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WHAT MAKES A JUDGEMENT A MORAL JUDGEMENT

- *Brad Hooker*[*]

I. INTRODUCTION

We aspire to know what basic moral theory is best, or, if that is too much to hope for, then we aspire to know which of the basic moral theories are the most plausible. One source of this aspiration is pure intellectual curiosity. Another is a moral concern about whether our moral ideas are coherent and well grounded. In addition, we want to prepare for thinking about new moral problems, such as those thrown up by technological changes.

By the phrase "basic moral theory", I mean a set of propositions providing ultimate grounds for moral requirements, moral prohibitions, moral permissions, and moral virtues, as well as for supererogation, i.e., what is above and beyond the call of moral duty. Basic moral theories might be highly systematic and monistic, grounding moral requirements, prohibitions, permissions, and supererogation in one foundational principle. Or they might be more pluralistic, postulating multiple foundational principles to be balanced off against one another in order to determine what is morally right or wrong in different situations. At the extreme end of pluralism is moral particularism, which holds that properties of an action that morally favor or morally oppose the action in one situation might, though present in another situation, have no, or even opposite, weight there, without there being deeper, general principles explaining such variance.[1] Even moral particularlism counts as a basic moral theory, as I am using this phrase.[2]

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[1] J DANCY, MORAL REASONS, (Blackwell Publishers, 1993).

[2] I discuss the nature of moral theory in other places, especially in BRAD HOOKER, IDEAL CODE, REAL WORLD: A RULE-CONSEQUENTIALIST THEORY OF MORALITY, (Clarendon Press, 2000), Brad Hooker, *Theory vs Anti-Theory in Ethics*, in ULRIKA HEUER AND GERALD LANG (eds), LUCK, VALUE, AND COMMITMENT: THEMES FROM THE MORAL PHILOSOPHY OF BERNARD WILLIAMS 19-40, (Oxford University Press, 2012), Brad Hooker, *Moral Theory and Its Role in Everyday Moral Thought and Action*, in AARON ZIMMERMAN, KAREN JONES, AND MARK TIMMONS (EDS), THE ROUTLEDGE HANDBOOK ON MORAL EPISTEMOLOGY, (Routledge, 2018).

This essay is not about the question of which is the best moral theory. The essay is instead about a question prior to that one. When trying to decide which of the rival moral theories seems most plausibly best to us, we should ascertain, among other things, how well these rivals cohere with our most confident moral convictions about moral principles and about more or less specific kinds of case. To ascertain how well different moral theories do this, we first need to be able to distinguish our *moral* judgments from judgments *of other kinds*. This essay is about that prior question—what distinguishes *moral* judgments from judgments *of other kinds*?

An easy answer might seem to be that our moral judgments are about *moral* permissions, moral requirements, and moral virtues, while judgments of other kinds are about permissions, requirements, ideals, and virtues *of other kinds*. But this easy answer merely leads to the question of what makes a permission, requirement, ideal, or virtue a *moral* one, as opposed to a permission, requirement, ideal, or virtue of some other kind.

Here I will try to remain as neutral as possible about which moral convictions, or judgments, are actually correct. Even where I do disparage some moral judgments, my challenge is to their plausibility, not to their being categorized as moral judgments. Let me also mention that, in this discussion, I will take 'moral' and 'ethical' to be synonymous. As I am using these adjectives, there is nothing but stylistic variation between them.

In a recent journal article, Dale Dorsey describes the question addressed here as a 'gate-keeping' project. Glossing the approach of G. J. Warnock's and mine, Dorsey writes,

> *In attempting to determine the correct moral theory, we test substantive theories and particular verdicts against our considered moral judgments. But we don't test moral theories against judgments that lack moral content (for instance, a judgment that one ought to wear one's cummerbund with the pleats up-facing). Hence we must know what distinguishes a considered judgment that someone ought to associate with moral content from one without moral content. … For Warnock and Hooker, these distinguishing marks form a kind of 'gatekeeper'….*[3]

Dorsey's article goes on to attack this 'gatekeeper' project of trying to distinguish moral judgments from judgments of other kinds prior to engaging in 'substantive inquiry into the content of moral reasons, requirements, and concerns'. Dorsey then attacks various different attempts to identify distinguishing marks

[3] D. Dorsey, *Moral Distinctiveness and Moral Inquiry*, 126 *Ethics* 747, 749(2006).

of moral judgments. He concludes from the failure of these attempts that we should forego the project of trying to distinguish *moral* judgments from judgments *of other kinds* in advance of determining which basic moral theory is best. My paper, in contrast, defends a view about what makes moral judgments moral judgments.

