

Relativity and the Concept of Morality

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The concept of morality is much less determinate than many twentieth century attempts at analysis would have us believe. There is no principled way of definitively answering some of the most disputed twentieth century meta-ethical questions, such as whether motivation is internal or external to morality, whether morality commands categorically or hypothetically, or whether we can infer an “ought” from an “is,” so long as we stay at the level of conceptual analysis alone.

Many philosophers, however, still believe that past attempts at an analysis of the concept of morality were on the right track and that in the future we may be able to do better. Michael Smith offers the most prominent and worthy recent example of this way of thinking. In *The Moral Problem* he argues that although it might initially appear that our language and thought imply conflicting meta-ethical claims, closer attention reveals that in fact typical moralizing commits us to one fairly determinate self-consistent concept of morality. According to Smith, we can find at the level of conceptual analysis alone principled definitive answers to the common meta-ethical questions.

We will consider Smith’s answer to the question of whether the thought and language of a typical moralizer is grounded in a relative or non-relative conception of morality. Smith opts for a non-relative conception and presents some astute arguments for it, which sharpen arguments many earlier non-relativists have advanced. The non-relativist arguments, however, can all be met. Several aspects of our moral thought and language support relativist and non-relativist positions. Conceptual analysis alone provides no principled reason for choosing between them.

1. Smith’s Analysis of Moral Judgment

According to Smith, the judgment that something is morally valuable is equivalent to the judgment that a fully rational being would desire it. But this type of dispositional analysis leaves open the question of whether the concept of morality is relative or non-relative. Such an analysis is consistent with the claim that what one fully rational person would desire could differ from what

another fully rational person would desire. It is consistent with the claim that what is morally valuable for someone could be different from what is morally valuable for someone else. The dispositional analysis is also consistent with the claim that what a person would desire when fully rational must always be the same as what every other person would desire when fully rational. Thus it is also consistent with the claim that what is morally valuable for one person must be morally valuable for every other person.

Smith maintains, however, that the question of the relativity of morality can be settled by further analyses of the concepts of rationality and normative reasons. According to Smith, we conceive of normative reasons as being the motivating reasons, or desires, that a fully rational agent has. In addition, he takes it that our concept of rationality implies that what is a motivating reason or desire for one fully rational agent will also be a motivating reason or desire for every other fully rational agent. But morality just comprises certain of our normative reasons, or certain of the desires of fully rational agents. Our concept of morality must, therefore, be non-relative since it is grounded in our concept of normative reasons which is itself non-relative because grounded in our non-relative concept of rationality.¹

Smith thinks that a non-relative conception of morality gains at least *prima facie* support from the many things we say that suggest that when we are trying to determine what courses of action are justified we are searching for “reasons *period*.”² He points out, for instance, that many of our statements about right actions do not carry with them a silent subscript that ties them to certain individuals and not to others. As Smith acknowledges, however, there are also things we say that suggest that we do think of justifications of courses of action as tied to what will move particular people. Consider, for instance, what I might say to you at the end of a lengthy and involved discussion that nonetheless leaves us with different views about what to do in a particular situation. I might say something akin to: “Well, at this stage I don’t know how to convince you, but I really think that such-and-such is not a good reason for acting in that way.” But I also might say: “Well, maybe such-and-such is a good reason for you to act in that way, but it isn’t a good reason for me.” It seems that talk of good reasons *period* and talk of good reasons for particular persons are both represented in our everyday normative discourse. A non-relativist about morality could claim that talk of good reasons for particular persons is merely a way of intensifying talk of good reasons, but a relativist could claim that talk of good reasons is merely an abbreviation for talk of good reasons for particular persons. What arguments does Smith give, while staying within the realm of conceptual analysis, for his non-relativist position? We can locate in Smith’s text three: an argument from *de dicto* formulations, an argument from disagreement, and an argument from arbitrariness.³

2. *De Dicto* Formulations

Smith argues that when we say to each other things such as, “That may be a reason for you, but it isn’t for me,” we are not acknowledging that normative reasons in general can be relative but signaling that in the case at hand we are concerned with a non-relative reason that “is properly given a *de dicto* formulation.”⁴ He points in particular to a situation in which you choose to save your child from drowning instead of saving two strangers. I might say that although the fact that one of those who was drowning was your child was a reason for you to act as you did, it would not have been a reason for me, since it was not my child who was drowning. But, Smith argues, that does not warrant our concluding that what is a normative reason for you may not be a normative reason for me, for I too would have reason to save my child from drowning instead of saving two strangers. That someone’s child is drowning, where that is given a *de dicto* formulation and not a *de re* formulation, is a normative reason for everyone and so a non-relative reason for action.

