The Argument from Disagreement and the Role of Cross-Cultural Empirical Data

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Abstract: The Argument from Disagreement (AD) (Mackie, 1977) depends upon empirical evidence for ‘fundamental’ moral disagreement (FMD) (Doris and Stich, 2005; Doris and Plakias, 2008). Research on the Southern ‘culture of honour’ (Nisbett and Cohen, 1996) has been presented as evidence for FMD between Northerners and Southerners within the U.S. We raise some doubts about the usefulness of such data in settling AD. We offer an alternative based on recent work in moral psychology that targets the potential universality of morally significant distinctions (e.g. means vs. side-effects, actions vs. omissions). More specifically, we argue that a recent study showing that a rural Mayan population fails to perceive as morally significant the distinction between actions and omissions provides a plausible case of FMD between Mayans and Westerners.

Following in the tradition of John Rawls (1971), several philosophers and psychologists (Mikhail, 2007; Hauser, 2006; Harman, 2007; Dwyer, Huebner and Hauser, in press) have argued that our capacity for moral judgment is best understood by analogy with our capacity for language, and specifically, the Chomskyan-generative grammarian conception of language: hereafter, we refer to this as the linguistic analogy, or LA. The central idea, in a nutshell, is that we are endowed with

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a universal moral grammar, a collection of largely unconscious, abstract (i.e. lacking in specific content) principles whose parameters are fixed by our early developmental environment. These principles and parameters provide a mechanism for building potential moral systems, with cultural experience selecting among the given options to create specific moral systems. The LA has provoked much recent debate (e.g., see Dupoux and Jacob, 2007 and reply by Dwyer and Hauser, 2008, as well as Mikhail, 2007; Roedder and Harman, forthcoming; Dwyer et al., in press). To date, most of the discussion of the philosophical implications of this line of research and theorizing has taken place in popular press sound-bites and not academic forums. We aim to remedy that. Here we consider specifically one interesting philosophical implication of empirical work in the LA tradition.

Some commentators have taken LA to have deeply worrying philosophical implications. For example, John Rieger (2006) wonders whether the theoretical and empirical implications of LA are ‘really a subtle argument for moral relativism’ showing that ‘one morality is just as good as another’. Steven Pinker (2008) wonders whether the linguistic analogy supports ‘a spineless relativism, in which we would never have grounds to criticize the practice of another culture, no matter how barbaric, because “we have our kind of morality and they have theirs”’. Such comments attempt to link the empirical results that are used to support the LA with the issue of tolerance for cross-cultural moral diversity. Tolerance seems intuitively the right response to some instances of moral diversity. Other instances apparently demand intolerance. If work in the tradition of LA somehow supported across-the-board tolerance of moral diversity – Pinker’s ‘spineless relativism’ – that would
indeed be worrying. Work in the LA tradition would, in that case, play a role in committing us to what seems, at least sometimes, like morally culpable inaction.

Research in the LA framework may, in the end, bear on the question of how we ought to act in the face of cross-cultural moral diversity. That is, the empirical research may have normative implications. Our aim here, however, is to make clear how empirical research along these lines could impact upon metaethical debates concerning the significance of cross-cultural moral disagreement. Specifically, we suggest that the role of empirical work on moral judgments is highly relevant to John Mackie’s (1977) influential ‘Argument from Disagreement’.

1. The Argument from Disagreement

Mackie offered the Argument from Disagreement in support of moral skepticism. Here, we are less concerned with the Argument from Disagreement as an argument for skepticism and more interested in it as an argument against a view that, following David Wong (2006, p. xii), we will call moral universalism: ‘there is a single true morality for all societies and times’. The falsity of moral universalism is certainly compatible with Mackie’s moral skepticism, roughly, the view that there are no moral

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1 The twin bogey-men of David Hume and G.E. Moore loom large over attempts to connect up empirical findings with debates in moral philosophy, forcing us to make the standard disclaimer: in allowing that results of research on the nature of our moral grammar may have normative implications, we are not ignoring the is/ought gap or committing the naturalistic fallacy. Hume and Moore have, as Richard Joyce (2000) puts it, ‘fearfully mesmerized’ moral philosophers interested in science; their sway over scientists interested in moral philosophy seems, if anything, even greater. Joyce (2006: 146-156) provides a useful discussion of the is/ought gap and the naturalistic fallacy. In any case, we are here only supposing that discoveries about (some of) the causes of moral disagreements might usefully inform our thinking on how to deal with such disagreements. This possibility is recognised as legitimate even by vigilant critics of attempts to pull philosophical rabbits out of empirical hats (see Kitcher, 1985, pp. 417-418).
truths (we could also call this moral nihilism). It is also compatible with moral relativism, roughly, the view that there are moral truths but those truths hold only given a specified set of cultural beliefs and practices. In considering the Argument from Disagreement as an argument against moral universalism, we aim to remain neutral between skepticism and relativism.

