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Moral Judgment Making: A Philosophical Analysis

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MORAL JUDGMENT MAKING: A PHILOSOPHICAL ANALYSIS

by

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Lastly, I express thanks to my wife, Blanca, for her concern and patience during this project -- and to my baby boy, Paul, for just being there.

VITA

Born in Chicago, Bob Craig grew up and attended school there. He graduated from Roosevelt University in 1966 with a BA in English, followed by an MA in Philosophy (1967) and an MA in Administration (1970), also from Roosevelt. Bob taught elementary school in Waukegan, Illinois for two years.

In 1970 Bob moved to Detroit, where he took a position as instructor of education at Wayne State University. At Wayne State he helped establish one of the first competency-based education programs in the U. S. He also helped develop an Interdisciplinary Teacher Education Program which emphasized values education. Bob also served in a consultant capacity regarding values education. He received his Ed.D. in Foundations of Education from Wayne State in 1973, writing a dissertation on values development and education.

Bob then attended St. Cyril and Methodius Seminary outside Detroit where he received an MRE degree (1978) and an M. Div. (1980). He finished an MA in Religious Studies from the University of Detroit in 1981. He took the position of Professor of Philosophy and chair of the depart-

ment at St. Mary's College (outside Detroit) and held that post from 1974 to 1983. In 1983 he moved back to Chicago to teach at Loyola University, where he is a Ph.D. candidate in ethics.

Bob's special gifts as a consultant, educator, speaker and writer have established him as an expert in the areas of values education and ethics. He has published 75 articles and 9 books -- one being the popular Teaching the Ten Commandments Today, with Carl Middleton, and Ethics Committees -- A Practical Approach, with Carl Middleton and Larry O'Connel. Bob has served as a consultant in values and medical ethics. At present he is Corporate Manager of Values and Ethics for SCH Health Care System in Houston. He trains individuals who are involved in hospital ethics committees and values programs, as well as being involved in ethics case consultations and much lecturing and writing.

Bob lives in Friendswood, Texas with his wife, Blanca, and their son, Paul. Bob is a published poet, a former minor league baseball player, and likes to read book reviews.

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CHAPTER I

THE PROBLEM

The purpose of this Dissertation is to philosophically critique three approaches to explicating the nature of moral judgments.[1] The three approaches are formalism, the content approach (brands of consequentialism, for instance) and virtue ethics, and then to develop a philosophically defensible model of moral judgment making using input from various ethical views discussed in the Dissertation. In reviewing the literature, including Dissertation Abstracts, there was not a single work found which dealt with the precise issue of this Dissertation.

There are a number of works which consider single aspects of the issue of the nature of moral judgments -- or which elucidate a particular approach to the issue. But no single work was found which philosophically explicated and analyzed the positions of formalism, the content approach and virtue ethics collectively -- not to mention a work which attempts to develop an "integrated model" of moral judgment making, which will be the focus of Chapter Five.

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[1]The term "moral" is being used because many of the writers we will be examining use "moral" rather than "ethical." We will be using the terms "moral" and "ethical" interchangeably -- fully realizing the philosophical difficulties in such a move.

Regarding Hare's brand of formalism, it will be argued that his notion of prescriptivity as one characteristic of a moral judgment is philosophically problematic. For instance, merely because an utterance is prescriptive it does not follow that one is capable of fulfilling it.[2] Commands obviously have many purposes and to reduce them to one type, prescriptive, is philosophical reductionism at its worst.

The best that Hare could argue, then, is that SOME value judgments entail imperatives. Imperatives may guide conduct, but not choice. By insisting that imperatives guide moral choices Hare fails to make a fundamental and necessary distinction, namely that between choice and conduct.

There are also philosophical difficulties with Hare's contention that universalizability is a second characteristic of a moral judgment. Universalizability does not separate moral judgments from other normative judgments, for instance. Universalizability could be a characteristic of aesthetic judgments, say. There is no basis for distinguishing a moral judgment from other judgments simply by positing the universalizability characteristic for which Hare argues.

Lawrence Kohlberg is a formalist because he likewise uses universalizability as one defining characteristic of a moral judgment.[3]

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[2]R. M. Hare, Freedom and Reason. (New York: Oxford University Press, 1963), p. 51.

[3]Kohlberg's position is found in various articles in his Essays on Moral Development: Vol. 1, The Philosophy of Moral Development. (New York: Harper & Row, Publishers, 1981).

The same criticisms of Hare's attempt at this move apply to Kohlberg. But Kohlberg goes beyond Hare in that Kohlberg sees no place for habit as an aspect of moral judgment making. Not that Hare does. It is merely the case that Kohlberg's theory is a mixture of a formalist and a content theory. But, as will be argued in some depth, Kohlberg's model of habit is quite behavioristic and certainly not within the philosophical tradition. William Frankena and John Dewey have a more philosophically appropriate concept of habit -- so it will be argued.[4]

It has been a philosophical commonplace that motivation is integral to moral judgment making. And "affect" is one aspect of the moral judgment-making process. Kohlberg, with his highly rationalistic, cognitive approach to moral judgment making, makes little attempt to integrate these various processes in moral judgment making and, thus, his theory of moral judgment making is deficient for this reason alone.

Finally, like Plato before him, Kohlberg argues that there is an essential connection between knowledge and virtue, that is, if one knows the moral thing to do, she will do it.[5] We will take Kohlberg to task regarding this aspect of his theory.

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[4]See, William K. Frankena, Three Historical Philosophies of Education. (Glenview, Illinois: Scott, Foresman and Co., 1965) and John Dewey, Outlines of a Critical Theory of Ethics. (Ann Arbor: University of Michigan Press, 1891).

[5]Lawrence Kohlberg, "Education for Justice: A Modern Statement of the Platonic View," Moral Education: Five Lectures, Ed. T.Sizer. (Cambridge: Harvard University Press, 1970).

The content approach will be represented by Kurt Baier and Stephen Toulmin. Baier argues that it is "the moral point of view" which is the defining characteristic of a moral judgment -- in fact, "the moral point of view" determines if a moral judgment is true or false.[6] One can always retort, though, that following "the moral point of view" becomes problematic when following it violates one's self-interest. One wonders, then, if "the moral point of view" is a point of view which is ACTUALLY held by anyone at all or if it is really the case that all Baier is saying is that "the moral point of view" is a view which OUGHT to be actually held.

Stephen Toulmin, on the other hand, argues that "good reasons" supply the content aspect of moral judgments.[7] But, similar to Baier, Toulmin never lets the reader know if "good reasons" are justifications for saying "X is a proper moral judgment" or "X ought to be done." Yet, Toulmin is more of a consequentialist than Baier.[8] In fact, for moral judgments which are not unequivocal (promise keeping, for example), it is the consequences which define "X being a proper moral judgment." And the basic consequence Toulmin argues for is "community harmonization."[9]

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[6]Kurt Baier, The Moral Point of View. (Ithaca, NY: Cornell University Press, 1958).

[7]Stephen Toulmin, The Place of Reason in Ethics. (Cambridge: Cambridge University Press, 1950).

[8]Ibid., p. 134.

[9]Ibid., p. 133 and p. 136.

But for such an argument to be sound Toulmin would need to show that the principle that community harmonization is THE basic morally acceptable consequence of moral judgment making is itself a part of the community's moral code. But it can't be, for to be so Toulmin would be begging the question. For these reasons, among others, the content approach to defining the characteristics of moral judgments is wanting.

Perhaps, though, the virtue ethics approach will fare better. According to MacIntyre it is the "narrative unity of a human life" which is the criterion of a "true" moral judgment.[10] But one's life could be unified by such a narrative and the person still be a lost soul. Likewise, many people, such as Hitler, lived a life in which his narrative unity seemed to be accomplished. We disagree, of course, about how that unity was apparently accomplished.

James Wallace also uses the criterion of community harmonization as a basic defining characteristic of moral judgment making.[11] But, as we shall argue, what he has in mind as representing that community harmonization is strictly following social convention. And certainly following social convention sometimes may not be the moral thing to do. For these reasons, among others, virtue ethics has philosophical problems of its own which militate against it being THE candidate for explaining the nature of moral judgments.

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[10]Alasdair MacIntyre, After Virtue. (Notre Dame, Indiana: University of Notre Dame Press, 1981), p. 203.

[11]James Wallace, Virtues and Vices. (Ithaca, NY: Cornell University Press, 1978), p. 33.

What will be attempted, then, based upon the work of Tom Beauchamp,[12] will be to develop an "integrative model" of moral judgment making which uses elements from the three theories philosophically examined in this Dissertation, among others. The rationale for such a move will be explicated and such a model proposed, supplied with philosophical justification. At times, then, universalizability (a formalist criterion) might be a proper criterion for defining a moral judgment, while at other times an examination of the proposed consequences (a content aspect) might do the job.

The Dissertation will be divided into the following chapters:

Chapter One: The Problem

This chapter has presently set the problem in philosophical perspective. There has been an attempt here to also review the important literature, and to develop the modus operandi for the rest of the Dissertation.

Chapter Two: The Formalist Approach

This chapter will explicate, examine and philosophically analyze the work of R. M. Hare and Lawrence Kohlberg -- with a view toward demonstrating philosophical difficulties with their respective positions.

Chapter Three: The Content Approach

This chapter will examine and philosophically critique the theories of Kurt Baier and Stephen Toulmin regarding their content approaches to

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[12]Tom Beauchamp develops his concept of "integration" in several places. Perhaps his most systematic attempt is in "What's So Special About the Virtues?", Virtue and Medicine: Explorations in the Character of Medicine, ed. Earl Shelp (Boston: D. Reidel Publishing Co., 1985), pp. 307-327.

adequate criteria of moral judgment making. Some comparisons and contrasts will be made with the formalist approach.

Chapter Four: The Virtue Ethics Approach

This chapter will likewise explicate and philosophically examine the theories of the proper criteria of moral judgment making of Alasdair MacIntyre and James Wallace -- with Philippa Foot and Bernard Williams as the basis for contrasting theories.

Chapter Five: Models of Moral Judgment Making

This chapter will take elements from the three approaches previously examined, among other insights regarding the nature of moral judgments, and attempt to develop a more "integrated model" of moral judgment making -- a model which is philosophically argued for. The work of Tom Beauchamp will serve as a basis for this model.

Chapter Six: Summary and Conclusion

With this agenda in mind, then, let us begin our philosophical trek through the wilderness of moral judgments, that is, let us begin to examine theories regarding the characteristics and criteria which are thought to make a judgment moral.

CHAPTER II

THE FORMALIST APPROACH

Philosophers do not agree regarding the characterization of moral judgments. But in the main they seem content to agree that moral judgments are an outcome of normative inquiry. Indeed it would be odd to suggest otherwise. The problem is not with someone who asserts that a moral judgment is a form of non-normative inquiry. At this point the issue is definitional (i.e., the philosophical tradition has defined moral judgments as a form of normative inquiry). The issue is peculiarly philosophical, that is, a psychologist might consider moral judgments to be a form of non-normative inquiry -- of objective, scientific inquiry, perhaps. The crux of the argumentation for the philosopher, though, is to develop criteria for an activity to be characterized as normative inquiry. One way to do this is to make certain sorts of distinctions.

Moral judgments are thought to be responding to questions about what should be done, what should be preferred, and so on, as distinct from what is the case or can be done or must happen. The following kinds of questions are indicative of the broad scope of normative inquiry: How does one know when one is using a specifically moral

argument or that a dilemma facing one is a moral dilemma? How does one identify someone else's claims as being moral? What is it that enables sociologists or anthropologists to recognize certain practices and judgments of individuals who live in different cultural contexts and situations as moral? For better or worse, these are the sorts of ethical issues which are inherent in the normative umbrella.

One such characterization of the nature of moral judgment is termed "formalism" and the argument which will be developed in this chapter will be that formalism begs foundational questions, because the very criteria which formalism poses as "forms" which characterize a moral judgment from other types of judgments (universalizability and prescriptiveness) do not do the job. These characteristics do not distinguish moral judgments from aesthetic judgments, for example.

Some philosophers do respond to the question "What distinguishes moral judgments from other judgments?" or "What makes a judgment moral?" by arguing (or assuming?) that there must be certain essential features common to all instances of morality. A recent exponent of a purely formal account is R. M. Hare.[13] But in expounding and analyzing Hare's ethical views, we need to be clear about what exactly it is we are expounding and analyzing. The concern to date has been with moral judgments. Hare, though, gives moral rules logical precedence over moral

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[13]Hare's ethical theories are consistently developed in two books: The Language of Morals (New York: Oxford University Press, 1952), and Freedom and Reason (New York: Oxford University Press, 1963).

judgments. We need to be cautious that we are expounding and analyzing arguments relating to the same area of concern.

In saying that Hare's concern is with moral rules is not to change the game. Hare's claim that moral rules have precedence over moral judgments is not tantamount to saying that Hare's formal characteristics are devoid of reference to moral judgment. It is, after all, moral judgment which this study restricts itself to.

Hare's point is that moral judgments ENTAIL moral rules (imperatives). We can only make the judgment that X ought not to be done if we are committed to the rule that "All X's of a similar kind ought to be forbidden."[14] (The quotation marks are mine.) If one asks Hare where such imperatives have their source, he would be forced to reply that the source is derived from a standard or principle we assume, accept or commit ourselves to.

Hare, then, could not reply that the source of our moral judgment is self-evident. To do so would mean that the source would have content. This is what Hare denies. He says:

> To become morally adult . . . is to learn to use 'ought' sentences in the realization that they can only be verified by reference to a standard or set of principles which we have by our own decision accepted and made our own.15

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[14] R. M. Hare, Freedom and Reason, p. 10.

[15] R. M. Hare, The Language of Morals, pp. 77-78.

In The Language of Morals, Hare has not related the characteristics which entitle a judgment to be called moral to the issue of sources, that is, what forms the basis for or is the foundation for saying "X ought to be done." In The Language of Morals, Hare goes so far as to admit:

> . . . if an enquirer still goes on asking 'But why should I live like that?' then there is no further answer to give him . . . We can only ask him to make up his mind which way he ought to live; for in the end everything rests on such a decision of principle.16

There is something amiss, then, in The Language of Morals. If Hare were to insist that the source of a moral judgment is the same as that which legitimizes it, he would be begging the question. To avoid this he sharply distinguishes between a moral rule and the formal characteristics of moral judgments (universalizability and prescriptiveness). The latter constitutes a logical thesis for Hare, while the former constitutes a foundational thesis. The two must not be confused.

Yet at some point he needs to integrate the logical thesis and the foundational thesis. Otherwise his foundational thesis is suspect of arbitrariness. Hare accomplishes this integration in Freedom and Reason where he interrelates the twofold character of moral judgments (prescripscriptivity and universalizability). He writes:

> When we are trying, in a concrete case, to decide what we ought to do, what we are looking for . . . is an action to which we can commit ourselves (prescriptivity) but which we are at the same time prepared to accept as exemplifying a principle of action to be prescribed for others in like circumstances (universalizability).

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[16] Ibid., p. 69.

> If, when we consider some proposed action, we find that when universalized, it yields prescriptions which we cannot accept, we reject this action as a solution to our moral problem -- if we cannot universalize the prescription, it cannot become an 'ought.'17

Hare's use of this twofold character of moral judgments, then, saves his theory from foundational arbitrariness (which was a weakness of The Language of Morals), while maintaining his logical thesis, namely that prescriptiveness and universalizability are logical characteristics of moral judgments. Put differently, "prescriptivity" and "universalizability" serve a dual function: foundational and logical.

One can, of course, argue that formalistic theories are not foundational, that is, by its very definition formalism does not supply a foundation for morality. In discussing Kant's brand of formalism Bernard Williams argues that such an assessment of formalism is incorrect. Williams writes:

> Kant's outlook indeed requires that there can be no reason for morality . . . but it does not imply that morality has no foundations. Kant thought that we could come to understand why morality should rightly present itself to the rational agent as a categorical demand.18

It is this "prescriptiveness" which, then, is one grounding of the foundations of the formalistic perspective. The other, it is being argued, is "universalizability." The case in point being argued is Hare's position.

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[17] R. M. Hare, Freedom and Reason, pp. 89-90.

[18] Bernard Williams, Ethics and Limits of Philosophy (Cambridge, MA.: Harvard University Press, 1985), p. 55.

To reiterate, the function of moral judgments, according to Hare, is to commend or guide choices -- prescriptivity, that is, the descriptive import of moral judgments, if any, is subordinate to their prescriptive import. This needs to be argued for, though, and not merely asserted.