The problem with this argument is that Smith picks the wrong type of situation to test his claim. The case of the drowning child is not typical of situations in which we say, “That may be a reason for you, but it is not a reason for me.” We usually say this kind of thing toward the end of an unresolved disagreement while a parent’s choice to save her child instead of two strangers is not a matter about which we are likely to disagree. Imagine instead a long drawn-out discussion, conducted in good faith, between a pacifist and a recent draftee. At the end of the discussion the recent draftee may decide to report to the military despite the many arguments that the pacifist presents against such a course of action. We might expect the draftee to say something akin to: “That may be a reason for you to resist, but it’s not a reason for me.” To sharpen the disagreement involved, imagine that the pacifist is planning to engage in protests that the draftee will be expected to quell. “You do what you have to do,” one of them might say to the other, “and I’ll do what I have to do.” One of them might say this even if he believes that what he has to do will bring him into conflict with what the other has to do.

Examples such as this one do not prove the substantive claim that fully rational people can have desires that bring them into conflict. But they do seem to constitute evidence that the very concept of morality does not forbid someone from claiming that what he ought to do will conflict with what someone else ought to do. We cannot dissolve the apparent disagreement between the pacifist and draftee in the same way that we can dissolve the apparent disagreement between two parents who have the same normative reasons to save two different children. Even if Smith is right in claiming that our views about the parents do not support a relativized concept of morality, he cannot conclude from such a case that the concept of a normative reason is always “stubbornly non-relative.”⁵

3. Disagreement

A second argument Smith presents for a non-relative conception of morality is that a relative conception cannot accommodate the ways in which we try to resolve moral disagreement. He maintains that if claims concerning normative reasons were relativized to a speaker, then moral disagreements would dissolve as soon as it became clear that one person is making a claim simply about her own desires while the other is making a claim simply about his. But moral disagreement does not dissolve in this way. Instead we engage in moral argument:

in the attempt to find out who is right and who is wrong. Other people's opinions about the reasons that there are thus constitute potential challenges to my own opinions. I have something to learn about myself and my own reasons by finding out about others and their reasons. This is why books and films are so engaging. All of this is flat out inconsistent with the claim that our concept of a reason for action is quite generally relative to the individual.⁶

But Smith is wrong to claim that a relativized conception of normativity cannot explain disagreement. It is possible for two people to disagree about relativized normative reasons. I can, for instance, believe that there is a relativized normative reason for you to perform some action and you can deny it, inasmuch as you and I can disagree about what you would desire were you fully rational. I do not need to share your values in order to disagree with you about what course of action your values imply.

It might usually be the case that I think that what is a normative reason for you is also a normative reason for me. But on its own, the claim that the same consideration is both a normative reason for you and a normative reason for me does not imply that the normative reason must be non-relative. The same consideration could be a normative reason for both of us only because of the contingent fact that we have similar sentimental make-ups. While normative reasons could be relativized to the sentiments of individuals, what constitutes a normative reason for one moral disputant may also constitute a normative reason for the other, because the two disputants happen to care about the same things.

It seems, in fact, that the various phenomena of moral disagreement can be well explained by attributing to each disputant a relativized conception of normative reasons and a strong but defeasible presumption that the other disputant has the same sentiments as she. The idea is that at the start of our moral discussion I assume that you have the same fundamental sentimental make-up as I. As long as this assumption is in place, there will be no overt indication of the relativized nature of the normative reasons we are proposing.

We do not have to distinguish between claims about what you ought to do and claims about what I ought to do, since we are tacitly assuming that the answer to the two questions will be the same. It is possible, however, that if the moral disagreement persists through lengthy discussion, we will be forced to acknowledge that the presumption we have been proceeding on is unwarranted inasmuch as our sentiments concerning the particular case at hand are so different that moral agreement is impossible. At that point we may very well abandon hope of resolving the disagreement and end our discussion.

