

Open-mindedness and Normative Contingency¹

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Abstract

Open-mindedness seems to be a virtue because an open mind is more receptive to the truth. But if value judgments are best understood as a human projection, expression, or construction, then it is unclear why open-mindedness is a virtue when it comes to normative judgments. If moral truths are not “out there”, what is the point of an open mind? What are we being open to? Further, if oughts and values are, in some way, contingent on us, open-mindedness may put us at greater risk of losing important convictions than in the case of belief about the world. In this paper I defend open-mindedness for normative judgment in the context of meta-ethical theories that makes values mind-dependent.

In the case of any person whose judgment is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him; to profit by as much of it as was just, and expound to himself... the fallacy of what was fallacious...

- John Stuart Mill, *On Liberty*

There are good arguments for open-mindedness as a virtue of theoretical reasoning. A refusal to consider competing hypotheses or countervailing evidence – habits of a closed-mind – removes some of the most important resources for discovering and correcting false beliefs. Mill’s ideal of open critical

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discussion that gives “the truth a chance of reaching us”, as he later puts it, is a model for good scientific and philosophical inquiry.

Open-mindedness would also seem to be a good idea when it comes to reasoning about what matters, what’s important or valuable, or about what we ought to do. Mill in *On Liberty* certainly thought so:

So essential is this discipline [of open discussion of both sides of the argument] to a real understanding of moral and human subjects, that if opponents of all important truths do not exist, it is indispensable to imagine them, and supply them with the strongest arguments which the most skillful devil's advocate can conjure up.

But Mill’s way of putting the point here should give us pause. Aren’t there some risks involved in considering the strongest arguments we can for positions we find morally reprehensible? Is it really a good idea to consider the strongest arguments we can think of for moral nihilism or the permissibility of genocide? In the philosophy of education, such concerns have given rise to a lively debate about the value of open-mindedness and to a rough consensus around the view that open-mindedness, if it is to be a virtue, must be carefully described so as to preclude suspending crucial moral commitments.²

One might say that there’s no special problem for open-mindedness in the normative domain and that the same point applies in the case of reasoning about what is (theoretical reasoning). After all, skeptical arguments about the existence of chairs can momentarily unsettle undergraduates and there are some positions it is not worth our time to consider seriously. But there is greater reason to worry about the case of value judgment, particularly for those of us who think that locating values in the natural world means recognizing that they are (in some way) contingent on us. First of all, as I’ll discuss in section 1, if value judgments are best understood as a human projection, expression, or construction, then it is unclear how we should understand the idea that open critical discussion gives the truth a

² See Adler, “Reconciling Open-mindedness and Belief,” and Hare “Is it Good to Be Open-minded?”

chance of reaching us. Mill's model assumes that the truths are "out there" to be discovered or to hit us in the head. We do better by being open-minded because a closed-mind will not see what is out there (or will not notice when contradictory evidence hits it). If moral "truths" are not similarly out there, what is the point of an open mind? What are we being open to? Second, if oughts and values are, in some way, contingent on us, being open-minded may put us at greater risk of losing our conviction than in the case of belief about the world.

I think these worries can be addressed and I plan in this paper to defend open-mindedness in the case of reasoning about values. My argument begins, in section 2, with a discussion of some important features of the practice of making value judgments. I then argue, in section 3, for the legitimacy of open-mindedness and other epistemic virtues on the basis of this practice, its benefits, and what it would cost to abandon it. This argument furnishes an answer to the second question about the risk that open-mindedness will cause an undesirable loss of conviction, to which I return briefly in the conclusion.

Before we get started, it would be a good idea to have a working definition of open-mindedness as an epistemic virtue. Since it isn't the aim of this paper to define open-mindedness, I will rely on the work that virtue epistemologists have done on this topic. According to Wayne Riggs "To be open-minded is to be aware of one's fallibility as a believer, and to be willing to acknowledge the possibility that any time one believes something, *it is possible that one is wrong.*"³ This does not mean that the open-minded person actually doubts what she believes; rather, the point is that she is aware that because she is an imperfect epistemic agent, some of her beliefs are likely to be false. A person with an open mind is "prepared to take seriously the views of others, especially when those views are in conflict with one's own," because this is an important source of information about the ways in which we may be

³ Riggs, "Open-Mindedness," p. 180.

in error.⁴ Riggs argues that the open-minded person also possesses self-knowledge about the ways in which she is prone to error and the capacity to monitor when she is in such a state and whether she has taken measures to improve. So, the epistemically virtuous person will direct her open-mindedness to the beliefs about which she is most likely to be in error. Being virtuously open-minded does not require actively entertaining doubts about all of one's beliefs or actually considering the views of others about everything one thinks. Open-mindedness, then, occupies the mean between closed-mindedness and fickle indecision and it requires other virtues (such as self-knowledge) to function properly.

1. Normative Contingency

There are many ways to think that norms are contingent on us and many arguments for defending these claims. Expressivist analyses of normative language begin with the insight that the point of normative language is to influence, recommend, or express not to describe.⁵ Sharon Street has recently put forward the argument that thinking about how our normative practices would have evolved leads us to see that our moral judgments are contingent and that value realism is false.⁶ Street defends subjectivist constructivism rather than expressivism, but both theories embrace the contingency of values.⁷ There are also some subjectivist forms of realism (views that take moral judgments to be reports about our emotions, desires, or other subjective psychological states) that accept the contingency of norms.⁸ What these theories have in common is the view that normative judgments do not describe normative facts in the world, but instead they express or report the psychological states (or, in Street's case, what

⁴ Riggs, "Open-Mindedness," p. 177.