Dorsey is discussing the aspiration to identify the ultimate nature of moral requirements, prohibitions, and permissions—what grounds them, what authority they have, etc. If that is the aspiration, then I agree the right way to go about it is to conduct 'first-order moral thinking' and seek the correct basic moral theory, since that theory will presumably reveal the grounding moral properties, and a more general theory of normativity will presumably settle the question of morality's authority. But if what we are doing is trying to figure out which normative judgments are recognizably moral judgments, then I think the gate-keeping project, rather than first-order moral thinking, must be the right one to pursue.

II. MORAL CONSIDERATIONS CONTRASTED WITH LAW, CLUB RULES, ETIQUETTE, AND SELF-INTEREST

Offering a proposition about moral judgment that no reputable thinker has ever contested is difficult (a proposition that is *not* self-refuting). Nevertheless, suppose we start with the proposition that *moral judgment is normative judgment, where normative judgment is about requirements, prohibitions, and permissions or at least concerns reasons that favor or disfavor actions, rules, policies, dispositions of character, arrangements or scenarios.* Normativity is a necessary feature of moral considerations. Judgments that are not about requirements, prohibitions, or permissions or about the reasons upon which requirements, prohibitions, and permissions supervene would not be recognizable as moral judgments.[4]

However, normativity is not unique to moral judgments. Moral judgments are not the only kind of judgment about what to do or what kind of character to have. For example, club rules, etiquette, and law require or prohibit or permit actions of various kinds. And, of course, self-interested considerations militate for and/or

[4] To avoid cluttering up the text, I am leaving out reference to the morally supererogatory, that is the category of being both morally optional and praiseworthy. This is an extremely important category. Please take reference to it to be implicit where appropriate in the rest of this paper.

against various acts and dispositions of character. So judgments about club rules, etiquette, law, or self-interest might be normative.

Let me focus on the different subject matters of normative judgments, for a moment, instead of the judgments. A point to emphasize is that etiquette, law, and self-interest often call for the very same behavior that morality requires. Nothing in what follows is blind to the overlap between the strictures of etiquette and morality, the overlap between the prescriptions of law and morality, and the overlap between the calls of self-interest and morality.

One difference between morality and etiquette is that morality is *less dependent on popular opinion* than rules of etiquette are. Etiquette manifestly changes with popular opinion, which can change rapidly. In contrast, how could someone think that the moral status of stealing, or breaking promises, or torturing people for fun could change simply because of a change in popular opinion?

And one difference between morality, on the one side, and club rules and law, on the other side, is that club rules and law are much more *dependent on the decisions of human authorities*. If the duly elected officers of the club decide that the club no longer allows formal business meetings in its rooms, then that is the new club rule. Club rules are wholly determined by club decisions. If the legislators vote for a law forbidding parking on the left side of Main Street on Sundays, then that is the new parking law. Positivist legal theories hold that all laws are determined by decisions taken by human authorities. Some legal theories contend that there are some legal principles that come from morality rather than human authorities. But even these theories accept that most if not absolutely all laws are determined by decisions taken by human authorities.

I am not denying that what various kinds of authorities decide and proclaim *can* be relevant to what is *morally* required. For example, if our colonel orders us to defend Buckleton rather than Cornersville from the invaders, then this order is morally *relevant* to what we ought to do, though maybe *not* morally *decisive*. Furthermore, since what authorities (such as legislators, administrators, and courts) decide can determine what the law is and since what the law is can be morally relevant, the decisions of authorities can be morally relevant via the law. Nevertheless, the extent to which legislators, administrators, courts, and other social

leaders and human authorities can determine what *morality* requires or prohibits is much less than the extent to which they can determine what the law requires or prohibits.[5]

Having contrasted morality with etiquette, club rules, and law, I will now contrast morality with self-interest. Conflict between morality and self-interest is commonplace. Concerning conflicts with self-interest, H. L. A. Hart wrote, "*obligations and duties are thought of as characteristically involving sacrifice or renunciations, and the standing possibility of conflict between obligation or duty and interest is, in all societies, among the truisms of both the lawyer and the moralist.*"[6] Why morality and self-interest are often in conflict is something that different ideas about the defining feature of moral judgments purport to explain, as we will see below.