The Argument from Disagreement is an inference to best explanation. The phenomenon to be explained is, as Mackie puts it, ‘the well-known variation in moral codes from one society to another’ (1977, p. 36). It is important to note at the outset that Mackie’s concern is not simply with cross-cultural moral differences. Modern Western cultures have moral rules governing the use of biotechnology. The Ugandan Ik do not. This is not the kind of cross-cultural moral variation that interests Mackie. The phenomenon meant to count against moral universalism is cross-cultural moral disagreement. Mackie can be read as claiming that the best explanation for cross-cultural moral disagreement is that moral universalism is false: there is no single set of moral truths that hold for all cultures. The Argument from Disagreement can thus be stated as follows:

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2 How to characterize relativism is a tricky issue. Bernard Williams (1974) rightly rejected as incoherent what he called ‘vulgar relativism’ (close kin to the ‘spineless’ relativism mentioned by Pinker above) and preferred his own, more sophisticated ‘relativism of distance’. More recently, how moral relativism differs from moral contextualism has received critical attention (see e.g. Berit Brogaard, 2008, for a technical discussion of the difference between and the comparative merits of the two views). Since we think the empirical work we present here supports a denial of moral universalism but not moral relativism in particular, we will go no deeper into the issue of how best to formulate relativism, while recognizing the many subtle and important distinctions in the philosophical literature.

3 We leave entirely to one side here accounts of moral judgment that reject the notion of moral truth altogether, i.e. the various forms of non-cognitivism.

4 Mackie puts his argument in terms of ‘objective values’ rather than cross-culturally universal moral truths. He claims that cross-cultural moral disagreements are ‘more readily explained by the hypothesis that they [i.e. moral judgments] reflect ways of life than by the hypothesis that they express perceptions, most of them seriously distorted and inadequate, of objective values’ (1977, p. 37). We do not think our alternative formulation strays far from Mackie’s original. See Lee Shepski (2008, p.372) for a Mackie exegesis suggesting that his talk of ‘values’ does not focus exclusively on entities (like the Platonic Form of the Good) but can instead be taken to stand in for ‘entities, properties, relations, and facts’.
(1) There exists cross-cultural moral disagreement

(2) The best explanation for cross-cultural moral disagreement is that moral universalism is false

(C) We should believe moral universalism is false

The Argument from Disagreement clearly requires empirical input of a certain kind, namely, evidence for cross-cultural moral disagreement. As Mackie himself was well aware, however, not just any cross-cultural moral disagreement will suffice. Many cross-cultural moral disagreements can be explained without going to the extreme of supposing there is no universal fact of the matter under dispute. The usual lurid cases of supposed cross-cultural moral disagreement are in fact poor fuel for running the Argument from Disagreement. Walter Sinnott-Armstrong puts the point succinctly:

When Vikings killed their parents, they believed this would help their parents in the afterlife. When Eskimos killed their elderly, they might have seen this as the only way to help their families in the harsh weather. If we are neither Vikings nor Eskimos, our different situation and beliefs can then explain why killing our parents seems morally wrong for us. (2006, p. 39)

To import some terminology from recent discussion of cross-cultural moral disagreement, the Argument from Disagreement requires evidence of cross-cultural moral disagreements not subject to ‘defusing explanations’ (Doris and Plakias, 2008). Defusing explanations can do one of two things, which, in the interests of clarity, it is important to distinguish.\(^5\)

\(^5\) Many thanks to Stephen Stich for pointing this out.
Firstly, a defusing explanation might reveal that, in a given instance, there is in fact no moral disagreement but only the appearance of disagreement. This is most likely what is going on in the Eskimo case. It seems unlikely that Eskimos think it is permissible for us (contemporary Westerners) to kill our elderly folk even when such folk pose no challenge to the continued survival of our families, while we think it is impermissible for Eskimos to kill their elderly even when doing so really is the only way to ensure the survival of many others. It seems rather more likely that contemporary Westerners and Eskimos agree that it is morally permissible to kill the elderly only in extremis, but the latter encounter extreme conditions much more often than the former, thus generating a difference in typical practices across the two cultures.\textsuperscript{6}

The second thing a defusing explanation may do is account for moral disagreement in a way that is no threat to moral universalism. In the Viking case, there is a cross-cultural difference in non-moral beliefs, specifically, beliefs about the afterlife. This difference in non-moral beliefs allows us to account for the cross-cultural moral disagreement between us and Vikings about parent-killing without going to the extreme of supposing there are no cross-culturally universal moral truths regarding that matter.

\textsuperscript{6} This idea that much moral disagreement may be the result of similar principles being applied in different circumstances goes back at least to David Hume’s (1751) \textit{Enquiry Concerning the Principles of Morals}. Hume’s metaphorical couching of the idea communicates it quite nicely: we can understand moral diversity across cultures ‘by tracing matters…a little higher, and establishing the first principles which each nation establishes of blame or censure. The Rhine flows north, the Rhone south. Yet both spring from the same mountain, and are also actuated in their opposite directions by the same principle of gravity. The different inclinations of the ground on which they run causes all the difference in their courses’.
Supposed cross-cultural moral disagreements that are plausibly explained away as the result of the same moral principle being applied in radically different circumstances do not suffice to run the Argument from Disagreement, nor do disagreements attributable to cross-cultural differences in relevant nonmoral beliefs. In such cases, premise (2) in the Argument from Disagreement is not compelling. So, if premise (2) of the Argument from Disagreement is to be compelling, the cross-cultural moral disagreements identified in premise (1) must not be subject to defusing explanations.\(^7\) To import some more terminology, the Argument from Disagreement requires as input evidence of ‘fundamental’ moral disagreement (Doris and Stich, 2005, 2006; Doris and Plakias, 2008).