Hare supplies two such arguments: 1) He insists that words such as "good" cannot be defined in non-value terms. Hare gives the example of a strawberry. If we assert that "S is a good strawberry" we might be led to conclude that this means nothing more than "S is a strawberry and S is sweet, juicy, firm, red and large."[19] Such an assertion, Hare thinks, excludes us from saying things about strawberries which we ordinarily say -- for instance that a strawberry is good because it is sweet. This is different from saying that a strawberry is a sweet strawberry because it is sweet. "Good," then, does not denote; it is not a descriptive term. The function of "good" for Hare is:

> Value terms have a special function in language, that of commending; and so they plainly cannot be defined in terms of other words which do not perform this function: for if this is done, we are deprived of a means of performing the function.20

Again, Hare is asserting what he needs to argue for, that is, he is including his conclusion (that the function of "good" is to commend) in his conclusion while it ought, logically, to be part of the premise.

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[19] R. M. Hare, The Language of Morals, pp. 85-86.

[20] Ibid., p. 91.

At another level, it is an empirical question if a lack of a definition of "good" restricts one's ability to commend. To assert that a strawberry is sweet is to commend it; and to further say that the strawberry is good is only to emphasize this point. We simply are not hampered in commending because we have a definition of what makes an object good. Hare is mistaken.

The second argument Hare considers concerns "ought" rather than "good," but his conclusion is the same, namely that it is intended to apply to all moral terms. Hare argues:

> It is because I can act in this way or that, that I ask, 'Shall I act in this way or that?'; and it is, typically, in my deliberations about this 'Shall I?' question that I ask the further, but related question, 'Ought I to do this or that?' Thus it is because they are prescriptive that moral words possess the property which is summed up . . . in the slogan -- '"Ought" implies "can."'[21]

Again, Hare's argument is problematic. Merely because an utterance is prescriptive it does not follow that one is capable of fulfilling it. I can be commanded, for instance, to do fifty situps in a situp contest. The command is not any less intelligible or less prescriptive because I can do thirty situps. Commands have different purposes, and for Hare to reduce them to one is reductionist. One purpose of a command is to find out the extent or limit of a task. "Ought," at least in this sense, does not imply "can." Hare further

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[21] R. M. Hare, Freedom and Reason, p. 51.

argues that the sense in which "ought" implies "can" is not that of logical entailment. But to pursue Hare in this reflection is beyond the focus of this Dissertation.

We are merely trying to clarify Hare's approach to morality to have a basis for critiquing his formalism later. But since Hare says that imperatives do not imply "can" in the strict sense of logical entailment, it follows that imperatives do not imply "can" in the same way as they imply "ought," or as "ought" implies "can." This means that Hare is entirely mistaken when he insists that "ought" statements are prescriptive, for if "ought" does not imply "can" in the sense of logical entailment, the only alternative is that "ought" implies "can" with the mediation of a descriptive statement, that is, "ought" statements supply information.

Likewise, to insist that value judgments entail imperatives, that they do not provide information about the objects of choice, is misguided. The best Hare can say is that SOME value judgments entail imperatives. He does not take into account the complexity of human beings -- some people use factual statements to guide their choices. Or at least there is a much more complex relationship between information and imperatives than Hare considers. It would seem more correct to say that imperatives guide conduct, not choices. The command to make certain corrections in this Dissertation by members of my doctoral committee guides my conduct, not my choices.

W. D. Hudson brings out a number of arguments against Hare's concept of "prescriptivism."[22] Hudson notes that some philosophers argue against Hare's prescriptivism by arguing "that a man may judge morality by one set of principles and conduct his life, or advise others to conduct theirs by another set."[23] This means that one's moral judgment may not be prescriptive in Hare's sense. But Hudson thinks this critique of Hare is misguided because Hare's prescriptivism is a logical theory and not a theory of moral commitment. Hudson writes:

> It is one thing to be committed to the principle that one ought to practice what one preaches, quite another to believe that one cannot (logically) hold sincerely to a moral principle and not, given the physical and psychological opportunity, act upon it.[24]

The issue, then, is that Hare's prescriptivism is not affected by critics, like MacIntyre,[25] who argue that prescriptivism infers that an individual can morally judge actions by one standard and guide her own moral conduct by another. Hudson continues:

> It may well be the case that Hare, as a liberal moralist, subscribes to the former opinion; but what makes him a prescriptivist is something quite different, namely the fact that he holds the logical belief just stated.26

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[22]W. D. Hudson, Modern Moral Philosophy, Second Edition. (New York: St. Martin's Press, 1983).

[23]Ibid., p. 205.

[24]Ibid., p. 204.

[25]See, Alasdair MacIntyre, "What Morality Is Not." Philosophy, Vol. XXXII (1957), p. 330.

[26]W. D. Hudson, Modern Moral Philosophy, p. 205.

G. Warnock has argued that moral judgments do much more than prescribe. They also command, implore, and so on.[27] But again, according to Hudson, this is not a telling critique of prescriptivism. Warnock's contention is true, but "simply to present a list such as Warnock's will not in itself dispose of prescriptivism."[28]

The real criticism of Hare's prescriptivism is that it leads to an absurd notion of morality. Hudson writes:

> . . . it seems to follow that it would make perfectly good sense to say that anything whatever was good or that any conceivable course of action ought to be taken. I could not (logically) offer anything whatever as a reason for a moral judgment . . .29

Finally, before we analyze Hare's brand of formalism in more detail, let us note that Hare commits the "Socratic Heresy," namely that we never act in a way contrary to what we think to be right. Hare insists on the following problematic conclusion:

> Moral judgements always have a possible bearing on our conduct in that we cannot in the fullest sense accept them without conforming to them.30

Hare is saying:

1) Although moral judgments are prescriptive, one's moral principles are derived from one's personal decisions.

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[27]G. Warnock, Contemporary Moral Philosophy, (New York: St. Martin's Press, 1967), p. 35.

[28]W. D. Hudson, Modern Moral Philosophy, p. 205.

[29]Ibid., pp. 208-209.

[30]R. M. Hare, Freedom and Reason, p. 67.

2) It is illogical (contradictory) for one to adopt rule "R" and, at the same time, decide not to act according to it.

Hare's conclusion flies in the face of human experience. If Hare were correct that we never act in a manner contrary to that which we think to be right, the assertion "I am going to work, although I'm burnt out and know I ought to go on vacation" would not make sense.

One could, perhaps, argue that "ought" in the above type of example is being used in a special, non-typical way -- a position that Hare seems to be leaning toward.[31] But Hare is mistaken if he thinks that "I ought to do X" is incompatible (or contradictory) to saying, "I do not intend on doing X even though I ought to do X." This utterance may sound odd, but it is not logically defective. If Hare is to be consistent in insisting that moral judgments guide conduct, he must admit that a person can act contrary to her moral principles. As Hare notes:

> The ethical theory which has been briefly set out in the preceding chapters is a type of prescriptivism in that it maintains that it is one of the characteristics of moral terms . . . that judgments concerning them are, as typically used, intended to guide conduct.[32]

If we always do what we think we ought to do, if we never do what we ought not to do, anything would be permitted.

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[31] R. M. Hare, Freedom and Reason, p. 67.

[32] R. M. Hare, Freedom and Reason, p.67.

Hare, then, has the following view: Suppose someone says, "I ought to do X." According to Hare, if this is a moral argument it depends on two conditions. The first is that "ought" is being used in a sense that entails the desire or willingness to do whatever it is that ought to be done. This is the prescriptive feature of moral judgment we discussed earlier. At this point if the individual were to add, "So? I won't do it," she would be failing to use "ought" in the sense required for a moral judgment. We have already seen that there are philosophical difficulties in holding this position.

The second condition is that the prescriptive principle (such as, "Promises ought to be kept") is recognized as applying to everyone, that is, the judgment will be the same for anyone else in the same circumstances. If a person claims that she is not obliged to keep promises, she must be willing to allow that all others may act in this way, even when they have made promises to her.

If the individual is not willing to do this, she cannot excuse herself on the grounds that there is a moral principle to the effect that it is morally permissible to break promises. In Hare's terminology, moral judgments must be universalizable. It is clear that if these two conditions are satisfied, the reasons advanced in deciding what ought to be done must be considered as overriding by the person making the decision. In this theory there is no appeal to any content supposed to be characteristic of moral standards, principles or judgments. Put differently, any judgment that is both prescriptive and universalizable is, by virtue of possessing these features alone, a moral one.

W. D. Hudson argues that Hare's concept of "universalizability" has often been misunderstood.[21] Hare is not saying that because moral judgments are universalizable a person ought "to be a busybody, always poking one's nose in other people's ethical concerns."[22] The universalizability characteristic of moral judgments likewise does not in any way encourage people to be "intolerant with those who disagree with one on moral issues."[23]

Rather, Hare's point about universalizability is a logical one. Hudson writes:

> His point is simply that, in saying "X is wrong because it is Y," I must, if I have really given the complete reason for what I say, be saying that anything else which is Y is also to that extent wrong.[24]

Another criticism of Hare's universality characteristic of moral judgments is that he neglects to notice the complexity of moral judgments. But as Hudson notes, Hare takes pains to distinguish between "universality and generality."[25] Thus, "A moral judgment can be universalizable and at the same time very specific."[26]

Hudson also wants to argue that the manner in which Hare's universalizability characteristic of moral judgments is made is vital to

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[21] W. D. Hudson, Modern Moral Philosophy, Second Edition. (New York: St. Martin's Press, 1983).

[22] Ibid., p. 210.

[23] Ibid., p. 210.

[24] Ibid., p. 210.

[25] Ibid., p. 211.

[26] Ibid., p. 211.

its interpretation.[27] One need not, for instance, continually try to formulate the universalizability characteristic in such a way that it avoids being logically applied only to actions done at a certain place and time. This would make the universalizability characteristic illogical. Hudson asserts that such a possible state of affairs as the above does not exist. He writes:

> The only reasons which would be recognized as moral reasons are such as render the judgment grounded in them universalizable.28

Our concern here is not with the form of moral reasoning Hare advocates, but with the way he distinguishes the moral domain. His account seems to be solely an attempt to describe what is common to moral experience in all its diverse forms. If this is correct, he must already have been able to identify in some fashion various manifestations of moral practices. Had Hare been looking for a pattern of relationships between moral practices on some basis other than on common essential features, he might not have concluded that the distinguishing characteristics were entirely formal.

At any rate, to the extent that these formal characteristics do belong to moral judgment, they seem to be common to all normative inquiry. The judgment that settles what a person should do may satisfy the prescriptive and universalizable conditions, but still be of the kind many people would call aesthetic or prudential, say, rather than moral.

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[27] Ibid., p. 212.

[28] Ibid., p. 212.

People sometimes do recognize certain reasons and judgments as moral and as relevant to what they should do if they were disposed to act morally. However, in making a decision, they give greater weight to various kinds of non-moral reasons. For example, they may agree that moral reasons should be taken into account but refuse to treat them as overriding. If Hare's theory of purely formal criteria were correct, it is difficult to see how this situation could arise in moral experience. For, following Hare's logic, any prescriptive and universalizable judgment on which a person acts is, by definition, a moral judgment.

In fact, it is doubtful whether the universalizable characteristic is strictly necessary for a judgment to be moral. When a person decides that she should act in a way that is clearly beyond the level of common duty, she may be unwilling to claim that all other people in her position should do the same thing. She may judge, for instance, that certain characteristics of her own life, which she cannot assume are common to all people, are relevant to the moral decision in this case. Of course, she may agree to the universalizable characteristic in the very weak sense that anyone else exactly like herself should make the same judgment in the situation.

In illustrating the principle of universalizability, Hare asks us to test some proposed way of acting by considering how we would feel if others were to act in this way toward us. The test assumes that an individual is prepared to treat her own feelings as being of the same kind, for moral purposes, as anyone else's. It also assumes that one's feelings about the way one is being treated are necessarily relevant to

moral judgment. A question to ask is: What weight should the interests, desires, needs and feelings of human beings be given in moral inquiry? This is an issue of content, and one on which moral systems, all of which presumably exhibit the formal criteria, differ.

What will be argued here is that Hare's brand of formalism is predicated on an incorrect analysis of the nature of meaning.[29] Hare writes:

> Value terms have a special function in language, that of commending: and so they plainly cannot be defined in terms of other words which themselves do not perform this function; for if this is done, we are deprived of a means of performing that function.30

And in another place:

> Almost every word in our language is capable of being used on occasion as a value-word (that is, for commending or its opposite); and usually it is only by cross-examining a speaker that we can tell whether he is so using a word.31

It is here that Hare is clearly involved in a contradiction. In the first paragraph, Hare gives a special status and function to value terms, that of commending. In fact, this is true by definition for Hare. Yet in the second paragraph the class of commending terms is broadened to include almost any term. A term commends or does not commend depending on the speaker's intention.

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[29]Alasdair MacIntyre develops this thought in a different context in Against the Self-Images of the Age: Essays on Philosophy, Chapter Four.

[30]R. M. Hare, The Language of Morals, p. 91.

[31]R. M. Hare, The Language of Morals, pp. 79-80.

Hare cannot have it both ways. The error of his ways lies in his mistaken assumption that because there are some non-descriptive terms in English whose meaning is the function they perform, "and" and "this" being two examples, then the term "good" is in the same class. This is clearly false. "Good" does not function the same way as "and." Put differently, if one says "'Good' is used to commend," and another person says "'If' is used to connect," the two speakers are not implying that the meaning of "good" and "if" is simply the function which they perform.

Hare supplies a way out of this dilemma without knowing it. As was previously pointed out, Hare states that whether or not a term is being used to commend depends on the speaker's intention. The function of "and" and "if," on the other hand, is a convention of language, that is, the function of these types of words does not depend on the speaker's intention. Likewise, commending (like questioning) is not a function of an individual term, like "and" or "if." Hare's mistake, then, is in assuming that such assertions as "good" are used to commend and "if" is used to connect share a similar function, namely their meaning is a function of their performance. What we are showing is that commending is a function of expressions, not individual terms. Hare himself should have noticed this. There is no other conclusion to be drawn if Hare accepts his contention that whether or not a term is being used to commend depends on the speaker's intention. If the above is correct, Hare's formalism suffers serious defects and cannot be a correct analysis of the nature and characteristics of moral judgments.

A second representative of the formalist approach to moral judgment is the psychologist Lawrence Kohlberg. We feel justified in including an analysis of his formalist philosophical position because it is precisely that, a philosophical theory. We will limit ourselves to his philosophical remarks and assumptions. We also feel justified in analyzing his position in this Dissertation because he relies on Hare, Kant and Rawls, all formalists, albeit of different persuasions, in developing his own theoretical formalistic constructs.

One prevalent notion of morality is that one's moral judgment is related to a set of acquired "good habits." These good habits are thought to be acquired by different sorts of training. The Freudian notion of the internalization of various rules is an example.

A habit is not merely an activity, though. It is more of a tendency. William Frankena defines habit as:

> . . . a disposition or dispositional property of a mind or person, something that need not be activated at a given time and yet may correctly be said to be present.32

Blindly following a specific code or value system whenever X type of stimulus is present is not what philosophers generally mean by habit. Rather, a disposition or tendency is involved, not merely some type of activity.

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[32]William Frankena, Three Historical Philosophies of Education. (Glenview, ILL.: Scott, Foresman and Co., 1965), p. 2.

The concept of habit, then, is a positive one, not one in which a person is a blind follower of stimuli. It is not enough for a person to have acquired a habit, her reasons for acting must also be considered. A person can obviously act justly for unjust reasons. The terms "habit," "disposition," and "excellence" will be used synonymously.

In order for the individual to enjoy the "good life," it is necessary that she develop certain dispositions or habits rather than others, according to the logic of this view. She needs self-control, for instance, if she is to actualize her long-range goals. She cannot succumb to every immediate inclination or desire.

Likewise, the person cannot enjoy the "good life" apart from society. In fact, the "good life" is a shared social experience, as John Dewey argued.[33] And the perpetuation of a viable society depends upon the quality of the dispositions or habits of its members. Dewey continues:

> . . . habits of doing, thinking and feeling from the older to the younger. Without this communication ideals, hopes, expectations, standards, opinions from those members of society who are passing out of the group life to those who are coming into it, social life could not survive.34

Various philosophers have articulated different conceptions of "habit" and "dispositions." In an attempt to be clear regarding this brand of formalism, two such philosophers will be mentioned: Aristotle and John Dewey. Aristotle believed that the individual ought to develop

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[33]John Dewey, Democracy and Education. (New York: The MacMillan Co., 1916), p. 2.

[34]Ibid., p. 3.

those dispositions or habits which aid in living the "good life." (A position similar to Aristotle's will be examined in detail later in this Dissertation when we consider virtue ethics). The "good life" for Aristotle is one in which the individual is able to engage in the maximum amount of "intrinsically excellent activities." Earning a living, for instance, is necessary to make the "good life" possible.