III. WHAT DISTINGUISHES MORAL JUDGMENTS IS THAT THEY HAVE OTHER-REGARDING GROUNDS?

If, as Hart indicated, conflicts between duty to others and self-interested concern are common, one possible explanation for this is that moral considerations are necessarily about how one should relate to others, and thus that moral judgments have exclusively *other-regarding* grounds. Two classic expressions of this idea are J. L. Mackie's[7]:

> *In the narrow sense, a morality is a system of a particular sort of constraints on conduct—one whose central task is to protect the interests of persons other than the agent and which present themselves to the agent as checks on his natural inclinations and spontaneous tendencies to act.*

And Bernard Williams's[8]:

> *However vague it may initially be, we have a conception of the ethical that understandably relates to us and our actions the demands, needs, claims, desires, and, generally, the lives of other people, and it is helpful to preserve this conception in what we are prepared to call an ethical consideration*.

[5] H. L. A. HART, THE CONCEPT OF LAW 175-78 (Clarendon Press, Oxford, 1961).
[6] *Id.* at 85.
[7] J. L. MACKIE, ETHICS: INVENTING RIGHT AND WRONG 176 (Harmondsworth, Penguin, 1976).
[8] B. WILLIAMS, ETHICS AND THE LIMITS OF PHILOSOPHY 12, (Cambridge, MA: Harvard University Press, 2012).

Other modern philosophers who have endorsed the view that at least the core moral requirements have other-regarding grounds include Warnock[9], Gauthier[10], Kavka[11], Gert[12], and Scanlon.[13]

By 'other-regarding grounds', I mean (a) actual or possible positive or negative effects on others' welfare or (b) duties to others. To clarify, let me compare what I mean by 'other-regarding grounds' with a recent contention by Gunnar Björnsson and Tristam McPherson[14]:

> *[P]aradigmatic wrongness-judgments have distinctive grounds. They are grounded in the belief or perception that someone has performed an action with one of two features: intentionally harming or risking harm to others or to things they care about, and failing to respect 'certain boundaries' that play a central role in sustaining social cooperation.*

This contention differs from the view we are now considering in two ways. First, whereas Björnsson and McPherson's first disjunct is harm or risk of harm, the view we are now considering includes in its first disjunct benefits as well as harms.[15] A judgment that an action was morally wrong could be grounded in its foreseeably not benefiting others when some alternative action would have foreseeably benefited others. (I want to leave open here whether there is a distinction between harming and failing to benefit.) Second, whereas Björnsson and McPherson's second disjunct refers to boundaries central to sustaining social cooperation, my second disjunct refers to duties to others without restricting these to ones that play a functional role in society. (However, in the next section, I will consider the view that moral judgments are defined by their function in society.)

Suppose Jack breaks his promise to Jill to visit Paris but she never finds out. In this case, he has violated another-regarding requirement that he keep his promises, and he has violated Jill's right that he keep his promise to her. Many some people think that other-regarding requirements are contingent on effects on others' welfare. But other people think that some other-regarding requirements are grounded in other

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[9] .G. J. WARMOCK, THE OBJECT OF MORALITY 16, 26, 72-3 (Methuen, London, 1971).
[10] D. GAUTHIER, MORALS BY AGREEMENT, (Clarendon Press, Oxford, 1986).
[11] G. KAVKA, HOBBESIAN MORAL AND POLITICAL THEORY, (Princeton University Press, 1986).
[12] B. GERT, MORALITY: ITS NATURE AND JUSTIFICATION 12-13, (Oxford University Press, New York, 2005).
[13] T. M. SCANLON, WHAT WE OWE TO EACH OTHER 170, (Cambridge, MA: Harvard University Press, 1998).
[14] Björnsson & McPherson, *Moral Attitudes for Non-Cognitivists: Solving the Specification Problem*, 123 MIND 15(2014).
[15] Compare P. Foot, *Moral Arguments*, 67 MIND 502, 513(1958); G. J. WARNOCK, CONTEMPORARY MORAL PHILOSOPHY 57 (Macmillan, London 1967); Mackie *Supra* note 7 at 106; Warnock *Supra* note 9.

people's rights, not in effects on others' welfare. Here I remain neutral on such matters. So there will be no presumption here that other-regarding requirements are contingent on effects on others' welfare. Nor will I assume that moral judgments necessarily depend on beliefs about effects on others' welfare.

