

## Response to Bruce Maxwell

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## Response to Bruce Maxwell

Kristján Kristjánsson

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Bruce Maxwell's review of my book *Justice and Desert-Based Emotions* (hereafter: *JDBE*) is a philosophical essay—and one independently valuable as such—in the guise of a review paper. At almost 12,000 words, it amounts to approximately 15% of the total length of the book that it reviews, which is unusual to say the least. Maxwell brings to his discussion myriad sources from the current literature other than my book; and in addition to offering a critical commentary on almost every section of it, he gives us his own take on most of the key issues.

I am, needless to say, pleased with the generally approving and encouraging tone of Maxwell's critique. Particularly heart-warming is his generous remark about my "ability to move skilfully between literatures." It was, after all, my goal to write a book that would arouse the interest of educationists, psychologists, and philosophers alike. I am grateful to Maxwell for the careful scrutiny that he has applied to the main tenets of my book. I am equally grateful to the Review Editor of the present journal for offering me the opportunity of responding, in the same issue, to some of Maxwell's criticisms. There is no need to take up space at the start by summarizing the book's fundamental theses; Maxwell has done an excellent job of that in the opening section of his review. Rather, I confine my task to that of clarifying and defending my position on a number of specific issues where Maxwell has found the book's treatment wanting; and I explore those issues in more or less the same order as they appear in his review.

(a) *The primacy-of-justice thesis.* In my book, I reject the thesis of the primacy of justice as a moral ideal/principle or—if couched in virtue-based terms—as the overriding moral virtue. The significant moral import of justice notwithstanding, it can sometimes be eclipsed by other moral considerations. On this issue, Maxwell takes me to be endorsing ethical pluralism *à la* Thomas Hill. Furthermore, although he finds persuasive my observation that "normal people" are justice pluralists, he is skeptical of my reference to an alleged recent philosophical consensus on the rejection of the primacy-of-justice thesis; at least he does not consider such consensus to provide grounds for pluralism. Some of the

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philosophers who reject the primacy thesis and do not see justice as a common moral denominator could, for instance, still be monists of another kind.

I have not read Hill's work on pluralism, but judging from Maxwell's description, I am not sure that I would subscribe to it. I do have a soft spot for John Stuart Mill's qualified pluralism according to which there exists a plurality of "essential goods", including justice, goods that are nonetheless all conducive to (but not reducible to) the sole intrinsic value: higher-quality pleasure, which can then be used to adjudicate between them (*JDBE*, pp. 146–148). I suppose that makes me more of a Millian than a Hillian. Be that as it may, my arguments against the primacy-of-justice thesis follow two different lines and are meant to appeal to different audiences. On the one hand, I enlist the views of a number of contemporary justice pluralists not as an *argumentum verecundiam* with respect to an emerging consensus, but rather in order to show that unless one is a Kantian or a Platonist, one has no good reason to believe in the primacy of justice as a moral ideal. It is particularly incoherent of virtue ethicists such as Foot, or postmodernists such as Lyotard, to hold like grim death to this belief. On the other hand, I appeal to the intuitions of ordinary people in order to persuade moral psychologists such as Damon, Hoffman, and Blasi, who all endorse the primacy-of-justice thesis in one form or another, that if they really want to record "unencumbered" public opinion, they had better revise their thesis.

(b) *The single-basis theory of desert.* I argue, contrary to what seems to be the prevailing opinion among philosophers, that desert has a single basis, moral virtue, rather than many and disparate bases. Maxwell strongly disagrees, so much so that he considers my view of a unitary, "cosmic" desert little more than a regression to Kohlberg's simplistic "good boy/good girl" third stage of moral development. The problem with the single-basis theory, in Maxwell's view, is that it violates a minimal coherence condition of any desert claim: the condition that the claim must be based on a situational fact with *prima facie* relevance. For example, the fact that Michael Schumacher was allegedly uncaring towards to his granny has no *prima facie* situational relevance to his deserving, or not deserving, his Formula 1 titles. Moreover, a person who puts career achievement before all other personal ideals may deserve to be lonely at the twilight of life, but not to get pancreatic cancer; and so forth. Notably, Maxwell does not doubt that ordinary people frequently pass judgments of cosmic desert. For example, he would not question the fact that many people took a dim view of Schumacher the racing driver after they read about Schumacher the grandson. He simply points out that ordinary people are not always reasonable in their judgments. After all, "sham judgments" of desert abound in ordinary language, as I point out in my book, and here we have a case in point. Generally speaking, conceptual analysis, although taking everyday intuitions as its starting point, may have to correct and amend those intuitions if they turn out to be unreasonable and internally inconsistent. The important question is not whether people *do* endorse the single-basis view of desert but whether they *should* endorse it.

