THE FORUM

"My Moral Judgment"; A Rejoinder

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This Rejoinder refers to "On My Moral Judgment" by Evelina Orteza y Miranda (1989). Our article (1988), which Orteza critiqued, emphasized that a moral judgment must be justifiable on the basis of public criteria because it was concerned with the *justification* not *explanation* of the agent's judgment. It did not discuss the possible psychological states of the agent in moral decision. In this response we argue that regardless of the autobiographical or psychological states involved, a judgment to be moral must be subject to public criteria. Acting on "good faith" may relieve the agent of moral guilt but that is not what is relevant to the *justification* of the act.

Cette réponse s'adresse à la critique faite par Evelina Orteza y Miranda (1989) à notre article de 1988. Notre point de vue est le suivant: le jugement moral doit être justifié à partir de critères publics. La décision morale doit s'appuyer sur une *justification* du jugement de l'agent; non pas sur une *explication* de son état psychologique. Dans cette réponse, nous soutenons qu'un jugement, s'il veut être moral, doit être soumis à un critère public, et cela, sans égard aux données d'ordre psychologiques ou autobiographiques. La fait d'agir "de bonne foi" peut soulager le sentiment de culpabilité de l'individu, mais ce n'est pas de cela qu'il s'agit dans le concept de justification de l'acte.

According to Professor Orteza y Miranda (1989), we mistakenly "overemphasized the centrality, if not the sufficiency, of the public aspects of moral judgments" (p. 164) in our paper "Moral Autonomy and Moral Training" (1988). Just to refresh the reader's memory, our first purpose in that paper was to counter the view held to be true by many it seems — including some teachers, where it can play havoc with getting moral education off the ground — that judgments of moral value are like expressions of individual tastes or more or less on a par with judgments of taste. In dealing with the question of objectivity in moral judgment we claimed that the more a judgment has the characteristics of *moral* the less exclusive and peculiar it will be to the individual; and that the difference between a moral judgment and a judgment of personal taste lies in the nature of the public character of the former (p. 98). That public character was then briefly mapped out. However, Professor Orteza seems to think we produced a flawed map of moral judgment, one that refers "only and always" (1989, p. 166) to public

criteria and fails to recognize or acknowledge that other and different, but equally necessary, features are involved. What our account of moral judgement neglected to consider, according to Orteza, was what she calls "the self of the person as a necessary condition for judging the soundness of a moral judgment" (p. 164) and the "subjective participation of the person who makes the judgment" (p. 166). Our story, consequently, is skewed and incomplete, a half-truth at best. It does not preserve the "tension between objective and subjective aspects of moral judgments, their public and private features, public warrants and innermost convictions" (p. 169) — a tension that must be "kept alive" if such judgments are to avoid collapsing into the extreme and untenable positions of either wholly "cognitive, public warrants" on the one hand or of purely "private personal matters of taste" on the other (p. 169).

Before examining more closely Professor Orteza's line of reasoning against us, one or two minor misunderstandings need to be cleared up. Professor Orteza writes: "How they (Malikail and Stewart) come to conclude that my moral judgment could be equivalent or even similar to 'judgment of personal taste' is not shown, other than to say that 'judgment peculiar to me' could mean '. . . a judgment of moral value that is thought to be unique" (p. 164). We did not draw any such conclusion nor make any argument that could lead to such a conclusion, nor at any point did we claim that there is an equivalency or reduction of "my moral judgment" to "judgment of personal taste." In fact our paper acknowledged that different senses of "my moral judgment" can be identified, including the sense of "judgment attributable to me" (1988, p. 97) as well as the more contentious "judgment of personal taste." It was, of course, this latter interpretation of "my moral judgment" that we took to be spurious or bogus in the moral realm, and that we took to task, despite the "fact" that it seems to enjoy some considerable currency.

In determining whether the charges laid at our doorstep are justified it is necessary to consider what Orteza means by expressions like "the subjective aspects of moral judgment" and "the subjective participation of the person who makes the judgment" which play a central role in her thesis. At least this much is clear: What she has in mind by subjective aspects of moral judgment is something other than simply the feelings of approval or disapproval that may accompany or be associated with such judgments. Her claim instead is the more questionable one that the elements of a person's psychological self are logically necessary for the justification of moral judgment. Several interpretations of this claim, some stronger than others, can be discerned in her paper. In one of these, Orteza says that "acceptance of the utterance *my moral judgment* is not based solely on its linguistic/adequacy . . . but also on the *person* (our emphasis) who so judges and in so doing brings to existence the reality of the utterance" (1989, p. 166). This is simply to say that "such an utterance does not exist in and by itself unless spoken by someone . . ." (p. 166). But with this harmless interpretation of the "necessary" subjectivity in moral judgment we could hardly disagree, and the

self-evident nature of the claim is the only reason we did not bother making it ourselves. It is then added that:

> this person must be taken into account when judging whether or not his/her judgment is acceptable. A mentally deranged individual could utter the phrase and we would hesitate to accept it seriously. On the other hand, a normal person could say "my moral judgment regarding capital punishment is based on what Mr. Jones has to say about it, considering his extensive authoritative knowledge of the law, its history, and of religious practices and theology." This is acceptable. One's moral agency is not violated although one's decision on this matter is influenced and, perhaps, directed by someone else. (p. 166)

But as Professor Orteza correctly acknowledges, we also took account of this kind of contingency in our reference to moral agency "in an extended sense," that is, the sense in which a moral judgment is accepted on the authority of others, when, for lack of time, knowledge, or maturity, it is not possible for one to consider "all the relevant premises and data on the situation and engage in moral reasoning" (1988, p. 99). So far so good; with this minimal interpretation of *subjectivity* there seems to be no major disagreement.

