error theory; metaethics; ordinary moral judgment; fundamental challenge to error theory; trolley problems; trolleyology; population axiology; moral realism; realism

Section I. The Fundamental Challenge to Error Theory

¹ (Cowie, 2023, p. 459, emphases omitted).

² (Cowie, 2023, p. 460).

³ I would like to thank an anonymous reviewer for pressing me to clarify this, and for giving some prose with which to do so.

⁴ For example, Cowie asserts that, if his thesis is accepted, then error theory "can and should be taken seriously as an option in metaethical space," and he seems to suggest that the converse of this is also true (Cowie, 2023, p. 472).

However, it is unclear what criteria must be satisfied for a theory to be taken seriously on Cowie's account. Part of the uncertainty here stems from the fact that it is unclear what Cowie means when he talks about a theory being taken seriously. At one point, Cowie suggests that, if a theory is taken seriously, then we will not "reject it out of hand" (p. 460). This seems reasonable. However, when we look at the articulation of this criterion in its larger context, it is clear that the rejection Cowie has in mind is not what many of us would characterize as rejection-out-of-hand; it is rejection-on-the-basis-of-what-the-theory-implies:

The respect in which [error theory] most obviously fares badly is with regard to its counterintuitive consequences for moral judgment. My aim is to show that it does not fare that much worse in this respect, and certainly not badly enough to reject it out of hand. (Cowie, 2023, p. 460, emphases omitted)

The problem for Cowie is that, if taking a theory seriously means not rejecting it on the basis of what it implies, then it is unclear whether any theory should be taken seriously. Perhaps he means something else. But what?

⁵ (Cowie, 2023, pp. 476-477).

Consider the following two claims:

- (A) It is not true that the Holocaust was morally problematic.
- (B) It is not true that it is wrong to discriminate against those with serious disabilities.⁶

The first is a particular claim about the moral properties of an event, the Holocaust. The second is a universal claim about the moral properties of a general kind of discrimination, discrimination against those with serious disabilities.

Discrimination, in current sociopolitical discourse, is generally taken to be morally wrong. Indeed, the ableist movement is dedicated, in part, to ending what it sees as the morally offensive but nonetheless pervasive discrimination against those with serious disabilities. Ordinary moral judgment rejects (B).

The Holocaust involved discrimination against many kinds of people, including those with serious disabilities. But, the Holocaust, of course, involved much more than discrimination. In fact, the Holocaust is taken by many to be a, and perhaps even the, paradigm of moral wrongness. To paraphrase Abraham Lincoln's famous words, many might say: if the Holocaust was not morally problematic, then nothing is. Ordinary moral judgment rejects (A).

Error theory is consistent with the paraphrase of Lincoln's conditional. Nonetheless, inasmuch as error theory says that there are no moral properties, that nothing is morally problematic, that no moral claim can be true, and that all moral claims are therefore mistaken, error theory implies that (A) and (B) are correct.⁷ Thus, error theory clashes with ordinary moral judgment, and such clashes are easy to multiply. This, according to Cowie, is the fundamental challenge for error theory. For one thing, concern about these clashes with ordinary moral judgment "is at the heart of much ordinary skepticism about error theory."⁸ For another thing, attempts to show that such clashes are not, *ultima facie*, as counterintuitive as might at first seem have had, at best, a limited effect, and often raise new challenges.⁹

However, Cowie thinks that, if we take an honest appraisal of recent work in philosophical ethics, an answer to the fundamental challenge will emerge: other metaethical theories are no better off than error theory when it comes to ordinary moral judgment. Cowie claims this repeatedly, in subtly different ways, in the opening pages of his article. Here is a small sample of such claims:

1. "Every metaethical theory has troubling and counterintuitive moral consequences in the relevant sense. So error theory should not be singled out for special punishment."¹⁰
2. "If moral claims can indeed be true—as all but error theorists accept—then we are unavoidably committed to accepting a non-negligible number of claims that are extremely counterintuitive and troubling."¹¹

⁶ (Cowie, 2023, p. 470).

⁷ Cleaving quite close to the text here and, in particular, to Cowie's definition of error theory: "Moral error theory is the view that no moral claim can be true and all are therefore mistaken" (2023, p. 457). See also his claim on p. 461: "Error theorists...regard nothing as having any moral properties at all."

⁸ (Cowie, 2023, p. 457).

⁹ (Cowie, 2023, pp. 458-459).

¹⁰ (Cowie, 2023, p. 459, emphases omitted).

¹¹ (Cowie, 2023, pp. 459-460).

3. “If error theory is true, then no moral claim can be true and all are mistaken. This contributes to skepticism about error theory. I do not attempt to debunk or downplay this. My aim is simply to show that the alternatives fare surprisingly little better.”¹²

The differences between these claims are unimportant for present purposes.¹³ What is important is that, according to Cowie, the fundamental challenge can be answered with a sort of *tu quoque*: error theory might be badly off when it comes to ordinary moral judgment—but, then, so is every alternative to error theory, so this is no reason to reject error theory.