Aristotle lists the types of dispositions or habits which aid the individual in choosing the morally right action. They include the following: 1) courage, 2) temperance, 3) justice, 4) truthfulness, and 5) friendliness.[35] His basic point is that the individual ought to choose the right action because it is right. A person, then, habitually, yet deliberately, ought to choose the right action for its own sake. Since individuals have different capacities and social functions, each person achieves "virtue" to the degree possible. Not everyone is called to perfection, according to this view:

> All persons share in the different parts of the soul, but in different ways. The slave is entirely without the faculty of deliberation; the woman does possess it, but in an unauthoritarian form; and if children also have it, it is only in an immature form.36

Aristotle claims that virtue is related to practice. Put differently, one becomes virtuous by doing virtuous acts. He believes that we

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[35]Aristotle, Nicomachean Ethics, Book IV, Chapter 1, 1123b, 1125a, trans. by H. Rackham. (Cambridge, Mass.: Harvard University Press, 1934).

[36]Ibid.

begin these habitual practices by performing acts which are objectively virtuous. We do not have an immediate or intuitive knowledge that the acts we perform are virtuous, according to Aristotle. Thus, virtue is a habit which is developed from a particular capacity through the further exercise or habitual use of that capacity.

John Dewey likewise writes about the role of habit in making ethical judgments. Dewey defines the ethical person as one who deliberates about an end to be achieved by a specific action.[37] Yet for Dewey this deliberate activity presupposes types of habits. He writes:

> Our ideas, like our sensations, depend on experience. And the experience upon which they both depend is the operation of habits.[38]

Dewey further argued that a person's making of moral judgments cannot be separated from her social experiences. Customs are the case in point. As Dewey says in Human Nature and Conduct: ". . . for practical purposes morals means customs, folkways, established collective habits."[39] Although Dewey does stress this notion of habit, he also argues that habit can become mechanical, or merely lead to a perpetuation of the status quo. Thus, "impulse" is as necessary a characteris-

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[37]John Dewey, Outlines of a Critical Theory of Ethics. (Ann Arbor: University of Michigan Press, 1891), p. 3.

[38]John Dewey, Human Nature and Conduct: An Introduction to Social Psychology. (New York: Modern Library, 1922), p. 32.

[39]Ibid., p. 75.

tic of moral judgment as is habit. Put differently, it is only through the exercise of "intelligence" that both habit and impulse are mediated for Dewey. If the environment constitutes a situation in which X habit is detrimental to the common good, say, "intelligence" seeks to redirect a change. New types of customs and new institutions are thus created.

Dewey does believe that it is possible to work within already existing social institutions and moral standards. But when society's institutions lead to alienation or despair, it is time for "intelligence" to begin to tentatively resolve the problematic situation. The only end for the moral agent, then, is growth, according to Dewey -- both individual and social growth. Dewey writes that "growth itself is the only moral end."[40]

Dewey does not believe that the ends are separable from the means. Growth consists of the development of a person in an harmonious and integrated manner. The end for a person is not a fixed or absolute state of perfection as it appears to have been for Aristotle. Moral growth, of which moral judgment, using the habit of intelligence, is integral, includes the ability of the agent to intelligently understand the various alternatives open to her -- and to make appropriate judgments regarding the alternatives. Thus, for Dewey, "fact" and "value" meet. Put differently, values are constituted in the act of evaluating itself. A value statement for Dewey is one which fulfills certain con-

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[40]John Dewey, Reconstruction in Philosophy. (New York: Mentor Books, 1948), p. 177.

textual conditions. If one's activity leads to the ability to make more viable moral judgments, if it leads to further growth, then that activity is valuable.[41]

A value, then, is not a distinct entity apart from the world of reality. Rather, the particular situation determines if an activity (or a moral judgment) is valuable or not. Dewey writes:

> Appraisals of courses of action as better and worse, more or less serviceable, are as empirically justified as are non-valuative propositions about impersonal subject matter.42

The intent now, then, is to note Kohlberg's criticism of the "virtue as good habits" theory. Kohlberg's claim is that habit has no place in moral theory and habit has no relationship to moral judgment. Kohlberg seems to reduce habit to a behavioristic interpretation. He writes:

> The contrast between these experimental studies and the child rearing studies suggests that direct training and physical types of punishment may be effective in producing short-run situational conformity but do not directly produce general internalized habits of moral character carried into later life, carried outside the home, or carried into permissive situations.43

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[41]John Dewey, The Quest for Certainty. (New York: G. P. Putnam's Sons, 1960), p. 260.

[42]Ibid., p. 22.

[43]Lawrence Kohlberg, "The Development of Moral Character and Moral Ideology," Review of Child Development Research, Eds. Martin Hoffman and L. Hoffman. (New York: Russell Sage Foundation, 1964), p. 389.

Kohlberg, then, is reducing habit to training, punishment and reward. This concept of habit is not philosophically defensible. As was previously argued, good habits are not merely produced through a punishment and reward orientation. Rather, as Dewey suggests, a habit is a disposition by which the individual uses her intelligence to mediate a problematic moral situation. In a word, Dewey's philosophical notion of habit is much more complicated than Kohlberg's: a habit is not merely a response to X stimulus. If this is Kohlberg's criticism of the behaviorist's notion of habit, he is certainly correct, but it is a philosophical mistake to reduce all concepts of habit to this model.

Furthermore, Kohlberg is involved in a contradiction. He denies the importance of habit in moral judgments, yet some notion of habit is indispensable in his cognitive-developmental theory of moral decision-making. As William Alston writes:

> . . . even if one were able to get along in moral psychology without any reference to habits of behavior, and this may be Kohlberg's aspiration, his own examples illustrate the difficulty of getting along without using habit concepts at any level.44

What Alston is arguing is that each stage of moral growth Kohlberg has delineated incorporates some cognition of a problem with specific types of behavioral concepts -- reward and punishment at a particular stage of moral development, for example. Thus, Alston is arguing that each stage

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[44]William P. Alston, "Comments on Kohlberg's 'From Is To Ought,'" Genetic Epistemology, Ed. Theodore Mischel. (New York: Academic Press, 1970), p. 281.

of moral development has incorporated in it some notion of habit -- a habit which defines the stage and whose transcending is necessary in the move to a higher stage.

Kohlberg is in opposition to the "stimulus-response" paradigm of habit. His claim that an overemphasis on habitual moral judgment (or behavior) can lead to rigidity and conformity is obvious. It doesn't follow, though, that habit has virtually no place in moral judgment. Even if it were argued that Aristotle's definition and enumeration of habits were inadequate, it would not mean that habit has no relevance to moral judgment making.

The same critique of Hare's criterion of universalizability can be applied to Kohlberg. We do not want to rehash old ground here but to present Kohlberg's analysis of moral motivation, especially as it applies to forming moral judgments. It is in Kohlberg's arguments regarding moral motivation that he differs from Hare -- who, it seems, regards prescriptivity as the foundation of moral motivation. One acts because one ought to, because it is one's duty to do X, because one's moral judgment regarding X has prescriptive value.

Let us examine the notion of moral motivation more carefully. In an article written with Daniel Candee, Kohlberg analyzes empirical studies which attempted to correlate the relationship between moral judgment and moral action.[45] The classical study of this issue was by

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[45]Lawrence Kohlberg and Daniel Candee, "The Relationship of Moral Judgment to Moral Action," Essays on Moral Development, Vol. II, The Psychology of Moral Development, Ed. Lawrence Kohlberg. (New York: Harper & Row, 1982), pp. 498-581.

Hartshorne and May in which they attempted to correlate the relationship between the degree of convinction an individual had toward a moral value, such as honesty, and the person's moral actions.[46]

Going back to Aristotle, Hartshorne and May seemed to be assuming that virtue is learned and that it is guided by reason. Their methodology was to:

> . . . look inductively at behaviors loosely corresponding to common-sense conceptions of honesty, correlating these behaviors with one another and with tests of moral knowledge and moral attitude.[47]

Hartshorne and May, then, attempted to demonstrate that the adolescent world could be divided into individuals who cheated and those who did not on the experimental tests given them. They also tried to demonstrate that the adolescents who cheated in one situation were more likely to cheat in another. Their data was predicated on the belief that moral behavior can be predicted from verbal reports on the values the adolescent adhered to.

Hartshorne and May were not able to validate their hypotheses. In fact, they even found that cheating in one situation did not necessarily predict cheating in other situations.[48] Kohlberg and Candee proceed to

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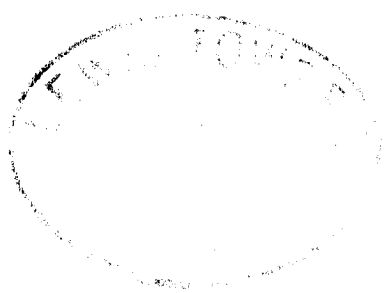
[46]Kohlberg and Candee's analysis of Hartshorne and May is found on pp. 498-502.

[47]Ibid., p. 499.

[48]Ibid., pp. 499-500.



argue that Hartshorne and May overlooked a moral emotion component and a moral judgment component.[49] Their arguments here need to be assessed.

Kohlberg and Candee suggest that perhaps Hartshorne and May's failure to validate their hypotheses "was due to a test method in which subjects were not emotionally invested in following or violating a standard."[50] They reject this argument, though:

> Thus, we also feel that emotional arousal does not seem to be an internal determinant necessary to define moral behavior.51

It seems like Kohlberg and Candee are attacking a "straw man." Who ever suggested that emotional arousal defined moral behavior? Even the theories Kohlberg and Candee reject, such as "resistence to temptation studies," "fantasy punishment reactions" or "total guilt measures,"[52] do not conclude that emotional arousal "defines moral behavior." There is certainly a difference between saying that emotional arousal is an essential component in moral behavior and arguing that it defines moral behavior. Kohlberg and Candee's confusion is obvious when they argue that emotional arousal is not an internal determinant NECESSARY to define moral behavior, using the term "necessary" the way most philosophers use the term "sufficient." It is hard to imagine that any person would ever argue that emotional arousal played such a strong part

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[49] Ibid., p. 500.

[50] Ibid., p. 501.

[51] Ibid., p. 502.

[52] Ibid., p. 575.

in moral action. Such a claim is certainly counter intuitive. No sense could be made of moral freedom if the above were true.

Kohlberg and Candee then investigate theorists who argue that there is an integral connection between moral knowledge and moral behavior, a position Kohlberg himself adopts in a different form than the theorists he and Candee mention. In the main, these theorists, such as Brown and Herrnstein, Milgram, Zimbardo, and Latane, "suggest that undergraduates and adults act immorally despite their moral judgment action capacities under suitable institutional and situational incentives and pressures."[53] Kohlberg and Candee argue that such studies are mistaken due to their two-track theory of moral learning and growth. They write:

> In our view moral judgment development both causes action and arises out of the action itself. A new moral judgment may guide new behavior while the performance of a new behavior may lead one to construct a new moral judgment. In either case, however, there is a unitary developmental process involved in the development of both moral judgment and action.54

Kohlberg and Candee also notice another reason why both types of theorists, those who argued for a moral emotion component to moral judgment making and those who argued for cognitive factors, failed:

> The reason for this failure, we believe, lies in the fact that when confronted with a real moral situation individuals do not reason in terms of abstract values but rather define the situation in terms of concrete rights and duties.55

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[53] Ibid., p. 505-506.

[54] Ibid., p. 575.

[55] Ibid., p. 578.

Thus to insist to an individual that cheating is always wrong, an abstract moral prohibition, is translated by the individual into specific situational terms, such as "If you cheat and get caught you are in trouble." Kohlberg and Candee argue that this conclusion is born out by their empirical research in which "the observed relationship between moral judgment stage and action indicates that there is often a relationship between the way in which subjects define rights and duties in hypothetic verbal situations and the ways in which they define them in actual ones."[56]

Kohlberg and Candee supply two reasons why the research arrives at this conclusion. The first they call the "personal consistency or personal responsibility approach."[57] In this approach moral actions are defined as those which are consistent with what the individual judges to be right. The other approach is termed "universal right."[58] And this approach is predicated on the view that an action is judged moral because it is consistent with an objective or universal moral principle. A critique of the conclusions of the research in social psychology Kohlberg and Candee assess, as well as their own research findings, is beyond the competency of this writer. But a few philosophical remarks can be made regarding Kohlberg's concept of moral motivation. It is to some of Kohlberg's other work, then, that we now turn.

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[56] Ibid., p. 579.

[57] Ibid., p. 579.

[58] Ibid., p. 579.

Kohlberg, on the other hand, does argue that motivation is important in moral judgment making. Merely because he labels his theory cognitive-developmental, it does not follow that he is not interested in moral motivation. Nor does it follow that the cognitive domain and the affective are totally separate or qualitatively different. In fact, Kohlberg believes that both cognitive and affective aspects are present in moral judgment making.[59]

Individuals at different stages of moral development make moral judgments based on different motivational criteria, for Kohlberg. At Stage 1, individuals are motivated by the desire to avoid punishment. The primary motive for making moral judgments at Stage 2 is a desire for reward or benefit. At Stage 3 the motivating concept is anticipation of the disapproval of others. In other words, the individual feels guilty because of the reaction of someone else -- or the anticipated or perceived reaction of someone else. At Stage 4 individuals are motivated by a sense of community respect. Judgment leading to an action which might receive the condemnation of the community is one which the Stage 4 individual feels she ought to avoid. It must be kept in mind that Kohlberg develops his arguments based on data received during moral judgment interviews. What he is actually analyzing is moral judgment making, not moral action taking. If Kohlberg has something meaningful

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[59]See, Lawrence Kohlberg, "From Is To Ought: How To Commit the Naturalistic Fallacy and Get Away With It in the Study of Moral Development," Essays on Moral Development: Vol. 1, The Philosophy of Moral Development, Ed. Lawrence Kohlberg. (New York: Harper & Row, Publishers, 1981), pp. 183-189.

meaningful to say about moral judgment, either by way of empirical evidence or philosophical argumentation, the moral philosopher needs to listen.

At Stage 5, then, an important motivational distinction is made -- between community condemnation and self-condemnation. The Stage 5 individual's moral judgments are not merely based on the needs of the community; she also wants to avoid judging herself as wrong, irrational or inconsistent. She still is concerned with the proper development of the good of the community, though. The point is that she has broadened her perspective.[60] She looks at both self-condemnation and community condemnation as reciprocal issues. It is not until Stage 6 that self-condemnation becomes the modus operandi of moral judgments. At Stage 6 individuals achieve self-respect by acting upon self-accepted moral principles.[61]

There is also a relationship between motivation and moral judgment making, intuition and knowledge. It is at this point that Kohlberg's arguments become difficult to grasp. Although he seems to ask the right questions (questions about knowledge appropriate to moral judgment making, for instance, which analytical philosophers like Hare do not raise), Kohlberg's answers seem fuzzy. For example, he notes that knowledge is a kind of philosophical intuition, and the individual who

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[60]Lawrence Kohlberg, "Indoctrination Versus Relativity in Value Education," in The Philosophy of Moral Development, pp. 6-28.

[61]Ibid., pp. 19-22.

possesses this knowledge makes appropriate moral judgments which lead her to act.[62] In fact, he suggests that once the individual has intuited that "X" is right, she will be motivated to perform "X." This contention will be discussed in some detail later.

Kohlberg, then, does assume that motivation is an important element in moral judgment making. Yet, in his theoretical framework of the stages of moral development, for example (concepts of rights, duties, justice, etc.), he only includes one motivational concept out of the thirty possible at each stage. What motivates the individual to consistently make more appropriate and reliable moral judgments? It certainly isn't contradictory to argue that Kohlberg's cognitive and motivational criteria are merely necessary conditions for progress in moral judgment making, not sufficient conditions.

Even though we have noted that Kohlberg sees a relationship between cognitive and affective factors in the development of moral judgment-making, he does stress cognitive factors -- often to the neglect of the very motivational factors he assumes must be present. He writes:

> . . . the cognitive-developmental view holds that cognition and affect are different aspects of, or perspectives on, the same mental events, that all mental events have both cognitive and affective

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[62] See, for instance, Lawrence Kohlberg, "Moral and Religious Education and the Public Schools: A Developmental View," in The Philosophy of Moral Development, pp. 294-305.

> affective aspects, and that the development of mental dispositions reflects structural changes recognizable in both cognitive and affective perspectives.63

Yet he makes the untenable claim that " . . . the presence of strong emotion in no way reduces the cognitive component of moral judgment."[64] He does not specify in any detail how this affective domain operates. He does not offer arguments, either empirical or theoretical, to convince one that the affective domain is integral to development in moral judgment making -- although, as was said, some relationship is demanded by the sequence of stages of moral development he presents.

> . . . moral judgment dispositions influence action through being stable cognitive dispositions, not through the affective changes with which they are associated. Textbook psychology preaches the cliche that moral decisions are products of algebraic resolution of conflicting quantitative affective forces . . . Affective forces are involved in moral decisions, but affect is neither moral nor immoral. When the affective arousal is channeled into moral directions, it is moral; when it is not so channeled, it is not. The moral channeling mechanisms themselves are cognitive.65

In effect, Kohlberg is denying what he purports to argue for, namely that affect has an integral place in moral judgment making. If "channeling" is all that is called for, affect is to be controlled; it does not afford an essentially creative ingredient in moral judgment making. In fact, it is not clear what place motivation has, in

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[63]Lawrence Kohlberg, "Stages of Moral Development as a Basis for Moral Education," Moral Education: Interdisciplinary Approaches, Eds. C. M. Beck, B. Crittenden and E. V. Sullivan. (Toronto: University of Toronto Press, 1971), p. 44.