While I agree with Maxwell's assumption about the corrigibility of everyday intuitions, I am not persuaded by his argument against the single-basis thesis. Curiously, he does not take account of my detailed attempt to ward off concerns similar to his own (*JDBE*, pp. 71–73). What kind of connection must there obtain between the situation and the object of desert for the above-mentioned relevance condition to be satisfied? Obviously, a *causal* connection is not sufficient: there was a strong causal connection between Hannibal Lecter's hard work in luring in his human victims and eating them; yet his pleasure in eating them was not a deserved outcome. More plausibly, we might suppose that a *conceptual* connection needs to obtain. Indeed, that is clearly admitted in my book. More precisely, I admit that there are a number of human spheres of interaction, having to do

with rewards, punishments, gratitude, or resentment, where desert-outcomes are, in principle, non-substitutable. In plain language this means, for example, that if P commits a burglary, then P deserves, not punishment *tout court*, but punishment *for that crime*; similarly, if P apprehends a wanted criminal, P deserves a reward *for that capture*; not any old stroke of luck befalling P will do. We could say that these are cases where a *strong* relevance condition needs to be satisfied. Yet I argue, first, that these are exceptional cases of desert rather than paradigmatic ones and, second, that even when such a strong relevance condition obtains, we are still willing to accept, as a second-best option, cases where P gets reward/punishment unrelated to the immediately “relevant” situation: If P does not receive the deserved reward for apprehending the criminal, we will take *some* heart in knowing that P later has had an unrelated stroke of luck. Maxwell goes further than I do and insists that a (conceptual) relevance condition needs to apply across the whole spectrum of desert judgments. I would be ready to acknowledge that a *weak* relevance condition must obtain—if not, anyone could be said to deserve anything whatever, on a whim. However, things are *always* conceptually connected *under some description*. Schumacher’s alleged aloofness towards his grandmother is not conceptually connected to his Formula 1 successes under the description “acts relevant to winning a Formula 1 title,” but they are so under the description “acts relevant to the general assessment of a human being and what that person deserves in life.” The disagreement between me and Maxwell is not about whether or not a *prima facie* relevance condition needs to apply; it is about the scope of the description under which desert-relevance obtains. I believe—and try to argue in my book—that the “cosmic” beliefs entertained by many lay people are more appropriate in this regard than the beliefs of the philosophical majority.

(c) *Justice-based or only desert-based emotions?* Maxwell finds the analysis of the numerous desert-based emotions in my Chap. 3 intriguing, but he wonders why I do not explore the whole gamut of justice-based emotions, including those having to do with the upholding or violation of entitlements rather than deserts. He even suggests that I may have become caught on the horns of a dilemma: Either I analyze only a sub-class of actual justice-based emotions, in which case my account of emotions comprising people’s sense of justice is “woefully incomplete,” or I consider the desert-based emotions to exhaust the number of justice-based emotions, in which case I have backed down from the view presented in my Chap. 2 that both deserts and entitlements are relevant to justice as well as to a sense of justice.

There is a relatively painless explanation at hand: I have not abandoned the plurality-of-justice view. The reason why I chose to consider desert-based emotions only was threefold (two of the relevant issues are mentioned briefly in *JDDE*, p. 87). First, desert-based emotions are, in the view of most psychologists, *developmentally* prior to entitlement-based emotions. Given where my subsequent discussion heads (in Chap. 4), the former kind of emotions are also prior there in the order of argumentative salience. Second, desert is *logically* prior to justice, in a justificatory sense: Desert claims can sometimes be used to criticize as internally unjust the rules that underlie entitlements, whereas those rules cannot be used to criticize desert claims in the same way—that is, *qua* desert claims—although they can be used to criticize them *qua* justice claims. Third, there is the *practical* matter of space and division of labor: I have discussed a number of entitlement-based emotions (such as anger and angry envy) in some detail elsewhere, and did not think that those accounts would bear repeating in the book under discussion.