We should not contend that not *all* moral judgments have other-regarding grounds. A familiar moral judgment is that there are moral *permissions*, in at least some kinds of case, to decline to make an inordinate degree of *self*-sacrifice.[16] Another familiar moral judgment is that one should not do what is incompatible with *self*-respect.[17] Along with such general moral judgments, there are more particular ones such as that an action would involve more self-sacrifice than is reasonable for morality to require or that an action would be inconsistent with the one's maintaining self-respect. These general and particular judgments might well be moral judgments, but they do not have other-regarding grounds; they have self-regarding grounds.

Arguably, some recognizably moral judgments are not grounded in protection of other sentient beings or in protection of oneself. Consider the judgment that morality prohibits the gratuitous destruction of things that are especially beautiful (such as a tree, a landscape, or a statue) even if no one would ever be able to see these particular things again. Of course, the future existence of especially beautiful things will typically be beneficial to others. Preserving the environment can also be necessary for local inhabitants to survive. Not for one second am I gainsaying such points. But it is one thing to think that one should avoid destroying an especially beautiful thing, or preserve some natural environment, because of the benefits to oneself or others in the future. It is another thing to think that the continued existence of some especially beautiful thing or of the natural environment is valuable in itself, that is apart from whatever relations it has other things, for example to potential onlookers or inhabitants. And this second thought is one for which I am trying to leave room. To accommodate such thoughts, maybe we should say that moral judgments must be *grounded in facts about the relation of the agent to the rest of the universe*. Here we are leaving open whether there are things in the universe other than sentient beings the protection of which can be the ground of moral judgments.

[16] On limits to the degree of self-sacrifice that can be required, *See* S. SCHEFFLER, THE REJECTION OF CONSEQUENTIALISM, (Clarendon Press, Oxford, 1994) and TIM CHAPPELL (ed.), THE PROBLEM OF MORAL DEMANDINGNESS, (Houndmills, Basingstoke: Palgrave Macmillan 2009).

[17] On the requirement of self-respect, see THOMAS HILL, AUTONOMY AND SELF-RESPECT, (Cambridge University Press, 1991)

Our characterization of moral judgment should not specify the relations of the agent to other things in the universe that ground moral judgments. To specify the relations of the agent to the rest of the universe that ground moral considerations would be to take sides in debates among rival moral views about what ultimately grounds moral considerations. We should not here delineate moral thought, action, and theory in a way that excludes any thoughts, action, or theories that we can recognize as trying to be moral thoughts, actions, and theories, even if we think they are highly implausible.[18]

Consider the moral judgments of someone who consistently accepts an 'actual contract theory of morality'. This theory holds that only the requirements and permissions to which a society has actually agreed have moral legitimacy, even if those agreements were shaped by coercion or misinformation. Such a view would hold that the relation of the agent to the rest of the universe that matters is whether the agent is part of a society that has actually agreed to certain requirements and permissions. The idea that moral requirements and permissions are determined solely by an actual social contract is immensely implausible. After all, think about how unfair and downright destructive such requirements and permissions *might* be. Nevertheless, as implausible as the actual contract theory of morality is, we can recognize it as a moral theory. And we can recognize judgments made in accordance with it as moral judgments.

We should seek a characterization of moral judgments that admits these actual-contract judgments are meant as moral ones. A way to do this is to characterize moral judgments as judgments about how to act and how to live that are purportedly grounded in a relation or relations of the agent to other things in the universe *without specifying what those relations are*. Such a characterrization of morality is not so restrictive as to exclude views recognizable as moral views. (Such a characterization avoids being 'too fine-grained' in Dorsey's terminology[19] or 'overly discriminating' in Björnsson and McPherson's terminology).[20]

The problems with such a characterization of morality is that it is insufficiently discriminating. After all, law, etiquette, and club rules are considerations about how to act that are purportedly grounded in facts about the relation of the agent to other things in the universe. We want a characterization of morality that differentiates it from law, etiquette, and club rules without being so restrictive as to exclude views recognizable as views of morality.