[64]Ibid., p. 44.

[65]Lawrence Kohlberg, "From Is To Ought," p. 139.

Kohlberg's scheme, although he wants to argue that moral motivation is essential, albeit reducible to a cognitive mechanism. This is unfortunate because if Kohlberg had been clearer, he could have offered arguments supporting a formalist position which might have been more convincing than Hare's notion of prescriptivity or commending. Perhaps Kohlberg's formalism will fare better in his discussion of the relationship between knowledge and virtue.

Some philosophers have held that the virtuous person is also the knowledgeable person, that is, they see a direct connection between virtue and wisdom. "Knowledge implies virtue" is the oft-repeated slogan. Plato is perhaps the most well known philosopher who espoused this view. Plato believed that knowledge is found neither in sense perception nor true judgment. Rather, he believed that knowledge must be infallible and of what is real. He argued that sense perception cannot be the whole of knowledge because some types of knowledge involve arguments and terms which are not perceived through the senses. Mathematics is a case in point.[66]

Plato, then, believed that knowledge is possible, and that it involves that which is both infallible and permanent. What Plato meant is that knowledge involves that which is universal. Frederick Copleston, commenting on Plato, writes:

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[66]Plato discusses this, among other places, in The Republic in the metaphor of the Divided Line.

> . . . true knowledge is knowledge of the universal. Particular constitutions change, but the concept of goodness remains the same, and it is in reference to this stable concept that we judge of particular constitutions in respect of goodness. It follows, then, that it is the universal that fulfills the requirements for being an object of knowledge. Knowledge of the highest universal will be the highest kind of knowledge, while 'knowledge' of the particular will be the lowest kind of knowledge.67

Although Kohlberg has areas of disagreement with Plato (he conceives of justice as equality, not as Plato's hierarchy, for instance), it is evident that he is a Platonist. In a neglected article (one necessary for fully understanding Kohlberg's philosophical commitments) Kohlberg writes, " . . . not only is the good one, but virtue is knowledge of the good."[68] With Hare we found that his position involved him in this Platonic paradox, and we offered arguments why this position is defective. Similar arguments, then, apply to Kohlberg's contention that knowledge is integral to moral judgment which issues in moral action, that is, once moral knowledge is known there is a direct correlation between moral knowledge, correct moral judgment making and virtuous action.

When Kohlberg discusses moral knowledge it is evident that he is not referring to empirical facts (again like Hare) -- nor opinion nor social convention. He is referring to a type of philosophical knowledge or intuition -- unlike Hare. Put differently, knowledge, for Kohlberg,

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[67]Frederick Copleston, S. J., A History of Philosophy, Vol. 1: Greece and Rome. (Garden City, New York: Doubleday and Company, 1962), p. 175.

[68]Lawrence Kohlberg, "Education for Justice: A Modern Statement of the Platonic View," Moral Education: Five Lectures, Ed. T. Sizer. (Cambridge, Mass.: Harvard University Press, 1970), p. 58.

is an ideal form, like justice, and it is not arbitrary or relative. Knowledge includes, of course, personal conviction and commitment, according to this view. Knowledge, moral judgment and action, then, become inseparable. As Thomas Lickona writes:

> A given stage of cognitive development is a necessary but not sufficient condition for the parallel moral stage . . .69

Although this view is difficult to sort out, as contemporary philosophers do not seem to use this sort of language, an example might make the position clearer. A woman has been using marijuana for a number of years, say. She believes that using marijuana is harmful both physically and mentally. She understands that its use is against the law. Yet, she smokes it anyway. At some time in her life she begins to suspect that there is more to life than the pattern of sensuality she has been espousing, so she turns to religion. She stops using marijuana. She has acquired a type of knowledge, let us argue, and from this knowledge she has received conviction and commitment.

Although the example is contrived, when Kohlberg claims that knowledge is virtue he seems to have this sort of situation in mind. Moral knowledge leads to conviction; conviction leads to proper moral judgment making; proper moral judgment making leads to proper moral action. Although the term "leads" is being used here, for Kohlberg the

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[69]Thomas Lickona, ed., Moral Development and Behavior -- Theory, Research and Social Issues. (New York: Holt, Rinehart and Winston, 1976), p. 21.

elements of the process of philosophical (moral) intuition are inseparable. This argument may not make Kohlberg's claim any truer, but hopefully it makes it more understandable.

One essential problem with Kohlberg's tying of moral knowledge to acceptable moral judgment making is that he seems to be inconsistent about the value of experience in the moral life. He does not convincingly demonstrate the relationship between moral knowledge and experience, for instance. Isn't experience a kind of knowledge, albeit not philosophical (or moral) intuition? What is a "live option" for one individual, leading to moral judgment, may be superficial or unimportant to another. One's attitude toward moral judgment making is certainly conditioned by one's experience. Being in a concentration camp during the Second World War and experiencing the slaughter of Jews clearly has import upon one's subsequent moral judgments. Critiquing Kohlberg's position, Blasi writes:

> If one should trust the present analysis . . . not only do psychology and social science have nothing to say about what I consider to be one central aspect in moral functioning (the development of a moral personality), but their neglect, or avoidance, is a result of much broader and much stronger cultural currents.70

Kohlberg, obviously, cannot be saying that experience has no place in explaining the foundations of moral judgments. What he is content to

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[70]Augusto Blasi, "The Moral Personality: Reflections for Social Science and Education," Moral Education: Theory and Application, Eds. Marvin Berkowitz and Fritz Oser. (Hillsdale, New Jersey: Lawrence Erlbaum Associates, Publishers, 1985), p. 418.

claim seems to be that knowledge is virtue discovered by a special type of human experience, philosophical or moral intuition. Thus, this moral knowledge is not a product of experience in the usual sense of "experience."[71]

Yet Kohlberg seems to be involved in a dilemma. He has just argued that experience is the raw material upon which the cognitive and affective processes work. And he has noted that one factor in the growth of moral judgment making is the ability of the individual to take alternative moral roles.[72] At different stages of moral development, for instance, the individual's response to authority, rights, obligation, duty, and so on are partially determined by how she perceives her relationship to society. The relationship between "raw human experience" and "pure philosophical intuition," as a basis for moral judgment making, is not at all clear.

Although Kohlberg does claim that moral knowledge is a type of philosophical intuition, he does not mean to deemphasize the value of human experience in moral judgment making. Indeed, he cannot -- for human experience is the font of moral judgment making, for him. Yet the notion that moral knowledge is a type of philosophical intuition lends itself to a belief in universalizability being one of the formal characteristics in answering the issue of the nature of moral judgment making.

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[71]For a philosophical critique of the relationship between experience and moral principles, see Otfried Hoffe, "Autonomy and Universalization as Moral Principles: A Dispute with Kohlberg, Utilitarianism and Discourse Ethics," Moral Education: Theory and Application, pp. 89-108.

[72]See, Lawrence Kohlberg, "From Is To Ought,"" pp. 141-142.

But "lending to a belief" differs from "convincingly arguing for," and Kohlberg, like Hare, has not done the latter.

Likewise, Kohlberg does not describe or define intuition. Is it a faculty or a process? He suggests that intuition is a kind of insight which is drawn out of the individual -- a position consistent with his Platonism.[73] Yet this is hardly a definition. Before Kohlberg's brand of formalism is philosophically acceptable, then, he needs further argumentation. At the very least it has been shown that the areas of formalism he shares with Hare are susceptible to the same criticisms we have made of Hare's position. Kohlberg is braver than Hare in that he is willing to ask questions about moral knowledge and motivation and their relationship to moral judgment making. We will revisit these issues somewhat in our discussion of virtue ethics.

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[73]Refer to Kohlberg's "Education for Justice."

CHAPTER III

THE CONTENT APPROACH

One such approach to including content into a determination of the characteristics of a moral judgment is that of Kurt Baier in The Moral Point of View. The philosophical inadequacy of justifying morality in terms of human wants, then, will be argued.

Although Baier desires to contrast his position to a moral point of view based on the legitimacy of acting on self-interest, he winds up defending what he has spent time arguing against, that is, Baier accepts that moral rules, of a fully enlightened sort anyway, are justifiable because they are in a person's self-interest.[74]

Baier offers a rather Hobbesian argument that without morality human life would degenerate into a kind of savagery in which human wants could not be satisfied. At the very least, his argument does not establish what he wants it to, namely it does not show that a person can realize her wants (or interests, for that matter) fully only if she accepts and adopts morality as Baier describes the moral point of view. It is vacuous to say that living in human society, because it presup-

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[74]This is a main theme of Baier's The Moral Point of View. (Ithaca, NY: Cornell University Press, 1958).

poses a type of morality -- a contention Baier assumes and does not argue for -- is preferable to living as a beast. At most Baier can argue that it is in a person's self-interest to accept a particular social moral code, which may, incidentally, differ from a moral code accepted through a laborious process of conscientious decision-making,[75] and abide by social rules. As was suggested, here Baier is confusing personal morality with social sanctions and rules.

Put another way, the most Baier has shown is that it is to a person's advantage to use morality, a particular social moral system. He has not supplied arguments why one should be moral, why it is to one's advantage to be moral. There are obviously occasions, though, when it is not to one's advantage to follow a particular social morality. To suggest that it is in the interest of the black individual living in South Africa to follow the country's system of apartheid is silly. It would be facetious to maintain that acting morally in such a social situation promoted the black person's self-interest.

Put more strongly, if acting morally were to be justified ultimately as a matter of self-interest, even though self-interest adds content to the notion of moral judgments, it has no justification in the kind of case that was just mentioned. Even if Baier were to argue that

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[75]Lawrence Kohlberg develops this line of reasoning in "Moral Stages and Moralization: The Cognitive-Developmental View," Moral Development and Behavior: Theory, Research and Social Issues. (New York: Holt, Rinehart, and Winston, 1976), pp. 31-53.

the previous example of South Africa is an extreme, borderline case, it still does not follow that a rational and thoroughly self-interested person will always act on the principle that what she is doing is to be in her best interest. If a person recognizes that she will benefit from acting in accord with a repressive system of morality, this will be one factor in the moral decision-making process. But it need not be the decisive factor. An individual can conclude, quite rationally, that she can promote her self-interest by acting immorally, acting against a particular system of morality, that is.

The above argument can be put another way. One can come to a point as to have no reason to believe that her judicious violation of moral rules will undermine the whole institution of morality whereby she loses the general advantage it gives her. At any rate, even if an individual always did what was morally required because she had been convinced that acting morally was the best policy for getting what she wanted, we can think of many situations where such activity would not be praiseworthy. Self-interest, then, is hardly a characteristic which separates the moral from the non-moral.

Let us, though, take a deeper look at Baier's position. According to Baier, moral judgments provide information. Baier notes that philosophers who are prone to argue that moral judgments are nonfactual do so because they have a rather limited notion of what verification involves. Baier says:

> Philosophers rely on a highly specialized model of empirical verification. They think of it as verification by looking, listening, touching, or sniffing. It should have occurred to philosophers that often a good deal more is involved than that. Thus, I may claim that the Union Theatre has 500 seats. But I cannot verify this by looking, listening, touching, tasting or sniffing. It should, therefore, be declared not to be empirically verifiable. No one has ever objected to counting as a nonempirical way of verifying propositions. Nor, strangely enough, to measuring or weighing. Yet these latter methods involve arbitrary standards and often criteria. But when value judgments are made, people claim that they are not verifiable because they involve criteria and standards.76

Many value judgments can be verified quite easily. If one says, "This is a good car," the assertion can be verified by going for a ride. Even in this seemingly trivial case, though, one may argue that the car is not "good" because it does not have electric windows. In other words, the argument often seems to hinge on the criteria for applying the term "good," even to a car -- a nonethical sense of "good."

It is easy to notice that there is a difference between saying "This is a good car" and "This is good for me to do." There may be more agreement about the characteristics by which to measure the good car than the good act. Even though an enlightened philosopher notes that different criteria are used in legitimizing one assertion ("The good car" is "good" due to factual characteristics -- it runs smoothly, starts without difficulty, etc.) than another (the characteristics for saying "X is a good act" are not as straightforward), the issue does not end here. The distinction between types of assertions and types of

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[76]Kurt Baier, The Moral Point of View, p. 61.

characteristics for legitimizing the "goodness" or "properness" of them is a real distinction, but if left without further comment, the distinction is not very helpful.

One way of elucidating the difference between the above two assertions is to suggest that "This is a good car" is a factual claim, while "X is good" is, at least, more than a factual claim: it is evaluative in Hare's sense of making a statement regarding the appropriateness of a behavior in relationship to the behavior's properties.

Getting back to Baier's analysis, a value judgment cannot be confirmed by a process of verification, unlike many factual judgments. Value judgments, according to Baier, must also go through a process of "validation," that is, the characteristic of goodness need to be shown to be the right or correct criteria. Baier is saying, then, that both verification and validation are two processes necessary in confirming that "X" judgment is a moral judgment. But Baier is involved in an infinite regress, at least as regards his "validation" hypothesis. The judgment that "X, Y and Z" are the proper criteria to make "M" a moral judgment are themselves derived at through a value judgment which needs to be validated -- as with any criteria of validation one can dream up. Baier is aware of the problem when he notes:

> . . . the proper criteria for evaluating cars, fountain pens, plyers and so on are determined by the purpose of the thing, activity or enterprise in question.77

For Baier, then, the question "What should I do?" is equivalent to "What is the best thing to do?" This must be the case, he argues, because it would be contradictory to say "I know X is the best thing to do" and still ask "What should I do?" The best action, then, is that action which is supported by the best reasons, what Baier refers to as "consideration-making beliefs." He writes:

> The fact that I have a reason for or against entering on the proposed line of action does not entail that I ought or ought not to enter on it -- it merely presumptively implies it. That is to say, it might be taken to imply that I ought or ought not to enter on it unless, later on, in the weighing of considerations, I find some that are weightier than this one. In that case, the original presumptive implication has been rebutted.78

For Baier, the "consideration-making belief" has a certain universality -- for instance, if one performs X and finds it good, one has good reasons for doing X. These good reasons would be equally true for everyone in this particular situation. Baier tries to avoid ethical relativism by this move. A "consideration-making belief," then, is not synonymous with one's consideration. This is not a matter of the agent liking a particular consideration, nor a "consideration-making belief" being so because one likes it.

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[77] Ibid., p. 80.

[78] Ibid., p. 102.

Although Baier elaborates three different kinds of "consideration-making beliefs," individual rules, social rules and moral rules, his arguments need not detain us here. To develop the logic of Baier's position, it is preferable to describe what he means by "the moral point of view," then to analyze and critique his position. It is at this point that it becomes obvious that Baier rejects a pure formalist approach and argues that judgments are moral due to a consideration of content. Indeed the above discussion of "consideration-making beliefs" brings this out. Now, though, "consideration-making beliefs" need to be discussed within the context of "the moral point of view."

For Baier, it is "the moral point of view" which determines whether a moral judgment is true or false; and it is a "consideration-making belief" which designates a judgment as moral, as opposed to, say, an aesthetic judgment. "The moral point of view," then, is that of "an independent, unbiased, impartial, objective, dispassionate, disinterested observer . . . a God's-eye point of view."[79] A judgment is moral, therefore, if it is based upon "the moral point of view," that is if "the moral point of view" overrides all other considerations.

At this point, though, Baier has not been very descriptive in analyzing "the moral point of view." He does claim that it has two

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[79] Ibid., p. 201.

essential features: 1) To adopt "the moral point of view" is to adopt moral principles. Such principles as respect for life, say, are not merely individual rules. Rather, a moral principle, for Baier, does not admit of exceptions and it is considered to be universally binding. 2) The second feature of "the moral point of view" is that the principles it sanctions are for the good of everyone. When it comes to a social situation, then, Baier enumerates three conditions which, if enacted, demonstrate that a particular action is immoral: if the consequences of "X" would be harmful if everyone did it; each member of the society is entitled to engage in it; and to engage in "X" is an indulgence, never an altruistic act.

What is confusing at this point is that the above three conditions are only valid, Baier seems to say, if society "Y" considers act "X" to be immoral. Clearly, if this analysis of Baier's position is correct, one could always ask, "Why adopt the "moral point of view" when it is against my self-interest to do so?" The only defense Baier seems to have for adopting a moral point of view which, often, is in violation of one's self-interest is that if such a moral point of view is not adopted self-interest becomes the guiding ethical influence. And Baier, with his universalistic ethical tendencies, decries such a state of affairs.