(d) *The just-world hypothesis.* Many people seem to believe that the world is essentially a just place, and that persons typically deserve their fate in life. Maxwell rightly underscores the apparent unreasonableness of this view: namely, the availability of

overwhelming disconfirming evidence. “All you have to do is turn on the 6 o’clock news.” I admit in my book that just-world believers seem to be strangely illogical and immoral people. However, I blame just-world researchers for failing to explain (or even trying to explain) the origin and the precise nature of this view. My working hypothesis is that people simply cannot be that stupid. Therefore, I suggest a possible charitable interpretation of what people mean or might mean in “subscribing” to this view: arguably, strong just-world believers doubt more than others—and often reasonably so—that the victims of hardship have exercised their moral virtues to the full. This interpretation implies that strong just-world believers might show special sympathy for demonstrably blameless victims, and I allude to one supportive empirical study to that effect. Maxwell has no patience with my charity work. He thinks that just-world believers’ “sympathy for blameless victims” involves a contradiction, for their *general* view is that everyone deserves what he gets. Why bother to rescue a “patiently false” folk belief?

I would draw attention to one simple observation in response to Maxwell’s objection. The typical instrument for recording belief or non-belief in the “just-world hypothesis” requires respondents to express agreement or disagreement with various statements, including “I’ve found that a person *rarely* deserves the reputation he has”; “People who get ‘lucky breaks’ have *usually* earned their good fortune”; “Students *almost* always deserve the grades they get in school”; “*By and large*, people deserve what they get”; “People who meet with misfortune have *often* brought it on themselves”; and so forth (my italics). Notice the italicized words. There is no opportunity for respondents to express the view that people *always* deserve what they get. There are built-in qualifications in all the statements. My charitable hypothesis is that most strong just-world believers answer as they do, not in spite of, but rather because of, those qualifications, and that they would gladly acknowledge that people *sometimes* are innocent victims of circumstance (although much less often than others tend to think).

(e) *Martin Hoffman’s theory.* I criticize Martin Hoffman’s theory of emphatic/sympathetic development for not trusting emotions alone to do the work of bridging the notorious “gap” between moral cognition and moral action, and for relying instead upon justice as a pure, rational moral requirement. Maxwell thinks that my criticism betrays a “fundamental misunderstanding” of the justice/caring dichotomy as it is played out in contemporary developmental moral psychology. He cites as an example Blasi’s 1999 article (referenced in Maxwell). There Blasi concedes that emotions do tend to elicit, direct, and sustain behavior. Blasi refuses to acknowledge, however, that they can power a specifically *moral* engine. The reason for that is that emotions—which Blasi understands as psychological processes connected to bodily events—arise spontaneously and unintentionally and produce an automatic readiness to act or refrain from acting. A moral action must be one for which an agent can be held responsible, and in accordance with everyday intuitions this means it must be intentional and conscious, and must incorporate moral reasons. That fact is nothing less than the objective foundation on which morality stands. By contrast, emotions produce actions unintentionally (always) and unconsciously (often); and they presuppose (at best), rather than incorporating, moral reasons. Those observations then pave the way for Blasi’s rationalist moral-self solution to the gap-problem.

All this is true of Blasi and many of his fellow psychologists who uphold a non-cognitive natural-kind theory of emotion. But Hoffman is not one of them. He takes sympathy to be a moral emotion in a sense that Blasi would reject. In fact, Blasi’s paper is directed precisely at people like Hoffman who believe that moral emotions can help bridge the cognition–action gap. My criticism of Hoffman is not that he is a post-Kohlbergian

rationalist on a par with Blasi, but rather that he has not fully extricated himself from the trap set by the Kantian/Kohlbergian way of thinking about justice.

(f) *Moral education versus political/civic education.* Maxwell admirably summarizes my view on the relationship between moral and political education. I regard political education as built upon basic moral education in (early) childhood; I believe justice needs to begin at home—in emotional sensitization to everyday situations involving justice and injustice—and must carry on from there, at a later stage, into the political realm. Implementing a program of civic education instead of, before, or alongside a moral-education program is putting the cart before or beside the horse (or, at worst, having a cart and no horse). Maxwell notices a potential difficulty in this view, however: How can a moral educator set in place a program of proper emotional sensitization to justice without thereby taking a stand on politically loaded questions about justice?