⁵ See Simon Blackburn, *Spreading the Word* and Allan Gibbard, *Wise Choices, Apt Feelings*.

⁶ Street, "Objectivity and Truth: You'd Better Rethink It."

⁷ Blackburn would reject the claim that values are contingent or mind-dependent as such. According to his quasi-realism this claim about contingency is an ethical rather than a meta-ethical claim and from the right ethical point of view values are not contingent on us. But there is a meta-ethical sense in which values are mind-dependent or contingent on us according to expressivism that causes a *prima facie* problem for the status of open-mindedness as a virtue.

⁸ For example, see Prinz, *The Emotional Construction of Morals*. See also D'Arms and Jacobson, "Sensibility Theory and Projectivism."

is entailed by those psychological states) of the person making them. I will call this the “normative contingency claim”.

I do not intend to argue for the assumption that norms are contingent, nor will I take a stand about the correct way of interpreting this claim. The point, for my purposes, is that however one interprets the normative contingency claim, it creates a disanalogy between non-normative belief and normative judgment that is relevant to the value of open-mindedness.⁹ So, the motivating question of this paper is this: supposing that some version of the normative contingency claim is true, is there room to defend a virtue of open-mindedness? Of course, there are many who don't believe the claim in any form and so it is worth saying something about the larger point of vindicating open-mindedness in the context of normative contingency. One of the reasons for rejecting normative contingency is that the view that values and oughts depend on us does not fit well with our ordinary practices of evaluative judgment and discussion. In particular, normative contingency in the moral case seems to fit poorly with our truth-seeking epistemic practices of argument and intellectual character development. If theories that embrace normative contingency cannot make sense of our efforts to become more reliable judges about moral matters and of these practices more generally, this is a strike against them. So, if we can vindicate open-mindedness (and other characteristics of our ordinary picture of good judgment) in moral judgment even on the assumption of normative contingency, then we will have undermined one source of skepticism about contingency-embracing theories.

Why does normative contingency cause a problem for open-mindedness? The short answer is that the value of being open-minded to challenges that come from new experiences and other people is best explained by reference to the reliability or truth-conduciveness of belief forming processes. This is the explanation virtue epistemologists typically offer for the value of open-mindedness and other

⁹ As will become clear, I am mainly interested in moral and prudential judgments, which are evaluative judgments that do take part in a seemingly truth-conducive epistemic practice. I'll use the language of “normative judgments” for convenience.

intellectual virtues. Linda Zagzebski argues that virtues include two main components: a motivational component and a component that reliably achieves success in bringing about the end of the motivation.¹⁰ When it comes to intellectual virtues such as open-mindedness, she says that the primary underlying motive is “the motivation for knowledge. Such motivation clearly includes the desire to have true beliefs and to avoid false ones...”.¹¹ Similarly, according to Jonathan Adler, “The primary or inherent value of open-mindedness is to our interest in the truth of our beliefs or to the growth of knowledge, the connection between the two being dependent upon an appreciation of our fallibility.”¹² James Montmarquet disagrees that actual truth-conduciveness is a necessary feature of intellectual virtues, but he does think that intellectual virtues are traits that a person who desires the truth would want to have because they appear to be truth-conducive.¹³ Truth-conduciveness is also Mill’s justification for the value of open-mindedness, as can be seen in the quote from *On Liberty* at the beginning of this paper. Indeed, thinking of the value of the intellectual virtues in terms of their truth-conduciveness seems almost inevitable: intellectual virtues are supposed to make us better epistemic agents, which means making us better at achieving certain epistemic goals, one of which is truth. The problem is that it is not clear how to think about truth-conduciveness in the context of normative judgments when we take norms to be contingent in the ways I have discussed above. To take the easiest case, if we are emotivists, and we take moral judgments to be simple expressions of our feelings, then there is no moral truth and so truth-conduciveness makes no sense.

Of course some of the theories that embrace contingency do recognize a sense in which moral judgments are truth-apt. For such theories, the problem is often that they do not provide grounds for open-mindedness about the right things. Take Prinz’s emotionist theory, for example, according to which the truth of moral claims is relative to our value systems and, ultimately, to the facts about our

¹⁰ Zagzebski, *Virtues of the Mind*, p. 137.

¹¹ Zagzebski, *Virtues of the Mind*, p. 181.

¹² Adler, “Reconciling Open-mindedness and Belief,” p. 130.

¹³ Monmarquet, “Epistemic Virtue,” p. 489.

sentiments.¹⁴ If this is what moral truth is, then being a good epistemic agent would seem to require being open-minded to certain facts about us. This may sometimes require us to be open-minded to the opinions of others, but only insofar as those others may have accurate opinions about our sentiments. There is no obvious rationale for being open to other people's moral perspectives and arguments, or for trying to see the world from someone else's point of view.¹⁵

One might think things are better for expressivist theories that avail themselves of the quasi-realist strategy for justifying our use of the truth-conducive surface features of moral language without holding that moral language describes the world.¹⁶ Things *may* be better for the quasi-realist expressivist eventually, but on the face of it, the right to speak about open-mindedness as a virtue is just another thing that the expressivist must earn. The mere fact that expressivism can explain our tendency to talk about moral truths does not mean that moral judgments are true in a sense that makes open-mindedness a virtue. If it is indeed the case, according to expressivism, that normative language does not describe the world, then there is some reason to wonder what good it will do us to be open to other viewpoints that might present a more accurate description. Of course, the expressivist will point out that there are other features of good moral judgment that being open-minded might produce: consistency, for instance. This is quite true and we will return to the point momentarily. For now, notice that this is a move away from truth-conduciveness that pushes us toward a different explanation of the value of open-mindedness from the one advanced by Mill and the virtue epistemologists.