[18] *Supra* note 3 at 758.
[19] *Supra* note 3 at 757.
[20] *Supra* note 14 at 6.

IV. WHAT DISTINGUISHES MORAL JUDGMENTS IS THEIR SOCIAL FUNCTION?

Many philosophers have thought that what marked off basic moral judgments from judgments of other kinds is that moral judgments are about requirements the 'object' or function of which is to protect mutually beneficial peace from being upset by violent tempers and rapacious appetites. Morality needs to protect people and their property from the aggression and greed of others. Morality needs to help assure people that they can trust other people's promises and declarations. As Hart suggested, morality must protect 'persons, property, and promises'.[21] More recently, Jonathan Haidt has put forward a somewhat broader 'functionalist definition': 'Moral systems are interlocking sets of values, virtues, norms, practices … and evolved psychological mechanisms that work together to suppress or regulate self-interest and make cooperative societies possible'.[22] And central to Björnsson and McPherson's account is that 'the function of moral judgment and moral discourse is to bring about coordinated attitudes and expectations' and 'moral discourse and moral thinking have the function of producing and enforcing cooperative convergence among agents'.[23]

Unless we are wildly optimistic about human nature, we cannot deny that social breakdown looms unless morality reinforces law in securing enough social harmony to prevent society from disintegrating into mutually destructive aggression. That seems to me a sociological insight of immense importance. But I cannot believe that this or any other function should be built into the very definition of moral judgment. The reason I cannot believe this is that some philosophers deny that morality is an instrument for producing desirable outcomes, such as cooperation and social harmony. When such philosophers make what they think of as moral judgments, we need not think they are making judgments of some non-moral kind. We can recognize their judgments as moral ones even if they do not see cooperation as goal of moral judgment.

I myself believe that the most attractive conception of morality pictures it as an instrument for the social (collective, shared) production of good consequences. But whether or not this is the most attractive conception of morality is a matter that requires a huge amount of moral theorizing. By no means should moral theorizing start off by stipulating that the defining feature of either morality or moral judgments is this

[21] *Supra* note 5 at 181.
[22] J. HAIDT, THE RIGHTEOUS MIND 314 (Harmondsworth, Penguin).
[23] *Supra* note 14 at 21.

social function. After all, we can recognize, as moral judgments, some judgments that are not conducive to cooperation, social harmony, or any other beneficial outcomes.

V. ARE MORAL JUDGMENTS DISTINGUISHED BY THEIR MOTIVATIONAL FORCE?

Many philosophers have thought that what marks off moral judgments from judgments of other kinds is that sincere moral judgments necessarily connect with the motivation to act of the person making the judgment. If without being ironic or facetious Jorge asserts to Astrid that harming the innocent is wrong, he expects her to assume his motivation corresponds to his moral judgments, and thus that he is motivated not to harm the innocent.

Of course one way of explaining such expectations is that sincere moral judgments, as a matter of meaning, necessarily express the speaker's non-cognitive states including positive and negative attitudes and motivation. The voluminous literature in the non-cognitivist and expressivist tradition develops this idea and addresses the arguments against it. Such developments shrink the gap between non-cognitivists and their opponents to the point where remaining disagreement between them is a matter of fine points.

The suggestion that moral judgments are distinguished by their motivational force seems at once both under-discriminating and over-discriminating. Some *non*-moral judgments have motivational force, for example the judgment that an action would be irrational. And some *moral* judgments have *no* motivational correlate, for example moral judgments made by amoralists, psychopaths, sadists, cynics, the disillusioned, and those merely exhausted to the point of being listless, etc.[24]

In the face of these problems, perhaps we should consider a different attempt to tie moral judgment to attitudes. Instead of saying that sincere moral judgments entail facts about the motivations of those making the judgments, this second approach ties moral judgment to dispositions to feel guilt or indignation or resentment. The idea is that sincerely judging an action to be morally wrong entails accepting that, if one did this action, it would be appropriate to feel guilt for doing it, and that, if others did this action, it would be appropriate to feel indignation towards them. Indeed, resentment would be the appropriate reaction

[24] *Supra* note 14 at 26–7.

towards the perpetrator of the action when one is the victim of it. The next section will consider the attempt to distinguish moral judgments by their connection to appropriate hostile reactive attitudes.