1.1 Philosophers’ Disagreement over Disagreement

Opponents of moral universalism – Mackie for instance – are betting that some cross-cultural moral disagreements will persist even in the absence of defusing explanations. That is, they are betting there are some fundamental cross-cultural moral disagreements. Proponents of moral universalism are betting that, if all the various kinds of barriers to agreement identified by defusing explanations were removed, then cross-cultural moral disagreement would disappear. That is, they are betting against there being fundamental cross-cultural moral disagreements. Their thought, as Geoffrey Sayre-McCord (2005) puts it, is that:

> the full range of moral disagreements are well explained by some balanced appeal to all of the considerations just mentioned [i.e. defusing explanations],

\(^7\) Other kinds of defusing explanations for disagreement include partiality on the part of one or more disputants and irrationality on the part of one or more disputants. We will have much more to say about defusing explanations later in the paper.
treat some disagreements as not fundamentally moral, others as a reflection of the distorting effects of emotion and interest, and still others as being due to insufficiently subtle understandings of what people are actually claiming.

Philosophers thus have a disagreement about disagreement. Happily, those involved largely agree on how the disagreement should be resolved. Both universalists and anti-universalists for the most part accept that resolving the disagreement over disagreement requires empirical work. Assessing the Argument from Disagreement requires diving into the anthropological and psychological literature documenting patterns of cross-cultural moral variation.

2. The Southern ‘culture of honour’

Some philosophers have recently considered how empirical work on cross-cultural variation in moral behavior might adjudicate among the different positions on the argument from disagreement (Doris and Stich, 2005, 2006; Doris and Plakias, 2008). Doris and colleagues claim that research by Nisbett and Cohen (1996) on the ‘culture of honour’ in the U.S. South provides evidence for ‘a fundamental disagreement

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8 Donald Davidson’s (1973; see also Cooper, 1978; for useful overview see Wong, 2006, p.13-16) discussion of translation might be taken as the basis for an *a priori* argument that there must be greater cross-cultural moral agreement than disagreement. Davidson claimed disagreement is only possible against a background of substantial agreement. His argument is far more complex and subtle than we can do justice to here, but insofar as it would at most establish something about the *extent* and not the *nature* of moral disagreement, we think a Davidson-inspired response to the empirical challenge we present would miss an important point. The crucial question, we think, is whether any cross-cultural moral disagreements are *fundamental*. The Argument from Disagreement cannot succeed unless the answer to that question is *yes* and that question cannot be answered without empirical investigation. Of course, *how much* cross-cultural moral disagreement is fundamental is a further and important question, and we consider it ourselves toward the end of our discussion. For a more in-depth critical discussion of how Davidson’s work on translation might apply to cross-cultural moral disagreement, see Christopher Gowans (2000, p.19-20).
between (many) Northerners and (many) Southerners regarding the permissibility of interpersonal violence’ (Doris and Plakias, 2008, p. 319).

The key feature of a culture of honour is that men within the culture must appear strong, unwilling to tolerate insults and willing to respond to insults with violence (Nisbett and Cohen 1996, p. 5). Cultures of honour are particularly likely to develop in populations where economic resources are scarce or especially vulnerable to theft. The latter condition is quite often met in cultures with herding economies:

Herdsmen constantly face the possibility of loss of the entire wealth – through loss of their herds. Thus a stance of aggressiveness and willingness to kill or commit mayhem is useful in announcing their determination to protect their animals at all costs. (Nisbett and Cohen, 1996, p. 5)

Much of the American South and West was originally settled by Scots-Irish immigrants who came from a herding economy and who established a new herding economy upon arrival. These areas currently have higher murder rates among white males than Northern areas that are comparable in terms of population density, standard of living, and other factors generally agreed to influence murder rates. Nisbett and Cohen ask whether this difference in murder rate is due to the persistence in the South of a ‘culture of honour’. They believe the answer, based on data from surveys, laboratory experiments and fieldwork, is yes.

Nisbett and Cohen’s survey data show that Southern more so than Northern white males ‘agree a great deal’ with the claim that a man has a right to use violence
to defend himself, his family and his home (1996, p. 27). Also, Southern more so than Northern white males claim that violence would be ‘extremely justified’ in response to a variety of insults: slander, name-calling, cuckolding, disparagement of one’s family (1996, p. 32). An ingenious piece of fieldwork involving a fictitious job application letter suggests that Southern more so than Northern employers are understanding of and willing to offer work to men with a history of honour-motivated violence (1996, pp. 73-75). Doris and colleagues claim that these, together with other empirical findings, indicate a North/South difference on issues of violence that is at least a candidate for being a fundamental disagreement.

2.1 North/South Disagreement and Defusing Explanations

Doris and colleagues think Nisbett and Cohen do in fact provide good evidence for ‘a fundamental disagreement between (many) Northerners and (many) Southerners regarding the permissibility of interpersonal violence’ (Doris and Plakias, 2008, p. 319). The prospects for defusing this disagreement are, they think, poor.

Consider differences in nonmoral beliefs as a defusing explanation. Northerners and Southerners agree that being called a liar, cheat, coward, or asshole is an insult. They agree that an attack on oneself or one’s family, or an intruder in one’s home, is a threat. Plausibly, they could even agree that Southerners’ typical responses to insult and threat lead to higher incidences of lethal violence and that such violence could be avoided by adopting Northerners’ less prickly attitude. Even so, the supposed disagreement persists. So, Doris and colleagues argue, explaining the
North/South disagreement over violence by appeal to disagreement about relevant nonmoral facts looks like an unpromising strategy for the universalist.

It also seems unpromising to explain away the disagreement by claiming that either Northerners or Southerners as a group suffer from a defect in reasoning. Doris and colleagues quite rightly point out that a charge of irrationality against either Southerners or Northerners could not be substantiated merely by pointing out their particular attitudes toward violence. There would have to be some independent grounds on which to level a charge of irrationality for this kind of defusing explanation to work. Since it is unclear what those independent grounds would be, this kind of defusing explanation also looks unpromising.