Finally, consider constructivist theories. According to Street's subjective constructivism, roughly, the truth of a claim about what some agent has reason to do consists in that claim's being

¹⁴ Prinz, *The Emotional Construction of Morals*, pp. 179-80.

¹⁵ Whether Prinz would see this as a problem is an interesting question. See my "The Practical Irrelevance of Relativism" for relevant discussion. Whether other response dependent views face similar problems depends on the details. I would argue that the same problem will arise for any theory that identifies normative properties with (unidealized) psychological states or features of the world that cause these states. Ideal advisor theories and sensibility theories such as McDowell's are on better ground because they are able to point to things we ought to be open to in making normative judgments other than our own feelings.

¹⁶ See Blackburn, *Spreading the Word and Ruling Passions*.

entailed from that agent's practical point of view or evaluative standpoint.¹⁷ For Street, correct judgments about normative reasons are judgments about what is entailed by the values an agent already has. Street defines the relevant practical point of view subjectively so that for a person to have a reason is for that reason to be entailed by that very person's practical point of view. Street does not offer her theory as a theory of moral or prudential reasons *per se*, but we can consider what the implication of her view would be for open-mindedness in the context of normative judgment in general. At least on the face of it, Street has a similar problem to the one I raised for Prinz's theory: subjective constructivism provides a rationale for being open to others' opinions about what is entailed by my values, but not for being open to others opinions and perspectives when they conflict with my evaluative standpoint.

Things are different when we move to other forms of constructivism. In constructivist theories in which the constructive procedure is social, we do have a direct reason to be open-minded. This is so because these theories assume from the outset that the truth is (in some sense) what we can agree on. According to one of the best known versions of constructivism, Scanlon's contractualism, the truth of moral claims about what we owe to each other consists in their resulting from a discursive process that seeks to reach agreement on the basis of considerations no one could reasonably reject.¹⁸ In a way, this kind of theory seems ideally suited for a justification of the virtue of open-mindedness. If our goal in forming sound moral judgments (at least within Scanlon's restricted domain) is to arrive at principles that no one could reasonably reject, we certainly do need to be open-minded about how things are for other people and what kinds of considerations they would reject as a basis for agreement with us. Contractualism does not have the same problems as other contingency-embracing theories, because it is a theory that builds in the value of other people's opinions from the outset. Contractualism, unlike the

¹⁷ Street, "Objectivity and Truth: You'd Better Rethink It." See also, Street "What is Constructivism in Ethics and Metaethics?" and "Constructivism about Reasons."

¹⁸ Scanlon, *What We Owe to Each Other*.

other theories I've discussed, embraces an epistemology that makes open-mindedness truth conducive for normative judgment (though in a different way from the standard realist picture embraced by virtue epistemologists).

Perhaps we can learn something from contractualism about how to accomplish this more generally. How does contractualism do it? By holding that the purpose we have in arriving at moral judgments is served by open-mindedness. The point of moral judgment, on this view, is to solve a practical problem, not to describe the world and this problem is what justifies taking the opinions of others to be worth listening to. When it comes to moral judgment, being open to others is not valuable because they may have a more accurate description of moral reality than we have; rather, it is valuable because our goal is to find out the principles we can all agree to live by.¹⁹

2. Resilience and epistemic virtues

If the goal of normative judgment is not accurately describing the world, then what is it? For theories of moral obligations to others, such as Scanlon's contractualism, social coordination, harmony, and cooperation come quickly to mind. These social goals are important, but they are not at issue in all of our normative judgments. The normative domain is not exhausted by what we owe to each other (nor does Scanlon think it is). First, there are moral issues that do not have to do with duties to others. I may wonder about my moral obligation to develop my talents, or to speak up for myself when I am being disrespected, for example. Second, there are normative questions that are not moral, such as questions about personal or prudential value. When I want to ascertain whether I ought to take a decent job near my family or a great job far away, for example, getting along with my fellow citizens is not a primary consideration. I want to arrive at a judgment I can live with, one that will provide a secure basis for action.

¹⁹ Of course, others may have a better appreciation of the facts that are relevant to moral judgment. I do not mean to deny that some of the value of open-mindedness in the context of moral judgment comes from this.

Moreover, social goals do not exhaust our purposes even when they are at issue. When I am trying to decide what position to take about animal rights, humanitarian aid, or late-term abortions, I may care about what I can justify to my fellow citizens, but I also care about what I can justify to myself and what will stand the test of time. I want to arrive at a judgment that I think is unassailable because it meets the best standards of rational argument, whatever my actual fellow citizens happen to think. Of course, Scanlon doesn't think we are beholden to all of our *actual* fellow citizens: he holds that our reasons must be acceptable only to other *reasonable* people. According to Scanlon, reasonable people are motivated by a desire to justify their actions to others on impartial terms and we do not need to justify ourselves to people who are not willing to justify their choices and actions to us. But just as the goal of social harmony does not exhaust our purposes, so too impartiality does not exhaust what we take to be reasonable. If we are looking for guidance with respect to the formation of normative judgments in general, we will need to expand the discussion.

We can start with the observation that the problem of how to get along with each other is not the only problem that normative judgment solves; it is also supposed to solve the problem of how to decide what to do. Here I am largely in agreement with Christine Korsgaard about what the problem is that normative discourse is meant to solve: "... the problem is the one set by the fact of free agency. It's nothing less than the problem of what is to be done."²⁰ On the Kantian view, the problem of deciding what to do is solved, ultimately, by finding a rational principle that justifies our decisions. The solution I am going to suggest is different, but it speaks to the same concern. Importantly, this concern is not just to reach any old decision, but to reach a good one, one that is supported by reasons. In short, the solution I'll offer is virtue ethical: it holds that we can solve our problem by aiming to reach decisions by way of an epistemically virtuous process. Open-mindedness is vindicated because it is instrumental to

²⁰ Korsgaard, "Realism and Constructivism in Twentieth-Century Moral Philosophy," p. 116

the value of resilience, which is itself valuable as a solution to our practical problem of what is to be done.