Smith holds that our concept of normative reasons is such that whenever we finally abandon moral discussion without reaching agreement we do so with the thought that at least one of us has failed to grasp some rational point. But we cannot find within the phenomena of moral disagreement evidence determinate enough to force us to this rationalist non-relative conception. Attributing to the various parties in a moral disagreement the belief that full rationality will fix agreement though some people will never listen to reason is no better than attributing to them the strong but defeasible presumption that at some fundamental level they care about the same things.

Smith's suggestion that a non-relative conception of normative reasons explains better why books and films engage us in the way that they do is unconvincing as well. We could also explain why we find books and films so morally engaging by pointing out that good writers and filmmakers infuse their characters with strong and deep desires that mirror our own. Moreover, some books and films that were once found to be morally engaging are no longer found to be so, and some books and films that some people currently find morally engaging others currently do not. How are we to explain such shifts and differences in opinions about artistic works? Smith's non-relativist approach does not fare better here than the relativist approach. While it may be that from the perspective of reason alone there is nothing to choose between two works, if the characters in one of the works have desires that happen to be more like our own, it will be that work that will be for us more morally engaging.

4. Arbitrariness

Smith's third argument for non-relativism may be called the argument from arbitrariness. It is best thought of as a *reductio ad absurdum* argument with two premises. The first premise is that "what my actual desires are" is "an entirely *arbitrary* matter, one without any normative significance on its own."⁷ The second premise, which is distinctively relativistic, is that what are normative reasons for me is a function of my actual desires. These two premises imply, according to Smith, that what are normative reasons for me is an entirely arbitrary matter. But this is absurd, for "arbitrariness is precisely a feature of

a consideration that tends to undermine any normative significance it might initially appear to have.”⁸ The first premise is obviously true, however, so we must reject the second premise. But the second premise is what a relative conception of morality commits us to. The relative conception, therefore, must be rejected.

Smith’s argument from arbitrariness depends on a conceptual claim. Smith holds that if a typical moralizer thinks some consideration is a normative reason for her, then she will also think it a normative reason for every other rational being and that if she comes to believe that there could be a rational being for whom that consideration would not be a normative reason, then she will no longer think it a normative reason for her. One consequence of the claim is that a typical moralizer will lose confidence in any particular moral judgment if she comes to think that it is grounded in a desire that someone else who is fully rational may not possess. Another consequence is that a typical moralizer will lose confidence in all of her moral judgments *en masse* if she comes to think that all of them are grounded in desires that someone else who is fully rational may not possess. These consequences are not accurate representations of all typical moralizers. There is no convincing evidence that all typical moralizers are disposed to lose confidence in morality in the manner the argument from arbitrariness requires.

We sometimes lose confidence in a particular moral judgment when we come to see that it is grounded in a certain desire of ours. Sometimes the reason we lose confidence in the judgment is that we come to think that the desire that grounds it is arbitrary and thus normatively insignificant. Smith’s argument from arbitrariness presupposes that we think of all of our non-rationally required desires as arbitrary in this way and that all our non-rationally required desires are equally unfit to ground moral judgments. This presupposition is plausible, however, only in conjunction with a very unsophisticated view of desires which Smith himself rightly repudiates. If we adopt a more sophisticated view of desires, the presupposition becomes implausible.

The unsophisticated view of desires that lends a surface plausibility to Smith’s position is that desires are nothing but occurrent feelings. Imagine that as I arrive at work one morning I must decide whether or not to fire a persistently late employee. Suppose that I go ahead and make the decision based simply on the mood I happen to be in at the moment, or my strongest occurrent feelings. My mood or occurrent feelings will be determined by all sorts of accidental factors, such as how much sleep I got the night before, what I had for breakfast, how many cups of coffee I had, and whether my drive into work was difficult or easy. These factors, however, are irrelevant to the question of whether or not I ought to fire the employee. If my decision were based simply on my strongest occurrent feelings, I would have to admit that my decision was arbitrary. It follows that if a relativized conception of morality commits us to claiming that someone’s normative reasons are a function simply

of his or her occurrent feelings, then that conception will be defeated by Smith's *reductio ad absurdum* argument.