More serious problems, however, are in store. Beneath the surface of Orteza's position there lurks a basic mistake about moral judgment, a mistake that stems from her failure to differentiate the notion of "moral agent" from "moral critic" (Hampshire, 1972) and the parallel notion of "explanation" from "justification." Psychological states are relevant to the person as moral agent where one legitimately is concerned with *explanations* of moral choice or action (e.g., Did she act out of loyalty, fear, love, jealousy, or some other inner conviction?) Public warrants (criteria), on the other hand, are relevant to the person as moral judge or critic where one legitimately is concerned not with explanation but with the *justification* of moral judgment/action (e.g., Was her action morally right or wrong? Were her motives morally good?) In thinking that both objective *and* subjective features, that both public warrants *and* innermost convictions must be present in moral judgment and held in balance or "tension," Professor Orteza fails to recognize the asymmetry of agent and judge, explanation and justification, in the context of moral judgment/action. What she says about the subjective aspects of moral judgment applies to "moral agent" and "explanation," not to "moral critic" and "justification." Since these matters are independent of each other, being governed by differing sets of criteria, and can be discussed separately, and since our concern was to discuss the public character of moral judgment, not the psychological features of moral choice or behavior, Professor Orteza's charge that our paper "overemphasized the centrality, if not the sufficiency of the public aspects of moral judgments" (1989, p. 164) is very much wide of the mark.

There is one other passage in Orteza's paper upon which we wish to comment — to press a little further this discussion of objectivity and subjectivity in moral judgment. We quote it in full.

> What one has done in making a moral judgment is to be in touch with one's self, with one's totality of experiences in immediate feelings and in reflection, which may even evade complete objectification. In calling it one's own, or "my moral judgment," it means that one's self is fully present in one's action, judgment. To insist on dissecting one's actions, judgment, in order to judge the presence of public warrants, may be an impossibility. When Luther declared, "Here I stand" he was fully present in his act. Hence it was uniquely his pronouncement. In order to understand and appreciate his declaration fully, one must know Luther in all his singularity and necessarily unique characteristics. So to own (in the senses of admit and ownership) *my moral judgment* could also be to insist that one's self, "auto," in all its fullness entered into such a judgment, hence, the judgment is one's own alone . . . . But this is not to say that, therefore, the judgment is of a personal taste and not necessarily a moral judgment. Rather, one's self, in all its fluctuations and incompleteness of necessity participated in the making of one's own moral judgment or else it is not moral judgment even if public warrants are fulfilled. (pp. 167-168)

While parts of this passage are a little puzzling, two points need to be brought out. First, we do not deny that empirical-psychological processes, including for example those of "attending" to situations and "reflecting" on the facts (Murdoch, 1970), are involved in moral choice and action. Nor can it be denied that such processes and psychological states specific to an individual's biography contribute to the content of the agent's intention, motive, desires, or disposition, and thus have a considerable impact on the quality of moral judgments made. Yet even if we say it was Luther's inner life that led to his courageous assertion of moral integrity, "Here I stand," it does not follow that what is true of declarations of personal conviction like that of Luther's can exempt such judgments from the requirement of justification. Psychological states, or at least certain of them, are themselves subject to moral (public) criteria — (i.e., Are they based on sufficient external or situational data, relevant principles and values?) Professor Orteza's account of "subjectivity" as one of being in touch with the "totality" of one's experience in making a moral judgment is needlessly too strong and misleading in part. What is sufficient as far as subjective aspects of moral judgment (i.e., by the agent) are concerned is, we believe, what had already been pointed out, though not elaborated, in parts of our paper, namely that agents be alert, that they be "conscientious," and that they be "mentally involved in the processes leading to a moral decision" (1988, p. 99).

The second and more crucial point deals with Professor Orteza's conclusion to the Luther passage above, that unless the psychological aspects of moral judgment (understood in her strong sense) are met by an agent then a judgment made "is not moral judgment *even if public warrants are fulfilled*" (p. 168, our emphasis). This conclusion simply will not do and the error involved in thinking that it will derives from the same confusion we alluded to earlier over the distinction between the logical and psychological conditions of "moral judgment." For reasons already given, there is no disagreement that psychological conditions must certainly be present in the *making* of such judgments, though not necessarily to the extent that Orteza would have us believe. But this does not require that all those

empirical conditions be part of the (logical) constituents of moral judgment, of the sort of thing a moral judgment is. Nor does it imply that all psychological states — the person's "singularity and necessarily unique characteristics" (1989, p. 167) — constitute a part of the justification of moral judgment, that is, whether it is a sound judgment or not and can withstand scrutiny. That a person is fully present in his or her judgment, or holds it with innermost convictions, is not a factor that must be taken into account in determining whether or not the judgment is moral (as distinct from nonmoral). Such subjective features are not logically relevant to the differentiation of moral from other kinds of judgment. Nor (again) are these features of the sort that are required in the justification of moral judgment. A judgment that is sound, as we have tried to make plain, is so independent of the fervor or inner conviction of the person who participated in it. When a person makes an immoral decision, even in "good faith," one must judge it to be so by public criteria, regardless of the psychological (good faith) condition involved. That condition has, of course, to be a logical factor in judging the *person*, but not in justifying the *decision*.

References

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