My view about how our practice of normative judgment answers the concern to reach a good decision invokes the notion of “resilience” to refer to the desirable property that we hope our normative judgments have. As a first pass, I will say that judgments are resilient if they are stable in the light of criticism and new experiences. Now of course, resilience cannot be mere stability; our goal is surely not to have judgments that are stable no matter what. There are good criticisms and silly ones, relevant experiences and irrelevant ones. It might be that certain kinds of experiences (say, watching hours of lighthearted violent movies) could shake our confidence in some of our moral judgments by numbing our sensibilities, but this doesn’t seem like a good reason to change our moral views about violence. If we think carefully about what is desirable, we’ll see that we want stability in the light of *rational* criticism and *relevant* new experiences. This makes resilience itself a normative concept. Resilience is not mere stability or persistence; it is stability for good reasons.

Before going further, I should address a lurking objection. It might seem that by making the goal inherently normative I have illegitimately sneaked in a solution to the problem I am trying to solve. My aim is to show how open-mindedness can be virtuous even if values are mind-dependent. In other words, I am trying to show that there are epistemic norms that should govern our normative judgments even if these judgments are given a non-realist interpretation, but it seems that I’ve assumed that there are such epistemic norms already (that is, norms for better and worse criticisms or more or less relevant experience) by building those norms into the notion of resilience. But I haven’t done this. What I have assumed is that people *take* judgments to be better or worse, more or less resilient, and that people *take* resilience to be desirable. The question of whether the norms we take there to be really do give us reasons to improve our judgments remains to be answered.

Good reasons in this context are those sanctioned by the norms of good judgment that we take to govern our thinking. The importance of such norms to normative discourse is emphasized by Allan Gibbard. According to Gibbard, when we discuss what to do with others, we put forward claims about reasons that we take to have some authority.

When a person calls something rational, he seems to be doing more than simply expressing his own acceptance of a system of norms... He claims to be speaking with authority; he claims to recognize and report something that is true independently of what he himself happens to accept or reject. He claims the backing of considerations that, in some sense, “compel acceptance” of what he is saying.²¹

The psychological story Gibbard tells about authority and objectivity can be cast in terms of the desire for resilience. Gibbard says that to claim something with authority, a person needs to think that her judgment process has adhered to norms that legitimately constrain all judgments. In other words, a person needs to think that the claim she puts forward is the best judgment she can make and this is just to say that she needs to think that her judgment is stable for the right reasons.

A person’s judgment is resilient, then, if that person can support it by reference to norms that she takes to govern good thinking. Resilience is not the same as truth, because it can be possessed by judgments that are not strictly speaking truth-apt. Resilience is also not the same as consistency, because there may be (and, on my view, there are) other norms of good judgment besides consistency. Resilience is a species of justification: it is subjective justification or justification that a person has and could produce with respect to her judgments.

Why would we want judgments like this? To answer this question we need to elaborate on the problem that normative judgment is meant to solve: the problem of deciding what to do. Aiming for resilience in our judgments will make it more likely that we will avoid a number of undesirable states of

²¹ Gibbard, *Wise Choices, Apt Feelings*, p. 153.

affairs with respect to such decisions. We make decisions and plans (at least to some extent) on the basis of our judgments about what outcomes are more or less valuable and what courses of action are better or worse. These decisions often (1) require sacrificing other things we want for the sake of what we take to be more important; (2) require long term action to achieve the desired end; (3) have effects on other people whose opinions we care about; (4) invite criticism from people who care about us or our actions; and (5) have long term consequences that are influenced by factors out of our control. It could be pointed out that not all of our normative judgments have all of these features or have them to the same degree, because not all of our moral and prudential judgments are directly tied to action and decision making. But moral and prudential judgments are practical even if they do not have immediate implications for action. Still, these judgments do commit us to taking stands that have costs.

Now, if we didn't care about the stability of our normative judgments, we would find ourselves changing our minds and our plans too frequently, which would make it difficult to maintain the long term action needed for the desired result. Frequent changes of mind would also make our initial sacrifices more likely to be in vain. If we didn't care about the resilience of our judgments, we may have nothing to say to people who are negatively affected by our actions and nothing to say to ourselves when our plans don't work out because of unforeseen factors. Resilience allows a person to say that it was a good choice even though it didn't make everyone happy, or that she did her best, though the world didn't cooperate. It gives a person something to say in response to criticism from others so that one's confidence isn't quickly undermined by social disapproval (which could in turn make her change her mind, thus frustrating long term goals). A person whose normative judgments are stable for good reasons (reasons she takes to govern good thinking) is a person who can rest assured in the way necessary for long term planning and practical action. Resilience (stability for good reasons) is therefore something we value because it serves some important practical goals.