But a relativist position on the concept of morality does not commit us to claiming that our normative reasons are a function simply of our occurrent feelings. The nature of my desires is best determined by how I conduct myself over time. Indeed, it is possible for me to be wrong about what my own desires are, because some of my desires may lack distinct phenomenological content. Consider the following example from Smith:

Suppose John professes that one of his fundamental desires is to be a great musician. However, his mother has always drummed into him the value of music. She is a fanatic with great hopes for her son's career as a musician, hopes so great that she would be extremely disappointed if he were even less than an excellent musician, let alone if he were to give up music altogether. Moreover, John admits that he has a very great desire not to upset her, though he would, if asked, deny that this in any way explains his efforts at pursuing excellence in music. However, now suppose John's mother dies and, upon her death, he finds all of his interest in music vanishes. He gives up his career as a musician and pursues some other quite different career. In such circumstances, wouldn't it be plausible to suppose that John was just mistaken about what he originally wanted to do and that, despite the fact that he believed that achieving excellence in music was a fundamental desire of his, it never was?⁹

It is plausible to suppose that John never really had a fundamental desire to be a musician and that therefore we ought to adopt a non-phenomenological view of desires. Once we view desires in this way, however, the first premise of Smith's *reductio ad absurdum* argument begins to look weaker. On that premise, what someone's actual desires are is "an entirely *arbitrary* matter, one without any normative significance on its own."¹⁰ But will the realization that he does not desire to be a musician seem to John to be an entirely arbitrary matter? While we cannot say for sure without knowing more about John, it is reasonable to suppose that John will not view his lack of desire to be a musician to be entirely arbitrary. The fact that he lacks this desire will be a fact only about him and not about all rational beings. But it may still have normative significance for him and provide him with what he takes to be a good reason for action.

Smith's first premise is not entirely off base, however. It is undeniable that there is a gap between our desires and what we take to be normative reasons, and some of our phenomenologically indistinct desires may seem to us to be as arbitrary as some of our occurrent feelings. But a relative conception of morality need not presuppose that normative reasons are simply equivalent to our actual desires. On a relativistic conception of any sophistication, our

normative reasons are the end result of a process of bringing our desires into maximal coherence and unity, which might include weeding out some of them and acquiring others. Once we realize this, the first consequence of Smith's argument from arbitrariness loses a great deal of plausibility. The systematization of all of our desires is not so clearly something that we think of as "an entirely *arbitrary* matter, one without any normative significance on its own." The systematization of such desires constitutes a deep truth about who we are, and while the fact that we are who we are may be arbitrary and without normative significance from some points of view, it may also be quintessentially non-arbitrary and fraught with normative significance from some others.

While Smith's argument brands as equally arbitrary all desires not necessarily shared by all rational beings, ordinary moralizers are not committed to the view that there is some arbitrariness that all their non-rationally required desires share such that they are all equally unfit to fund moral judgments. Even though a moral judgment can be vitiated in our own eyes by the awareness that it is the result of our having been cut off in traffic on the way into work, a moral judgment grounded in our deeply-felt long-standing tendencies may not be vitiated in the same way. Suppose that my decision to fire the persistently late worker is based on my long-standing and deep-seated reluctance to take into account the personal lives of my employees and that reflection and self-scrutiny does not diminish my reluctance. I may come to realize that some other person with a different sentimental make-up does not share my reluctance and would come to make a decision different from mine. But must this realization undermine my decision in my own eyes? Smith's argument from arbitrariness wrongly implies that it must. While on reflection I might think it morally irrelevant that I am in an angry or happy mood at any particular moment, I might not think it morally irrelevant that I have a deep-seated long-standing reluctance to take into account the personal lives of my employees. It is true that I would not have made the decision to fire the employee if I did not possess a desire not necessarily shared by all fully rational agents. But an awareness of this need not lead me to think that the decision is as arbitrary as a decision determined by a passing whim or momentary annoyance.