The North/South differences in regard to violence cannot, it seems, be explained as the result of mistakes on either side in matters of fact or in reasoning. Doris and colleagues candidly admit to not having ‘considered every defusing explanation that might plausibly be offered [or] exhaustively surveyed the empirical issues’ (Doris and Plakias, 2008, p. 321). Our interest here is not in speculatively defusing a candidate case of fundamental disagreement on the universalist’s behalf. We do, however, want to press the empirical issues. In what follows, we will suggest problems with Nisbett and Cohen’s work as empirical fuel for running the Argument from Disagreement. In doing so, we aim to raise concerns about philosophers’ use of these data.

9One cannot simply say ‘of course those Southerners are irrational – just look at the situations in which they think violence is permissible!’.
Our goal is two-fold. First and less importantly, it is to identify specific problems with Nisbett and Cohen’s results as evidence for cross-cultural moral disagreement. Second and more importantly, it is to identify general methodological issues in light of which recent cross-cultural work in the LA framework is clearly of great relevance to the Argument from Disagreement.

### 2.2 Problems with Nisbett and Cohen’s Data

There are two problems with taking Nisbett and Cohen’s work as evidence of moral disagreement. First, as pointed out by Brian Leiter (2008), there are difficulties associated with inferring moral judgments from behavioural data such as that produced by Nisbett and Cohen’s fieldwork. Second, the work by Nisbett and Cohen that does directly investigate moral judgments does not straightforwardly indicate a moral disagreement between Northerners and Southerners. We will discuss these in turn.

Leiter (2008, p. 334) objects to the claim that work on the Southern culture of honour provides evidence of ‘a fundamental disagreement between (many) Northerners and (many) Southerners regarding the permissibility of interpersonal violence’ (Doris and Plakias, 2008, p. 319). Leiter says:

> The concept of ‘permissibility’…cannot be read off the empirical data described by Doris and Plakias. That Southern employers are more likely to forgive criminal malfeasance by a betrayed lover hardly shows they think it is permissible. (2008, p. 334)
Leiter is surely right to point out that forgiving someone for an action is not the same thing as judging their action permissible. To think it was would be simply to confuse two distinct concepts. Leiter thinks Nisbett and Cohen’s work shows at most a North/South disagreement about when forgiveness should be offered for certain harms and not about the permissibility of those harms.

One might think a North/South disagreement about forgiveness for honor-motivated violent offenders is itself a moral disagreement. That may well be the case. However, we should be unwilling to take Nisbett and Cohen’s data as evidence of a moral disagreement about forgiveness for just the same reasons we are reluctant to take their data as evidence for differing judgments about the permissibility of certain harms.

Consider: Nisbett and Cohen (1996) find that Southern more so than Northern employers are understanding of and willing to offer work to men with a history of honour-motivated violence (pp. 73-75). To see why Southern employers’ responses do not provide evidence that Southerners more readily forgive honour-motivated perpetrators of violence, imagine a case of infidelity within marriage. Suppose that a wife tells her unfaithful husband that she understands the circumstances surrounding his infidelity and is willing to give him a second chance, that is, she decides not to divorce him. We should be reluctant to suppose, based solely on the information provided, that the wife has forgiven the husband. Perhaps she is anxious to avoid the stigma of divorce, or concerned for her children’s peace of mind. To the extent that one is reluctant to suppose that the wife in this simplified scenario has forgiven the
husband, one should think that expressing understanding and offering a second chance come apart from forgiving. Furthermore, actually forgiving a person comes apart from making a moral judgment to the effect that the person ought to be forgiven. Perhaps the wife really has forgiven her husband, despite thinking he is undeserving of forgiveness. For these reasons, we think that it is as dubious to read off moral judgments about forgiveness from Nisbett and Cohen’s data as it is to read off moral judgments about permissibility.

The difficulties of inferring moral judgments from behavioural data do not arise for Nisbett and Cohen’s survey data. As mentioned above, Nisbett and Cohen found that Southern more so than Northern white males ‘agree a great deal’ with the claim that a man has a right to use violence to defend himself, his family and his home and that Southern more so than Northern white males claim that violence would be ‘extremely justified’ in response to a variety of insults (slander, name-calling, cuckolding, disparagement of one’s family). Although this survey data avoids the difficulties highlighted by Leiter, it is less compelling as evidence for North/South moral disagreement than Doris and colleagues suppose. To appreciate this, we must look more closely at the details of Nisbett and Cohen’s surveys.

Subjects in the first survey were asked for their reactions to three statements about violence: (1) a man has the right to kill to defend himself, (2) a man has the right to kill to defend his family, (3) a man has the right to kill to defend his house. For each statement, significantly more Southerners than Northerners ‘agree a great

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10 Murphy and Hampton (1998) and Griswold (2007) provide detailed discussions of the nature of forgiveness, when it is possible and when it is permissible, as well as how forgiving differs from excusing and condoning. The very complexity of the topic helps make our point about the difficulty of reading off moral judgments from such data as Nisbett and Cohen provide.
deal’ with the statements on offer. Focusing on (2)\textsuperscript{11}, it turns out that 65% of Northerners compared to 80% of Southerners ‘agree a great deal’ that a man has the right to kill to defend his family. Nisbett and Cohen do not report the responses of the remaining minority of subjects, that is, the other 35% of Northerners and 20% of Southerners. The responses of this remaining minority matter when it comes to deciding whether the difference constitutes a North/South moral disagreement.