> The very raison d'etre of a morality is to yield reasons which overrule the reasons of self-interest in those cases when everyone's following self interest would be harmful to everyone. Hence moral reasons are superior to all others.80

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80 Ibid., p. 309.

Although it is reasonable to say an action ought to be done because there are reasons for doing it, if the reasons for doing "X" outweigh the reasons against doing "X," Baier still hasn't argued why certain facts are reasons and other facts are not. Rather than clarifying this situation, Baier's analysis of "consideration-making beliefs" only adds another category for clarification. This means that Baier must use another category, "the moral point of view," to account for the fact that moral judgments can be either true or false. He is, perhaps, like a painter who has painted herself into a corner: every possible way out becomes constricted by adding paint. Maybe due to the fact that Baier cannot (or has not) supply reasons why certain facts are reasons and other facts are not reasons, he cannot be convincing why one ought to adopt "the moral point of view" at all. Let us, then, examine this "moral point of view" characteristic in more detail -- for "the moral point of view" seems to be a characteristic of content.

It is difficult to understand if "the moral point of view" refers to any point of view in particular, that is, if it is a view that IS actually held or one that OUGHT to be actually held. There is an important difference here which has important ramifications for the idea that "the moral point of view" is a content-characteristic in defining a moral judgment or in distinguishing a moral judgment from other normative judgments.

How can "the moral point of view" be a point of view actually held by anyone? It is actually the case that different people adopt a different moral point of view regarding abortion, say, so that if "the

moral point of view" has any standing it must be a point of view that OUGHT to be held, not one which actually IS held. Let us see if this alternative makes sense.

To endorse such a theory as "the moral point of view" is the view that OUGHT to be adopted because it OUGHT to be adopted is (clearly) circular. Or even worse, for Baier to argue that "the moral point of view" has the standing of moral because it is the point of view that OUGHT to be adopted is contradictory to his theory. He has just argued that morality is not to be based on self-interest.

But if "the moral point of view" is that point of view that OUGHT to be adopted, upon what basis other than self-interest OUGHT it to be adopted? Baier has not supplied any other basis, except to say that self-interest OUGHT not to be the guiding basis for ethical decision making.

If the above is correct, it seems impossible to formulate a moral theory such that the defining characteristic of a moral judgment is that it is adopted within the confines of "the moral point of view." It seems clear, then, that Baier's criterion is found wanting; and this particular attempt at a content approach to defining and justifying moral judgments is incorrect.

Another attempt to develop extra-formalistic aspects (i.e., content-aspects) to answering the issue of the characteristics of moral judgments is that of Stephen Toulmin. Toulmin notes that to say "X is an ethical action" or "X is ethically appropriate" has little bearing on the nature of the action itself. Such assertions, he argues, do not intimate that actions "X," "Y," or "Z" possess a particular property. Rather, such assertions intimate that there are "good reasons" for doing "X," "Y," or "Z." He writes:

> Rightness is not a property; and when I asked the two people which course was the right one I was not asking them about a property -- what I wanted to know was whether there was any reason for choosing one course of action rather than another; and, provided that they are arguing about the reasons for my doing different things, we are perfectly justified in talking of a genuine contradiction between N is right and No not N, but M. The idea (which the philosopher takes for granted) that, if one man attributes the predicate X to anything and another withholds it, they cannot be contradicting one another unless X stands at least for a property is a fallacy. All that two people need (and all that they have) to contradict one another about in the case of ethical predicates are the reasons for doing this rather than that or the other.81

We need to, then, further elucidate what Toulmin means by "good reasons," and to relate this to the nature of moral judgments. He argues that ethical reasoning is sui generis,[82] that is, it is neither inductive nor deductive. As he says:

> One point which the imperative doctrine fairly emphasizes is the difference between arguments from logical, mathematical or factual premises to conclusions of a similar logical type, and arguments

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[81]Stephen Toulmin, The Place of Reason in Ethics. (Cambridge: Cambridge University Press, 1950), p. 28.

[82]Ibid., p. 55.

> from factual premises to conclusions of a different kind, conclusions about duties or values . . . Although factual reasons (R) may be good reasons for an ethical conclusion (E), to assert the conclusion is not just to assert the reasons, or indeed anything of the same logical type as R. It is to declare that one ought to approve of, or pursue, or do something-or-other.83

For Toulmin a "good reason" to label a judgment (or an action) ethical goes well beyond logic. Toulmin wants to consider broad philosophical issues, such as "What is the purpose of ethics in human conduct?" Like many philosophers before him, Toulmin sees ethics as tied in an integral way to the harmonious development of community life. Duty itself, he notes, is a communal concept in that we alter our claims because they conflict with the justified claims of others -- or because adhering to our claims might negatively affect communal life.[84]

Some moral judgments, such as "One should keep promises," are moral precisely because promise keeping is tied to the harmonious living out of community life. Thus if one is asked "Why did you keep your promise?" and she were to answer, "Because I ought to," such an answer would be ethical justification for keeping promises -- that is, it is a socially recognized principle that promises ought to be kept. Indeed if they were not, community life would be intolerable.

For the sake of argument, let us agree with Toulmin. There is no great philosophical difficulty with his position so far -- and who would suggest that promises ought not to be kept? Or who would argue that promise keeping is integral to harmonious community living? All of this

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[83] Ibid., p. 55.

[84] Ibid., pp. 133-136.

may be a truism and not exactly philosophically important (although socially necessary). Yet Toulmin realizes that promise keeping is a clear case of social priority. What about cases in which there are conflicts of duty? About these Toulmin remarks:

> . . . one has to weigh up, as well as one can, the risks involved in ignoring either, and choose 'the lesser of two evils.' Appeal to a single current principle, through the primary test of the rightness of an action, cannot therefore be relied on as a universal test; where this fails, we are driven back upon our estimate of the probable consequences.85

Although the above quote makes imminently good sense (and we will attempt to develop an ethical model which integrates the various aspects of a moral judgment later), we must note what Toulmin is not saying. He is not suggesting that one always ought to follow conventional or community morality. To say this would contradict the above quote. Rather, to ask "Is X moral"? is really synonymous to asking "Is X within the particular moral code I subscribe to?" To ask, "Is X moral?" is not to ask "Is X conventionally adhered to?" The answer to "Is X moral?" is not so much society's answer, but it is the answer of an individual who adopts a particular moral scheme, albeit this particular society's moral scheme.

Yet, if the above is a correct interpretation of Toulmin's thoughts, there is a feeling of uneasiness here. For instance, Toulmin continues:

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[85] Ibid., p. 147.

> Within the framework of a particular scientific theory, one can ask of most things, 'Is this really straight?', but the criterion of straightness cannot be questioned; within the framework of a particular moral code, one can ask of most individual actions, 'Is this really right?,' but the standards of rightness cannot be questioned.86

Surely this is false. Even within science itself basic standards are questioned. Isn't this questioning the basis of scientific revolutions? The application of morality itself changes -- or our moral judgments are broadened -- precisely by questioning our moral standards. Recent philosophical work, say by Peter Singer, on animal rights is an example of the questioning of moral standards, of the interpretation of moral standards. To give but one more example, slavery was an accepted practice, even within the framework of early Christianity. St. Paul tells slaves to obey their masters. But by questioning the moral standards which applied to treatment of people, and by expanding the concept of person to include slaves, perhaps, Western culture began to think differently about the morality of slavery.

Morality is different than mathematics in that morality clearly is not a totally deductive system (mathematics may not be either, for that matter, although Euclidian geometry is as close as we can get, perhaps). Even though Toulmin claims the contrary, he is viewing morality as a set of axioms, called moral standards, that are true because of their relationships within a system, called morality. And this is deduction. Rather, morality, as we will argue later, is much more wholistic than

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86 Ibid., pp. 148-149.

this -- and much more ambiguous and complicated. As we argue in other places in this Dissertation, without commitment morality does not make sense. It is this sense of commitment which Toulmin begins to get at in his remarks about moral conflict, but even here his "weighing up" smacks too much of a mathematics of morality.

It is obvious that Toulmin thinks that moral judgments are of two sorts: 1) Those whose answers are unequivocal, for they are demanded by the accepted moral code -- one extra-formalistic or content-aspect to moral judgment making; and 2) those moral judgments which can only be analyzed in light of an assessment of probable consequences, a second content-aspect to moral judgments. Category 1 has such few candidates, promise keeping being the paradigm case, that it is difficult to see how Toulmin is saying anything philosophically important. Category 2 is where the ethical action is. In summarizing his view Toulmin writes:

> An action which is an unambiguous instance of a maxim generally accepted in the community concerned . . . will be right just because it is an instance of such a maxim: but if it is an action over which there is a conflict of duties, or is itself a principle (or social practice) as opposed to a particular action, it will be right or wrong according as its consequences are likely to be good or bad.87

It seems that Toulmin is involved in a number of confusions. 1) A moral principle and a social practice are not synonymous. In fact, they may have no bearing on each other. If one makes the distinction between practices and institutions MacIntyre does, for instance, practices, such as playing a game of football, are involved in using

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87 Ibid., 134.

principles by which to assess behavior (face mask violations are wrong because of the injury they can afford the player). The institution of football, the NFL, for instance, may or may not have positive moral bearing on the game -- although we tend to believe it does act in the interest of the players. It may, say during a merger, act solely in its own self-interest, as a social practice does. At any rate, to collapse the distinction between moral principles and social practices certainly is bad philosophy.

2) Toulmin's concept of "good reasons," an extra-formalistic approach to moral judgment making, itself is ambiguous. He is never clear if "good reasons" are justifications for saying "X is right" or for saying "X ought to be done." Put differently, are "good reasons" reasons for doing "X" or merely reasons for asserting that "X" ought to be done? Toulmin has not clarified which.

The above criticisms may make one suspicious about the relevance of "good reasons" as the characteristic for making sense of the nature of moral judgments. But the issue is more complicated than this. Toulmin further confuses things by asserting:

> We must give up the traditional oblique approach of asking, first, What is goodness? and What is rightness? and attack our central problem from scratch . . . We shall have to go right back to the beginning, to the first form in which we asked our question: What kinds of argument, of reasoning, is it proper for us to accept in support of moral decisions?88

This complicates the issue because Toulmin is begging the very question he is attempting to answer. As was mentioned before,

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88 Ibid., pp. 63-64.

argumentation within mathematics (in many instances) is deductive. The method of moral reasoning is not. Philosophers do not even agree about what constitutes a valid moral judgment (if they did this Dissertation would not be necessary) -- much less on appropriate moral argumentation. Since this is the case, Toulmin can never develop criteria of moral reasoning ("good reasons") before there is some consensus regarding what constitutes a valid or invalid argument in morality. At the very least, he is putting the cart before the horse.

A final difficulty with Toulmin's content-approach to moral judgment making is that he argues that the validity of moral judgment making only makes sense within the framework of community life. As he argues:

> The only context in which the concept of duty is straightforwardly intelligible is one of communal life -- it is, indeed, completely bound up with this very feature of communal life, that we learn to renounce our claims and alter our aims where they conflict with those of our fellows. . . . And we can fairly characterize ethics as a part of the process whereby the desires and actions of the members of a community are harmonized.89

Toulmin is involved in a logical error in the sense that before he can validly argue that "X is moral" makes sense, if and only if, it leads to community harmonization (a content-aspect of moral judgment making), he must argue that this very principle, namely "X is moral, if and only if, it leads to community harmonization," itself is part of a community's moral code. But it can't be. If it were, Toulmin would,

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89 Ibid., p. 133 and 136.

again, be begging the question. He would be saying in effect that one ought to obey the community's moral code because there is a principle in the community's moral code which says that one ought to obey the community's moral code.

Toulmin supposes that his argument that the function of moral discourse is to lead to harmonization of interests is a logical thesis. G. Warnock insists that this is not the case. He says:

> . . . it was either an empirical generalization about the aims which people in fact often pursue when they use moral language, or it was itself a moral recommendation.90

Part of the reason for this confusion is that Toulmin views science and ethics as proceeding along the same lines, that is, they both translate reports of what seems to be the case to what is the case. As Toulmin writes:

> In both, one encounters a contrast between the 'appearance' and the 'reality' -- the scientist distinguishing between the 'apparent' colour of the sun and its 'real' colour . . . the moralist distinguishing those things which are 'really' good, and those actions which are 'really' right, from those things which we simply like and those actions we simply feel like doing.91

One problem with this view is that it assumes that both science and ethics start with "incorrigible direct reports" and eventually replaces these with "fully fledged judgments" which are "far from incorrigible."[92] As Warnock argues, the assertion "This looks obligatory,"

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[90]Warnock, Contemporary Moral Philosophy, p. 127.

[91]Toulmin, The Place of Reason in Ethics, pp. 84-85.

[92]Warnock, Contemporary Moral Philosophy, p. 133.

using the model of "This looks red," does not make sense.[93] Ethical assertions and scientific ones simply do not share the characteristics Toulmin imagines.

But an even more telling criticism of Toulmin's theory is that it eventuates in an "absurdity."[94] It is one thing to claim that moral reasoning has practical import; it is another to argue that " . . . it influences people to one and only one purpose -- namely, to the purpose of harmonizing their interests."[95]

In actual practice people use moral terms in ways other than with the intent to harmonize interests. In fact, at times moral terms are used to create conflict which may or may not lead to any sort of harmony of interests. As Warnock argues:

> The principle of social harmony points only to one set of possible moral standards or criteria for applying terms like 'good,' 'right,' or 'ought'. To say that the purpose of moral discourse is to serve social harmony is thus itself a proposal or recommendation to adopt one set of moral standards among alternative ones.96

It seems, then, that content explanations for determining the nature of moral judgments fail because they often beg the very question they are attempting to answer, that is, when an extra-formalistic criterion is brought into the moral picture (be it "good reasons," consequences, or whatever) the extra-formalistic criterion itself needs

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[93] Ibid., p. 134.

[94] Ibid., p. 136.

[95] Ibid., p. 136.

[96] Ibid., p. 136.

justification. And, if Toulmin and Baier are representative of the content approach to moral judgment making, the very content they suggest is part of their conclusion when it needs to be part of the premise of their argument.

CHAPTER IV

THE VIRTUE ETHICS APPROACH

A third theory elaborating the characteristics of a moral judgment is the virtue ethics approach. The work of Alasdair MacIntyre is noteworthy in the recent development of this approach. Although this theory is more complex than the other two we previously investigated, we want to argue that it holds the most promise for answering the question: What characteristics make a judgment moral? But, as will be argued, the virtues approach by itself has severe philosophical flaws. Thus, a more eclectic approach to answering the question of this Dissertation will be offered.

The virtue ethics approach goes back to the work of Aristotle. Such an ethic attempts to define the ends of human life and to enumerate the characteristics which constitute a "good person."[97] The argument is that once the nature of human virtues is discovered, then the living of the good life is the living out of the virtues -- the end of human life and the good life for humans, then, become synonymous.

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[97]This point is developed in Samuel Enoch Stumpf's Philosophy: History and Problems. (New York: McGraw-Hill Book Company, 1983), pp. 78-104.

Virtue, therefore, is the disposition to act on principles of right conduct. Virtue becomes that which a good person does. One such delineation is offered by MacIntyre. He offers a definition of virtue, although he refers to his definition as "partial and tentative."[98] He writes:

> A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.99

Inherent in MacIntyre's definition of virtue is the distinction between goods external to and internal to practices. This distinction is in need of clarification. To illustrate the distinction MacIntyre offers the example of the child, the candy and chess:

> Consider the example of a highly intelligent seven-year-old child whom I want to teach to play chess, although the child has no particular desire to learn the game. The child does however have a very strong desire for candy and little chance of obtaining it. I therefore tell the child that if the child will play chess with me once a week I will give the child 50 cents worth of candy . . . Thus motivated the child plays and plays to win . . . so we may hope, there will come a time when the child will find in those goods specific to chess, in the achievement of a certain highly particular kind of analytical skill, strategic imagination and competitive intensity, a new set of reasons, reasons now not just for winning on a particular occasion, but for trying to excel in whatever way the game of chess demands.100

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[98]Alasdair MacIntyre, After Virtue. (Notre Dame, Indiana: University of Notre Dame Press, 1981), p. 178.

[99]Ibid., p. 178.

[100]Ibid., p. 178.

Such goods as analytical skill, strategic imagination and competitive intensity are, for MacIntyre, goods internal to the practice. He defines a practice in rather broad terms:

> A practice involves standards of excellence and obedience to rules as well as the achievement of goods.101

MacIntyre, then, wants to maintain a particular logical process of prioritization in understanding and articulating virtue. The process is initiated by determining what is valuable, that is, the values internal to practice. Once this is accomplished, one can determine which qualities are virtues and which are vices. This is still rather vague, but MacIntyre attempts to clear things up by suggesting that it is the particular satisfactions of engaging in practices that set off those qualities that are virtues from those that are vices.[102]

What makes MacIntyre's position a bit muddled is that he also wants to maintain values external to the practice are also part and parcel of valuing, such as wealth and recognition.[103] Perhaps the more primitive a society was, the closer tie there would be between values internal to practice and values external to practice -- the reason being that in such a society life would consist almost entirely of practices, practices the members all agreed upon and all participated in to some extent. Perhaps, though, as Edmund Pincoffs suggests, "the issue . . .

