Contents

Lis	st of T	ables a	and Figures	page xi	
Pr	eface			XV	
			PART ONE: THEORY		
Ι	The	Quest	ion Presented	. 3	
2	A New Framework for the Theory of Moral Cognition			13	
	2.1	2.1 Nine Comparisons between Linguistics			
		and N	Moral Theory	14	
		2.I.I	The Main Questions	14	
		2.1.2	The General Answers	15	
		2.1.3	The Fundamental Arguments	17	
,		2.1.4	The Competence-Performance Distinction	17	
		2.1.5	The Distinction between Operative and Express		
			Principles	19	
		2.1.6	Levels of Empirical Adequacy	21	
		2.1.7	Two Additional Questions	23	
		2.1.8	Commonsense and Technical Concepts of		
			Language and Morality	24	
		_	Theoretical Goals	26	
	2.2 Preliminary Clarifications about Rawls'				
		_	uistic Analogy	27	
	2.3	Outli	ne of Remaining Chapters	33	
3	The	Basic	Elements of Rawls' Linguistic Analogy	42	
	3.1	Eight	Features of Rawls' Conception of Moral Theory	43	
		3.1.1	The Argument for Moral Grammar	43	
		3.1.2	The Problem of Descriptive Adequacy	48	
		3.1.3	The Distinction between Descriptive and		
			Observational Adequacy	49	

		3.1.4 The Distinction between Operative and		
		Express Principles	50	
		3.1.5 The Distinction between Descriptive and		
		Explanatory Adequacy	51	
		3.1.6 The Competence–Performance Distinction	51	
		3.1.7 The Theory-Dependence of the Competence-		
		Performance Distinction	55	
		3.1.8 The Importance of Idealization	56	
	3.2	Further Clarifications about Terminology	57	
	3.3	Moral Theory as a Theory of I-Morality	63	
	3.4	Some Further Remarks about the Linguistic Analogy	67	
	3.5	The Contrast with Particularism	71	
		PART TWO: EMPIRICAL ADEQUACY		
4	The Problem of Descriptive Adequacy			
	4.I	The Trolley Problems	78	
	4.2	The Properties of Moral Judgment	82	
	4.3	Framing the Problem of Descriptive Adequacy	85	
	4.4	Locating the Problem within the Framework of		
		Cognitive Science	87	
		4.4.1 Perceptual and Acquisition Models	88	
		4.4.2 The Hypothetico-Deductive Method	91	
	4.5	Objections and Replies	94	
5	The Moral Grammar Hypothesis			
	5.1		104	
	5.2	Simplifying the Problem of Descriptive Adequacy	106	
		5.2.1 Twelve New Trolley Problems	106	
		5.2.2 Twelve Considered Judgments	IIO	
	5.3	The Poverty of the Perceptual Stimulus	III	
		5.3.1 Labeling the Stimulus	III	
		5.3.2 Expanded Perceptual Model	III	
	5.4	Outline of a Solution	117	
		5.4.1 Deontic Rules	II7	
		5.4.2 Structural Descriptions	118	
		5.4.3 Conversion Rules	120	
	5.5	Intuitive Legal Appraisal	121	
6	Moi	ral Grammar and Intuitive Jurisprudence: A Formal Model	123	
	6.I	6.1 Three Simplifying Assumptions		
	6.2		124	
		and Intentions	125	
		6.2.1 Acts and Circumstances	125	
		6.2.2 K-Generation and I-Generation	130	
	63	Deontic Rules	132	

Contents

		6.3.1 The Principle of Natural Liberty	132		
		6.3.2 The Prohibition of Battery and Homicide	133		
		6.3.3 The Self-Preservation Principle	136		
		6.3.4 The Moral Calculus of Risk	137		
		6.3.5 The Rescue Principle	144		
		6.3.6 The Principle of Double Effect	148		
	6.4	Structural Descriptions II: A Periodic Table of			
		Moral Elements	153		
	6.5	Conversion Rules	162		
		6.5.1 Temporal Structure	171		
		6.5.2 Causal Structure	172		
		6.5.3 Moral Structure	172		
		6.5.4 Intentional Structure	172		
		6.5.5 Deontic Structure	173		
	6.6	A Brief Note on Enlightenment Rationalism	174		
	6.7	Further Clarifications about Act Trees	175		
	6.8	Concluding Remarks	178		
		PART THREE: OBJECTIONS AND REPLIES			
7	R. M. Hare, Peter Singer, and the Distinction between				
	Emp	pirical and Normative Adequacy	183		
	7. I	Hare's and Singer's Criticisms of Rawls' Linguistic Analogy	183		
	7.2	Empirical and Normative Adequacy in Grounds	191		
	7.3	Empirical and Normative Adequacy in Outline	195		
	7.4	Empirical and Normative Adequacy in A Theory of Justice:			
		Reflective Equilibrium	197		
		7.4.1 The Main Contractual Argument of A Theory			
		of Justice .	198		
		7.4.2 The Concept of Reflective Equilibrium	202		
	7.5	Empirical and Normative Adequacy in Independence	213		
	7.6		217		
	7.7	Objections and Replies	22I		
	7.8	Summary	227		
8	Tho	mas Nagel and the Competence–Performance Distinction	228		
	8.1	Nagel's Criticisms of Rawls' Linguistic Analogy	228		
	8.2	Analysis of Nagel's Arguments	231		
		8.2.1 The Intuitions of Native Speakers Are Decisive in			
		Linguistics	232		
		8.2.2 The Moral Intuitions of Ordinary Persons Are			
		Not Decisive in Moral Theory	236		
		8.2.3 Whatever Native Speakers Agree on Is English	238		
		8.2.4 Whatever Ordinary Individuals Agree in			
		Condemning Is Not Necessarily Wrong	240		

Contents

		8.2.5 The Plausibility of an Ethical Theory Can Change	
		Our Moral Intuitions, but the Plausibility of a	
		Linguistic Theory Cannot Change Our Linguistic	
		Intuitions	248
		8.2.6 In Linguistics, Unlike Ethics, the Final Test of a	
		Theory Is Its Ability to Explain the Data	257
	8.3	Objections and Replies	258
	8.4	Summary	264
9	Ron	ald Dworkin and the Distinction between I-Morality	
	and	E-Morality	266
	9.1	Dworkin's Analysis of Rawls' Linguistic Analogy	268
		9.1.1 The Natural Model versus the Constructive Model	269
		9.1.2 The Natural Model and Reflective Equilibrium Are	
		Incompatible	271
	9.2	Problems with Dworkin's Analysis	274
	9.3	Dworkin's Misinterpretations of Rawls	276
		9.3.1 Subject Matter	277
		9.3.2 Goal	280
		9.3.3 Evidence	282
		9.3.4 Method	287
	9.4	Objections and Replies	291
	9.5	Brief Remarks about Moral Grammar and Human Rights	295
	9.6	Summary	303
		PART FOUR: CONCLUSION	
10	Tow	ard a Universal Moral Grammar	307
An	pend	ix: Six Trolley Problem Experiments	319
			361
	Bibliography		
Ina	Index		393