Suppose, as seems a safe bet, that both remaining minorities also agree with (2), just less strongly. If that is right, then Northerners and Southerners unanimously agree that a man has the right to kill to defend his family. It seems misleading in this case to say the data indicates a North/South disagreement in moral judgments about the permissibility of certain kinds of violence. The situation seems better described as a difference in degree of agreement.

This is tricky terrain and it is worth taking a moment to ensure the point here is clear. Nisbett and Cohen show that there is a statistically significant difference between Northerners and Southerners’ responses. We are asking whether a statistically significant difference in response\textsuperscript{12} automatically qualifies as a disagreement. In raising this question, we are emphatically do not mean to suggest that no difference in degree of agreement can constitute a disagreement. If all Northerners had somewhat agreed that violence in defence of one’s home is justified while all Southerners had agreed a great deal that would, we take it, constitute a disagreement. It is worth thinking about why this difference in degree of agreement

\textsuperscript{11} Similar points can be made for (1) and (3).
\textsuperscript{12} Nisbett & Cohen do not compare the average responses of Northerners and Southerners but rather the percentage of each population that opted for one extreme in response to the prompt (‘agreeing a great deal’ or opting for ‘extremely justified’) and find a significant difference there.
seems aptly described as a disagreement while the actual difference in degree of agreement discovered by Nisbett and Cohen does not. It seems to us plausible that for a difference to count as a disagreement, at least one of the differing parties must be willing to hold the other in error.\textsuperscript{13} If Northerners only somewhat agreed while Southerners agreed a great deal that killing to defend one’s family is permissible, it does not seem entirely unlikely that one or the other group might take the other to be making a mistake (either assenting too strongly or too weakly to the claim). However, we suspect Southerners would be unwilling to say Northerners are wrong to merely agree rather than agree a great deal that a man has a right to use violence in response to threat. We suspect Northerners would be equally unwilling to accuse Southerners of moral error here.\textsuperscript{14} If, as seems plausible to us, neither of the differing parties would be willing to hold the other in error, we ought to be reluctant to take Nisbett and Cohen’s data as evidence of disagreement as opposed to mere difference.

The worry just outlined is not confined to just one of Nisbett and Cohen’s surveys. It arises also for the second survey described above. In that survey, subjects were told about Fred, who shoots a man that affronted him in one of a number of ways: insulting or stealing Fred’s wife, slandering Fred, or sexually assaulting Fred’s 16 year old daughter. Subjects were then asked ‘how justified’ Fred’s violent response was. Nisbett and Cohen report that significantly more Southerners than Northerners claimed that Fred’s violent response (across the range of cases) was ‘extremely justified’. Looking closely, it turns out that this means 19% of Southerners compared to 13% of Northerners thought Fred’s response was ‘extremely justified’. Nisbett and

\textsuperscript{13} By ‘hold in error’ we mean ‘think, on some level, that the other party is morally wrong and not merely careless or ignorant of the facts’.

\textsuperscript{14} These speculations are of course not meant to take the place of hard data. We are here hostage to whatever empirical findings may in future be made. In the absence of any data, however, we take our speculations to be at least plausible.
Cohen do not report the responses of the remaining Northern and Southern subjects. What those other subjects said matters when deciding whether this data constitutes evidence of a North/South moral disagreement about violence. Those other subjects, after all, represent the bulk of the sample: almost 80% of both Northerners and Southerners think something other than Fred’s response was ‘extremely justified’. Thus, we again have reservations about taking Nisbett and Cohen’s data as evidence of a North/South disagreement about the morality of violence in response to insult or threat.

To sum up, Doris and colleagues claim that Nisbett and Cohen’s work on the Southern ‘culture of honour’ is evidence for a fundamental moral disagreement between Northerners and Southerners about the permissibility of violence in response to insult or threat. Leiter’s reservation about inferring moral judgments from behavioural data, along with our own reservations about taking Nisbett and Cohen’s survey data as evidence for disagreement in moral judgment, count against that claim. It is worth stressing that we do not think Nisbett and Cohen’s data is worthless or uninteresting. It is fascinating but insufficient as evidence of disagreement about the permissibility of certain kinds of violence and, of course, it was not collected to test this issue. Empirical work that directly investigates moral judgment and provides clear evidence of moral disagreement is needed in order to run the Argument from Disagreement.

3. Act/Omission Suppression among the Maya
Those that argue in favor of the linguistic analogy (LA) suggest, roughly, that moral judgments are derived from largely unconscious principles with parametric options that are set by early exposure to culturally-specific factors. In testing this hypothesis, cross-cultural evidence is critical. Such evidence is beginning to accumulate. What we suggest is that this particular approach to understanding moral knowledge is particularly apt for producing the kind of evidence needed to run the Argument from Disagreement.