Let us turn to the second consequence, that a typical moralizer will lose confidence in all her moral judgments *en masse*, if she comes to think that all of them are grounded in desires that someone else, although fully rational, may not possess. The idea is that the realization that our moral judgments are not fully fixed by rationality will cause us to panic or suffer a kind of global normative crisis, driving us to what Smith calls "wholesale moral scepticism."¹¹ In order to evaluate the plausibility of this claim we need to know what it would look like to lose confidence in morality as a whole. Initially we might think that losing confidence in morality as a whole is really not that different from losing confidence in a particular moral judgment. We are all familiar with the

experience of coming to reject a moral judgment that we once accepted. Losing confidence in morality as a whole, it might then seem, would involve the same kind of thing albeit on a more global scale. But the loss of confidence in morality as a whole cannot be so easily assimilated to the garden variety loss of confidence in a particular moral judgment. When we come to reject a moral judgment we once accepted, we usually do so because of some other moral judgment that we currently accept. Indeed, the rejection of a particular moral judgment is often best thought of as a particular moral judgment itself. Consider, for instance, the scenario in which I initially decided to fire a persistently late employee but eventually came to realize that I would not have made that decision had I not been cut off in traffic on my drive into work that morning. This realization forced me to admit that my decision was arbitrary or unjustified. It caused me to lose confidence in the judgment that firing the employee was the right thing to do. But I lost confidence in the judgment that it was right to fire the employee only because of the confidence I had in the judgment that it was unfair to let my foul mood affect my decision about whether or not to fire the employee. As in this case, our coming to think that a judgment is unjustified is often an example of our engaging in the very practice of making moral judgments. The claim that a particular judgment is arbitrary is often just the moral claim that we ought not to conduct ourselves in a certain way. We cannot, therefore, picture wholesale moral scepticism by generalizing from the garden variety experience of losing confidence in a particular moral judgment, since that loss of confidence might itself be a moral commitment.

Another picture we might have of the loss of confidence in morality as a whole is of coming to view all our moral judgments in a new and disturbing way. Suppose that I used to think that my moral judgments had some particular feature, such as non-relativity, whereas now I find that they do not and that I find the fact that my moral judgments lack this feature disturbing enough to make me feel as though the rug were pulled out from under me. Such an experience could signal a shift in my view of things, but it should not be seen as a loss of confidence in morality unless it also involves a significant alteration in the way I judge actions and conduct myself. If I get the panicky feeling every time I reflect on the relativity of morality but nonetheless proceed to make more or less the same normative judgments and conduct myself in a more or less similar way, then it looks as though I am still morally engaged. It appears that morality is still functioning in the same way in my life. What has changed is my theoretical understanding of my practice of morality. I have lost confidence in a meta-ethical view that I used to hold. But since my judgments and conduct remain pretty much the same, it is wrong to claim that I have lost confidence in the actual practice of morality. In order to establish the claim that belief in the relativity of normative reasons will precipitate a morally global panic and that consequently our concept of morality is non-

relative, Smith has to show that coming to believe in the relativity of normative reasons will cause a significant alteration in the way I judge actions and conduct myself. He cannot rely simply on the panicky feeling that coming to believe in such relativity may cause some people.

What would characterize someone suffering a morally global panic, a loss of confidence in morality as a whole? The answer may be that such a person would cease to engage in a great many activities that she used to think worthwhile and begin to engage in a great many activities that she used to think immoral. Perhaps, for instance, such a person would cease working for all the charitable causes to which she used to devote a great deal of time and begin to lie and steal, even though she would have never lied or stolen before. Only such dire consequences could truly signal a global normative crisis. Anything less dire might signal only that the person has come to make different moral judgments than she did before or that she has a different meta-theory about a practice to which she is still committed.

We can make sense of the idea of someone giving up on the activities she used to think worthwhile and engaging in the activities she used to think immoral. But if Smith's non-relativist conceptual claim is accurate, then it must be the case that if all the people who now have confidence in morality were to become convinced of the relativity of normative reasons, they would change in such a way. Smith's conceptual non-relativism commits him to the claim that we can find within the moral practices of all typical moralizers conclusive evidence that they would undergo such a transformation upon coming to believe that all their moral judgments are grounded in desires that someone else who is fully rational may not possess. This claim, however, is highly implausible. It is not reasonable to conclude from the manner in which people with confidence in morality typically moralize that they would give up on what they now think are worthwhile activities or begin to engage in what they now think are immoral practices were they to come to believe that relativism is true.

While Smith says explicitly that on the conception of normative reasons he favors "it may well be hotly contested whether there are any reasons at all," this implication should make us doubt that conception.¹² It is implausible to hold that upon becoming convinced that relativism is true, typical moralizers would come to think that there really is no reason at all for them to act one way rather than another. It is more likely that typical moralizers would continue to think that they had reasons to act in certain ways, even if some of them did not affirm exactly the same set of reasons they did before or developed a different theoretical understanding of their reasons.

