

MORALS BY REFLECTIVE EQUILIBRIUM

by

Dr Madhu Prashar

Principal, Dev Samaj College for Women, Ferozepur City, Punjab

ABSTRACT

Reflective Equilibrium does have an important role in actual moral reasoning as a device for bringing about coherence of moral principles and particular moral judgments. It is also a fair description of usual reasoning about hard moral cases. Through this research paper, I will try to work out a general principle on the basis of strongly held particular judgments (inductive reasoning) and then apply this moral principle to a difficult or controversial issue (deductive reasoning). In the situation of a clash between a general principle (established on the basis of some other particular convictions) and a particular conviction of justice, we must modify the general principle or change the particular judgment of justice.

INTRODUCTION:

Aversion to changing the principle when it clashes with strong moral convictions is a symptom of moral dogmatism; incapacity to change judgments of justice when principles so dictate is a sign of an unprincipled, case-by-case approach to morality. In its extreme version, moral discourse of its essential feature, the universality of moral principles, the defence of a moral decision in terms more general than one particular case. Those two deviations should be avoided, by a two-way approach to a reflective equilibrium but a decision about which way should be chosen in any particular instance is to be made by the person who makes the moral decision or proposes the moral principle. Ultimately, it depends on the relative intensity of our convictions and principles. If, however, we decide to modify a principle under the influence of a very strong particular judgment of justice, we must remember that its change will lead to a change in some other particular judgment of justice, on the basis of which we have established the very principle that is subject to a change now.

Reflective equilibrium' is, a useful and adequate description of the introduction of coherence into a moral system through a combination of inductive and deductive reasoning. But, to avoid the objection of circularity, the 'equilibrium' must have its 'external' source. It is not a satisfactory argument if we say, for instance: racial and religious discrimination are immoral; therefore, all discrimination on irrelevant

grounds is immoral (induction); discrimination of women is based on irrelevant grounds; therefore, it is immoral (deduction). Although that is probably the way we actually often think, a moral theory tries to find some justificatory source for the whole argument. Such an 'external' source of reflective equilibrium in Rawls' theory is provided by a hypothetical social contract but, for reasons suggested above, it cannot be seen as an independent moral source because the conditions of the contract are already moulded by the convictions of justice that are believed to be a part of 'reflective equilibrium' what is the source of those convictions that influence the conditions of the initial contractual situation? Answering this question Rawls, must appeal either directly or indirectly to intuition. Hence social contract is superfluous as a part of moral justification; it can be viewed as a useful didactic tool, but as a part of 'reflective equilibrium' it creates an illusion that it is an 'objective', non-intuitive factor in justification. In a recently published article ("Kantian constructivism in Moral Theory", *The Journal of Philosophy*, 77, 1980) Rawls declares that:

The aim of political philosophy... is to articulate and to make explicit those shared notions and principles thought to be already latent in common sense; or as is often the case, if common sense is hesitant and uncertain... to propose to it certain conceptions and principles congenial to its most essential convictions and historical traditions.

It is clear then that for Rawls common sense precepts, essential convictions and historical traditions are prior to, not derived from, conditions for a social contract. They shape the structure of the original position, not the other way round.

The upshot of these considerations is that ultimately, we appeal to our moral intuitions when proposing principles of justice and that the job done by a hypothetical social contract is derivative from prior moral intuitions. Now, this view may seem very unsatisfactory to those who seek more solid and 'objective' grounds for principles of social justice than something so enigmatic and unintelligible as moral intuitions. Secondly, this view may also be objectionable to those who are offended by the apparent absolutism of 'intuitionism' conceived as a theory claiming the discovery of self-evident moral truths by means of 'direct insight'. Paradoxically, then, direct appeal to moral intuition is susceptible to quite opposite objections that it is too weak and too strong, that it does not help solve moral controversies and then it attempts to impose arbitrarily 'true' answers to difficult moral questions.

To take up the second point first, I should like to suggest that the ultimate appeal to moral intuitions in defending moral principles and judgments does not necessarily entail endorsement of a meta-ethical theory of 'intuitionism' with all its traps and overstatements. In particular it does not necessarily entail two views shared by

meta-ethical intuitionists, that, firstly, truth and falsity can be attributed to moral judgments and hence that morality is a matter of knowing (although in a different sense than knowledge about natural facts), and secondly, that moral truths are self-evident, necessary and indubitable because they are propositions synthetic a Priori. Without entering into the debate on other merits or demerits of such radical intuitionism, it seems to me that the view endorsing these two points has a practical setback, it clouds rather than illuminates the seriousness of moral disagreements about judgments and principles of justice. If the persistence and the inevitability of such disagreements is taken to be one of the most important facts about morality, and in particular about judgments of social justice, then meta-ethical intuitionism is hardly helpful in explaining the nature and the sources of such disagreements. Intuitionism, endorsing the two prepositions cited above, cannot avoid the conclusion that in cases of moral controversy some people know the truth, others are mistaken. In consequence, the intuitionist must end up with a statement that the fact that people disagree in moral matters, even concerning basic, ultimate moral issues, is evidence that they cannot all be right, not that the judgments involved are incapable of truth or falsity.

This view, although theoretically coherent, is of no help when actual. moral disagreements arise, If, on the one hand, people's moral judgments are thought to be a matter of truth and falsity and, on the other hand, those judgments obviously differ among themselves, how are we to know whose intuition is capable of discerning the moral truth and whose intuition is deficient? Intuitionism postulates that there is a moral truth and that it is discernible by intuition but it fails to help us to select the moral truth from among the variety of moral judgments; How can we distinguish a genuine moral intuition from a false one?