The argument in the rest of the paper relies on the assumption that the psychological picture I just sketched is true of most of us, and that *we* (most of us normal, adult human beings) want our moral and prudential judgments to be resilient. This is an empirical claim that might seem controversial. What can be said in its favor? First, it should be noted that the desire for resilience does not need to be a conscious want. It could be that in many cases the desire operates by creating uncomfortable cognitive dissonance when the judgments a person is relying on are not resilient. Second, the explanation above for the desirability of resilience goes some way to establishing that many people probably do want it. Third, although there is some evidence in empirical psychology that people do not care much about the reasons for their judgments or the epistemic status of the claims they put forward in normative discussion, I do not think this evidence falsifies the claims needed for my argument. A full evaluation of the evidence would take us too far afield, but I will say more about the empirical challenge in section 4.²²

Resilience solves our problem because resilient judgments are judgments we can use, with confidence and little fear of regret, as the basis for choices, plans, and actions. The connection between resilience and epistemic virtues such as open-mindedness is now easy to discern: long-established epistemic virtues just are the norms of good judgment that figure into the account of resilience. A person whose judgments are resilient can defend them against challenges by saying that she made her judgments with an open-mind, humility, firmness, perseverance, and whatever other qualities she thinks govern good thinking in general. Open-mindedness promotes resilience because it makes us open to possible criticisms and experiences that might conflict with our initial judgments. It therefore has a special value because it is a pre-requisite for considering the ways in which our judgments might fail to meet any of the other standards of good judgment. It also suggests a commitment to other epistemic norms, because what we are open *to* is that others may be better than we are in terms of some further

²² For a direct response to the challenge from the psychological literature see my "In Defense of Reflection."

norm. Moreover, if open-mindedness implies “being prepared to take seriously the views of others, especially when those views are in conflict with one’s own,” then it will help make our normative judgments resilient in the face of one of the most pressing sources of doubt about our decisions: the opinions of other people.²³

The addition of resilience to our discussion has allowed us to expand on the contractualist view about the value of open-mindedness. According to contractualism, open-mindedness has instrumental value toward the end of taking seriously the perspectives of other reasonable people with whom we seek agreement. On this picture, hypothetical agreement is the only goal and reasonableness (defined in terms of impartiality) the only standard. I have argued for building on this picture in order to account for the value of open-mindedness to normative judgment in general (as opposed to just the class of judgments about what we owe to each other). On the view I have been describing, resilience is the goal and open-mindedness has instrumental value as a means to following any of the epistemic norms we endorse by increasing our awareness of when we might be violating such norms. It also has value as a norm in its own right, that is, as one of the set of norms that provides grounds for confidence in our normative judgments.

3. The Legitimacy of Epistemic Virtues

We are now in a somewhat better position to understand how it could be compatible with normative contingency to think that open-mindedness is an epistemic virtue and the norm of open-mindedness does govern our practice of normative judgment. Those of us who accept normative contingency can assume that the point of normative judgment is to solve a problem – to be able to decide well what to do – and that open-mindedness is part of the solution. But so far this is rather unsatisfying, because if values are mind-dependent it seems that there are other, better solutions to our problem. For instance, we could admit that our concern about good reasons is misplaced and decide that we don’t really have a

²³ This is a feature of Riggs’ definition in his “Open-Mindedness,” p. 177.

problem after all. To take an analogy, imagine confronting the “problem” of deciding which fluoridated, tartar-reducing, whitening toothpaste to buy. Once we acknowledge that there’s no difference between Crest and Colgate, we don’t have a problem anymore (or at least, not the same problem – we still have to choose, but now a coin toss will do). Alternatively, if our aim is to have a certain kind of confidence and to avoid regret, we could adopt different epistemic virtues. Pig-headedness and closed-mindedness might do very well to ensure that we choose in ways we feel good about, once we’ve given up on the concern that our judgments are stable for good reasons. What we need now is an argument that retaining open-mindedness is an essential part of the *best* solution to our practical problem.

The argument I will offer has three components. First, I argue that it will be psychologically difficult to cultivate epistemic virtues with sharp borders at the factual, or to cultivate different virtues for each domain, because normative and descriptive judgments are entangled. One might object that this argument doesn’t save open-mindedness in particular because there is still nothing to be open to absent the assumption that others may be more accurately perceiving the truth. So, second, I argue that there is something to be open to, because there are other values that guide our normative judgment. These two points form the basis for a pragmatic argument that we ought to retain open-mindedness as part of the best solution to our practical problem. Finally, I strengthen this argument by discussing the advantages of this solution. In particular, I argue that given our sensitivity to others’ opinions and our concern to justify our decisions to others, our judgments will be more stable if we endorse the package of norms that are accepted as governing judgment in general.²⁴ In short, this section elaborates on the ideas in the previous section, but now in the context of comparing the virtue ethical solution to the other possible solutions (nihilism or pig-headedness).

To start, we need to see how factual and normative judgments are entangled. It will help to consider an example. Consider a new Ph.D., Heather, who has to decide between two jobs. The

²⁴ I am grateful to an anonymous reviewer for comments that helped me to clarify the argument of this section.

Wisconsin job is at a small state school with a heavy teaching load. She is very likely to get tenure there, so it represents a certain amount of security, and it is close to her family, so if she were to decide to have children she would have a network of help. The California job is a prestigious two year post-doc in a beautiful but expensive city with a low teaching load, but no security. It's not near her family, but she wouldn't be settling there anyway, given that it's just a two-year job. The time to work on her research may give her more options the following year, but every year she goes on the market is another year she delays having a family and it's not clear she would find a permanent job so close to home again.

Heather would like to make a decision that she feels some confidence in so that she doesn't have major regrets. Some of the things she needs to know to decide well are facts about the world: what the job market will be like next year, how much research she would be able to get done while teaching, and how expensive it is to live in California. Some of the things she needs to know have to do with normative assessments about what would be good for her or what constitutes a good life: how important is having children to her or to living a good life in general, and how important is making a scholarly contribution as opposed to the contribution she might make to her students' educations. Heather has some initial thoughts about how much the various ends at stake in her decision really matter, but she's not entirely confident.