These considerations do not constitute conclusive evidence that our concept of morality is relative. Smith is right that our moral thought contains some deep non-relative aspects. But also deep within our moral thought is the idea that when a person is trying to determine what is valuable, she is trying to

determine what is valuable for her and that when she is trying to determine the best reasons for action she is trying to determine what reasons there are for her to act in a certain way. Is “What ought I to do?” first and foremost a question about the motives of all fully rational agents, or a question about our own reasons for action whether or not they might also be reasons for everyone else? For the most part we do not have to choose between the two possibilities because we can usually proceed without difficulty on the assumption that if we are fully rational, something that constitutes a reason for me will also constitute a reason for you. But I would not be guilty of conceptual confusion were I to say that “What ought I to do?” is a question about my reasons and not a question about the reasons of everyone.

5. Moral Concepts, Normative Ethics, and Scepticism

Let us assume that Smith is right in claiming that the concept of morality commits us to non-relativity. Even so, as Smith himself is careful to note, this would not imply that there is a set of moral requirements to which all rational beings are committed, which are determinate enough to ensure moral agreement. Smith would be entitled to claim only that our practice of moralizing commits us to the existence of such requirements, not that such requirements exist. As he writes:

Even if our concept of a normative reason is itself non-relative – even if our concept optimistically presupposes that we would all converge on the same desires under conditions of full rationality – the world might disappoint us. Entrenched and apparently rationally inexplicable differences in what we desire might make it impossible to believe, substantively, that there are any such non-relative reasons.¹³

Smith’s conceptual claim implies that if there are no moral requirements that are both fully rational and sufficiently determinate, “wholesale moral scepticism” will follow.¹⁴ This is why Smith concludes his book with the claim that “the justifiability of our commitment to morality is itself a hostage to the fortune of debate in normative ethics.”¹⁵ On Smith’s view, if normative ethicists discover practical requirements that are fully rational and sufficiently determinate, the practice of typical moralizing will have been vindicated. But if normative ethicists cannot discover any such requirements, we will have to conclude that our “moral concerns are, quite literally, incoherent” or that our moral practice is unjustified.¹⁶

Let us assume that typical moralizing does not commit us to either relativity or non-relativity. What bearing will this view have on normative ethics? In one sense it will have a bearing similar to that which Smith’s claim has. It, too,

can go hand-in-hand with the first-order normative search for rational requirements on our action. But on this view, unlike on Smith's, we will not be driven to wholesale moral scepticism if we find that the best we can do in normative ethics is to locate rational requirements that could possibly be met by two people who nonetheless come into moral conflict and that moral convergence requires contingent similarity of desires. The discovery that rationality alone cannot fully bridge the gap between moral disputants would not force us to conclude that our moral practice is unjustified. In the face of such a discovery we would instead conclude that the best we can do from a purely rational point of view is to live our lives by requirements that could possibly lead to moral conflict, and that the best we can do to prevent moral conflict is to inculcate in ourselves and others certain non-rationally required desires. On this view, there is no reason to think that doing the best we can do is not good enough.¹⁷

Notes

1. Michael Smith, *The Moral Problem* (Cambridge, Mass.: Blackwell, 1994), pp. 155–161.
2. *Ibid.*, p. 167.
3. *Ibid.*, pp. 164–174 and p. 198.
4. *Ibid.*, p. 169.
5. *Ibid.*, p. 172.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*, pp. 172–173.
9. *Ibid.*, pp. 106–107.
10. *Ibid.*, p. 172.
11. Michael Smith, "Internalism's Wheel," *Ratio* VIII (1995), p. 278. See also Michael Smith, "Dispositional Theories of Value," *Proceedings of the Aristotelian Society*, Supplementary Volume (1989), pp. 101–106.
12. Smith, *The Moral Problem*, p. 199. See also pp. 173–174.
13. *Ibid.*, p. 166. See also pp. 63–65 and pp. 186–189.
14. Smith, "Internalism's Wheel," *op. cit.*, p. 278.
15. Smith, *The Moral Problem*, p. 202.
16. See Smith, "Internalism's Wheel," *op. cit.*, p. 278.
17. I should like to thank Simon Blackburn, Jan Cover, David Gill and Geoffrey Sayre-McCord for helpful discussions and Michael Smith for generous comments.