One approach to gathering cross-cultural evidence comes from using internet surveys, as these provide the opportunity to gather large data sets with at least some level of inter-subject variation. Admittedly, those logging on to an internet site are homogeneous in the sense that they are web-savvy and educated to some extent. That said, even these data sets include men and women, young and old, highly educated PhDs, MDs, and JDs as opposed to primary school education, and individuals raised with and without religion. Hauser and his students (e.g. Hauser et al, 2007; Cushman et al, 2006) have used this internet approach, and specifically, the Moral Sense Test (MST: www.moral.wjh.harvard.edu) to investigate the general principles underlying our moral judgments. The MST presents subjects with a series of scenarios that vary in tightly controlled ways. For instance, scenarios vary according to whether a harm is the result of action or of inaction/omission, whether the harm is necessary as a means to some end or is a side-effect of achieving that end, and whether or not the harm involves physical contact between the agent and the victim. Analysing subjects’ responses across a range of scenarios, a fundamental aim is to reveal the general principles underlying their moral judgments.
Focusing on MST responses from subjects identified as American, Canadian, and British (henceforth referred to as Westerners), analyses reveal three principles or distinctions at work in subjects’ moral judgments (Cushman et al., 2006), specifically:

**Action**: harms caused by action are less permissible than harms caused by omission.

**Contact**: harms that involve physical contact are less permissible than harms that do not involve physical contact.

**Intention**

: harms caused as a means to a good end are less permissible than harms that are foreseen side-effects of bringing about a good end.

Western subjects asked to justify their responses to different scenarios throughout the MST often recover and endorse the **Action** principle, often classified as the **Omission bias** in the literature. However, when the comparable scenarios were administered to a rural Mayan population (Abarbanell and Hauser, 2010), a striking difference between Westerners and Mayans was apparent. Mayan subjects apparently did not employ **Action**: they judged harms by omission to be just as impermissible as harms by action. That the Mayans did not see a moral difference between act-harms and omission-harms is especially surprising given that the majority of published papers on the general distinction between actions and omissions reveals a bias for omissions (i.e., as more morally permissible). Further, when the same dilemmas and

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15 Following publication, Cushman et al. recognised this label as incorrect. In particular, the distinction should be referred to in terms of ‘Means’, as the critical difference lies not with respect to intention, but rather, to whether the harm is a means to the greater good or is a side-effect.

16 There are numerous papers on the omission bias. A few show ways in which to get it to go away but many more show it powerfully present (see Ritov and Baron, 1990; Spranca et al., 1991; Haidt and Baron, 1996; Patt and Zeckhauser, 2000; Connolly and Reb, 2003; Baron and Ritov, 2004; Tanner and
scale for judgment were administered to a large sample of subjects on the MST, as well as to more educated, less rural Mayans, the omission bias emerged. Let’s call the rural Mayans’ failure to perceive a moral difference between act- and omission-harms as act/omission suppression.

Act/omission suppression presents what appears to be a clear case of disagreement between Western and Mayan subjects concerning the moral significance of the act/omission distinction. Judging by their responses to moral dilemmas on the MST, Westerners take that distinction to be morally significant: harms by action are less permissible than harms by omission. Judging by their responses to moral dilemmas that are comparable to those judged by Westerners, this rural population of Mayans do not take the distinction to be morally significant: harms by omission are just as impermissible as harms by action. Westerners and rural Mayans thus disagree over what matters in evaluating the permissibility of certain kinds of harm.

We suggested in our discussion of Nisbett and Cohen’s data that a test for genuine disagreement is whether or not either of the differing parties would be willing to hold the other in error. We expressed doubts that this test would be passed in the case of Northerners and Southerners differing in their degree of agreement with claims about the permissibility of certain kinds of violence. In the case of act/omission suppression, it seems to us far more plausible that the differing parties – Mayans and Westerners – would be willing to hold each other in error. That is, it seems to us likely that Westerners would be willing to say Mayans make a moral mistake when they judge individuals who harm others by omission as harshly as individuals who harm others by action, and vice versa. Again, our speculations are not

Medin, 2004; Cushman et al., 2006, 2008; Baron, 2009).
meant to take the place of hard data. Luckily, this issue is amenable to empirical resolution. One could, for example, present Mayans and Westerners with scenarios in which individuals who caused equal harm are punished equally harshly even though one caused harm by action while the other caused harm by omission. If we are right, Mayan subjects more so than Westerners would approve of this distribution of punishment.

Abarbanell and Hauser’s work with the Maya avoids the two problems raised earlier with Nisbett and Cohen’s work on the Southern culture of honour. Abarbanell and Hauser directly investigated Mayans’ moral judgments about the permissibility of various kinds of harm. Their results suggest a clear moral disagreement rather than mere differences in degree of agreement: Westerners and Mayans disagree about whether it matters morally that a given harm is the result of an act or an omission. Of course, all this would be for naught (at least in the context of the Argument from Disagreement) if there was a defusing explanation available for the disagreement between Westerners and Mayans. We turn now to that issue.

3.1 Act/Omission Suppression and Defusing Explanations

Abarbanell and Hauser’s work with the Mayans involves certain control conditions that are particularly useful in the context of the Argument from Disagreement because they help eliminate the most obvious defusing explanations for act/omission suppression, namely, that Mayan subjects failed to understand the moral scenarios or that Westerners and Mayans differ in their understanding of causation.
Regarding the first possibility, Abarbanell and Hauser point out that Mayan subjects used the *Intention* principle, judging like Western subjects that *means-based* harms were less permissible than *side-effect* harms. This suggests that the Mayans comprehend these kinds of scenarios and that they can use scales to make moral evaluations, clearly distinguishing between means and side effects. Further, although the adult Mayans were tested on one extremely simplified act versus omission dilemma – a scenario that young Western children perceived as different along the lines of the omission bias – the adult Mayans nonetheless failed to see a difference. Given these considerations, it is not possible to appeal to issues of comprehension as a defusing explanation for act/omission suppression; and there is no reason to suspect a difference in comprehension between the act-omission pairs and the means-side effect pairs, given that the text in some cases was virtually identical.