VI. ARE MORAL JUDGMENTS DISTINGUISHED BY THEIR CONNECTION TO APPROPRIATE REACTIVE ATTITUDES?

The *locus classicus* for the view that moral judgments are distinguished by their connection with appropriate reactive attitudes is a passage from John Stuart Mill[25]:

> *We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow-creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency.*

To reiterate, many kinds of action are forbidden both by law and by morality, and thus accepting that something is illegal is no bar to accepting that it is also immoral. Indeed, many moral requirements *should* be reflected in the law. However, not everything that is immoral should also be illegal. The law is a fairly blunt instrument, and making something illegal creates enforcement costs and dangers of intrusiveness and perverse incentives. A common example is *unwritten* agreements between spouses. These agreements generate moral requirements but, at least in some jurisdictions, not legal ones. So *moral* requirements are not always mirrored by legal ones and thus not always enforced by law. Hence, if to judge an act morally wrong implies that there ought to be some punishment for doing that act, then the punishment in question might be only 'the opinion of his fellow-creatures' and 'the reproaches of his own conscience'.

[25] J. S. MILL, UTILITARIANISM (1861) Frequently reprinted, e.g., in ROGER CRISP (ed.), UTILITARIANISM 14 (Oxford University Press, 1998). *See* also *Supra* note 5 at 8. TLS, Sprigge, *Definition of a Moral Judgment*, 39 PHILOSOPHY 301, 322(1964). A.GIBBARD, WISE CHOICES, APT FEELINGS 41-8 (Harvard University Press, 1990). D. COPP, MORALITY, NORMATIVITY, AND SOCIETY 25-6 (Oxford University Press, New York, 1995). R. J. WALLACE, RESPONSIBILITY AND THE MORAL SENTIMENTS (Harvard University Press, 1994). S. DARWALL, THE SECOND-PERSON STANDPOINT (Harvard University Press, 2006). *See* ROGER CRISP, REASONS AND THE GOOD 9 (Clarendon Press, Oxford).

If I waste my time on worthless activities, make stupid investments, reason illogically, combine colors that clash, etc., I can be appropriately blamed for these decisions. And this blame is appropriate even if both (a) I did not owe anyone else good decisions about my own time, investments, color schemes, etc., and (b) no harm to anyone else results from my blameworthy decisions. I can be rightly blamed for these decisions in the sense that I am held responsible for them and I am judged negatively because of them. I am judged to be vacuous, stupid, illogical, and aesthetically inept.

But let us distinguish between, on the one hand, *criticism* of a person's decisions and, on the other hand, *hostile reactive attitudes* such as *resentment* of, or *indignation* about, a person's decisions. I am civilizable if I ruin my health, lose my own money, reason illogically, combine colors that clash, or the like. But no one can appropriately resent or feel indignant about my decisions unless I have a duty to others to make good decisions about my own time, investments, color schemes, etc. Negative judgments about an agent's decisions are warranted when those decisions are bad ones, even if those decisions are self-regarding and non-moral. But *hostile reactive attitudes* to an agent are warranted only when the agent made bad *moral* decisions without excuse. Immoral decisions license some degree of hostility—anger, resentment, indignation, demands for contrition and atonement, and even perhaps punishment. Non-moral mistakes are of course to be evaluated negatively, but do not warrant the kinds of hostility just mentioned.

Joseph Raz contends that someone spending his Saturday afternoon watching cartoons when he could have been playing golf should perhaps be blamed for wasting his time.[26] On the assumption that blaming someone for X consists in holding that person responsible for X and criticizing that person for X, I agree that the person who wasted his time could be blamed for doing so. But this example does nothing to endanger the hypothesis that the way to distinguish between moral and non-moral judgments is to focus on hostile reactive attitudes' accompanying any judgment that an act was wrong but not any judgment that some non-moral mistakes were made. The time-waster's decision merits criticism but *not* hostility.