Heather takes the facts about what life would be like without children to be evidence for her judgment about the normative question of whether she could live a good life without children. When she aims to be open to her childless friends' experiences and to challenges to the beliefs she was raised to have, what she learns is evidence for how much satisfaction a life without children can contain. It is also evidence for how *well* a life can go without children, because the first kind of fact is relevant to (but underdetermines) a judgment about the second. Her friends are likely to have views about how much pleasure and satisfaction there is in a life with or without children and views about how important having children is to how well a life can go. These views are likely to be related to each other and to

come up in the same conversation. Given this, it would be difficult for Heather to confine her endorsement of open-mindedness as an epistemic virtue to the case of factual judgments. So, the first observation about our practice of normative judgment is that the normative and the factual are related in an important way and this makes it difficult for us to endorse and cultivate epistemic virtues that stop at the border of the factual. Cultivating alternative “virtues” such as pig-headedness and closed-mindedness to govern a particular domain of judgments without spilling over into other domains may be even more difficult.

Now one might object that there isn't anything to be open to, on the non-realist picture, once the factual beliefs are settled. In other words, one might think that although we cannot help our epistemic virtues spilling over into the domain of normative judgment, they aren't actually doing any work there. This brings me to the second observation about our practice. The facts must be *appreciated* – weighed, compared in importance and deemed relevant – to arrive at a normative verdict. The non-realist can say that there are norms for appreciation of the facts that draw on other values, ones whose authority does not have to be explained in terms of straightforward truth-conduciveness. For example, norms of empathy, imagination, and courage might be employed to assess how a person appreciates the facts, and these norms may be grounded in an ideal of the person rather than in reliability. The extra work that open-mindedness does in the normative context, then, is that it opens us to when these norms of appreciation have been met.

I've just said that there are non-truth-tracking norms that guide our normative judgment and that one of the things we can be open-minded about is the degree to which others are better at following these norms. It might be easier to see the point in the moral case. Consider the moral standing of animals. I disagree with people who do not think animal pain matters. There are people like this with whom I share all the relevant factual beliefs (in particular, that animals do feel pain). I think they make the wrong moral judgments on the basis of the facts that they have and I support my

assessment by appeal to the values of, for example, empathy and moral imagination. We can criticize people's normative judgments because they are supported by false beliefs, but we can also criticize them because they exhibit other failures, for instance, failures of "imagination, sensitivity, or empathy".²⁵ Normative judgments can be criticized because they do not respond to the facts in the right way or appreciate their significance appropriately.²⁶ (Note that I have not argued that norms that derive from the values of empathy, imagination and courage *cannot* be interpreted as having authority in virtue of their truth-conduciveness. My point is only that another interpretation is available, and more readily available for norms like these than for epistemic norms that govern our judgments about what the facts are).

At least three things happen when we deliberate about a practical problem. We try to figure out what the facts are, we try to figure out the significance of the facts, and we try to figure out what matters. Typically, when we make normative judgments we do not separate these tasks into different processes. We think about facts and how to respond to the facts in the same deliberative moment. Given this, I suggest that it would be psychologically difficult for us to separate the factual from the normative such that we apply our epistemic virtues only to the former.

To bolster the above argument, let's think in more detail about the costs of abandoning the commitment to epistemic standards for our normative judgments. Remember that our problem is the problem of what to do and that, given the kind of creatures we are, we need a solution that enables us to follow through on long term plans and to act with the assurance that we are doing the best we can. We want to arrive at resilient normative judgments that will form the basis for decisions and actions we have no reason to anticipate regretting. To solve this problem *without* taking our normative judgments

²⁵ Simon Blackburn includes these in his list of virtues of moral judgment in his "Securing the Nots," p. 95.

²⁶ A failure to see this point is the root of the problem for "full information" theories of normative concepts like Richard Brandt's in his *A Theory of the Good and the Right*. Such theories have been the target of much counter-examplifying, which aims to show that true beliefs do not guarantee correct normative responses (see Rosati, "Persons, Perspectives, and Full Information Accounts of the Good," Tiberius, "Full Information and Ideal Deliberation" and Velleman, "Brandt's Definition of Good.")

to be subject to any kind of reasoned assessment – let’s call this the nihilist solution – what we would need to do (in addition to reigning in the epistemic virtues we want to cultivate in other domains) is to rid ourselves of the idea that there are better or worse ways one can draw normative conclusions from factual judgments and train ourselves to ignore the pressure we feel from others who have drawn different conclusions from the facts.

Moreover, the cost of the nihilist solution is not merely the effort of re-training. We would also have to sacrifice normative resources that are part of our practice and to change how we respond to other people. In particular, we would have to give up thinking about proper or appropriate appreciation of the facts insofar as judgments of appropriateness in this context are independent normative judgments, not reducible to judgments about the facts. To return to the case of animal welfare, we would have to give up the idea that empathy or moral imagination can improve our judgments about the moral standing of animals; we would have to be content with the claim that once we have true beliefs about animal pain, there is no further criticism of judgment. We would, in other words, have to treat normative judgments like trivial judgments of taste.²⁷

The nihilist solution is particularly unpalatable in the context of normative discussion with other people. In order to retain the stability of our normative judgments for the purposes of planning and action in the absence of any view that these judgments are held for good reasons, we would have to change how we respond to criticisms from others and how we expect others to respond to us. According to the nihilist solution, there is no reason to take seriously the fact that another person appreciates the facts in a different way and no grounds for thinking that anyone else should take our appreciation of the facts seriously if it differs from theirs. Ordinarily, the pressure we feel from trusted others who appreciate the facts in a different way from the way we do is unsettling; it undermines our

²⁷ I think the “trivial” is important, because some aesthetic judgments function much like the kinds of normative judgments I have been discussing.