To be sure, an intuitionist does not have to answer this question. It is theoretically coherent to hold the view that moral propositions are about the truth and at the same time that this truth is unverifiable in cases where disagreement arises. The very fact of the existence of moral disagreements is therefore too weak an argument against intuitionist meta ethics, contrary to what some of its critic's claim. But it is a sufficient argument against the usefulness of this theory.

After all, the most obvious question that arises about the intuitionist claim that moral truth is self-evident is: self-evident for whom? Actual moral disagreements show that this 'self-evidence' must be represented by some special inner faculties of persons whose intuitions are better than those of others- but this is a path that very few contemporary intuitionists would like to follow.

The other type of objection to intuitionism is being put forward by Rawls. His main argument is that intuitionism is of no help in weighing moral principles against one another in case of conflicting values, because it contains no priority

rules and we are simply to strike a balance by intuition, by what seems to us most clearly right'. This 'no-priority-rules' argument is by far the most important objection that Rawls formulates in his polemics against intuitionism: we are told that 'the intuitionist believes... that the complexity of the moral facts defies our efforts to give a full account of our judgments and necessitates a plurality of competing principles'. However, what Rawls is arguing against is but one possible version of intuitionism, rather unrepresentative and clearly implausible. The view that he is refuting is that moral intuitions (which are sources of our judgments) cannot suggest any priority rules in case of competing values or principles: no principle is ultimate, there is a plurality of second-to-ultimate principles and conflicts among them are practically solved only on a case-by-case basis. According to Rawls:

Intuitionism holds that in our judgments of social justice we must eventually reach a plurality of first principles in regard to which we can only say that it seems to us more correct to balance them this way rather than that .

This is, however, to attack a man of straw. This version of intuitionism, although conceivable, is an incomplete conception of justice. It states that there are several "first principles" (in fact, they are only- 'second principles') but by failing to prescribe priority rules it is useless our guiding our actions in hard cases. There is no reason to think that in a meta-ethical theory of intuitionism must be linked to an: incomplete conception of justice: intuitionism may, just as any other theory, postulate priority rules. If we can intuit several 'first principles', why can we not intuit the first principle? There is no reason for moral intuition to stop at an intermediate level in the hierarchy of moral principles. Actually, Rawls himself observes: 'Perhaps it would be better if we were to speak of intuitionism in this broad sense as pluralism'. This is a disarming statement: of course, it would be better! But in this case Rawls' objections would hold against any form of moral pluralism that might just as well be a social contract theory as an: intuitionist one, and then it would become obvious that his arguments are not relevant as a criticism of intuition as a moral source. Hare rightly observes that there can also be another, non-pluralistic kind of intuitionist-one who initiates the validity of single method, and erects his entire structure of moral thought on this.

Rawls' arguments about the weakness of intuition are therefore misdirected: they also probably stem partly from a confusion of the meta-ethical theory of intuitionism with the normative intuitionist ethics that is actually refuted (in one of its versions) by Rawls. Intuitionism's weakness lies elsewhere: not in the fact that it does not guide our actions by clear priority rules but that the scope of inter personal arguments about them is so limited. People's values: including principles of justice, are not, as emotivity maintain, solely expressions of their emotions or

recommendations of actions. They are not totally 'arbitrary' or 'irrational', principles of justice are often the result of rational considerations about the possible consequences of various rules, structures and actions; the consequences for human beings in terms of their life dignity, prosperity, liberty, etc. People value certain principles more than others because they know (or think that they know) possible consequences of putting them into practice- that is a 'rational' part of arguments about justice and that is a legitimate field for moral dialogue. Moral judgments are not derived from facts but they correspond in a certain way to facts. People make their judgments not always arbitrarily and not always as emotional responses to challenges but also as considered convictions based upon expected consequences resulting from acting upon them. But the ultimate evaluation of those consequences hangs upon subjective principles: standards of right and wrong underivable from empirical facts or from even higher standards. Those ultimate value judgments cannot be argued about in terms of empirical facts because it is the latter that are assessed by the former. Reflection upon the facts and the facts alone does not entitle us to make value judgments about them. In this sense the appeal to intuition is subjectivist without being emotivism and without-on the other hand- necessitating any claim to discovery of self-evident 'moral truth'. It is the view that ultimately any moral disagreement is reducible to a statement of opposite values which are neither arbitrary expressions of emotion nor the opposition of truth and falsity. Appeal to intuition is an admission of the limits, not the impossibility, of reason in moral matters.

The alternative: either our value judgments express 'moral truth' and therefore in case of disagreements at least one view is mistaken or our judgments are totally arbitrary and irrational, does not exhaust the whole list of possible approaches to morality. The view that I would like to suggest is that moral judgments are neither arbitrary nor verifiable in interpersonal discourse. The fact that people cannot prove the truth of their principles of justice and that those principles cannot be attributed 'truth' from any human point of view, does not necessarily mean that those people hold their respective views without any rational justification. Those judgments cannot be 'proved' but they can be justified; they can be justified, but they cannot be agreed upon by all. Not because some of them are less strongly justified, nor because some people are less rational; the lack of moral consensus is not a contingent but an inherent: feature of human morality. Human disagreements about considered principles of justice and the impossibility of reaching any consensus in interpersonal discourse, express the very nature of morality.

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