As I remarked earlier, we need a characterization of moral judgment that distinguishes it from legal judgments and judgments about etiquette and club rules but does not dismiss judgments that we can recognize as moral ones, even if we think they are incorrect. This desideratum raises problems with defining moral judgments in terms of their connection with appropriate reactive attitudes. The problem now is that

[26] Joseph Raz, *On the Moral Point of View*, in RAZ, ENGAGING REASON, (Oxford University Press, 1991).

many act-consequentialists deny that judging an act to have been morally wrong brings with it acceptance that hostile reactive attitudes are warranted here.

All act-consequentialists hold that what makes an act morally *wrong* is that some other act the agent could have done would have had better consequences. Many act-consequentialists are direct consequentialists about everything, not only about acts but also about instances of reactive attitudes. These 'global direct consequentialists' hold not only that what makes an act morally *wrong* is that its consequences were not good enough relative to what else the agent could have done, but also that what makes hostile reactive attitudes appropriate is that having these will somehow have better consequences than not having them.[27] According to global direct consequentialism, there is no necessary connection between judging an act to be morally wrong and the appropriateness of resentment or indignation towards its agent or feelings of guilt on the part of the agent.

What I am calling global direct consequentialism is not the only possible form of act-consequentialism. Indeed, act-consequentialism can take a form that ties together the wrongness of an act and negative reactive attitudes. This second form of act-consequentialism maintains that resentment or indignation or guilt is appropriate when and only when a morally wrong act is committed without excuse. So this second form of act-consequentialism holds that the appropriateness of resentment, indignation, and feelings of guilt does not depend on the consequences of having these attitudes.

Here is definitely not the place to assess alternative forms of act-consequentialism. Our account of moral judgments should accept as moral judgments any judgments that come from normative theories that are recognizable as moral theories. If we can recognize global direct consequentialism as a moral theory, then we cannot hold that a necessary feature of moral judgments is that they must be connected to appropriate hostile reactive attitudes.

[27] See Henry Sidgwick's remark, 'From a Utilitarian point of view, … we must mean by calling a quality "deserving of praise", that it is expedient to praise it, with a view to its future production.' H. SIDGWICK, METHODS OF ETHICS (Macmillan, London, 1907). See also J. J. C. Smart, *Outline of a System of Utilitarian Ethics*, in J. J. C. SMART AND BERNARD WILLIAMS, UTILITARIANISM: FOR AND AGAINST (Cambridge University Press, 1973). D. PARFIT, REASONS AND PERSONS (Clarendon Press,Oxford, 1984).
P. Pettit and M. Smith, *Global Consequentialism*, in BRAD HOOKER, ELINOR MASON, AND DALE E. MILLER (eds), MORALITY, RULES, AND CONSEQUENCES 121 (Edinburgh University Press). Shelly Kagan, *Evaluative Focal Points*, in B. HOOKER, E. MASON, AND D. MILLER (eds), MORALITY, RULES, AND CONSEQUENCES 134 (Edinburgh University Press, 2000). K. DE LAZARI-RADEK, AND P. SINGER, THE POINT OF VIEW OF THE UNIVERSE: SIDGWICK AND CONTEMPORARY ETHICS, (Oxford University Press, 2014).

But we couldn't anyway plausibly hold that *all* moral judgments carry commitment to the appropriateness of this or that reactive attitude. Of course some moral judgments ascribe wrongness, and these are important judgments. But other moral judgments are more preliminary. The judgment that a given fact about an act (e.g., that it would cause psychological pain) counts morally against doing that act does not carry a commitment to the appropriateness of some reactive attitude. For another example, consider the judgment that one fact about an act (such as that it would cause the psychological pain) that counts against doing the act matters less than another fact about the act (such as that the act is an instance of handing over some information to which the recipient has a right) that counts in its favor. This judgment about the comparative weight of a reason against and a reason for an act still does not carry commitment to the appropriateness of any particular reactive attitude. Indeed, there is an infinity of possible moral judgments about what counts for or against an act or rule, or policy, or institution where these judgments stop short of expressing a conclusion about wrongness, or requiredness, or permissibility.