Cowie appeals to two “case studies” to substantiate this: trolley problems and axiology. With each one, he seeks to make the same two points: (I) it is impossible to satisfy all firmly held moral convictions, whence it follows that, if we accept any moral claims, we must accept some counterintuitive ones; and (II) error theorists can avoid this problem.¹⁴ In section 2 of this article, (I) is attacked; in section 3, (II) is attacked.

Section 2. Two Case Studies: Trolley Problems and Population Axiology

In order to see why Cowie’s (I) is mistaken, we need to rehearse what Cowie says about his two case studies, beginning with trolley problems.

Section 2.1 Trolley Problems

Trolley problems involve scenarios, of varying complexity, in which agents must choose between options like killing one person and letting five die. The challenge is then to come up with a principle that will explain these various choices. For example, consider the following scenario:

TROLLEY. A trolley is hurtling down a stretch of track toward five people. If you push a button next to you, the trolley will be diverted onto a sidetrack, saving the five. But, there is one person on the sidetrack who will die. Should/may you press the button?

Many people answer TROLLEY in the affirmative. The challenge is to explain this answer. We could explain it, as follows, by appeal to ideas about value aggregation: 5 is greater than 1; lives are valuable; value is aggregative; so, we should push the button—and the choice has been explained. But, now consider another scenario:

¹² (Cowie, 2023, pp. 459–460).

¹³ Here is one difference. Strictly speaking, Cowie’s claim in (2) is false, and this is so regardless of whether we accept his novel approach to the fundamental challenge. That is, it is not the case that all but only error theorists deny that moral claims can be true. Expressivists, for example, also deny that moral claims can be true, but, expressivism is not a form of error theory. Expressivism and error theory differ inasmuch as the latter says (as in (3) in the enumerated list above—see also Cowie, 2023, 460n9 and the sentence to which it is appended, and p. 461) that all moral claims are, if not false, then at least erroneous on account of a presupposition failure, whereas expressivism says that moral claims cannot be false any more than they can be true, not on account of a presupposition failure but on account of the fact that they are merely the expression of an emotion, and therefore expressivism entails that moral claims cannot be mistaken or erroneous in any straightforward sense. (Indeed, Cowie is aware of the difference between expressivism and error theory, and he notes that expressivism is a competitor for and opponent of error theory (Cowie, 2023, pp. 460 and 470). This suggests that the error in (2) is merely an oversight.)

Some ironing might be needed here regarding modalities (e.g., does expressivism say that moral claims cannot be true or false, or does it say (less strongly) that moral claims are not true or false?). However, the details of this, like the details of Cowie’s error about the uniqueness of error theory in (2), are less important for present purposes.

¹⁴ Cowie, 2023, p. 462: “I provide two cases studies below: trolley problems and axiology. Each makes the same two points. Firstly, it is impossible to satisfy all of our firmly held moral convictions and so, if we accept any moral claims, we will have to accept some counterintuitive and troubling ones. Secondly, error theorists alone can avoid this problem as they deny that we must accept any moral claims.”

BIG PERSON. A trolley is hurtling down a stretch of track toward five people. If you push the big person next to you, they will fall onto the track and die when the trolley hits them—but, their body will stop the trolley from killing the five. Should/may you push the big person?

Unlike TROLLEY, many people answer BIG PERSON in the negative. But, if we appeal to value aggregation again, it looks like we should answer BIG PERSON in the affirmative. So, we must appeal to another principle, or some plausible exception to value aggregation, to explain our choices in these two cases. One of the things that makes trolley problems so challenging is that it seems like every time we succeed in articulating a principle that explains the cases at hand, a new case is devised that evinces a flaw in the principle.

Cowie appeals to Kamm, who has done detailed work on trolley problems. Cowie concedes that Kamm articulates a principle, the principle of permissible harm, which successfully navigates important cases. However, taking his cue from Kagan, Cowie worries about the rationale behind this principle. Kamm’s principle is explained in terms of the distinction between being a mere causal means and being a non-causal side-effect, and this distinction is explained, in turn, in terms of another one, this time between subordination and substitution. In Cowie’s words, on Kamm’s account

when we use someone’s death as a mere causal means to saving others, we are subordinating that person to those who are being saved. This contrasts with cases in which the act that kills is the non-causal flip-side of the act that saves; in this case, we are substituting the person killed for those saved. We subordinate the [big person], whereas we merely substitute the smaller number in [TROLLEY].¹⁵

Once again: Cowie concedes that Kamm’s principle of permissible harm, and the distinction on which it is based, enables us to navigate these trolley problems. However, Cowie maintains that, when push comes to shove, “Kamm effectively explicates the distinction between subordination and substitution in terms of the distinction between being a cause and being a non-causal flip-side,” rendering her account circular—and exposing a serious weakness.¹⁶

The weakness is not the circularity *per se*. Rather, it is that, according to Cowie, Kamm’s principle presupposes the moral significance of something that, intuitively, seems to be morally insignificant.¹⁷ On the basis of this, Cowie infers that, if we accept that moral claims can be true, then we are faced with a dilemma:

One option is to accept a principle that captures our intuitions about trolley cases but requires us to accept the moral significance of a distinction that we really do not think is morally significant. The other option is to accept a principle that does not commit us to the moral significance of irrelevant distinctions but fails to capture our intuitions about trolley problem cases.¹⁸

¹⁵ (Cowie, 2023, pp. 463-464).