To rule out the possibility that Western and Mayan understandings of *causation* somehow differ, Abarbanell and Hauser presented Mayan subjects with nonmoral and moral cases of action versus omission and asked for their judgments of causal responsibility. For example, subjects were told about a man who finds a fruiting tree that has fallen into a pond. In one version of the story, the man removes a branch to allow the tree to sink and thereby eliminates bugs from the area, while in another version, the man omits cutting a branch that will result in the tree sinking. Like Western subjects, the Mayans judged *acting* agents to be *more* causally responsible for the consequences of an event than omitting agents. Act/omission suppression thus cannot be attributed to a failure on the Mayans’ part to distinguish acts from omissions or by a tendency on the Mayans’ part to apportion causal responsibility differently (than Westerners) to acting versus omitting agents.
Two promising defusing explanations for act/omission suppression are thus ruled out by Abarbanell and Hauser.\(^\text{17}\) Some features of the Mayan population do seem relevant to potential defusing explanations, however, and it would be remiss of us not to consider these in our discussion. The first potential basis for a defusing explanation is the Mayans’ belief in the supernatural. The second is the Mayans’ tight-knit social structure. We will consider these features in turn.

Westerners and Mayans differ in their nonmoral beliefs. Mayans believe that some omissions can cause very serious harm via the operation of supernatural influences: failure to perform religious rituals or to show proper respect for other members of society, for example, is believed to cause illness and personal or social calamity. One might be tempted to suppose that the Mayans’ beliefs about the supernatural may lead them to judge omissions more harshly than did the Westerners in Abarbanell and Hauser’s study.\(^\text{18}\) However, the kind of omissions described in Abarbanell and Hauser’s moral scenarios were not the kind of omissions Mayans believe can cause serious harm via supernatural influences. The moral scenarios

\(^{17}\) Hauser & Abarbanell also note the lack of a ‘Good Samaritan Law’ (GSL) in Mayan society explicitly stating that harms by inaction are as bad as harms by action. One might wonder how the presence of a GSL among the Maya could possibly serve as a defusing explanation, since we in the West typically do have GSLs (thanks to Steve Stich for raising this point). A couple of clarificatory distinctions are in order here. Firstly, GSLs are, technically, laws protecting from liability people who try to rescue those in need and accidentally inflict some harm in the attempt. A GSL is distinct from a legal duty to rescue, which makes people who don’t help those in need liable for harms they could have prevented. GSLs are widely in place in the U.S. but the legal duty to rescue is not. Even where individual States do have duty to rescue laws, such laws are, supposedly, largely ignored (see Rosenbaum, 2004). So, while we in the West do have GSLs in the technical sense, we do not typically have them in the sense Hauser and Abarbanell intended, i.e. duties to rescue. Secondly, Hauser and Abarbanell’s point targets the explicit versus implicit distinction. We in the West may well have, as individuals, the strong sense that we do wrong by not saving others when we can. We typically do not, as societies, codify that sentiment in law (exceptions such as France and Germany do recognize and enforce legal duties to rescue). If the Maya did explicitly have a duty to rescue law, that would have been a cultural difference that was relevant in seeking to understand act/omission suppression.

\(^{18}\) While we take our assumption that the Western subjects do not share the Mayans’ particular beliefs about the supernatural to be secure, it may well be that (some) Westerners share with the Mayans the general belief that certain omissions can lead to serious harm via the operation of the supernatural.
described omissions such as: not warning someone about an oncoming truck or boulder, not saving one drowning person in order to save five others, not providing antidote to someone who has been poisoned. Although there is undeniably a difference in nonmoral beliefs between Western and Mayan subjects, that difference seems unlikely to ground a defusing explanation for act/omission suppression.

The final potential defusing explanation we will speculate on here refers to Mayans’ tight-knit social structure. We take this speculative explanation to be prima facie plausible. We think vindicating or rejecting it will require further empirical work. In what follows, we will lay out this potential defusing explanation for act/omission suppression and describe the empirical work we think is necessary in order to assess it. The explanation begins with the observation that Westerners sometimes exhibit act/omission suppression in their moral judgments.

Haidt and Baron (1996) found that Western subjects judged the moral difference between person $A$ harming person $B$ by omission and $A$ harming $B$ by action to be less when $A$ and $B$ were significantly related to each other, either in terms of ‘hierarchy’ or ‘solidarity’. Hierarchy refers to the relative social rank or stature of the individuals involved, while solidarity refers to how close or personal their relationship is (Haidt and Baron, 1996, p.203). When $A$ was an authority in relation to $B$, as in the boss—employee relationship for example, subjects judged harms by omission to be closer in terms of impermissibility to harms by action than when $A$ was $B$’s peer (as in the case of co-workers) or subordinate (as in the employee—boss relationship). When $A$’s relationship with $B$ was highly personal, as in the case of best friends or family members for example, subjects judged harms by omission to be
closer in terms of impermissibility to harms by action than when A and B were casual acquaintances or strangers. Haidt and Baron’s Western subjects did show an omission bias when presented with scenarios involving significantly related individuals, but that bias was lessened in such cases.