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[101] Ibid., p. 176.

[102] Ibid., p. 177.

[103] Ibid., p. 180.

whether internal or external values are most worth cultivating is irrelevant here."[104]

Perhaps the issue here is misplaced. Instead of asking about the import and status of values internal or external to practice, the real issue is with competition among values, not complementary values. As Clinton Collins suggests:

> It seems to me that the different sources of value in human lives lead not, as MacIntyre assumes, to complementary values but rather to competing values . . . He does not, however, consider the possibility that the objectivity of virtues is in no way a guarantee against their being in conflict with one another.105

One may wonder if in the quest to conceive life as a unity, part of MacIntyre's Aristotelian project, he is short sided regarding the nature of human life, that is, the competition of values in one's life -- the need for value prioritization.

It is clear that MacIntyre is attempting to find an objective basis of ethics. Indeed he laments the fact, as he understands it, that contemporary thought has so tied virtue to subjectivity that any possibility of objective value is lost. This is inherent in his critique of emotivism. It is this proposed (or sought after) objective basis of

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[104]Edward Pincoffs, "Definition of the Virtues," Virtues and Medicine: Explorations in the Character of Medicine, Ed. Earl Shelp. (Boston: D. Reidel Publishing Company, 1985), p. 125.

[105]Clinton Collins, "Before Virtue: A Critique of the New Essentialism in Ethics and Education," Proceedings of the Fortieth Annual Meeting of the Philosophy of Education Society, Ed. Emily Robertson. (Normal, Illinois: Illinois State University, 1985), p. 210.

ethics which gives unity to a person's participation in the common practices of the culture.[106]

The basis MacIntyre is looking for he discovers in the narrative unity of a human life which is transmitted in the telling of stories.[107] It is the narrative unity of one's life, then, which is the criterion of the worthiness of one's practices. Note, however, that in none of MacIntyre's arguments does he argue for the objectivity of virtue. Nor does he argue that when certainty regarding value is found, so will objectivity be discovered. Almost like a Cartesian he assumes that certainty is equivalent to objectivity. MacIntyre, then, assumes the unity of narrative with practice -- or in the language we have been using throughout this Dissertation, the unity of form and content.

For MacIntyre, the unity of a person's life is embodied in "the unity of a narrative embodied in a single life."[108] It follows that the good life for an individual consists in the systematic living out of that unity. As much appeal as MacIntyre's theory might have (Who would not like to think of their life as embodying unity? To view one's life as fragmented certainly is less than desirable), Kai Nielsen notes some difficulties with MacIntyre's position. In the first place, one could be kind, decent and understanding, one's life could be unified by such a

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[106] Alasdair MacIntyre, After Virtue, p. 203.

[107] Ibid., p. 114.

[108] Ibid., p. 203.

narrative and "still be a lost human being utterly astray in Eliot's Wasteland."[109] Secondly, there are numerous individuals whom most of us would describe as having lived a life unified by value, but by a value we find despicable, such as Hitler. Nielsen continues:

> One's life can be through and through evil and still have such a unity and it could, in certain respects, be a good life and lack that unity.110

Likewise, one still wonders what criteria MacIntyre would give for success or failure in living out one's narrative. One is never sure if one's life is being proportioned appropriately. I feel, for instance, that since my wife recently had a baby I need to travel less and be at home more. Does this mean that I'm presently not successfully living out the unity which is my narrative? If I attempt to travel less I will not earn the proper amount of money to support my baby in a way my wife and I feel is necessary. How do I know when my life is in balance? MacIntyre does say that "the only criteria for success or failure in a human life as a whole are the criteria of success or failure in a narrated or to-be-narrated quest."[111] But this begs the question of the

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[109]Kai Nielsen, "Critique of Pure Virtue: Animadversions on a Virtue-Based Ethic," Virtue and Medicine, p. 139.

[110] Ibid., 139.

[111]Alasdair MacIntyre, After Virtue, p. 203.

very criteria which would do the job. That there must be criteria is certain. That MacIntyre has not supplied any is also certain.

Likewise, MacIntyre certainly has offered a definition of the good. But he still hasn't given instances of it: he hasn't said what it is. He does write:

> . . . those dispositions which will not only sustain practices and enable us to achieve goods internal to practices, but which will also sustain us in the relevant kind of quest for the good, by enabling us to overcome the human dangers and distractions we encounter . . .112

All this is well and good -- and the above might even be a true characterization of the good -- but it is hardly a hint at what a person's final end is. MacIntyre continues:

> We have arrived at a provisional conclusion about the good life for man: the good life for man is the life spent in seeking the good life for man, and the virtues necessary for the seeking are those which will enable us to understand what more and what less the good life for man is.113

Is MacIntyre saying that the good is beyond grasp, that the quest is all there is? Without some knowledge of what the destination is, how does one know which train to catch? MacIntyre, then, has not delivered the ethical goods. Surely he has correctly diagnosed the serious destruction of the objectivity of ethics. Surely he has offered wisdom regarding the processes in life which indicate our need to unify our lives.

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112 Ibid., p. 204.

113 Ibid., p. 204.

lives. And surely he has helped us understand the relationship between moral tradition and social/political practices. But before one can begin to address the question of this Dissertation: What are the characteristics of a moral judgment (What makes a judgment moral?), one needs to know more than MacIntyre offers. If a judgment is moral because it is in conformity with the good, one needs to know what the good is -- and that good needs to have universalizability. If MacIntyre is correct, as he may not be, when he notes that much of one's moral life consists of choosing between types of evil, it seems to be impossible to engage in the task of choice if there is no good by which to measure which degree or aspect of evil to comply with. It is for all the above reasons that, no matter how insightful MacIntyre's theory may be, MacIntyre's brand of virtue ethics is not helpful in answering our question. His analysis gets us to the verge of an answer without giving it. To merely supply a process of attainment leaves much to be desired.

The following is a clear example of MacIntyre's logic: supplying reasons why knowing one's telos in life is essential without indicating what that good is:

> I have suggested so far that unless there is a telos which transcends the limited goods of practices by constituting the good of a whole human life, the good of a human life conceived as a unity, it will both be the case that a certain subversive arbitrariness will invade the moral life and that we shall be unable to specify the context of certain virtues adequately.114

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[114] Ibid., p. 189.

The sense and seriousness of this sentence can easily be appreciated. But MacIntyre begs the question of the nature of that telos by remarking (again with high seriousness and sense):

> . . . there is at least one virtue recognized by the tradition which cannot be specified at all except with reference to the wholeness of a human life -- the virtue of integrity or constancy.115

Is the virtue of integrity or constancy synonymous with one's telos? At times MacIntyre seems to be suggesting this. And if this is the case, the question of this Dissertation makes little sense in a MacIntyrian moral universe -- for the end cannot be specified except in reference to something else, integrity or constancy. But to add, "This notion of singleness of purpose in a whole life can have no application unless that of a whole life does," adds poetry and mysticism, but hardly clarity. Again, we may be looking in the wrong place for the clarity needed to answer, "What makes a judgment moral?" If it exhibits singleness of purpose in a whole life may be some kind of answer, but one that needs more fleshing out than MacIntyre affords.

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115 Ibid., p. 189.

A final view of virtue ethics we will examine in some detail is that of James Wallace.[116] Wallace views the virtues as integral to appropriate human moral behavior, that is, the living out of the moral virtues (which, as Philippa Foot notes, contra Aristotle, need to be separated from the aesthetic virtues, say)[117] is the single most factor which contributes to human good. As Wallace writes:

> Particular virtues perform certain functions, play certain roles, in human life. A great number of factors in many different ways contribute systematically to human good, and virtues in specifiable ways so contribute . . .118

According to Wallace, then, ethics is a practical subject, what today is called "applied ethics." It is ethics, on this view, which orders human conduct -- within the family, one's business, or the larger community, for instance. Since the development and living out of virtues is the sine qua non of the moral life, for Wallace, humans are to be characterized as possessing certain (proper) capacities and tendencies. Thus:

> We can conceive of the creature's good as the unimpaired exercise of these capacities. Thus, an individual's living well or badly will be a matter of its relative success in carrying on these activities. To understand what success in these activities is, one must understand the activities.119

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[116] James Wallace, Virtues and Vices. (Ithaca, NY: Cornell University Press, 1978).

[117] Philippa Foot, "Virtues and Vices," Virtues and Vices and Other Essays in Moral Philosophy. (Berkeley: University of California Press, 1978) Chapter One.

[118] James Wallace, Virtues and Vices, p. 15.

[119] Ibid., p. 26.

This view seems to be at odds with the notion that certain universal traits or tendencies issue in specific virtuous acts. Although there is an evident theoretical difficulty here, Wallace contradicts himself when he admits:

> Our notion of a human being living well is bound up with a multiplicity of complicated moral and social values. There is an obvious conventional aspect to these matters, and therefore conceptions of the good life have varied so from time to time and from community to community. Human health may be studied as one studies the health of other living creatures, but the idea of a human being's living well, in the full sense, is so bound up with conventional values, that its study must be very different from the study of other living things.120

Now it may be true that "certain conventions will be better than others for a given community in a certain situation."[121] But if virtue is as closely tied to conventional values and behavior as Wallace argues, his brand of virtue theory is philosophically problematic. To follow convention may (or may not) lead to the building of community -- but at the sacrifice of certain members of that community who disagree with its "virtue conventions." Or, one could follow the "virtue conventions" of an oppressive community only to find the community secure, while citizens are in constant danger if they disagree with "conventional virtue." Put differently, "convention" is an ambiguous concept; and following convention is not synonymous with developing personal virtue.[122] If this is what Wallace means by "living the good life," his

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[120] Ibid., p. 33.

[121] Ibid., p. 36.

[122] The work of Lawrence Kohlberg, which we have previously reviewed, is a position contradictory to Wallace's.

concept of such a virtuous life is indeed limiting and questionable.

Using Wallace's "virtue ethics," then, leads to a fixed idea of virtue. This is implied when he writes that "only if individuals have certain fairly fixed traits of character can they live successfully . . ."[123] There is no room for growth in virtue given this theory. It is as if Wallace does not seem to realize that the virtuous life is one in which ethical conflicts are the pattern of the day. And in ethically conflicting situations virtues are not enough, for both virtues and ethical principles need to be prioritized if the virtuous life is to be led. The point is that moral judgments cannot even be made if virtue is fixed within the individual. Morality itself becomes mechanized and routine -- certainly not "the life worth living" with its tragedies, complexities and conflicts.

Rather than viewing ethical judgments within the context of virtue ethics, this writer would take another road. It can be argued that particular events take on additional significance from their contexts. A note played by itself has a particular sound. The same note with the same sound heard as part of a melody has an additional significance. It is heard not in isolation but in relation to the notes which come before and those which come after.

In a similar way many human actions gain an additional significance from their context. The act of shaking hands has one significance

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[123]James Wallace, Virtues and Vices, p. 160.

when old friends meet, another significance when strangers are introduced, and still another significance when two people who have quarreled are reconciled. To point out another's mistake has one sort of significance when it is done to tease a friend, a different significance when a devoted teacher helps a student, and a third kind of significance when it is done out of spite. Clearly, one cannot judge whether an act is good, nor the extent to which it is good, if one does not grasp the contexts which give additional meaning to the act -- a fact to which Wallace seems oblivious.

One important context arises from the fact that doing things of a particular kind makes one a particular kind of person -- extending virtue ethics in this sense. If one frequently tells lies, for instance, one constitutes herself as a dishonest person. Once she realizes that this is so there is a new dimension added to her choice about whether or not to tell the truth. One becomes responsible not only for the particular good or bad things one causes outside of herself by her choice. She becomes responsible for the kind of person she is and will become.

At this point she can put more of herself into a moral judgment. One chooses one or another alternative not only because of its quality in itself but also because one chooses to become a particular kind of person. In this way, one may choose to be loyal to a friend not only because of what it does for one's friend, but also because one wills to be the kind of person who is loyal to friends. It is this concept of willing which is absent from virtue ethics.

In commenting on virtue ethics, Philippa Foot views the virtues as "correctives to vices."[124] This view also has built into it a rigid notion of virtue, as well as a questionable philosophy of human nature, that is, humans are viewed with suspicion, as opposed to being viewed with trust. Foot is certainly not a romantic. Yet in her "Are Moral Considerations Overriding?" she argues that they are not. She says:

> It seems then that the thesis that evidential moral considerations are invariably taken (by anyone who cares about morality) as more important than other considerations is simply false. The thesis that verdictive moral considerations are invariably taken as more important than other considerations is also false.125

Without developing her reasons for this conclusion (and without examining the difference between evidential and verdictive moral considerations), the reason Foot is correct is that moral judgments appear in contexts of the sort we have previously suggested. It is no credit to virtue ethics, then, to not have noticed this, nor to have minimized the place of human will in making moral judgments.

Let us examine virtue ethics from another perspective -- that of Bernard Williams. For Williams, it is not the virtue habits one has which are the primary factors in understanding the nature of moral judgments, it is an examination of one's projects, or what we referred to

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[124]Philippa Foot, Virtues and Vices, Chapter One.

[125]Philippa Foot, "Are Moral Considerations Overriding?" Virtues and Vices and Other Essays in Moral Philosophy, p. 187.

as contexts earlier.[126] Williams uses various synonyms for project in his work, such as "desire," "concern" and "commitment."[127] And, projects can be of a variety of sorts -- from a concern with basic survival to religious commitment, say. Williams refers to the latter sorts of projects as "ground projects," and under this category he includes artistic interests and strongly held moral convictions.

It is the projects in one's life, for Williams, which "help to constitute a character."[128] That is, it is one's projects which morally (and in other ways) set her apart from others -- demonstrate her uniqueness and individuality, an exactly different philosophical emphasis than Wallace's, say, with his emphasis on convention and uniformity. And it is precisely these "ground projects" which define someone as a human person, for they persist over time.

One value which Williams holds strongly to is "integrity."[129] For him it is integrity which indicates human wholeness and a commitment to living out one's moral commitments. Any moral philosophy, then, which

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[126]J. J. C. Smart and Bernard Williams, "A Critique of Utilitarianism," Utilitarianism: For and Against. (Cambridge: Cambridge University Press, 1973), pp. 110-112 and Bernard Williams, "Persons, Character and Morality," The Identities of Persons, Ed. Amelle Rorty. (Berkeley: University of California Press, 1976), p. 201.

[127]Bernard Williams, "Persons, Character and Morality, p. 201.

[128]See especially, Bernard Williams, "Moral Luck," Proceedings of the Aristotelian Society, Supp. Vol. L, 1976, pp. 115-135.

[129]Ibid., pp. 118-125.

views impartiality as a primary moral value in moral judgment making is suspect, given Williams' position. Let us examine why this is so.

In certain consequentialist ethical theories, for example, it is necessary for the human moral agent to predict the consequences, total social happiness, say, which would result from acting on particular moral judgments. This view is problematical because it is assuming that one's personal happiness (or misery, for that matter) is on the same footing with everyone else's. Clearly this is incorrect. One's commitments and scruples play an essential part in one's moral judgment making, and if the view we have described above were true, there would be no room for moral commitment. Put in practical terms, one's commitment to one's child, say, and not the expansion of social happiness for all, is at the heart of one's moral judgment making. Put differently, one does not kill one's child to increase the general happiness of society because one is committed to the child -- the child takes precedence to increasing social happiness. It is simply not true that each person's concerns are on an equal footing with everyone else's -- a position which the formalist impartiality theories leads one to. Williams writes:

> Instead of thinking in a rational and systematic way either about utilities or the value of human life, the relevance of the people at risk being present, and so forth, the presence of the people at risk may just have its effect . . . for most human purposes (sub specie aeternitatis) is not a good species to view the world under . . . very often we just act as a possibly confused result of the situation in which we are engaged. That, I suspect, is very often an exceedingly good thing.130

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[130]Bernard Williams, "A Critique of Utilitarianism," p. 118.

What we find in Williams' moral philosophy, then, is an attack on all three of the philosophical positions we are examining in this Dissertation. It is an attack on all three for the same reason, namely they do not recognize the place of commitment in making moral judgments. Formalism, with its views of impartiality and universalizability, has abstraction in moral reasoning taking precedence over moral commitment. In content theories, such as various brands of utilitarianism, social happiness takes precedence over one's moral commitments. And virtue ethics is suspect because there is seemingly no room for moral commitment within its theoretical geography.