¹⁶ (Cowie, 2023, p. 464).

¹⁷ Here is how Cowie, building on the work of Kagan, puts it:

Whatever principle best captures our intuitions about trolley cases—whether the Principle of Permissible Harm or some variant on it—that principle is going to tell us that certain properties or distinctions that we do not think are morally significant are morally significant; [Kagan] asks us to imagine as illustration a moral principle that tells us that it is morally significant whether an act is performed on a Wednesday or a Sunday. That is roughly what is going on when the Principle of Permissible Harm tells us that the distinction between causes and non-causal flip-sides is morally significant. (Cowie, 2023, p. 464, emphases omitted)

¹⁸ (Cowie, 2023, p. 464).

That is, Cowie maintains that, if we follow Kamm in affirming the principle of permissible harm, then we successfully can navigate trolley problems. But, this success comes at a cost: the principle presupposes the moral significance of something that we do not take to be so. Alternatively, if we do not follow Kamm in affirming the principle of permissible harm—if we affirm a principle that is based on morally significant distinctions—then, according to Cowie, we will not be able to explain our trolley problem choices, and we will be forced to revise our intuitions. Given the failure of the most sophisticated proposed solution to trolley problems, Cowie maintains that there is excellent reason to infer that there is no solution to these problems.¹⁹ Thus, Cowie concludes, recent work on trolley problems shows that, if we accept any moral claims, we must accept some counterintuitive ones.

However, there are at least three problems with Cowie's argument.

First, the inference to the claim that Kamm's principle of permissible harm is based on a problematically morally irrelevant distinction rests on an equivocation. Cowie, following Kagan, maintains that whether an act is performed on a Wednesday or a Sunday is morally insignificant, and he claims that this is roughly what is going on with Kamm's principle of permissible harm and the subordination-substitution distinction.²⁰ However, there are two different ways in which a distinction can fail, intuitively, to be morally significant. On the one side, we might have an intuition that the distinction is morally insignificant. On the other, we (merely) might have no intuitions about the distinction at all. Whether an act is performed on a Wednesday or a Sunday is a distinction of the former kind, one where we have an intuition that the distinction is, *ceteris paribus*, morally insignificant; but, the subordination-substitution distinction is so technical that it is almost certainly one of the latter kind, one where we have no intuitions about it at all. The reason that it is important to separate these two different ways in which a distinction can fail to be intuitively morally significant is not merely that they are inequivalent, nor is it merely that Cowie fallaciously moves between the two; it is that only the first would make accepting Kamm's principle intuitively costly. To see why this is so, note that, if, as Cowie himself asserts, Kamm's principle successfully navigates the trolley problem maze in an illuminating way—a feat the success of which should not be underestimated—then we should take that as evidence that the subordination-substitution distinction, as technical as it may be, is tracking something important. So, if all that Cowie has shown is that non-error-theorists must accept something that is not immediately affirmed by pre-theoretic intuition—if he has not shown that non-error-theorists must accept something that is immediately rejected by pre-theoretic intuition—this will not suffice to balance the scales against error theory's denial of (A) (the proposition about the Holocaust) and (B) (the proposition about discrimination against the disabled) from section I. This defangs the first horn of Cowie's dilemma.

Second, even if Kamm's principle of permissible harm does build on a distinction that is morally insignificant in a sense that is sufficiently strong for Cowie's purposes, Cowie's inference to the claim that *any* principle that successfully navigates trolley problems will require us to accept a morally insignificant distinction is fallacious. Moving from a particular to a universal, as Cowie does, is always suspect. Even if Kamm were the only philosopher to have done detailed work on trolley problems, it is unclear how much confidence this move would warrant. However, Kamm is not the only philosopher who has done detailed work on trolley problems. We might consider, here, the work of Thomson, or the work of her students.²¹ Alternatively, we might consider the recent resurgence of Kantian trolleyology, a resurgence that seeks to answer Thomson's early attempt to discredit the use of Kantian ideas in this context and, thus, purports to show that Kant's Categorical Imperative, which builds on value claims and distinctions that a great many find deeply intuitive, can handle this territory.²² From this it may be seen that Cowie has failed to give us a reason to think that, if we accept any moral claims as true, then recent work on trolley problems shows that we must accept some counterintuitive ones. Indeed, there are presumptive grounds for thinking otherwise. This defangs the second horn of Cowie's dilemma.

¹⁹ I would like to thank an anonymous reviewer for pressing me to clarify this (I have borrowed some of their prose in the process).