confidence in our judgments because it gives us reason to doubt that we have landed on the right judgment. The nihilist solution cannot make sense of this. If we take the nihilist solution, the instability caused by disagreement with trusted others over how to appreciate the facts is just an irrelevant annoyance. Again, we could decide not to care; for example, we could just decide to find it funny or irrelevant that the people we love have decided to stop eating meat. But this solution is going to be difficult to maintain given the social creatures we are. I agree with Scanlon that we (most of us) have a concern to justify our normative positions to others. This is certainly true when these positions affect the others in question, but it is even true when this is not the case. We care about what other people think. Agreement with our fellow creatures removes one source of pressure to change and, therefore, it increases needed stability. When we take ourselves to be engaged in a mutual norm-governed practice of achieving reasonable judgments, we not only achieve stability but also resilience.

Of course, the proponent of the nihilist solution will say that the practice of normative judgment was never really norm governed anyway and that our responses to others were always groundless. But now I think the burden of proof has shifted. If virtues like open-mindedness lead us to consider the views of others whose judgments were formed with greater moral imagination (or empathy, etc.) in a way that makes our own judgments more resilient in the light of new experiences, why shouldn't we think it's a good thing? Why should we reject open-mindedness in the normative domain just because what it opens us to is not, strictly speaking, the facts about the world?²⁸ After all, it does open us to something that is meaningful in the context of our practice of normative judgment and instrumentally valuable to goals we have. If we care about responding appropriately, what is the reason to stop? The fact that true belief by itself does not determine which of various moral judgments we might make (for example, about the moral standing of animals) does not seem like much of a reason. Indeed, for those

²⁸ There's a sense in which we are open to the fact that other people have certain imaginative responses, but on the non-realist views we are considering this would not be a fact about the wrongness of causing animals pain.

of us who have strong moral commitments, this seems like a reason to hang on to our notions of appropriate appreciation of the facts and to trust in the norms we have for explaining what has gone wrong with people who disagree with us.

Here is another way of putting the point. For the non-realist, open-mindedness about our normative judgments opens us to information about how well our own judgments are responding to our values in general. The fact that our values are contingent on us never did give us a reason to stop caring about them. The worry was that we can't rationally evaluate what we care about, not that we're wrong to care about anything at all.²⁹ I have argued that resilience itself is a value and what we've seen in this section is that the value of resilience brings some other values along with it. In particular, it brings the value of the appropriate response to the facts, which in turn carves out a place for epistemic virtues in normative judgment.

4. Some Worries about the Real World

The argument I have made relies on some empirical assumptions, for which I have provided little evidence. I have assumed that people do endorse long-standing epistemic virtues such as open-mindedness as governing norms for judgment in general, and norms for the appreciation of facts such as empathy and imagination. I have also assumed that people care about resilience (though perhaps only implicitly) because it gives them the confidence needed to follow through on long term plans and because it defends them against challenges from new experiences and the views of others. I have also assumed that (for most of us) cultivating domain specific epistemic virtues and cordoning off our normative judgments from rational assessment – treating normative judgments as trivial matters of taste – will be psychologically difficult. But there do seem to be people who do not endorse any such

²⁹ Certainly it will be argued that the further worry is also pressing: the fact of contingency doesn't just cause a problem for open-mindedness, it undermines all of our values. I think that this global problem for non-realist metaethical views can be answered (see my "Humean Heroism"), but this hasn't been the topic of this paper.

norms (people who have no need for resilience) and who treat moral judgments as matters of taste without too much difficulty. What do I say about such people?

First, it is compatible with the general conclusion of my argument that some people do not endorse the particular long-standing epistemic virtues I have discussed. They might accept different epistemic virtues because they disagree that open-mindedness has the instrumental value that is claimed for it. Or, they might endorse epistemic norms that are not best expressed in terms of virtues. This would not be a fundamental challenge to my argument that standard epistemological norms make sense in a non-realist context. If it were true that most people are like this, however, significant changes would be required in the details of the argument and the motivating question about open-mindedness might be a non-starter.

More troubling for me are people who embrace norms for the appreciation of the facts that seem to be in tension with open-mindedness. For example, there are certainly many people who value judgments based on faith, or who care more about having the courage of their convictions than about, say, imaginativeness or empathy.³⁰ To respond, notice first that these norms are not incompatible with open-mindedness as I have understood it. I have claimed that an open-minded person should be open to whether other people have done a better job at following the norms for judgment she herself accepts. On this way of thinking, the religious person should be open to whether others have more clearly seen what their faith demands, and the person who values the courage of conviction should be interested in whether others with her convictions have drawn different conclusions from them than she has. Further, recall the point that it is psychologically difficult to treat factual judgment and normative judgment as governed by two entirely different sets of norms because of how the two kinds of judgments are entangled. This point gives us reason to think that resilience is best achieved by taking the same norms to govern both, which in turn gives us reason to reject a solution that relegates only the

³⁰ I thank an anonymous reviewer for this objection and for helping me to clarify my position on this point.

normative to the domain of faith or which protects the normative from criticism by elevating courage to an absolute value.

Second, we can acknowledge that there are people who are impervious to rational criticisms that derive from other people's perspectives or relevant new experiences. There are people who are stubborn, closed-minded, and pig-headed in general. There are people who do not endorse any long-standing epistemic norms or virtues for judgment in general. But such people are not the real problem in this context, because they are people who fail to see the rationale for epistemic virtues, period. The non-realist can say that *if* they were to be persuaded of the rationale for epistemic virtues in the context of factual judgments, then they would also have a rationale for endorsing the epistemic virtues in the normative context. It is the asymmetry that is a problem for those who accept the normative contingency claim.