CHAPTER V

MODELS OF MORAL JUDGMENT MAKING

What we will attempt to do is to develop various philosophical models of moral judgment making based on elements of moral judgments discussed and analyzed in this Dissertation. The attempt, after reviewing several prospective models, will be to develop an "integrated model" of moral judgment making -- one which responds to the defects found in the various ethical perspectives explicated in the Dissertation.

It is recognized that there has been much philosophical ink spilled over analyzing and explicating the differences between a theory and a model. It is also recognized that there is not complete agreement within the philosophical community over what constitutes a theory, the relationship between facts and theory construction, or the precise differences among various types of theories, to name a few issues.

Even though this is the case, it is necessary to supply a few remarks explicating why the term "model" is being used in this chapter. To delve into an extensive philosophical examination on the nature of theory or model construction is beyond the limits of this Dissertation. The term "model," though, is being used in the sense of a design which is held before one for guidance. A model is a heuristic device -- the

details are filled in when a particular issue is presented whose articulation, illumination or resolution can be benefitted by viewing the issue through the particular model.

It is certainly the case that the models to be presented are comprised of various theories. And to define "model" in the above manner suggests a particular theory of model building. But the term "theory," as being used in this Dissertation, differs from a model in that a theory is a more elaborate set of general or abstract concepts and principles which are useful when reflecting on the characteristics of moral judgments. A theory consists of a set(s) of propositions linked together in various ways. A theory is an abstract, consistent perspective by which to view moral judgments, for instance.

A model, on the other hand, is more heuristic. A teleological model, for instance, is a device for illuminating and resolving a particular moral dilemma which would benefit from analysis through the steps of the model. Teleology as a theory, though, is an elaborately worked out system or perspective on moral judgment making, among other areas. With this distinction in mind, let us proceed in the task of illustrating and explicating the various models of moral judgment making.

The philosophical justification for this move is twofold: 1) We have shown that the three major contenders for assessing the nature of what constitutes a moral judgment are philosophically inadequate and suspect; and 2) there is no logical reason why the various approaches to moral judgment making cannot (in principle) be combined. It is fully

realized that eclecticism in philosophy is viewed with suspicion -- as being intellectually bankrupt. So this move needs to be philosophically justified, to be argued for.

We are assuming that the main question of this Dissertation, "What are the characteristics of a moral judgment?" is synonymous with the question "What is the nature of a moral judgment?," which is also synonymous with the question "What is the nature of moral judgment making?" Undoubtedly some genius could take this assumption apart, but it is the basis of the entire Dissertation. If it is found that these are three separate or different questions, the Dissertation does not have a foundation to stand on. Thus, we are arguing that the attempt to develop an "integrative model" of moral judgment making is not a different enterprise from trying to ascertain what the characteristics of a moral judgment are. At the very least these three questions are so interrelated as to be indistinguishable.

William K. Frankena has argued that if one is viewing morality from a duty-perspective, it is virtue that is dependent on a duty-based account of ethical judgment.[131] Frankena, unlike MacIntyre, gives priority to duty. Philippa Foot retorts to such views as Frankena's by noting:

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[131]William K. Frankena, "The Concept of Morality," Perspectives on Morality: Essays of William K. Frankena, Ed. Kenneth Goodpaster (Notre Dame, Indiana: University of Notre Dame Press, 1976), pp. 125-132.

> The man who acts charitably out of a sense of duty is not to be undervalued, but it is the spontaneous contributor who most shows virtue and therefore to the other that most moral worth is attributed.132

Using different terms than we have in the Dissertation, why cannot a rights theory of ethical judgment (a content approach), a virtue based theory and a duty based theory (formalism) be combined in a philosophically creative and acceptable manner? If not, each theory seems to stand apart from the others; to have no relationship with the others; to even be mutually exclusive. One winds up, in the final analysis, with a Wittgensteinian moral universe where the rules (and so on) even within one area of ethical discourse do not translate to other areas of ethical discourse: an ethical world of moral monads, perhaps at best merely bumping into one another.

Based on the work of Tom Beauchamp,[133] then, the following will be an attempt at such an integration, with the intent of developing various models of moral judgment making (with philosophical rationale) which will, in the final arguments of this chapter, lead to an "integrated model" of moral judgment making. Beauchamp writes:

> I am not contending that actions are virtues or that virtue standards are logically equivalent to moral principles. But I am maintaining the following: principle and virtue standards are both

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[132]Philippa Foot, "Virtue and Vices," Virtues and Vices and Other Essays in Moral Philosophy. (Berkeley: University of California Press, 1978), p. 18.

[133]Tom Beauchamp, "What's So Special About the Virtues?", Virtues and Medicine: Explorations in the Character of Medicine, Ed. Earl Shelp.. (Boston: D. Reidel Publishing Company, 1985), p. 307.

> like general action guides; virtues in the context of ordinary morality are dispositions to do what persons ought to do as a matter of duty and principles of duty express our convictions about the proper character that persons should cultivate.134

What Beauchamp contends is that every principle of duty has a corresponding virtue: for instance, fidelity corresponds to faithfulness; beneficence to benevolence. In a similar fashion he argues that rights, duties and virtues are correlative. He notes that "one person's right entails the duty of another to refrain from interfering or to provide some benefit, and any duty similarly entails a right."[135]

To give but one example: respect for privacy is a principle of duty which correlates to respectfulness for privacy, which is a virtue standard, and guarantees the right of privacy, a human right. The general claim being made, then, is that virtues, principles and rights are correlative because they are all ends of the moral life. At times, to guarantee the moral life will be lived well, a theory of duty may be superior to a virtue standard -- at other times this may not be the case. Beauchamp and Childress put the point this way:

> Whether one takes the utilitarian or deontological standpoint no doubt makes a great deal of difference at many points in the moral life and in moral reflection and justification. Nevertheless, the differences can easily be overemphasized. In fact, we find that many (not all) forms of rule utilitarianism and rule deontology lead to identical rules and actions. It is possible from both

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[134] Ibid., p. 311.

[135] Ibid., p. 311.

> utilitarian and deontological standpoints to defend the same rules (such as truth telling and confidentiality) and to assign them roughly the same weight.136

The point, then, is not that different ethical theories can be collapsed into each other -- that REALLY, when one gets down to it, they are saying the same thing. For example, no matter how much one tries to integrate rule utilitarianism and rule deontology there will always be a difference in the starting points of their respective ethical reflections. Rule utilitarianism will consistently insist that the principle of utility justifies all other principles and rules, while the rule deontologist will argue that some principles and rules can be justified apart from the principle of utility (the principle of autonomy, say). And this theoretical difference between them does have immense importance for ethical judgment making. As Beauchamp and Childress continue:

> . . . we shall see throughout this volume that utilitarians tend to support a wide variety of types of research involving human subjects on grounds of social benefits of the research. Deontologists, by contrast, tend to be skeptical of much of this research on grounds of its actual or potential violation of the principles of autonomy and respect for persons.137

What we are trying to argue, though, is that at times a utilitarian (act or rule) approach is more amenable to ethical judgment making (and in this sense offers proper characteristics of a moral judgment in this

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136 Tom Beauchamp and James Childress, Principles of Biomedical Ethics, Second Edition. (New York: Oxford University Press, 1983), p. 41.

137 Ibid., p. 41.

context), while at another time a deontological approach (act or rule) is preferable. And the only way to determine which to emphasize is to have an "integrated model" which includes both, among other possibilities.

Thus, we mention Beauchamp's attempted integrative theory as a backdrop (and philosophical justification) to our own. We will be using other terms than Beauchamp's, but our intent is the same as his, namely to develop an "integrated model" of moral judgment making.

To set the stage, then, the first model which will be developed will be a teleological one. The summary of the ingredients of each ethical perspective will itself be integrated to a certain extent -- thus we will not quote extensive sources who adhered to these positions in one form or another. Some of that has been done previously; too much emphasis on sources at this point would be counterproductive, as we are attempting to establish a "gestalt" of a particular ethical theory and not a fully developed and argued for position.

The teleological approach is one such attempt which seeks to interpret nature -- physical, human, social/political -- as exhibiting purposefulness. Various forms of development are inherently purposeful, for ethical judgment making is aimed at a specific end or result. Put differently, nature (or God) has a plan inherent in it which displays purposefulness.

This does not imply, though, that the individual is always conscious of the goal or pattern; rather, it means that a rational person can discern a pattern or end to her ethical behavior -- she realizes

that a particular goal is inherent in her ethical judgment making, say. This purposefulness unites discreet acts into a pattern of meaning which helps the individual make appropriate moral judgments. In accomplishing this, teleological explanations are vehicles for answering "Why" questions. When asked why an individual judged "X" to be ethically appropriate, a teleologist may respond by discussing the purposefulness of the action. Self-realization, for instance, is one such accomplishment when a person judges and acts in a purposeful manner.

Aristotle points to this kind of case when he says that a doctor does not deliberate about whether to cure his patient: he takes the end for granted and asks how it may be achieved.[138] Of course, there is a difficulty with Aristotle's position. In cases of terminal illness, for instance, should the physician always act so as to cure the patient? Are there times when the physician should act to ensure the patient's death -- by withdrawing nourishment, say?

Such questions do not have simple answers, and the teleological ethical position does not help in some ethical conflict situations, like the one just mentioned. This shows, again, that problems about the

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[138]Discussed in Samuel Enoch Stumpf, Philosophy: History & Problems, Third Edition. (New York: McGraw-Hill Book Company, 1983), pp. 78-104.

starting point of moral reasoning encompass much uncertainty and controversy, so that in itself any particular moral system leaves much to be desired.

The following model suggests a teleological approach to ethical judgment making:

Teleological Model

a) Problem perception

b) List of alternatives in light of specific goals

c) For each alternative

Assign a value or degree of completion to the goal achieved:

1. +++
2. ---
3. ++
4. --
5. Etc.

d) Select the alternative(s) with the highest value for maximizing the goal.

Take the concern with ethical policy making within a corporate entity. The President of the corporation perceives that there are some serious moral issues that are in need of consideration. One alternative is to deal with the issues through Presidential fiat. Another is to form a Corporate Ethics Council to determine the telos of the corporate entity. Each alternative will produce some degree of satisfaction (probably). However, for the sake of argument, let us say the second

alternative is chosen because it is in keeping with the corporations goals, among other factors. In brief, this is but one description of the functioning of the Teleological Model.

A second approach to ethical judgment making is sometimes termed deontology. Deontological ethics and formalism are somewhat related. To be consistent, we will use the term "formalist approach." This approach stresses one's duty, as opposed to teleology which emphasizes goal realization and consistency. Formalism is not a rejection of the teleological perspective, but it does have a different moral starting place and emphasis, as has been previously noted -- although the aim of the formalist is to do whatever is right even if it interferes with some goal or end.

Formalists make moral judgments out of ethical principle. According to formalism, the rightness of an ethical judgment follows from principle and not from the consequences of the act. The formalist, thus, emphasizes the ethical actor's intention -- for a judgment is proper if an individual intends to do her duty which is based on moral principle.

A formalist asks the following kinds of questions: "What is the necessary feature(s) of the ethical life? "What makes an ethical life possible?" The formalist insists that judging in conformity with ethical principle (doing one's duty) is the necessary feature of moral judgment making.

Put a bit differently, formalism, especially of the Kantian brand, seems to have four sorts of arguments regarding the constituents of an

acceptable moral judgment (and of the good life). They are: 1) The insistence that the ideal life consists in submission to a certain will or command expressed in universal imperatives that hold for everyone and which admit of no exceptions; 2) the insistence that, unlike hypothetical imperatives, moral imperatives are unconditional, containing no exceptions, that is, binding regardless of the consequences and overriding all others with which they may come into conflict; 3) the argument that the will to which a morally good person submits is not the will of another, but her own will, insofar as she is rational; and 4) the stress on certain values, such as autonomy, dignity and self-respect.[139] A model of the formalist approach follows:

Formalistic Model
Problem perception

List alternatives		List rules or principles
a.		a.
b.		b.
c.	Compare	c.

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[139]Philippa Foot brings this out well in "Morality as a System of Categorical Imperatives." Philosophical Review, 81 (1972), pp. 305-316.

One alternative consistent with rules

One right action	Several alternatives consistent with rules	Alternative consistent with one rule, conflicts with another
	Several right actions	Appeal to higher level rule to solve conflict

A third approach to moral judgment making is a utilitarian model (a form of teleology). The utilitarian agrees with the teleologist that happiness is the appropriate end of ethical judgment. But she disagrees that there is a universal concept of happiness, such as human rationality, say. Rather, most utilitarians (of the act or rule sort) develop a psychological theory of human happiness -- a life in which pleasure is emphasized over pain. This is based on the psychological truism that people usually seek pleasure and attempt to avoid pain. Thus, moral judgment making has a proper emphasis if moral act "X" produces the greatest amount of happiness for people -- community benefit is important here. Likewise, the happiness the utilitarian is concerned with is not sensual pleasure, but individual and community growth and development.

Against the formalists, for the utilitarian (of the act or rule sort) good intentions do not constitute a criterion for defining moral judgment; rather, like with Stephen Toulmin, the consequences of the act

have essential importance. One can imagine, for instance, a person who has the greatest of intentions, but whose judgment (and subsequent act) decreases human happiness. And, if the interests of individuals come into conflict, only those interests which further the community's general happiness have ethical import. For example, fetal research and experimentation which could lead to better health care and prevention of disease among children would be morally justifiable because the consequence is positive. The seeking of the general good is the meaning of moral judgment making for the utilitarian.

Usually act-utilitarianism and rule-utilitarianism are distinguished by ethicists. We have not done so in using utilitarian language in this Dissertation with complete consistency. Following our intent, we want to argue that there is a sense in which the distinction is not helpful and a sense in which it can be collapsed.

Act-utilitarianism is the view that it is individual acts which are to be judged according to their utility, that is, the acts which ought to be done are those which yield the greatest utility. Rule utilitarianism (in its most common forms, at least) is the view that the act which ought to be done is that which is prescribed by the set of principles which has its highest "acceptance-utility," that is, those accepted in society will generally yield the greatest utility.

Since, it is assumed, the general acceptance of a set of moral principles which includes most of the well-established ones would have better consequences than the acceptance of the principle that each individual act should be judged on grounds of its own utility without

bringing in any other principles, this would be a way of giving a rule-utilitarian justification for conforming to only well-established, accepted social principles.

But, as G. E. Moore argued, this move to rule-utilitarianism is not necessary. He suggested that, given the pitfalls and uncertainties in moral judgment making (a point we have been hinting at throughout this Dissertation), a careful act-utilitarianism can argue that the probability of acting for the best is maximized by sticking to the well-established principles.[140] Such a philosophy will be both an act and a rule-utilitarian, so that the distinction between them collapses.

The following model of ethical judgment making, then, is based on a utilitarian perspective:

Utilitarian Model

Problem perception

List alternatives

Make choice

Frame an ethical statement

a. Conditions

b. Who

c. What

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[140]G. E. Moore, Principia Ethica. (Cambridge: Cambridge University Press, 1966), p. 162.

For each consequence

Scan list of personal values

Compare consequences with values

Examine this in light of the greatest good

Make decision after possible consequences are decided

A fourth approach to moral judgment making we will term personalism virtue. This is the most difficult to explain because it is composed of various strains of thought (which we cannot delve into here as this would take us too far afield from our present task). We need to stress the fact that the description of these various models is both tentative and oversimplistic. But their development is also for heuristic purposes.

The personalism-virtue model is concerned with individual moral growth. This approach can be traced to both Aristotle, who we mentioned when discussing virtue ethics, and Immanuel Kant's "Treat each person as an end in himself and not as a means." Thus, the personalism-virtue model is individually oriented; its basic concern is with moral judgment making at the individual level as it reflects community development.

This approach includes five presuppositions. They are:

1) Human beings are unique. This means that human persons are worthwhile because they are human persons; and they should be valued as such.
2) Humans are virtuous beings, that is they have the capacity (and usually the desire) to lead a life of virtue. Put differently, following the lead of virtue ethics, proper moral judgment making is directly related to the virtue characteristics of the moral actor.

3) Humans are relational beings. We are called in the very depths of our being to be in relationship with others -- we cannot escape this fact, and such relationality defines us situationally as moral actors.

4) A human is a unified person. This means that such philosophical separations as body/soul, mind/spirit/ and individual/community morality need to be questioned.

5) A human is a transcendent being. We transcend ourselves merely through the act of using language (we go out of ourselves to others, that is). The Personalism-Virtue Model will now be expanded:

Personalism-Virtue Model

Problem perception

List alternatives in light of the individual's characteristics:

a. Uniqueness

b. Virtuousness

c. Relationality

d. Unification

e. Transcendence

For each alternative a value should be assessed regarding its contribution to furthering a-e above.

Select the alternative(s) which considers most fully the development of a-e above.

Moral judgment making which would flow from this approach would emphasize the virtue characteristics and positive qualities by which members of the community relate with one another. For instance, if the

issue were policy development within an institutional setting of some kind, such policies would acknowledge the full meaning of human personness. They would seek to foster the individuals unique, virtue-oriented, relational, unified and transcendent characteristics.