²⁰ See note 17 above.

²¹ See (Thomson, 1976, 1985, and 2008) and (Friedman, 2002).

²² See (Kleingeld, 2020), (Kahn, 2021), (Mahon, 2021), and (Schmidt, 2022).

However, the third problem with Cowie's argument, which is independent of the first two, is the most serious. The fundamental challenge which Cowie is trying to answer has to do with the fact that error theory clashes with ordinary moral judgment. Cowie wants to show that the alternatives to error theory also clash with ordinary moral judgment and that these latter clashes are, if not as bad as the ones engendered by error theory, almost so. But, Cowie's claims about trolley problems fail on his own terms, and this is so for two distinct reasons. One is that, on the first horn of the dilemma, Cowie has retreated from failure-to-navigate-trolley-problems to failure-to-navigate-trolley-problems-*with-a-distinction-supported-by-intuition*. This is a subtle point, but it bears emphasis: if propositions like (A) and (B) are reflective of ordinary moral judgment, then the fundamental challenge for error theory is that it clashes with claims about actual, concrete cases. The fact that error theory clashes with claims about moral distinctions and moral theory might (modulo problem one above) be an issue—however, it is a different one. If this is correct, then, in conceding that there are principles that successfully can navigate trolley problems, Cowie has given up the fort. Moreover (second), trolley problems themselves, especially the kind of trolley problems that arise when we get into detail-oriented trolleyology, are far removed from ordinary moral judgment. This second point bears emphasis, for it exposes some important issues about philosophical methodology and, in particular, about the methodological commitments driving Cowie's argument.²³ If we grant that any non-error-theory must accept counterintuitive claims about trolley problems, this should be packaged, not as showing that any non-error-theory clashes with claims from ordinary moral judgment, but rather as showing that any non-error-theory clashes with claims regarding highly artificial, caricatured cases about which some, but not all (and perhaps not many), people believe that we have reliable intuitions. Ordinary moral judgment is silent when it comes to trolleyology—not when it comes to the Holocaust. If we have to weigh claims like (A) and (B) against counterintuitive claims about trolley problems, then ordinary moral judgment comes down decisively in favor of disregarding the latter: these clashes are not of equal weight.²⁴ This shows that Cowie's dilemma, as a response to the fundamental challenge, is malformed from the get-go.

To sum up: Cowie's appeal to trolley problems faces at least three distinct problems. First, Cowie has failed to show that Kamm's principle of permissible harm rests on a problematically morally irrelevant distinction. Thus, Cowie has failed to show that, if we accept Kamm's principle of permissible harm, there is an important clash with ordinary moral judgment. Second, Cowie has failed to show that other attempts to navigate trolley problems are flawed in the way that he alleges Kamm's to be. Thus, Cowie has failed to show that it is impossible to satisfy all firmly held moral convictions in the domain of trolleyology. Third, Cowie has failed to show that any of the clashes elicited by trolleyology are on a par with the clashes that are constitutive of the fundamental challenge for error theory. These three problems are independent of one another, and each one of them is individually fatal to this part of Cowie's argument. We turn now to Cowie's appeal to population axiology in order to see whether it can pick up the slack.

Section 2.2 Population Axiology

Cowie appeals to two arguments from population axiology, Temkin's spectrum argument and one of Arrhenius' impossibility proofs. Cowie's goal, again, is to show that, if we accept any moral claims as true, then we must accept some that are, if not as counterintuitive as the claims that error theory makes, almost so.

Temkin's spectrum argument deals with the following three claims: (i) "for any marginal decline in level of pain, there is some increase in its duration such that the lesser, longer pain is worse"; (ii) "the 'better than' relation is transitive"; and (iii) "for any sufficiently large decline in level of pain, there is no increase in its duration such that the lesser, longer pain is worse."²⁵ As Cowie points out, these three claims are inconsistent. But, Cowie

²³ I am grateful to an anonymous reviewer for encouraging me to expand this point.

²⁴ There is, as an anonymous reviewer has pointed out to me, room for comparison here with other areas of philosophy, such as the liar paradox.

²⁵ (Cowie, 2023, p. 466).

argues that the denial of any one of these claims would be counterintuitive and, further, leads to “extremely troubling recommendations.”²⁶ To illustrate, Cowie asks us to consider denying (iii). He asserts that, unless one is an error theorist, the denial of (iii) commits us to the following:

For any sufficiently large decline in level of pain, there is some increase in its duration such that the lesser, longer pain is worse; it would be better to cause someone to suffer a persistently itchy mosquito bite than a day’s torture.²⁷

That is, according to Cowie, if we deny (iii), then we must accept the general clause prior to the semicolon, and, further, this general clause has troubling recommendations, such as the more specific clause following the semicolon, about causing someone to suffer a persistent mosquito bite rather than temporary torture. Thus, Cowie concludes, Temkin’s spectrum argument shows that, if we accept that any moral claims are true, then we must accept some that are (deeply) counterintuitive.