The biggest challenge to my argument is from people who successfully treat normative judgments differently from how they treat other kinds of judgments. Let's admit that there are people like this. I doubt that people like this are as common as one might think, but let's leave aside the empirical question of how many such people there are and ask about the strength of the challenge posed by their existence. I started out wanting to show that there is a rationale for open-mindedness even if some version of the normative contingency thesis is true. Now it seems that this rationale depends on our having a certain psychology that not everyone has. But isn't the rationale for endorsing, cultivating and upholding an epistemic virtue always going to depend on certain psychological claims about the agents to whom this rationale is supposed to appeal?

In the context of factual judgments, open-mindedness is a virtue because we aim to have true beliefs about the world. Our rationale for cultivating it is that we know we are fallible and we know that others sometimes have a more accurate perception of how the world is. So too in the context of normative judgments I say that open-mindedness is a virtue because we aim to have beliefs that are

resilient. Our rationale for cultivating open-mindedness is that we know that it will inform us of potential threats to the reasonable stability of our judgments. People who don't care about the truth will have no reason to endorse norms of good judgment; so too with people who don't care about resilience. And people who think they are infallible or who think that nobody knows more than they do will not have a reason to cultivate open-mindedness about anything.

The view we end up with, then, is that open-mindedness in the context of normative judgments is a genuine virtue for people who care about resilience and the justification of their normative judgments. Perhaps one will think this compares unfavorably to the case of factual belief where epistemic virtues are necessarily virtues for everyone because of their truth-conduciveness. But I think this response either gives too much credit to the status of epistemic virtues afforded by truth-conduciveness or too little credit to the value of resilience. There are, after all, plenty of real people who aren't terribly concerned about having true beliefs.³¹ And given the importance of resilience to our ability to choose, plan and act, virtues that facilitate it may be on very sound footing.

5. Conclusion

I began with two worries about the virtue of open-mindedness in the context of normative contingency. First, it wasn't clear what we are being open to if there is no truth out there to reach us, and second that being open-minded might undermine important moral convictions. The answer to the first worry is that the open-minded person is open to evidence that comes from experience and the viewpoints of other people. This evidence is sometimes for or against the factual beliefs upon which our normative judgments are based and it is sometimes relevant to how to respond appropriately to these facts, where "appropriately" is defined in terms of other values. Even if norms are understood as contingent (in some way) on our psychological states, as long as we have values that serve as norms for proper appreciation of the facts, the resilience of our normative judgments is undermined when we do not take

³¹ Recall the infamous quote from the first President Bush: "I don't care what the facts are".

account of other points of view. There may be people who do not care about resilience, but this doesn't undermine the importance of it for those of us who do.

Notice that of the meta-ethical views that embrace normative contingency, some can more easily make sense of the story I have told to vindicate open-mindedness. Constructivism has an easy time, because the story I have told is basically a constructivist story.³² Constructivists take the correctness of normative judgments to depend on a process of construction in which we take a practical interest.³³ The argument I have made is constructivist because it takes epistemic virtues to be vindicated by their crucial role in such a process. Insofar as one thinks that making sense of our ordinary epistemic practices is an advantage of a meta-ethical theory, this bodes well for constructivism.³⁴

The answer to the second worry is that open-mindedness is a virtue in the context of a practice the goal of which is to base our judgments on good reasons. If we thought there were no good reasons for making normative judgments, then we would have no use for epistemic virtues in the first place. Epistemically virtuous agents, then, will have commitments to norms about good decision making that allow them to settle on some reasons as good ones, and hence to retain confidence in some of their judgments. Further, our discussion has led us to see open-mindedness as one important virtue in a set

³² It is worth noting the controversy about whether constructivism counts as a metaethical theory at all. See Hussain and Shah, "Misunderstanding Metaethics" and Street... This debate is not important for my purposes, since whether or not constructivism counts as a metaethical theory, some forms of it do entail normative contingency.

³³ In Street's terms, the process would be one of determining what is entailed by our evaluative standpoint. My characterization of constructivism follows Lenman's definition in his "Expressivism and Constructivism", p. 4: "Constructivist views understand correct normative views of the relevant kind (political, ethical, normative) as those which are the upshot of some procedure or criterion followable or applicable by human beings where (a) that procedure or criterion is itself characterized in normative terms invoking ideals of e.g. rationality or reasonableness and (b) applying the procedure or criterion is taken as determining or constitutive of that correctness rather than as tracking a correctness conceived as prior and independent to it and (c) where the rationale for our taking an interest in whatever the procedure or criterion in question delivers is conceived of as speaking to distinctively practical as opposed to theoretical concerns." Both Lenman and Street (in "What is Constructivism in Ethics and Metaethics?") reject the proceduralist characterization of constructivism (see Shafer-Landau, *Moral Realism*) according to which certain reductive naturalist views would count as constructivist.

³⁴ The question of whether other metaethical theories can do as well would take much more space to answer. My suspicion is that forms of naturalism that identify normative properties with subjective psychological states will have trouble. For an argument that expressivism and constructivism are compatible views see Lenman, "Expressivism and Constructivism."

of virtues that provide standards for normative judgment. Open-mindedness will, therefore, be constrained by other virtues such as proper conviction (or what Roberts and Wood call “firmness”³⁵) and guided by practical wisdom. Given this context, *wise* open-mindedness is likely to occupy the mean between the vices of pig-headedness and dithering uncertainty and the virtuously open-minded person would not be someone who subjects all of her most deeply held normative judgments to constant withering scrutiny.

³⁵ Roberts and Wood, *Intellectual Virtues*, pp. 183-214.

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