Going into more depth regarding these various models is not needed, for we are not attempting to explicate or to philosophically analyze various ethical positions at this point in the Dissertation. The attempt is to reflect on the philosophical analysis already accomplished in order to develop a more comprehensive model of moral judgment making. Up to this point we have noted that there are different ways to philosophically analyze moral judgment making -- and the attempt to examine the characteristics of moral judgments is a necessary aspect of this process, so it has been argued.

The next move, then, will be to develop an "integrated model" of moral judgment making. But before such a model can be applicable, several steps needs to be taken. They include the following, and their inclusion depicts various elements from the other models developed in this chapter, as well as from the ethical theories explicated and philosophically analyzed in this Dissertation:

1) Goals need to be established which are made in light of the nature and purpose of whatever is under consideration.
2) The goals should be prioritized, for they cannot all be achieved at the same time. The same value judgments involved in setting goals are generally present in setting priorities.

3) Individuals need to be aware of the precariousness of some ethical issues. As someone once said, "A problem to be a problem must BE a problem." Many minute, contradictory issues may be present to the moral agent. She needs to identify and prioritize these.

4) If there is time, next comes the step of gathering data. Mere speculation cannot replace the gathering of data upon which to have a basis for moral judgment making (as much as Hare would disagree).

5) Alternatives need to be devised and ethically evaluated. Of course this is not to suggest that all alternatives have the same moral weight. Rather, we are supposing that moral judgment making is (in part) a dialectical process. For instance, if life/death decisions were perfectly clear, there would be no need for moral judgment making. Best as we humans try, there seems to usually be an element of mystery and uncertainty involved in moral judgment making.

6) The next step is to identify RELEVANT alternatives. Then each alternative should be evaluated in light of the individual's goal(s). This is the content aspect of the process. Yet some alternatives can be eliminated due to a "limiting factor," that is, it is necessary to realistically evaluate factors that limit certain alternatives: this may mean that some judgments can be eliminated because they are not realistic.

7) After identifying all relevant alternatives, the next step is to examine and weigh the value of each alternative in terms of categorical ethical principles. This is the formalistic aspect of the model.

8) At this point it is necessary to ask two questions: "What is the short-term consequence(s) of the process?"" and, "What is the long-term consequence(s)?" Some alternatives can be disregarded because they are inappropriate. In sifting out the short and long-term consequence(s) of the process, an individual is using both a content criterion and the personalism-virtue model of moral judgment making. The next step is to compare and contrast the consequences.

9) Next the individual should examine the short-term and long-term consequences in light of her goals. At times a short-term effect may have to be sacrificed because of its long-term consequence.

10) At this stage the individual should be able to assess the best alternative in light of the following:

    a. Formalistic considerations
    b. An assessment of content aspects
    c. A realization of her virtue level
    d. Analysis of consequences of various sorts (a content aspect)
    e. The use of appropriate ethical principles (a formalistic emphasis).
    f. The development of personhood (a personalist-virtue ethics consideration) in relationship to community harmonization (a content aspect).

The following diagram is suggestive of such an "Integrated Model."

Integrated Model

Problem perception List categorical ethical

Identification of alternatives		principles
a.		a.
b.		b.
c.	Compare	c.

Evaluation of alternative(s) in light of purpose

List consequences

a. Immediate (short-range)

b. Long-range

For each consequence relating to the individual, the following need to be considered:

a. The individual's uniqueness

b. Virtue characteristics

c. Relationality

d. Unification

e. Transcendence

Again, compare consequences in light of goals

Select the appropriate alternative

What we are stressing, then, is that the various theories of moral judgment making and theories which proposed characteristics of moral judgments we have considered in this Dissertation need not be seen merely in isolation from one another. To do so is to view philosophy as a reductionist activity -- whereas integration has classically been one of philosophy's main functions. It is hoped that even if the details of the project of this Dissertation are somewhat unclear or inaccurate, that the theoretical arguments and analysis are well developed and argued.

Thus, to summarize: For one philosopher to appeal to utility and another to appeal to the principle of autonomy does make a great theoretical difference in their respective theories. But it may not make much difference at the level of moral judgments. Likewise, it may be impossible to have a TOTALLY adequate system of morality, that is, a system of morality which resolves every competing ethical claim -- after all moral principles and moral rules do conflict (beneficence and autonomy, for instance). Alan Donagan argues this point when he writes:

> In all the vast and imposing body of work on consequentialist moral theories, there are many sketches and projects for constructing moral systems. But none have been constructed.141

This is not as odd as it may first appear: after all if different ethical theories initiate reflection from different standpoints, isn't

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141 Alan Donagan, The Theory of Morality. (Chicago: University of Chicago Press, 1977), p. 191.

it logical that theory "X" may leave out what theory "Y" emphasizes? Beauchamp and Childress prefer to term ethical theories or systems "perspectives" to avoid this exact dilemma. They argue:

> It is quite possible that the moral life is so diverse that no theory can stand up to the completeness test even though a theory may capture some specific domain of that life, such as our conception of 'justice' or our conception of 'the public interest.' Yet each of these broad ethical theories that we have examined arguably offer a valuable perspective from which to view morality.142

This is precisely what we have been arguing here -- and precisely what philosophically justifies our attempt at an "integrated model."

Let us, then, further explicate an "integrated model" by reference to Bernard Williams's concept of "integrity,"[143] for Williams's analysis of integrity will aid the argument for the necessity of an "integrated model." Put differently, thus far a critic might respond that the "integrated model" does not integrate anything.

The contention of this Dissertation, then, is not merely a negative one: even though the three theories of what constitutes moral judgment making were found philosophically inadequate, it does not follow that nothing philosophically (and practically) interesting and important is part and parcel of the long philosophical tradition which has considered the nature of moral judgment making. Williams's notion of "integrity," then, will help us clarify why the "integrated model" integrates.

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[142]Tom Beauchamp and James Childress, Principles of Biomedical Ethics, Second Edition, p. 43.

[143]Bernard Williams, "Persons, Character and Morality," The Identity of Persons, Ed. Amelle Rorty. (Berkeley: University of California Press, 1976), p. 201.

Williams argues that the "ground projects" in a person's life are what constitutes her character, that is, one's projects differentiate her from others. The "ground projects," those which constitute a person's reason for being, are integral to one's identity.[144] And since integrity for Williams is tied to one's moral wholeness and is that virtue which unifies one's value system, a loss of integrity is tantamount to a loss of one's moral identity, a loss of one's very moral self.

Williams, then, is not merely arguing that one's "ground projects" and commitments are integral to one's moral identity. He is noting that such concepts as universality and impartiality, and other formalist and utilitarian aspects of moral judgment making, precisely because they reject, or certainly de-emphasize, the importance of one's "ground projects" and commitments as a basis for the moral life, destroy the sense of what it means to be a moral being.[145]

To be a moral agent, according to this view, means, in part, to let one's "ground projects" and commitments take precedence over universalizing one's moral judgment, being impartial in one's mode of moral reasoning, or considering the consequences of one's moral judgment making -- at least in many moral situations. Williams's view, obviously, has much in common with Kohlberg's at this point. Kohlberg's Stage 6

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[144] Ibid., p. 201.

[145] Bernard Williams, "Moral Luck," Proceedings of the Aristotelian Society, Supp. Vol. 1 (1976), pp. 115-135.

individual makes moral judgments based on her "self-accepted moral principles."[146] Williams, though, is saying something a little stronger, as he would apparently disagree with Kohlberg on the importance of universal principles of justice.

What, though, is integrative about all this? Is not Williams precisely philosophically attacking both formalist and content theories of moral judgment making, leaving personal choice and dedication to individual projects and commitments the hallmarks of a true moral judgment? It is not known how Williams would respond to the above interpretation of his philosophy of moral judgment making, but the argument will be extended to suggest that Williams' notion of integrity is integrative in the senses necessary for the "integrated model" to integrate: 1) It integrates the formalist, content and virtue ethics theories of moral judgment making; and, 2) it integrates moral judgment making with moral experience.

1) For Williams to emphasize the importance of integrity based on one's acting out of "ground projects" and commitments is tantamount to him arguing that there is an integral relationship between one's moral character or virtue formation and moral judgment making. To violate one's integrity is to lose one's moral identity, even. It is integrity which binds together one's sense of being a moral self and one's process of moral judgment making.

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[146]Lawrence Kohlberg, "Education for Justice: A Modern Statement of the Platonic View," Moral Education, Ed. T. Sizer. (Cambridge, Mass.: Harvard University Press, 1970), p. 58.

Williams's theory of moral judgment making has a content aspect, also. The concept of one's "ground project" is a non-moral concept, for instance. The justification for saying that "X" is good in a moral sense is if "X" is a satisfactory way of organizing one's moral life. Such a characteristic is, obviously, like "the moral point of view," a content aspect of moral judgment making.

Finally, Williams's theory has a formalist aspect to it, if by "formalist" is meant that there is a sense of moral judgment making which includes a commitment to moral principles. Take the idea of moral obligation. What Williams seems to be saying is that if "X" is the conventionally moral thing to do, and if one's integrity connotes that she would be unfaithful to her freely accepted "ground projects" and commitments if she judged that "X" is the moral thing to do, her moral obligation, that which justifies both her moral life and her saying "X is the morally correct thing to do," would transcend "the conventional thing to do."

Put differently, as with Kohlberg, Williams is arguing that self-accepted moral commitments form the basis of "proper" moral judgment making. These moral commitments, then, even if not universalizable, impartial and prescriptive, are formal principles and "ground projects" out of which one's moral judgment making operates.

2) Williams' theory of moral judgment making is integrative in the sense that it ties together one's sense of being a moral self and moral experience. It has already been noted that integrity forms the basis of one's moral identity, and to violate that integrity is to precisely be alienated from one's moral ground of being. Yet Williams also says:

> . . .projects, in a normally socialized individual, have in good part been formed within, and formed by dispositions which constitute a commitment to morality.147

Williams moral universe, then, is not a throwback to the "do your own thing generation." It is integrity which forms and unifies one's moral experience. Put another way, moral experience itself seems to have tied to it the concept of commitment. This is certainly the way Wallace, among others, have argued. Integrity, then, is the very integration of the concept of moral experience with one's sense of being a moral self.

Williams' philosophical reflections on integrity, therefore, are one lens by which to view the "integrated model." Without such a model one's moral experience may be forever out of touch with one's moral judgment making ability. One may, in all honesty and sincerity, attempt to consistently make impartial moral judgments, for example, without noticing that at times impartiality is violating her integrity -- that which makes her a moral self within a moral community.

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147 Bernard Williams, "Persons, Character and Morality," p. 208.

CHAPTER VI

SUMMARY AND CONCLUSION

We need to be clear about what is NOT being argued in this Dissertation. We are not saying that the various models of moral judgment-making are reducible to each other. It is not being implied that the models are insufficiently structured so as to never have any autonomous standing. All that is being argued (and this is a huge assertion from a philosophical standpoint) is a soft thesis that regarding some ethical issues deontology, say, is a better approach than teleology. But even this soft thesis is controversial.

Then there is the strong thesis that an "integrated model" can serve the best of all possible worlds, that is, the "integrated model," since it includes the major ethical systems' input, can be of use in ANY ethical dilemma where judgment is necessary. By saying it can be of use does not mean that at certain times teleology, for instance, may be a better way to go. We are arguing, rather, that since the "integrated model" includes input from the various ethical perspectives and systems one can certainly emphasize the appropriate ethical perspective or system while admitting that other ethical perspectives or systems have RELEVANCE.

Following the lead of Robert Nozick let us help clarify the soft thesis further by centering in on deontology and teleology. And let us use Rawls' definition of the two, which Nozick uses. By deontology is meant an ethical stance which defines what is ethically appropriate independent of the good. By teleology is meant that ethical stance whereby appropriate ethical judgment and behavior is directed toward the achievement of a good, be it utilitarianism, consequentialism or any ethical theory which prescribes the content of appropriate moral judgment-making.

Nozick states our soft thesis in the following manner:

> Peaceful coexistence in a division of labor. For one sort of problem or choice a deontological theory is correct, while for another, a teleological one is.148

This proposition is not determining which situations are which. It is only a recognition that ethical judgment making situations have both deontological and teleological elements inherent in them, although certain issues which demand an emphasis of moral principle application may mean that a deontological theory is emphasized while those issues demanding a teleological principle application may mean that a teleological theory is emphasized.

Our hard position can be further elucidated by Nozick's following remarks:

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[148]Robert Nozick, Philosophical Explanations. (Cambridge, Mass.: Harvard University Press, 1981), p. 494.

> Another way to try to give each of deontology and teleology its due is . . . by specifying different sources for each.149

By "different sources" Nozick has in mind the foundations moral action, that is, the motivation for being moral in the first place. It can either come from an ethical pull, "a moral claim on us exerted by others,"[150] or an ethical push, the manner in which "I am best off behaving."[151] As he says:

> The deep and long-standing ethical conflict between deontology and teleology, each having strong intuitive force, would be neatly and satisfyingly explained if, for example, one view was the appropriate structuring of the ethical pull while the other was the appropriate structuring for the ethical push.152

He puts this differently when he writes:

> Deontological concerns can thus be mirrored or presented naturally within a teleological framework concerned with maximizing the good.153

What we are arguing by the development of the "integrated model" is that teleological concerns, likewise, can be mirrored or presented naturally within a deontological framework concerned with using and assessing moral principles.

Perhaps agreement between teleologists and deontologists can more readily been seen at the level of moral principles or rules, that is, both ethical camps emphasize that moral judgment requires various

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[149] Ibid., p. 495.

[150] Ibid., p. 451.

[151] Ibid., p. 495.

[152] Ibid., p. 495.

[153] Ibid., p. 498.

rules.[154] Without principles or rules of some sort, be it the principle of utility or that of autonomy, moral judgment-making would lose one of its main ingredients. And certainly it is the case that the type of principle or rule has serious implications for the actual ethical decision. If the principle is individual autonomy, such decisions as "informed suicide" make ethical sense. If the principle is that of personal or social utility, "informed suicide" might make different ethical sense.

To agree that principles or rules are necessary for intelligent ethical judgment-making to occur, then, is not to assert much at the practical level. This agreement, though, is helpful at the theoretical level in noticing areas of common concern between teleology and deontology. And since, perhaps, the most interesting ethical issues are those in which there is an ethical conflict (between good vs. evil, good vs. good and evil vs. evil), there needs to be some model for making moral judgments. A simple teleological vs. ontological ethical universe won't do. Based upon such appeals, we submit the "integrated model."

We have argued, then, that the three contenders for answering the question "What constitutes an ethical judgment? (formalism, the content approach and the virtue ethics perspective) are philosophically problematic. Our next move was to offer a soft position whereby it was recognized that for certain ethical judgments teleology offered a better

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[154]This point is developed by Tom Beauchamp and James Childress, Principles of Biomedical Ethics, Second Edition. (New York: Oxford University Press, 1983), p. 43.

beginning; and for others deontology did the same. We noticed the incompleteness of the soft position and thus moved to argue for an "integrated model" of moral judgment making. The success of this endeavor is left to better minds to evaluate.

It is the "integrated model" which attempts to explicate the various moral and non-moral, or utilitarian, structures through which individuals declare themselves to be moral judgment-makers. Such a model is a wholistic challenge to those who take their moral universe and their participation in a moral community seriously.

In considering appropriate and relevant aspects of moral judgment-making, then, it is not enough to critique various philosophical traditions -- which creates a strong negative tone, perhaps, in the first few chapters of this Dissertation. Nor is it enough to argue that moral judgments, based on specific philosophical theories of moral judgment-making, are more appropriate in certain moral situations while not appropriate in others.

This latter approach is preferable to a negative philosophical analysis which merely points out theoretical problems with specific philosophical theories of moral judgment-making. It is preferable because it does admit that moral philosophy has relevance for moral judgment-making. And, it is preferable because it can point to issues and areas of agreement -- as well as serve as a heuristic guide to moral judgment-making.

But the development of an "integrated model" is crucial. It is crucial for at least two reasons: 1) Without such a philosophically

defensible model, theories of moral judgment-making become like a monad of Leibniz -- without any connection to anything else in moral theory or in moral experience. 2) An "integrated model" recognizes the person at the very heart of moral judgment-making, while also recognizing the importance of noting the relationship between moral principles to moral judgment-making, the need to realistically analyze the content aspects of such moral judgment-making and the utmost necessity of examining the moral characteristics of a moral judgment-maker.

Put differently, moral principles are advocated by persons with specific moral commitments. Moral judgment-making is done by individuals who are conscious of "higher" ends, be they self-development or social happiness. The "integrated model," then, is an attempt to be attentive to all of the above; and a future work is promised which will be solely devoted to philosophically fleshing out theoretical and practical aspects of the "integrated model" which are beyond the scope of this Dissertation.

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The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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