The impossibility proof that Cowie picks up shows that five propositions from population axiology, each of which is supposed to be plausible in itself, are inconsistent. For present purposes, we can accept the inconsistency claim, and, indeed, we need not even introduce all five of the propositions in question. All that we need is the first:

If population A is a perfectly equal population of the same size as population B, and every person in A has higher welfare than every person in B, then A is better than B, other things being equal.²⁸

As Cowie points out, if we accept Arrhenius’ impossibility proof, then we must reject at least one of the five propositions, and, to illustrate how problematic this is, Cowie suggests that we reject this first one. According to Cowie, if we do so, then we must accept the following alternative:

If population A is a perfectly equal population of the same size as population B, and every person in A has higher welfare than every person in B, then A is equally as good as or worse than B, other things being equal.²⁹

Cowie argues that this alternative is counterintuitive in itself. Further, he argues that it will yield “deeply troubling recommendations—for example, that one ought to distribute goods so as to ensure that everyone has lower rather than higher welfare levels.”³⁰ On the basis of this, Cowie concludes that Arrhenius’ impossibility proof, like Temkin’s spectrum argument, shows that it is impossible to satisfy all deeply held moral convictions.

However, there are at least three problems with both of these arguments.

First, Cowie’s assertions, about what follows from the denial of proposition (iii) in Temkin’s spectrum argument and, then, about what follows from the denial of the first proposition in Arrhenius’ impossibility proof, are mistaken. To put the point formally, Cowie fails, in both cases, correctly to “drive the negation in.” In Temkin’s spectrum argument, Cowie asks us to suppose that it is not the case that, for any sufficiently large decline in level of pain, there is no increase in its duration such that the lesser, longer pain is worse. According to Cowie, if we make this supposition, then we must accept that, for any sufficiently large decline in level of pain,

²⁶ (Cowie, 2023, p. 466).

²⁷ (Cowie, 2023, p. 466).

²⁸ (Cowie, 2023, p. 467, emphases omitted).

²⁹ (Cowie, 2023, p. 469, emphases omitted).

³⁰ (Cowie, 2023, p. 469).

there is some increase in its duration such that the lesser, longer pain is worse. However, this is not so. What follows from the negation of proposition (iii) is: for some sufficiently large decline in level of pain, there is some increase in its duration such that a lesser, longer pain is worse. The switch from a universal to an existential quantifier is significant: the lack of specificity makes this latter principle difficult to deny—and exactly the same problem arises with Cowie’s claim about the proposition from Arrhenius’ impossibility proof: Cowie moves from the denial of a universal claim to another universal claim, when he should be moving to an existential one.

Some might object that Cowie’s universal claims are entailed, respectively, by the conjunction of (i) and (ii) from Temkin’s spectrum argument and by the conjunction of the other four propositions in Arrhenius’ impossibility proof. So, (the objection continues) denying proposition (iii) in the spectrum argument and denying the first proposition in the impossibility proof really does have the implications Cowie asserts.

However, this objection does not help Cowie. In fact, it makes things worse. For ease of exposition, this point will be explained using only Temkin’s spectrum argument—but, this is only for ease of exposition: an exactly parallel argument can be made with Arrhenius’ impossibility proof.

We need to distinguish between, on the one side, giving up proposition (iii) and, on the other side, affirming propositions (i) and (ii) in Temkin’s spectrum argument. Denying (iii) does not get us to a universal claim. So, the denial of (iii), by itself, is not counterintuitive, at least in the way that Cowie asserts. Moreover, if the conjunction of (i) and (ii) entails a result that is as counterintuitive as Cowie claims, this serves merely to cast shade on this conjunction. Given how abstract and schematic these three propositions are, this should make us doubt all of them, and, therefore, the practical relevance of Temkin’s spectrum argument for ordinary moral judgment—exactly the opposite of what Cowie needs for this part of his argument.

Second, Cowie’s claims, about the troubling recommendations that non-error-theorists are forced to embrace, are erroneous. We can begin with Temkin’s spectrum argument. The principle that, according to Cowie, we are forced to accept (if we deny (iii)) is, again: for any sufficiently large decline in level of pain, there is some increase in its duration such that the lesser, longer pain is worse. This might recommend causing someone to suffer a day’s torture rather than a persistently itchy mosquito bite (the principle says that the lesser, longer pain is worse)—but, it would not recommend the converse of this (i.e., it would not recommend causing someone to suffer a persistently itchy mosquito bite rather than a day’s torture), and it is this converse that Cowie asserts in the block quotation above.

Alternatively, consider the supposedly troubling recommendation of rejecting the first proposition in Arrhenius’ impossibility proof: one ought to distribute goods so as to ensure that everyone has lower rather than higher welfare levels. This recommendation does not follow from the principle Cowie claims we must accept if we reject the first proposition. The principle that Cowie says we must accept applies only when the populations in question are perfectly equal and when all else is equal, a clause that is difficult to satisfy when we are talking about differing distributions—and, even then, the principle does not say that the population with the lower welfare levels is better, but, rather, merely that it might be.

