

Reflective equilibrium, considered moral judgments, and interests – a response to Thomas Kelly and Sarah McGrath

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Abstract. Which moral judgments should one pay attention to in building a justified moral philosophy? Thomas Kelly and Sarah McGrath object to John Rawls’s suggestion to not rely on judgments heavily bound up with one’s own interests. I propose a solution in response to the objection.

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“Keep your stars for Christmas:

Post not one to me,

They scar me with their pointiness

—And burn the Christmas tree.”

John Rawls is associated with two methods that he recommends when trying to develop justified principles of justice, one of which is reflective equilibrium. Put briefly – too briefly to exactly capture Rawls – the aim of reflective equilibrium is to propose a set of general principles which entail one’s moral judgments about specific situations. Given the aim, one will be comparing proposed principles with specific judgments. But should one pay attention to all one’s moral judgments about specific situations? Rawls says, “No.” He tells us that we can set aside some such judgments. But the legendary Harvard philosopher is criticized by two Princeton philosophers for his instructions regarding what to set aside, namely Thomas Kelly and Sarah

McGrath. It is difficult for me personally to oppose what these philosophers say, but I can see a solution for Rawlsians and I wish to present it.

Rawls tells us that we should pay attention to considered moral judgments, not just any moral judgments, and clarifies the concept of these as follows:

So far, though, I have not said anything about considered judgments. Now, as already suggested, they enter as those judgments in which moral capacities are most likely to be displayed without distortion. Thus in deciding which of our judgments to take into account we may reliably select some and exclude others. For example, we may discard those judgments made with hesitation, or in which we have little confidence. Similarly, those given when we are upset or frightened, or when we stand to gain one way or the other can be left aside. All these judgments are likely to be erroneous or to be influenced by an excessive attention to our own interests. (1999: 42)

In response to his recommendations, Kelly and McGrath ask us to consider a certain proposition: a person of color should not receive lesser consideration in virtue of being a person of color. They argue:

Notice that, for a person of color, this judgment is heavily bound up with their own interests. Offhand, it seems like this judgment might fail to qualify as a considered moral judgment for a person of color for that reason, and thus should be excluded from subsequent deliberations. This seems like the wrong result, however. On the contrary, we think that it would be perfectly reasonable for a person of color to give a great deal of weight to this proposition in working towards reflective equilibrium. We think that the reason for this is the following:

despite the fact that it is very much in the self-interest of a person of color that this proposition is true as opposed to false, she will still typically have a high degree of justification for her belief that it is true; because of this, not only is it rationally permissible for her to take this proposition into account in her deliberations, but it would be a mistake for her to set it aside. (2010: 348-349)

By the way, “person of color” refers to non-white human beings (I think by a more or less Conradian standard).¹

To begin with, it is useful to identify some theses that Kelly and McGrath are committed to:

(Interests thesis) It is strongly in the interests of a person of color for the proposition “a person of color should not receive lesser consideration in virtue of being a person of color” to be true.

(Justified thesis) Persons of color are justified in believing the proposition to be true.

(Permissibility thesis) An adequate reflective equilibrium procedure must allow them to test general principles of justice by comparing them with this proposition.

(Mistake thesis) It would be a mistake for a person of color to try to justify general principles of justice while ignoring the proposition.

Rawls suggests that, owing to the extent to which the example proposition is in their interests, the person of color is not a reliable judge of the proposition’s truth, so they should not rely on it in attempts to achieve reflective equilibrium. It may well be difficult for Rawlsians to abandon this concern with the biasing effect of interests, given the steps they take to avoid such an effect elsewhere. (1999: 118. On verbal and coherence grounds, “suggestion” seems too mild a word

¹ This objection is different from the more familiar objection that in a multicultural society reflective equilibrium will not lead to consensus (see Parekh 2002: 85-86). It is endorsed by Tristram McPherson (2015: 664).

for Rawls's relationship to setting aside interest-propositions, though I follow Kelly and McGrath's use of it.) I wish to introduce a solution for Rawls which does not involve accepting the permissibility and mistake theses. We can call it "the entailed-anyway solution."

To grasp the solution, it will be helpful to switch to murder and then come back to racism (though of course they are not mutually exclusive). Here are some moral judgments about specific situations: "It was wrong for Jack to murder Sally," "It was wrong for Jack to murder David," "It was wrong for Jack to murder John-Peter," "It was wrong for Jack to murder Annette," and "It was wrong for Jack to murder Jane." Instead of testing proposed general principles of justice by comparing them with each of these, you might propose to compare them with a more general judgment, such as "It is wrong for Jack to murder."² But, alternatively, you might think, "If I test them against some of these and overlook others, that is not a problem, because any general principles of justice which entail some of these will entail the others as well." For example, one proposes a general principle of justice which protects all citizens' basic liberties in order to entail the first three judgments and it actually entails all five.

Similarly, consider this list of judgments: "It was wrong for the university to fire Sally because of her height, because her job does not depend on height," "It was wrong for the university to fire David because of his weight, because his job does not depend on weight," and "It was wrong for the university to fire John-Peter because of his tattoo, because his job does not depend on the absence of a tattoo." When one tries to formulate general principles which entail these specific judgments, one ends up also recommending principles which protect against discrimination against skin colour. The solution then is: the person of color should rely on some

² A way in which my opening description of Rawlsian reflective equilibrium is inaccurate is that Rawls allows more general considered moral judgments to be entered into the procedure.

such judgments instead when trying to achieve reflective equilibrium, which they have less interest in being true, and the results will not be adversely affected.³

References

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Parekh, B.C. 2002. *Rethinking Multiculturalism*. Cambridge, Massachusetts: Harvard University Press.

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³ There is a worry that some groups have been so much the subject of prejudice historically that explicit rules against discriminating against them are needed. Rawls's philosophy seems unsuited to achieving this kind of historical sensitivity; if that is what concerns people, perhaps it is better to try something else.