How might we try to explain what makes all these judgments nevertheless moral judgments? I propose that a judgment is a moral judgment if and only if this judgment is a member of a *group* of judgments of which some do carry commitment to the appropriateness of the reactive attitudes guilt, resentment, and indignation. Proponents of most moral theories think that judgments of moral wrongness are the ones carrying implications about the appropriateness of feelings of guilt, resentment, or indignation. As we saw, global direct consequentialists deny that judgments of moral wrongness must carry these implications. But global direct consequentialists do not deny that some of their moral judgments have implications about the appropriateness of feelings of guilt, resentment, or indignation. Remember that, for global direct consequentialists, a judgment that feelings of guilt, resentment, or indignation would have good consequences carries the implication that such feelings would be appropriate.

I submit that the various kinds of non-moral normative judgments are groups of judgments none of which carry commitment to the appropriateness of the reactive attitudes guilt, resentment, and indignation. Judgments about club rules as such never carry this commitment. The same is true of judgments about etiquette, about law, and about self-interest.

To defend such assertions, I need to start by emphasizing again that the requirements of etiquette, law, self-interest, and morality might often coincide. Let us now focus for a moment on these cases where morality

requires the same action that etiquette or law or self-interest requires (club rules are left out here, because they are less interesting). When morality requires the same action that etiquette or law or self-interest requires, to say that this action is required, or that not doing this action would be wrong, might seem to imply that not doing the action should elicit feelings of guilt on the part of the agent, resentment on the part of the victim, and indignation on everyone else's part. However, in such cases, it isn't judging that the action is illegal, or rude, or against self-interest that carries the implication about appropriate reactive attitudes. Instead, it is the moral element that carries the implication about appropriate reactive attitudes.

CONCLUSION

This paper has considered a number of different proposals for the distinguishing features of moral judgments. Taking them to be picked out by their ground—e.g., holding that a judgment is a moral one, as opposed to some other kind, because its ground has to do with effects on others' welfare or with duties to others—was rejected because of its being insufficiently neutral as between different moral views. Defining moral judgment in terms of its connection with motivation picked out something that is neither unique to moral judgment nor always present in moral judgment.

Defining moral judgment in terms of its commitment to the appropriateness of feelings of appropriate guilt, resentment, or indignation seemed promising. Most moral theories accept that a judgment that an act was wrong does have implications about appropriate feelings of guilt, resentment, or indignation. However, global direct consequentialists deny that judging something to be wrong has implications about appropriate feelings of guilt, resentment, or indignation.

Because this theory exists, we cannot insist that all judgments of moral wrongness have the defining feature of carrying commitment to the appropriateness of feelings of appropriate guilt, resentment, or indignation. In any case, because some moral judgments are about reasons for or against acts, rules, policies, etc., we cannot insist that all moral judgments have implications about appropriate feelings of guilt, resentment, or indignation. What we can assert is that all moral judgments are members of a *group* of judgments of which

some do carry commitment to the appropriateness of the reactive attitudes guilt, resentment, and indignation.[28]

28 This paper was presented at the British Undergraduate Philosophical Association meeting in Sheffield in 2010. Comments from Fiona Woollard and Amy Watson on that occasion led to improvements in the paper. Then the paper was presented at a conference on Moral Concepts at Kent in 2011. Comments on that occasion from Jimmy Lenman, Pekka Vayrynen, Helen Frowe, Michael Moore, Anthony Price, Peter Goldie, Simon Kirchin, Andreas Lind, and Bob Lockie. The paper was presented at the Oxford Moral Philosophy Seminar in May 2011. On that occasion, Alison Hills, Toby Ord, Guy Fletcher, Constantine Sandis, Norbert Anwander, Michael Gibb, Saul Smilansky, Graham Oddie, Guy Kahane, Nicholas Shackel, Iason Gabriel, Krister Bykvist, Nicholas Southwood, and Richard Roland gave me very acute comments. Finally, the paper was presented in October 2017 at Stockholm University. On this occasion, I had astute written comments from Jonas Olson, and helpful discussion with him, Krister Bykvist (again), Gunnar Björnsson, Åsa Burman, Jimmy Goodrich, Mats Ingelström, Niklas Olsson-Yaouzis. Sara Packalén, and Nils Säfström.