To summarize these first two problems: Cowie makes two claims about Temkin’s spectrum argument, and he makes two similar claims about Arrhenius’ impossibility proof. The claims are about the principles we must accept, if we deny one of the propositions in each of these arguments, and, next, about the troubling recommendations that follow from these principles. However, all of these claims are false: the principles that Cowie infers do not follow (Cowie incorrectly drives in the negation in both cases)—and, independently of that, even if we accept these principles, the recommendations that Cowie infers from them do not follow.³¹

³¹ Some might object that, at least in the case of the spectrum argument, the second problem being raised here is uncharitable. Switch in “worse” for “better” and the recommendation does follow from the principle—and, perhaps, so does the fact that it is troubling. So, Cowie’s claim about troubling recommendations can be rescued, at least for the spectrum argument.

However, this objection does not work. Cowie’s article, we may assume, was subject to a high degree of scrutiny. From this it may be inferred that Cowie is not entitled to say that the following recommendation, the one that actually follows from the relevant principle, generally would be found troubling: it is worse to cause someone to suffer a persistently itchy mosquito bite than a day’s torture.

We can summarize the problem raised in the text above, combined with the reply to the objection in this footnote, in the form of a dilemma: on one horn, what Cowie actually asserted is not recommended by the denial of (iii); on the other horn, what he should have asserted does not seem to be troubling, at least to his scrutinizers. Either way, there is no troubling recommendation.

The third problem with Cowie's population axiology argument is the same as the third problem with his trolley problem argument: he has failed to evince a clash with ordinary moral judgment. Confront a person on the street about whether the Holocaust was morally problematic; they will answer in the affirmative. Confront a person with one of the principles from Temkin's spectrum argument or from Arrhenius' impossibility proof and, if you are lucky, they will ask you to repeat yourself. Population axiology of the kind that Cowie appeals to does not call forth an intuitive response from ordinary people.

Some might object here: some might say that Cowie's point is not that ordinary people make moral pronouncements about these propositions from population axiology, but, rather, that these propositions call forth intuitions, from philosophers if nobody else, and these intuitions cannot all be salvaged if we accept that moral claims can be true.

However, this objection does not work. To be clear: with the possible exception of transitivity (proposition (ii) from Temkin's spectrum argument), it is questionable whether giving up any of the propositions that Cowie discusses will elicit a clash of intuitions. But, the point for present purposes is that, if such a clash is elicited, it will not be one that can hold its weight against the clash of intuitions elicited by error theory in the context of the fundamental challenge, and that is what, by his own lights, Cowie needs. It is useful, at this juncture, to consider the following passage from Cowie's article:

The common discomfort with error theory's consequences that I sketched in the introductory paragraph of this article comes much more from concern with its inconsistency with moral claims that people actually hold and would be uncomfortable giving up—like that the Holocaust was morally grotesque—than from concern with its inconsistency with an unspecified set of claims, many of which we know we would find wildly counterintuitive anyway. The former really makes people worry in a deep way about error theory. The latter does not.³²

The point being made at present is that the propositions Cowie discusses from population axiology, and the propositions from the moral paradoxes to which Cowie gestures more broadly, fall into the set of claims that do not, and should not, make people worry about moral theory. It may be concluded that Cowie's discussion of population axiology, like his discussion of trolley problems, fails on its own terms.

To sum up: in this section, it was argued that Cowie's appeal to population axiology does not work. First, it was shown that there is a gap between the denial of the propositions Cowie proposes denying and the acceptance of the propositions Cowie alleges we must accept. Second, the troublesome consequences that, according to Cowie, follow from the latter were overturned. Third, it was shown that Cowie's appeal to population axiology does not answer the fundamental challenge. These three problems are independent of each other. To be fair, they are not independently sufficient to overturn Cowie's argument: the first two are jointly sufficient, and the third is individually sufficient. However, together, these three problems show why Cowie's population axiology argument for the claim that, if we accept any moral claims as true, then we must give up on deeply held moral convictions, does not withstand critical scrutiny.

Section 3. The Counterintuitive Implications of Realism are Dominated by those of Error Theory

We may suppose at this juncture, for the sake of argument, that the argument in section 2 of this article fails; that Cowie's claims about his two case studies are probative; or, more simply, that Cowie is correct that it is impossible to satisfy all firmly held moral convictions and, thus, that, if we accept any moral claims, we must accept some that

³² (Cowie, 2023, p. 475).

are as counterintuitive as (A) and (B) (the propositions, about the Holocaust and about discriminating against the seriously disabled, from section I of this article).³³