My answer to this question lies in Sect. 5.2 where I try to defend what I call “non-expansive” character education. The core element in that education, as I specify it, is moral cosmopolitanism: the belief in cosmopolitan moral values that transcend the boundaries of time, place, and political systems. Maxwell understands me correctly in holding that pre-civic moral education can and should be concerned with claims that transcend political *controversies*. Obviously such claims will have political *content*—that is, content which is politically relevant—but if we believe in the basic tenets of non-expansive character education, such content should appeal to all morally mature persons, irrespective of their political or religious affiliations.

(g) *Crossing the barbed wire.* When we come, finally, to the methodological guiding principle of my book—that philosophers and social scientists must engage each other in debate and co-operation—Maxwell’s critique becomes uncharacteristically cryptic. He considers me to be espousing a new kind of evidential naturalism based on Millian precedents. I do not claim any originality for my approach, and I am not sure that I am venturing much further than the theorists that Maxwell cites as earlier neo-Aristotelian, normative, or evidential naturalists. Be that as it may, Maxwell thinks, on the one hand, that my approach constitutes a potentially harmonious bedfellow to post-Kohlbergian moral psychology while, on the other hand, he reminds us of the fact that moral psychologists are wary of too close an encounter with philosophers. That is not because of the notorious tendency of philosophers to deny the fact-value distinction, but because an affinity with (particular) philosophers may make psychologists vulnerable to “guilt by association” (something like: “Your favored philosopher is guilty of error; therefore, your empirical studies are faulty, too”). It is not clear from the context if Maxwell wants to embrace or resists those concerns. My point here would simply be that moral psychologists are in fact, whether they like it or not, dependent upon particular philosophers and philosophies. Incidentally, although Blasi chastises philosophers for their damaging influence on moral psychology, he has no compunctions about enlisting the aid of a particular philosopher, Harry Frankfurt, in constructing his moral-self thesis. Psychologists’ self-denying ordinances with respect to the use of philosophical material hardly ever survive to the end. Even when they appear to do so, philosophical assumptions tend to get smuggled in somewhere below the waterline of overtness.

In the case of Damon’s stage theory of justice internalization, I propose that such assumptions be made explicit in the research design and interpretation of data, so that we can discover whether children’s developing views about the allocation of resources are really about justice (and then what kind of justice) or not. Maxwell suggests, perhaps rhetorically, that Damon’s theory is, for all its unquestionable indeterminacy when viewed from theoretical heights, “simple, accessible and serviceable.” Maybe it is not really a

theory of justice internalization, but rather a theory of allocation-rule internalization, but why should it be any less interesting for that? That is a big question, upon which I have no space to expand here except by indicating briefly the direction my full-blown answer would take.

We live in a world which, when seen from a certain natural point of view, is moral all the way down. Moral concepts do not so much evaluate the world of description as describe the world of evaluation. From the moral point of view—which in many instances is the proper point of view—non-moral facts about the world may be completely irrelevant. It is a descriptive and non-moral fact about the world that people do not have wings and cannot fly to the sun. This does not mean that we are *unfree* to fly to the sun; we are simply *unable* to do so. Indeed, with respect to questions of social freedom or unfreedom, the fact that our choices to do *x* are restricted is, as such, irrelevant; what is relevant is whether or not there is another agent who is morally responsible for the imposition or non-removal of obstacles to our choices. If there is, we are *unfree* as well as *unable* to do *x*. Similarly, the mere fact that resources are allocated in a certain way, and that some people at certain developmental stages would want them to be allocated in that way or in another, is essentially uninteresting from the moral point of view, let alone from the “justice point of view.” It is not until we start to ponder how resources *should* be allocated from a moral point of view (as opposed, for instance, to an egoistic, prudential, or aesthetic point of view) that resource allocation becomes an object of moral interest. So Maxwell’s, perhaps rhetorical, suggestion is partly right and partly wrong. It is right that children’s views about resource allocation could be relevant from a certain psychological point of view. It is wrong, however, that they are relevant from the point of view of *moral* psychology unless they constitute children’s *moral* opinions. More specifically, if we intend to trace not only children’s moral opinions about resource allocation, but their opinions about that aspect of morality called justice, then the research design had better take this intention into account from the word go. This is why moral psychologists and moral philosophers need to cross the barbed wire between them or, better still, tear it down completely.