In light of Haidt and Baron’s findings, one might offer a defusing explanation for Mayan act/omission suppression as follows. Like Westerners, Mayans employ the Action principle in a way that is sensitive to the nature of the relationships between individuals. Unlike Westerners, Mayans tend to focus on to whom, within their group, is significantly related to whom. In the small-scale, tight-knit Mayan group, it may well be that all individuals are significantly related to all other individuals via a high degree of solidarity. Among Westerners, however, it is not the case that all individuals are significantly related to all others. The Mayan case, according to this explanation, can be assimilated to the Eskimo case mentioned earlier. That is, we have the appearance of moral disagreement being generated by the application of the same principle under very different (in this instance social) circumstances. Mayans appear not to morally distinguish harms by action from harms by omission, but only because they were asked in Abarbanell and Hauser’s study to evaluate Mayans harming Mayans, a case in which the relationship between the individuals involved is significant enough to suppress the act/omission distinction. This explanation, if correct, would be good news for the defender of moral universalism. It renders merely apparent (and hence not fundamental) the disagreement between Mayans and Westerners regarding the moral significance of the act/omission distinction.
We agree that the defusing explanation speculatively laid out above is compatible with Abarbanell and Hauser’s data. However, Abarbanell and Hauser’s data are also compatible with Mayans simply not having the Action principle operative as part of their moral psychology. It is worth reiterating at this point that Mayans saw no morally significant difference at all between harms by action and harms by omission in Abarbanell and Hauser’s study. It may be that Mayans take the degree of solidarity between fellow Mayans to be so high as to swamp the act/omission distinction entirely. Perhaps, though, Mayans lack the Action principle precisely because of the very highly integrated social environment in which they develop as moral individuals.

If Mayans lack the Action principle, then Mayans and Westerners have a plausibly fundamental moral disagreement as claimed earlier. If Mayans and Westerners both employ the Action principle in a way that is sensitive to social relationships, then Abarbanell and Hauser’s findings can plausibly be explained away as merely apparent cross-cultural moral disagreement. To decide which of these possibilities is actually the case, we believe further empirical work is needed. We suggest that it would be illuminating to test Mayans in the way that Haidt and Baron tested Western subjects. Do Mayans take the act/omission distinction to be morally relevant in ‘finer-grained’ scenarios which specify particular social roles within Mayan society? Do Mayans, for instance, take the moral difference between harming one’s best friend by omission and harming one’s best friend by action to be narrower than the difference between harming one’s neighbour by omission and harming one’s neighbour by action? Do Mayans see it as worse for tribal leaders to harm subordinates by omission than for social equals to harm each other by omission? If the
answer to these questions is yes, that would be evidence that Mayans, like Westerners, employ an Action principle that is sensitive to social relationships. If the answer to those questions is no – if Mayans take harms by omission to be as bad as harms by action ‘across the board’ – that would be evidence that the Action principle really is absent in Mayan moral psychology.

We leave off speculating here. Act/omission suppression among the Maya is, we believe, a plausible candidate case of fundamental moral disagreement given currently available data. It is not essential for our current purposes to establish conclusively that Mayan act/omission suppression is a case of fundamental moral disagreement. We aim to make the more modest (but no less important) point that empirical work in the LA tradition is better suited to discovering fundamental moral disagreement than is work of the kind done by Nisbett and Cohen. We are satisfied if the above discussion has achieved that aim.

4. Conclusion

We have argued that Abarbanell and Hauser’s data on Mayan act/omission suppression, and the general approach taken, provides better evidence than does Nisbett and Cohen’s data on the Southern ‘culture of honour’ for fundamental cross-cultural moral disagreement. Abarbanell and Hauser directly investigated subjects’ moral judgments, thus avoiding the difficulties with reading off moral judgments from behavioural data. Abarbanell and Hauser’s study revealed a striking cross-cultural moral disagreement, namely, that Westerners consider the difference between
harming by action and harming by omission to be morally significant while Mayans do not. We have offered reasons to think this disagreement is plausibly fundamental.

At this point, the moral universalist may well question the significance of a single instance of fundamental disagreement in the context of the Argument from Disagreement. David Brink (1989), for instance, thinks that rare fundamental disagreement does not threaten moral universalism:

a nonskeptical realist need not assume that any and every moral dispute is resolvable even in principle… it is only most genuine disputes that a realist must regard as resolvable in principle [because] we can imagine people whose starting points are so badly mistaken that there should be no expectation of convincing them of the truth.

The first reply to Brink here is clarificatory. If some person’s (or group of people’s) ‘starting point’ is mistaken in the way Brink has in mind (false beliefs, or faulty methods of reasoning, or both), then that constitutes a defusing explanation for whatever disagreement exists between that person (or group) and others. The disagreement in such a case would not be fundamental at all.

The second and more substantive reply is that we have not presented the Mayan data as an isolated and conclusive case. We do not expect staunch proponents of moral universalism to fall down in dismay upon hearing about act/omission suppression. Rather, we have presented this research as a demonstration of the kind of empirical work needed if we are to uncover fundamental moral disagreement. The
significance of this kind of research lies not primarily in the results it has produced so far but in its prospects for generating further data relevant to assessing the Argument from Disagreement.

That disclaimer made, we believe our presentation of the case of Mayan act/omission suppression is sufficient to shift the burden of proof in this debate to the defender of moral universalism. We have considered and eliminated several plausible candidate defusing explanations. The onus is now, we think, on the universalist to engage with the empirical work and show why the disagreement between Westerners and Mayans over the moral significance of the act/omission distinction is not fundamental. We thus conclude, tentatively, that Mayan act/omission suppression is a case of fundamental cross-cultural moral disagreement. We also conclude, more confidently, that a research program motivated by the linguistic analogy is promising in the context of the search for fundamental moral disagreement and should interest anyone interested in whether the Argument from Disagreement succeeds or not.

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