By itself, this supposition does not answer the fundamental challenge with which we began. In order to answer the fundamental challenge, Cowie must show, in addition, that error theorists can avoid this problem—Cowie must show that, although error theory is saddled with (A) and (B), error theory can avoid the problems that arise when we turn to recent work in philosophical ethics. This is the second part of Cowie’s two-part argument: Cowie concedes that error theory, but not realism, has counterintuitive implications about the Holocaust and discrimination against those with serious disabilities; to answer this, he needs to show that, when it comes to moral philosophy, realism, but not error theory, has counterintuitive implications. Here is how Cowie puts it:

The last fifty years of moral philosophy shows that if we allow that moral claims can be true, then among the truths we will find some extremely counterintuitive and troubling ones...Error theory alone avoids commitment to these. So it would be a mistake to think that error theory is the only metaethical position that lands its supporters with challenging moral commitments. It does not. Error theory has counterintuitive and troubling commitments that the alternatives avoid, but the alternatives have counterintuitive and troubling commitments that error theory avoids too.³⁴

What will be shown now is that error theorists cannot avoid the problems that Cowie attributes to realism: for every counterintuitive implication that realism (allegedly) has, there is a corresponding one for error theory, one that lands *on top* of the counterintuitive implications error theory has about the Holocaust, discrimination, and other ordinary moral judgments. In other words, what will be shown now is that the counterintuitive implications of realism, at least when it comes to ordinary moral intuition, are dominated by those of error theory.

To that end, suppose that there is some moral proposition, *P*, the rejection of which is counterintuitive, and suppose that realism requires us to reject *P*. Error theory requires us to reject all moral propositions—the core of error theory is that all moral propositions are erroneous. *A fortiori*, error theory requires us to reject *P*. From this it may be seen that the counterintuitive implications of error theory, when it comes to the rejection of moral propositions, dominate those of realism.

However, Cowie might object here. Cowie might appeal to acceptances. To see how this objection works, suppose there is some proposition *Q*, which it is counterintuitive to accept. In such cases (according to the objection), error theory will have the upper hand against realism, because realism might require us to accept *Q*, whereas error theory will not. Thus, Cowie urges:

When you are assessing how counterintuitive and troubling realism’s moral consequences are, do not just focus on what they must reject. Realists must also accept some moral claims that are highly counterintuitive...Error theorists do not have to do this.³⁵

³³ According to Cowie,

It is extremely rare to encounter a problem in moral philosophy for which there is a satisfying solution that does not require one to bite a fairly significant bullet. I would be deeply surprised to find a moral philosopher who honestly denies this. Yet it is just another way of saying that fairly strongly counterintuitive claims are ubiquitous in moral philosophy. (Cowie, 2023, p. 480)

Many (including the present author) might find this remark surprising. Anecdotally, the present author can report never having met a moral philosopher who honestly affirms that there are any problems in moral philosophy for which there is a satisfying solution that requires biting a significant bullet—and, indeed, it is perhaps worth noting in this context that there is a mainstream, and well-respected, school of thought according to which all philosophical problems, not only moral ones, are pseudo-problems.

³⁴ (Cowie, 2023, p. 469).

³⁵ (Cowie, 2023, p. 473-474, emphases omitted).

However, this objection is too quick. To see why, let us return to what Cowie says about trolley problems. According to Cowie, realists face a dilemma: either accept some distinction that we do not really think is morally significant, or accept some counterintuitive and troubling results, such as that we should push big people in front of trolleys. Cowie then asserts that “[e]rror theorists alone can avoid this dilemma,” because error theorists alone deny both horns of the dilemma—error theorists do not accept any moral claims.³⁶ What Cowie fails to notice is that, even if realists are forced to accept (for example) that it is permissible to push big people in front of trolleys, there is a correlative counterintuitive proposition that error theorists are forced to accept, namely: that it is not the case that it is impermissible to push big people in front of trolleys. This is a subtle point, one which relies on two facts, so, let me explain it in more detail.

The first fact is that acceptance and rejection cannot be separated as cleanly as Cowie wants. This is because, for every moral proposition P , error theory requires us not only to reject P , but also to accept, “it is not the case that P .” So, error theory has counterintuitive acceptances as well as counterintuitive rejections. For example, error theory will require us, counterintuitively, to reject, “the Holocaust was morally problematic.” But, error theory also will require us, counterintuitively, to accept, “it is not the case that the Holocaust was morally problematic.”

The second fact is that moral properties, or at least the terms that are used to refer to them, often come in opposed pairs. For example, consider the following schemas:

1. For any act R , it is permissible to R if, but only if, it is not impermissible to R .
2. For any act R , it is obligatory to R if, but only if, it is impermissible to omit R .
3. For any two states of affairs, X and Y , X is better than Y if, but only if, Y is worse than X .

From this, it may be seen that, if a realist is forced to accept, for example, that it is permissible to R , then the realist will be forced, also, to reject that it is not impermissible to R . An error theorist will reject both of these. But, an error theorist also will have to accept that it is not the case that it is not impermissible to R . And, if accepting that it is permissible to R is counterintuitive, then, all else being equal, so is rejecting that it is not impermissible to R —and, so is accepting that it is not the case that it is not impermissible to R . Thus, error theory dominates realism on counterintuitive rejections, and it at least matches realism on counterintuitive acceptances. From this it follows that error theory cannot avoid any of the problems that realism might have when it comes to ordinary moral judgment (*pace* Cowie). Indeed, it is easy to show, with this in mind, not only that (1) the counterintuitive rejections of error theory dominate the counterintuitive rejections of realism and that (2) the counterintuitive acceptances of error theory at least match the counterintuitive acceptances of realism, but, more, that (3) error theory has infinitely many counterintuitive rejections and acceptances. For example, consider the following two propositions:

- (C) It is impermissible to kill n Jews in a gas chamber.
- (D) It is not the case that it is permissible to kill n Jews in a gas chamber.

Error theory must reject proposition (C) and accept proposition (D) for any n , up to and past the 6 million of the Holocaust.³⁷ Taken all together, this illustrates well both how serious the fundamental challenge really is, and also how thoroughly Cowie has failed to answer it.

However, some might object on the grounds that not all moral properties come in pairs. For example, consider supererogation; although permissible and impermissible are paired in the way noted above, there is nothing similar for supererogation. So, perhaps error theory does not match the counterintuitive and troubling acceptances associated with realism after all.

³⁶ (Cowie, 2023, p. 465).

³⁷ In saying this, I do not mean to imply that all of the Jews killed in the Holocaust were killed in gas chambers.

But, this objection does not work.

Suppose, for the sake of argument, that realism is forced to accept, counterintuitively, that *S* is not supererogatory. Error theory will be forced to accept that it is not the case that *S* is supererogatory, and, if it is counterintuitive to accept that *S* is not supererogatory, then it is counterintuitive to accept that it is not the case that *S* is supererogatory. Alternatively, suppose that realism is forced to accept, counterintuitively, that *S* is supererogatory. Then, whatever category *C* that *S* intuitively falls into, error theory will be forced to accept, counterintuitively, that it is not the case that *S* is *C*.

However, some error theorists might not give up yet. They might point out that, if realism is forced to accept, counterintuitively, that *S* is supererogatory, then realism also will be forced to accept, counterintuitively, that it is not the case that *S* is *C*, for whatever category *C* that *S* intuitively falls into. Thus, they might conclude, even if error theory does have counterintuitive acceptances, including that it is not the case that *S* is *C*, error theory's counterintuitive acceptances are dominated by realism's counterintuitive acceptances. An error theorist even might use this to try, once again, to even the playing field between error theory and realism in the following way: realism's counterintuitive rejections might be dominated by error theory's, but, it might be argued, this is balanced by the fact that error theory's counterintuitive acceptances are dominated by realism's, and, thus, the fundamental challenge has been answered.

But, this line of reasoning does not work: error theory's counterintuitive acceptances are not dominated by realism's. To see this, it will suffice to return to the claims with which we started (in section 1 of this article). Error theorists must accept both of the following, in addition to accepting proposition (D) above for any *n*:

(A) It is not true that the Holocaust was morally problematic.

(B) It is not true that it is wrong to discriminate against those with serious disabilities.

Realists need not accept any of these propositions. This shows, not only that error theory's counterintuitive and troubling acceptances are not dominated by realism's, but also that error theory's counterintuitive and troubling acceptances are far more counterintuitive and troubling than realism's—and that is assuming, what was controverted in section 2 of this article, that trolley problems, population axiology, and other areas of modern moral philosophy force realism to accept counterintuitive and troubling results.

We should not oversell. It has not been shown that realism's counterintuitive and troubling acceptances are dominated by error theory's. But, this does not need to be shown. What has been shown, rather, is that, first, realism's counterintuitive and troubling *rejections* are dominated by error theory's and, second, that error theory has more counterintuitive acceptances than realism, qualitatively if not quantitatively—and from this it follows that the fundamental challenge to error theory remains unanswered: even if error theory retains an advantage in metaphysics and epistemology, something that will not be pursued here, error theory is at a fundamental disadvantage when it comes to ordinary moral judgment.

Conclusion

In Cowie's, "Why Moral Paradoxes Support Error Theory," he attempts to answer the fundamental challenge to error theory, the fact that error theory, but not realism, clashes with deeply held moral convictions from ordinary moral judgment. Cowie's answer involves an appeal to recent work in moral philosophy, using two case studies, trolley problems and population axiology, as evidence that realism is forced into similar clashes, even though error theory is not. However, as shown in the foregoing, Cowie's answer, although novel, does not withstand critical scrutiny. For one thing, Cowie fails to show that, when it comes to recent work in moral philosophy, realism is forced into clashes with deeply held moral convictions from ordinary moral judgment, and, for another, Cowie fails to show that error theory can avoid these clashes. As noted at the outset of this article, this does not show, on its own, that error theory should not be taken seriously. But, if Cowie is correct that, in the absence of an answer to the fundamental challenge, error theory should be rejected out of hand, then this constitutes a serious setback to the error theorist's program.

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